Collaborative Environmental Governance and Indigenous Governance: A Synthesis

by

Suzanne von der Porten

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Author's Declaration

I hereby declare that I am the sole author of this thesis. This is a true copy of the thesis, including any required final revisions, as accepted by my examiners.

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Abstract

This study addresses a conceptual gap in collaborative environmental governance pertaining to the role of Indigenous peoples. Conventional collaborative approaches to environmental governance include input and resource-pooling by two or more stakeholders. This approach becomes conceptually problematic when the stakeholder view is extended to Indigenous peoples. While experiences vary widely around the world, it is common for Indigenous peoples to assert themselves as existing within self-determining nations within their traditional homelands – rather than as stakeholders or interest groups. This perspective is reflected in the Indigenous governance literature, which provides a window into how Indigenous peoples view themselves.

The purpose of this doctoral research was to critically evaluate the extent to which principles and practices of collaborative environmental governance are compatible with the main tenets and advances in Indigenous governance related to self-determination. This was done through an extensive literature review and empirical study in the context of British Columbia, Canada. Through a multi-case study analysis of three regional scale cases, complemented by analysis of a single case at the provincial scale, this research analyzed assumptions and perspectives existing at the intersection of Indigenous governance and collaborative environmental governance. The regional, multi-case study concentrated on the practice of collaboration around governance for water, while the provincial case examined a water policy reform process. The key findings of this research were that non-Indigenous entities and personnel initiating or practicing collaborative environmental governance and engaged in water policy reform tended to hold a stakeholder-view of Indigenous peoples. In contrast, Indigenous peoples and leaders tended to view themselves as existing within self-determining Indigenous nations. These conflicting assumptions led to dissatisfaction for both Indigenous and non-Indigenous peoples with regard to collaboration for water governance and water reform, in terms of both processes and outcomes.

This research makes contributions to both scholarship and practice. Conceptually, the research identifies how the assumptions and approaches to collaboration within mainstream collaborative environmental governance scholarship should shift fundamentally in ways that incorporate concepts related to Indigenous governance. This conceptual shift could be applied to the breadth of empirical contexts that are discussed in existing collaborative environmental governance scholarship. The empirical findings of this research provide a robust rationale for the importance of a conceptual bridge between the collaborative environmental governance and Indigenous governance literatures. This bridge would involve creation of a body of collaborative scholarship that addresses self-determination and nationhood when theorizing on collaboration with Indigenous peoples.

Additionally, it makes a practical contribution by highlighting ways in which those engaged in collaborative environmental governance and water policy reform can draw on some of the tenets of Indigenous governance scholarship. These recommendations include the following: (1) approach or involve Indigenous peoples as self-determining nations rather than one of many collaborative stakeholders or participants; (2) Identify and clarify any existing or intended (a) environmental governance processes and (b) assertions to self-determination by the Indigenous nation; (3) Create opportunities for relationship building between Indigenous peoples and policy or governance practitioners; (4) Choose venues and processes of decision making that reflect Indigenous rather than Eurocentric venues and processes; and (5) Provide resources to Indigenous nations to level the playing field in terms of capacity for collaboration or for policy reform decision making. Finally, this research suggests that positive outcomes are possible where water governance is carried out in ways that meaningfully recognize and address the perspectives of Indigenous peoples.

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Chapter 1
Introduction

1.1 Research context and problem rationale

The rationale for a collaborative approach to environmental governance challenges stems in part from empirical evidence demonstrating that collaboration is effective for resolving conflict related to lands and resources. Collaborative approaches to environmental governance have been shown to improve relations and knowledge between stakeholders (Frame, *et al.* 2004). Collaboration is an approach considered by some scholars and practitioners as appropriate for addressing difficult problems in the face of growing societal complexity (Innes and Booher 2004) and deficiencies in technical knowledge (Fish, *et al.* 2010; Wondolleck and Yaffee 2000). Collaborative approaches to governance are also driven by normative concepts of empowerment and inclusion of citizens and stakeholders (Flyvbjerg 2002; Hauck and Sowman 2001; Innes, *et al.* 2007).

Collaboration is being used to address environmental problems at all scales. The local scale is most common but collaborative approaches are also being used at the "policy" level (Prager 2010; Robinson, *et al.* 2011). Collaborative public management has increasingly become an accepted form of both policy implementation and public administration (McGuire 2006). Robinson *et al.* (2011) outlined how the "traditional" principles of collaboration play out at policy-level collaboratives and emphasize the need for vertical integration of policy-level and action-level collaboration. Collaborative or similar approaches to environmental public administrative matters can be seen in state-level policy making such as in water policy reform (Heikkila and Gerlak 2005; Kallis, *et al.* 2009; Margerum 2008; Prager 2010).

The intersection of collaborative environmental governance and Indigenous governance illuminates a larger societal problem. The historical colonization of lands already occupied by Indigenous peoples has created conflicts over those lands and associated resources, and has contributed to the development of problematic relationships between Indigenous peoples and the state or colonizer. These conflicts can be seen in Canada, a country that was colonized centuries ago and that has many ongoing conflicts between the Canadian Crown

and Indigenous peoples over lands and resources. The importance of this history, and related present-day problems, has implications for environmental decision makers. These implications are clearly manifested in the realm of collaborative environmental governance.

Collaborative environmental governance scholarship is defined here as an approach to solving environmental problems that involves the collaboration of two or more actors on commonly agreed upon goals (adapted from Gunningham 2009). In this body of scholarship, the inclusion of actors, used interchangeably with words such as stakeholders, is sometimes extended to Indigenous peoples. For example, Tan *et al.* (2012, 1) argue that collaborative water planning requires the engagement of "unorganised or neglected community sectors, for example Indigenous peoples and youth". Further rationales for the inclusion of Indigenous peoples as one of many stakeholders in collaborative environmental governance include the potential role Indigenous peoples as a key "stakeholder" group regarding conservation activities (Clifton and Majors 2011), the importance of and access to Indigenous knowledge through Indigenous peoples (Lyver and Gunn 2004), broadening non-Indigenous understandings of environmental change (Berkes, *et al.* 2007), and including Indigenous values and concerns in decision making (Wyatt, *et al.* 2011). Predominantly, the collaborative environmental governance literature discusses Indigenous peoples as one of many stakeholders who can or ought to be included in collaborative efforts.

This view of Indigenous peoples as equivalent to one of many stakeholders contrasts with the view demonstrated in some Indigenous governance scholarship, defined here as a body of scholarship written largely by Indigenous scholars and addressing matters such as Indigenous knowledges, self-determination, rights, nationhood, language, and governance. Indigenous governance scholars tend to distinguish Indigenous peoples as existing or having the right to exist within self-determining nations, rather than as being one of many minorities or stakeholders. For example, Turner (2006) asserts that, in the Canadian context, Indigenous peoples have *sui generis* rights that were not dissolved by colonial settlement; these are distinct from minority rights within the state. Similarly, Alfred (2009) suggests that Indigenous peoples should engage in nation-to-nation relations with the colonial state, reject the authority claimed by the state, and assert their right to govern their own peoples and

territories. The idea of nation-to-nation (i.e., Indigenous nation to Indigenous or non-Indigenous nation) is treated here as distinct from government-to-government. The reason for this distinction is because in the Canadian context, a First Nation band is a type of government, but one that is part of and established by the colonial state; hence, it is not self-determining. The assumption frequently made in Indigenous governance literature of Indigenous peoples as existing within a nation contrasts with the characterization of Indigenous peoples in collaborative environmental governance literature as one of many stakeholders.

This difference in assumptions can be explained in part by a difference in focus between these two bodies of scholarship. In the case of collaborative environmental governance, the overarching focus is on the methods, advantages, disadvantages, and empirical examples of collaborative approaches taken by two or more stakeholders to matters of environmental governance. Therefore the lack of widespread discussions of Indigenous self-determination within collaborative environmental governance scholarship could be simply due to a lack of perceived relevance of this subject by collaborative environmental governance scholars. On the other hand, an important focus in Indigenous governance scholarship is on the assertion of Indigenous self-determination; this accounts for the emphasis on Indigenous nationhood.

The purpose of this doctoral research is to critically evaluate the extent to which principles and practices of collaborative environmental governance are compatible with the main tenets and advances in Indigenous governance related to self-determination. In that context, this research explores the conceptual gap between these two literatures to identify where, in both the scholarly and empirical realms, there is potential for overlap and where important implications exist for environmental decision making. Building on this theme, the research outlines how collaborative environmental governance should consider the roles of Indigenous peoples given assertions of Indigenous self-determination.

The rationale for this research is as follows: the way that collaborative environmental governance is understood and practiced from a mainstream perspective tends to assume that Indigenous peoples are stakeholders rather than nations. This "stakeholder"

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perspective stands in stark contrast to the way some Indigenous governance literature discusses Indigenous peoples as pre-existing and persisting despite colonial settlement. Given the growing significance of Indigenous peoples' concerns around the world – as reflected for example by the *United Nations Declaration of the Rights of Indigenous Peoples* (UNGA 2007) – collaborative governance scholarship and practice must reconsider how Indigenous peoples are characterized.

Within the broader purpose stated above, there are three specific study objectives:

1. To build a preliminary conceptual framework that draws on the analysis of the collaborative environmental governance and Indigenous governance literatures in order to (a) form a foundation to understand and summarize the concepts and assumptions regarding Indigenous self-determination in the context of collaborative environmental governance, and (b) inform objectives two and three of the research;

2. To analyze the extent to which concepts of Indigenous governance inform (a) collaborative environmental governance at the regional scale and (b) water policy reform at the provincial scale in the empirical context of British Columbia (BC);

3. To formulate recommendations for addressing gaps identified through the analysis in Objectives 1 and 2, and contribute a conceptual synthesis of these bodies of scholarship that builds a novel approach to collaborative environmental governance that considers Indigenous governance concepts of self-determination.

In this thesis I argue that a colonial view of Indigenous peoples as minorities or stakeholders within the state is not a sound basis for collaborative environmental governance. The idea of Indigenous peoples existing within self-determining nations needs to be considered within the mainstream scholarly views of Indigenous peoples. In this research, Indigenous governance and collaborative environmental governance are analyzed in the empirical context of BC. Three real-world cases of collaborative water governance, and one standalone, real-world case of water policy reform, were examined in order to lend empirical insight into these two bodies of scholarship. These include three regional-scale cases of collaborative water governance involving Indigenous peoples. Assumptions

regarding Indigenous peoples are also analyzed at a provincial scale by a single case exploring participatory approaches to water policy reform. The empirical context for this research is outlined in further detail below (Section 1.4).

This research challenges ideas and insights from the identified research gaps between Indigenous governance and collaborative environmental governance literatures through exploring real-world, on-the-ground examples of collaborative water governance at the regional scale in BC. The research is predicated on the idea that an understanding of the concepts of Indigenous governance in the context of collaborative environmental governance is important for collaborative environmental governance and water policy reform in Canada and beyond. This importance stems from the strength and relevance of scholarly and real-world assertions of Indigenous self-determination and the implications of these assertions for environmental decision making approaches such as collaborative environmental governance in the Canadian context.

The conceptual gaps identified in the bodies of literature described in this chapter correspond to problems occurring in real-world governance settings; this research is a place where those problems are highlighted and addressed. There are two empirical settings where this research demonstrates these conceptual gaps. One is demonstrated well at the regional-scale of collaborative environmental governance in BC where organizations involved in water governance have stated intents, or have made explicit attempts, to collaborate with Indigenous peoples in BC. The other can be seen at the provincial-scale in BC where the provincial government has made explicit attempts to involve Indigenous peoples in water policy reform. Together, these empirical settings highlight the conceptual gaps, and potential for addressing these gaps, in practice. The rigor and insight provided by the empirical research creates an ideal context for a significant contribution to knowledge. This research identifies a conceptual gap, and outlines ways in which this gap can be addressed.

This thesis has been prepared in a manuscript style, presenting three stand-alone articles written for publication in peer-reviewed journals. In addition to outlining the research

context, problem rationale, purpose and objectives, this chapter provides additional conceptual and contextual information to supplement the research that is presented in the manuscripts. The remainder of this chapter presents an outline of the Indigenous governance and collaborative governance literatures, a proposed synthesis for these bodies of literature, and the empirical context for the research. An overview of the methods used in the study is then presented, followed by an explanation of researcher position and the structure of the thesis.

1.2 Literature Review

1.2.1 Governance

The term *governance* is used frequently throughout this thesis. The definition for governance used here is neither synonymous with government as suggested by Plumptre and Graham (2000) nor denies the role of government altogether as does Rhodes (1996). Rather, governance is defined here as a spectrum of decision-making arrangements that range from those dominated by governments to those dominated by non-government actors making decisions within nested governance systems. In this thesis, governance is frequently delineated by a modifier, such as *water* governance. Water governance scholarship is defined as a body of scholarship that concerns the way decisions are made about water resources. Water governance is considered a subset of environmental governance. In this thesis, governance for water is a concrete setting for exploring the relationship between Indigenous governance and collaborative environmental governance. Water governance scholarship overlaps with other areas of scholarship – for example, the broader scholarship of environmental governance, collaborative environmental governance, and collaborative water governance. Two major areas of water governance are discussed in this thesis: collaborative water governance and water policy reform. Collaborative water governance refers to scholarship and practice where governance for water involves collaboration at the scales described above (i.e., local to "policy"). Water policy reform refers to any practice or scholarship discussing or applying ideas related to the reform of policy that pertains to water resources. Indigenous governance overlaps with collaborative environmental

governance and water governance because there is literature that touches on all three of topics. However, as discussed in Section 1.2.2, it is a distinct body of governance scholarship.

1.2.2 Indigenous governance

Indigenous governance is a body of literature that relates broadly to Indigenous peoples. The definition of who may be considered Indigenous varies among countries, continents and contexts. After distilling a variety of organizational and academic definitions, Corntassel (2003, 91-92) offers the following definition for who is Indigenous:

> (1) Peoples who believe they are ancestrally related and identify themselves, based on oral and/or written histories, as descendants of the original inhabitants of their ancestral homelands; (2) Peoples who may, but not necessarily, have their own informal and/or formal political, economic, and social institutions, which tend to be community-based and reflect their distinct ceremonial cycles, kinship networks, and continuously evolving cultural traditions; (3) Peoples who speak (or once spoke) an indigenous language, often different from the dominant society's language – even where the indigenous language is not 'spoken', distinct dialects and/or uniquely indigenous expressions may persist as a form of indigenous identity; (4) Peoples who distinguish themselves from the dominant society and/or other cultural groups while maintaining a close relationship with their ancestral homelands/sacred sites, which may be threatened by ongoing military, economic, or political encroachment or may be places where indigenous peoples have been previously expelled, while seeking to enhance their cultural, political and economic autonomy.

Corntassel's synthesis demonstrates the definitional challenge and contested nature of the term *Indigenous*. There is considerable scope for debate over this definition in various contexts and continents. Nonetheless, the empirical focus of this thesis is the Canadian context where this definition is relevant. Indigenous peoples in Canada include three constitutionally defined groups: First Nations, Inuit and Métis (Box 1).

Box 1 Indigenous Terminology in Canada

Indigenous: Defined above. Used here to describe Indigenous peoples worldwide.

Aboriginal: Canadian Crown legal term referring to First Nation, Inuit and Métis peoples.

Indian: Synonymous with Aboriginal; outdated term still in legal use.

Inuit: Indigenous peoples who live largely above the tree line in northern Canada.

Métis: People of mixed First Nation and European ancestry who self-identify as Métis.

First Nation: Identifies Indigenous peoples in Canada who self-identify as First Nations.

Indigenous Nation: highly centralized, loosely federated, or small, clan-based Indigenous peoples with distinct political and cultural with values and ways of life (RCAP 1996)

Indigenous governance literature addresses topics such as self-determination (Alfred 2009; Coulthard 2008; Simpson 2008), Indigenous knowledge (Deloria and Wildcat 2001), legal and inherent rights (Borrows 2005; Turner 2006), colonialism and Eurocentrism (Feit 2004; Ortiz 2011; Youngblood Henderson 2000), environmental decision making (LaDuke 2005; Paci, *et al.* 2002; Ransom and Ettenger 2001; Spak 2005) and decolonization (Smith 1999). The aspects of the research presented in this thesis that pertain to Indigenous governance scholarship are focused on literature relating to Indigenous self-determination – the subset of Indigenous governance literature where assumptions and assertions related to Indigenous nationhood and *sui generis* rights are discussed. Since these assertions and assumptions relate to authority, jurisdiction and governance of lands, waters and natural resources, it is this strand of Indigenous literature that is useful for the comparison to scholarship related to environmental governance, including collaborative environmental governance.

There is variability within the conceptual discussions related to self-determination, Indigenous nationhood, and *sui generis* rights discussed by various Indigenous governance authors. For example, Turner (2006) asserts the unceded nation status and *sui generis* rights of Indigenous peoples in Canada, but points out that the meaning of Indigenous nationhood varies, "the Sechelt [First Nation] views itself as a quasi-municipality in relation to the

province of British Columbia, whereas the Iroquois Confederacy considers itself an international nation (Turner 2006). In another example, also in a Canadian context, Borrows (1997) argues that various historic treaties and documents affirmed Indigenous powers of self-determination pertaining to matters such as land allocation. The preservationist aspects of national self-determination are weighted against individual rights by Coulthard (2010) whereas Alfred (2009, 70) asserts that "Indigenous nationhood is about reconstructing a power base for the assertion of control over Native land and life". A range of perspectives on Indigenous nationhood and self-determination exists in Indigenous governance scholarship, stemming from the diverse contextual, academic and empirical interpretations. Nonetheless, a common thread is the consideration of Indigenous peoples as members of, or existing within, self-determining nations. According to Smith (2002), a nation can be said to exist if it has (1) a collective proper name, (2) myths and memories of communal history, (3) a common public culture, (4) common laws and customs, and (5) a historic territory or homeland.

The fundamental idea in the Indigenous governance literature of Indigenous peoples as existing within nations, and as the decision makers and stewards of their traditional homelands, are significant conceptual (and real-world) assertions. Advancements related to Indigenous self-determination and nationhood in the realm of Indigenous governance are relevant to Indigenous peoples globally. The *United Nations Declaration on Rights of Indigenous Peoples* (UNDRIP), adopted by the UN General Assembly (2007) affirms these assertions of Indigenous self-determination:

> Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development (p.4). …Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired (p.10).

To some extent, Indigenous governance reflects some of the concerns of Indigenous peoples. On the one hand, it is a body of literature written, in some cases, by Indigenous scholars who speak for themselves and their conceptual ideas within academe. Some of the ideas

advanced by these scholars may not be reflective of the views of Indigenous peoples, in the sense that they may be new ideas that have yet to have an influence on Indigenous nations and leaders. Nonetheless, Indigenous governance scholarship is based in many cases on empirical work with Indigenous peoples and leaders (e.g., Corntassel and Bryce 2012). Particularly in cases where Indigenous peoples are quoted, the Indigenous governance literature can present the voices of Indigenous people directly (e.g., Alfred 2005). In this way, Indigenous governance scholarship can be seen as a reflection – albeit incomplete – of the concerns or perspectives of Indigenous peoples.

Concepts and advancements related to Indigenous self-determination and rights to traditional homelands are discussed in Indigenous governance literature pertaining to a variety of countries around the world. Examples include Zimbabwe, where Ubuntu (Indigenous) philosophies enable the maintenance of Ubuntu identity (Mucina 2008); New Zealand, where Maori people have asserted their self-determination and political sovereignty (Coombes 2007); the United States, in the context of "forced federalism" and Indigenous self-determination (Corntassel 2009, 101); Australia, where Indigenous peoples have asserted rights to self-determination and lands (Smith 2004); Taiwan, where Indigenous peoples have faced state persecution for assertions of self-governance and self-defense (Kuan 2009); and Canada, where colonization significantly compromised the autonomy of Indigenous nations (Alfred 2009). This widespread Indigenous movement for self-determination takes many forms in different settings and provides fertile ground for the applications of Indigenous governance scholarship. Other pertinent aspects of Indigenous governance scholarship are discussed further in Chapters Two, Three and Four.

1.2.3 Collaborative Governance

The concept of collaboration has a significant role in the research presented in this thesis. Collaborative environmental governance scholarship is grouped here as a subset of environmental governance, which is defined here as "attempts by governing bodies or combinations thereof to alleviate recognized environmental dilemmas" (Davidson and

Frickel 2004, 471). In this context, "governing bodies" may include state actors, non-state actors, or any combination of them.

Early scholarly discussions of collaboration stem from Habermasian theories of deliberative democracy, on the one hand, and organizational scholar Gray (1985), on the other. In order to analyze definitions of collaboration governance, it is useful to consider Gray (1985) who is often cited in collaborative governance and collaborative planning literature (Ansell and Gash 2007; Dryzek and Niemeyer 2006; Fish, *et al.* 2010; Frame, *et al.* 2004; Plummer, *et al.* 2006; Selin and Chavez 1995). Gray (1985) defines collaboration as, "(1) the pooling of appreciations and/or tangible resources, e.g., information, money, labor, etc., (2) by two or more stakeholders, (3) to solve a set of problems which neither can solve individually". Gray's (1985) focus is on collaboration within interorganizational domains. She asserted that the three stages of collaboration are problem-setting, direction-setting, and structuring, and assumed that stakeholders involved in collaboration must possess roughly equal capacity to influence the collaborative domain development.

Definitions of collaboration found within the planning field of scholarship are dominated by Judith Innes and David Booher and tend to focus on process rather than outcome. One example in the field of planning is Forester (1980) who suggests communicative strategies for planners. While the term "collaboration" is not used in Forester's 1980 article, which pre-dates Gray's (1985; 1989) seminal works on collaboration, the term "communicative planning theory" has influenced collaborative planning scholarship (Healey 2003; Innes and Booher 2004). Strategies for planners include cultivating community networks, listening carefully to all participants, educating citizens and community organizations, and taking steps to make meetings equitable (Forester 1980). In addition to process-related strategies, the scholarship of collaboration includes concepts regarding the importance of addressing power relations in collaborative planning, as seen in Healey (2003) who is influenced by both Habermas (with regards to the normative ideals of communicative theory) and Foucault (on the role power plays in collaboration).

In the field of governance, a variety of descriptors exist for the phenomena that loosely fit under the conceptual umbrella of multi-actor processes and collaborative governance. These

descriptors include co-management (Greskiw and Innes 2008) collaborative public management, devolution, decentralized governance, the new governance, participatory governance (Bingham, *et al.* 2008), alliances, coalitions, community-based collaboratives, networks, and partnerships (Connelly, *et al.* 2008). Following Innes and Booher (1999), collaborative governance discussed in this thesis emphasizes the following aspects, among others: (1) diverse stakeholders coming together face-to-face, (2) long-term dialogue between stakeholders, (3) employing methods to make sure all are heard and respected, where consensus rather than majority rule are sought, and (4) processes that are driven by purpose, are self-organizing, engage participants, challenge the status quo and incorporate high-quality information of many types. Discussing collaborative rationality, Innes and Booher (2010) summarize the process as follows:

> A process is collaboratively rational to the extent that all the affected interests jointly engage in face to face dialogue, bringing their various perspectives to the table to deliberate on the problems they must face together. For a process to be collaboratively rational, all participants must express their views and be listened to, whether they are powerful are not. Techniques must be used to mutually assure the legitimacy, comprehensibility, sincerity, and accuracy of what they say. Nothing can be off the table. They have to seek consensus.

These scholarly definitions of collaboration in the realm of governance and planning have a common theoretical thread. In these definitions, the planners are the assumed initiators of collaboration or consensus building, as opposed to grassroots or other actors who are external to the state (Forester 1980; Healey 2003; Innes and Booher 1999).

1.2.3.1 Collaborative Environmental Governance

The concept of collaboration in environmental governance borrows in part from the collaborative planning literature discussed above and also contains frequent reference to Gray's (1985; 1989) scholarship on collaborative governance. Lines among the various bodies of collaboration scholarship are blurry. Hence, the perspective on collaboration offered here is simply a way of organizing major themes that are important in the context of

this thesis. Discussed below are five foundational aspects of collaboration that are emphasized in collaborative environmental governance literature. These include (1) collaborators being face-to-face, (2) consensus and deliberation, (3) collaborators reconsidering assumptions, (4) enduring relationships, and (5) pooling resources. These five aspects were used as criteria for defining collaborative environmental governance in different phases of the research, e.g., for the creation of the conceptual framework, data collection, and systematic review methods. These criteria are therefore discussed in detail below.

Collaborators Face-to-Face

As in planning scholarship discussed above, where face-to-face dialogue has merits such as creating more meaningful dialogue between collaborative parties, determining the sincerity of others, and developing trust (Innes and Booher 1999), the concept of parties or stakeholders being face-to-face during dialogue or negotiation is emphasized in the environmental governance conception of collaboration (see Carr, *et al.* 1998; Frame, *et al.* 2004). Frequent face-to-face communication and social networks have been shown to make effective commons governance easier to achieve and increase the potential for trust between parties (Dietz, *et al.* 2003).

Consensus and Deliberation

Collaborative governance is distinguished from the action of the state merely "consulting the public"; collaborative governance is something that is thorough, includes processes of deliberation by stakeholders, and ultimately aims for consensus (Ansell and Gash 2007; Fish, *et al.* 2010; Frame, *et al.* 2004). The ideology behind consensus is that collaborative discussions ought to be based on interests of stakeholders, rather than predetermined positions, and that individuals should be heard and respected (Frame, *et al.* 2004). However, the test of what constitutes being "heard and respected" is difficult to measure, and clarity on who does the listening and respecting is needed; clearly real-world collaborative processes each have to address these difficulties. Ansell and Gash (2007) also point out that

collaborative fora should aim to make decisions by consensus, noting that this is true even where consensus is not achieved in practice. Ultimately, the objective of aiming for consensus through deliberative dialogue and negotiation should lead to and allow for organizations and groups to "re-examine basic assumptions, beliefs, attitudes and values" (Fish, *et al.* 2010, 5626).

Collaborators Reconsidering Assumptions and Attitudes

In environmental governance literature, collaboration is described as a process where different parties or stakeholders can learn from each other, and reconsider their own assumptions, attitudes, values and beliefs (Carr, *et al.* 1998; Fish, *et al.* 2010; Kallis, *et al.* 2009). This definitional distinction that individuals participating in collaboration should question their assumptions and attitudes differentiates collaboration from competition between groups or stakeholders. For example, in a common law court hearing, parties are face-to-face, they must be heard by the court, and are a part of a process where all the facts must be considered. However, a trial could not be considered a collaborative process since parties are typically not aiming for consensus, and thus not necessarily willing to reconsider their positions or attitudes. Expanding beyond just this distinction from competition or negotiation, collaboration can include mutual learning between parties (Carr, *et al.* 1998; Kallis, *et al.* 2009), engagement and interaction between parties that creates new value (Kallis, *et al.* 2009), an emphasis on reciprocity and relationships, and the re-examination of assumptions, beliefs and values (Fish, *et al.* 2010).

Enduring Relationships

Collaboration is said to involve relationships between parties or stakeholders that are enduring and long-term (Conley and Moote 2003; Fish, *et al.* 2010). The rationale for the focus on longer term relationships or partnerships in collaboration is connected to the improved promotion of ecological, economic, and social health within a particular area (Conley and Moote 2003). A case for long-term, enduring relationships is made by Fish *et al.* (2010, 5626) who assert that collaboration stands apart from short-term, cooperative

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agreements because it involves "a more sophisticated, emergent and enduring form of interaction". The rationale for enduring relations is that collaboration builds relationships and social capital based on mutual respect and understanding between parties, which in turn foster reciprocity which then helps "groups to do joint work and to build trust" (Fish, *et al.* 2010).

Pooling Resources

Perhaps the most straightforward assertion of what is included in collaboration is the pooling of resources by stakeholders or parties to address shared problems. Gray's (1985) definition of collaboration suggests that resources pooled by stakeholders could include money, labour, and/or information. Several scholars include the pooling of resources as a central component of collaboration (Fish, *et al.* 2010; Plummer and FitzGibbon 2004b; Selin and Chavez 1995) as well as the sharing of responsibility and power (Kallis, *et al.* 2009; Plummer and FitzGibbon 2004a; Selin and Chavez 1995). This is consistent with the root meaning of collaboration which is to co-labour or work together (Bingham, *et al.* 2008).

1.2.4 Need and Rationale for Collaboration

Ansell and Gash (2007) suggested that collaborative governance may be a "passing fancy" in both scholarly and practical realms. Challenges associated with collaborative governance stem from the transaction costs of involving a breadth of stakeholders in decision making, ambiguity over who is ultimately accountable for decisions made (Ansell Gash 2007), and inconsistent evidence of improved environmental outcomes (Holley, *et al.* 2012; Koontz and Thomas 2006). Given the current popularity of collaborative approaches, it is important to consider the rationale that has brought collaborative governance to the forefront of practice and scholarship in the environmental realm.

The identification of the societal need for deliberation, public participation and transformative social change dates back at least as far as Jürgen Habermas (1970). Applying Habermas' communications theory of society to collaborative city and regional planning,

Forester (1980, 275) points to three identified real world difficulties in the field of planning, namely "(a) undeserved resentment and mistrust of [city and regional] planners, (b) obstacles to effective design review and democratic planning processes, and (c) unintentionally counterproductive technical planning practice." The Habermasian resolution to these problems include common sense communication, mutual understanding, consensus, and shared knowledge (Forester 1980) – some of the main tenets of collaborative governance as it is used today in environmental governance scholarship.

Collaborative approaches have also been recognized as important in several scholarly domains. In economics, Ostrom *et al.* (2001) have demonstrated empirically that local users may relate to and use their local resources in a way that is contradictory to conventional economic theory and that natural resources are not necessarily doomed to be mismanaged at the community scale. Rather, local users have tended to self-organize and manage resources successfully in ways that do not always deplete environmental commons (Ostrom, *et al.* 2001). More generally, Gray (1985) pointed to a growing need to promote collaborative problem solving in sectors such as government, labor, business, and in communities. Gray (1985, 916) makes a concise argument for why collaboration is needed:

> …none of these stakeholders acting alone can solve the problem. Furthermore, purposeful actions
> by any stakeholder may profoundly influence the ability of the others to achieve their goals.
> Hence, they are interdependent on one another (although the degree to which stakeholders are
> conscious of this interdependence may vary considerably).

Reflecting on literature related to collaboration, which now spans more than four decades, it appears that collaboration is less a "passing fancy" and more a problem-solving process that continues to be applied to societal, sectoral, and theoretical needs. Collaboration in environmental governance is in fact a growing trend (Conley and Moote 2003; Frame, *et al.* 2004; Selin and Chavez 1995; Wondolleck and Yaffee 2000).

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Collaboration is used as a strategy for addressing conflict where other strategies have failed, and simultaneously as a response to increasingly networked societies "where accomplishing anything significant or innovative requires creating flexible linkages among many players" (Innes and Booher 1999, 412). Frame *et al.* (2004) find that a collaborative approach is an effective way to resolve conflict related to land and resource planning, and that collaboration creates benefits including improved stakeholder relations and knowledge. Collaboration is used in a contemporary context by civic leaders, citizens and governments to address difficult problems in the context of growing societal complexity and rapid change (Innes and Booher 2004). Finally, collaborative approaches have emerged in environmental governance because of the need to respond to perceived deficiencies of technical knowledge (Armitage 2008; Fish, *et al.* 2010; Wondolleck and Yaffee 2000).

While the arguments for collaborative governance discussed above are strong empirical rationales for its application, empowerment of collaborative actors is a normative rationale often given for using the collaborative governance approach (Fitzgibbon and Plummer 2004; Flyvbjerg 1998; Flyvbjerg 2002; Fraser, *et al.* 2006; Hauck and Sowman 2001; Innes and Booher 1999; Murray 2005; Selin and Chavez 1995). Innes, *et al.* (2007) assert that collaborative, networked processes build institutional capacity wherein citizen participants become more knowledgeable and competent, and are therefore more empowered in regards to their ability to make a difference. For example, in collaborative environmental governance literature, empowerment of Indigenous peoples is argued as a reason for and/or benefit of Indigenous engagement in collaboration (Danby, *et al.* 2003; Erazo 2010; see Hill, *et al.* 2012). Empowerment as an ideological rationale for collaborative governance may stem from the conceptual influence of the Habermasian communicative approach theorized to empower marginalized voices (Takeda and Ropke 2010). However, Ansell and Gash (2007, 20) address this question of ideology in collaborative governance by pointing out that collaborative governance should not be seen as inherently good or bad, but rather "one tool that is appropriate for particular contexts, and undesirable for others".

1.3 Intersection of collaborative environmental governance and Indigenous governance

Broadly speaking, collaborative environmental governance and Indigenous governance are two bodies of scholarship that demonstrate different assumptions related to the role of Indigenous peoples. Indigenous governance scholarship tends to discuss Indigenous peoples as nations (e.g., Alfred 2009; Turner 2006) or as politically sovereign (e.g., Coombes 2007), whereas collaborative environmental governance scholarship tends to discuss Indigenous peoples as synonymous with other stakeholders (e.g., Bark, *et al.* 2012), minority groups (e.g., Shmueli and Khamaisi 2011), or interest groups (e.g., Freedman and Fridgen 2007).

This difference in basic underlying assumptions is a major conceptual gap between these two literatures. Importantly, the gap is not simply a matter for scholarly interest. Real problems arise from the fact that both of these areas of scholarship discuss or consider the governance of lands, water and/or natural resources. Indigenous governance literature debates concepts related to the control, authority or rights to Indigenous traditional homelands (e.g., Alfred 2009; Borrows 1997; Deloria and Wildcat 2001), and collaborative environmental governance pertains to the collaborative way that decisions are made about environmental resources such as lands and water (e.g., Cullen, *et al.* 2010). Depending on which assumptions are applied to a given environmental decision or topic involving Indigenous peoples, significantly different outcomes can be achieved. The difference in assumptions create uncertainty regarding who ought to be involved in decision making, who has the authority to make decisions, and what the roles of Indigenous peoples are in collaborative governance settings. The research presented in this thesis considers common ground between these two bodies of scholarship, and specifically outlines how collaborative environmental governance scholarship could consider Indigenous peoples in ways that recognize Indigenous governance assertions of self-determination. The consideration of both practice and theory is important to this research. This is supported by the fact that some collaborative environmental governance literature addresses practical applications of scholarship (Gunton and Day 2003; Prober, *et al.* 2011). Literature pertaining to water policy

reform also links practice and scholarship (Gutierrez 2010; Watson 2007). Conceptual and practical syntheses of these bodies of scholarship are presented in Chapter 5 in the discussion of contributions to collaborative environmental governance scholarship.

1.4 Empirical Context

British Columbia, Canada was selected as the empirical setting for this research because of the ongoing practice of collaborative water governance in many regions of the province, and because of the presence of many Indigenous nations. The BC regional/provincial context is situated within a much larger setting (Canada, North America, global) where findings and implications of this research may also be relevant. The intersection of collaborative environmental governance and Indigenous governance is occurring at all scales globally. For example, at an international level, there is currently a worldwide Indigenous movement related to the assertion and reassertion of self-determination and forms of Indigenous governance, marked by the adoption of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNGA 2007). Concurrently, there are collaborative global efforts to address environmental problems such as climate change; one example is the UN Framework Convention on Climate Change (Oxley 2005; United Nations 2012). How efforts such as these international-level ones intersect with respect to collaborative environmental governance and Indigenous governance mirror related circumstances at national and subnational levels.

1.4.1 Canadian Context

Canada is an example of a context where simultaneous trends in Indigenous governance and collaborative environmental governance reflect phenomena at the international level. In Canada, there is, on the one hand, increasing attention focused on collaborative approaches to matters of environmental governance (de Loë and Kreutzwiser 2007). One example is the widespread interest in collaborative approaches to the governance of water resources by and among collaborative watershed groups in Canada (Waterlution 2012). Simultaneously, the resurgence of Indigenous forms of governance by Indigenous peoples in Canada has grown since at least the late 1960s. Despite the colonization and oppression that have

threatened the survival of Indigenous peoples, cultures and ways of living in Canada (see Box 2), the reassertion of Indigenous self-determination in Canada is clearly manifested within negotiations for modern-day Indigenous treaties, land claims agreements, and within provincial and federal Aboriginal court cases (e.g., Haida Nation v. BC (Minister of Forests), 2004 SCC 73; Delgamuukw v. BC [1997] 3 S.C.R. 1010). Indigenous self-determination is also manifested through the continuation and pursuit of Indigenous ceremonial practices, the protection of homelands, governance, and revitalization of Indigenous languages (Corntassel 2011). Together, the growth of collaborative environmental governance and Indigenous governance in Canada provide a rich empirical context for exploring and illustrating the intersection of these two phenomena.

Box 2 Indigenous Peoples in Canada

"*For roughly 400 years, Aboriginal people in Canada have been ruled by foreign powers, first by the French and the British and later by Canadians. In the eyes of Aboriginal people, none of these governments had any legitimate authority over them*" (RCAP 1996, 8).

