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BLOG

Interview: Nadia Joe

Posted on December 1, 2014

The December 1 POLIS Creating a Blue Dialogue webinar focused on the critical need for and importance of co-governance of water and watersheds with First Nations. Water Canada reached participant Nadia Joe, a member of the Crow Clan from the Champagne and Aishihik First Nations and Water Project Manager at the First Nations Fisheries Council, prior to the webinar.

Water Canada: You're the Water Project Manager at the First Nations Fisheries Council. What does the Fisheries Council do, and what does your job there involve?

Nadia Joe: The First Nations Fisheries Council (FNFC) is a province-wide organization that reflects the interests and diversity of BC First Nations in fisheries related matters. As one of the two new Water Project Managers, I am responsible for the overall program management of the Water for Fish Stewardship initiative. This initiative was created to support First Nations engagement in water governance processes in BC as well as help to facilitate First Nations participation in effective freshwater management activities in their traditional territories.

In this capacity my primary role is to support BC First Nations advance both their work in watershed planning and involvement in water governance processes. This translates largely as research and policy analysis, developing communications pieces, and facilitating dialogue between First Nations and governments, academia, NGOs, as well as industry.

What does co-governance of water and watersheds between First Nations and different levels of government entail and why is it so vital?

Broadly speaking, co-governance of water and watersheds between First Nations in BC and various levels of government will require:

- 1) improved engagement processes to ensure First Nations participation;
- 2) shared responsibility (between First Nations and government) in making decisions that have the potential to impact not only Aboriginal rights but the health of Aboriginal communities; and
- 3) adequate resources at all levels of governments (federal, territorial, First Nations, municipal) to effectively implement commitments.

Of course, each of these elements is layered with more specific conditions needed for effective co-governance of water and watersheds.

And why is it so vital? Well, that would depend on who you ask. I expect government, industry and the legal community might view this simply as a matter of meeting legal obligations as the courts continue to recognize Aboriginal Title and Rights. But for me, it's much more basic than that: it's knowing that my family, my elders, my community, and descendants have, or will continue to have, access to safe clean water that ultimately sustains our way of life.

3. What are some barriers in the way of effective co-governance (with Aboriginal peoples)?

- Outdated, oversimplified, and, at times, just plain erroneous views of Canada's Aboriginal peoples
- Lack of governments' capacity to implement commitments made to Aboriginal peoples in Canada
- Lack of trust between governments and First Nations
- Little or no commitment to operate at a pace that would allow all parties involved in decision-making to participate equally
- Lack of capacity in First Nations communities to participate equally
- The impact that Canada's assimilationist policies had and continue to have on Aboriginal peoples and communities
- Ineffective governance processes or structures to facilitate effective co-governance

4. What is your take on British Columbia's new Water Sustainability Act? Is it a positive step which presents better opportunities for co-governance? Where does it do well, and where could it be improved?

In principle, the WSA addresses issues that are all important to First Nations' communities in BC and, in particular, the WSA's focus on a decentralized approach to water governance and management presents an immediate opportunity for First Nations to begin to explore their role and responsibility in influencing how water may be governed and managed in BC.

Where the WSA challenges me personally is in adopting a model – First In Time First In Right – that implies that the "First water users" (ie. Aboriginal peoples) would have "First rights" to continue to use water.

Instead, this model actually overlooks First Nations' water needs and use prior to occupation, and instead grants rights, by way of water licenses, to water users who arrived "second, or third or fourth or fifth" and so on. By not recognizing prior and priority rights of First Nations' to use water, this model not only effectively undermines the position of First Nations and their nation-to-nation relationship with Canada, but it also unravels much of the earlier work (ie. New Relationship Accord, Truth and Reconciliation Commission, public apology in Parliament) that the federal and provincial governments had done towards advancing reconciliation with Aboriginal peoples here in BC and across Canada – particularly given the nature of the relationship First Nations peoples have with land and water, and given the paramount value placed on water in many Aboriginal communities.

One option to address this particularly offensive term (First in Time, First in Right) is simply to rename the model and instead emphasize that a water licence grants an "allocation" or "entitlement" to use water, but does not grant the "right" to water. This also serves as an important reminder to ensure to engage First Nations in any discussion that has the potential to impact Aboriginal Rights and/or Title. I can only imagine this issue would have been flagged early on in the development of the new Act and addressed before the government committed to the language around water allocations.

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