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Guidelines for inclusion:

Ensuring Indigenous women, gender-diverse, and Two-Spirit people's involvement in water planning processes across Canada



NATIVE WOMEN'S ASSOCIATION OF CANADA



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EXECUTIVE SUMMARY

The purpose of this high-level position paper, prepared by the Native Women's Association of Canada (NWAC) for Transport Canada (TC), is to identify accessible strategies for effectively engaging Indigenous women, gender-diverse, and Two-Spirit people. This paper uses a culturally relevant gender-based analysis (CRGBA) to ensure that the perspectives of Indigenous women, gender-diverse, and Two-Spirit people are taken up in decision making processes for water governance.

As part of Canada's commitment to implement the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission of Canada's (TRC) Calls to Action, the federal government, Transport Canada in this case is engaging with NWAC to identify best strategies for ensuring the perspectives of Indigenous girls and women and taken into consideration during the design of policies and programs. To understand how to effectively engage and incorporate the views of Indigenous women and gender-diverse people's perspectives into policies and programs, Transport Canada and NWAC conducted one national online engagement session, and four one-on-one interviews. During the engagement session and interviews, Indigenous women, and gender-diverse people suggested several strategies for engagement. These strategies capture the perspectives of Indigenous women, gender-diverse, and Two-Spirit people regarding Transport Canada's proposed approach for adding Navigable Waters to the Canadian Navigable Waters Act Schedule.

NWAC's recommendations for Transport Canada are outlined below and are described in greater detail in the body of the report.

- 1. Navigable water planning processes should adopt a whole of government participatory approach.** This means that decisions are taken based on full consultation and involvement of government departments such as the Impact Assessment Agency, Environment and Climate Change Canada, Department of Fisheries and Oceans etc.
- 2. Indigenous women, gender diverse and Two-Spirit peoples must be involved in the co-management of navigable waters as navigable waters have multiple uses.** Objectives and priorities for navigable waters should be established collaboratively with Indigenous women, gender diverse and Two-Spirit peoples in a manner that respects (i) the ecological potential and social needs of Indigenous women, gender diverse and Two-Spirit peoples, (ii) the ecological integrity of the aquatic habitat, and (iii) the social expectations and demands for consumptive and non-consumptive values to Indigenous rights.
- 3. Centralize Indigenous knowledge in the shared decision-making process for the development and execution of plans for navigable waters.** Indigenous knowledge systems and western science should be (i) valued and respected equally, (ii) used to inform and complement each other, and (iii) integrated in a collaborative system of stewardship.



INTRODUCTION

Through the Government of Canada's commitment to advancing reconciliation with Indigenous peoples and evidence informed decision making, there has been a renewed emphasis on the inclusion and consideration of Indigenous knowledge in regulatory decisions, project reviews, environmental research, and governance. Evidence of this commitment is most apparent in the amended 2019 Fisheries Act (i.e., Bill C-68), the 2019 Impact Assessment Act, Canadian Energy Regulator Act and Canadian Navigable Waters Act (i.e., Bill C-69). In response, there has been an emerging consensus on the need for easily accessible strategies (i.e., how to do so) for bridging Indigenous science and western science that are accessible to Indigenous communities, researchers, regulatory programs, and decision-makers seeking to build on this knowledge base and implement new legislative requirements.¹



As evidenced in Transport Canada's discussion paper encouraging Indigenous communities to participate in providing feedback on an "Indigenous Knowledge Policy Framework Related to Bill C-69", there is no specific call out emphasizing the need for the voices of Indigenous women to be included in this framework.² Similarly, in Transport Canada's discussion paper on "Adding Navigable Waters to the Canadian Navigable Waters Act Schedule" reference is made about adopting a tailored approach to Indigenous applicants. However,

despite including, affirmed Indigenous rights as a key factor in the navigable waters criteria, there is no mention of including Indigenous women and gender-diverse people's unique and important perspectives. Indigenous women, gender-diverse, and Two-Spirit people have significant roles in their communities as life givers, water carriers, and water keepers. It is their responsibility to look after, protect and teach about water. Indigenous women, gender diverse and two spirit often have different perspectives, backgrounds, and positions, and can make significant contributions to different priorities, concerns, and approaches to the management of navigable waters.