Prior to colonization, what is now called Canada was occupied by Indigenous peoples in 12 major language groups. There is general consensus that North American Indigenous peoples are descendants of the first human migration from Asia to what is now called North America. Prior to and at the time of European colonization, there was a high level of political organization among Indigenous peoples, and the Indigenous nations were independent and self-governing (Guisepi 2002). Since early European settlement in the early 1500s, the (British) Royal Proclamation of 1763, the Confederation of Canada in 1867, and through to today, Indigenous peoples in Canada have faced oppression from settler society. Oppressive measures have included the displacement, disenfranchisement, assimilation of and violence toward Indigenous peoples. Today, Indigenous nations within what is now referred to as Canada view themselves as self-determining (RCAP 1996).

According to the 2001 census, there are over 1.3 million people in Canada with Canadian Indigenous ancestry (Statistics Canada 2012). Indigenous nations and peoples are engaged in ongoing negotiation with the Crown through land claims agreements, treaty negotiation, specific claims, and court cases (Aboriginal Affairs and Northern Development Canada 2012a; AFN 2012). In recent history there have been a number of landmark court cases relating to Indigenous peoples and the Crown. Examples are the Delgamuukw case (Delgamuukw 1997) which confirmed that Aboriginal title was never extinguished in BC, and the Haida and Taku River cases (Haida Nation v. BC (Minister of Forests); Taku River Tlingit First Nation v. BC) that established the Crown's duty to consult and accommodate First Nations (BCTC 2012). The intent of the duty is to give Aboriginal people a role in decision-making; however, the duty is still being defined in court processes (Brackstone 2002). In June 2008, the Prime Minister of Canada delivered a public formal apology to all former students of Indian residential schools, which were federally-funded, church-run

schools where sexual, physical, and emotional abuse to Indigenous children occurred (Canadian Broadcasting Corporation 2008b). The last residential school to close in Canada was in 1998 (Canadian Broadcasting Corporation 2008a).

1.4.2 British Columbia Context

The empirical setting[1] of this research is in the province of BC. BC is embedded within the Canadian context but has distinct attributes as compared to other provinces and territories in Canada. An important historical difference that stands out in BC is that the majority of Indigenous nations in BC did not sign historic treaties with the colonial government or post-confederate Crown, whereas many Indigenous nations in other provinces did; exceptions include Treaty 8 in northeastern BC and the Douglas Treaty. According to Aboriginal Affairs and Northern Development Canada (2012b), by signing treaties, "the First Nations who occupied these territories gave up large areas of land to the Crown". However, Borrows (1997) asserts that interpretations such as this related to the unilateral declaration of the Canadian Crown are flawed and that treaty nations did not cede or relinquish their rights to land. Regardless of the interpretation of treaty negotiations between Indigenous nations and the Crown, realities of Indigenous governance and self-determination are influenced in BC by the lack of written documents pertaining to relinquishing control or ownership of lands by Indigenous nations.

The relative lack of historic Indigenous treaties in BC, along with ongoing negotiations of modern treaties by some BC First Nations and the Crown, together play only a part in ongoing Indigenous governance realities in BC. As with other Indigenous nations in Canada, Indigenous governance in BC continues to take place in many forms such as language revitalization, hunting and fishing, protecting traditional territories, and engaging in ceremonial practices (see Blankinship 2006; Scow 2010; Union of BC Indian Chiefs 2012). Specific examples include the Tahltan First Nation protecting their traditional homelands from further industrial development; the Council of the Haida Nation reassuming co-

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[1] The BC empirical context is introduced in this section and further elaborated in Chapters Three and Four.

governance of Gwaii Haanas National Park Reserve and Haida Heritage Site; the Sinixt First Nation occupying their traditional homelands and arguing the invalidity of their "extinct" status; and language revitalization by the Okanagan Nation. Figure 1 illustrates the traditional territories in First Nations in BC. According to the 2006 Canadian Census, Aboriginal people in BC make up just under 5% of the total population of the province (BC Stats 2006a). This compares to 85% of the overall Aboriginal population of Nunavut, 25.1% in the Yukon Territory, and 1.5% in Quebec. BC Aboriginal people represent 16.8% of the total Canadian Aboriginal population (BC Stats 2006b).

In addition to the Indigenous governance context in BC, the collaborative environmental governance circumstances are a part of the rich empirical setting for this research. In regional contexts in BC, there is widespread application of collaborative approaches to environmental governance. Well-known examples include the protection of the Great Bear Rainforest through collaborative efforts beginning in 2000 (Smith, *et al.* ND), and the Pacific North Coast Integrated Management Area initiative to collaboratively protect the oceans of BC (PNCIMA 2012). There are other examples in the realm of water governance at regional scales. Examples include the Cowichan water use management plan involving collaboration/partnership between Cowichan Tribes, the Pacific Salmon Commission and federal and provincial agencies and the Fraser Basin Council organization involved in fisheries restoration and flood hazard management (Nowlan and Bakker 2007).

Concepts of collaboration are also demonstrated at the provincial scale. For example, the Province of BC's attempts to reform the *Water Act* (R.S.B.C. 1996 c. 483) has incorporated concepts of collaboration in water governance in BC (BCMOE 2010a) in participatory approaches to water policy reform. At regional scales, attempts to approach water governance collaboratively are occurring within organizations such as the Okanagan Basin Water Board, the Friends of the Nemaiah Valley, and the Columbia Basin Trust discussed in detail in section 1.6.3 below. The provincial water policy reform, regional organizations, and Indigenous governance in the province together form the empirical context for this research and are relevant for examining the concepts and gaps identified in the literature discussed in section 1.3 above.
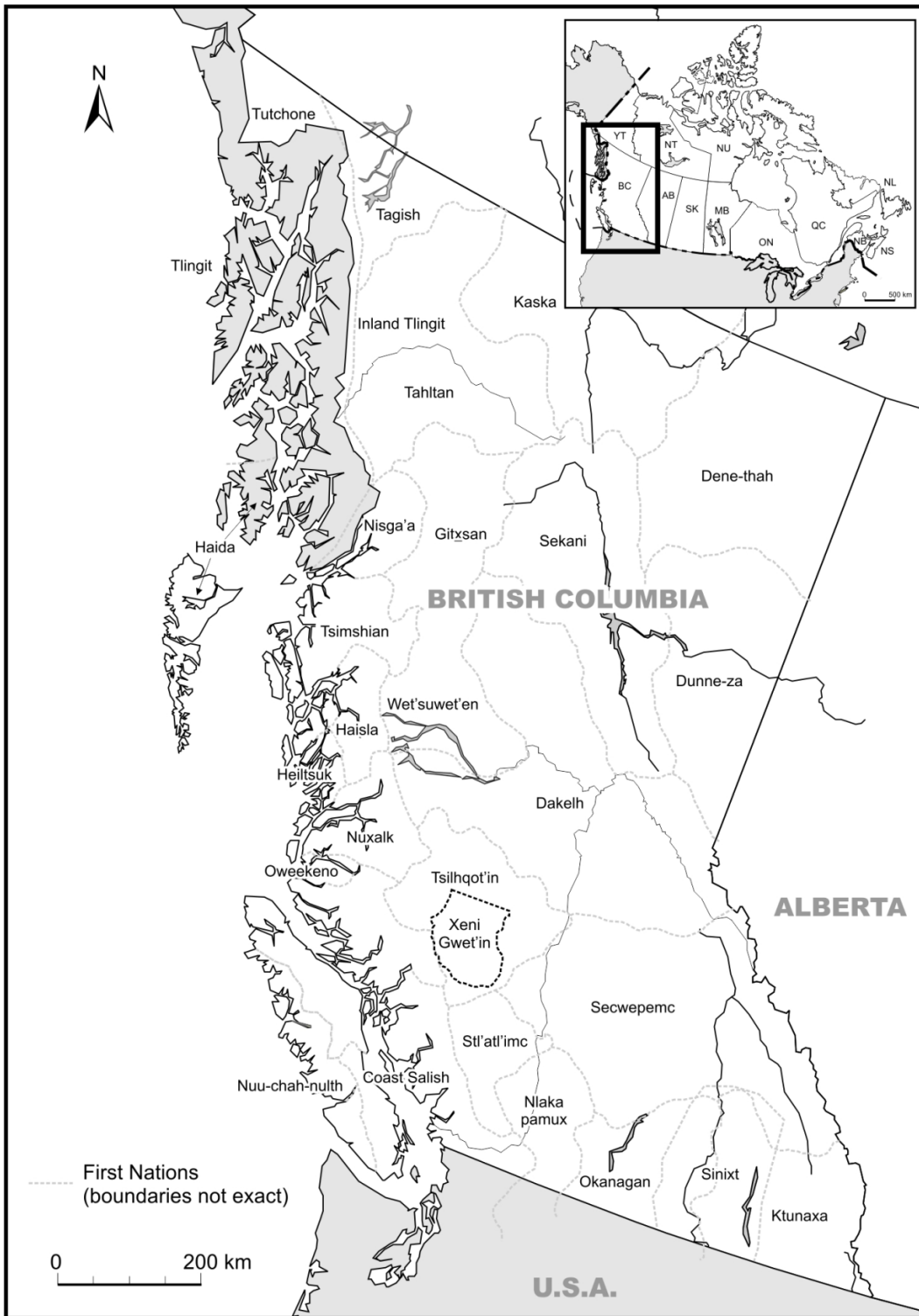
Figure 1 First Nations Traditional Territories in British Columbia, Canada

Source: (Province of BC 2012; Sinixt Nation Society 2012; TNG 2011)

1.5 Methods

This section describes the methodology used for the entire study. The methodology is also described in each of the three manuscripts (Chapters 2, 3 & 4), relative to the goals of those manuscripts. This study required qualitative research methods for the analysis of the central research question to critically evaluate the extent to which principles and practices of collaborative environmental governance are compatible with the main tenets and advances in Indigenous governance related to self-determination. Being a situated activity, qualitative research locates the researcher in the world using interpretive, material practices to make sense of and interpret phenomena (Denzin and Lincoln 2005). The study design was focused on collecting qualitative data, and guided in part by an interpretivist paradigm. Interpretivist inquiry allows for multiple perceptions and meanings from the study participants to emerge (Gladstone, *et al.* 2006; Guba and Lincoln 2005).

The methodology of this research is positioned between grounded theory and post-positivism. Post-positivistic philosophies of research methods tend to favour theory verification (Creswell 2003). The post-positivist aspect of this research included the use of a conceptual framework, derived from scholarly literature, to guide the inquiry in the "real world". However, it was expected that phenomena would emerge from the research that were outside of the parameters of the conceptual framework. In this way, the research borrowed as well from a grounded theory approach. Grounded theory methodology uses the collection of open-ended, emerging data to develop themes from the data (Creswell 2003). The research was designed in anticipation of emerging themes and data, with interviews conducted using largely open-ended questions. The analysis and coding (described in detail below) were carried out with a focus on emergent themes, as well as those identified in the conceptual framework. Both grounded theory and post-positivism are consistent with the use of case study methods (see section 1.5.2) (Creswell 2003; Strauss and Corbin 1998).

1.5.1 Conceptual Framework

A conceptual framework (Table 1) was used in this study as an organizational device to structure the research problem, as well as to highlight components, knowledge gaps, relationships, and points for analysis (Mitchell 1989) within two bodies of literature. This research employed the conceptual framework in several different ways: (1) to summarize a preliminary literature review, (2) to frame the systematic review described in Chapter Two, (3) to guide data collection and analysis for Chapter Three, and (4) to guide the data collection that was later used as an empirical base for the analysis of water policy reform literature in Chapter Four. These four applications of the conceptual framework are described as follows:

1. As a precursor to this research, a preliminary literature review of collaborative environmental governance and Indigenous governance scholarships was conducted. Key concepts and assumptions found in those bodies of scholarship were synthesized in a conceptual framework. Broadly speaking, the conceptual framework was used as a model to guide the overall research inquiry while allowing for the emergence of unanticipated findings.

2. The conceptual framework and preliminary literature review were used to frame a potential gap in assumptions between the Indigenous governance and collaborative environmental governance literatures. Guided by this identified potential gap in the collaborative framework, Chapter Two outlines how a systematic review of the collaborative environmental governance literature further explored this gap.

3. The conceptual framework guided the line of inquiry of the empirical research by providing a basis for preliminary, open-ended research questions. Through the phases of data collection, coding, and analysis, the conceptual framework was revisited and revised. Hence, it was used as a reference point to iteratively reshape each of these phases. Additionally, the conceptual framework was used as a reference point to analyze the results of the study to identify which findings were emergent or consistent with concepts and assumptions synthesized from the bodies

of literature. The findings and analysis related to collaborative environmental governance and Indigenous governance are found in Chapter Three.

4. Chapter Four draws on the same data set analyzed in Chapter Three, which was guided by the conceptual framework. However, key concepts and assumptions regarding water policy reform outlined in Chapter Four were conceived after the data had been collected. Given the close similarity of the conceptual gap later identified between the water policy reform literature and Indigenous governance literature to the gap discussed in Chapter Three, the original data set proved an excellent source for a subset of data relevant to water policy reform outlined in Chapter Four.

There were several points throughout the research that allowed for emergent results beyond the initial conceptual framework. These included follow-up questions during interviews (Appendix A), emergent themes within document and interview transcript analysis, and personal observation that followed an emergent line of inquiry. As data collection proceeded, some themes were reshaped, added, and omitted as shaped by the emergent findings beyond the main thrust of the preliminary conceptual framework. Finally, the findings of the research allowed for the expanded pursuit of unanticipated findings since the study was not limited to the parameters of the conceptual framework. The conceptual framework addressed the first objective of this research, and is discussed again in Chapter 5.

Table 1 Conceptual Framework for Analyzing Conventional Approaches to Collaborative Water Governance and Indigenous Perspectives on Collaborative Environmental Governance (CEG)

Key Parameter in Literature	Sub-Parameters	Specific Concerns	Specific Evidence (key data sources in brackets)
1. Rationale for collaborative environmental governance (CEG) (Dietz, et al. 2003; Glasbergen 1998; Gray 1985; Heikkila and Gerlak 2005; Innes and Booher 2010a; Koehler and Koontz 2008; Meadowcroft 2004; Ostrom, et al. 2001)	Empowerment of local actors	1. Evidence that participants rationalize the use of CEG for (a) empowerment of actors, (b) building institutional capacity and more effective governance, (c) knowledge exchange and (d) testing public preferences.	Use of empowerment (or related words) to describe reason for CEG. (interviews, docs)
	Institutional capacity, more effective governance, building networks		Statements that CEG is for building institutional capacity and/or more effective governance. (interviews, docs)
	Knowledge exchange, deliberation		Statements that rationalize CEG as a way of enabling knowledge exchange between different actors. (interviews, docs)
	Testing public preferences		Statements that rationalize CEG as a way of testing public preferences on water governance/policy. (interviews, docs)
2. How collaborative environmental governance is approached (Ansell and Gash 2007; Fish, *et al.* 2010; Forester 1980; Glasbergen 1998; Innes and Booher 2004; Marcus and Onjala 2008; Norman and Bakker 2009; Rogers and Hall 2003; Susskind 2005)	Public fora/hearings/workshops	1. Evidence that participants are using conventional approaches to CEG such as (a) public fora, (b) comments processes, and/or (c) collaborative dialogue. 2. Evidence that participants are using Indigenous approaches to CEG.	Descriptions of CEG methods as including or likened to (a) public fora, (b) comments processes, and/or (c) collaborative dialogue. (interviews, docs, pers. obs.)
	Comments process		Descriptions of CEG methods as Indigenous approaches. (interviews, docs, pers. obs.)
	Collaborative dialogue		
3. Conventional CEG approaches to Indigenous nations/people (Armitage 2008; Berkes 2009; Borrows 2005; Brandes and Curran 2009; Claxton 2008; Innes and Booher 2010; McDermott and Wilson 2010; Nowlan and Orr 2010; Paci, *et*	Indigenous people/nations as stakeholders	1. Evidence of the view of Indigenous people/nations as stakeholders.	Descriptors of IP/nations as stakeholders or one of many different interest groups. (interviews, docs, pers. obs.)
	Acknowledged the reliance of Indigenous cultures on the environment	2. Evidence of the acknowledgement of the reliance of Indigenous cultures on the environment.	Statements that acknowledge the reliance of Indigenous cultures on the environment/land/water. (interviews, pers.obs.)

Key Parameter in Literature	Sub-Parameters	Specific Concerns	Specific Evidence (key data sources in brackets)
al. 2002; Phare 2009; Turner 2006)	Legal or political responsibility to IP/nations	3. Evidence of the view that CEG is a legal or political obligation to IP/nations.	Statements that indicated that CEG is initiated with IP/nations for the purposes of solely legal or political obligation (interviews)
4. Power (Agrawal 1995; Fish, *et al.* 2010; Nadasdy 2007; Natcher and Davis 2007; Spak 2005)	Perceived power (im)balance between non-Indigenous policy-makers and IP/nations.	1. Evidence of perceived power (im)balance between non-Indigenous policy-makers and IP/nations. 2. Evidence of measurable power (im)balance between non-Indigenous policy-makers and IP/nations.	Statements that indicate a perception of power balance or imbalance between non-Indigenous policy-makers and IP/nations. (interviews)
	Measurable power (im)balance between non-Indigenous policy-makers and IP/nations.		Equal speaking time of policy makers and IP (pers. obs.)
			Proportional representation of IP and policy makers in collaborative methods used (interviews, pers. obs.)
			Proportional representation of IP's input into governance decisions/policy (interviews)
5. Knowledges and Indigenous knowledge (IK) (Berkes 2008; Deloria and Wildcat 2001; LaDuke 2005; McDermott and Wilson 2010; Paci, *et al.* 2002; Shackeroff and Campbell 2007; Striker 1996; Turner, *et al.* 2003)	Value and respect IK.	1. Evidence that participants value and respect IK. 2. Evidence that participants are aware of competing knowledges. 3. Evidence of whether participants place importance upon context WRT knowledges. 4. Evidence that participants see IK as expert knowledge.	Statements that indicate respect for and value of IK (interviews, docs)
	Awareness of IK and competing knowledges.		Statements that indicate awareness of competing knowledges (interviews)
	Importance of context.		Statements that indicate that participants recognize the importance of context WRT to all knowledges (interviews, docs)
	IK as expert knowledge		Statements that indicate that participants see IK as expert knowledge (interviews, pers. obs.)

Key Parameter in Literature	Sub-Parameters	Specific Concerns	Specific Evidence (key data sources in brackets)
6. Approaches to Indigenous governance (IG) (Alfred 2009; Battiste 2000; Borrows 2005; Dalton 2006; Feit 2004; Irlbacher-Fox 2009; Powderface 1992; Turner 2006; Turner and Berkes 2006)	Indigenous identity that comes from the existence of first peoples on the land.	1. Evidence that participants view Indigenous identity as coming from the existence of first peoples on the land.	Statements that indicate that Indigenous identity that comes from the existence of first peoples on the land. (interviews, docs)
	The legitimacy of established colonial nations should be questioned.	2. Evidence that participants view the legitimacy of established colonial nations as something that needs to be questioned.	Statements that indicate that Indigenous identity is just another ethnic minority/identity (interviews)
			Statements that indicate confirm or contest the idea that the legitimacy of established colonial nations should be questioned. (interviews)
7. Experience of conventional CEG in practice (Lane and Corbett 2005; McDermott and Wilson 2010; Nadasdy 2003; Phare 2009; Ransom and Ettenger 2001; Spak 2005)	Marginalization of IP and IK	1. Evidence of CEG (a) furthering marginalization of Indigenous people (IP), (b) reinforcing colonial roles, and/or (c) threatening political, economic and/or cultural sovereignty. 2. Evidence of CEG (a) enabling empowerment of IP and/or (b) being a positive experience of cooperation as perceived by IP.	Descriptions of IP's experience with conventional CEG as a process that (a) marginalizes IP and/or IK, (b) reinforces colonial roles, (c) threatens political, economic and/or cultural sovereignty. (interviews)
	Re-enforcing colonial roles		Descriptions of IP's experience with conventional CEG as a process that enables the empowerment of IP and/or (b) is a positive, cooperative experience. (interviews)
	Threat to political, economic and cultural sovereignty		
	Empowerment and cooperation		
8. How conventional CEG should/can collaborate with IP/nations (Centre for Indigenous Environmental Resources 1996; Ellis 2005; Feit 2004; Irlbacher-Fox 2009; McDermott and Wilson 2010; Paci, et al. 2002a; Sam 2006)	CEG fitting into Indigenous-initiated collaboration and methods; Indigenous people establishing those methods/processes; Openness to on-the-land collaboration	1. Evidence that participants see the following as constructive methods of collaboration: (a) CEG fitting into Indigenous-initiated and established collaboration methods such as on-the-land collaboration, (b) CEG deconstructing the view of homogeneity of IEG by different nations and being responsive to different nations, and (c) action	Statements that confirm/deny that CEG fits in to Indigenous collaboration methods. (interviews, docs)
			Statements that confirm/deny that CEG processes/methods have been established, created or initiated by IP (interviews, docs, pers. obs.)
			Statements that confirm/deny the perception by IP that policy-makers/EG institutions are open to Indigenous collaboration methods and fora such as on-the-land collaboration (interviews)

Key Parameter in Literature	Sub-Parameters	Specific Concerns	Specific Evidence (key data sources in brackets)
	Deconstructing the homogeneity of Indigenous environmental relations by different nations; Responsiveness to local variations	taken to level capacity/resource-related inequalities between IP/nations and policy makers	Statements that confirm/deny the perception by IP that policy-makers/EG institutions are responsive to variations between Indigenous nations with regard to methods of collaboration. (interviews)
	Leveling the playing field		Actions taken by policy-makers/EG institutions to level capacity/resource-related inequalities between IP/nations and policy makers/EG institutions – such as compensation for time, funding to hire expert consultants for IP/nations. (docs, interviews)

1.5.2 Rationale for Case Study Method

A multi-case study approach was used to examine the intersection of collaborative environmental governance in the context of water and Indigenous governance. This approach was ideal for the multiple outcomes that were anticipated in the analysis of BC's collaborative water governance processes. Here, the phenomena being examined were not expected to have a clear, single set of outcomes, and the observations could be assembled from a small number of cases (Gerring 2007; Yin 2009). In particular, this research tested the attitudes, opinions, perspectives, assumptions and preconceptions of individuals, an inquiry which is better suited to case study methods than to survey-based ones (Gerring 2007; Margerum 1999).

The case study approach was useful for examining Indigenous and non-Indigenous perspectives on the research questions. A "case" is a "spatially delimited phenomenon (a unit) observed at a single point in time or over some period of time" (Gerring 2007) and can refer to a broad range of things including events, entities, single individuals, or programs (Yin 2009). The case is delineated through the definition of the unit of analysis (see 1.5.3 below). Case study methods are useful where the boundaries between context and phenomenon are not clear, and for empirical inquiry to investigate "a contemporary phenomenon in depth and within its real-life context" (Yin 2009, 18). In this research, case study units were bounded in a way that could be analyzed – in this case organizations involved in water governance where collaboration with Indigenous peoples was sought. Guided by a preliminary literature review, this research explored an area with potential for conceptual bridging, specifically between collaborative environmental governance and Indigenous governance. Examining the diverse cases was ideal for providing a different and more complete understanding of the conclusions and for creating an opportunity to link these smaller-scale cases in BC to more macro-scale realities (Gerring 2007; Stake 2005). Analytic conclusions emerged independently from each of the cases allowing the reliability of the conclusions to be reinforced (Creswell 2007; Stake 2005; Yin 2009).

The findings of this research have applicability beyond the context of BC. However, because each case is distinct, both in character and context, not all of the findings are expected to be generalizable (Gerring 2007, 76):

> No case study (so-called) denies the importance of the case under special focus, and no case study forswears the generalizing impulse altogether. So the particularizing/generalizing distinction is rightly understood as a continuum, not a dichotomy. Case studies typically partake of both worlds. They are studies both of something particular and of something more general.

Yin (2009) likens multiple-case design to multiple experiments where case units, in aggregate, either support the initial set of propositions, or require them to be revised and retested. In this study, an in-depth examination of a few cases was preferred over the collection of less data from a larger number of examples. Each of the case studies selected was treated as a whole study wherein the individual case's conclusions were replicated in some cases, but not in others (Yin 2009).

A single-case study method was also used in this research. While single-case design is considered more vulnerable regarding robust analytical benefits as compared to two or more cases, a single case study can be useful for assisting the development of relevant lines of questions and conceptual clarification (Yin 2009). Single cases can shed light on larger pools of cases and can provide evidence for causal propositions of reach broader than the single case (Gerring 2007). A provincial-scale case (described below) was used as a standalone case where findings were not analyzed against the other three regional-scale cases. Carried out in advance of the three regional cases, this single case study was useful for guiding the questions and concepts relevant to the regional cases and for providing insights into water policy reform.

1.5.3 Cases

A multi-case design analyzing water governance processes in BC was used in order to provide diversity across contexts and to learn about the complexity and contexts of the

cases. The cases within this multi-case study were defined as a "spatially delimited phenomenon (a unit) observed at a single point in time or over some period of time [that] comprises the type of phenomenon that an inference attempts to explain" (Gerring 2007). In this research, the unit of analysis is *regional-scale organizations involved in collaborative water governance in the province of BC with a stated intention to work with or involve First Nations in that organization's decision-making with regards to water*. The case studies had several characteristics in common, described in detail below, that are related to the research inquiry that made their comparisons meaningful. Additionally, a standalone case at the provincial-scale was used in the analysis of water policy reform.

Case study organizations involved in water governance in BC were selected using four criteria. First, the organization had to be identifiable in an explicit way, such as a division, board, society, trust, alliance, so that the intention, policies, interviewees, and approach to water governance could be readily and distinctly identified. Second, the organization had to be involved in water governance at a regional level and had to be involved in a stated, attempted or explicit collaborative water governance process. Third, the work of the organization had to be in a geographical area that included the traditional territory of one or more First Nations. In BC, very few modern treaties have been signed between the Crown and First Nations, and many of the traditional territories of these First Nations are considered unceded and overlap with the jurisdictions of the organizations involved in water governance (see Figure 1 and Figure 2). Fourth, the organization had to have a stated intention to collaborate with or be involved with First Nations in water governance. Additionally, the cases were selected to capture different experiences at critical scales: three regional cases, a mixture of large and small (measured by number of personnel) organizations involved in water governance, and urban and rural location of cases, were all considered important (Table 2). The provincial case was selected for provincial-scale processes related to participatory water policy reform and was not included in the multiple case study design, but rather as a standalone case.

1.5.3.1 Description of Cases Selected

Three regional-scale cases were selected for this study: the Friends of the Nemaiah Valley (FONV), the Columbia Basin Trust (CBT) and the Okanagan Basin Water Board (OBWB) (Figure 2). The standalone case at the provincial scale was the Water Stewardship Division of the BC Ministry of Environment (WSD). The WSD provided an overarching, provincial-scale example of water policy reform. Regional cases were analyzed to gain a comparative perspective involving different approaches to collaboration. The characteristics of each case are summarized in Table 2.
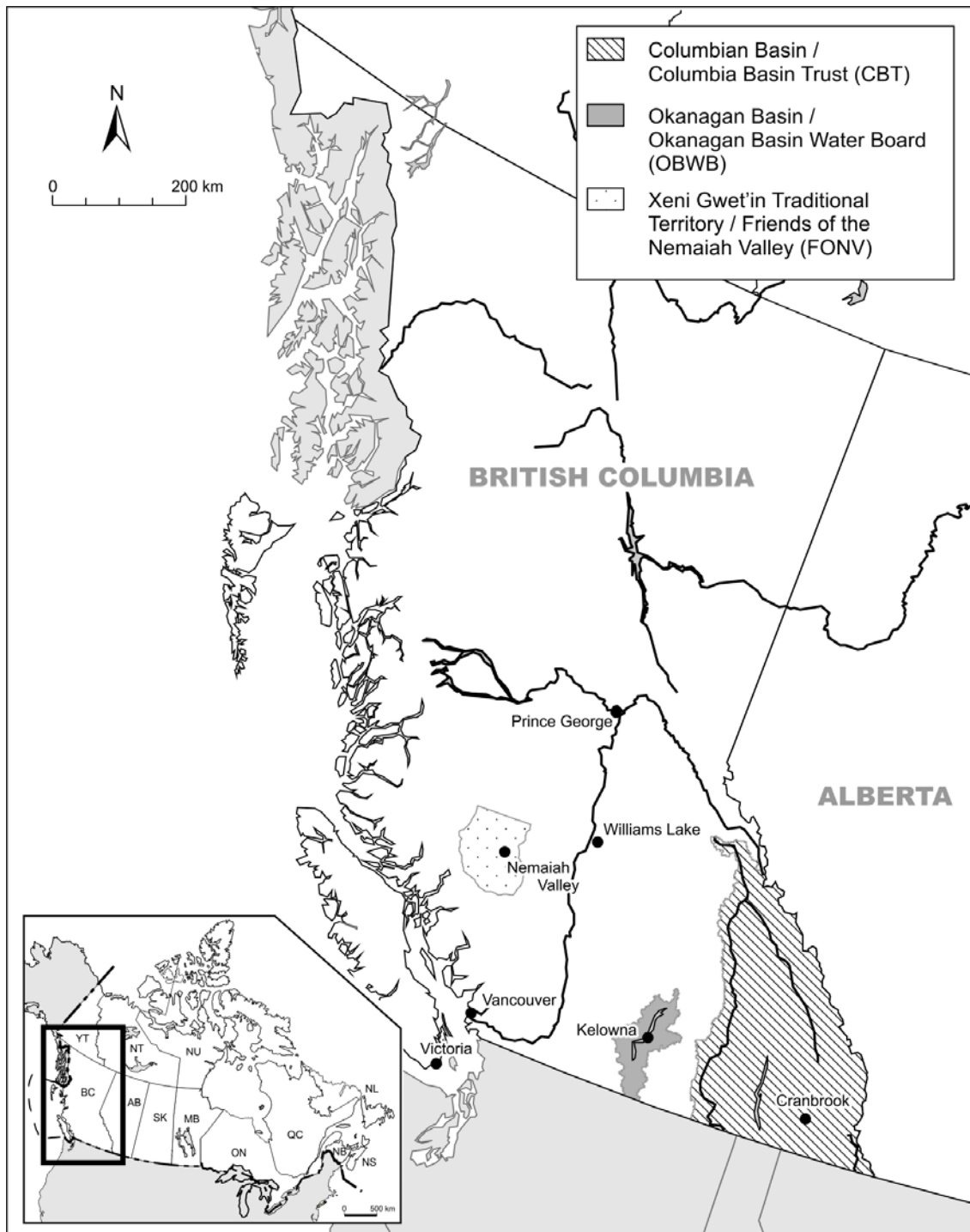
Figure 2 Regional Empirical Cases

Source: (CBT 2012a; OBWB 2012a; TNG 2011)

Table 2 Case Study Characteristics

Characteristic	Provincial-Scale Case	Regional-Scale Cases		
	WSD	CBT	OBWB	FONV
Type	Division of BC Provincial Ministry of Environment	Statutory Regional Development Corporation	Board (Overseen by 3 Regional District Governments)	Non-profit society
Administrative/ Affiliation	Province of BC	Enacted by Province of BC	Legal status conferred by Province of BC; overseen by 3 Regional Districts	Independent grass roots organization
Geographic Scope	BC (whole province)	Columbia Basin Watershed	Okanagan Basin Watershed	Xeni Gwet'in Territory
Population	~4,573,300	~159,000	~350,000	~411
Decision-making Structure	Province; WSD Management Committee	Board of Directors	Board of Directors	Xeni Gwet'in chief & council; FONV board
Purported Collaborators	Public; Federal agencies; watershed groups; First Nations; industry	Federal, Provincial, regional & First Nation agencies; basin communities	Regional districts; Okanagan communities; First Nations; Province of BC	Xeni Gwet'in First Nations; Tsilhqot'in National Government; donors/public
Size*	Medium (31+)**	Medium (33)	Medium (20)	Small (7)
Rural/Urban	Urban & Rural	Semi-rural	Semi-rural	Rural (remote)
Corresponding First Nations Traditional Territory	203 bands, 1 "extinct" band	5 Nations	1 Nation	1 Nation

* Size is the number of people in the organization including staff, managerial, board members and technical advisors. **The WSD is an agency of the provincial government. Thus, its staff are embedded in a much larger organization.

1.5.3.2 Water Stewardship Division

The Water Stewardship Division (WSD) of the BC Ministry of Environment was the single provincial-scale case in this research. The WSD has "primary responsibility for management of the province's water resource" (British Columbia Ministry of Environment 2008), and is involved in developing tools and partnerships to support water stewardship, delivering programs to clients, administering statutory responsibility for water, and providing information, research and knowledge (British Columbia Ministry of Environment 2008). Throughout the research, the WSD was involved in modernizing the BC *Water Act,* officially beginning in December 2009 with the launch of the Living Water Smart Blog (British Columbia Ministry of Environment 2010b). The purpose of the Blog and other participatory programs within Living Water Smart project by the WSD has been to modernize the existing *Water Act.* The WSD is involved in water governance ranging from drinking water safety and ecosystems, to enforcement and regulation. However, it is the *Water Act* reform process that was the focus of inquiry in this case.

The WSD covers the entire geographical area of BC (see Figure 1). This area includes 203 First Nations Bands designated by the Canadian Federal *Indian Act* (R.S.C., 1985, c. I-5), one First Nations Band declared extinct (contested), seven First Nations with Treaties, and two First Nations with *Agreements in Principle* with the Provincial government.

1.5.3.3 Friends of the Nemaiah Valley

The Friends of the Nemaiah Valley (FONV) is a not-for-profit society registered under the BC *Society Act* (R.S.B.C. 1996 c. 433). It is based in the Nemaiah Valley, and has an office in Victoria, BC (Figure 2). The mission of the organization is "Promoting and sponsoring the preservation and protection of the lands delineated by the Nemaiah Aboriginal Wilderness Preserve of the Tsilhqot'in People of Xeni, including the Nemaiah Valley, Chilko Lake, the Brittany Triangle and the surrounding region" (Friends of the Nemaiah Valley 2012, 1). The geographical area of interest to the society corresponds with the traditional territory of the Xeni Gwet'in First Nation, which is one of the members of the Tsilhqot'in National

Government. Collaborative water governance activities of the FONV include: (1) protecting fish habitat through deliberative decision making with the Xeni Gwet'in Band Council, (2) working with the Xeni Gwet'in First Nation to fundraise for their watershed planning initiatives, (3) co-creating protected areas, (4) building relationships between the Nation and the FONV through advocacy and fundraising related to the Fish Lake/Prosperity Mine legal case, (5) commissioning the writing of independent studies, and (6) headwaters planning.

1.5.3.4 Columbia Basin Trust

The Columbia Basin Trust (CBT) is a trust-like organization that is legally a statutory regional development corporation enacted by the Provincial government under the *Columbia Basin Trust Act* (R.S.B.C. 1996). The CBT is typically seen as a trust, rather than as a regional development corporation, because of its name and because it distributes funds through programs to communities in the Columbia Basin. The CBT is an example of an organization involved in collaborative water governance because its activities include: (1) working together with communities to improve mutual understandings of water related issues, (2) building long-term partnerships related to water stewardship and governance, and (3) "facilitating participation in major decisions related to water in the Columbia Basin" (Columbia Basin Trust 2012c, 1). The mission of the CBT is to support "efforts by the people of the [Columbia] Basin to create a legacy of social, economic & environmental well-being and to achieve greater self-sufficiency for present and future generations" (Columbia Basin Trust 2012b, 1). The geographical area of the CBT is the Columbia Basin (see Figure 2). First Nations in the Columbia Basin and those with treaty claim areas, include the Ktunaxa Nation, the Shuswap Nation, the Okanagan Nation, the Sinixt First Nation, and Colville Tribes (United States).

1.5.3.5 Okanagan Basin Water Board

The Okanagan Basin Water Board (OBWB) was established by the Province of BC in 1969 under the Municipalities Enabling and Validating Act (S.B.C. 2001 c. 44) as a water governance body tasked with identifying and addressing water issues in the Okanagan watershed (Okanagan Basin Water Board 2012b) (Figure 2). The OBWB's mission is to

provide "leadership to protect and enhance quality of life in the Okanagan Basin through sustainable water resource management" (Okanagan Basin Water Board 2012b, 1). A large portion of the Okanagan Nation traditional territory lies within the Okanagan Basin, including four of the member First Nations of the Okanagan Nation Alliance. Collaborative water governance activities of the OBWB include: (1) wastewater infrastructure funding pooled from tax revenues from three regional district governments, (2) water research and management, (3) building water advocacy programs and funding opportunities for communities through consensus with three regional districts, and (4) doing water-related invasive species control.

