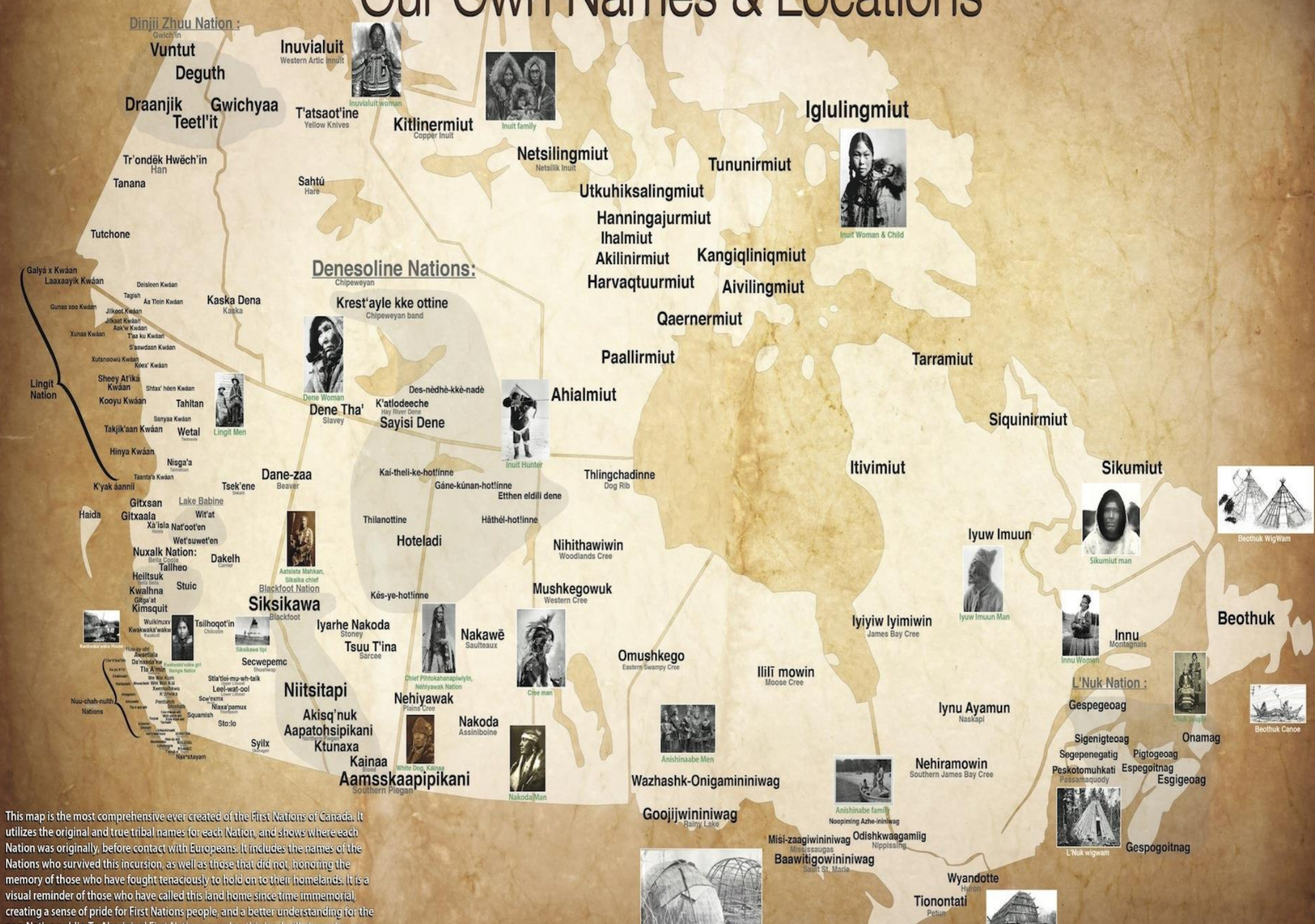




OVERLOOKED INDIGENOUS WOMEN'S PARTICIPATION IN NATURAL RESOURCES GOVERNANCE: HANIA & GRABEN

Aboriginal First Nations

Our Own Names & Locations

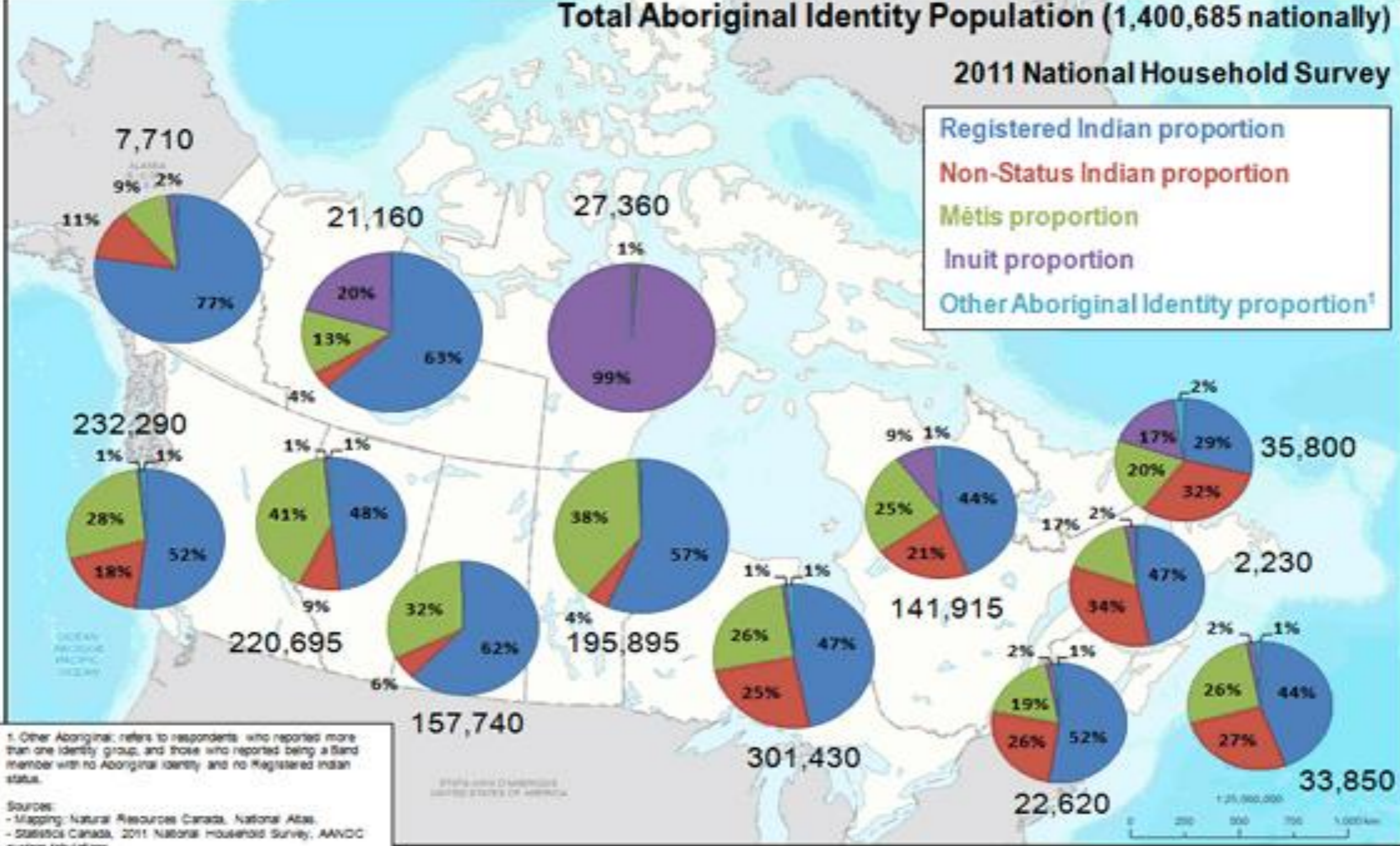


This map is the most comprehensive ever created of the First Nations of Canada. It utilizes the original and true tribal names for each Nation, and shows where each Nation was originally, before contact with Europeans. It includes the names of the Nations who survived this incursion, as well as those that did not, honoring the memory of those who have fought tenaciously to hold on to their homelands. It is a visual reminder of those who have called this land home since time immemorial, creating a sense of pride for First Nations people, and a better understanding for the non-Native public. To Aboriginal First Nations peoples, this land will always be our