It is against this backdrop that the Native Women's Association of Canada (NWAC), a

- 1 Bartlett, C., Marshall, M., & Marshall, A. (2012). Two-eyed seeing and other lessons learned within a co-learning journey of bringing together indigenous and mainstream knowledges and ways of knowing. *Journal of Environmental Studies and Sciences*, 2(4), 331-340.
- 2 Gray, Bryn & Stephanie Axmann. 2019. Indigenous Implications of Bills C-69 and C-68 – Worth a Second Look. McCarthy Tetraault. <https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/environmental-assessment-processes/discussion-paper-development-indigenous-knowledge-policy-framework.html>



National Indigenous Organization representing the political voice of Indigenous women, girls, and gender-diverse people across Canada works to ensure the recognition of their cultural, social, environmental, spiritual, commercial, and economic connection to lands and waters. In this respect, Indigenous women, gender-diverse, and Two-Spirit people assert their right to engage in all stages of the water planning process (formulation, implementation, monitoring and evaluation of water resource plans).³ NWAC therefore seeks to influence the policy/program development process or processes to ensure that the perspectives of Indigenous women, girls, two spirit and gender diverse people are taken up in decision making processes for water governance.

Mutually respectful and reciprocal relationships between people and their environment is a central tenet of many Indigenous worldviews. This long-standing relational connection to the more-than-human-world (i.e., non-human beings such as plants, animals, water, and rocks) can be found among Indigenous peoples globally. Across Canada, this relational connection is particularly evident when it comes to freshwater ecosystems.⁴ For example, water is essential to life in Anishinaabek Creation stories. The connection to water ecosystems is also reflected in the important role of Indigenous women as keepers of the water across what is known to many Indigenous peoples as Turtle Island (i.e., the North American continent). In addition to the relational connection to water, there are many instances where a similar relationship can be found with fish across the northern part of

3 Fazez, I., Fazez, J. A., Fischer, J., Sherren, K., Warren, J., Noss, R. F., & Dovers, S. R. (2007). Adaptive capacity and learning to learn as leverage for social-ecological resilience. *Frontiers in Ecology and the Environment*, 5(7), 375-380.

4 Virtanen, P. K., Siragusa, L., & Guttorm, H. (2020). Introduction: Toward more inclusive definitions of sustainability. *Current Opinion in Environmental Sustainability*, 43, 77-82. <https://doi.org/10.1016/j.cosust.2020.04.003>



Turtle Island and Inuit Nunangat. For the Paq'tnkek Mi'kmaq it is the Ka't. And for First Nations spanning the Pacific Northwest it is and herring.⁵

Managing water resources is a major challenge. The existence of multiple governing bodies, as well as stakeholders and rightsholders with varying interests, can hinder effective policy processes and the development of social-ecological resilience.⁶ In addition, the uniqueness of freshwater ecosystems makes it difficult to establish national best practices, emphasizing the need to tailor management and policy decisions to local contexts. Including the knowledge and perspectives of Indigenous peoples as rightsholders in decision-making processes is recognized as a step toward addressing the management of water resources. However, Indigenous knowledge should not be extracted but rather co-produced in reflexive and meaningful ways.⁷ Despite the unique importance of Indigenous knowledge, a critical group of Indigenous people who have not been adequately engaged in such decision-making processes are Indigenous women, gender-diverse, and Two-Spirit people.⁸



OBJECTIVES OF THIS HIGH-LEVEL POSITION PAPER

The specific objective of this high-level position paper is to identify accessible strategies for effectively engaging Indigenous women, gender-diverse, and Two-Spirit people to ensure that their perspectives are taken up in decision making processes for water governance. This position paper, prepared by the Native Women's Association of Canada (NWAC) for Transport Canada, applies a culturally relevant gender-based analysis (CRGBA) inclusive of Indigenous women and gender-diverse people's knowledge and perspectives to the Canadian Navigable Waters Act (CNWA). The paper is a part of a two-year funded project by Transport Canada. A CRGBA analysis of the CNWA is imperative given that Indigenous women and gender-diverse people rely on safe access to navigable waters for their physical, cultural, and spiritual health.