1.5.4 Ethics

The University of Waterloo's Office of Research Ethics gave permission to conduct the research interviews. Interview participants were presented with the subject, purpose and objectives of the research through introductory emails or telephone calls used to arrange the interviews. Participants also read and signed a written consent form before the start of the interviews; in one case the interview was done over Skype and the consent form was delivered verbally. The consent form included consent to participate in the study, to be audio recorded, for the participant to remain anonymous, and for directly attributed quotations to be used only with the participant's review and approval.

This research was designed to be compatible with the Tri-Council Policy Statement (2010). The research relates most specifically to Chapter 9, *Research Involving the First Nations, Inuit, and Métis People of Canada*, and Chapter 10, *Qualitative Research*. Regarding research involving Indigenous peoples, the research was premised on respectful relationships and followed implemented principles and codes governing research practice that exist at local, regional and national levels – for example a First Nation's research protocols. It also included the universal adoption of the principles of respect for persons, concern for welfare, and justice. The research was conducted in a way that was respectful for Indigenous governing authorities and the research, including the approach to Indigenous nations, individuals, and local research procedures. This included contacting,

where appropriate, the chief or leader of an Indigenous band, nation, or advocacy organization to gain permission for the research, and to identify band or nation-level research protocols.

This research fits most closely with the TCPS statement that "Interviewing a sample of individuals of Aboriginal ancestry across Canada on the impact of a policy on their lives, where the results are not attributable to, or likely to affect, the community or communities with which they may identify" (Tri-Council 2010, 113). As professionals, managers, community leaders, band councilors and chiefs, respondents were free to consent to participation in the research and within nation/band-level research protocols. This freedom of expression is outlined in the following statement:

> First Nations, Inuit and Métis persons, whether or not they identify as members of an Aboriginal community, enjoy freedom of expression as does any citizen. They are free to consent and to participate in research projects that they consider to be of personal or social benefit. If the project is unlikely to affect the welfare of the individuals' communities, local community engagement is not required under this Policy. The necessity or desirability of engaging regional or national representatives of Aboriginal communities in policy research may, however, be determined by other considerations" (Tri-Council 2010, 113).

As per the Chapter 10 Tri-Council (2010) guidelines on qualitative research, this research documented the consent processes, followed the guidelines regarding participant observation in both private and public settings, and observed privacy and confidentiality rules with regards to the dissemination of research results.

Upon successful oral defence of this dissertation, I will prepare a one page summary that highlights major findings and practical recommendations of this research that reflect those outlined in Chapter 5. This summary will be made available to interview participants who participated in this study and will be accompanied by a link to a full electronic copy of the completed dissertation. Additionally, in an attempt to benefit the First Nations individuals and their nations or organizations who participated in this study, I will offer further follow up on the findings of this study to First Nations interview participants by email. Depending on the needs of and requests by the nation or organization, further follow up could entail

email correspondence, phone conversation, in-person meetings, and in-person formal presentation of the central findings of this dissertation. These options will be offered alongside the submission of the final copy of the dissertation.

1.5.5 Data Collection

This section outlines the methods used for data collection across the entire study. It and the following section on data analysis together address the second and third objectives for this research. Data collection methods were linked directly to objectives 2 & 3 which were to assess the extent to which Indigenous governance processes, knowledge and input inform the proposed approach to water governance, and the compatibility of Indigenous governance with collaborative water governance in the context of BC. Qualitative research methods allowed for detailed data collection and the verification of results (Stake 1995). The methods of data collection included semi-structured interviews, document analysis, and personal observation (Creswell 2003). Interviewing is an exchange between two or more people wherein a "contextually bound and mutually created" narrative occurs (Fontana and Frey 2005, 696). In this research, interview subjects included Indigenous and non-Indigenous individuals involved in collaborative water governance processes, including individuals at both provincial and regional scales. Data collection and analysis were carried out simultaneously to derive new insights for data collection (Fox-Wolfgramm 1997). Thus, document analysis and personal observation were also used as sources of new data, and to verify insights from the interview data (Onwuegbuzie, *et al.* 2010). Interview data were then used to verify insights from document and personal observation data. Documents were supplied by interviewees, collected through library and archival research, and discovered through online searches. Documents were essential for cross-checking interview results (Angrosino and Mays dePerez 2000), in particular identifying any differences between findings in interviews, and in the official documents of organizations. Personal observation was used where possible, and occurred mostly during semi-structured interviews. Two public conferences provided opportunities for personal observations: *Water Gathering: Collaborative Watershed Governance in BC and Beyond*, Vancouver, BC, January 26-27, 2012 and

Assembly of First Nations Water Rights Conference: Asserting our Rights to Water, Edmonton, AB, March 5, 2012. Personal observations were recorded through note taking. Those notes were incorporated with and analyzed the same way as the interview data and documents. Documents were also useful for understanding the context of each case (e.g., political contexts, legal constraints and obligations, duties of organizations).

During the data collection phase, the data were periodically compared to the assumptions, concepts and gaps identified in the preliminary conceptual framework (Creswell 2003; Mitchell 1989). This comparison was used as one measure to identify emergent themes (Schensul, *et al.* 1999). All of the interviews were done by the researcher during the field research period, from August 2011 to January 2012. All interviews were digitally recorded and transcribed verbatim into QSR NVivo8 software by the researcher. Notes regarding the conversation and personal observations were made by the researcher during the interviews. Interviews were transcribed soon after the interview was recorded and transcription was done simultaneous to first-pass coding for all interview data. All transcription for this research was done by the researcher. (Coding processes are described in more detail in the following section, Data Analysis). The transcript from each interview was sent to the interviewee for member checking, i.e. verification of accuracy and to ensure fair representation of their views and responses (Carlson 2010). Emergent themes identified from those interviews then enabled exploration of those themes in subsequent interviews, documents and personal observations.

A total of 49 people were interviewed from three broad categories: (1) First Nations individuals – including leaders, water and environmental managers, elected band chiefs and councilors; (2) Water governance organization personnel - including decision makers, leaders, policy makers, managers, board members, and board chairpersons; (3) Key informants – including academics, individuals closely linked to organizations involved in water governance or First Nations, consultants, lawyers and non-governmental organization personnel. In some cases, interview respondents were able to speak to more than one of the

cases where there was overlapping jurisdiction (e.g., a First Nations band councilor who interfaces with both a regional water governance organization and the provincial-scale WSD) (see Table 3).

Table 3 outlines the characteristics of the 49 people interviewed. For the regional cases, 16 people were able to speak to the CBT case, 11 to the OBWB case, and 8 to the FONV case. For the provincial case, there were 29 people who were able to speak about the WSD case. A total of 27 people identified as First Nations or spoke on behalf of First Nations organizations, and 18 interviewees worked for organizations involved in water governance. Finally, there were 19 people who were key informants speaking to the various cases.

Table 3 Characteristics of Interview Participants and Cases

Participant Type	Provincial Scale	Regional Scale			Number of Interview Participants by Category
	WSD	CBT	OBWB	FONV	
First Nations	13	6	5	3	**27**
Water Governance Organization	8	4	3	3	**18**
Key Informant	8	6	3	2	**19**
Total Interviewed*	**29**	**16**	**11**	**8**	**64**

* A total of 49 people were interviewed. Some participants were qualified to speak about more than one case where there was overlapping jurisdiction which is why the number of "Total Interviewed" indicates 64. One of the "First Nations" individuals within the OBWB case interviewed was a non-Indigenous individual working for a First Nations organization. All the other interviewees in the First Nations row above self-identified as First Nations or Indigenous.

The goal of the interviews was to speak with individuals who were in influential positions within their organizations. The interviews covered a broad range of perspectives, including views from key informants external to the direct interaction between organizations involved in water governance and First Nations. The goal was to select as large a group as possible of interview respondents from within each of the cases, including leaders and decision-makers. An initial list of ideal interview participants was compiled before data collection. The list was derived from detailed review of media related to each case and email and phone contact with individuals who could recommend interviewees.

Other key individuals were added to the list as the data collection proceeded, in particular where interview respondents suggested additional individuals. Often, key individuals were identified by several different respondents as important, which in turn reinforced additions and modifications to the list of interview candidates. In this way, snowball sampling was used as the method for reaching the target population (Atkinson and Flint 2004).

Respondents were chosen who displayed one or more of the following characteristics: (1) experienced with the topic in question (and thus a source of institutional memory); (2) able to speak knowledgeably about various aspects of the topic and how they fit together; (Lindlof and Taylor 2011); and (3) played an important role in one or more of the selected cases. The extent to which the respondents fit one or more of these three criteria became clear during interviews. Additional individuals were interviewed when a respondent would fall short of the expected knowledge or qualification to speak fully about a topic. For each of the individual cases, additional interviews ceased when no new topics, ideas or responses emerged from the interviews. An additional measure of subject saturation by case was through triangulation when similar topics appeared in both documents and interviews. The goal was to try to reach representativeness through data collection until no new concepts came forth from interviews, documents or personal observations.

Initial contact with interview respondents was made by email or phone, and was followed up by emails thanking the individual for their contribution to the research. Interview respondents consented to the interview by reading and signing the consent form approved by the Office of Research. The identity of interview respondents is not revealed in the study. Interviews began with overarching questions to guide the inquiry; these were followed by sub-questions to clarify topics as they emerged. The interviews were face-to-face on visits to each case study location. In format, the interviews were conversational where possible, lasted approximately 60 minutes each, and took place in locations such as the private offices of the individuals, board rooms, public spaces such as coffee shops and park benches, and in one case over Skype. The interview questions were tested on one key

informant known to the researcher to ensure understandability of the interview questions. Only minor adjustments to the interview schedule were necessary as a result of this test. During the interviews, the interview questions were asked in an order that was appropriate to the sequence of the conversation (e.g., often individuals would pre-emptively mention a subject that related to a later question and that question would be asked next) and were sometimes adjusted for the purposes of comprehension (Fielding and Thomas 2008). Frequently, follow-up questions were used to clarify points and to expand on emergent topics.

A total of 183 documents (see Appendix B) were collected and imported (or transcribed by the researcher where not electronic) verbatim into the QSR NVivo 8 software. Since many of the documents were publicly available and in many cases published by organizations, member checks were not carried out on the content of the documents. These documents fell within two broad categories: First Nations-based organizations, governments or nations, and organizations involved in water governance. First Nations documents included those originating from First Nations organizations, individuals, bands, nation alliances and tribal councils. Documents from organizations involved in water governance included primarily those from the four cases and written by those organizations, with a few exceptions from external sources (e.g., academic report or external water institute report pertaining to the one of the cases but not written or commissioned by them). These categories were not entirely mutually exclusive – for instance a document could be written by an external entity but be concerned with both First Nations and collaborative water governance. In these cases the text was either coded into an appropriate node or used to contextualize the findings. Sections of the documents that did not pertain to the research questions were not included in the coding. Types of documents included public meeting minutes, organization newsletters, organization websites, discussion papers, public fact sheets, charter documents, public letters (e.g., to the Minister of Environment from a First Nation band, or vice versa), reports and legislation (see Table 4).

Table 4 Analyzed Documents by Case

Document Source	Provincial Scale	Regional Scale		
	WSD	CBT	OBWB	FONV
First Nations	25	11	9	7
Organization involved in Water Governance	10	12	93	16
Total Number of Documents	35	23	102	23

The documents provided useful background information pertaining to the organizations involved in water governance, First Nations organizations and nations, and socio-economic and legal frameworks. Additionally, the documents were analyzed in the same way as the interview transcripts and thus provided valuable data relating to the research question such as rationale for collaborative approaches to water governance, non-Indigenous views of First Nations bands and nations as governments or otherwise, and the official stance on issues related to the research taken by provincial-scale First Nations organizations (e.g., the BC Assembly of First Nations). The documents were analyzed systematically by reading each one and identifying text relating to parameters identified in the conceptual framework or emergent themes. This text was coded and integrated into the database alongside the interview transcripts for further analysis (described in the following section).

Table 5 Data Sources by Case and Type

Data Source	Provincial Scale	Regional Scale		
	WSD	CBT	OBWB	FONV
Documents	35	23	102	23
Interviews	29	16	11	8
Personal Observation	12	13	6	5
Total	76	52	119	36

Personal observations were made by the researcher during the field research period. Handwritten notes taken during one meeting, one conference, and during all interviews were used to record personal observations (see Table 5). Personal observations allowed information to be gleaned regarding collaborative interactions, attitudes toward other individuals or topics, respondent's hesitation talking about particular subjects and the socio-political climate surrounding the research topic in question. The three sources – personal observation, interviews, and documents – were used to triangulate the findings of the research.

1.5.6 Data Analysis

This section provides an overview of data analysis methods used in this research; further description of analytical methods is found in Chapters 2, 3, and 4. QSR NVivo 8 software was used to organize, code and analyze the interviews, documents and personal observations. Since the verbatim interviews were transcribed directly into the NVivo software, all data treatment such as editing for typos was done within the software. Documents were imported directly into the software program with editing for symbols and graphics that did not translate into the software's interface. This software was also useful for facilitating triangulation among these data sources (Alexander, *et al.* 2008). Categories within these three sources were created initially using first-pass, open coding (Richards 2005) where codes were used to identify key phrases, common ideas and emergent ideas within the interviews, documents and personal observations (Creswell 2007). First-pass codes on interview data and personal observations were done simultaneous to their transcription, and where possible, before the next interview or set of interviews. (In some cases, interviews were done one after the other on the same day, and immediate transcription and coding were not possible.) Keeping up with transcription and coding as the interviews progressed allowed (1) the cementing of understanding of key topics covered, (2) the codes to reveal emergent themes, and (3) an influence on follow-up questions during subsequent interviews. Documents were coded after the complete first-

pass coding of the interviews and personal observations to facilitate triangulation of data. Axial (second-pass) coding was then applied to all types of data collected to identify interconnections between the coding categories (Gladstone, *et al.* 2006; Seale 2004; Strauss and Corbin 1998) that corresponded, where possible, with the conceptual framework. Codes were used to identify variations among data (Gladstone, *et al.* 2006; Richards 2005), concepts that were consistent with or varied from the conceptual framework, and themes that were emergent or inconsistent with the conceptual framework.

This approach allowed for synthesis of the data and interpretation of meanings to be extracted from the data (Wong 2008) in the final stages of the analysis. Overall, the analytic coding was guided by concepts identified within the scholarly literature and from new themes that emerged inductively from the data (Creswell 2007; Richards 2005; Saldaña 2009). The (second-pass) axial coding allowed the identification of broader groupings from the first set of codes identified within the cases (Saldaña 2009). These broader groupings were then compared between the regional cases to identify similarities, differences, and exceptions. Findings and conclusions were drawn from this final set of codes. A brief discussion of methods is found in Chapters Two, Three and Four. Chapter Two of this thesis employs a systematic review for the purpose of analyzing the collaborative environmental governance literature. This methodology, including data collection through electronic databases, and data analysis, are described in detail in Chapter Two.

1.6 Researcher Position

I locate myself in this research as an academic who is Canadian with non-Indigenous family heritage. My maternal family relocated from Scotland and settled in British Columbia in the late 1800s, and my paternal family is of German ancestry, relocated from Jamaica in the late 1960s, and settled in BC in the early 1970s. This research is conducted with mindfulness of the economic and social advantages of settler culture in Canada, as well as its violent colonial past and present. I acknowledge with deep respect Indigenous nations who have been denied their rightful place, and in particular, Indigenous nations within Canada, who

continue to struggle toward decolonization. My interest is in the assertions of Indigenous self-determination, and I do not, in any way, presume to speak on behalf of others. I am mindful that most academics in institutions applying a western theoretical apparatus do not speak to, for, or with the colonized peoples they research and write about (Dirlik 1994). Additionally, I concur with the assertion of Fontana and Frey (2005) that neutrality in research is not possible and thus taking a stance within the research is unavoidable. Since qualitative research is characterized by diversity and conflict, researchers are inherently intertwined in the ethics and politics of the research (Denzin and Lincoln 2005).

This research draws on interviews, non-academic documents that are publicly available, personal observations, as well as publicly available published academic literature. The research is designed to outline various political and academic positions and concepts related to Indigenous self-determination in the context of collaborative environmental governance. This research takes an interpretivist methodological approach as discussed in the methodology section. The data collection did not include participatory action research or ethnographic research, and did not take an anthropological disciplinary lens on the research question. Instead, this research took a transdisciplinary lens based in the field of environmental resource studies using mainstream social scientific methods of inquiry. The research presented in this dissertation is characteristic of "objective" research informed by a more dispassionate, scientific paradigm as compared to a participatory action or ethnographic approach to research.

My intent in this research is, from a scholarly standpoint, to offer an analytical perspective on the issues pertaining to collaborative environmental governance and Indigenous governance that have relevance to non-Indigenous peoples, Indigenous people, policy makers and ecosystems. My focus will be on connecting collaborative environmental governance practice and scholarship, and advancements in Indigenous governance scholarship for both scholarly and real-world contributions. While there is always a need for a critical investigation of Indigenous governance, as with all bodies of literature, my focus in this research is on critiquing the mainstream environmental governance literature.

1.7 Organization of Thesis

There are four remaining chapters in this five-chapter thesis. Chapters Two, Three and Four are written as stand-alone manuscripts that address objectives of the overall research project. Because of the stand-alone manuscript format of the thesis, there is some repetition among the chapters. Each of these three chapters will be published as a co-authored article with my dissertation advisor Dr. Rob de Loë.

- Chapter Two presents the paper entitled *How Collaborative Environmental Governance Approaches Indigenous Peoples: A Systematic Review.* This manuscript presents a systematic review that was used to analyze and summarize the assumptions found in collaborative environmental governance literature related to concepts of Indigenous self-determination. It presents a summary of how the preliminary review of the literature and a conceptual framework were used to guide the review. The review addresses research objectives one and two. The manuscript will be submitted to *Society and Natural Resources* or *Global Environmental Change*.

- Chapter Three and Four build upon the conceptual foundation outlined in the systematic literature review in Chapter Two. Chapter Three presents the paper entitled *Collaborative Environmental Governance and Indigenous Governance.* This manuscript uses the empirical cases of collaborative governance for water in the regional context of BC to explore the compatibility of collaborative environmental governance and Indigenous governance. This paper uses a case study comparison among the three regional-scale organizations involved in water governance (section 1.5.3) and the BC provincial-scale case. It suggests ways in which to Indigenous self-determination can be incorporated into collaborative environmental governance literature and practice. Chapter Three is currently under review in *GeoForum*.

- Chapter Four is a paper entitled *Water Policy Reform and Indigenous Governance.* This manuscript draws on the empirical case of water policy reform in the province of BC and explores the extent to which the water policy reform literature recognizes concepts of Indigenous governance and self-determination. This paper discusses the single case

study of participatory water policy reform. This paper will be submitted to *Water Policy*. Together, Chapters Three and Four address research objective three.

Chapter Five summarizes the major research findings presented in Chapters Two, Three and Four, and brings together the overall contributions of the research. It reflects on the conceptual framework, and offers recommendations for designing collaborative environmental governance scholarship in ways that consider or align with advances in Indigenous governance scholarship. This chapter addresses the final research objective, outlines the strengths and weaknesses of the research, and identifies areas for further research that stem from this study. Appendices at the end of the thesis provide the interview guide used in data collection and a list of documents analyzed.

Chapter 2

How Collaborative Environmental Governance Approaches Indigenous Peoples: A Systematic Review

2.1 Chapter Overview

Within the collaborative environmental governance literature, concepts related to multi-stakeholder collaboration in environmental decision making are frequently discussed. When Indigenous peoples are included in these discussions, they tend to be viewed as stakeholders, interest groups or communities – rather than as nations. This paper explores the compatibility of assumptions about Indigenous peoples that are made in the collaborative governance literature and in the Indigenous governance literature, where Indigenous peoples tend to be viewed as self-determining nations. This research used a systematic review method to reveal the conceptual differences between collaborative environmental governance and Indigenous governance. The findings reveal discordant assumptions regarding the roles of Indigenous peoples between these two bodies of literature. The implications of this difference for the theory and practice of collaborative environmental governance are identified.

Keywords: collaborative governance; water governance; Indigenous governance; systematic review; collaborative environmental governance; environmental governance; collaborative planning; Indigenous peoples

2.2 Introduction

The scholarly literature pertaining to collaborative approaches to environmental problems has grown dramatically during the past decade, largely as a reflection of the proliferation of real-world collaborative approaches (Agrawal and Lemos 2007; Dengler 2007; Wondolleck and Yaffee 2000). Inclusion of Indigenous peoples in collaborative governance processes is a common theme in this literature. The intersection of collaborative governance and Indigenous governance illuminates a broader societal problem. The historical colonization

of lands already occupied by Indigenous peoples has created conflicts over lands and resources in a way that is relevant to collaborative environmental governance. Authors of collaborative governance literature typically make several assumptions about the roles of Indigenous peoples. In some cases, they discuss Indigenous peoples as stakeholders (Cullen, *et al.* 2010; Fernandez-Gimenez, *et al.* 2004; Fraser, *et al.* 2006) or minorities (Erazo 2010; Shmueli and Khamaisi 2011), whereas others refer to Indigenous peoples as nations (Cronin and Ostergren 2007; Litynski, *et al.* 2006; Ohlson, *et al.* 2008). This variability is important in light of assertions related to Indigenous self-determination found within Indigenous governance literature. There is a prominent school of thought within Indigenous governance scholarly discourse that identifies Indigenous peoples as self-determining nations that pre-existed colonial contact, and which characterizes Indigenous peoples as the rightful owners or stewards of their traditional homelands (Alfred 2005; Borrows 2005; Corntassel 2003; Coulthard 2008; Turner 2006; Youngblood Henderson 2000).

This paper presents findings from a systematic review that set out (1) to identify how Indigenous peoples are discussed in the collaborative environmental governance literature and (2) to examine the assumptions that are being made in collaborative environmental governance literature regarding the roles of Indigenous peoples. The systematic review method allowed us to examine the extent to which concepts related to Indigenous peoples were reflected within the mainstream collaborative environmental governance literature, revealing underlying assumptions related to Indigenous peoples within collaborative environmental governance literature is essential. The collaborative governance literature, often based on real world examples, frequently addresses lands that are within or part of the traditional homelands of Indigenous peoples. Thus, the perspective of Indigenous governance scholarship, which asserts that Indigenous peoples have the right of self-determination on those lands, is a critical source of insights into the viability of collaborative processes that take place on lands occupied by Indigenous peoples.

Identifying the extent to which the perspectives of Indigenous governance and collaborative environmental governance literatures align has real world ramifications. First, divergent perspectives may lead to conflict between Indigenous nations and non-

Indigenous practitioners of collaborative environmental governance in situations where Indigenous peoples have been incorrectly assumed to be one of many equivalent stakeholders. Second, the outcomes desired by proponents of collaboration may not be realized. Third, the consideration of Indigenous nations as equivalent to stakeholders may undermine their legitimate position as *sui generis*[2] rights holders and rightful decision makers regarding their traditional homelands.

2.3 Collaborative Environmental Governance and Indigenous Governance

Collaborative approaches in environmental governance are a growing trend (Conley and Moote 2003; Frame, *et al.* 2004; Selin and Chavez 1995; Wondolleck and Yaffee 2000). Contemporary collaborative governance scholars frequently cite Gray's (1985, 912) definition of collaboration as a starting point: "(1) the pooling of appreciations and/or tangible resources, e.g., information, money, labor, etc., (2) by two or more stakeholders, (3) to solve a set of problems which neither can solve individually" (e.g., Ansell and Gash 2007; Dryzek and Niemeyer 2006; Fish, *et al.* 2010; Frame, *et al.* 2004; Plummer, *et al.* 2006; Selin and Chavez 1995). Collaborative approaches are being used to address problems where other strategies have failed (Frame, *et al.* 2004; Innes and Booher 1999). They are often a response to increasingly networked societies "where accomplishing anything significant or innovative requires creating flexible linkages among many players" (Innes and Booher 1999, 412). Specific to environmental governance, Frame *et al.* (2004) assert that collaboration is an effective way to resolve conflict related to land and resource planning and to create improved stakeholders relations and knowledge. Collaborative governance scholarship often has a normative rationale stemming from deliberative democratic ideals related to the empowerment of collaborative actors (Flyvbjerg 2002; Fraser, *et al.* 2006; Hauck and Sowman 2001; Innes and Booher 1999; Selin and Chavez 1995).

Collaborative governance scholarship that is influenced by Habermasian theory of deliberative democracy tends to focus on consensus building, and emphasizes diverse

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[2] *Sui generis* describes the nature of Indigenous rights which is a "class of political rights that flow out of indigenous nationhood and that are not bestowed by the …state" (Turner 2006, 7).

stakeholders coming together and long-term dialogue among those stakeholders (Innes and Booher 1999). This collaborative rationality is applied similarly to environmental problem contexts in collaborative environmental governance scholarship, but builds upon the aspects of consensus building. Collaborative environmental governance literature emphasizes (1) collaborators being face-to-face (Carr, *et al.* 1998; Frame, *et al.* 2004), (2) consensus and deliberation (Ansell and Gash 2007; Fish, *et al.* 2010), (3) collaborators reconsidering their assumptions (Fish, *et al.* 2010; Kallis, *et al.* 2009), (4) the presence of enduring relationships among collaborators (Conley and Moote 2003), and (5) the pooling of resources among collaborators (Selin and Chavez 1995).

Some collaborative environmental governance literature includes Indigenous peoples as one of the collaborators in this approach to governance (e.g., Cronin and Ostergren 2007; Mow, *et al.* 2007; Pinel 2009). This paper focuses on the collaborative environmental governance literature that discusses Indigenous peoples. A specific concern is the extent to which the assumptions made about Indigenous peoples in this literature are compatible with corresponding assumptions in the Indigenous governance literature. Importantly, while "co-management" is an important type of multi-actor governance that sometimes involves Indigenous peoples (Castro and Nielsen 2001; Pinkerton 1992) and in some cases overlaps directly with collaborative governance scholarship (e.g., Memon, *et al.* 2003; Ohlson, *et al.* 2008; Pinel 2009), we argue that co-management and collaboration should be treated as conceptually distinct. The reason for this distinction is that co-management tends to refer to "joint decision making by the state and communities (or other interest groups) about one or more aspects of natural resource access or use" and in many cases to formal resource-sharing agreements (Castro and Nielsen 2001, 230). According to Bown, *et al.* (2013, 129):

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

In contrast, collaborative governance scholarship tends to be more inclusive of informal collaboration and governance that does not necessarily involve the state. However, there is potential for many of the Indigenous governance concepts and assumptions discussed in this paper to be applied similarly to co-management.

Indigenous governance is a body of literature that relates broadly to Indigenous peoples and governance, and includes topics such as self-determination (Alfred 2009; Coulthard 2008; Simpson 2008), Indigenous knowledge (Deloria and Wildcat 2001), legal and inherent rights (Borrows 2005; Turner 2006), colonialism and Eurocentrism (Feit 2004; Ortiz 2011; Youngblood Henderson 2000), environmental decision making (LaDuke 2005; Paci, *et al.* 2002; Ransom and Ettenger 2001; Spak 2005) and decolonization (Smith 1999). The self-determination aspects of Indigenous governance literature address a range of concepts related to Indigenous peoples as members of sovereign, self-determining, and/or unceded nations (see Alfred 2005; Bryan 2009; Coulthard 2008; Irlbacher-Fox 2009; Johnson 2010; Lynes 2002; Mascarenhas 2005; Mucina 2008; Smith 1999; Smith 2005; Tedmanson 2008; Turner 2006; Youngblood Henderson 2000). While there are a vast variety of empirical contexts for Indigenous governance scholarship, some examples include North America (e.g., Borrows 2005; Youngblood Henderson 2002), Africa (e.g., Mucina 2008), Australia (e.g., Tedmanson 2008), and New Zealand (e.g., Smith 1999). While there are some common assumptions in this global-reaching body of literature regarding the roles of Indigenous peoples, there are also a range of perspectives on related topics. This includes topics such as Indigenous nationhood (Osorio 2001), and self-determination (Smith 1999) that pertain to the contexts of different countries and continents, as well as topics such as *sui generis* rights (Turner 2006) that are used most commonly in Canadian Indigenous governance literature.

The *Indigenous Peoples' Kyoto Water Declaration* gives the following definition of Indigenous self-determination:

> Self-determination for Indigenous Peoples includes the right to control our institutions, territories, resources, social orders, and cultures without external domination or interference (United Nations Educational, Scientific and Cultural Organization 2003, 2).

Many ideas related to Indigenous self-determination have been affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples* adopted by the United Nations (United Nations General Assembly 2007). Indigenous governance literature tends to assert the view that the rightful decision making role of Indigenous peoples regarding their traditional homelands stems from the inherent Indigenous right to self-determination (see Corntassel 2003). Generally, Indigenous peoples are discussed as self-determining (Barnaby 2009; Lynes 2002; Mascarenhas 2007; Shadian 2007), holding *sui generis* rights (Ladner 2004; Turner 2006; Youngblood Henderson 2002), and/or holding rights that flow from legitimate, self-determining nations that preexisted European contact (Alfred 2005; Phare 2009). For example, Turner (2006) specifically discusses Aboriginal nationhood and the important distinction between viewing Indigenous peoples as minority rights-holders versus people having the legitimate status of Indigenous nations. In the former perspective, Indigenous people are considered comparable to other holders of minority rights that are derived from ethnic, religious, cultural, sexual or class distinctions.

Within the Indigenous governance scholarship there are debates about the extent, rationale for, and prospects of Indigenous self-determination in a variety of different global contexts. However, a set of assumptions and fundamental ideas regarding Indigenous nations as the rightful decision makers and stewards of Indigenous traditional homelands is common in Indigenous governance scholarship. These assumptions and ideas include discussions of (1) the pursuit of Indigenous self-determination within and outside of the colonial context (Corntassel 2011; Deloria and Wildcat 2001; LaDuke 1999), (2) Indigenous nationhood persisting despite colonization, and theories and strategies for nation regeneration (Alfred 2009; Corntassel 2003; Mucina 2008), and (3) *sui generis* or inherent rights of Indigenous peoples stemming from nationhood or self-governance (Turner 2006).

The perspectives, concepts and assumptions found in Indigenous governance literature, especially the three noted above, are pertinent to collaborative environmental governance scholarship because Indigenous governance ideas relate in part to how the lands and resources within Indigenous traditional homelands are governed. These are often the same lands and resources that are of concern to collaborative environmental governance scholars.

A real-world example exists in the context of collaborative water governance in New Zealand. Memon and Kirk (2012) discuss the distinct perspectives of Maori and non-Indigenous actors (including government and non-government) regarding the same body of water. In another example from northern British Columbia, Canada, McGee (2006) explores conflicts relating to land management where Indigenous peoples, the private sector, and environmental advocates are involved. Efforts to govern a resource collaboratively may be less likely to achieve desired outcomes if they are based on incorrect or inappropriate assumptions about key actors. As noted previously, much of the scholarly literature of collaborative governance is based on or emerges from real world examples. Thus, identifying whether or not there is a divergence in foundational assumptions between the collaborative environmental governance and Indigenous governance literatures is important – especially in cases where practitioners and policy makers are actively promoting collaboration in part because of the attention it is receiving in the literature.

2.4 Methods

Systematic reviews are overviews of existing primary research; typically they focus on a specific research question that can be answered in the aggregate through systematically reviewing what is known in a defined body of literature (Cochrane 1999). They also are used to categorize, appraise and summarize or synthesize literature on a particular topic (Cochrane 1999; Nicholson 2007; Petticrew and Roberts 2006). Systematic reviews are common within evidence-based healthcare research (Neimanis, *et al.* 2012). However, synthesis-based methodologies such as the systematic review are increasingly being used within the natural and social sciences (e.g., Plummer, *et al.* 2012) with the purpose of creating new knowledge from the analysis of results from existing research (Thorne, *et al.* 2004). The focus of this research is on the ways in which Indigenous peoples are viewed in the mainstream collaborative environmental governance literature. The systematic review method enabled the review of a wide range of mainstream collaborative environmental governance literature. The review enabled the identification of assumptions regarding Indigenous peoples within collaborative environmental governance in light of the assertion

within Indigenous governance literature regarding Indigenous self-determination and nationhood.

Three multidisciplinary databases were used to identify "mainstream" collaborative environmental governance literature: Scopus, ISI Web of Science, and Geobase. These were selected because of their broad coverage of natural resource sciences, environmental studies, and social sciences. Searching these databases allowed for the inclusion of a wide range of disciplinary perspectives on collaborative environmental governance from major scholarly and professional journals. The temporal period selected was ten years – from 2003 to 2012 (June) inclusive. This period captures recent growth in interest in mainstream collaborative environmental governance literature.

Several journals that focus specifically on topics related to Indigenous peoples (i.e., *Journal of Aboriginal Economic Development; Indigenous Policy Journal; International Indigenous Policy Journal; AlterNative: An International Journal of Indigenous Peoples;* and *Native Studies Review*) are not catalogued in the three mainstream periodical databases used. The exclusion of these journals from the search set was appropriate for this review because even though they contain work by non-Indigenous scholars, they tend to be closely aligned with or constitute some Indigenous governance scholarship and provide a window on the Indigenous governance perspective. In other words, these journals are not reflective of the "mainstream" perspective on collaborative environmental governance, and were automatically excluded from the set of literature retrieved.

The search protocol was designed to identify literature that related broadly to collaboration in relation to governance for the environment. Articles that met these conditions were then searched for themes and topics relating to Indigenous peoples. In Scopus, for example, a total of 2406 articles on collaborative environmental governance were retrieved using Boolean search constraints relating to collaboration, environment, and governance. This search set was then refined to identify those that discussed Indigenous

topics (Table 6); this reduced the total number of articles to 508. In Scopus, the ISI Web of Science, and Geobase, terms relating to collaboration, environment, and governance were searched for within article titles, abstracts and keywords. The number of retrieved articles prior to eliminating false positives (described below) was 508 in Scopus, 311 in ISI Web of Science, and 158 in Geobase. There was significant overlap among the articles retrieved by the three databases. This overlap was addressed by deleting duplicate articles, those that did not discuss collaborative environmental governance, and several instances where downloading errors produced unrelated articles. At this point, the article database included 151 items.

Table 6 Search Terms Used in the Database Searches

Search Constraint	Application
Collaboration	collaborat*
Environment	ecosystem* OR environment* OR ecolog* OR fish* OR forest* OR mining* OR water* OR "natural resource*" OR land* OR wild* OR hunt* OR logg* OR agricultur* OR park* OR energy OR mineral*
Governance	governance OR governing OR management OR planning OR participat*[3] OR "decision-making" OR "decision making"
Indigenous	indigenous OR tribal OR tribe* OR aboriginal* OR aborigine* OR inuit* OR inuvialuit* OR indian OR indians OR eskimo* OR "first nation*" OR "native american*" OR amerindian* OR "first people*" OR iwi*

The pool of articles included in the systematic review was further refined by reviewing the full text of each article to discard false positives. False positive included, for example, articles about *India* that did not relate to Indigenous peoples, articles about *native* plants that were not connected to Indigenous peoples, or articles in a context or location not relevant to Indigenous peoples. False positives also included articles where the approach to collaboration was not consistent with the definition of "collaborative governance" (above). For example, articles related to public participation and collaborative research were excluded from the article analysis. Additionally, articles related to co-management where

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[3] Although the term participation is conceptually distinct from collaboration, participation was included in the search to identify manuscripts using the term to describe a scenario synonymous with the definition of collaboration outlined in section 1.2.2 above.

there was no discussion of collaborative environmental governance were excluded from the analysis because this was considered a distinct, albeit overlapping, body of literature; however, there were several collaborative environmental governance articles that also discussed co-management – these were included in the analysis. This process of exclusion led to 69 false positives. These were removed from the pool of 151 articles, leaving a total of 82 articles in the database. These were then analyzed to answer the research questions (below). To minimize the likelihood of bias and to ensure intercoder reliability (Lombard, *et al.* 2002; Tinsley and Weiss 2000), one other researcher independently used an identical framework (see Table 7) to code ten articles randomly selected from the set of reviewed articles. Agreement was perfect between the two researchers on both questions on all ten articles.

Two specific questions guided the systematic review:

1.   How are Indigenous peoples viewed, defined and discussed in the mainstream collaborative environmental governance literature?
2.   What level of awareness exists in collaborative environmental governance literature regarding the central assumptions about Indigenous peoples that are reflected in the Indigenous governance literature?

In the context of both questions, the analysis tracked changes over the ten years of the articles selected – e.g., if there were any differences in the definitions of Indigenous peoples or the awareness of Indigenous governance between difference years of the literature.