Total Aboriginal Identity Population (1,400,685 nationally)

2011 National Household Survey

Registered Indian proportion
 Non-Status Indian proportion
 Métis proportion
 Inuit proportion
 Other Aboriginal Identity proportion¹



¹ Other Aboriginal: refers to respondents who reported more than one identity group, and those who reported being a Band member with no Aboriginal identity and no Registered Indian status.
 Sources:
 - Mapping: Natural Resources Canada, National Atlas.
 - Statistics Canada, 2011 National Household Survey, AAVOC custom tabulations.

AGENDA

RESEARCH APPROACH

THE ARTICLE – OUR ANALYSIS OF PARTICIPATORY GOVERNANCE

- a. Why are Indigenous women overlooked? *A Systemic problem: 'THE SILENCING EFFECT'*
- b. An Indigenous Worldview: How to Revitalize Indigenous Women's Water Governance Authority? - INDIGENOUS STORIES, AS A SOURCE OF LAW

CONCLUSION: OVERCOMING INDIGENOUS WOMEN'S EXCLUSION

- a. How to restructure participatory governance regimes (e.g., co-mgmt, water, EA, IBA)?
- b. What happens if a water story - as a source of Indigenous law - is relied upon to establish legal jurisdiction within a natural resource governance regime?
- c. What is an Indigenous Law Principle? – an ethic of responsibility to all beings

RESEARCH – LAW & POLICY REFORM

- ***The Problem:*** In Canada, Indigenous Women’s Lack of Participation in Natural Resource Governance (e.g., forestry, wildlife, water, extractive sector) regimes.
- ***Our Argument:*** Indigenous women’s participation can be bolstered by recognizing women’s water governance authority as defined:
 - by their identity as the communities’ water knowledge keepers
 - as expressed in water stories, as source of Indigenous law.

THE CONTRIBUTION: A KNOWLEDGE GAP

- **Indigenous Law Literature:**
 - Indigenous stories, as a source of First Nation Law
- **Indigenous Water Governance Literature:**
 - Indigenous women’s responsibilities “to speak for water”
- **Natural Resources Literature:**
 - Indigenous women’s limited participation is well documented & gendered methodology is emerging
- **In practice:** Indigenous women *strongly* identify as holding responsibilities for water – to protect water
- **However:** Scholars have yet to *fully* recognize Indigenous women’s authority of water and story as a means to increase Indigenous women’s participation in natural resource regimes.

METHODOLOGY: DOCTRINAL/DEDUCTIVE/INTERDISCIPLINARY

Lit Review: Articles/Reports

- **Indigenous Law:** Val Napoleon & Hadley Friedland & John Borrows
- **Indigenous Water Governance:** Kim Anderson & Aimée Craft & Deborah McGregor
- **Gendered Methodology:** Sari Graben & Angela Cameron & Sarah Morales

Why? Timing: Importance

- Truth and Reconciliation Commission of Canada: Calls to Action Report (2015).
 - Government and Industry sectors: incorporate Indigenous law and legal traditions - Recommendations 45(iv) and 92.
- Senate of Canada: Energy, Environment and Natural Resources Committee
 - Bill C-69, Impact Assessment Act and Canadian Energy Regulator Act

WHY ARE INDIGENOUS WOMEN OVERLOOKED?