5 Gauvreau, A. M., Lepofsky, D., Rutherford, M., & Reid, M. (2017). "Everything revolves around the herring" The Heiltsuk–Herring relationship through time. *Ecology and Society*, 22(2). <https://doi.org/10.5751/ES-09201-220210>

6 Berkes, F., & Jolly, D. (2002). Adapting to climate change: social-ecological resilience in a Canadian western Arctic community. *Conservation ecology*, 5(2).

7 Dudgeon, R. C., & Berkes, F. (2003). Local understandings of the land: traditional ecological knowledge and indigenous knowledge. In *Nature across cultures* (pp. 75-96). Springer, Dordrecht.

8 Anderson, K., Clow, B., & Haworth-Brockman, M. (2013). Carriers of water: Aboriginal women's experiences, relationships, and reflections. *Journal of Cleaner Production*, 60, 11–17. <https://doi.org/10.1016/j.jclepro.2011.10.023>



NWAC AS A CRITICAL BRIDGING ORGANIZATION

People and groups bring different values, interests, perspectives, knowledge, and power to the management of resources that span geographical and jurisdictional scales and levels.⁹ Meaningful engagement is therefore needed with both government and nongovernment, to enhance coordination, improve information flows, and mobilize different sources of knowledge. One way of achieving meaningful engagement is by leveraging the role of bridging organizations.

Bridging organizations are defined here as entities that connect diverse actors or groups through some form of strategic bridging process. Their relevance for collaboration and learning in adaptive governance contexts has been emphasized. One reason for an increased interest in such organizations is they offer a means to improve environmental management outcomes by spanning the science-policy interface to allow for the effective sharing of data, information, and knowledge between government and nongovernmental actors.¹⁰ Recent evidence from different natural resource management settings shows that bridging organizations can add value to governing processes by providing platforms for coordination of actors and actions and shared learning.¹¹ Bridging organizations can thus play a central role in solving social-ecological problems through the provision of expert information and opinion to decision makers.

NWAC is a critical bridging organization that works on a variety of natural resource management issues and international affairs. NWAC is focused on linking western science and Indigenous knowledge systems within the marine/coastal management arena at the federal, provincial, and territorial levels by engaging Indigenous women, girls, gender diverse people and Two-Spirit people all over Canada (known as 'two-eyed seeing'). Given that bridging organizations and participants invest a substantial amount of resources into designing and implementing engagement sessions, research concerning the functionality and effectiveness of these sessions and similar bridging mechanisms is required to see if such initiatives warrant the organizational and individual investment.

WHAT IS A NAVIGABLE WATER?

According to Transport Canada, navigable waters are water bodies determined to be navigable under common law. In addition to what the courts have determined to be navigable through several cases, the [Navigable Waters Protection Act (NPA)] provides a partial definition, "navigable waters" include, "a canal and any other body of water created

9 Fidelman P, Evans L, Fabinyi M, Foale S, Cinner J, Rosen F (2012). Governing large-scale marine commons: contextual challenges in the Coral Triangle. *Marine Policy*. 36(1): 42–53.

10 Berkes, F. 2009. Evolution of co-management: role of knowledge generation, bridging organizations and social learning. *Journal of Environmental Management* 90(5):1692-1702. <http://dx.doi.org/10.1016/j.jenvman.2008.12.001>

11 Jacobson C, Robertson AL. Landscape conservation cooperatives: bridging entities to facilitate adaptive co-governance of social-ecological systems. *Human Dimensions of Wildlife*. 2012;17: 333–343.



or altered as a result of the construction of any work.”¹²

To determine whether a water is a navigable water, Transport Canada has developed a Navigability Assessment Framework to consistently assess whether a waterway is navigable. The framework includes criteria it must consider in each assessment. These criteria are summarized below:

- **Navigable in fact: Do the physical characteristics of the waterway support carrying a vessel of any size from one point to another?**
- **Use by the public for navigation: Is the public currently using the waterway as an aqueous highway?**
- **Historical use: Did the public historically use the waterway as an aqueous highway?**
- **Reasonable appeal for public use: Is there a reasonable likelihood that the public will use the waterway as an aqueous highway?**¹³