As discussed above, the Indigenous governance literature commonly asserts Indigenous peoples as self-determining nations. In many of the papers analyzed, several different terms were used to describe Indigenous peoples. To address the first question, each article was analyzed to determine which terms were used by the author(s) to describe Indigenous peoples. Specific instances (e.g., *government, stakeholder* or *interest group*) were recorded once per paper even if the authors used the term several times throughout the paper. For example, Clifton and Majors (2011) refer to Indigenous peoples as stakeholders, as an ethnolinguistic group, as participants, as communities and as groups several times and

interchangeably throughout the article; each of these terms was recorded once for that paper.

To address the second question, the articles were analyzed for the presence of concepts related to Indigenous governance, as well as for references to Indigenous governance literature known to the researcher. Table 7 outlines the Indigenous governance concepts that were sought in the analysis of the articles. Using these concepts and sub-parameters, articles were coded as (1) having incorporated, (2) having not incorporated, (3) having partially incorporated or (4) having minimally incorporated concepts related to Indigenous governance. Each of the 82 articles was analyzed for discussion of one or more of the concepts and sub-parameters (Table 7).

Table 7 Concepts Related to Indigenous Governance Sought in the Analysis of Articles

Indigenous governance concept	Sub-parameters of concept
1. Discussion of Indigenous self-determination, Indigenous governance, or self-governance	a. Discussion of Indigenous sovereignty or self-determination or self-governance or nationhood b. Discussion of Indigenous nations' traditional territory/homelands
2. Discussion of Indigenous peoples in terms of nations	a. Problematizes terms such as minorities, stakeholders, interest groups applied to Indigenous peoples b. Indigenous peoples consistently discussed as nations; discussion of nation-to-nation relationship
3. Inherent Indigenous rights	a. Discussion of inherent or *sui generis* rights b. Discussion of rights that stem from the rationality of the existence of first peoples on the land c. Discussion of Indigenous nations pre-existing and persisting despite colonization; problematizes colonial practice d. Discussion of unceded Indigenous rights e. Discussion Indigenous peoples as the legitimate land owners of their traditional homelands or territories

For example, if an article portrayed Indigenous peoples as being synonymous with stakeholders, interest groups, minorities, and did not discuss concepts related to Indigenous

self-determination, the article was coded as having not incorporated concepts related to Indigenous governance. Depending on the extent to which Indigenous governance concepts were discussed or developed, articles were coded as having partially or minimally incorporated concepts related to Indigenous governance. For example, there were instances where authors acknowledged the traditional territories of Indigenous peoples, and the political tension that results when Indigenous people are referred to as stakeholders, but continued to discuss Indigenous peoples as stakeholders, participants, groups, and communities throughout the article. An article like this was coded as having partially incorporated ideas of Indigenous governance because a concept related to Indigenous governance was discussed, but not incorporated into the assumptions made by the author(s) throughout the remainder of the article. An example of an article coded as having minimally incorporated concepts of Indigenous governance is one that makes mention of Indigenous traditional territories in a footnote or other brief mention, but does not otherwise discuss any of the concepts outlined in Table 7. In the articles which were coded as having incorporated concepts related to Indigenous governance, one or more of the sub-parameters (Table 7) was discussed by the author(s) and incorporated in the discussion of Indigenous peoples in the article. Finally, articles coded as having not incorporated concepts related to Indigenous governance did not contain any of the concepts or sub-parameters described in Table 7.

This systematic review has some limitations. Using electronic databases of journal articles written in English excluded books, conference proceedings, dissertations, web sites, discussion papers, reports, blogs, non-refereed journal articles, and non-English publications. All of these sources were potentially relevant. However, peer reviewed journal articles are central to the scholarship of collaborative environmental governance. Hence, it can be said that journal articles are at least somewhat representative of the mainstream collaborative environmental governance literature. Furthermore, authors of books about collaborative governance typically also publish their ideas in journal articles. For example, a recent book by Innes and Booher (2010) synthesizes ideas regarding Indigenous knowledge

that are similar to the way these ideas are expressed in journal articles by these authors (e.g., Greskiw and Innes 2008). Similarly, a major new book by Holley, Gunningham and Shearing (2012) incorporates ideas Gunningham has expressed in journal articles (2009a; 2009b). Thus, we are confident that our systematic review based on articles from three major relevant journal databases fairly captures the perspectives of the collaborative environmental governance literature.

2.5 Results

Research Questions Part 1: How are Indigenous peoples viewed, defined and discussed in the mainstream collaborative environmental governance literature? Have these views changed over time?

Figure 3 illustrates the broad range of terms used to describe Indigenous peoples in the collaborative environmental governance literature analyzed. The four most common terms used to describe Indigenous peoples were *community*, *group*, *stakeholder*, and *government* (Figure 3). In many of the papers analyzed, several different terms were used, and therefore the number of terms reported is larger than the number of papers. The articles included in the database address a variety of political, social, and environmental contexts in many countries around the world. Thus, the same word can have different meanings. For example, the term *minority* has a different meaning in different countries. To illustrate, in Erazo (2010) *minority* is used in reference to ethnic minorities in the Latin American context, while in Shmueli (2011) the term describes Indigenous (Bedouin) minorities in Israel. Similarly, the meaning of the term *interest group* varied from region to region. Nonetheless, broadly speaking, Figure 3 portrays the kinds of terms commonly used to describe Indigenous peoples in the collaborative environmental governance literature, and, in concert, provides an indication of the range of scholarly assumptions related to Indigenous peoples.
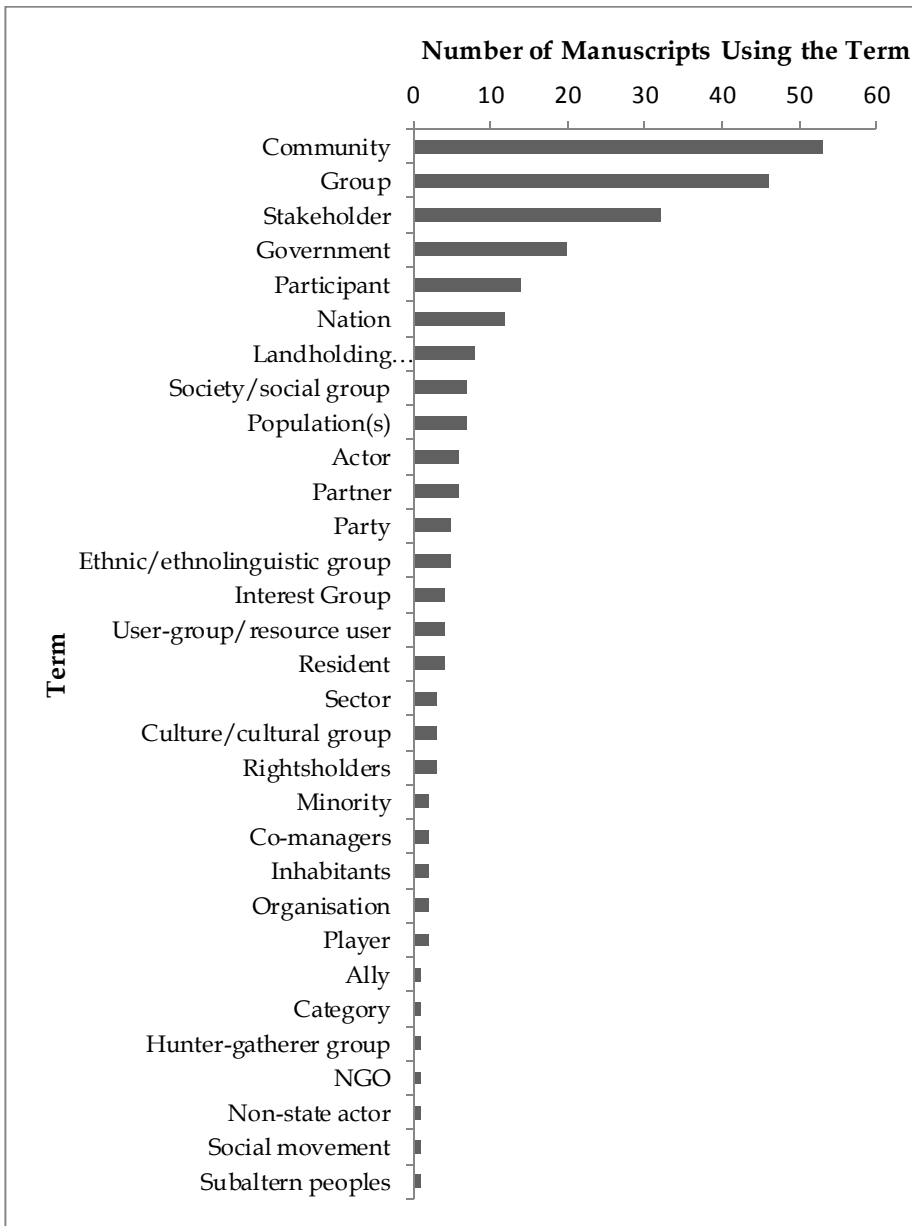
Figure 3 Terms Used to Describe Indigenous Peoples in Collaborative Environmental Governance Scholarship in 82 Articles Reviewed

Within individual articles, there was variability in the use of terms to describe Indigenous peoples. For example, Tan *et al.* (2012, 1) note that Indigenous peoples do not view themselves as stakeholders. Nonetheless, these authors place Indigenous peoples and "youth" into the same category: "Tools to identify and engage unorganised or neglected

community sectors, for example Indigenous peoples and youth." The variety of terms used by authors to describe Indigenous peoples did not predict whether the author(s) incorporated concepts of Indigenous governance in the article. For example, Ohlson (2008) incorporates concepts from Indigenous governance scholarship, yet still refers to Indigenous peoples with a range of terms including *stakeholders, communities, groups, nations, governments, partners,* and a *culture*. Finally, the analysis revealed that there was no change in how Indigenous peoples were viewed, defined and discussed in the mainstream collaborative environmental governance literature over the ten years (2003-2012)

Research Questions Part 2: What level of awareness exists in collaborative environmental governance literature regarding central assumptions about Indigenous peoples that are reflected in the Indigenous governance literature? Does the level of awareness vary over time?

The systematic review of collaborative environmental governance journal articles revealed a spectrum of understanding of concepts related to Indigenous governance and self-determination. Overall, discussion of concepts related to Indigenous self-determination in the collaborative environmental governance articles was not the norm. A total of 52 of the 82 articles analyzed discussed Indigenous peoples, but did not discuss concepts related to Indigenous governance. Of the 82 manuscripts analyzed, seven demonstrated minimal discussion of Indigenous governance (including a footnote or one-time mention of a related concept), 13 demonstrated partial understanding of Indigenous perspectives (e.g., discussion of Indigenous peoples as distinct from stakeholders, but continuing to discuss Indigenous peoples as stakeholders), and ten of the 82 articles discussed concepts synonymous with Indigenous governance or self-determination (Table 8). Finally, in the ten-year period of articles analyzed (2003-2012), there were no identifiable temporal trends or differences between the years in terms of influence of Indigenous governance concepts. The papers were not filtered for quality.

Table 8 Results of Systematic Review for CEG Awareness of Indigenous Governance

Presence of Indigenous governance concepts	None	Minimal	Partial	Yes	Total Articles
2003	3	--	2	1	6
2004	5	1	--	--	6
2005	5	--	--	--	5
2006	6	1	--	2	9
2007	3	1	2	1	7
2008	1	3	1	3	8
2009	10	--	2	1	13
2010	4	1	1	1	7
2011	8	--	2	--	10
2012	7	--	3	1	11
Total	52	7	13	10	82

Articles where concepts related to Indigenous governance are not discussed

In the vast majority of cases (52 out of 82 articles), authors did not discuss or acknowledge any of the concepts related to Indigenous governance outlined in Table 7; in these articles, the tendency was for Indigenous peoples to be identified as *stakeholders*, *groups* or *participants* in collaborative processes. In all of these cases, Indigenous peoples were viewed as one of many stakeholders rather than as nations. For example, Burger (2009) reported on an analysis of communication in collaboration they conducted in relation to Aleut peoples in Alaska. They characterized Indigenous peoples as one of multiple stakeholders, and asserted the importance of including Aleut peoples in collaborative processes for the purpose of improved outcomes. However, these authors did not discuss Aleut peoples in terms of self-determination, as inherent rights-holders within their traditional homelands, or consider the possibility that they may view themselves as an Indigenous nation.

In another example, an author discussed Indigenous peoples as one of many stakeholders who stand to gain from achieved goals, and places them alongside the agricultural community and the state:

> The Skagit Basin CIDMP represents a significant step toward achieving these goals, which are shared by the agricultural community, the federal, state, and local resource

agencies, tribal and nongovernmental organizations, and other stakeholders (Spellecacy 2009, 103).

This quotation demonstrates a view of Indigenous peoples as one of several entities who hold a stake in the outcomes of collaborative decision making. This view is not compatible with basic assumptions in Indigenous governance literature, e.g., Indigenous peoples are the rightful decision makers within their traditional homelands (Table 7). A similar example of a stakeholder view of Indigenous peoples is seen in the following quotation:

> Aboriginal peoples are increasingly being invited to participate in sustainable forest management processes as a means of including their knowledge, values, and concerns. …This suggests that [Indigenous] involvement has in fact influenced the contents of these plans, developing an innovative approach to implementing ecosystem management and demonstrating the utility of involving Aboriginal peoples in forest management planning processes (Wyatt, *et al.* 2011, 2241).

This quotation illustrates a view that is characteristic of the collaborative environmental governance articles analyzed for this systematic review. Namely, it was quite common for authors to characterize Indigenous peoples as parties who should be involved for utilitarian reasons, e.g., because they brought knowledge that could be useful in decision making – but doing so was considered optional.

In articles where concepts related to Indigenous governance are not discussed, some authors consider the legal rationale for Indigenous collaboration, rather than Indigenous peoples collaborating as legitimate nations outside the colonial system. For example, the following collaborative environmental governance scholar discusses Indigenous peoples as holding a stake in water resources and as landowners:

> Australian Indigenous populations have a large stake in water resource management arising from customary land and resource rights, long traditions of water resource management and an extensive and growing land base (Behrendt and Thompson, 2004; Langton, 2006; Jackson and Altman, 2009). Indigenous people now own close to 20% of the Australian land mass, much of it in remote regions where there has been limited water resource development (Jackson, et al. 2012, 1).

Australia's Indigenous peoples claim the remaining 80% of the land of Australia as Indigenous traditional homelands – a fact that is not recognized by these authors. In Australian Indigenous governance scholarship, it is argued that before and despite colonization, Indigenous peoples have sought recognition of their ongoing occupation and ownership of their traditional homelands (Smith 2004).

Articles where some (partial or minimal) concepts related to Indigenous governance are discussed

Seven of the 82 manuscripts analyzed reflected concepts of Indigenous self-determination consistent with the perspective found in the Indigenous governance literature – but to a minimal extent. These articles made brief mention of concepts that may reflect some influence of Indigenous governance scholarship. For example, O'Flaherty (2008) twice mentioned the traditional territories of Indigenous peoples. Herrmann (2005) discussed Indigenous territory, but neither discussed the relevance of these territories to Indigenous nationhood nor linked the discussion to concepts of Indigenous self-determination. These seven articles contained brief mention of ideas that relate to concepts within Indigenous governance scholarship, indicating that this set of ideas *may* have been considered by these scholars. Nonetheless, concepts related to Indigenous self-determination, inherent rights, or Indigenous nationhood (Table 7) did not play a central role in the assumptions found within these seven articles.

Thirteen of the 82 articles analyzed demonstrated the influence of Indigenous governance scholarship more strongly; they were rated as "partial" in Table 8. In these cases, the authors discussed at least one aspect of Indigenous governance related to Indigenous traditional territories or self-determination (Table 7), but did not debate or discuss the idea of the role of Indigenous peoples as self-determining nations. Rather, despite acknowledgement of some ideas found in Table 7, the authors still predominantly discussed Indigenous peoples as *stakeholders*, *communities, interest groups* or *participants* in collaboration. For example, Takeda and Ropke (2010, 183) discussed the legal rights of

Indigenous peoples in the context of collaborative planning and quoted a member of the Haida (Indigenous) Nation who asserted sovereignty over traditional homelands.

> [The] Constitution of the Haida Nation it begins by asserting its sovereignty over the land: 'The Haida Nation is the rightful heir to Haida Gwaii. Our culture, our heritage, is the child of respect and intimacy with the land and sea.'

However, the authors then went on to discuss Indigenous people as a community that should be included in collaborative planning processes – rather than as an Indigenous nation that holds decision-making authority over the lands or resources in question. Similarly, Memon (2003) referred to the continued occupation by Indigenous peoples of their lands, but discussed Indigenous peoples throughout the manuscript as stakeholders, user-groups and communities, rather than as the rightful stewards or owners of their traditional homelands.

Of the 13 articles identified as having partially discussed concepts related to Indigenous governance, at least one concept related to Indigenous governance or sub-parameter was briefly discussed or mentioned (Table 9). However, ideas and assumptions related to Indigenous governance were not found throughout the remainder of the article. To illustrate, the following quotation demonstrates the consideration of concepts described in Table 7 related to traditional homelands:

> Indigenous 'communities' in Australia comprise local indigenous residents, and staff who have moved into the area in recent decades. 'Clan groups' claim common ancestral origins and ownership of a tract of ancestral homelands or 'clan estate' …Senior members of the clan group are referred to as the 'traditional owners' of the estate (Carter and Hill 2007)

This quotation refers to ancestral homelands and discusses Indigenous peoples as traditional owners – ideas that relate to Indigenous governance. However, elsewhere in the article the authors discuss Indigenous peoples as stakeholders, community groups, and actors and tend not to discuss Indigenous peoples as nations or as self-determining (Table 8).

Articles where concepts related to Indigenous governance are discussed

Ten of the 82 articles analyzed demonstrated incorporation of concepts related to (a) Indigenous self-determination, (b) Indigenous peoples as nations, and/or (c) the inherent nature of Indigenous rights (Table 7). The authors discussed topics including Indigenous self-determination, *sui generis* rights (Heaslip 2008; Hill, *et al.* 2012; Palmer 2006), unceded Indigenous rights and title (Greskiw and Innes 2008), and/or nation-to-nation collaboration (Palmer 2006) (Table 7). The occurrences of the sub-parameters in Table 7 discussed in the ten articles is illustrated in Table 9.

Table 9 Occurrences of Sub-Parameters from Table 7 in Ten Articles Where Concepts Related to Indigenous Governance are Incorporated

Author / Sub-parameter	1a	1b	2a	2b	3a	3b	3c	3d	3e
(Berman Arévalo and Ros-Tonen 2009)	√	√	√						
(Coombes 2007)	√	√				√	√		√
(Greskiw and Innes 2008)	√	√					√	√	
(Heaslip 2008)		√			√				
(Hill, *et al.* 2012)	√	√	√				√		√
(Jones, *et al.* 2010)		√				√		√	√
(Larsen 2003)	√	√				√	√		√
(Ohlson, *et al.* 2008)	√	√							√
(Palmer 2006)	√	√	√	√	√				
(Porter 2006)		√	√				√		√
Total:	7	10	4	1	2	3	5	2	6

Table 9 illustrates concepts/sub-parameters that were most frequently discussed in these ten articles including ideas related to Indigenous sovereignty and nationhood (1a) and Indigenous peoples as the legitimate or rightful land owners of their traditional homelands or territories (3e). In all ten cases, Indigenous traditional territory/homelands (1b) were discussed. Concepts that appeared less frequently in the ten articles included Indigenous

peoples as nations (2b), inherent or *sui generis* rights (3a), and unceded Indigenous rights (3d).

To illustrate an instance of how concepts of Indigenous governance are discussed in these ten articles, the following quotation from an Australian case study by Porter (2006, 389) problematizes the stakeholder concept as applied to Indigenous peoples in the realm of collaborative planning:

> The communicative turn imagines a renewed practice of planning as one 'enabling all stakeholders to have a voice' (Healey, 1997, p. 5) to make planning a more inclusionary practice for diverse social groups. Indigenous peoples are, by definition, a distinct collection of social groups who suffer particular kinds of oppression and domination (Young, 1990). However, conceptualising Indigenous peoples as 'stakeholders' in planning processes fails to appreciate their unique status as original owners of country that was wrested from them by the modern, colonial state. As Langton points out, within Indigenous law rests the notion that 'Aboriginal people are born with an inchoate, inherited and transmissible right in a 'country'' (Langton, 1997, p. 1). Indigenous peoples in Australia must occupy a position more significant than that of another stakeholder in land management questions.

This example talks about Indigenous inherent right to lands – a concept that is outlined in Table 7. In a Canadian context, the following quotation demonstrates how the authors recognize the problems faced by Indigenous peoples who are asserting sovereignty, and participating in externally-initiated collaborative processes:

> Comanagement of Aboriginal title and rights itself is problematic in British Columbia for two reasons. First, as First Nations have not ceded title and rights to their traditional territories many First Nations have chosen to assert sovereignty rather than being co-opted into short-sighted 'collaborative' processes imposed by colonizing governments (Greskiw and Innes 2008, 1936).

Characteristic of these ten articles were in-depth discussions of one or more of the Indigenous governance concepts outlined in Table 7. In the following example in the context

of Canada and Australia, Palmer (2006, 35) problematizes the typical reasoning for symmetry between resource users:

> In the case of relations between Indigenous peoples and the state in settler societies … deliberative policy applied in the sphere of liberal natural resource management is based on a stakeholder or interest group model. This model relies on disengaged reason and modernist deliberative norms to achieve a symmetry between competing resource users (Young 1990, 1995). … The consideration of alternative Indigenous governance mechanisms and polities is not countenanced under such regimes.

This example touches on concepts outlined in Table 7 and critiques the reasoning for the stakeholder or interest group model as applied to Indigenous peoples.

2.6 Discussion

The aim of this systematic review was to characterize the way in which Indigenous peoples are discussed in the collaborative environmental governance literature and then to compare assumptions being made about Indigenous peoples in the Indigenous governance and collaborative environmental governance literatures. The results of the review indicate that a wide variety of terms is used to describe Indigenous peoples in the collaborative environmental governance literature. It also demonstrates that the norm is for collaborative environmental governance scholars to assign Indigenous peoples the role of one of many stakeholders rather than self-determining nations. The 82 articles analyzed demonstrated a variety of terms used to refer to Indigenous peoples, only a small number of which referred to Indigenous peoples as nations. Additionally, the articles demonstrated a range of views and assumptions regarding Indigenous peoples, and generally speaking, tended not to incorporate concepts related to Indigenous governance, self-determination, and *sui generis* rights. In the ten-year period of articles analyzed (2003-2012), there were no identifiable trends or differences among the years in terms of influence of Indigenous governance concepts or terms used to describe Indigenous peoples (Table 8). Put another way, despite growing awareness and concern for Indigenous peoples, as reflected in the adoption of the *Declaration on the Rights of Indigenous Peoples* in 2007, midway through the study period,

understanding of Indigenous perspectives does not seem to have changed in the collaborative environmental governance literature.

Of particular interest was the range of terms used to describe Indigenous people; terms such as *ethnolinguistic group*, *stakeholder*, *community*, *group*, and *participant* were common and revealed perspectives that differ from concepts related to Indigenous nationhood and self-determination. Additionally, within a single article, there were examples where collaborative environmental governance authors discussed Indigenous peoples as *stakeholders* or *groups* and also as *nations* (e.g., Morton, *et al.* 2012), demonstrating a lack of internal consistency in the use of terms. Similarly, there were manuscripts that discussed Indigenous self-determination and/or nationhood, and yet used terms such as *group* and *community* to describe Indigenous peoples (e.g., Larsen 2003; Ohlson, *et al.* 2008; Porter 2006). The norm in the collaborative environmental governance literature was use of terms to describe Indigenous people that likened them to stakeholders, groups or minorities that should be included in a collaborative process. Another way to discuss Indigenous peoples in the context of collaborative environmental governance is to consider or debate the role of Indigenous peoples as self-determining, as inherent rights holders, and/or as nations. Ten of the 82 articles analyzed demonstrated that this can enrich discussions of collaborative environmental governance regarding the territories of Indigenous peoples.

The view that Indigenous peoples ought to be included or invited to collaborate in decision making processes within an established process external to Indigenous nations contrasts with the view of Indigenous peoples as the rightful decision-makers of their traditional homelands (Borrows 2005; Spak 2005). The assertion in some Indigenous governance literature that Indigenous peoples are nations with *sui generis* rights (Turner 2006) implies that they are the rightful decision makers within their traditional homelands. In contrast, the systematic review of collaborative environmental governance articles revealed a different rationale; authors tend to defend the inclusion of Indigenous peoples in decision making as being in support of the empowerment of stakeholder groups (Barry 2012; Takeda and Ropke 2010) or offer other rationales, often utilitarian.

The above results demonstrate the mainstream perspectives on the roles of Indigenous peoples within collaborative environmental governance scholarship. The following example from a collaborative environmental governance article illustrates how the authors rationalize and view Indigenous input into natural resource decision making:

> Indigenous peoples and communities have historical relationships with their lands by virtue of their hunter-gatherer cultural heritage. They have traditional knowledge about their ancestral lands, local natural resources and their environment. Various institutions must recognize the role of indigenous peoples and their communities in view of the close relationship between the natural environment and sustainable development. Indeed, elders from these communities could be helpful in guiding the changes that are needed for a sustainable future. They may be involved in development decisions in addition to being granted more control over their lands (The Rio Declaration on Environment and Development 1992b). (Ahmad, *et al.* 2012, 76).

Discussion of institutional recognition and externally-granted control over lands in the above quotation and in other collaborative environmental governance literature contradicts Indigenous governance conceptions of self-determination. For example, Indigenous governance scholar Coulthard (2008, 194) problematizes the idea of recognition:

> Most recognition-based proposals rest on the problematic assumption that the flourishing of Indigenous peoples as distinct and self-determining agents is somehow dependent on their being granted recognition from the oppressive structures and institutions of the settler state and state society.

The conceptual difference identified between the Indigenous governance and much collaborative environmental governance literature regarding assumptions about Indigenous peoples/nations and self-determination has important implications for collaborative environmental governance literature. Those implications are threefold: (1) contemporary collaborative environmental governance scholarship demonstrates problematic foundational assumptions regarding Indigenous peoples as stakeholders in collaborative processes rather than as self-determining nations; (2) these assumptions are inconsistent with conceptual and real-world advances in Indigenous governance regarding self-

determination and the reassertion of Indigenous nationhood; and (3) future mainstream collaborative environmental governance scholarship thus has the potential to consider and incorporate conceptual advances within Indigenous governance scholarship.

2.7 Conclusions

This research outlines a rationale for extending the understanding of Indigenous people and Indigenous governance in the scholarly realm of collaborative environmental governance. This systematic review enabled the identification of problematic views of Indigenous peoples as stakeholders, groups, or minorities within collaborative environmental governance literature. These views are problematic when compared to the perspective within Indigenous governance scholarship that Indigenous peoples have the right to self-determination on their traditional homelands. The comparison between advances in Indigenous governance scholarship regarding Indigenous peoples, and mainstream collaborative environmental governance scholarship addresses the conceptual gap identified in the outset of this paper.

The systematic review revealed that conceptual advances in Indigenous governance scholarship regarding Indigenous self-determination are generally not reflected in collaborative environmental governance scholarship. The importance of identifying this divergence in perspectives lies not only in the scholarly realm, but in the real world context. This divergence in views can lead to conflicts between Indigenous nations and non-Indigenous practitioners of collaborative environmental governance (McGee 2006), unrealized collaborative outcomes (Gunton, *et al.* 2007), and/or an undermining of the position of Indigenous peoples as *sui generis* rights holders within their traditional homelands (Youngblood Henderson 2002). This difference in assumptions and concepts thus creates an opportunity for a fundamental shift within collaborative environmental governance scholarship, including the integration of these conceptual advances through scholarly discourse on Indigenous nationhood, *sui generis* rights, and Indigenous self-determination in the context of collaborative approaches to environmental problems. Examples of how Indigenous governance could be integrated into collaborative

environmental governance are demonstrated by Hill, *et al*. (2012) who discuss Indigenous peoples as having continuity with precolonial societies and distinct from colonial societies, Ohlson, *et al.* (2008) who discuss the advancement of Indigenous self-determination in the context of collaborative environmental governance, and Porter (2006) who discuss continued Indigenous ownership of Indigenous lands. This integration has the potential to create further insights on conceptual advances in scholarship related to both Indigenous governance and collaborative environmental governance.

These considerations could have impacts on real-world matters such as the way decision-making regarding lands, waters and natural resources is conceptualized in the context of collaborative environmental governance. For example, in collaborative watershed governance scholarship where discussions of governance are sometimes bounded by geographical or catchment boundaries (e.g., Molle 2009), the discussions could instead be bounded by the Indigenous traditional homelands in a watershed area. If Indigenous peoples are considered as existing within self-determining nations, this assumption leads to other potential implications regarding jurisdiction, rights, ways of governing, legitimacy, and authority to make decisions.

An integration of Indigenous governance concepts into collaborative environmental governance literature has the potential to address the problematic views identified in this systematic review. Ultimately, discussions related to Indigenous governance and self-determination could become the norm in collaborative environmental governance literature. In doing so, collaborative environmental governance scholarship would also become more consistent with global advances in Indigenous reassertion of self-determination and nationhood. In fact, the integration of concepts of Indigenous governance has the potential to completely change how collaboration is viewed when it comes to Indigenous nations – that is, perhaps collaboration would be discussed under entirely different terms. For example, scholars may discuss environmental government as being under the authority of the Indigenous nation (as opposed to the colonial nation state) under which actors such as municipal governments or non-government organizations carry out collaborative governance. At broader scales where nation-to-nation engagement is discussed, such as

between an Indigenous nation and an international country, this proposed conceptual shift

may make the concept of collaboration less relevant to environmental governance. Even

where scholars are not exposed to the range of Indigenous governance scholarship

pertaining to Indigenous self-determination, consideration of the real-world political

advances related to Indigenous self-determination, especially the adoption of the UNDRIP,

could advance conceptual changes in collaborative environmental governance. This paper

challenges collaborative environmental governance scholars to consider and integrate

conceptual advancements regarding Indigenous self-determination into their thinking,

writing and scholarly work.

Chapter 3

Collaborative Environmental Governance and Indigenous Governance

3.1 Chapter Overview

The perspectives of Indigenous peoples are discussed in a variety of contexts in contemporary collaborative environmental governance literature. However, most authors do not account satisfactorily for the distinct ideas regarding Indigenous peoples, and the insights regarding their legal and political circumstances, that are found in the Indigenous governance literature. Indigenous peoples are often characterized as one of many stakeholders in collaborative environmental governance. Principles underpinning collaboration typically are extended to Indigenous peoples with little or no concern for, or awareness of, Indigenous governance concepts related to self-determination or nationhood. In contrast, much of the Indigenous governance literature considers Indigenous peoples as existing within self-determining nations. Using empirical case study of collaborative governance for water in the province of British Columbia, Canada, this paper explores the extent to which collaborative approaches to environmental governance reflect central concerns in Indigenous governance scholarship. In the empirical cases examined, collaborative environmental governance tended not to incorporate concepts related to Indigenous self-determination and nationhood. This paper suggests a different approach for incorporating these concepts into the theory and practice of collaborative environmental governance.

Keywords: environmental governance; collaboration; Indigenous governance; collaborative governance; British Columbia, Canada.

3.2 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 people worldwide because it signified recognition of Indigenous rights at an

international scale. The growing global Indigenous movement is mirrored by a proliferation in scholarly Indigenous governance literature that focuses on concepts related to the self-determination of Indigenous peoples. In this paper, the term governance refers to the ways in which decisions are made. The term Indigenous self-determination fits under the broader concept of governance but 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, determine political status, and the right to traditionally occupied lands, territories and resources (United Nations General Assembly 2007). Indigenous self-determination is of particular concern in the many places where Indigenous peoples and Indigenous nations have been marginalized and oppressed by colonization. Broadly speaking, Indigenous governance literature is predicated on the argument that independent, Indigenous, self-determining nations pre-dated colonization, and to some extent addresses some of the concerns of Indigenous peoples in a variety of real-world contexts. Scholarly discourse in the field of Indigenous governance debates how these Indigenous nations are manifested and/or re-asserted in the present-day (Alfred 2005; Battiste 2000; Ladner 2004; Mucina 2004).

Concern for governance is also strong in the environmental realm. Environmental governance is largely concerned with decision making regarding the environment and natural resources. Collaborative environmental governance refers to circumstances where collaborative approaches to such decision making are considered or applied in scholarship or in practice. In many parts of the world, including North America, the settings discussed within collaborative environmental governance scholarship pertain to asserted traditional territories or ancestral homelands of Indigenous peoples (Borrows 2005; Corntassel 2003). However, with notable exceptions (see Jones, *et al.* 2010; Palmer 2006; Porter 2006), collaborative environmental governance scholarship fails to recognize adequately the importance of asserted self-determination by Indigenous nations. This lack of recognition or understanding of Indigenous nationhood and/or self-determination is problematic because

it does not account for the significance and implications of the re-assertions of Indigenous governance by Indigenous nations over those environs.

Collaborative environmental governance is thus a specific example of a body of scholarship where a more nuanced understanding of Indigenous governance concepts is essential. The collaborative environmental governance literature tends to extend the same assumptions that are used in the discourse on collaboration or participation among non-Indigenous actors and stakeholders to Indigenous peoples (see Frame, *et al.* 2004; Larson, *et al.* 2010; Lockwood, *et al.* 2010). A systematic review of the collaborative environmental governance literature revealed that these assumptions of Indigenous peoples as equivalent to stakeholders, minority groups, or interest groups were the norm (von der Porten and de Loë, submitted). These assumptions are problematic in cases where the environment, resources, or lands of interest are within the traditional territory of an Indigenous nation.

This paper argues that Indigenous people cannot simply be discussed as one of many "stakeholders" on their traditional territories or homelands. Instead, as suggested in the Indigenous governance literature, Indigenous peoples must be viewed as rights-holders on those lands and territories and treated accordingly (Alfred 2009; Borrows 2005; Corntassel 2003; Mucina 2004). Beyond the moral argument that Indigenous peoples are not equivalent to stakeholders and therefore should not be treated as such, in many jurisdictions Indigenous people also have specific rights that are distinct from non-Indigenous actors (Borrows 2005; Turner 2006). For example, in Canada, Turner (2006, 7) argues that Indigenous peoples have rights that are *sui generis* or political rights that "flow out of indigenous nationhood and that are not bestowed by the Canadian state" and therefore may have the role of a nation rather than a minority or stakeholder. These *sui generis* rights have important implications for collaborative environmental governance in Canada wherever Indigenous peoples are assumed to potentially collaborate as one of many stakeholders rather than as nations. Depending on the context, circumstances, and Indigenous nation, this distinction has a wide variety of implications regarding decision making, authority, planning, values, and knowledge applied to the concepts and practice of collaborative environmental governance.

The fundamental incongruity that exists between the collaborative environmental governance and Indigenous governance literatures reflects practices in countries around the world where Indigenous peoples exist and governance processes based on principles of collaboration are being used. This certainly is the case in Canada, where Indigenous peoples and lands exist in all parts of the country, and where collaborative governance is becoming more commonplace (de Loë and Kreutzwiser 2007). The Province of British Columbia (BC) in western Canada is a particularly relevant example. Under Canada's constitution, primary responsibility for water resides with the provincial government. The *Water Act* (Revised Statutes of British Columbia 1996, Chapter 483) provides the legal foundation for water allocation in the province. However, this statute, first created in 1909, is now considered outdated (Lake 2012). At the same time, Canada's constitution assigns fiduciary responsibility for First Nations[4] to the federal government. In BC, and unlike most other provinces in the country, the majority of the First Nations have not signed treaties with the Government of Canada (Penikett 2006). Nonetheless, collaborative approaches to governance for water are being advanced by the provincial government as it reforms its water legislation (British Columbia Ministry of Environment 2008). In part this reflects the fact that at regional and local scales, numerous organizations involved in water governance already are using collaborative approaches to decision-making. For instance, the Fraser Basin Council in BC approaches water governance through the collaboration of First Nations and Federal, Provincial and local governments (Fraser Basin Council 2011).

Using BC as an empirical example, this paper explores the extent to which the perspectives of Indigenous peoples are reflected in the practice of collaborative governance involving water-related concerns such as protection of drinking water sources and watershed planning. The focus of the paper is on the conceptual incongruence between Indigenous governance and collaborative environmental governance. This incongruence relates directly to the larger societal problem referred to in Chapter 1. Collaborative environmental governance is a realm in which ongoing tensions between Indigenous

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[4] In this paper the term First Nations is used to describe Indigenous people and nations in BC who self-identify as First Nations.

peoples and the colonizer or state, and assumptions being made about Indigenous peoples, are manifested in a way that can be empirically observed. In the next section, the Indigenous governance and collaborative governance literatures are reviewed to identify key themes and concerns. From this review, an analytical framework is developed as discussed in the methods section that follows. Findings from empirical research guided by this framework are then described in the next section. These findings provide evidence regarding the extent to which collaborative governance at the regional scale and participatory water policy reform at the provincial scale in BC address concerns central to the Indigenous governance literature. The paper concludes with a discussion of implications for the theory and practice of collaborative environmental governance involving Indigenous peoples.

