



Water Governance Toolkit

Narrative

Towards collaborative governance with Regional Districts.

Introduction

In working towards improved collaboration in governance between regional government and First Nations there are some thematic realities that First Nations hit while trying to do this work. The assumptions around the assertion of jurisdiction need to be clarified up front and accepted by all parties to the agreement. Equal footing is established through this process, although the jurisdictional authority of the Province looms over the process, regional understanding is possible. The LSIB has asserted jurisdiction over its traditional territory including the entire Similkameen Valley and the Regional District accepted that assertion is included in all the documents.

An enormous amount of time is required to build upon past work and commitments. The challenge is to get from the high level intention documents to defining pragmatic work and commitments at the Water Board Terms of Reference level. There is a recognition from both parties that there is still a lot of work to do and that capacity challenges are an impediment to implementation. There are no funding solutions defined but agreement that funding must be jointly sought in order to ensure implementation of the Terms of Reference. The funding issue has been identified as a hurdle going forward.

Build a Solid Foundation

The biggest foundational element is building the relationship and getting to know each other and the place together. A lot of work has been undertaken on both sides to increase cultural understanding of the watershed and the indigenous perspective. Entrenched perspectives must be challenged. A challenge in this area is defining the difference between the cultural systems of knowledge, the Traditional Ecological Knowledge and scientific worldview which dominates western style knowledge and process. The LSIB has put effort into community to community forums specifically designed to bridge differences and build genuine

relationships. These forums, funded by UBCM and First Nations Summit, are complemented by all of the other regular and issue specific meetings which arise, whether related to the Water board pilot, the C2C Protocol or other issues.

Building trust and commitment in a relationship is key. This takes time and many meetings and discussions, to reframe a history that was often based on racist attitudes and western culture concepts of humanity. The parties' must build together a vision of a better future relationship. LSIB has done this by having transparency of intention and demonstrating links to legally supported long term strategies and goals around Title assertion.

Building a water board Terms of Reference is a specific governance initiative. In the case of LSIB, foundational and transitional commitments between the Regional District and LSIB were required in order to set the stage for specific water governance work. A strong foundational document was the Community to Community Protocol which was signed in June 2013 and committed the parties to a formal government to government relationship (the Regional District, LSIB, Osoyoos Indian Band and the Penticton Indian Band are signatories) and to collaborative decision making or negotiations in appropriate areas of common interest.

Commitments include: working on stewardship of the lands and waters of the Region for the benefits of future generations, to build a trusting relationship, to seek agreement of environmental goals and priorities, and that the parties may enter into agreements in relation to environmental protection. Further to this agreement the RDOS and the LSIB are working on a Letter of Agreement which defines the relationship between the parties when dealing with watershed issues. This relationship focused Letter of Agreement further developed the relationship so that the specifics of a Terms of Reference document could be developed with confidence and as a logical step to implementation of the Community to Community protocol and the Letter of Agreement.

Much more work must be conducted across political and staff levels of the organizations. In the case of LSIB, work through the Community to Community Protocol Joint Council and Steering Committee facilitated both political and staff level commitment.

There is more work to do on the development of the specific components of the Water Sustainability Act that the parties want to have delegated. This will take more meetings.

Incorporate cultural processes

Incorporate language and cultural processes in the documents. Be cognizant of indigenizing your government partners.

Learn from other models

There are good examples of regional government level – First Nations collaboration, for example the Cowichan Water Board and the Okanagan Basin Water Board. LSIB desired to indigenize the process and outcomes in order to meet engagement objectives. The draft Terms of Reference must include Okanagan (Nsyilxcn) language and reference Okanagan methods of dispute resolution. This language has been more fully developed in the Letter of Agreement with the RDOS and will be foundational in all future documents developed in collaboration with LSIB.

Build partnerships and support with other First Nations and First Nation organizations

It is important to continually advance the agenda of improving collaborative governance for all First Nations. Reach out to other First Nations and First Nations organizations to make them aware of your project so they can support it as they can. Talk about your project so it stays on other's radar and potentially forms part of their focus. For example, the LSIB attended the Okanagan Nation Alliance's water strategy and was the leader in sharing about the water co-governance work and support for this band initiative was incorporated into the ONA water strategy. This type of engagement sets the stage for future collaboration and leverage opportunities. POLIS watershed conferences, UBC BRAES Forum, FNFC Watershed Planning, BCWF are a few places LSIB has networked to develop relationship.

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