What is of particular importance regarding the management of navigable waters is that the impacts of major or minor works on a navigable water have the potential for severe adverse impacts on Indigenous women, girls, gender diverse and Two-Spirit people and their communities. This is because impacts on these communities due to different types of construction projects can have a variety of potential consequences. These consequences could be inclusive of the following:

- **Changes to fish spawning areas thereby decreasing certain fish stocks.**
- **Impacts on wild rice harvests when water levels fluctuate due to dam projects for example.**
- **Impacts on animal migration routes due to fluctuating water levels resulting from hydro-electric dam for example.**
- **Inability for birds to nest due to elevated water levels, thereby pushing certain birds out of traditional Indigenous territories.**
- **Rendering waterbodies connected to navigable waters no longer usable for community/traditional/ceremonial practices.**
- **Impacts to the health and well-being of Indigenous women and their communities.**



¹² Transport Canada (2017). Determining navigability. Government of Canada. <https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/navigation-protection/fact-sheet-determining-navigability.html>

¹³ Transport Canada (2017). Determining navigability. Government of Canada. <https://www.canada.ca/en/services/environment/conservation/assessments/environmental-reviews/navigation-protection/fact-sheet-determining-navigability.html>



THE CANADIAN NAVIGABLE WATERS ACT (CNWA) AND INDIGENOUS WOMEN

NWAC welcomes the inclusion of the Indigenous women in the creation of policy governing navigable waters under the Canadian Navigable Waters Act (CNWA).

The Canadian Navigable Waters Act is part of a federal initiative which focuses on advancing reconciliation with Indigenous Peoples. Reconciliation is being advanced through a renewed, nation-to-nation, government-to-government, and Inuit-Crown relationship based on the recognition of rights, respect, co-operation, and partnership. The rules surrounding the CNWA Act further ensure that respect for the rights of Indigenous Peoples in Canada, specifically Indigenous women, gender diverse and two-spirit people are built into processes to support implementation and regulatory decisions.

Inclusion of Indigenous women, gender diverse and two-spirit people in this context is of additional importance, as it serves to rectify their "... historical exclusion from resource management...Water has particular significance in many Indigenous cultures, making new water governance an ideal way to move beyond relegating [Indigenous peoples] to a 'stakeholder' role and into a 'partner' role."¹⁴ This is particularly important to Indigenous women as they have rarely been recognized for their role of water keepers and water protectors. Their role in the management and protection of their community waters has largely been ignored at the provincial, territorial, or federal levels.

In this context NWAC appreciates that "[t]he proposed Impact Assessment Act (IAA) and the Canadian Energy Regulator Act (CERA) lets everyone – proponents, governments, and First Nations – know that the public interest includes Indigenous rights and interests, despite push back from Industry. It brings clarity to an otherwise ambiguous concept, the "public interest," and ensures that Indigenous rights and interests are considered before any decision is made. This is what is required by the Constitution Act, 1982, and the proposed Acts affirm this."¹⁵ However, NWAC would like to underline that while the inclusion on Indigenous right and interest as part of the IAA and CERA is an absolute requirement, specific emphasis on Indigenous women's participation must also be formalized in the future.



¹⁴ Szach, Natasha. Keepers of the water: Exploring Anishabe and Métis women's knowledge of water and participation in water governance in Kenora, Ontario. University of Manitoba Master's Thesis. (Winnipeg: 2013), p. 1-2.

¹⁵ Assembly of First Nations. Submission to the Senate Standing Committee on Energy, the Environment and Natural Resources: Study on Impact Assessment Act, Canadian Energy Regulator, and Navigable Waters Act (Bill C-69). (Ottawa: April 4, 2019), p. 6.



METHODOLOGY

Policies and practices that currently govern navigation focus on safety and the natural environment through environmental protection. These policies and practices focus on a safe and secure transportation system.¹⁶ Policies rarely acknowledge the socio-cultural systems that are dependent on the natural environment, or the governance values associated with those systems. There is an emerging recognition outside of the federal governance mechanisms that Indigenous culture and social systems are integrated with the natural environment, as opposed to being separated from it.¹⁷ While the existing structure cannot simply shift to encompass solely Indigenous worldviews, it is essential to consider the context of the ecological, social, and cultural values/uses within which the navigation system operates.