3.3 Indigenous Governance and Collaborative Environmental Governance: Seeking Common Ground

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 (Corntassel and Witmer 2008; Kuan 2009; Santoyo 2006). Indigenous peoples are found around the world, and thus the literature of Indigenous governance is extremely diverse. Concepts of self-determination are particularly important in North American Indigenous governance literature (see Alfred 2005; Coulthard 2008; Ladner 2004; Ransom and Ettenger 2001; Shadian 2007). This focus reflects the contested legal and political status of Indigenous peoples as nations in Canada, and a growing movement by Indigenous people toward self-determination in the United States and Canada (Borrows 2005; Turner 2006). The United Nations' Declaration on the Rights of Indigenous People (United Nations General Assembly 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 Indigenous 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 (Corntassel 2003; Mucina 2004).

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 (Alfred 2009; Battiste 2000; Borrows 2005; Irlbacher-Fox 2009; McGregor 2004; Powderface 1992; Turner 2006). 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 (Alfred 2005; Battiste 2000; Borrows 2005; Corntassel 2003; Coulthard 2008; Deloria and Wildcat 2001; McGregor 2004; Smith 1999; Turner 2006).

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, 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 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 settlement in Canada. Therefore, from this perspective it is inaccurate to define Indigenous peoples as one of many minorities, interest groups, or stakeholders. Indigenous people should instead be referred to as nations. The term nation in this context refers broadly to Indigenous peoples who are politically sovereign (Christie 2007); nationhood is based on "cultural practices, sacred histories, citizenship requirements, judicial systems, and governmental bodies" (Corntassel and Witmer 2008). The distinction between Indigenous peoples as "nations" rather than one of many "interest groups" is of particular importance in the context of the theory and practice of collaborative environmental governance.

Collaboration as a way of addressing environmental problems has grown in importance around the world since the 1980s. Collaboration is defined here as the pooling of resources by two or more actors to solve a set of problems that cannot be solved individually (after Gray 1985). Collaborative approaches to governance typically are founded in a willingness to reconsider attitudes and assumptions by those involved (Carr, *et al.* 1998; Fish, *et al.* 2010; Kallis, *et al.* 2009). Decision making by consensus is a key underlying principle of collaborative governance (Ansell and Gash 2007; Fish, *et al.* 2010; Frame, *et al.* 2004). At the same time, collaborative governance typically involves enduring relationships among collaborative parties (Conley and Moote 2003; Fish, *et al.* 2010), and face-to-face interaction (Dietz, *et al.* 2003; Innes and Booher 1999). This characterization of collaborative governance marks it as different from other forms of multi-actor environmental governance. For example, co-management is important in many regions where Indigenous peoples are viewed as rights holders. Thus, this approach often involves formal and/or legal resource-

sharing agreements between the state and Indigenous peoples as legal rights holders (Castro and Nielsen 2001; Fennell, *et al.* 2008; Pinkerton 2007; Zachrisson 2010). In contrast, collaborative governance is grounded in deliberative democratic principles, does not necessarily involve the state as an actor and tends to be more inclusive of informal collaboration (Berninger, *et al.* 2009; Gray 1985; Innes and Booher 2010; Phillipson, *et al.* 2012). While there clearly are points of intersection among the various forms of multi-actor environmental governance that exist, this paper focuses on collaborative governance because of its importance in the water realm (e.g., de Loë and Kreutzwiser 2007; Fish, *et al.* 2010; Kallis, *et al.* 2009).

Scholarly attention to collaborative approaches within environmental governance is founded on research that suggests that collaboration (a) contributes to more effective resolution of conflicts related to land and resource planning (Frame, *et al.* 2004); (b) responds to the characteristics of increasingly networked societies (Innes and Booher 1999); (c) improves stakeholder relations and shared knowledge (Frame, *et al.* 2004); (d) addresses multifaceted problems in the context of growing societal complexity (Innes and Booher 2004); and (e) responds to perceived deficiencies in approaches that rely primarily or solely on technical knowledge (Fish, *et al.* 2010; Wondolleck and Yaffee 2000). Within collaborative environmental governance scholarship, important underlying ideals and assumptions can be identified. These include the following: (a) there are people or citizens interested and willing to participate in collaborative governance processes (Bingham, *et al.* 2008); (b) knowledge, values and ideas can be gathered and then incorporated into policy and governance outcomes (see Ansell and Gash 2007; Van Buuren 2009); and (c) people involved in collaborative environmental governance may be empowered by involvement in the process (see Sirianni 2009).

We argue that the appropriateness of some of these underlying assumptions of collaborative environmental governance for situations where Indigenous nations assert the right to self-determination and nationhood is conceptually questionable. In particular, the assumption in the collaborative environmental governance literature that Indigenous peoples can be treated as equivalent to "stakeholders" is cause for concern in light of the

UNDRIP which asserts that Indigenous peoples have the right to self-determination and self-government (UNGA 2007). "Stakeholder" is a term conventionally used in environment and management literatures to refer to individuals or groups who can affect or are affected by organizational decision making (adapted from Freeman 1984). Treating Indigenous peoples as one of many "stakeholders" in collaborative governance (alongside representatives of industries, environmental groups and non-government organizations) is inappropriate. Instead, we argue that in these settings Indigenous peoples should be viewed as nations. This fundamental shift in collaborative environmental governance literature would result in a very different approach to collaboration.

Numerous examples can be found in the collaborative environmental governance literature of authors treating Indigenous peoples as stakeholders in the "interest group" sense. For example, Fraser et al. (2006) recognize that First Nations have "historic, spiritual, and cultural ties to the land", but do not recognize the ongoing legal or moral *rights* to, rather than ties to, that land as a nation, and generally discuss First Nations as one of several stakeholders or communities. Similarly, Davidson-Hunt and O'Flaherty (2007) suggest ways in which First Nations peoples can be engaged more effectively in planning processes, but assume that First Nations are communities or partners. Drawing on similar assumptions, Frame et al. (2004, 63), discuss past collaborative planning processes where "Stakeholder tables…included government, resource, environmental and community interests" where First Nations are presumably included under one of these categories. Despite the fact that Indigenous people were a significant part of those planning processes, Frame et al. (2004) did not clarify the role First Nations played nor acknowledge that these planning processes pertained to Indigenous traditional homelands. Typically, in the collaborative environmental governance literature, Indigenous peoples are discussed as remote stakeholders (Larson, *et al.* 2010), "fringe stakeholders" (Murphy and Arenas 2010, 1), "indigenous community groups" (Lockwood, *et al.* 2010, 993), community groups (Kellert, *et al.* 2000; Lane 2002), community resources users (Carlsson and Berkes 2005) and landowners

(Lane 2002)[5]. This view is deeply engrained even among authors who are well aware of this concern. For example, Cullen et al. (2010, 333) recognize that First Nations are culturally distinct, hold "special legal rights and title to the land and resources" and do not view themselves as "normal stakeholders". Nonetheless, these authors still portray First Nations as one among many roughly equivalent stakeholders in collaborative planning processes.

Exceptions to the typical assumptions surrounding Indigenous peoples that are found in the collaborative environmental governance literature do exist. For example, Porter (2006) acknowledges that the use of the word stakeholders fails to recognize Indigenous peoples as the original owners of land. Similarly, Palmer (2006) discusses and recognizes the significance of a case in the Canadian north where an agreement between Indigenous peoples and the Canadian Crown was formed under a nation-to-nation relationship. These examples demonstrate that the status of Indigenous peoples as nations is being considered by some within the environmental governance literature. Thus, the critique in this paper must be understood in proper context. We argue that while the concerns of Indigenous peoples are being recognized in some collaborative environmental governance literature, there is a general trend towards disregarding Indigenous authority over environmental decision making in scholarly discussions of collaborative environmental governance, and towards miscategorizing Indigenous peoples simply as another interest group. Thus, the concerns expressed in this paper surrounding terms such as "stakeholder" to characterize Indigenous peoples go far beyond semantics, and are rooted in conceptual characterizations that relate to a broader societal problem between Indigenous peoples and the colonizer. The practical implications of this miscategorization are illustrated in a real world setting using the case of collaborative governance for water in the province of British Columbia, Canada.

3.4 Methodology

British Columbia is Canada's western-most province (Figure 4). In 2006, Aboriginal people in BC made up just under 5% of the total population of 4,113, 487 people (BC Stats 2006a; BC

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[5] Using a systematic review methodology, von der Porten and de Loë (Submitted) characterize in depth how the collaborative environmental governance literature treats Indigenous peoples.

Stats 2006b; BC Stats 2012). A contextual consideration in BC, which makes it different from most other provinces in Canada, is the fact that Indigenous nations in BC signed only two historic treaties with the colonial government or post-confederate Crown. Thus, the Indigenous governance political landscape in BC is marked by the lack of written documents pertaining to the relinquishing of control or ownership of lands by Indigenous nations. Although there are few written treaties in BC, First Nations continue to assert title and rights, jurisdiction and authority over their traditional territories (e.g., Delgamuukw v. BC [1997] 3 S.C.R. 1010). However, even pre-confederate treaties such as The Royal Proclamation of 1763 signed by First Nations and the Canadian Crown have been argued to stand as a positive guarantee of self-governance (Borrows 1997). Therefore, though BC has few treaties, the concepts presented here likely have broader transferability. In addition to the Indigenous governance context in BC, the collaborative environmental governance circumstances are a part of the rich empirical setting for this research. In BC, there is widespread application of collaborative approaches to environmental governance (e.g., Nowlan and Bakker 2007). Hence, the Indigenous governance and collaborative environmental governance contexts in BC provide a rich context for this multi-case study research.

Guided by the interpretivist paradigm (Schwandt 1994), a qualitative, multi-case study approach (Stake 2005; Yin 2009) was used to provide diversity across contexts and to learn about the complexity and contexts of the empirical cases. This multi-case approach was ideal for the various outcomes that were anticipated at the regional scale of BC's collaborative water governance processes. In this study, the three regional cases are each separate organizations that are involved in collaborative water governance in the province of British Columbia. Collaborative governance occurs in many contexts in BC besides water, e.g., forestry, wildlife management and marine resource planning. Also, a single standalone case at the provincial scale was used to analyze water policy reform. Water was chosen as a focus for analysis because of the current significance of water governance at the provincial scale pertaining to water policy reform (British Columbia Ministry of Environment 2010a),

and because of the large number of collaborative processes that are occurring at the local and regional scales in relation to water in the province.

Four criteria were used to select the regional and the provincial case study organizations. First, the organization had to have an identifiable role in governance for water. Second, the organization had to be making use of collaborative approaches to governance in the sense described above. Third, the mandate or scope of action of the organization had to be in a geographical area that included the traditional territory of one or more First Nations. Finally, the organization had to have a stated intention to collaborate with or to engage First Nations in governance relating to water. The cases chosen for this study included experiences at two scales: provincial and regional. For the three regional scale cases, the diversity of experiences in BC was captured by choosing large and small, and urban and rural, organizations that met the above criteria. In BC, many First Nations have not relinquished their traditional territories, and notably, few have signed treaties with the Government of Canada. In each of the case studies for this research, the jurisdictions of the organizations involved in water governance overlapped with the traditional territories of one or more First Nation (see Figure 4). The standalone provincial scale case was the Water Stewardship Division of the BC Ministry of Environment (WSD), involved in water policy, planning and statutory administration of water rights (British Columbia Ministry of Environment 2008) and served to create a context for the analysis of the three regional scale cases. The three regional scale cases were the Friends of the Nemaiah Valley (FONV), involved in watershed planning initiative; the Columbia Basin Trust (CBT), involved in facilitating participation in decisions related to water governance; and the Okanagan Basin Water Board (OBWB), involved in water management and advocacy (see Figure 4). Characteristics of each case are summarized in Table 10.

Table 10 Case Study Characteristics

Characteristic	Provincial Scale Case	Regional Scale Cases		
	WSD	**CBT**	**OBWB**	**FONV**
Type	Division of BC Provincial Ministry of Environment	Statutory Regional Development Corporation	Board (Overseen by 3 Regional District Governments)	Non-profit society
Administrative/ Affiliation	Province of BC	Enacted by Province of BC	Legal status conferred by Province of BC; overseen by 3 Regional Districts	Independent grass roots organization
Geographic Scope	BC (whole province)	Columbia Basin Watershed	Okanagan Basin Watershed	Xeni Gwet'in Territory
Population	~4,573,300	~159,000	~350,000	~411
Decision-making Structure	Province; WSD Management Committee	Board of Directors	Board of Directors	Xeni Gwet'in chief & council; FONV board
Purported Collaborators	Public; Federal agencies; watershed groups; First Nations; industry	Federal, Provincial, regional & First Nation agencies; basin communities	Regional districts; Okanagan communities; First Nations; Province of BC	Xeni Gwet'in First Nations; Tsilhqot'in National Government; donors/public
Size*	Medium (31+)**	Medium (33)	Medium (20)	Small (7)
Rural/Urban	Urban	Semi-rural	Semi-rural	Rural (remote)
Corresponding First Nations Traditional Territory	203 bands, 1 "extinct" band	5 Nations	1 Nation	1 Nation

 * Size is the approximate number of people in the organization including staff, managerial, board members and technical advisors. **The WSD is an agency of the provincial government. Thus, its staff are embedded in a much larger organization.
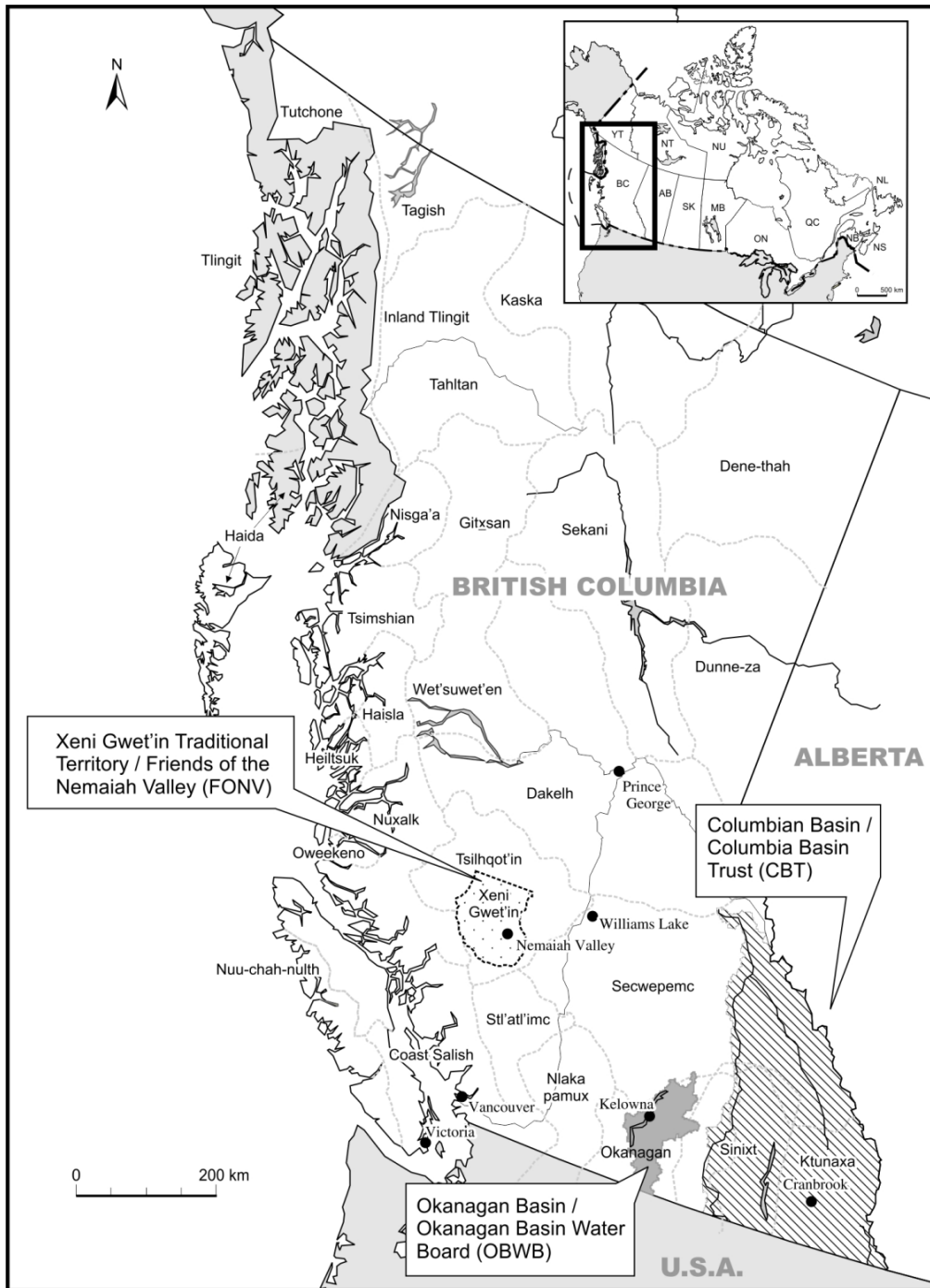
Figure 4 First Nations Traditional Territories and Regional Case Study Locations in British Columbia, Canada

Source: (CBT 2012; OBWB 2012; Province of BC 2012; Sinixt Nation Society 2012; TNG 2011)

A preliminary literature review that drew on insights from pertinent collaborative environmental governance and Indigenous governance literatures was used to generate a conceptual framework that guided data collection and analysis (see section 1.2 and Table 1). Specifically, this literature review was used to identify and characterize assumptions pertaining to Indigenous peoples in these two sets of literature. The literature review then identified conceptual gaps between these bodies of literature; these were discussed above. These gaps and assumptions were then summarized in a conceptual framework, which provided a basis for understanding how collaborative environmental governance and Indigenous governance scholarships intersect. The parameters and concerns outlined in the conceptual framework (Table 1) stem directly from the preliminary review of the Indigenous governance and collaborative environmental governance literatures outlined in section 1.2. These parameters, sub-parameters and concerns that made up the conceptual framework acted then as a guide for literature analysis, data collection (such as interview questions, see Appendix A) and data analysis.

Table 11 Selected Summary of Conceptual Framework

Key Parameter*	Sub-Parameters	Specific Concerns
The rationale for collaborative environmental governance (CEG)	Empowerment of local actors	Evidence of CEG rationale that includes (a) empowerment of actors; (b) building institutional capacity & more effective governance; & (c) deliberation.
	Institutional capacity; more effective governance	
	Deliberation	
How CEG is approached	Forums/workshops	Evidence of conventional approaches to CEG such as (a) public for a; (b) comments processes; or (c) collaborative dialogue.
	Comments process	
	Collaborative dialogue	Evidence of Indigenous approaches to CEG.
Assumptions regarding Indigenous nations/peoples	Indigenous people discussed as equivalent to stakeholders or nations	Evidence of the view of Indigenous people as stakeholders, nations, minorities, interest groups, or other.
Approaches to/understanding of Indigenous governance or self-determination	Indigenous rights and roles that come from the existence of first peoples on the land.	Evidence that Indigenous rights and roles are viewed as stemming from the pre-colonial existence of Indigenous peoples.
	Legitimacy of established colonial nations.	Evidence of the questioning of the legitimacy of established colonial nations.

* See Chapter 1 for a full conceptual framework with key references.

Data used in this research were drawn from interviews, document analysis, and personal observation. Consistent with interpretivism, interviews were active, semi-structured involving both researchers and respondents in recognition of the co-construction of knowledge (Gladstone, *et al.* 2006). Interviews, document analysis, and personal observations undertaken by the first author during the field research period of August 2011 to January 2012. Among the four cases, 49 individuals were interviewed using an interview schedule organized around questions linked to the major themes in Table 11. Interviewees in each of the provincial and regional cases included Indigenous and non-Indigenous

individuals involved in collaborative water governance processes, representing three categories of collaborative environmental governance and Indigenous governance practitioners: (1) First Nations individuals who self-identified as First Nations or Indigenous – including leaders, water and environmental managers, elected band chiefs and councilors; (2) personnel from the organizations – including decision makers, leaders, policy makers, managers, board members, and board chairpersons; and (3) Key informants – including academics, consultants, lawyers, non-governmental organization personnel, and individuals closely linked to First Nations and/or organizations (Table 12). These categories are not mutually exclusive, e.g., in two cases, the members of the case study organizations were First Nations. All of the interviews were conducted, digitally recorded and transcribed verbatim by the first author. Interview transcripts were member checked by the interview subjects for verification and to ensure accuracy (Carlson 2010).

For each of the individual cases, the search for additional interview subjects ended when no new topics emerged from the interviews, and when the most relevant people had been interviewed. Subject saturation was measured through triangulation where similar topics appeared in documents, personal observations and interviews (Charmaz 2006). The goal was to try to reach representativeness through sampling until no new concepts came forth from interviews, documents or personal observations.

Documents and personal observation were used as additional sources of data. A total of 183 documents were analyzed. These included documents and websites published by each of the case study organizations as well as pertinent documents from academic, organizational and online sources. Documents were collected using a search of online and library resources, and through requests to interview subjects during and after interviews. Personal observations were collected throughout the research process, especially during semi-structured interviews and at public fora. Data from all sources (interviews, documents, personal observations) were triangulated to verify insights in individual sources.

Table 12 outlines the characteristics of the 49 people interviewed. In several cases, interviewees were able to speak to more than once case. For the regional cases, 16 people

were able to speak to the CBT case, 11 to the OBWB case, and 8 to the FONV case. There were 29 people who were able to speak about the provincial WSD case. A total of 27 people identified as First Nations or spoke on behalf of First Nations organizations, and 18 interviewees worked for organizations involved in water governance. Finally, there were 19 people who were key informants speaking to the various cases.

Table 12 Types of interview participants by case

	Provincial Scale	Regional Scale			
Participant Type	WSD	CBT	OBWB	FONV	Number of Interview Participants by Category
First Nations	13	6	5	3	**27**
Water Governance Organization	8	4	3	3	**18**
Key Informant	8	6	3	2	**19**
Total Interviewed*	**29**	**16**	**11**	**8**	**64**

* A total of 49 people were interviewed. Some participants were qualified to speak about more than one case where there was overlapping jurisdiction which is why the number of "Total Interviewed" indicates 64. One of the "First Nations" individuals within the OBWB case interviewed was a non-Indigenous individual working for a First Nations organization. All the other interviewees in the First Nations row above self-identified as First Nations or Indigenous.

During the data collection phase, the data were periodically compared to the assumptions, concepts and gaps identified in the preliminary literature review as well as to other data sources (interviews, documents and personal observations). This constant comparison technique (Glaser and Strauss 1967) allowed for the identification of emergent themes, and permitted iterative examination of the assumptions, understandings and approaches that characterize environmental governance as it relates to Indigenous governance. Emergent themes identified from those initial interviews enabled exploration of those themes in subsequent interviews, documents and personal observations.

QSR NVivo 8 was used to organize, code and analyze the interviews, documents and personal observations, and to facilitate triangulation among these data sources. First-pass codes on interview data and personal observations were done simultaneous to their

transcription, and where possible, before the next interview or set of interviews. Axial, second-pass coding was then applied to the data to identify emergent themes and interconnections between the coding categories (Gladstone, *et al.* 2006; Seale 2004; Strauss and Corbin 1998) that corresponded, where possible, with the literature reviewed.

3.5 Results

Results from empirical research on the case studies as they relate to collaborative governance for water in BC emerged from the major framing themes outlined in the conceptual framework (see section 1.2 above and Table 1). In presenting the results, distinctions are drawn among findings from specific regional cases only when differences were noted.

3.5.1 Assumptions Surrounding Indigenous Governance

Predominantly, non-Indigenous interviewees and documents relating to the provincial scale case and two of the regional scale cases portrayed First Nations as one of many stakeholders, interest groups, ethnic minorities, or sectors. Five non-Indigenous interviewees specified that they avoided using the term "stakeholder" when referring to First Nations because they were aware of First Nations concerns, and instead used the word "governments" as a more politically correct term. Nonetheless, while some documents and interviewees used more informed nomenclature such as "nations" or "governments", the prevailing discourse within them indicated that First Nations were considered to be one of many stakeholders alongside citizen groups, industry, or non-governmental organizations, rather than as pre-existing nations. One statement from a First Nations key informant in the OBWB case illuminates the common assumptions regarding First Nations as stakeholders:

> A lot of the time [First Nations are] lumped in with groups like stakeholders [by organizations involved in water governance]. There is a lot of tokenism. In fact it rarely gets past tokenism. They are almost never treated as a sovereign entity.

During the study the BC Provincial government was under particular scrutiny regarding its approach to and assumptions about the rights and position of First Nations in BC. For

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instance, the province's *Aboriginal Engagement Guidelines*, written to educate BC Public Servants working with Aboriginal people (Province of British Columbia 2011, 3), state that "First Nations are rights-holders in [government-to-government] engagements, not stakeholders. The term 'stakeholder' would be used to describe third parties such as industry, non-government organizations, etc." Later the same document contradicts this guidance: "Have you inquired with those Aboriginal stakeholders with whom you want to engage whether there are any specific protocols to address or adhere to during the engagement?" (Province of British Columbia 2011, 12).

Beyond semantic differences and minor editorial oversights are a deeper set of conflicting assumptions regarding the role of the (post-)colonial state and First Nations as pre-existing, self-determining nations. During the participatory process relating to reform of BC's *Water Act*, a First Nations advocacy organization, the Union of BC Indian Chiefs (2010, 1), made its concern about the process of public engagement known in a public letter to the BC Ministry of Environment:

> …the submission process…was designed without Indigenous involvement and treats Indigenous people as "stakeholders" in the water policy process. There is no recognition of Indigenous jurisdiction or constitutionally-enshrined and judicially-recognized Aboriginal Title and Rights. …the [Union of British Columbia Indian Chiefs] Chiefs Council strongly demands that the prior, superior and unextinguished water rights of Indigenous Nations of British Columbia must be addressed and given priority before the Province proceeds with legislative and policy change …There is no consideration of the constitutional nature of Aboriginal Title or Rights, and instead Indigenous Peoples' rights are addressed as a "stakeholder" interest.

In the three regional scale cases, similar assumptions regarding the role and position of Indigenous peoples were evident in the interviews with non-Indigenous people. The importance of engaging First Nations was commonly identified, but "engagement" rarely extended beyond involving First Nations as one of many stakeholders. The FONV was an exception. As a registered society that is considerably smaller than the provincially mandated CBT and OBWB, the FONV is closely connected to the Xeni Gwet'in First Nation.

Non-Indigenous interviewees in the FONV demonstrated and articulated views regarding Indigenous people as holding the right to their Indigenous traditional territory and as having lived there for millennia.

In the three cases other than the FONV, the perspectives of First Nations interviewees and documents prepared by First Nations organizations tended to be different than perspectives found in interviews and documents prepared by the predominantly non-Indigenous organizations involved in water governance. For example, First Nations interviewees at both the provincial and regional scales indicated that First Nations were nations, and should be treated as nations or governments by the Province and by regional-scale organizations involved in water governance. First Nations respondents indicated that at the provincial scale, decisions need to be grounded in the assumption of dual ownership between the Province and First Nations, and that the province should not assume it has jurisdiction over water nor sole authority to delegate the management of water in First Nations traditional territory. Rather, the data indicated that for First Nations peoples, a nation-to-nation, and in some cases, a government-to-government, approach is important for moving forward with water governance. One instance of this importance is the response of a First Nations advocacy group to the Province's Discussion Paper on *Water Act* modernization, which outlines a principle for the reform process that calls for accommodation and respect for First Nations social and cultural practices associated with water (British Columbia Ministry of Environment 2010a). The First Nations Women Advocating Responsible Mining (FNWARM) responded to this principle as follows:

> it is the position of the FNWARM that this principle has received careful legal drafting to avoid recognition of substantive Aboriginal rights and the corresponding procedural obligations of the Crown regarding the duty to consult and accommodate. FNWARM submits that any changes to the current legislative framework should also be made in accordance with the minimum international standards for the protection and promotion of the rights of Indigenous Peoples as set out in the [UNDRIP]. First Nations possess Aboriginal water rights. There are few, if any, Aboriginal rights that do not have an integral connection to clean water. Any amendment to the current water regulatory

system necessarily has the potential for adverse effects upon Aboriginal rights and title (First Nations Women Advocating Responsible Mining 2010, 2).

The UNDRIP was cited by First Nations interviewees in both the provincial and regional-scale cases.

The vast majority of First Nations respondents within the regional-scale cases pointed to the importance of organizations involved in water governance relating to First Nations as nations and in ways that were strategically beneficial to First Nations. One First Nations leader recommended a way forward for water governance at the regional scale that is closely connected to political realities:

I think we can find and build relations that serve all interests for [First Nations], and [the water governance organization]. I think it is all entwined in how we live and coexist as various groups without us having to always be dominated or having to give up something. And I think that is where the difficulty lies in terms of reconciliation in government-to-government relations with First Nations and governments, whether that is Canada or BC and First Nations.

This respondent highlighted the influence of the provincial and national level political relations with First Nations on the relationship between regional-scale organizations involved in water governance and First Nations. The majority of First Nations interviewees, at both the provincial- and regional-scales, emphasized the position that their nations had never extinguished title to their traditional territories, or the water in those territories. For example, one First Nations respondent stated:

Our stance is not changing whether or not we're talking to the Federal or Provincial government. Our argument is still the same, which is: this is ours, we haven't given it up yet, or given it up at all… we have rights which were never extinguished, to the water, to use the water, to protect the water, to use it with our traditional ecological knowledge. It is part of what we feel is our title to the land, and the resources. And in no way is it something that we're just another interested party.

Results from interviews, documents and personal observations at the provincial-scale indicate that this stance taken by First Nations is at least partially understood by some

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provincial government officials, yet viewed through a different lens. One non-Indigenous senior provincial bureaucrat involved in the water reform process stated that

> First Nations have a very clear sense that, and to some extent there is very active legal debate about this, but a very clear sense that this is their land, still is their land, and 'you interlopers just came in and took over, and you owe us'.

This example demonstrates how land entitlement can be viewed as adversarial, and how there is an acknowledged debate over right to land between the Province and First Nations. While some First Nations respondents confirmed some adversarial views on state-Indigenous relations, there was in fact a more predominant call for fair, meaningful and nation-to-nation cooperation between First Nations and the state. This more constructive view was often extended to organizations involved with water governance as they were in some cases viewed as an extension of the Province. One non-Indigenous respondent from a regional case identified assumptions that were important for the integration of environmental governance and Indigenous governance:

> as far as I am concerned, this is First Nations land, all of BC is First Nations land. So until our governments and people recognize that reality, they are never going to learn to deal with first peoples here, who as far as I am concerned, are primary. [First Nations] voices must be heard. Beyond that their rights and title must be recognized. The legal position is absolutely clear. And [after] talking to lawyers and anthropologists, you can't really logically dispute that position.

In summary, at both the regional- and provincial-scale cases, there were discrepancies between the assumptions regarding the role, rights, and political position of First Nations in BC held by First Nations respondents and by some non-Indigenous respondents. As discussed in the next section, these discrepancies were in part connected to a lack of understanding and knowledge of First Nations history and reality by non-Indigenous individuals.

3.5.2 Understandings of Indigenous Concerns

In both the provincial-scale case and the three regional cases, there were connections between the findings related to the assumptions made about First Nations (described above) and the depth of understandings of First Nations history, self-governance, and other concepts related to Indigenous governance. Five non-Indigenous respondents, at both the regional and provincial scales, explained that the term "stakeholder" should not be used to describe First Nations, but were not able to clearly articulate historical and political reasons for why this was the case. Other non-Indigenous respondents at both the provincial and regional scales were very upfront about their lack of knowledge of First Nations history in Canada. One Indigenous respondent commented on this lack of understanding more broadly:

> The people [in] these organizations [involved in water governance] are generally Canadians, from the same cultural and educational background, so the overwhelming idea about First Nations is that they are an interest group or a stakeholder group, and not a nation. …[Canadians] grow up believing that First Nations are Canadians. If you look at the legal history and the political history, the assertions of First Nations peoples themselves are in direct opposition to that. And yet the central fact in Canadian culture is, 'First Nations are one of the founding nations, they are Canadians, and Aboriginal peoples of Canada.' You don't have to dig very deep to find very strong resistance to that whole discourse among [Indigenous] people….There are very few [Canadian] people who have a sense of First Nations as nations or as politically autonomous.

Non-Indigenous interview subjects in all cases, excluding the FONV, did not clearly articulate the source of this predominant view of First Nations in Canada. Instead, they simply indicated that decision-makers within organizations involved in water governance had different, and sometimes uninformed or uneducated, notions of First Nations history, lived realities, and concepts related to Indigenous self-determination. The role of education regarding Indigenous peoples was reflected upon by one non-Indigenous respondent in the FONV case:

Politicians are younger than me now and a lot of them grew up when I did. When I went to school in Toronto, [Ontario], there was little mention [of First Nations], and basically the idea was that it was all in the past. We would draw pictures of teepees, and really there was no recognition that there was any such [people] really, in Canada. I really think that a lot of the attitudes of people we have now who are in power come from that. It is just a total ignorance. But I think now, it is willful ignorance, because there is no reason to have those attitudes.

In contrast to this lack of understanding by those in power identified by respondents, many non-Indigenous respondents at both the regional- and provincial-scales pointed to the progress that has been made by Canadians in becoming more culturally aware of First Nations. Nonetheless, interviews, personal observations and documents indicated that the main thrust of these discussions of cultural awareness reflected concepts of equity based on the presumed minority status of Indigenous peoples. In general, missing was in-depth consideration of pre-existing Indigenous nations and of the impacts on these nations from the arrival of European and other settlers. To illustrate, analysis of interviews with OBWB members and documents produced by the organization demonstrated a concern for First Nations well-being, an understanding of First Nations circumstances, marginalization, and oppression, and the importance of Indigenous knowledge in decision making about water. Furthermore, the board of directors of the OBWB included an appointed director from the Okanagan [First] Nation Alliance. Nonetheless, despite these efforts on the part of non-Indigenous respondents within organizations involved in water governance to understand First Nations circumstances, one Indigenous respondent working in an Indigenous organization in the geographical area of the Okanagan stated the following:

In the Okanagan [region] people have a very very poor understanding that there even was, and continues to be, [Indigenous people] there who have not given up their land. It is Okanagan [Nation] land, and nobody really recognizes that. And certainly they are not willing to accept that in terms of giving up power, or giving the land back. Theoretically there are some people [in the OBWB] who get it, but practically nobody wants to take steps to challenge their own position in society or authority. Those people understand that concept, but it doesn't seem deep because of the entrenched positions

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that people hold. They understand it theoretically, but I get the sense that from the individual [OBWB] directors they're not that concerned with it.

The FONV regional case offers a contrasting view and an exception to these widespread understandings and knowledge about Indigenous self-determination found in the analysis of the WSD, CBT, and OBWB cases. This is demonstrated by the following statement from a member of the FONV:

Everybody on the FONV board of directors would agree that you need to have knowledge and understanding of the dispossession of [First Nations], and all that has gone on in the 250 years since Europeans arrived and stole the land. That is just really key, you need to have that breadth of understanding… that area is [First Nations] sacred territory, and to think that it could be destroyed in any way, and their way of life along with it, it's just horrific to them.

There was evidence from document and interviews in the cases at both the provincial scale and the regional scale that a shift toward understanding of First Nations perspectives by non-Indigenous individuals is underway and ongoing. One non-Indigenous key informant describes a recent water governance meeting with First Nations and non-First Nations people where a non-Indigenous individual spoke about a change in awareness:

A non-Aboriginal man stepped up to speak and said, 'I used to think that the [Indigenous] seven generation thing was just a bunch of Indian hocus-pocus.' There was a long pause after that because I am sure he was thinking he had already offended people. And he said 'now I do not feel that way. Now I feel that is the only way that we will achieve sustainability, is to think generations ahead. And I am grateful that the First Nations continued to press me to understand that'. So you are beginning to see some changes in our understanding of their relationships, not just to First Nations, but to First Nations sensibilities in terms of the environment.

Finally, at the provincial scale, there were divergent views on the understanding of colonial and First Nations history by non-Indigenous people. An example given by one First Nations respondent was that their Elders and leaders had met with BC Provincial officials many times over the decades of their lives. However, because of employee turnover within

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the agency, those Elders and leaders had a long memory of that relationship and decades of previous negotiations, whereas each new civil servant had only a short memory and relatively cursory understanding. This final point regarding the temporal period of understanding reinforces the broader finding of a divergence in understanding regarding Indigenous peoples between First Nations and non-First Nations peoples.

