

# “ALL OF THE WATER THAT IS IN OUR RESERVES AND THAT IS IN OUR TERRITORIES IS OURS”:

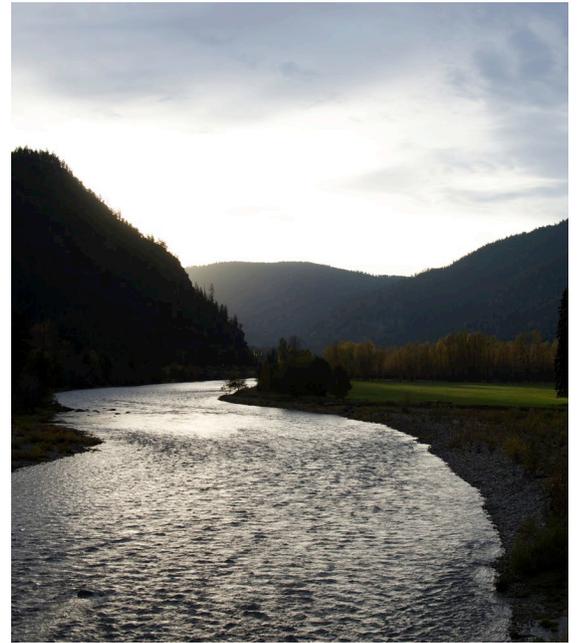
COLONIAL AND INDIGENOUS WATER GOVERNANCE IN UNCEDED INDIGENOUS TERRITORIES IN BRITISH COLUMBIA

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## WHY DID WE DO THIS RESEARCH?

The goal of this research was to better understand the complex interactions between First Nations and colonial water governance in the province of British Columbia. In particular, we wanted to understand how colonial water governance frameworks have impacted different First Nations; the barriers and opportunities for First Nations in the existing colonial water governance system; and the potential implications of a shift towards collaborative watershed governance. This focus is particularly relevant in light of recent legal and governance changes in BC, with replacement of the century-old Water Act with the new Water Sustainability Act (WSA), and a growing emphasis on pursuing collaborative watershed governance approaches. Further, the Supreme Court of Canada has clearly established that disregarding Aboriginal rights is no longer acceptable; First Nations thus need to have a meaningful role in water governance moving forward. As the legal landscape of rights and title continues to evolve, so too do the requirements and impetus for colonial governments to engage meaningfully with First Nations in water governance and management.



## WHAT DID WE DO?

This research project involved a case-study with the Lower Similkameen Indian Band, supported by additional document review and interviews with representatives from other First Nations to gain a broader provincial-scale perspective. We conducted interviews with natural resource staff and others whose work addresses water management, and supplemented this with three community talking circles. Documents reviewed included First Nations' submissions to the Water Act modernization process, historical water rights summaries, and modern BC treaty documents.

## WHAT DID WE FIND?

- There are many ongoing concerns and uncertainties about the impacts of BC's First in Time, First in Right water allocation system on First Nations' water access, rights, and governance moving forward.
- Collaborative watershed governance presents some new opportunities, such as the possibility of better aligning water governance with the territories in which different First Nations have jurisdiction. However, there are many outstanding issues, including concerns that there will not be adequate provisions for power-sharing in decision-making for First Nations and imbalances in capacities for collaboration between First Nations and colonial governments/institutions.

## WHAT ARE THE IMPLICATIONS FOR DECISION MAKERS?

- At the heart of moving forward with collaborative water governance are the basic requirements of time and relationship building to move beyond the “crisis of confidence” (Goetze 2005) and establish trust and capacities for collaboration. This must happen at multiple levels, from the personal to the institutional.
- It is critical to consider not only the resources that First Nations require to address existing capacity constraints, but also the capacities that colonial governments need to build to work respectfully with First Nations in water governance, as well as to respond to the water governance processes and strategies that different First Nations in BC are developing.
- First Nations and colonial governments must co-create forms of sharing authority and decision-making related to water, in which there is agreement about which decisions can and should be shared, and which should remain distinct.

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