As we aimed to capture a broad range of views, knowledge and perspectives about how Indigenous women, gender-diverse, and Two-Spirit people are impacted by navigable waters, we generated a list of potential participants based on a previous symposium that was organized by NWAC. We also utilized NWAC's social media platform to recruit participants. The objective was to ensure there were participants that were familiar with the subject and those who were interested in the subject but not very familiar with it.

To understand how Indigenous women, gender-diverse, and Two-Spirit people are impacted by navigable waters, and to ensure that their perspectives are taken up in decision making processes for water governance, Transport Canada and NWAC conducted one national workshop. However, due to a lack of national representation at the symposium, four additional semi-structured interviews were also conducted with two individuals from Prince Edward Island (02), one from Yukon and one from Winnipeg. The workshop and interviews addressed the questions below within the context of Indigenous women, gender diverse and Two-Spirit people's traditional knowledge on their community waterways and navigable waters. The intent of the workshop was to invite a conversation

¹⁶ Transport Canada. 2020 to 2021 Integrated plan for regulatory framework and oversight (canada.ca)

¹⁷ Black, Kerry, McBean, Edward, 2017. Analysis of challenges and opportunities to meaningful Indigenous engagement in sustainable water and wastewater management. Water Policy 19, 709–723. <https://doi.org/10.2166/wp.2017.078>



about Indigenous women, gender diverse and Two-Spirit people's connection with their community/navigable waters by asking the following questions:

- 1. How does navigation (travel) on waterways impact you? E.g., what happens if you or your community cannot use the water to travel or have less access?**
- 2. How can Transport Canada better seek your input on its activities, such as adding waterways to the schedule? How do you want to be engaged by Transport Canada?**
- 3. Do you have any comments on the adding Waterways to the Schedule approach that was presented today?**

There was a presentation from Transport Canada on its proposed approach for adding navigable waterways to the schedule of the CNWA. This was then followed by breakout group discussions facilitated by subject matter experts from Transport Canada. Each breakout group had about 10 people consisting of those who had previously engaged with Transport Canada on the Canada and those who had not engaged with Transport Canada before on the CNWA.

RECOMMENDATIONS

There is much that policy makers, Indigenous women, gender-diverse, and Two-Spirit people planners can do to improve indigenous outcomes from water use decisions, even within statutory and policy frameworks. Indeed, the Canadian constitution obliges federal, provincial, and territorial governments to consult with and incorporate the perspectives



of Indigenous communities into the decision-making process. Part of this duty to consult requires consultation to be inclusive of Indigenous women, gender diverse and Two-Spirit peoples. Simple consultation with overarching governing bodies such as National Indigenous Organizations, does not guarantee the inclusion of a gendered lens or one that includes a distinctions-based approach. A distinction-based approach means that the government's work with First Nations, Metis and Inuit people (including sub-groups such as



Indigenous women, gender diverse and Two-Spirit, Elders, etc) will be conducted in a manner that acknowledges the specific rights, interests, priorities and concerns of each, while respecting and acknowledging these distinct Peoples with unique cultures, histories, rights, laws, and governments.¹⁸

On that basis, the role of bridging organizations like NWAC that facilitate and directly engage Indigenous women, gender diverse and Two-Spirit peoples is critical. Governments need to consider the barriers that Indigenous women, gender diverse and Two-Spirit peoples face when getting involved in water planning, as well as the importance of addressing their requirements and objectives in water planning to preserve their cultures, we propose a set of recommendations that, if adopted, will improve engagement with Indigenous women, gender diverse and Two-Spirit peoples in water planning.

1. NAVIGABLE WATER PLANNING PROCESSES SHOULD ADOPT A WHOLE OF GOVERNMENT PARTICIPATORY APPROACH.

Participation in navigable water planning is not only a commitment to ensuring a safe and safe and secure transportation system, but also an effective mechanism to acknowledge the different interests existing over water resources.