3.5.3 Approaches to Collaboration

At both the regional- and provincial-scales, this research indicated a lack of engagement by the organizations (with the exception of the FONV) from First Nations goals. Results indicated that this disengagement has caused difficulties for collaboration between First Nations and organizations and that there were vast differences among the cases regarding the stated or implied motivations for collaboration with First Nations. Interviews and document analysis from the provincial-scale case (WSD) and two of the regional-scale cases (CBT and OBWB) demonstrated a variety of motivations of these organizations to collaborate with or include First Nations in water governance processes. The two most commonly cited motivations by water governance practitioners included the belief that First Nations have valuable contributions and ought to be included in decision making wherever possible; and an interest in building a collaborative relationship with a First Nation. Three additional cited motivations were attempting to demonstrate that First Nations perspectives had been included in decision making; being legally mandated to include or consult with First Nations in decision making; and using collaboration to gauge the political reaction of First Nations to a potential decision. The view of and motivation for the involvement of Indigenous peoples in collaborative water governance is demonstrated by a non-Indigenous respondent in the WSD case explained how First Nations are one of many sectors whose opinions are sought by the Provincial government:

> What we have to do is say, 'let's get First Nations perspective, let's get the motorized user groups, let's get the extreme left left-wing environmental groups...and try and get perspectives from all of them and develop our programs…

In addition to motivations for Indigenous involvement identified in the provincial-scale WSD case, results from interviews with non-Indigenous respondents in the CBT and OBWB regional cases indicated that the motivations for the organizations to collaborate with First Nations fell short of approaching First Nations with the intent to collaborate with them as a self-determining nation. FONV was an exception. Board members interviewed during the study consistently indicated that the First Nation takes the lead on decisions. FONV board members considered the land in question the traditional territory of the First Nation.

In the provincial-scale WSD case, and in the CBT and OBWB regional-scale cases, the organizations approached collaboration or public participation with venues and processes that were incompatible with First Nations' stated preferences. One example was the use of "town-hall" meetings used by the Province to gather perspectives on *Water Act* modernization and "to share information, discuss principles for a new *Water Act*, and explore opportunities for change" (British Columbia Ministry of Environment 2010b). Three First Nations-specific meetings were organized by the provincial government, but all First Nations in BC were invited to a single location. This was not considered satisfactory by First Nations (see British Columbia Assembly of First Nations 2010). One First Nations leader pointed to problems with the First Nations-specific town hall meeting for *Water Act* modernization as a choice of venue and process:

> One of the people from our [First] Nation went to one of those town hall meetings and asked 'when can we expect [the Province] to specifically come to our nation and consult with our specific needs and issues on this?' And they said, 'we won't, this is it'. She told them 'this is not suitable…what you are doing is inadequate'. I couldn't believe it. For the most important thing in our life, this is what they do. The other insulting piece about that is that they expected multiple nations to attend the same meeting. Each nation has their own distinct way of looking at an issue and way of how they are going to deal with the issue, [and] their own responsibilities in their own territory. The process is insulting because if we're going to come together and work together, is going to be on our terms. You do not tell us to sit at the same table and talk about something so important.

Other aspects of venue and process identified as problematic included the organizations initiating a process without leaving adequate time for First Nations to respond, and trying to solicit online forms of feedback from First Nations leaders and Elders who did not regard this approach as appropriate. In general the province's approach to collecting information from the public during its *Water Act* reform process was wide ranging and comprehensive. However, these techniques were not considered by First Nations to be appropriate. In contrast, in the three regional cases there was evidence of attempts to select processes and venues for collaboration that were considered appropriate by First Nations. In particular, all of the venues and processes utilized by the FONV were considered appropriate by the local First Nation. The successes in the three regional cases were largely attributed to instances where the First Nation selected the venue and processes used in collaboration.

Linked to venue and processes was the emergent finding that *who* initiates collaborative processes matters. First Nations respondents noted that in many cases, the organizations seeking First Nations participation in collaborative processes had initiated a process with a pre-set agenda that did not correspond with First Nation social, economic, political or environmental goals. The organizations tended to then seek First Nations approval of a plan, policy or idea for a variety of motivations. In the WSD, OBWB, and CBT cases, many First Nations respondents noted their frustration with being approached with plans that were already underway, which had direct impact on their traditional territory, and which were not initiated by their nation. An exception was the FONV where the majority of projects and plans were initiated by the First Nation.

As part of the interview processes, respondents were asked what could be done to make collaboration between First Nations peoples and organizations involved in governance for water more appropriate and effective. In both the regional- and provincial-scale cases, First Nations respondents offered recommendations for refined and informed organizations involved in water governance. Their responses, listed below in order of highest to lowest frequency of appearance in the data, indicated that organizations should consider the following when engaging in collaborative processes with First Nations:

a. Build relationships with First Nations and engage with First Nations in-person.
b. Treat First Nations as nations and work toward meaningful collaboration that moves beyond the check-mark of 'First Nations person present at meeting'.
c. Reconsider any pre-determined outcomes or goals and the extent to which they are consistent with principles of Indigenous governance
d. Consider that First Nations may be intending to or already have implemented their own environmental governance processes and inquire what these are.
e. Choose venues and processes that reflect Indigenous processes.

At the most fundamental level, responses to this question reinforced the fact that approaching and respecting First Nations as nations, rather than as one of many and roughly equivalent stakeholders, was essential.

3.6 Discussion and Conclusions

This research demonstrates that the characterization of First Nations as one of many stakeholders or interest groups by organizations involved in water governance in BC is not compatible with the concepts of Indigenous *sui generis* rights, and is inconsistent with the concept of Indigenous peoples as self-determining nations that pre-existed colonization described in Indigenous governance literature (Borrows 1997; Turner 2006). In BC, this incompatibility stems in large part from differing points of view, assumptions and understandings about First Nations. The view of First Nations as, or equivalent to, other stakeholders in the BC empirical context is consistent with the general orientation identified in the collaborative environmental governance literature, where Indigenous people are discussed as one of several stakeholders, interest groups or minorities (Erazo 2010; Freedman and Fridgen 2007; Spellecacy 2009). This contrasts with Indigenous governance conceptions of Indigenous peoples as self-determining nations (Alfred 2009; Turner 2006). As noted previously, collaborative environmental governance occurs in many contexts in BC besides water, e.g., forestry and wildlife management, and thus the findings from this research may be relevant to other collaborative environmental governance contexts involving First Nations.

The empirical findings of this research demonstrate that, with the exception of the FONV case, problematic assumptions are being made about First Nations people by practitioners and decision-makers from organizations involved in governance for water in BC. These assumptions stem in part from a lack of understanding of the asserted goals of First Nations people regarding self-determination and/or a failure to fully incorporate those concepts into the practice of collaborative environmental governance. These empirical findings affirm the identified gap in the literature indicating that collaborative environmental governance scholarship (e.g., Cullen, *et al.* 2010; Erazo 2010; Spellecacy 2009) does not go far enough in integrating concepts related to Indigenous self-determination and nationhood. For example, collaborative environmental governance scholars viewed Indigenous peoples as one of many community groups (Kellert, *et al.* 2000; Lockwood, *et al.* 2010) or interest groups (Brown 2009), rather than as Indigenous nations. The findings support the argument in this paper that the conceptual incongruence between Indigenous governance and collaborative environmental governance could be resolved in part through a different understanding of Indigenous self-determination and nationhood. In the realm of collaborative environmental governance, this understanding could be incorporated by both scholars and practitioners and would entail collaborating with Indigenous peoples treated not as one of many interest groups or stakeholders, but rather as self-determining nations, a view of Indigenous peoples that is clearly demonstrated in Indigenous governance literature (e.g., Alfred 2005; Coulthard 2008; Turner 2006).

At a practical level, there are a variety of ways in which this identified gap could be bridged. For instance, collaborative water governance in BC could better achieve the explicit goals made by organizations involved in water governance to collaborate with Indigenous peoples by leveling the capacity–related playing field between the organization Indigenous nations. Addressing resource and capacity differences between First Nations and the organization is an important step that may be accomplished in a variety of ways depending on the context. Additionally, measures taken by organizations involved in water governance to build genuine relationships or alliances with Indigenous nations and leaders, work toward meaningful, and select venues and processes for collaboration that reflect

Indigenous processes may in concert be initial steps toward collaboration that addresses the capacity-related ramifications of colonization and enables the incorporation of Indigenous assertions of nationhood and self-determination.

The consideration by collaborative environmental governance practitioners that Indigenous nations already have or may intend to implement their own (collaborative) environmental governance processes in their traditional territory also has implications for bridging the conceptual gap within practice. These implications are demonstrated by the FONV case which was an exception to the main thrust of the findings described above. Specifically, the non-Indigenous interviewees within the FONV case, and documents associated with the FONV's activities, together demonstrated a nuanced understanding of and respect for First Nations history and modern-day assertions of Indigenous self-determination. Factors that may account for this pattern are the relatively small size of the organization, the remoteness of the area of work (perhaps contributing to closer relationships), a history of relationship- and trust-building between the FONV and the Xeni Gwet'in First Nation, a lack of government oversight (i.e. not being a legislated organization), the grassroots formation of the FONV, and/or the need for close collaboration between the FONV and the First Nation to further current political-legal campaigns related to water governance. The FONV provides an example of a case where a non-Indigenous organization involved in water governance can collaborate closely with a First Nation that asserts jurisdiction of its traditional territory, has its own governance processes, and considers itself to be self-determining.

Despite this positive exception, this research highlights the need to improve understanding of concepts related to Indigenous self-determination at scholarly and practical levels in the context of collaboration. For example, in BC, findings from this research demonstrated misunderstanding by organizations involved in water governance about First Nations goals, particularly at a political and strategic level. In turn this led to difficulties in attempts to collaborate with First Nations and organizations. This research highlights the reality that principles underpinning collaboration typically are extended to Indigenous peoples with little or no concern for Indigenous self-determination or

nationhood. This same gap in awareness has been documented more broadly in Canada as seen in the findings of the *Report of the Royal Commission on Aboriginal People* (RCAP 1996); this inquiry investigated problems and solutions related to the relationship between Aboriginal peoples and the Canadian Crown. The disregard of, or lack of formal recognition for, the self-determining and/or nation status of Indigenous nations by non-Indigenous environmental decisions-makers has potential negative ramifications for collaborative environmental governance. For instance, relational disconnect or conflict could occur between Indigenous nations and non-Indigenous groups with similar concerns for the protection of the same environs; this disconnect or conflict could in turn undermine the potential for collaborating on overlapping goals related to environmental governance. Additionally, non-Indigenous collaborative environmental governance alliances could lose credibility or legitimacy where Indigenous peoples or nations do not have input or guidance in a process or have chosen to challenge collaborative environmental governance processes external to their nation because it undermines Indigenous assertions of self-determination or nationhood. These negative ramifications of the failure to incorporate ideas of Indigenous self-determination and nationhood related directly to collaborative environmental governance scholarship. Where this body of scholarship does not reflect advancements in Indigenous governance, particularly related to Indigenous self-determination and the role of Indigenous nationhood, discussions of collaboration with Indigenous peoples are inaccurate.

At a conceptual level, collaboration could be improved by leaders and managers within organizations involved in water governance engaging more deeply with and understanding the ideas and assertions related to Indigenous self-determination. This conceptual shift would have the potential to improve the approach taken by non-Indigenous peoples to collaborating with Indigenous nations, and to potentially furthering both collaborative environmental governance and Indigenous self-determination goals. The successful Indigenous/non-Indigenous alliance within the FONV case demonstrates precisely these types of gains. Additionally, organizations involved in collaborative environmental governance stand to gain the addition of Indigenous knowledge, authority and approaches

to environmental governance by the Indigenous people who have occupied those environs since time immemorial. Thus, the practice of collaborative environmental governance has the potential to be strengthened through acknowledging and addressing Indigenous goals related to self-determination. The same is true for building more robust collaborative environmental governance scholarship – the incorporation of concepts of Indigenous self-determination and nationhood would create a more accurate, nuanced, and complex understanding of how collaborative environmental governance relates to Indigenous peoples in different contexts.

The rationale for seeking a similar conceptual shift in the scholarly realm is that collaborative environmental governance literature could (1) more accurately reflect the legal and political status and position of various Indigenous nations, (2) reflect a more nuanced perspective on governance regarding environmental resources within Indigenous traditional territories, and (3) better reflect the assumptions argued by Indigenous scholars relating to Indigenous governance and self-determination. For example, discourse on collaboration with Indigenous nations could incorporate the idea demonstrated in Indigenous governance literature that Indigenous nations have the right to decision-making authority over the environment within Indigenous traditional territories (Alfred 2009; Borrows 2005; Simpson 2008). Recognizing that there is an enormous diversity of legal, cultural, political, economic and social realities in many different Indigenous contexts worldwide, including disputed Indigenous traditional territories and political and legal tensions surrounding asserted Indigenous self-determination, bridging conceptual gaps related to Indigenous self-determination in the collaborative environmental governance literature may take many forms.

The conceptual implications of the findings from this empirical work in BC speak to the broader challenge facing environmental governance, and may be relevant to Indigenous peoples beyond the Canadian context. To be conceptually consistent with scholarly advances in thinking regarding the role of Indigenous peoples with regard to governance (Corntassel 2009), collaborative environmental governance literature must consider the view of Indigenous peoples as nations that pre-existed colonial contact, rather than as

stakeholders, communities, minorities or interest groups. Article 27 of the UNDRIP (United Nations General Assembly 2007, 10) asserts that the state shall give "due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories, and resources, including those which were traditionally owned or otherwise occupied or used." We suggests that scholars and practitioners of collaborative environmental governance better address this reality even in jurisdictions where there is variability in the legal, social, and political contexts for Indigenous peoples.

This research suggests a different way of thinking about collaborative environmental governance, one where Indigenous people are considered as existing within self-determined nations. This approach directly addresses the conceptual gap identified between the Indigenous governance and collaborative environmental governance literatures. The empirical research presented in this paper clearly demonstrates the importance of a refined approach regarding the discussion of Indigenous peoples on a practical level, and highlights differences in assumptions embedded in the collaborative environmental governance literature and the central tenets of Indigenous governance scholarship. This difference in assumptions is significant because, in many cases, these two bodies of scholarship are dealing with the same lands. This research highlights the importance of addressing the fundamental lack of understanding about and inclusion of concepts of Indigenous governance and Indigenous history that currently confounds collaborative environmental governance and Indigenous collaboration at a nation level. The incorporation of concepts, discussion and understandings of self-determination and nationhood in the context of Indigenous governance offers an important advancement for collaborative environmental governance scholarship.

Chapter 4
Water Policy Reform and Indigenous Governance

4.1 Chapter Overview

Concerns related to the governance of water that have emerged at the global scale have created pressure for, and an increase in, water policy reform in many countries. Simultaneously, Indigenous governance movements related to self-determination are undergoing an immense period of growth and change worldwide; the 2007 *United Nations Declaration on the Rights of Indigenous Peoples* has been a milestone of this growth. These movements are significant because of Indigenous peoples' asserted rights to lands, waters and natural resources. In this paper, we explore the extent to which water policy reform efforts can and do recognize concepts of Indigenous governance and self-determination. The extent to which these concepts are recognized is critical because water policy reform often occurs in the asserted traditional territories of Indigenous peoples. Using an empirical case study of water policy reform in British Columbia (BC), Canada, this paper demonstrates why in Indigenous traditional homelands, water policy reform efforts should have regard for the main tenets of Indigenous governance. The findings indicate that, in the BC context, problematic assumptions exist regarding the role of First Nations. These assumptions have the potential to undermine the prospects for water policy reform. Finally, implications for water reform processes around the world are discussed.

Key words: water policy reform; water policy; Indigenous governance; public participation; collaboration; water governance; Indigenous self-determination

4.2 Introduction

Water policy reform is underway at local, regional, national and international scales around the world. Drivers for reform typically include water quantity and quality problems, growing economic interest in water resources, current and anticipated effects of climate change on water, concerns regarding ecological water flows, and uncertainty over rights to

and ownership of surface and groundwater (Connick and Innes 2003; Gutierrez 2010; Ioris 2009; Wheida and Verhoeven 2007; Wilder 2010). Reform efforts are significant because they embed "rules, roles and practices that shape water-related policy decisions and political struggles" (Conca 2006, 5). Concurrently, there is a global-scale Indigenous movement that is gaining momentum, particularly regarding self-determination and the reassertion of Indigenous rights to lands, waters and natural resources. Tensions can arise in cases where water policy reform is occurring on lands that overlap with the (re)asserted traditional homelands or territories of Indigenous peoples. For example, in Tanzania, changes to institutions for water access failed because the concerns of Indigenous water rights holders were not addressed satisfactorily (Brennan 2001; Potkanski and Adams 1998).

The challenges of undertaking water policy reform in jurisdictions overlapping with Indigenous traditional homelands are clearly evident in Canada. Water reforms are underway in several Canadian provinces and territories (Bakker and Cooke 2011). Simultaneously, Indigenous rights and titles to lands and water remain politically contentious and unresolved (Borrows 2005a; Phare 2005). Even in Canadian jurisdictions where sincere efforts are being made to engage Indigenous peoples in reform processes, success is not guaranteed. For instance, although the Northwest Territories' *Northern Voices, Northern Waters: Water Stewardship Strategy* was created through the collaboration among Aboriginal governments and Crown governments and is considered a landmark territorial water strategy in terms of Indigenous involvement, Aboriginal land claims are expected to create challenges regarding successful implementation of the strategy (GNWT 2010; Sommerfeld and Hume 2011).

The impetus for water policy reform in Canada is similar to the drivers for reform found in other countries. Canada has substantial freshwater resources as compared to many other countries. Nonetheless, critics of Canadian water policy point to problems relating to the depletion, diversion and contamination of water across the country and the need for leadership from governments (de Loë 2009; Shrubsole and Draper 2006). Alongside growing recognition of water problems in Canada that demand policy reform, there is a new

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awareness among Indigenous peoples in Canada regarding their rights and title to the water, traditional territories, and lands they occupied prior to European contact. This is manifested in numerous ways, including, but not limited to, cases that come before the court system, land claims, modern Aboriginal treaties, political demonstration, and simply making decisions about the lands within their traditional territories (Borrows 2005a; Dalton 2006; Spak 2005).

The Indigenous governance literature captures some of the themes and issues that are voiced by Indigenous peoples around the world. This literature is a field of scholarly discourse centred on the fact that many Indigenous self-determining nations pre-dated and persisted through colonial settlement and ongoing oppression (Battiste 2000; Mucina 2004). An important focus in contemporary Indigenous governance literature is on the need for Indigenous peoples to assert their right to self-determination in a variety of global contexts (Deloria and Wildcat 2001; Little Bear 2000; Mucina 2008; Osorio 2001; Smith 1999). While authors in this literature do not speak for Indigenous peoples, they certainly reflect the kinds of concerns that Indigenous peoples have expressed in countless settings, not least of which the forums that preceded the creation of the 2007 *United Nations Declaration on the Rights of Indigenous Peoples* (United Nations Economic and Social Council (UN/ECOSOC) 2005; United Nations General Assembly 2007). Water policy reform literature, on the other hand, is concerned with various aspects of policy reform including the role of change agents (Wilder 2010), the politics of water policy reform (Gutierrez 2010), the advantages and shortcomings of various approaches to water policy reform (Gerlak 2008; Ingram 2008; Ioris 2009), and the concepts that underpin policy changes (Huitema, *et al.* 2009). Attention to the kinds of issues and concerns that are expressed in the Indigenous governance literature is largely absent. Given growing global recognition of the rights of Indigenous peoples, we suggest that this is an important gap to bridge.

In this paper we address the challenge of integrating ideas from the Indigenous governance literature into water policy reforms. The first section reviews relevant Indigenous governance and water policy reform scholarship, and discusses how they

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intersect. The next section presents an empirical case study: water policy reform in BC, Canada. This case is important because in the Province of BC very few treaties have been signed between the Crown and First Nations, making the question of self-determination particularly relevant to how provincial government water policy is made or reformed. In BC alone, there are 199 distinct First Nations. Aboriginal[6] individuals make up just under 5% of the total population of BC (BC MARR 2012; BC MMS 2012) and have an unemployment rate that is approximately 14% higher than non-Aboriginal British Columbians (BC MMS 2004a). Over a third of off-reserve Aboriginal households in BC are considered low income compared to one fifth of non-Aboriginal households (BC MMS 2004b). These demographic disadvantages, combined with the legacy of colonialism, have created significant capacity issues for First Nations in BC. A lack of resources and the small size of the Indigenous population in BC hinder efforts to reassert self-determination and Indigenous nationhood. Nonetheless, these efforts are ongoing – and thus reconciling Indigenous concerns in water policy reform in BC is an important challenge.

4.3 Water Policy Reform and Indigenous Self-determination

4.3.1 Indigenous Governance

Indigenous governance concerns are expressed in a diverse field of scholarship that addresses topics such as colonialism, self-determination, Indigenous knowledge, indigeneity, race, and marginalization as they relate to Indigenous peoples around the world. A central focus of the Indigenous governance literature is on concepts of Indigenous self-determination and nationhood (see Alfred 2005; Coulthard 2008; Ladner 2004; Ransom and Ettenger 2001; Shadian 2007). This focus is driven by real-world struggles related to the contested legal and political status of Indigenous peoples (Borrows 2005a; Ladner 2004) and the historical and ongoing oppression of Indigenous peoples in countries where colonization has occurred (Corntassel 2003; Mucina 2008; Smith 1999). The *Indigenous Peoples' Kyoto Water Declaration* (United Nations Educational, Scientific and Cultural

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[6] The term Aboriginal in Canada includes individuals who are First Nations, Métis, or Inuit.

Organization 2003, 2) defines Indigenous self-determination as follows: "Self-determination for Indigenous Peoples includes the right to control our institutions, territories, resources, social orders, and cultures without external domination or interference."

The reassertion of Indigenous rights, responsibilities and identities tied to Indigenous traditional territories or homelands is occurring around the world, and is an essential aspect of moving toward decolonization (LaDuke 2005; Smith 1999). Indigenous reassertion of self-determination, identity, ways of knowing, and rights to traditional homelands is occurring in many countries around the world. Examples include Australia, where Indigenous people have asserted rights to self-determination, land, and sacred sites (Smith 2004); Zimbabwe, where Ubuntu philosophies enable Indigenous peoples in the maintenance of identity (Mucina 2008); New Zealand, where Maori have asserted sovereignty and self-determination (Coombes 2007); and Finland, where the Sami Indigenous peoples have created a Sami Parliament and coordinated their efforts to assert Indigenous rights in Finland, Sweden, Russia and Norway (Feodoroff and Lawrence 2009; Henricksen 2001; United Nations General Assembly 2007).

Indigenous governance scholarship rooted in empirical research within Canada and the United States argues that many Indigenous peoples existed, continue to exist and have inherent rights within the unceded, self-determining nations that pre-existed European settlement (Corntassel 2003; Deloria and Wildcat 2001; McGregor 2004; Turner 2006). Conceptually, Indigenous self-determination concerns the reassertion 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 (Alfred 2005; Battiste 2000; Borrows 2005b; Corntassel 2003; Coulthard 2008; Deloria and Wildcat 2001; McGregor 2004; Smith 1999; Turner 2006). While there are a wide variety of political positions, legal statutes, rights and values of Indigenous people in Canada and the United States, Indigenous governance literature tends not to assume that Indigenous people have been assimilated into the colonial state. Instead, North American Indigenous governance literature often takes the position that Indigenous people have not ceded their traditional

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territories or homelands (see Alfred 2009; Borrows 2005a; Simpson 2008). This position is consistent with the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) (United Nations General Assembly 2007) which affirms Indigenous peoples' right to their lands, resources, and territories.

Stemming from this set of assumptions regarding traditional territories and self-determination, Indigenous people are viewed by some Canadian Indigenous governance scholars as holding *sui generis* rights (Turner 2006), or rights that flow from legitimate, politically sovereign nations that preexisted European contact (Alfred 2005; Borrows 2005a; Phare 2009; Turner 2006). These rights differ from minority rights, which are derived from ethnic, religious, cultural, sexual or class distinctions. In the context of water policy reform, the *sui generis* distinction is important since it positions Indigenous peoples as nations or governments, rather than as minorities, interest groups, or stakeholders. We suggest that the emerging reality, represented in part by the UNDRIP, is that Indigenous peoples cannot and should not be treated as interest groups in water policy reform processes.

4.3.2 Water Policy Reform

Scholarly literature on the topic of water policy reform spans a variety of academic disciplines including political science, environmental management and planning, global governance, and economics. Policy reform is defined here as a process in which changes are made to laws, regulations, or institutions to address a goal such as environmental protection (adapted from OECD 2006). Academic interest in water policy reform reflects an increase in real-world water policy reform – or perceived need for reform – in many countries around the world. Numerous factors are stimulating this concern. In some countries, growing demands for fresh water for agricultural, urban and environmental purposes, combined with population growth and drought-induced low water flows, have triggered water policy reforms (Prasad 2008; Weinberg 1997; Wheida and Verhoeven 2007; Wilder 2010). There have also been economic and budgetary drivers of water policy change that stem in part from the need for water in both industrial development and water for ecological purposes;

in some cases this has led to economic incentives for conservation and the introduction of water markets (Dinar 1998; Heaney, *et al.* 2007; Nickum 2010; Tisdell and Ward 2003). Other reasons for water policy reform are linked to ideological agendas (Gutierrez 2010), growing awareness and attitudinal changes of citizens on the perception and use of water resources (Ioris 2009; Neuman 2010; Pigram 1999), political or governance reforms (Nicol and Mtisi 2003), and attempts to adjust policies to correspond with a watershed scale for management (Huitema, *et al.* 2009).

Water policy reform has occurred or is occurring in many countries around the world. On the continent of Africa, countries such as South Africa, Malawi, Tanzania and Zimbabwe have undertaken significant water reforms (Lein and Tagseth 2009; Marra 2008; Nhapi 2009; Nicol and Mtisi 2003). In South America, decentralization of water management, the privatization of water rights, and institutional changes have each played a part in water policy reform in countries such as Brazil, Argentina, Peru, Colombia, Chile and Bolivia (Berger, *et al.* 2007; Gutierrez 2010; Ioris 2009; Olivera 2004; Wilder 2010). In Asia, countries such as Vietnam, China and Israel have undergone water policy change (Fforde 2010; Fischhendler and Heikkila 2010; Mollinga 2010; Nickum 2010), as have countries in Europe (Calatrava and Garrido 2005), where the *Water Framework Directive* provided the guidelines for significant reforms (Ioris 2009; Watson and Howe 2006). Australia has undertaken national-scale water policy reform through the National Water Initiative and has used mechanisms such as pricing and markets to address issues of water property rights and over-allocation of water (Bjornlund 2006; Crase, *et al.* 2009; Department of Sustainability, Environment, Water, Population and Communities 2010; Heaney, *et al.* 2007; Pigram 1999; Tisdell and Ward 2003). In North America, reforms to water policies at regional and national scales have occurred or are underway in Mexico, the United States, and in Canada (de Loë, *et al.* 2009; Gerlak 2008; Kallis, *et al.* 2009; Neuman 2010; Weinberg 1997; Wilder 2010). Techniques and processes used for water policy reform in these countries include public participation (Huitema, *et al.* 2009; Ioris 2009; Wilder 2010), stakeholder participation methods (Gerlak 2008; Huitema and Meijerink 2009), collaborative processes (Connick 2003;

Kallis, *et al.* 2009), and top-down water policy restructuring by the state (Cooke and Kothari 2001; Pigram 1999).

4.3.3 Intersection of Water Policy Reform and Indigenous Governance

Assumptions regarding Indigenous people as stakeholders, minority groups or interest groups, rather than as Indigenous nations or as *sui generis* rights-holders, and assumption found in the Indigenous governance literature, can be found in literature pertaining to water policy reform. These assumptions can be observed within discussions of public participatory approaches to water policy reform, as well as in other discussions of policy reform pertaining to water jurisdiction, ownership or rights. Public participation, defined as a "multi-way set of interactions among citizens and other players who together produce outcomes" (Innes and Booher 2004, 419), is an approach that stems from the normative value placed on the democratic goals of public deliberation (Innes and Booher 2004) and on increasing complexity in issues being addressed in the public sphere (Lenihan 2012). The process of participation by water users and citizens in water-related decision making, including water reform, is widespread (Conca 2006; Gleick 2000; Ioris 2009; Wilder 2010). Where these techniques for reform are generalized to public participation that includes Indigenous peoples, problematic assumptions arise.

4.3.3.1 Public participation in water policy reform

Assumptions regarding Indigenous people that are made by policy-makers and water policy scholars can be demonstrated in the public participatory approaches to water policy reform. Broadly speaking, public participatory approaches are founded on the idea that citizens assemble themselves into organized interest groups to influence the way government formulates policy (Day 1997). This idea is inconsistent with concepts found in Indigenous governance literature, which argues that Indigenous people are not just "citizens" or "interest groups" but rather are Indigenous nations and *sui generis* rights-holders. This perspective is diametrically opposed to the one adopted by governments that view Indigenous peoples as ordinary citizens. This assumption is also evident in water

policy scholarship. For example, Kallis *et al.* (2009, 639) lump Indigenous peoples alongside other "weaker actors" including "low-income groups, small farmers…people of color, and more radical environmental interests." These authors are endeavoring to identify those who were marginalized in participatory processes – which is a laudable goal. However, in taking this approach, Indigenous peoples are not recognized as the original stewards and/or right holders of the watersheds and lands where the policy applies. A similar viewpoint runs through the water policy literature in general. To illustrate, Heikkila and Gerlak (2005) include Indigenous tribes as a type of stakeholder in the United States involved in various participatory water and natural resource programs. In examining water markets and water management reform in Australia, Tisdell and Ward (2003) discuss water rights and farmers' water entitlements beginning at the historical time of European settlement, but do not discuss pre-contact Indigenous rights, self-determination, or entitlements to water, which are well represented in the literature (Gibson 1999; Mercer 1993; Nichols 2002). Assumptions being made about Indigenous peoples in discussions of public participation for water policy reform are influenced by concepts found in the broader public engagement literature. For example, Lenihan (2012, 65) makes the case for the inclusion of a wide variety of stakeholders in policy-related public engagement, likening Aboriginal peoples to seniors, the disabled, and other "marginalized groups".

Distinguishing Indigenous peoples as nations and/or *sui generis* rights-holders, as opposed to stakeholders or other synonymous terms, is both conceptually and practically important. For example, in the context of water policy reform in Latin America, Boelens (2010, 6) asserts that neoliberal states reconstruct Indigenous culture to fit their ideological construct, but "diversity is accepted and encouraged by 'neo-indigenous' policy so long as it does not interfere with market rationality". The way Indigenous peoples are included in public participatory approaches to water reform is similarly problematic. In a "stakeholder" role, Indigenous peoples risk being misrepresented as not having nation status or decision making authority over waters, lands and natural resources (Alfred 2005; Boelens, *et al.* 2010; Phare 2005). Indigenous governance scholarship makes a case for the legitimate persistence of Indigenous nations and continued rights to lands and waters despite colonization. This

perspective reflects that of Indigenous peoples who worked towards documents such as the UNDRIP. Thus, we argue that water policy reform processes, and water policy scholars, must better consider the perspectives of Indigenous peoples, as reflected in part within Indigenous governance scholarship.

4.3.3.2 Water jurisdiction, rights and ownership

Assumptions regarding ownership, authority over and rights to water also figure prominently in the water policy reform literature. This reflects the fact that the state tends to assume ownership of water resources, and manages them accordingly (Mollinga 2010). Where lands or waters are located within the traditional territories of Indigenous peoples, this presumption is problematic. Indigenous people have clarified the link between self-determination and authority over natural resources in the *Kyoto Water Declaration* (United Nations Educational, Scientific and Cultural Organization 2003, 2)

> We Indigenous Peoples have the right to self-determination. By virtue of that right we have the right to freely exercise full authority and control of our natural resources including water. We also refer to our right of permanent sovereignty over our natural resources, including water… Self-determination includes the practice of our cultural and spiritual relationships with water, and the exercise of authority to govern, use, manage, regulate, recover, conserve, enhance and renew our water sources, without interference.

Despite assertions by Indigenous people regarding authority and control over water, scholarly discussions pertaining to these assertions are not prevalent in the literature pertaining to water policy reform. For example, Huitema and Meijerink (2009), Heaney *et al.* (2007) and Pigram (1999) discuss polycentricity, access entitlements from land titles, and the sharing of rights among different sectors of government and civil society with the assumption that the state has rightful authority over water, without addressing the rights of Indigenous peoples and the role of self-determination, Indigenous entitlement and rights to lands and waters. Similarly, Crase *et al.* (2009, 93) discuss Indigenous Australians in the past tense arguing that they "held values and undertook practices that acknowledged the variable character of Australia's water resources", but do not acknowledge the modern

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context of present-day Indigenous peoples. The importance of addressing Indigenous self-determination also stems from the fact that water rights are increasingly being encroached upon by dominant players and policies (Boelens, *et al.* 2010). Indigenous peoples have clearly asserted the right to lands, waters and self-determination (UNESCO 2003; United Nations General Assembly 2007). Hence, water policy reform processes that fail to acknowledge this tension are problematic.

4.4 Case Study in British Columbia – Provincial *Water Act* Reform

4.4.1 Research context

The intersection of state-driven water policy reform and Indigenous self-determination in British Columbia (BC), Canada provides an empirical example from Canada that demonstrates the importance of addressing this conceptual gap. BC is Canada's western-most province. Very few treaties have been signed between the Crown [7] and First Nations[8] in BC, and the majority of the province is covered by unceded, traditional territories[9] of First Nations peoples (Figure 5). These Indigenous nations pre-existed colonial contact and are located within the jurisdiction claimed by the Crown.

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[7] In Commonwealth realms "the Crown" refers to "the state" at national, provincial and sometimes other scales of government.

[8] The term First Nations is used to describe Indigenous peoples in Canada who self-identify as First Nations. This term is not inclusive of Inuit, Metis, or other Indigenous peoples.

[9] The traditional territories of Indigenous peoples is the term used to describe the territories, lands, or homelands that were, and may continue to be, occupied by Indigenous peoples.
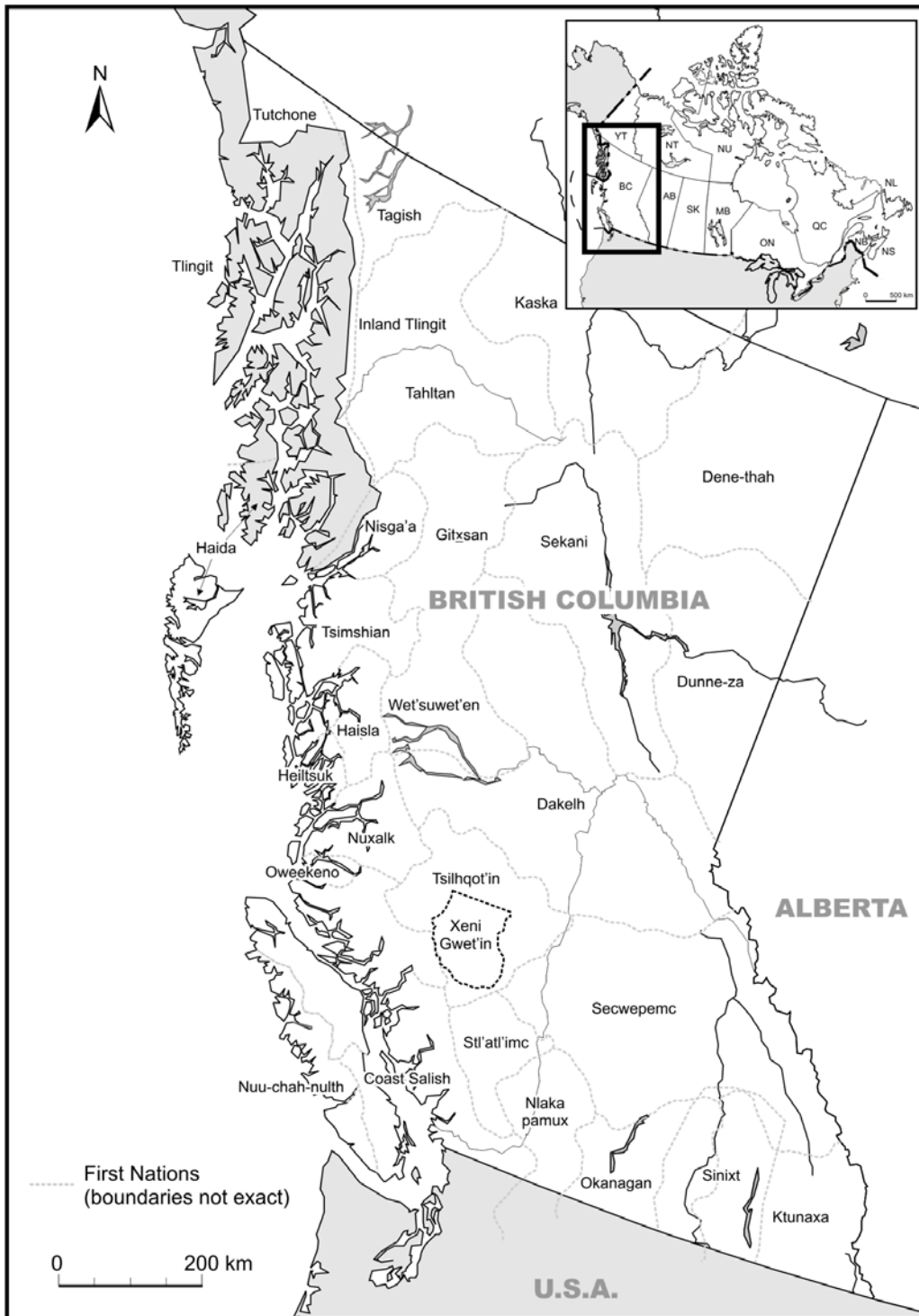
Figure 5 First Nations Traditional Territories in British Columbia, Canada

Source: (Province of British Columbia 2012; Sinixt Nation Society 2012; TNG 2011)

Since 2008 the Water Stewardship Division (WSD) of the BC Ministry of Environment has been working to reform the BC *Water Act* (RSBC 1996), the primary water legislation in the province. The WSD's responsibilities include water licensing, surface water-related data collection and forecasting, and groundwater monitoring and collection. The WSD's stated mandate includes supplying safe and reliable community water and using science to inform decision making (British Columbia Ministry of Environment, Water Stewardship Division 2008). As a division of the Provincial Ministry of Environment, the WSD does not enact water legislation nor sign treaties with First Nations. Nonetheless, its staff played a key role in leading the water reform process.