‘The Silencing Effect’ – defined as:

“a suppression of women’s cultural identity that is tied to water – the communities’ water knowledge keeper & First Nation Law – source stories”

A Systemic Problem: Privileging of Indigenous Male Status



THE ROOT CAUSE: A LEGACY OF SETTLER COLONIALISM

Regulation of Indigenous Governance:

Indian Act – women transformed by “status Indian” - deemed male & removed from their position of governance & Indian Band Councils established male privilege

Regulation of Economy:

Pre-contact economic identity of women (trade of fur & fish & timber, navigation roles) transformed by commercial market values

Regulation of Society:

Settler State’s western expansion:

Confined Indigenous women to the private sphere of the home, their roles transformed into domestic homemakers, teachers.

Regulation of Family:

The State-Church alliance advanced civilization and assimilation policies, which transformed Indigenous family structures, stripped Indigenous women of their status within their families, and community governance structures.

THE EFFECT: SILENCED & SIDELINED

Resistance Practices: Responsibilities to Water *or* Protest?



TRC: HOW TO REVITALIZE INDIGENOUS WOMEN'S WATER GOVERNANCE AUTHORITY? INDIGENOUS STORIES – AS SOURCE OF LAW



In her painting, Val Napoleon depicts Indigenous mythology's Trickster Raven, a benevolent transformer or a careless glutton who is always male, as a 'old women Tricksters who are really kick ass.'

INDIGENOUS WATER STORIES, ARE A SOURCE OF LAW (NAPOLEON & FRIEDLAND)

STORIES – A source of Law (Borrows, Napolean, & Friedland)

- **Sacred and personal water stories**
- **Set out legal principles**
- **Legal Principles & Natural Resources**
 - Indigenous law is **not** based on *rights over natural resources*, like a common-law perspective
 - Indigenous law is based on responsibilities to all beings
 - Principle of water protection would include responsibility – to all beings
 - But, **who** holds the obligation – i.e., responsibility?

INDIGENOUS WORLDVIEW OF WATER

Water is alive.

All beings hold a responsibility to each other but for water

– **it is women who hold the responsibility** as the communities' water knowledge holder to speak for water

Creation story grounds a women's identity



"Waterspirit Woman"

INDIGENOUS WOMEN & WATER

Creation Story – water is a key feature

Water flows through women

– life giving

– women hold the ability to give life

– thus, establishes Women's authority

Worldview is *relational* and *feminine* way of knowing law

- Personifies water as female – through the image of Mother Earth
- **Responsibilities** to 'Mother Earth' – water flows through Earth



"Waterspirit Woman"

CONCLUSION: OVERCOMING INDIGENOUS WOMEN'S EXCLUSION

How to reform participatory governance regimes to be inclusive?

- **The Tension:** Acknowledge *the tension of stories as a source of law* & rational, technical planning model of Natural Resource decision-making.
- **Authority:** Reform Legislation & Adopt a **critical intersectional gendered** perspective of water authority.
- **FN Engagement:** Gain an understanding of the communities' Creation Story.
- **Indigenous Women's Perspective:** Creation Story & Indigenous women's governance roles.
- **Ask:** Who is missing? Why are women walking for water? – Alton Gas Dispute

QUESTIONS:

1. If Indigenous water stories - as a source of Indigenous law - grounds an Indigenous women's authority through her responsibilities to water, then

- Does this mean legal authority has been conferred upon Indigenous women?

2. What happens if a water story is relied upon in a regulatory process?

- Has a legal technique to recognize Indigenous women's authority of water been established?
- Will this legal authority establish a legal presumption that could be relied upon to increase Indigenous women's participation in a natural resources governance regime?

3. Canada's pluralistic legal system: Indigenous law, Common law, and Civil law shaped by International law (UNDRIP)

How will Indigenous law – water stories - restructure legal doctrine?

For example, **legal principle** held by the Secwépemc First Nation in British Columbia –

<https://www.uvic.ca/law/assets/docs/ilru/SNTC%20Law%20Book%20July%202018.pdf>

‘all laws are in place to protect us and if break them we’re going to suffer. If we don’t follow the land, we’re going to suffer as a people.’

Coyote & Salmon Story