By extension it can therefore be inferred that the protection, use and management of navigable waters by Indigenous women and their communities is inextricably linked to the constitutionally protected rights of Indigenous peoples in Canada. Indigenous women play a central role in the care of, protection and management of their communities' navigable waters.

¹⁸ <https://www2.gov.bc.ca/gov/content/governments/indigenous-people/new-relationship/united-nations-declaration-on-the-rights-of-indigenous-peoples/distinctions-based-approach>



Access to waters for transportation and navigation "...is necessary for the exercise of most other water-based Aboriginal rights and is central to the rights protected under s.35. Many Indigenous communities fish and harvest in navigable waters and depend on healthy and accessible fisheries for sustenance and for income."¹⁹ However, adverse impacts to community waterways and navigable can also have detrimental impacts on Indigenous women and their communities that are felt far beyond an obstruction to a navigable water.

To workshop participant mentioned:

"Phrasing of this question is very anthropocentric and does not align with Indigenous values. It is also a question of how navigation impacts the water itself and the flora and fauna and the ecosystem, not just how it impacts us [Indigenous women, girls, and gender-diverse individuals]. It is about the interconnected system."

Another participant said,

"It was nice having less cruise ship traffic through COVID. Less pollution to our water for whales and salmon etc. I feel they negatively impact the fish/wildlife. This summer the ferry has started doing more "health pass" and they can have a slip and have priority loading but that must be accessed ahead of time with doctor. Hard to even make appointments to get off Quadra with ferry."

We therefore recommend a participatory approach to navigable water planning that involves multiple government departments (such as Impact Assessment, Environment and Climate Change, Department of Fisheries and Oceans etc.) at an early stage of the planning process. Indeed, taking into consideration the diverse interests involved in water planning can inform policy makers of the diverse user interests in and strategies to facilitate the use of navigable waters. Finally, Indigenous peoples' participation might prevent potential conflicts between stakeholders with respect to the use of water resources.



¹⁹ First Nations Fisheries Council of BC. Submission to Standing Committee on Transport, Infrastructure and Communities on Review of Changes to the Navigation Protection Act, p. 3.



2. INDIGENOUS WOMEN, GENDER DIVERSE AND TWO-SPIRIT PEOPLES MUST BE INVOLVED IN THE CO-MANAGEMENT OF NAVIGABLE WATERS AS NAVIGABLE WATERS HAVE MULTIPLE USES.

There is also a strong spiritual connection for Indigenous women to water. Indigenous people have always lived near water and waterways. Water, fish, fish habitat and fisheries have always sustained Indigenous women and their communities. As a result, the "...right to fish is inextricably linked to the right to protected and unobstructed navigation in all waters. For several decades, Indigenous communities have relied on the once abundant fisheries and thriving habitats within their territories to support their way of life, including their spiritual, social, cultural, and economic well-being. Indigenous inherent rights, and s. 35(1) Aboriginal and Treaty rights, including Aboriginal Title, have and will always include the rights and responsibilities of indigenous communities to govern and manage the fish, fish habitat (fresh and marine), and fisheries, and be stewards of the rivers and coastal waters - in their territories."²⁰ Indigenous women have the responsibility to keep, maintain and teach their knowledge to future generations to manage their waters, fish, fish habitat and waterways as part of their communities, territories and ecosystems. They are inextricably linked.

A priority goal for Indigenous women, gender diverse and Two-Spirit peoples is to support movement towards long-term co-management (stewardship) of navigable waters. As co-management partners, Indigenous women, gender diverse and Two-Spirit peoples and the federal government should share in the stewardship of navigable waters and define the scope, mandate, and functions of the co-management arrangements to be used. Differences between Indigenous and federal governments (e.g., worldviews, value systems, governance structures, historical injustices) pose challenges for co-management efforts that will need to be addressed on a case-by-case basis. In addition, accounting for cultural, ecological, and geopolitical differences, this requires a flexible approach that may look very different within and across the Indigenous communities, provinces, and territories. Shared decision-making and co-management are often thought to mean the same thing. They do not. Shared decision-making involves Indigenous governments and the federal government working together to make decisions over navigable waters, and both partners

²⁰ First Nations Fisheries Council of BC. Submission to Standing Committee on Transport, Infrastructure and Communities on Review of Changes to the Navigation Protection Act, p. 2.



are seen as equal. On the other hand, co-management, or co-stewardship, refers to the implementation of decisions arrived at through shared decision-making; this process may also involve stakeholders such as bridging organizations and industry.²¹ Ultimately, what shared decision-making and co-management look like is up to each Indigenous community to determine with the federal government.