The Province's interest in reforming the *Water Act* was driven by multiple factors including, but not limited to, climate change, the need for greater certainty on the part of natural resource industries (which are an essential part of BC's economy), insufficient ecological flows in many rivers and streams, and a host of water quantity and quality issues (British Columbia Ministry of Environment 2008; British Columbia Ministry of Environment 2010c; British Columbia Ministry of Environment 2010d; British Columbia Ministry of Environment, Water Stewardship Division 2008). In leading the effort to "modernize" or reform the BC *Water Act,* the WSD used a public participation process. Its *Living Water Smart* program (British Columbia Ministry of Environment 2010b) gathered public feedback on the ideas surrounding the reform of the *Water Act* through processes such as an online blog where the public could comment on ideas put forth by the WSD and other respondents. The Division also held public meetings in several locations throughout the province to obtain feedback and ideas on the proposed water policy reform. The public meetings were town-hall like meetings held in 12 towns or cities in BC; three of these meetings were specifically held for First Nations. Ultimately, reform of water policy in BC provides an excellent case for examining the intersection of ideas about state-centric water governance and Indigenous governance.

4.4.2 Methods

Empirical research focused on the water policy reform in BC, the public participation approach used to modernize the *Act*, and the views of Indigenous and non-Indigenous peoples regarding this process. Data used in this paper were collected as part of a larger study that examined governance for water in BC, Canada. Data were collected from three sources: interviews with key informants; personal observations by the first author during public meetings, workshops and other functions where people involved in water policy reform interacted; and a range of academic and non-academic documents. Questions used to frame data collection emerged from the literature reviewed (section 4.3). They focused on assumptions regarding the role of Indigenous peoples, processes used, and outcomes:

- What are the underlying assumptions held by the Province and by First Nations regarding the role of First Nations in the *Water Act* reform process in BC? What did these assumptions demonstrate regarding positions and assumptions held by the state and First Nations?

- What public participation processes were utilized by the Province in reforming the *Water Act*? And how do they relate to First Nations?

- Were the processes of water policy reform viewed as satisfactory by First Nations and by the Province? How did these views relate to assumptions regarding the role of First Nations peoples?

A total of 49 people were interviewed using a semi-structured format as a part of a larger project (see Chapter 3); of those, 24 interviews were applicable to this research on Indigenous governance and water policy reform. These included seven non-Indigenous provincial bureaucrats involved in the water reform process, and six non-Indigenous people representing non-government organizations. Twelve of the 24 people interviewed identified as Indigenous or First Nations; of these 12, three were academics, while the remainder were in leadership positions within First Nations governments, nations or governments. Potential

interview participants were identified from personnel profiles of organization employees, and from recommendations made by other interviewees. Interviews were digitally audio recorded, transcribed verbatim by the author, and member checked through returning the transcripts to the interview subjects for verification. The document analysis phase of data collection focused on 183 documents, including meeting minutes from the various organizations, Province of BC publications, and published reports. Personal observations were documented throughout the interviews and at two public meetings related to water policy reform and Indigenous peoples.

QSR NVivo 8 software was used to organize, code and analyze the interviews, documents and personal observations, and to facilitate triangulation among data sources (Alexander, *et al.* 2008). Categories within these sources were created initially using first-pass, open coding (Richards 2005), where codes were used to identify key phrases, common ideas and emergent ideas within the interviews, documents and personal observations (Creswell 2007). First-pass codes on interview data and personal observations were created simultaneous to their transcription, and where possible, before the next interview or set of interviews. Next, axial second-pass coding was applied to the data to identify emergent themes (Gladstone, *et al.* 2006; Seale 2004) relevant to water policy reform literature.

4.5 Results

Findings are organized around major themes that emerged from the data, including underlying assumptions, the nature of the public participation process, and perceptions regarding actual and anticipated outcomes of the reform process. In discussing these issues, interview subjects frequently offered ideas and suggestions for how the concerns could be addressed. This section concludes with a synthesis of these suggestions.

4.5.1 Assumptions

Analysis of the data revealed several underlying assumptions held by the Province and by First Nations regarding the role of First Nations in the *Water Act* reform process in BC. All 12 First Nations/Indigenous interview respondents discussed First Nations as having

jurisdictional, decision-making, and/or legal rights to water in their traditional territories, and all 12 took the position that Indigenous traditional territories in BC have remained unceded since colonial contact. In contrast to this, of the seven Provincial bureaucrats interviewed, six considered First Nations as one of many groups or citizens that ought to be included in a public participatory water policy reform process; one person oscillated between the stakeholder versus nation views of Indigenous peoples. As demonstrated below, documents analyzed for the study reflected similar norms.

Disagreement regarding the question of whether or not First Nations are "stakeholders" emerged as a key theme in the analysis. First Nations unequivocally did not view themselves as citizen groups, interest groups, minorities or stakeholders, but rather as nations, governments, and/or the rightful decision makers over their traditional territories and associated waters. The discrepancy in assumptions is demonstrated in a letter written to the WSD by Ken Cossey, Lands Manager for the Tsawout First Nation regarding *Water Act* reform:

> While I can support the modernization of the [A]ct, …the format of the First Nation
> sessions has started with the wrong assumption; this assumption suggests that the
> province has assumed it alone controls and owns the resource (Tsawout First Nation
> 2010)

This perspective on jurisdiction, which was voiced by nine of the First Nations people interviewed for this study, was articulated clearly by a First Nations interviewee who was a leader within a political advocacy organization:

> We have rights which were never extinguished, to the water, to use the water, to protect
> the water, to use it with our traditional ecological knowledge. It's part of what we feel is
> our title to the land and the resources. And in no way is it that we're just another
> interested party.

Five First Nations interviewees emphasized that the original *Water Act*, enacted in 1909, was based on assumptions about Indigenous peoples held by the colonial government at the

time of settlement, and still prevalent today. These assumptions stemmed from the presumed Crown ownership of lands and waters. Ownership of water in BC was assumed by the Crown under the *Act*, and rights to use water were then assigned by the provincial government under licenses (Government of British Columbia 1946). Nonetheless, First Nations individuals interviewed during this study tended to view their nation as continuing to hold the rights and responsibilities to the water within their traditional territories. One First Nations interviewee pointed out that the current process of reform and modification to the same *Act* that was written in 1909 fails to address the larger outstanding issue between the Crown and First Nations regarding rights to, ownership of, and jurisdiction over water and lands.

Disagreement regarding the assumptions made by both First Nations and the Province is apparent in a letter to the WSD by the Union of BC Indian Chiefs (UBCIC) that refers to a Provincial discussion paper on *Water Act* reform (British Columbia Ministry of Environment 2010a):

> …the proposed principals [sic] outlined in the Discussion Paper completely fail to address Aboriginal Title and Rights, and operate under the continued assumption of provincial jurisdiction asserted in the current and outdated *Water Act*. We do not believe the province of B.C. has the jurisdiction to make unilateral definitions or decisions regarding water usage. (Union of BC Indian Chiefs 2010, 7)

In contrast to the assumptions and positions asserted by First Nations, the provincial perspectives tended to assume that First Nations are one of many groups, sectors, stakeholders, or interests who ought to have a say in *Water Act* reform. The rationale for First Nations inclusion was articulated clearly by a non-Indigenous provincial bureaucrat:

> We can't solve problems like watershed management by ourselves and if we don't partner with citizens to do that, and by citizens I mean everyone, First Nations, NGOs, the average person watering their lawn, developers, ...if you don't get everyone to the same table to start sharing both resources and responsibilities... there won't be a planet left.

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This quotation demonstrates a laudable commitment to a shared approach to water governance and recognition of the fact that numerous people in BC have an interest. However, it is based on a public participation model that assumes that First Nations are simply stakeholders, like developers and ordinary citizens who water their lawns. Similar assumptions were contained in publications by the Province written about the *Water Act* reform process. For instance, the Province's *Technical Background Report* states that "Advice and participation from First Nations and other stakeholders in the watershed could be sought during the water allocation planning process" (British Columbia Ministry of Environment 2010c, 32). Reflecting a degree of awareness about the issue, other reports by the Province assert that First Nations are not simply stakeholders (British Columbia Ministry of Environment 2011). As noted below, the tension between these two contradictory positions runs throughout the entire water reform process.

4.5.2 Nature of the public participation approach

Analysis of the public participation processes utilized by the Province in reforming the *Water Act* demonstrated unresolved positions and assumptions by the state and First Nations regarding First Nations rights, title, and roles. The public participation tools used by the WSD included an online *Living Water Smart* blog launched in December 2009 that invited all British Columbians, including First Nations, to comment on the proposed water policy reforms. Additionally, the WSD released a *Discussion Paper* outlining proposed options and ideas related to the water policy reform and written to create a platform for feedback. The WSD delivered 12 regional workshops during March and April 2010 throughout the province of BC; three of these workshops were for First Nations specifically.

The public participation approach to water policy reform used by the WSD was similar to processes used elsewhere in Canada, and internationally. If not for the specific issue of its compatibility with First Nations perspectives, it would likely be evaluated as an effective strategy based on current public participation practices. Nonetheless, it was used in a setting where First Nations people have clearly articulated and documented reassertions to their unrelinquished traditional territories – and thus the research revealed unresolved tensions.

These related to underlying assumptions, and to the particular tools and processes that were used to gather feedback on the proposed policy reform, particularly the blog and the workshops. First Nations believed that these processes used were not an appropriate way to have nation-to-nation discussions on the topic of water. This critique is captured well in the observation of a First Nations interview respondent:

> If you look at what the Ministry of Environment has done with the modernization of the *Water Act*, [First Nations] have been highly critical of process because it is largely blog process, online. That is not how the Federal and Provincial governments communicate with each other, [i.e.] through a blog process. They engage at senior levels in discussions or agreements.

Similar disapproval about the processes used for water policy reform in BC were outlined in interviews with First Nations and in documents written by First Nations. Many First Nations viewed the blog and workshops as appropriate for water users and interest groups, but as inappropriate for government-to-government or nation-to-nation engagement with First Nations who have Aboriginal title and rights protected under the Canadian Constitution (Schedule B to the *Canada Act* 1982 (U.K.), 1982, c. 11). This view is articulated in a public letter to the Minister of Environment from the First Nations Leadership Council (BC) that comments on First Nations engagement in the *Water Act* reform:

> …there has been no distinct process with First Nations outside the online public Blog process; and it is highly questionable whether the previous three workshops, with a combined total of approximately 60 First Nations individuals in attendance, truly resulted in a forum representative of the 203 First Nations communities around the province. It is our understanding from First Nations that these were not representative workshops and, therefore, did not constitute meaningful engagement with First Nation Governments (First Nations Leadership Council 2011).

Four First Nations leaders interviewed specifically noted what they considered the inappropriate nature of the First Nations workshops based on the fact that different Indigenous nations were invited to the same public workshops. First Nations interviewees pointed out that these different nations have differing opinions about the topics being

discussed; have their own processes and protocols for meeting with other First Nations that are different than those initiated by the Province; and have decision making protocols that cannot necessarily be represented by an individual First Nations community member who independently chooses to attend the workshop.

The Province's choice of public consultation techniques for water policy reform seems to have been closely linked to the assumptions and positions it took regarding the roles of First Nations in water-related decision making. The following quotation from a senior Provincial official demonstrates this connection:

> …when it comes to First Nations communities, or First Nations government, the must-do is the legal requirement. So what [is the Province] required to do before we change the *Water Act*? Our assessment is legally, not much at all, frankly. Legally the province can go ahead and define what it wants in the *Water Act*, and do it. Are we collaborating with [First Nations] to change the legislation? No ... we are seeking input. We will talk to First Nations to the extent it makes sense.

This perspective was common among interviewees from the WSD, who emphasized that the public participation approach was being used to actively engage all water stakeholders in the water policy reform process.

4.5.3 Satisfaction with reform processes

The results indicated that the difference in views, approaches, and assumptions held by the Province and by First Nations prevented the realization of a process of water policy reform that was satisfactory to First Nations and the Province. While the Province focused on reforming the *Water Act* for reasons including concerns such as economic certainty and protection or enhancement of ecological flows, First Nations focused on the reassertion of their rights and title to lands and water. Not surprisingly, therefore, the results demonstrated dissatisfaction and a difference of opinion regarding actual and anticipated outcomes by the Province and First Nations.

Consistently, all respondents from the provincial government indicated that they would have liked to have had more First Nations participation in the water policy reform

processes, as well as better means of incorporating Indigenous knowledge and oral traditions related to water into water policy. At the same time, findings indicated disappointment over the *Water Act* reform among First Nations. This perspective was particularly evident in the First Nations written submissions to the Province. The following quotations are from these letters. The first quotation demonstrates a continued willingness for First Nations to work with the Province, while the second points to an impasse on water policy reform:

> The ONA and its member bands had proposed an initial process framework for WAM consulting; the Province rejected it. This is not acceptable as we expect a resolution to reconciling our mutual interests with regard to water. We are willing to continue to work with the Province on water governance issues (Okanagan Nation Alliance 2010, 1).

> Cowichan Tribes is currently in litigation with the Province over a water issue. We took this step because the Province was not listening to us (by way of many letters and phone calls). …Cowichan Tribes is confronted with water issues now - the pressure on the resource is heavy - and we simply cannot wait for a stalled treaty process to accommodate our need to protect our sacred resource (Cowichan Tribes 2010, 2).

Delayed water policy reform, legal action related to water policy, and perceived infringements of water rights and title all create time and resources costs for both the Province and First Nations. One key informant working in a First Nations advocacy organization indicated that there would continue to be very "strong pushback" from First Nations on the issue of *Water Act* reform processes so long as the rights to water remains unresolved in the eyes of First Nations. Another First Nations respondent likened the ongoing process of having to advocate for First Nations rights to being "like banging your head against the wall".

These water policy reform processes were also unsatisfactory to non-Indigenous proponents of water policy reform. One respondent from the provincial government noted the following: "some of the challenges [working with First Nations], is certainly around having the patience and time, and working to extend schedules so that we can fully engage,

because First Nations are very interested in a different time frame". Another non-Indigenous participant at a public conference on water in BC posed a question to First Nations people in the room that demonstrated the frustration on the issue: "I just don't get why First Nations don't give a little more. I get that you people are sticking to defending your rights, but when it comes to discussions on water, why is it such a hard line?" Statements such as this indicated that in some cases a shared understanding did not exist regarding the appropriate approach to water policy reform in BC.

4.5.4 Solutions that emerged during the research

Interviewees in this study offered solutions to tension that existed between the assumptions of First Nations and the Crown. Two solutions were highlighted by nine First Nations and seven non-Indigenous respondents: (1) education for public service employees as a solution to the difference in assumptions; and (2) a continuation of the steps already being made by Provincial civil servants toward being more culturally aware about First Nations. A third solution emphasized by these same 16 respondents involved going beyond simply building cultural awareness. For example, one First Nations respondent emphasized the critical importance of the Crown acknowledging First Nations title and rights:

> [The Province needs to] accept the title and rights of First Nations, find a way to move on and stop denying it, and start creating positions and policies which really signify moving forward together [with First Nations]. That's what needs to take place, not denying [First Nations title and rights] on one hand, and then coming back to the table later after a Court decision mandates [the Province] to. And then saying 'well the court says we need to talk to you [First Nations] about this now, because we lost [the court case]. We tried to deny your title and rights and your existence in the court, but we accept it now. We didn't really mean it."

This quotation points to the need for recognizing and reconciling assumptions, and rectifying the differences through genuine positions and policies by the Province that clarify the position of First Nations as nations with unceded rights and title.

Reconciling these diametrically-opposed perspectives clearly will be a challenge. As part of the research process, questions were posed to interview subjects regarding how this could be accomplished. Three main solutions emerged in response: (1) the Crown working to level the playing field in terms of resources so that First Nations can have an equal platform to negotiate water policy reform; (2) the Crown approaching First Nations as a nation or government; and (3) First Nations clearly asserting and articulating their rights and declarations about water.

Several respondents pointed to a lack of resources in First Nations governments that make it difficult for them to negotiate with the state on water governance related issues at a nation-to-nation level. Six First Nations respondents emphasized the need to create a level playing field between the state and First Nations. Respondents indicated that the issue was not simply one of creating more time for First Nations to offer their opinions. Instead, as one First Nation interviewee noted, it would be necessary for First Nations and the Province to write the legislation together.

> I think the province really made a huge mistake with this new *[Water] Act*. They engaged First Nations very little and I think that is a big mistake. The Province is following the old status quo, 'we [the state] are doing our thing, and then we are going to consult First Nations', as opposed to...If I spend ten months writing this piece of paper, and then I said, 'I have 10 minutes, can you edit?' That is different than us writing this together. And that is what the Province did with the *Act*.

An equal playing field between the Province and First Nations would play a role in the second aforementioned solution that water reform processes be done on a nation-to-nation or government-to-government basis. The following First Nations respondent contrasts how the participatory process has proceeded versus how it should proceed:

> [The Province wrote a] letter to the [First Nations] Chiefs, saying 'we want to engage with you on this.' I might not have seen all the correspondence from the Ministry [of Environment], but what I did see were always pointing First Nations to the blog. [The

Province] was saying 'you are on notice, here is our process. Use it or don't'. They
should start by saying, 'hi government, we are government'.

The results indicated that First Nations too have an important role in creating a nation-to-nation relationship with the state. Three First Nations respondents pointed to the importance of the existing Indigenous declarations on lands or waters to give a clear position on where each First Nation stands on matters related to water, and governance more broadly, and that more First Nations should articulate Indigenous nation declarations and/or water declarations. According to one First Nation leader, the function of the articulation of the declarations in creating a nation-to-nation relationship with Indigenous peoples and the state is to both bolster the position of Indigenous self-determination in the view of the state, and to provide a unity of vision within the First Nation. The following quotation demonstrates how the uses of First Nations declarations extend beyond the provincial and national scales:

> You can look internationally at the UN Declaration [on the Rights of Indigenous Peoples], and some of things that [Indigenous] communities are doing like putting forward their own statements or declarations about their rights and title, sovereignty about their nations, and their relationship with the land and the water and all of those resources. So it's not that our positions are undefined, it's very clear what they are.

The many factors related to the approach to water policy reform processes for both the state and for First Nations stood out as a challenge in the BC context.

4.6 Synthesis of Water Policy Reform and Indigenous Governance

Three primary themes emerged from the analysis: (1) Water policy reform in BC has been carried out by the Province with assumptions that are different from those of First Nations; (2) differences in assumptions between First Nations and the Province were evident regarding the appropriateness of the public participation process initiated by the province for the purpose of water policy reform; and (3) differences in views and assumptions held by the Province and by First Nations prevented the realization of a process of reform that

was satisfactory to either First Nations or the Province. The extent to which the gaps between these perspectives can be closed is uncertain, although the research did reveal a desire on the part of some people interviewed, along with suggestions for how that could be accomplished.

The research findings indicate that assumptions being made by the provincial government in its approach to water policy reform are leading to measurable dissatisfaction with the reform process on the part of both First Nations and provincial officials. Rather than viewing First Nations as holding *sui generis* rights and as nations with the right to make decisions over their traditional territories, the Province tended to approach First Nations as one of many stakeholders or interest groups – an approach that is consistent with that taken by the Canadian state (Turner 2006). This approach was most clearly demonstrated by the processes used by the Province to reform the *Water Act*, namely its use of an online blog and public meetings; these were considered by many First Nations respondents as appropriate for engaging citizens, stakeholders and interest groups, but not nations.

Experiences in British Columbia water reform echo those in other jurisdictions. For example, in Australia the Commonwealth government focused on water policy reform and aimed to publicly engage stakeholders in water policy change processes (Morphy 2008). Consideration of Indigenous perspectives and recognition of cultural values were explicit goals (DSEWPC 2010). Success in these efforts has been limited. In most cases, Australia's state-level governments are "not yet engaging Indigenous people effectively in water planning" (NWC 2011) and have "failed to incorporate effective strategies for achieving Indigenous social, spiritual and customary objectives in water plans" (p.46). The problem with the Australian colonial state view of Indigenous peoples as 'citizens' and colonization as *fait accompli* (Morphy 2008) is that Indigenous peoples in Australia have asserted rights to self-determination (Smith 2004), established prior ownership of Australian land through high court decisions (Tedmanson 2008), and have regained a "measure of control of their homelands through land claims and through the development of organisations concerned with the environmental and economic management of their 'country'" (Smith 2008).

A notable example of a possible way forward in the realm of water policy reform is the creation of the Northwest Territories (NWT) *Northern Voices, Northern Waters: Water Stewardship Strategy* in Canada, which was mentioned above. This water strategy was achieved through collaboration among Aboriginal governments and the territorial and federal governments (GNWT 2010). Aboriginal governments were "invited to participate" in the process by the territorial government (GNWT 2010), and Indigenous peoples were referred to as groups, cultures, communities, as well as governments and nations by the minister responsible presiding over the creation of the territorial water strategy (Miltenberger 2009). The process is noteworthy for having been developed in "full collaboration with the indigenous governments who will be affected by it and upon whom responsibility for its implementation will ultimately fall" (Sandford and Phare 2011, 81-82).

Solutions to the disparity between the position and views of First Nations and the BC Provincial Government revealed through this research included (1) educating non-Indigenous peoples involved in water policy reform about First Nations history and views on nationhood status; (2) selecting/developing processes that demonstrate respect for First Nations as nations rather than as stakeholders; (3) the state working to level the playing field in terms of resources so that First Nations can adequately negotiate water policy reform; and (4) First Nations articulating their positions on water and nationhood via declarations. The third and fourth points are particularly relevant in light of the demographic and capacity issues noted in the introduction; for Indigenous self-determination to be realized in a way that is satisfactory to Indigenous peoples, systemic disadvantages must be addressed.

The shortcomings related to the view of Indigenous peoples in the literature pertaining to water policy reform, and in practice as demonstrated in the BC empirical context, together create an opportunity for a conceptual integration between water policy reform and Indigenous governance. There exists a potential for water policy reform processes to integrate the ideas surrounding the dual-claim to water rights in countries with Indigenous traditional territories, and to examine the merits and drawbacks of shared decision making

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models. Water policy reform practices could integrate Indigenous governance concepts by contextualizing Indigenous peoples as the rightful decision makers in traditional homelands and by examining the implications of this upon state driven water policy reform. Additionally, discussion of public participatory approaches to water policy reform could examine how to resolve power and resource disparities between Indigenous nations and larger nation states such as Australia or Canada in water policy reform. Affirmed by the empirical evidence in the context of BC, Canada presented here, there is evidence of opportunities for water policy reform to build a stronger foundation by integrating the central tenets of Indigenous governance scholarship related to self-determination.

4.7 Conclusion

The goals of this paper were (1) to identify gaps related to assumptions regarding Indigenous peoples between the Indigenous governance and water policy reform processes; (2) to examine those assumptions within the empirical context of water policy reform in BC, Canada; and (3) to identify ideas related to shifting the thinking regarding Indigenous peoples in future water policy reform processes. The water policy reform literature, and the empirical case study example from the context of BC, Canada, together demonstrate the need for a conceptual shift in thinking about Indigenous peoples in water reform processes. Water policy reform practitioners could better address concerns related to Indigenous water rights, contested ownership of lands and water, and public participatory approaches to reform in the context of Indigenous peoples, and simultaneously, address problems arising from outdated water policies. Policy reform occurs in many contexts besides water, e.g., forestry and mineral extraction, and thus the findings may be relevant to other policy reform contexts involving First Nations.

The reframing of assumptions related to water policy reform and Indigenous governance addresses challenges at two scales: (1) as a *process problem* related to involvement of Indigenous peoples as nations rather than as stakeholders in state-led policy reform, and (2) as a *larger societal problem* related to decolonization and the relationship between the state

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and Indigenous peoples. The larger societal problem relates to broad and ongoing issues related to colonization globally. As demonstrated in the empirical example in this research, where First Nations in BC have asserted their traditional territories as unceded nations, problems of jurisdictional authority and the legacy of colonialism continue to confound the resolution of this problem. The question remains then, can the process problem scale be meaningfully addressed without reconciliation or resolution of the larger societal problem scale? As Bloomfield *et al.* (2001, 505) point out, "there is a huge difference between inclusionary processes that are tacked on to unchanged systems of decision making, and those that contribute to a comprehensive renewal of democracy." This paper argues that there are some constructive measures in the realm of water policy reform that involves the scholarly and practical synthesis and reconsideration of concepts and ideas regarding the view of Indigenous peoples. This synthesis and reconsideration could together play an initial step toward a fundamental shift in attitudes, assumptions, and ultimately actions at the larger societal problem scale. This research illuminates a future research opportunity for developing a roadmap that outlines concrete ways forward for addressing gaps related to the role of Indigenous peoples water policy reform processes.

Chapter 5
Conclusions

This chapter reviews and synthesizes the principal research findings outlined in the previous four chapters and recaps the overall contributions of the research. Following the review of the purpose and objectives of the research and the summary of major findings, this chapter clarifies the major academic contributions of the research and offers recommendations for the practice of collaborative environmental governance with Indigenous peoples. The chapter concludes with a discussion of study limitations and ideas for future research.

5.1 Purpose and Objectives

The purpose of this doctoral research was to critically evaluate the extent to which principles and practices of collaborative environmental governance are compatible with the main tenets and advances in Indigenous governance related to self-determination. Three real-world cases of collaborative water governance, and one standalone, real-world case of water policy reform, were examined in order to lend empirical insight into these two bodies of scholarship.

The study had three specific objectives:

1. To build a preliminary conceptual framework that draws on the analysis of the collaborative environmental governance and Indigenous governance literatures in order to (a) form a foundation to understand and summarize the concepts and assumptions regarding Indigenous self-determination in the context of collaborative environmental governance, and (b) inform objectives two and three of the research;

2. To analyze the extent to which concepts of Indigenous governance inform (1) collaborative environmental governance at the regional scale and (2) water policy reform at the provincial scale in the empirical context of BC;

3. To formulate recommendations for addressing gaps identified through the analysis in Objectives 2 and 3, and contribute a conceptual synthesis of these bodies of

scholarship that builds a novel approach to collaborative environmental governance that considers Indigenous governance concepts of self-determination.

5.2 Major Findings

Research findings were presented in the form of three manuscripts. Chapter Two presented a systematic review of the collaborative environmental governance literature. Chapter Three outlined the empirical findings from the analysis of three regional-scale case studies of collaborative governance for water in British Columbia. Chapter Four presented findings from an evaluation of a water reform process in British Columbia. In this section, a summary of the major findings from each paper is provided.

Chapter Two presented a systematic review of the collaborative environmental governance literature. Guided by the conceptual framework outlined in Chapter One, a systematic review was used to examine collaborative environmental governance manuscripts that mentioned or discussed collaboration with Indigenous peoples (e.g., Booth and Skelton 2004; Cimo and Dobson 2004; Cronin and Ostergren 2007; Takeda and Ropke 2010). Documents identified through the search strategy outlined in this paper were analyzed for the extent to which they reflected tenets of Indigenous self-determination and nationhood that are found in the Indigenous governance literature (see Alfred 2005; Corntassel and Witmer 2008; Coulthard 2008; Simpson 2008). The systematic review revealed that contemporary collaborative environmental governance literature tended not to incorporate concepts related to Indigenous self-determination, nationhood and inherent rights. Rather than being discussed as Indigenous nations, Indigenous peoples were commonly discussed in collaborative environmental governance scholarship as stakeholders (e.g., Bark, *et al.* 2012; Fraser, *et al.* 2006; Spellecacy 2009), interest groups (Brown 2009; Cullen, *et al.* 2010; Robins 2009), or minorities (Erazo 2010; Shmueli and Khamaisi 2011) - terms consistent with those anticipated from the conceptual framework.

Additional terms used to describe Indigenous peoples that emerged from the systematic review, and that were also consistent with the stakeholder or minority view of Indigenous peoples in collaborative environmental governance literature, included terms such as

"subaltern peoples" (Coombes 2007, 191), "ethnolinguistic group" (Clifton and Majors 2011, 717), "disenfranchised residents" (Fraser, *et al.* 2006, 118), and "neglected community sectors" (Tan, *et al.* 2012a). Analysis of both the terms used and the concepts applied in the analyzed set of mainstream collaborative environmental governance literature demonstrated an overall lack of consideration of Indigenous governance concepts related to nationhood and self-governance. Notable exceptions included manuscripts that discussed the *sui generis* rights of Indigenous peoples (Heaslip 2008; Palmer 2006), Indigenous self-determination (Ohlson, *et al.* 2008) and "indigenous pursuits of territorial autonomy" (Larsen 2003). The findings from the systematic review confirmed an overall paucity of collaborative environmental governance literature that pertains to Indigenous peoples in a way that incorporates ideas of Indigenous self-determination, nationhood or inherent rights. Chapter Two affirmed the need for empirical research on potential similar conceptual incongruences in real-world collaborative environmental governance. Specifically, it raised the question of the extent to which practice of collaborative environmental governance incorporates concepts of Indigenous governance.

The key finding from Chapter Two was that mainstream collaborative environmental governance scholarship tends not to integrate Indigenous governance concepts related to self-determination, nationhood and inherent rights. Chapter Three built on these findings by presenting the results of a multi-case study of collaborative governance at the regional scale in British Columbia, Canada. Data collection and analysis drew on literature identified in the conceptual framework (described in Chapter 1). This literature addressed the rationale for and various approaches to collaborative environmental governance (Ansell and Gash 2007; Fish, *et al.* 2010; Heikkila and Gerlak 2005; Innes and Booher 2004; Innes and Booher 2010) and Indigenous governance scholarship addressing colonialism, self-determination, *sui generis* rights, and asserted Indigenous nationhood (Battiste 2000; Dalton 2006; Spak 2005; Turner 2006; Youngblood Henderson 2002). Guided by the conceptual framework, the research reported in Chapter Three examined the degree to which concepts of Indigenous self-determination and nationhood were incorporated into the practice of collaborative environmental governance at the regional scale.

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The results from the analysis of two of the three regional-scale cases, the Columbia Basin Trust (CBT) and the Okanagan Basin Water Board (OBWB), demonstrated that organizations involved in collaborative water governance (1) tended to operate with the assumption that Indigenous peoples were roughly equivalent to stakeholders, rather than nations; (2) did not reflect strong understandings of Indigenous concerns related to self-determination, nationhood, or inherent rights; and (3) tended to approach collaboration in a way that was disengaged from Indigenous approaches to collaboration linked to reasserted self-determination. Results from the third regional case were an example of an organization that collaborated with Indigenous peoples as a nation. This case, the Friends of the Nemaiah Valley (FONV), revealed an approach to collaboration with Indigenous peoples informed by nuanced understandings of Indigenous self-determination, nationhood and inherent rights - an approach that was confirmed as appropriate by interviewees within the collaborating Indigenous nation. The findings from these cases challenge the assumption identified in collaborative environmental governance literature that it is appropriate to consider Indigenous peoples as synonymous with stakeholders (e.g., Bark, *et al.* 2012; Jackson, *et al.* 2012; Morton, *et al.* 2012; Tan, *et al.* 2012b).

Chapter Three empirically affirmed the incongruence of assumptions regarding Indigenous peoples in the collaborative environmental governance and Indigenous governance literatures in the context of organizations in BC involved in collaborative water governance. Building on these findings, Chapter Four presented the results from the analysis of the provincial-scale case, the Water Stewardship Division (WSD) of the BC Ministry of Environment. The goal in this paper was to explore assumptions related to Indigenous peoples in the context of water policy reform. The case analysis drew on relevant portions of the data analyzed in Chapter Three, but explored concepts and assumptions related to Indigenous peoples in water policy reform and Indigenous governance scholarship. Chapter Four also set BC's experiences into an international context by examining water policy reform literature from around the world that addressed Indigenous peoples (e.g., Carroll 2008; Neuman 2010; Wheida and Verhoeven 2007; Wilder 2010). Like the collaborative environmental governance literature reviewed in Chapter

Three, the international water policy reform literature also failed to recognize concepts of Indigenous self-determination and nationhood.

The empirical findings presented in Chapter Four demonstrated three main findings regarding water policy reform in BC: (1) the WSD tended to approach First Nations as one of many stakeholders, as opposed to unceded nations (which is how some First Nations viewed themselves); (2) the processes being used for policy reform by the WSD were generally perceived by First Nations as inappropriate for engaging First Nations about water on their traditional territories; and (3) the difference in views, approaches, and assumptions held by the WSD and by First Nations prevented the realization of a process of water policy reform that was satisfactory to either. These findings mirrored the general pattern revealed in Chapter Three in the context of regional-scale water governance. The findings from the WSD case challenges the assumption identified in water policy reform literature that Indigenous peoples can be discussed in the context of water policy reform without addressing asserted Indigenous self-determination, unceded traditional homelands, and nationhood (e.g., Heaney, *et al.* 2007; Huitema and Meijerink 2009; Pigram 1999).

5.3 Contributions

5.3.1 Academic Contributions

This research responds to the need for conceptual bridging between the collaborative environmental governance and Indigenous governance literatures in order to address a disparity in assumptions related to Indigenous peoples. Typically, collaborative environmental governance scholarship (e.g., Clifton and Majors 2011; Jackson, *et al.* 2005) has not incorporated advancements in Indigenous governance scholarship (Corntassel 2009; Turner 2006), in particular regarding Indigenous self-determination, nationhood, and inherent rights. The gap between these two bodies of literature was identified through a literature review and the creation of a conceptual framework. The framework revealed a difference in assumptions regarding the roles of Indigenous peoples. The Indigenous governance scholarship tends to discuss or argue for the position of Indigenous peoples as existing within self-determining nations with *sui generis* rights, rather than as a minority

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group (Turner 2006), while the collaborative environmental governance literature tends to discuss Indigenous peoples as one of many stakeholders (Bark, *et al.* 2012; Fraser, *et al.* 2006), community groups (Kellert, *et al.* 2000; Lockwood, *et al.* 2010) or interest groups (Brown 2009; Freedman and Fridgen 2007).

The results of the systematic review of collaborative environmental governance literature, guided by the conceptual framework, revealed that the view of Indigenous peoples as self-determining nations was not common (Chapter 2). The conceptual framework was applied to a multi-case study of collaborative water governance in BC, Canada (Chapter 3). The findings of the multi-case study provide important conceptual contributions to water policy reform literature (Chapter 4) (Crase, *et al.* 2009; Heaney, *et al.* 2007; Huitema and Meijerink 2009; Pigram 1999), collaborative environmental governance scholarship (Ahmad, *et al.* 2012; Clifton and Majors 2011; Danby, *et al.* 2003; Solomon, *et al.* 2011) and collaborative water governance scholarship (Chapter 3) (e.g., Cronin and Ostergren 2007; Jackson, *et al.* 2012; Jones, *et al.* 2010; Waage 2003). Five major cross-cutting contributions resulted.

First, the systematic review of collaborative environmental governance literature helped to identify that the extent to which Indigenous peoples are seen as synonymous with stakeholders (Bark, *et al.* 2012; Fraser, *et al.* 2006) or interest groups (Brown 2009; Freedman and Fridgen 2007), rather than as existing within self-determining nations. While collaboration involves the pooling of resources by two or more stakeholders to solve problems (Gray 1985), extending this same rationale to the inclusion of Indigenous peoples as one of two or more stakeholders in the context of collaborative environmental governance is conceptually problematic. This line of reasoning is problematic because of the conceptual assertions argued in Indigenous governance scholarship that Indigenous people have not relinquished self-determining nation status since colonial settlement (Alfred 2009; Corntassel and Bryce 2012; Simpson 2008; Turner 2006).

