

# ***WORKING WITH ABORIGINAL COMMUNITIES***

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# ***ABORIGINAL RIGHTS – THE LEGAL FRAMEWORK***

## **Aboriginal and Treaty Rights**

### **➤ Constitutional Protection**

#### **Convention On Biological Diversity**

- **Underlies Canada's Commitment to Recovery**
- **Article 8(j) - Preserve Indigenous Knowledge and Practices - Involve Holders Of Knowledge In Conservation**

#### ***Sparrow Test* (*R vs Sparrow* SCC)**

- **Infringement of Rights Must Be Clearly Justified**
  - **Have A Valid Legislative Objective (i.e. Conservation)**
  - **Infringement - Minimum Necessary**
  - **Involve Meaningful Consultation**

#### ***Delgamuukw* - Consultation Requirements**

- **Where Aboriginal Interests Are Affected**

# ***ABORIGINAL POLITICS***

## ***CAN BE COMPLEX***

**Always Requires Engaging at Several Levels**

- ***Band Council/Community Government***
- **Tribal or Nation Level**
- **Families, Clans, Elders**
- **Knowledge Keepers,**
- **Certificate Of Possession Holders**

**NO ONE SIZE FITS ALL!!!!**

**THERE MAY BE GREAT DISTRUST OF  
“GOVERNMENT” INTENTIONS**

## ***ABORIGINAL VIEWS OF GOVERNMENT INTENTIONS***

**WE ARE WORKING TO INCREASE ABORIGINAL UNDERSTANDING AND PARTICIPATION IN SAR RECOVERY PROCESSES**

**FISHERIES – Many Aboriginal Groups View SARA as a Positive Tool in Advancing their Objectives**

**TERRESTRIAL WILDLIFE - May Be High Level of Mistrust Over Recovery Objectives**

- **Especially Where Implications On Aboriginal Lands**
- **May Be Seen as Threat to Economic Development**
- **Aboriginal Communities May Feel They Are Being Asked To Bear an Unfair Share of the Burden in Recovery**

# ***HELLO SARA !!!***

## **SARA Mandates Aboriginal Involvement - All Steps**

- **Especially With Listing and Recovery Strategy on Registry**

## **North Of 60 - Wildlife Management Boards**

- **Processes To Engage Aboriginal Communities**

## **Aquatic Species**

- **DFO –Ongoing Programs to Build Capacity**
- **AFS Fisheries Commissions - AAROM**

## **Southern Canada - Terrestrial Ecosystems**

- **Situations Are Very Diverse**
- **No Established Mechanisms From Which To Start Collaboration In Recovery**

# ***RECOVERY PROJECTS ON ABORIGINAL LANDS***

## **CHALLENGES**

**SARA ENVISIONS ABORIGINAL INVOLVEMENT IN ALL STAGES OF RECOVERY**

### ***1. Impacts on “Lands Reserved For The Use and Benefit of”.....Indian Act Reserves***

- **Special Kind of Federal Lands – Treat as “Fee Simple+++” with Fiduciary Obligation -**
- **Requires collaborative engagement (not co-management - Bands/INAC are the management authorities)**
- **Section 11 Conservation Agreements**

# *RECOVERY PROJECTS ON ABORIGINAL LANDS*

## **CHALLENGES**

### *2. Potential Impacts On Traditional Territories*

- Consultation Required
  - Consultation Must Be Meaningful
  - Substantially Address Concerns
  
- Where Harvested Species Concerned
  - Consider Co-management Agreement

# *RECOVERY VALUES ON RESERVES*

## Wide Variety of Circumstances

- Oregon Spotted Frog --- Marbled Murrelet

## Some Reserves Have Very Significant Habitat Values

- Essential In Successful Recovery

## Osoyoos Reserve

- Best Of The Remaining Un-fragmented Desert Habitats
- Several Dozen COSEWIC Species

## *TECHNICAL CAPACITY IN COMMUNITIES*

- Huge Issue Everywhere
- 



# *ABORIGINAL TRADITIONAL KNOWLEDGE*

- SARA Recognizes the Importance of ATK
  - Balance Western Science and ATK in Recovery Planning
  - Sensitivity About Release and Use of Traditional Knowledge
- Many Feel Traditional Knowledge Loses its Relevance When Removed From the Knowledge Keeper
- Engage Elders and Knowledge Keepers
  - May Be Education or Cultural Institute Which Can Help (eg. En'Owkin Center in Penticton)

# *ABORIGINAL ENGAGEMENT*

## HOW DO WE GET THERE FROM HERE

### In All Cases - Keep Contact

- As Consistent and
- Uncomplicated
- As possible

### Where Multiple Recoveries Underway On One Reserve

- Coordinate Engagement Through a Single Agency

## ***WHO - HOW TO ENGAGE??***

### **BE AWARE OF CULTURAL DIFFERENCES**

- **As a Scientist - You May Have Quite a Different World View Than Members of an Aboriginal Community**