A participant mentioned during a one-on-one interview:

“There is a component of community education and involvement that needs to be designed and developed to reflect environmental changes and impacts of pollution and the climate crisis, as well as a spiritual, emotional, physical, and mental approach acknowledging harms and history of stress to the water. Many people need to know they have a say and a stake in agricultural and industrial uses of water draining into and out of the lake. We have managed these systems for many years and you [the federal government] need to include us in the management of navigable waters.”

Another participant recommended,

“Working directly with specific groups like Indigenous Knowledge holders, Elders, commercial fishing groups and youths, not just triggered by consultation, but on an on-going working relationship.”

Key aspirations and ideas expressed by Indigenous women, gender diverse and Two-Spirit peoples:

- Co-management arrangements that are transparent (In the context of co-management arrangements, transparency refers to the degree to which information is readily available, in an accurate and timely manner, in an accessible language to Indigenous women, gender diverse and Two-Spirit peoples) that build trust with Indigenous women, gender diverse and Two-Spirit peoples, and that function to develop and implement navigable water policies and actions, via a process of shared decision-making.
- Respect for the decision-making authority and involvement of Indigenous governments in the full spectrum of strategic, operational and project level planning for adding navigable waters to the CNWA schedule.

²¹ Armitage, D., Berkes, F., Dale, A., Kocho-Schellenberg, E., & Patton, E. (2011). Co-management and the co-production of knowledge: Learning to adapt in Canada's Arctic. *Global Environmental Change*, 21(3), 995–1004. <https://doi.org/10.1016/j.gloenvcha.2011.04.006>



- Objectives and priorities for navigable waters should be established collaboratively with Indigenous women, gender diverse and Two-Spirit peoples in a manner that respects (i) the ecological potential and social needs of Indigenous women, gender diverse and Two-Spirit peoples, (ii) the ecological integrity of the aquatic habitat, and (iii) the social expectations and demands for consumptive and non-consumptive values to society consistent with Indigenous rights. It is accepted that natural resource values cannot all be maximized simultaneously; thus, tradeoffs are inevitable to balance multiple biological, social, and economic objectives. Participants identified the implementation of a rigorous approach to co-managing ship access on waters used by Indigenous women as an important recommendation to mitigate the threats to Indigenous Peoples' use and enjoyment of their traditional territories.

3. CENTRALIZE INDIGENOUS KNOWLEDGE IN THE SHARED DECISION-MAKING PROCESS FOR THE DEVELOPMENT AND EXECUTION OF PLANS FOR NAVIGABLE WATERS.

The incorporation of Indigenous knowledge systems into shared decision-making for the development and execution of plans for navigable waters is essential. Research has demonstrated the critical importance of applying Indigenous knowledge systems together with western scientific research for sound policies.²² Indigenous women, gender diverse and Two-Spirit peoples consistently raised this issue during the workshop and interviews with the key message being that Indigenous knowledge systems need to be central to the federal government's approach to adding navigable waters to the CNWA schedule.

Indigenous knowledge is embedded in Indigenous practices for stewarding of complex ecosystems such as navigable waterways. These systems of knowledge are based on lived experiences on navigable waterways by Indigenous knowledge holders, Indigenous women, gender diverse and Two-Spirit peoples as well as on oral transmission of

²² Ban, N. C., Frid, A., Reid, M., Edgar, B., Shaw, D., & Siwallace, P. (2018). Incorporate Indigenous perspectives for impactful research and effective management. *Nature ecology & evolution*, 2(11), 1680–1683. <https://doi.org/10.1038/s41559-018-0706-0>



knowledge for several decades. This is place-based knowledge and can help address many stewardship-related challenges. However, western science still constitutes the dominant basis for federal government-led stewardship initiatives of navigable waters.²³ Indigenous knowledge systems hold a central tenet that all things are interconnected, and this rarely taken into consideration.²⁴ Integrating Indigenous knowledge and western science into navigable water stewardship can build trust and enhance outcomes. The use of both knowledge systems provides is a holistic approach as this provides the basis for better planning and stewardship. A participant mentions:

“Canada has illegitimate control over waterways that weren’t ever there’s to own or control. In my territory, women are water keepers and to not have access to the water limits our ceremonial process, especially in birthing and puberty rights. We [Indigenous women, gender diverse and Two-Spirit peoples], need to be the backbone for the management of waterways.”