The implications of this general lack of incorporation of ideas related to Indigenous self-determination and nationhood in collaborative environmental governance scholarship is that collaboration involving or pertaining to Indigenous peoples has not been adequately

realized. The notable exceptions to the exclusion of these Indigenous governance concepts relating to self-determination (e.g., Jones, *et al.* 2010; Ohlson, *et al.* 2008; Palmer 2006; Porter 2006) identified in the systematic review of the collaborative environmental governance literature illustrate how the collaborative environmental governance literature could shift its conceptual orientation regarding collaboration and Indigenous peoples. For example, from the vantage of participation and environmental governance, Palmer (2006) discusses Indigenous peoples exercising governmental power, in nation-to-nation contexts, and utilizing Indigenous systems of governance. The potential for more nuanced discussions regarding collaboration and Indigenous nations could be more broadly integrated into collaborative environmental governance scholarship, representing a potentially important conceptual advance for this body of scholarship.

Second, the empirical findings of this research reinforce a robust rationale for why concepts of Indigenous self-determination and nationhood should play a major role in mainstream collaborative environmental governance scholarship. Collaboration that involves or attempts to involve Indigenous peoples in the presumed role of stakeholders (Cullen, *et al.* 2010; Tan, *et al.* 2012b), interest groups (Jackson, *et al.* 2012), or minorities (Erazo 2010) has been discussed in empirical settings of collaborative environmental governance. However, few scholars have identified empirical examples where collaboration has approached Indigenous peoples as *nations*. This research provides a bridge to that empirical gap by exploring three cases where Indigenous peoples are treated by organizations involved in water governance as one of many stakeholders, and one distinctive case where Indigenous peoples were assumed to exist within an Indigenous nation. The collaborative process in this instance was fundamentally different.

Overall, the findings from this work suggest that approaching Indigenous peoples as one of many stakeholders or interest groups, rather than as nations, is less likely to lead to the outcomes desired by both Indigenous peoples and non-Indigenous organizations involved in collaborative environmental governance. In the BC context, approaching First Nations from the "stakeholder" perspective was seen as fundamentally inappropriate by First Nations. This perspective on Indigenous roles held by some Indigenous peoples, nations

and organizations translated, in the BC context, to a lack of ability (from a legal-political standpoint) and/or lack of willingness to collaborate with non-Indigenous entities on issues of environmental governance. Given this finding, an implication is that the practice of collaborative environmental governance needs to better reflect and apply Indigenous governance concepts. Whether or not this would lead to better collaborative environmental governance is not known. However, this research suggests that better reflecting the concerns of Indigenous peoples in collaborative processes may increase the likelihood that those processes would achieve desired outcomes. A benefit of incorporating Indigenous governance concepts into collaborative environmental governance scholarship would be the creation of a body of scholarship that accounts for, and theorizes, the nuances of collaboration between Indigenous nations and, for example, non-governmental organizations. In this way, collaborative environmental governance could account for a perspective seen as fundamentally inappropriate by Indigenous peoples. This conceptual shift could be applied to the breadth of empirical contexts that are discussed in existing collaborative environmental governance scholarship.

Third, the evaluation of the BC Provincial case (WSD) provided insights into water policy reform that are relevant not only in Canada, but also potentially in other jurisdictions around the world. The findings helped to demonstrate problematic aspects of water policy reform where Indigenous peoples were approached as one of many stakeholders in public participation approaches to policy reform. Previous water policy reform scholarship tends to be based on the assumption of state, rather than Indigenous, ownership of water resources (e.g., Mollinga 2010), and has discussed Indigenous peoples without incorporating concepts related to Indigenous self-determination, nationhood or inherent rights (Crase, *et al.* 2009; Pigram 1999). This study provides insight into contexts where there are (re)asserted Indigenous traditional homelands. For example, in the BC empirical context, the treatment of Indigenous peoples as one of many stakeholders in water policy reform processes resulted in widespread criticism and lack of endorsement by some Indigenous nations and organizations of these processes. This critique of assumptions regarding Indigenous peoples as stakeholders draws attention to the limits of contemporary water

policy reform (Heaney, *et al.* 2007; Huitema and Meijerink 2009). This empirical example suggests the need for a conceptual shift within water policy reform literature and practice. Such a shift could produce scholarship that considers, for example, the implications of Indigenous self-determination in public participation approaches that inform policy reform, or the implications of the reassertion of Indigenous authority over traditional homelands for the legitimacy of water policy reform.

Fourth, the findings from this research affirm that the integration of concepts of Indigenous governance into both collaborative environmental governance and water policy reform literatures is important where these ideas translate into practice. Some collaborative environmental governance literature addresses practical applications of scholarship (Gunton and Day 2003; Hill, *et al.* 2012; Porter 2006; Prober, *et al.* 2011). For example, Hill *et al.* (2012) discuss building both practice and theory in environmental management and Indigenous engagement. Similarly, scholarship pertaining to water policy reform also links practice and scholarship (Gutierrez 2010; Watson 2007). The potential for these bodies of scholarship to influence practice emphasizes the need for the integration of concepts related to Indigenous self-determination and nationhood within them. The potential for scholarship to misinform practice is particularly crucial where decision-making pertains to the (re)asserted traditional homelands of Indigenous peoples. The findings from this research suggest that negative ramifications are possible where collaborative water governance and water policy reform are carried out in the absence of a meaningful understanding of concepts of Indigenous governance. However, the findings also suggest a positive example, the FONV, where meaningful collaboration occurred between an organization and an Indigenous nation and where the organization approached the nation with understanding and respect for the history and the reasserted unceded, self-determining status of that Indigenous nation.

This research therefore contributes an approach to collaborative environmental governance and water policy reform that fundamentally shifts the view of Indigenous peoples from "stakeholders" to members of "nations". The systematic literature presented in Chapter Two confirms that the stakeholder-view is widespread in the current

collaborative environmental governance literature pertaining to Indigenous peoples. Both collaborative environmental governance and water policy reform scholarship could (1) more accurately reflect the asserted positions on self-determination by various Indigenous nations, (2) reflect a more nuanced perspective regarding jurisdiction and authority on governance of environmental resources within Indigenous traditional territories, and (3) consider the assumptions argued by Indigenous scholars relating to Indigenous governance, self-determination and inherent rights (see Alfred 2009; Borrows 2005; Simpson 2008). For example, scholarship pertaining to water policy reform could explore the compatibility of Indigenous nation water policy and state water policy. In the case of collaborative environmental governance scholarship, the viability of different collaborative objectives held by stakeholder groups and by Indigenous nations could be evaluated for compatibility.

Fifth, recognizing that there is an enormous diversity of legal, cultural, political, economic and social realities in many different Indigenous contexts worldwide, bridging conceptual gaps related to Indigenous self-determination in the collaborative environmental governance and water policy reform literatures is a shift that should occur in international scholarly research. Collaborative environmental governance scholarship pertains to places where there are both Indigenous traditional homelands as well as people trying to collaborate on environmental matters. Examples include Melanesia (Hviding 2003), Ecuador (Erazo 2010), Columbia (Mow, *et al.* 2007), and Madagascar and Indonesia (Laumonier, *et al.* 2008). This set of scholarship demonstrates the potential to explore the conceptual and real-world applications of Indigenous self-determination, nationhood and inherent rights in these varying contexts. For example, authors such as Clifton and Majors (2011) could reconsider their assumption that Bajau Indigenous peoples are stakeholders; from this perspective, they could explore whether government conservation programs can be integrated into Bajau environmental decision making, rather than the reverse.

Similarly, there is empirical scholarship on water policy reform in places where Indigenous traditional homelands exist. These include Mexico (Wilder 2010), China (Nickum 2010), Vietnam (Mollinga 2010), Brazil (Gutierrez 2010; Ioris 2009) and Chile (Berger, *et al.* 2007). Scholarship on water policy reform has the potential to include

discussions of Indigenous self-determination and to debate the role of Indigenous nations in state water policy reforms. For instance, in the Australian context, Crase *et al.* (2009), could discuss Indigenous practices and values in the present rather than treating them as historical facts. Practical or theoretical water policy reform discussions could incorporate discourses on the role of asserted self-determination by Indigenous peoples in Australia (Smith 2004) and the Indigenous prior ownership of Australian land (Tedmanson 2008). Fundamentally, this research points to the need to adapt and re-examine current water policy reform and collaborative environmental governance scholarship to account for Indigenous governance concepts related to asserted Indigenous self-determination and nationhood. In that sense, it is relevant to a wide variety of countries and contexts. Additionally, collaborative environmental governance and policy reform occur in many contexts besides water, e.g., wildlife management and mining. Thus, the findings reported here may be relevant to other environmental governance contexts where First Nations are involved.

It is important to note that this research does not offer an academic contribution to Indigenous governance scholarship. As discussed in Chapter One, the focus of this doctoral research was on critically evaluating the extent to which principles and practices of collaborative environmental governance are consistent with the main tenets and advances in Indigenous governance related to self-determination. In this way, the research advances collaborative environmental governance literature by bridging conceptual gaps related to Indigenous peoples as self-determining nations. Determining the extent to which the findings of this work can inform Indigenous governance scholarship and practice was not a goal of the research.

5.3.2 Recommendations for Practice

There are countless real-world contexts where collaborative environmental governance and Indigenous governance practices intersect. For example, the Fraser Basin Council in BC conducts water governance through the collaboration among First Nations and Federal, Provincial and local governments (Fraser Basin Council 2011). Another example is in Australia where collaboration over natural resource management includes environmental

regulators, Indigenous peoples, local government, non-governmental stakeholders and interested local citizens (Gunningham 2009). There are also examples where water policy reform measures intersect with Indigenous governance. One example is in the context of water policy reform in Australia where Indigenous peoples have asserted rights to be involved in policy frameworks pertaining to water (Godden and Gunther 2010).

This study demonstrated the need for a conceptual synthesis between Indigenous governance and the realms of collaborative environmental governance and water policy reform regarding the assumptions surrounding Indigenous self-determination, nationhood and inherent rights. While these findings support robust conceptual contributions to scholarship, the practical nature of water policy reform and collaborative environmental governance means that the findings also lend support to recommendations for practice, and thus to communities involved in collaborative environmental governance. With governments applying participatory approaches to policy reform (Lenihan 2012), and with increasing interest in collaborative environmental governance by practitioners, an understanding of how Indigenous reassertions of nationhood and self-determination apply to these practices is critical. In response, this section offers recommendations for the practice of collaborative environmental governance, and, more broadly, for water policy reform, in settings where Indigenous traditional homelands are affected. The following recommendations apply to both practitioners of collaborative environmental governance and water policy reform, and follow directly from the empirical findings of this study.

1. *Approach or involve Indigenous peoples as self-determining nations rather than one of many collaborative stakeholders or participants.*

Affirmed by the United Nations Declaration on the Rights of Indigenous Peoples (UNGA 2007, 4), Indigenous peoples "have the right to self-determination". Indigenous self-determination, nationhood, and *sui generis* rights are all important aspects of Indigenous governance discourse (Alfred 2009; Coulthard 2008; Turner 2006). This study revealed the significance of Indigenous peoples being considered and treated as nations rather than one of many stakeholders, minority groups, or interest groups. A constructive example of the significance of this difference is the FONV case where the organization involved in water

governance and the First Nation of the affected traditional territory collaborated closely without any difficulties noted by interview respondents. Notably, both First Nations and non-Indigenous respondents in this case emphasized the importance of respect for the reasserted and unceded, traditional Indigenous homelands. The FONV provides an example of how collaborative environmental governance can address and incorporate ideas of Indigenous governance despite the existence of structural, legal, and constitutional hurdles.

Findings from the FONV case, as well as from the other two regional cases and the provincial case, demonstrate the importance of assumptions surrounding the role of Indigenous peoples. Where practitioners of water policy reform or collaborative environmental governance are considering how to approach Indigenous involvement or collaboration regarding policy or environs that pertain to Indigenous traditional homelands, Indigenous peoples should first be approached as a self-determining nation. Particularly in the case of state governments carrying out policy reform and where political tensions regarding colonial authority exist, meaningful measures should be taken to consider the long-standing relationship and authority of Indigenous peoples to traditional homelands. The position of various Indigenous nations worldwide on matters of self-determination and nationhood will vary, and thus must be researched and understood. This variability leads directly to the second recommendation for practice.

2. *Identify and clarify any existing or intended (a) environmental governance processes and (b) assertions to self-determination by the Indigenous nation.*

There is ample documentation on the importance of the engagement of Indigenous peoples in collaborative environmental governance (e.g., Jackson, *et al.* 2012) and in water policy formulation (Boelens, *et al.* 2010). However, the vast cultural, political, and social variability among Indigenous nations is a reminder that just as much variability will exist in how engagement is conducted. The findings from this research indicate that where Indigenous nations have asserted themselves as self-determining, attempts at engagement are not well received where Indigenous peoples are approached as stakeholders or interest groups. The WSD case provides an excellent example of the difficulties of this disconnect in the realm of water policy reform. Following the WSD's processes of public participation over *Water Act*

reform, 15 formal letters from First Nations or First Nations advocacy organizations were submitted to the WSD; in many cases these outlined the importance of their role as nations or inherent rights holders, rather than as stakeholders. The impression by First Nations that they were treated as stakeholders in the WSD's water policy reform process suggests that practitioners could better engage Indigenous peoples by being equipped with clearer understanding of the views of the Indigenous nations they are approaching.

This study supports the idea that those intending to engage with Indigenous peoples should gain an understanding of the position of the Indigenous nation regarding self-determination as well as their internal environmental governance processes. For example, the Xeni Gwet'in First Nation follows an internal written protocol that protects the lands and environment within the Aboriginal Wilderness Preserve Declaration area (Xeni Gwet'in First Nation, ND). In another example, the Simpcw First Nations has issued a water declaration outlining the nation's rights to and responsibilities for water in their traditional territory (Simpcw First Nation 2010). In advance of governance or reform project formulation, it is important that practitioners research and understand the existing or upcoming environmental governance measures that are underway by the Indigenous nation within traditional homelands, and how these fit into their broader objectives regarding self-determination. This revised understanding by non-Indigenous practitioners has the potential to not only improve engagement with Indigenous peoples over matters of policy reform and collaboration, but may also support the governance goals of Indigenous nations. This understanding may be achieved in whole or in part through relationship building with Indigenous peoples, which leads to the third recommendation for practice.

3. *Create opportunities for relationship building between Indigenous peoples and policy or governance practitioners.*

In collaborative models of environmental governance, the importance of relationship-building is well-established (Booth and Skelton 2011; Cullen, *et al.* 2010; Hill, *et al.* 2012; Innes and Booher 2010). The importance of relationships is also emphasized in public participation approaches (Day 1997; Innes and Booher 2004) that are often used in water policy reform processes (Gutierrez 2010; Nicol and Mtsi 2003). The findings from this

research indicate that meaningful relationship building between practitioners of collaborative environmental governance and water policy reform and Indigenous peoples may result in better mutual understanding and meeting governance objectives. The FONV case provides a useful example of where trust built between a First Nation and the organization involved in water governance has allowed the two to collaborate over matters of environmental governance without misunderstandings of the role of Indigenous peoples.

The FONV example can be applied to other instances of collaboration between Indigenous peoples and non-Indigenous entities working toward collaboration and/or participatory policy reform. Findings from the FONV case indicate that practitioners engaging or attempting to engage with Indigenous peoples should create opportunities for relationship and trust building in advance of participatory or collaborative processes. This measure could create an improved setting for becoming familiar with how Indigenous peoples expect to be treated (i.e., as nations versus stakeholders), and understanding any existing environmental or other governance processes exercised by the Indigenous nation of interest. The notion of relationship building for practitioners emphasizes the need for recommendations one, two and three to be implemented together for the realization of meaningful Indigenous engagement.

4. *Choose venues and processes of decision making that reflect Indigenous rather than Eurocentric venues and processes.*

In settings such as North America and Australia, the predominance of Eurocentric over Indigenous ideology has been clearly documented (Gibbs 2010; Ladner 2004; Pierotti and Wildcat 2000; Youngblood Henderson 2000). This ideology extends also to venues and processes of decision making. For example, a Eurocentric venue for collaborative dialogue calls for a room or hall with decision makers around a table, whereas an Indigenous venue may be a conversation among leaders hunting together on the land. While there is wide variability in how Indigenous and non-Indigenous peoples choose venues and implement processes of decision making, the dominance of one way of doing things over another is an important consideration. Different understandings of values, practices and knowledge have

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been demonstrated to create communication barriers between non-Indigenous organizations and Indigenous peoples (Ellis 2005).

First Nations interview respondents in this study indicated that the selection of venue and process was important for processes of collaboration. Suggestions by respondents to achieve this recommendation included (a) supplying translators for Elders who communicate in Indigenous languages, (b) following pertinent Indigenous practices regarding how in-person meetings are conducted, (c) following Indigenous research and process protocols where established, and (d) utilizing collaborative venues selected by the Indigenous nation. This recommendation builds on recommendation three in that identifying the venues and processes appropriate for an Indigenous nation may first require understanding and relationships to be built between collaborative parties.

5. *Provide resources to Indigenous nations to level the playing field in terms of capacity for collaboration or for policy reform decision making.*

The capacity disadvantage for post-colonial Indigenous peoples and organizations, relative to non-Indigenous peoples and organizations, is well understood and documented (Council of Australian Governments, Working Group on Climate Change and Water 2008; Hill, *et al.* 2012; Hunt 2008; Lane and Hibbard 2005). Findings from this research suggest that this imbalance of capacity plays an important role in shaping (and undermining) collaborative processes where Indigenous engagement is sought by non-Indigenous organizations. This research revealed a cautious attitude on the part of Indigenous peoples regarding their participation in collaborative environmental governance processes external to their nations. This hesitation stemmed from reasons other than just capacity and included political positioning, and lack of adequate relationship building between collaborators. For instance, in the OBWB case considered in Chapter Three, First Nations leaders emphasized the need for significant added capacity to be able to participate effectively in collaborative water governance external to the nation. These findings lend support to the recommendation that practitioners should engage Indigenous nations in collaborative processes in ways that ensure equal capacity between Indigenous and non-Indigenous collaborators. Addressing these capacity challenges is widely recognized to be a significant

challenge. For example, Phare (2011, 1) suggests that philanthropy directed to First Nations governments is needed to address "out-dated [sic] and restrictive legal regimes that severely limit … the governmental-level choices of First Nations". Also in the Canadian context, the Assembly of First Nations (2010) has suggested that strengthening unity within and among Indigenous Nations in Canada will lend support to First Nations capacity building. Which of these, and other suggestions that have been proposed, would be most effective in addressing the capacity challenges pertinent to collaborative governance represents an important topic for future inquiry. Equalizing capacity between collaborators has the potential to lead to more mutually-satisfactory collaborative environmental governance, and to better realize recommendations one through four.

5.4 Revisiting the Conceptual Framework

The conceptual framework used in this research, distilled from both collaborative environmental governance and Indigenous governance scholarship, proved a very useful tool for providing a frame for this research. The conceptual framework was useful in three key respects. First, the framework provided insight into a potential conceptual gap between the two identified bodies of literature, and thus grounded the research. Second, the framework served as a benchmark for analysis of collaborative environmental governance scholarship and practice as they relate to concepts of Indigenous governance. This was particularly useful during data collection and analysis to identify emergent concepts that were not anticipated in the initial conceptual framework. For example, in the BC empirical context, the role of outstanding legal matters relating to First Nations rights and title to land proved to be a significant factor in First Nations' willingness to participate in collaborative environmental governance efforts initiated external to the nation. Emergent concepts such as these led to a third use of the conceptual framework. Namely, it provided a foundation for a mid-research review of assumptions underlying the study that had implications for steering the remainder of the research. Midway through data collection and analysis, revisiting the framework provided insights into the need for more emphasis on certain considerations. For example, there was a need for a more thorough understanding of the

rationale behind collaboration by organizations involved in water governance, and a more focused inquiry into solutions or ways forward.

Revisiting the conceptual framework during and after data analysis also revealed aspects of the framework that were not useful or were beyond the scope of this research. These limitations related especially to the role of power in collaborative environmental governance, and perceptions of Indigenous knowledge. Documents analyzed proved to contain very little direct reference to the role of power, particularly as it relates to collaboration with Indigenous peoples. Similarly, during interviews, findings related to power could only be derived from inference through other questions since direct questioning on the topic revealed a wide range of unrelated responses. Examples of statements made in interviews where some inferences regarding power could be made were the following: (1) "We really cannot make any decisions without the okay from First Nations in the basin." And (2) "Ultimately it is [our organization] who makes the decision whether or not First Nations decide they are on board." However, there were too few of these types of statements to identify substantive emergent results related to power.

The conceptual framework proved to be limited in a similar manner when it came to analysis of understandings of Indigenous knowledge, or applications of Indigenous knowledge in collaborative environmental governance settings. Most documents and respondents confirmed a nominal recognition of the importance of Indigenous knowledge to such processes. However, very few findings occurred that provided insight into the understanding of Indigenous knowledge, or the applications of Indigenous knowledge in the context of collaborative environmental governance. As a result, the findings presented in this thesis did not include findings related to Indigenous knowledge.

5.5 Study Limitations and Ideas for Future Research

The aim of this research was to analyze the practice and scholarship relating to of collaborative environmental governance in light of advances in Indigenous governance scholarship. The conceptual framework emphasized aspects of the collaborative environmental governance literature that included assumptions related to the *approach* to

collaboration (Ansell and Gash 2007; Fish, *et al.* 2010; Innes and Booher 2004; Norman and Bakker 2009; Rogers and Hall 2003). Given the importance placed on Indigenous peoples as nations in Indigenous governance (Alfred 2005; Turner 2006), rather than as minorities or stakeholders, how proponents of collaborative governance *approach* Indigenous peoples was imperative to the problem under investigation. However, a discussion of the relevance of collaborative environmental governance *outcomes* was not addressed in this study. There is potential for future empirical research on outcomes in collaborative environmental governance, specifically research that investigates the effects on collaborative outcomes where Indigenous peoples collaborate as nations versus stakeholders. This research could have a practical benefit of informing organizations involved in collaborative environmental governance whether better success regarding expected collaborative outcomes can be expected where Indigenous peoples are involved as nations.

The method chosen for this study was a qualitative, multi-case study that followed an interpretivist paradigm. This was appropriate for research of this kind where multiple perceptions and meanings are expected to emerge (Creswell 2003; Denzin and Lincoln 2005; Gladstone, *et al.* 2006; Guba and Lincoln 2005; Stake 2005; Yin 2009). This study did not include quantitative or positivist methods. Future empirical studies employing quantitative methods on the topics of collaborative environmental governance and Indigenous governance could supplement this research by addressing new research questions at the intersection of these two bodies of scholarship. For example, a survey could be distributed to respondents operating or working in organizations involved in collaborative environmental governance that assesses their knowledge of Indigenous peoples, Indigenous governance concepts, and history. Given that a general lack of understanding of Indigenous peoples, histories, and concepts of Indigenous self-determination and nationhood by non-Indigenous respondents were identified in this study as problematic within the realm of collaborative water governance, a survey of this kind could help to identify areas where the most common misunderstandings occur. The quantification of this information could then inform collaborative environmental governance scholarship and to bridge additional crucial gaps.

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One notable limitation of this research is the positionality of the researcher as described in section 1.6. As a non-Indigenous researcher carrying out research that pertains to Indigenous peoples, there is an inherent positionality bias to the epistemological lens through which this research was viewed and conducted. This limitation could be resolved in future research through carrying out research with Indigenous scholars who can shape the positionality and thus epistemology of the foundation of the research. Another potential solution to this limitation would be carrying out research using Indigenous research methods in collaboration with, or led by, Indigenous peoples.

The conceptual framework used to guide this research inquiry focused on the relevance of assumptions identified within Indigenous governance scholarship to collaborative environmental governance. This study did not include analysis or review of broader areas of scholarship such as environmental governance or co-management. Future research pertaining to a similar research question could test the extent to which the findings of this research are relevant to areas of scholarship such as environmental governance and co-management. Given the overlap between collaboration and co-management noted in Chapter 1, co-management could be considered as a future avenue of research. This potential research could also be approached through a systematic review of, for example, co-management literature, and/or through empirical research that investigates other forms of governance as they related to advancements in Indigenous governance. Research of this nature could further affirm or challenge new facets of the research presented in this thesis.

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Appendix A
Interview Guide

1. Occupation, position title

2. Time you have worked in this position

3. Role in water policy making, regional water board, or community/nation

4. What is your role in British Columbia's (BC) water act modernization (WAM) process? (Alternative: What is your role in your organization's water governance processes?) In what capacity have you been involved? When did you first become involved in this process?

5. What is your understanding of water governance? Of collaboration? Of Indigenous governance? (These questions are not meant to be all done at once).

    My definitions are as follows (for discussion):

    a. **Governance:** (distinct from *government*) the spectrum of decision-making arrangements that range from government dominated to non-government actors-dominated decision-making within nested governance systems

    b. **Water governance:** governance (as above) of water

    c. **Indigenous governance**: a broad term that describes a field of scholarship which, in general terms, addresses subjects of Indigeneity, self-determination, Indigenous knowledge, Indigenous values, colonialism, etc.

    d. **Collaboration:** a form of interaction in which two or more groups pool understanding and/or tangible resources to address a set of problems usually via processes like knowledge exchange, dialogue, deliberation and negotiation.

6. What do you see as the factors that led to the initial creation of the WAM/collaborative water governance process?

7. What are the barriers and opportunities to meaningful incorporation or application of Indigenous knowledge in collaborative water governance processes?

8. Does indigenous knowledge have a role in [your specific process]? What is that role? Where do indigenous groups fit into the process?"

9. In collaborative water governance, do you think that power imbalances exist? (If so) Do they prevent the meaningful collaboration of Indigenous and non-Indigenous actors? How?

10. (To what extent are the practices, objectives and processes of Indigenous governance compatible with collaborative environmental governance?)

Specialized Questions

Policy Makers

11. What were your organization's collaboration objectives in the WAM/collaborative water governance processes? Do you think there was successful with respect to these objectives? Why or why not?

12. How would you define success of collaboration in water governance processes?

13. In your opinion, have these collaborative processes in BC been successful? Why (not)?

14. Have First Nations people and communities been effectively engaged in the WAM/water governance processes? Why or why not? Can you give examples?

15. What is your perspective on the role of First Nations with respect to WAM/water governance processes?

16. Do you think that the way FN are engaged could be improved? Why or why not? How?

17. How would you characterize the relationship between your organization's policy makers and First Nations in BC/your area? How has this relationship changed over time? Can you give examples?

18. What is the role of First Nations in policy making or policy reform? (Alternative: In water governance processes?)

19. Can you suggest other people I should speak with?

20. What is your thinking behind/rationale for the use of collaborative environmental governance by your organization? Has your, or your organizations', thinking regarding this changed over time? Can you give examples?

21. What criteria do you use to evaluate the effective engagement of First Nations in the WAM/water governance processes?

22. What, if any, Indigenous/First Nations methods of collaboration are used in your approach to collaborative environmental governance? Examples?

23. How is Indigenous knowledge used in the collaborative water governance processes?

24. What is the role of first nations in decision making around water resources?

Indigenous People

25. What is your opinion of the WAM/[specific] collaborative water governance process?

26. How is your nation/community involved in the WAM process?

27. What did you want to get out of the WAM/water governance processes? Were/are your expectations met? Why or why not?

28. Are your interests and needs met in this process? Are your nation's/community's needs met in this process? Can you give examples?

29. What would improve these processes between policy-makers involved in collaborative water governance and First Nations?

30. Is Indigenous knowledge used….? If so, how? If not, why not? Can you give examples?

31. Was the WAM process consistent or inconsistent with your own community's approach to governance/management of water resources? How?

32. What is your or your nation/community's approach to (Indigenous) environmental governance?

Appendix B
List of Documents Analyzed

Document Title	Year	Type	Case	Source/Author	URL #
Salmon Festival	2011	FN***	CBT	Warner,G.	1
CBT Report to Residents	2011	WGO*	CBT	CBT	2
CBT Website	2012	WGO	CBT	CBT	3
CBT Water Brochure	ND	WGO	CBT	CBT	4
Climate Change in the Canadian Columbia Basin	ND	WGO	CBT	CBT	5
Columbia Basin Trust Act	1996	WGO	CBT	Province of BC	6
Columbia Basin Residents Views On Water	2004	WGO	CBT	CBT	7
Community Engagement Factsheet	ND	WGO	CBT	CBT	8
Environmental Strategic Plan '09-'12	2009	WGO	CBT	CBT	9
Ktunaxa Nation Four Pillars	2012	FN	CBT	Ktunaxa Nation Council	10
Response to Keeping the Lakes' Way	1999	Scholar	CBT	Pryce,P.	11
R. v. Allen Watt	2011	FN/Crown	CBT	Federal Court (Canada)	12
Campbell v. British Columbia	2000	FN/Crown	CBT	Provincial Supreme Court (BC)	13
Ktunaxa Deliver Qat′muk Declaration	2010	FN	CBT	Ktunaxa Nation Council	14
Ktunaxa Nation Website	2012	FN	CBT	Ktunaxa Nation Council	14
Media Release Ktunaxa Nation	2006	FN	CBT	Ktunaxa Nation Council	14
KNC Newsletter Nov-Dec2010	2010	FN	CBT	Ktunaxa Nation Council	14
KNC Newsletter March-April	2009	FN	CBT	Ktunaxa Nation Council	14
Affidavit of Marilyn James	2010	FN	CBT	Sinixt First Nation	15
Columbia Basin Management Plan Charter	ND	WGO	CBT	CBT	3
('07-'10)Columbia Basin Management Strategic Priorities	2007	WGO	CBT	CBT	3
('11-'15)Columbia Basin Management Strategic Priorities	2011	WGO	CBT	CBT	3
(Original) Columbia Basin Management Plan	1997	WGO	CBT	CBT	3
Qat′muk Declaration	2010	FN	CBT	Ktunaxa Nation Council	16
AGM FONV minutes	2010	WGO	FONV	FONV secretary-treasurer	11
AGM FONV minutes May 13	2011	WGO	FONV	FONV secretary-treasurer	11

Document Title	Year	Type	Case	Source/Author	URL #
FONV Email update re: recent meeting	2011	WGO	FONV	FONV secretary-treasurer	11
Blue Gold Video Documentary	2010	FN	FONV	Smitten,S.	17
Report of the Federal Review Panel	2010	WGO	FONV	Federal Court (Canada)	18
Tsilhqot'in Nation v. British Columbia	2007	WGO	FONV	Provincial Supreme Court (BC)	19
Wildhorse Preserve Protocol Agreement Part 1	ND	FN	FONV	FONV secretary-treasurer	11
Wildhorse Preserve Protocol Agreement Part 2	ND	FN	FONV	FONV secretary-treasurer	11
Wildhorse Preserve Protocol Agreement Part 3	ND	FN	FONV	FONV secretary-treasurer	11
FONV Sept 2011 Newsletter	2011	WGO	FONV	FONV secretary-treasurer	11
FONV May 13 email	2011	WGO	FONV	FONV secretary-treasurer	11
Photo of FONV-Band Council meeting	2011	WGO	FONV	FONV secretary-treasurer	11
Unconquered Territory	1992	WGO	FONV	Glavin,T. and Fiegehen,G.	11
Feb 2011 FONV email	2011	WGO	FONV	FONV secretary-treasurer	11
Updates Taseko and Nemaiah Valley	2011	WGO	FONV	FONV secretary-treasurer	11
What's New About New Prosperity Proposal	2011	WGO	FONV	FONV secretary-treasurer	11
Wild Horses - Update and Concert	2011	WGO	FONV	FONV secretary-treasurer	11
Decision Reached in Historical Land Claims Case	2007	WGO	FONV	Woodward and Company	20
XG Nemiah Aboriginal Wilderness Preserve	1989	FN	FONV	Xeni Gwet'in First Nation	21
Xeni/FONV Protocol Agreement Part 1	2000	FN	FONV	Xeni Gwet'in First Nation/FONV	22
Xeni/FONV Protocol Agreement Part 2	2000	FN	FONV	Xeni Gwet'in First Nation/FONV	22
FONV Website	2012	WGO	FONV	FONV	23
Xeni Website	2012	FN	FONV	Xeni Gwet'in First Nation	24
BC WAM Technical Background Report	2010	WGO	MOE	BC Ministry of Environment	25
WAM Discussion Paper	2010	WGO	MOE	BC Ministry of Environment	25
BC WAM Report on Engagement	2010	WGO	MOE	BC Ministry of	26

Document Title	Year	Type	Case	Source/Author	URL #
				Environment	
New Relationship	2005	WGO	MOE	Province of BC	27
Aboriginal Engagement Guidelines	2011	WGO	MOE	Province of BC	11
Meeting Legal Obligations When Consulting FN	2010	WGO	MOE	Province of BC	28
Minister letter to Chiefs and Councillors	2011	WGO	MOE	BC Ministry of Environment	11
FN Leadership Council Letter to Minister (Mar 23)	2011	FN	MOE	First Nations Leadership Council	29
FN Leadership Council Letter to Minister (Apr 13)	2011	FN	MOE	First Nations Leadership Council	29
BCAFN Letter to MOE re: WAM	2010	FN	MOE	BC Assembly of First Nations	30
BC Letter to First Nations Leadership Council	2011	WGO	MOE	First Nations Leadership Council	29
Coldwater Band Letter to Minister re: WAM	2010	FN	MOE	Coldwater Indian Band	30
Cowichan Tribes Letter to Minister re: WAM	2010	FN	MOE	Cowichan Tribes	30
Dr. Judith Sayers Letter to Minister re: WAM	2010	FN	MOE	Sayers,J.	30
FN Fisheries Council WAM submission	2010	FN	MOE	FN Fisheries Council	30
FN Summit WAM submission	2010	FN	MOE	First Nations Summit	30
FNWARM Letter to MOE re: WAM	2010	FN	MOE	FN Women Advocating Responsible Mining	30
Kitimat Village Council letter re: WAM	2010	FN	MOE	Kitimaat Village Council	30
Indigenous Declaration on Water	2001	FN	MOE	Interior Alliance	31
Customary Water Laws and Practices in Canada	2004	FN	MOE	Nowlan,L.	32
Wet'suwet'en submission on WAM	2010	FN	MOE	Wet'suwe'ten FN	30
Okanagan Nation Alliance Letter re: WAM	2010	FN	MOE	Okanagan Nation Alliance	30
Sinixt FN Letter re: WAM	2010	FN	MOE	Sinixt First Nation	30
Stolo Tribal Council Letter re: WAM	2010	FN	MOE	Stolo Tribal Council	30
Treaty 8 First Nations	2010	FN	MOE	Treaty 8 FN	30
Tsawout FN Letter re: WAM	2010	FN	MOE	Tsawout FN	30
UBCIC Letter re: WAM	2010	FN	MOE	Union of BC Indian Chiefs	29
UBCIC Letter re: WAM	2011	FN	MOE	Union of BC Indian Chiefs	29
Water Stewardship Division	2008	WGO	MOE	BC Ministry of	33

Document Title	Year	Type	Case	Source/Author	URL #
Strategic Plan				Environment	
Policy Proposal on Water Sustainability Act	2010	WGO	MOE	BC Ministry of Environment	34
Stolen Lands, Broken Promises Ch. 19	2005	FN	MOE	Ogston,L.	35
UNDRIP Factsheet	2011	FN	MOE	First Nations Summit	36
BCAFN Governance Toolkit (Water Chapter)	2012	FN	MOE	BCAFN	37
BCAFN Resolution on BC WAM Discussion Paper	2010	FN	MOE	BCAFN	38
OBWB Website	2012	WGO	OBWB	OBWB	39
OBWB Supplementary Letters Patent	1964	WGO	OBWB	Province of BC	40
Terms of Reference for the OWSC	2006	WGO	OBWB	OBWB	39
OBWB Goals and Objectives	2009	WGO	OBWB	OBWB	39
OBWB_Annual_Report_2009	2009	WGO	OBWB	OBWB	39
OBWB_Annual_Report_2010	2010	WGO	OBWB	OBWB	39
OBWB Governance Manual	2010	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2000	2000	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2001	2001	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2002	2002	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2003	2003	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2004	2004	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2005	2005	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2006	2006	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2007	2007	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2008	2008	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2009 02	2009	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2009 03	2009	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2009 04	2009	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2009 05	2009	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2009 09	2009	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2009 10	2009	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2009 11	2009	WGO	OBWB	OBWB	39
OBWB Meeting Minutes 2009 12	2009	WGO	OBWB	OBWB	39
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*WGO = Organization involved in water governance, ** WSC = Water Stewardship Council,
***FN = First Nations

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