### **ABORIGINAL CULTURES ARE HIGHLY DIVERSE**

- **Cultural and Socio-Economic Differences Require Your Approach Be Tailored To Local Circumstances**

## FIRST NATIONS DIVERSITY IN BC

- **1640 Reserves**
- **197 Bands**
- **30 Tribal Councils**
- **7 of 11 Major Canadian Language Groups,**

## ECOLOGICAL DIVERSITY IN BC

- **140+ COSEWIC Species.**





# *SETTING PRIORITIES*

## CAPACITY IS AN ISSUE WITH EVERYONE

- Work With INAC, and Where Possible With Aboriginal Organizations, to Set Priorities
- Identify Biodiversity Hotspots
- Overlay Maps of Aboriginal Lands
  - Interpret for Readiness to Collaborate
  - Set Priorities which Maximize Success

# ***IMPORTANT STEPS***

## **CWS - INAC Regions**

- **Develop a Relationship**
  - **INAC is the Federal Land Manager for Reserve Lands**
- **Collaborate on Capacity Building**

## **TAKE CULTURAL AWARENESS TRAINING (Appendix)**

- **Learn to Listen Respectfully**
- **LEARN TO ASK FOR ADVICE**
  - **Aboriginals**
  - **Agencies**

**Work Hard at Building Relationships Which Support  
CAPACITY BUILDING IN COMMUNITIES  
Good luck!!**



## REFERENCES

- Alfred, Taiaiake; 1999; Peace Power and Righteousness; *an indigenous manifesto*; Oxford University Press; Toronto.
- Boldt, Menno; 1993; Surviving as Indians; *The Challenge of Self Government*; University of Toronto Press; Toronto.
- Brody, Hugh; 2000; The Other Side of Eden, *Hunters, Farmers and the Shaping of the World*; Douglas and McIntyre; Toronto.
- Diamond, Jared; 1997; Guns Germs and Steel; *The Fates of Human Societies*; WW Norton and Co; New York.
- Engelstad, Diane and John Bird, eds; 1992; Nation to Nation; *Aboriginal Sovereignty and the Future of Canada*; Anansi Press; Concord Ont.
- Hylton, John H; 1999; Aboriginal Self Government in Canada; Purich Publishing Ltd; Saskatoon Sask.
- Kunin, Roslyn, ed; 1998; Prospering Together, *The Economic Impact of Aboriginal Title Settlements in BC*; The Laurier Institute. *Vancouver BC*.
- Macklem, Patrick, 2001; Indigenous Difference and the Constitution of Canada; University of Toronto Press; Toronto.
- McMillan, Alan D; 1995; Natives Peoples and Cultures of Canada; Second Edition; Douglas and McIntyre Ltd; Vancouver.
- Rose, Alex; 2000; Spirit Dance at Mesiadin; *Chief Joseph Gosnell and the Nisga'a Treaty*; Harbour Publishing; Madeira Park BC.
- Ross, Rupert; 1992; Dancing with a Ghost, *exploring Indian reality*; Octopus Publishing Group; Markham Ont.
- Ross, Rupert; 1996; Returning to the Teachings; *Exploring Aboriginal Justice*; Penguin Books; Toronto.
- Royal Commission on Aboriginal Peoples; 1993; Sharing the Harvest, *The Road to Self Reliance*; Report on the National Roundtable on Aboriginal Economic Development and Resources; Queen's Printer; Ottawa.
- Tennant, Paul; 1990; Aboriginal Peoples and Politics, *The Indian Land Question in British Columbia, 1849-1989*; UBC Press; Vancouver, BC.



➤ Aboriginal Canada Portal

[www.aboriginalcanada.gc.ca/abdt/interface/interface2.nsf/engdoc/0.html](http://www.aboriginalcanada.gc.ca/abdt/interface/interface2.nsf/engdoc/0.html)

➤ Aboriginal Mapping Network

[www.nativemaps.org/map.gallery.html#Chaos](http://www.nativemaps.org/map.gallery.html#Chaos)

➤ Assembly of First Nations: [www.afn.ca](http://www.afn.ca)

➤ BC Aboriginal Fisheries Commission: [www.bcafc.org](http://www.bcafc.org)

➤ First Nations Summit Society of BC: [www.fns.bc.ca](http://www.fns.bc.ca)

➤ Indian and Northern Affairs Canada [www.ainc-inac.gc.ca/bc/index\\_e.html](http://www.ainc-inac.gc.ca/bc/index_e.html)

➤ Institute on Governance [www.iog.ca](http://www.iog.ca)

➤ National Aboriginal Land Managers Association [www.nalma.ca/index2.htm](http://www.nalma.ca/index2.htm)

### **Cultural Awareness Trainers**

➤ Indigenous Corporate Training:

[www.indigenoucorporatetraining.com](http://www.indigenoucorporatetraining.com)

➤ Cheryl Brooks: [cabrooks@shaw.ca](mailto:cabrooks@shaw.ca)