Indigenous knowledge systems and western science should be (i) valued and respected equally, (ii) used to inform and complement each other, and (iii) integrated in a harmonized system of stewardship. This is the journey that decision-makers and stakeholders can take together to facilitate a ‘two-eyed seeing’ approach. That approach allows for both systems to interact with mutual respect, trust building to advance reconciliation and Indigenous rights. In many, cases knowledge gathered through Western scientific methods and through oral means (based on observation and/or storytelling) align and support each other, since at heart they are both rooted in observations of the natural world by humans (albeit with worldviews that often differ).²⁵ However, there have been times when Indigenous knowledge or data were misused by those with whom these assets were shared and entrusted. This has eroded

- 23 Ban, N. C., Frid, A., Reid, M., Edgar, B., Shaw, D., & Siwallace, P. (2018). Incorporate Indigenous perspectives for impactful research and effective management. *Nature ecology & evolution*, 2(11), 1680–1683. <https://doi.org/10.1038/s41559-018-0706-0>
- 24 Diver, S., Vaughan, M., Baker-Médard, M., & Lukacs, H. (2019). Recognizing “reciprocal relations” to restore community access to land and water. *International Journal of the Commons*, 13(1). <http://doi.org/10.18352/ijc.881>
- 25 Mistry, J., & Berardi, A. (2016). Bridging indigenous and scientific knowledge. *Science*, 352(6291), 1274–1275. <https://doi.org/10.1126/science.aaf1160>





trust and the willingness of Indigenous women, gender diverse and Two-Spirit peoples to continue to share such knowledge and data. Obtaining free, prior, and informed consent (FPIC) and entering relationship protocols with Indigenous women, gender diverse and Two-Spirit peoples are essential to any process that is respectful and true to 'two-eyed seeing.' Fostering a relationship based in two-eyed seeing is an opportunity for the federal government to deepen its understanding of Indigenous laws and legal traditions, which in turn can play a crucial role in successful stewardship of navigable waters.

CONCLUSION

The outcomes of the national workshop and interviews underscore the need for careful thinking to effectively collaborate to improve the governance of navigable waters in Canada. The discussions contributed to building a shared understandings of multiple perspectives of Indigenous women, gender diverse and Two-Spirit peoples and to develop holistic solutions. This method provides a way for governments and Indigenous women, gender diverse and Two-Spirit peoples to come together early on in engagement and consultation processes in order to understand how systems-thinking can be used to tackle complex problems, especially in the context of policy-making. While the workshops enabled NWAC, Indigenous women, gender diverse and Two-Spirit peoples to strengthen their relationships with the federal government, iterative approaches and ongoing relationship-building can improve the quality of outcomes over time.²⁶ This method is also a starting point to address power imbalances between Indigenous and western knowledge by considering epistemological pluralism: each form of knowledge stems from different worldviews which are equal and valid.²⁷

26 Young, Nathan, 2020. The future is co-managed: promises and problems of collaborative governance of natural resources. In: Legun, Keller, Bell, Carolan (Eds.), *The Cambridge Handbook of Environmental Sociology*, Vol. 2. Cambridge University Press, New York, pp. 352–366.

27 Miller, Thaddeus R., Baird, Timothy D., Littlefield, Caitlin M., Kofinas, Gary, Chapin III, F. Stuart, Redman, Charles L., 2008. Epistemological pluralism:





Guidelines for inclusion:

**Ensuring Indigenous women, gender-diverse, and
Two-Spirit people's involvement in water planning
processes across Canada**

NATIVE WOMEN'S ASSOCIATION OF CANADA

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