



The Role of Indigenous Knowledge in Improving Sustainable Fisheries in Canada

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BUILDING ABUNDANCE: Restoring Canada's Fisheries for Long-Term Prosperity

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Format

- * Fish-WIKS Partnership
- * Background
- * Constraints
- * Opportunities
- * Recommendations

Fish-WIKS

Fisheries – *Western & Indigenous*
Knowledge Systems



fishwiks.ca

engage • collaborate • strengthen

Improving the sustainability of Canadian fisheries
through meaningful partnerships



Social Sciences and Humanities
Research Council of Canada

Conseil de recherches en
sciences humaines du Canada

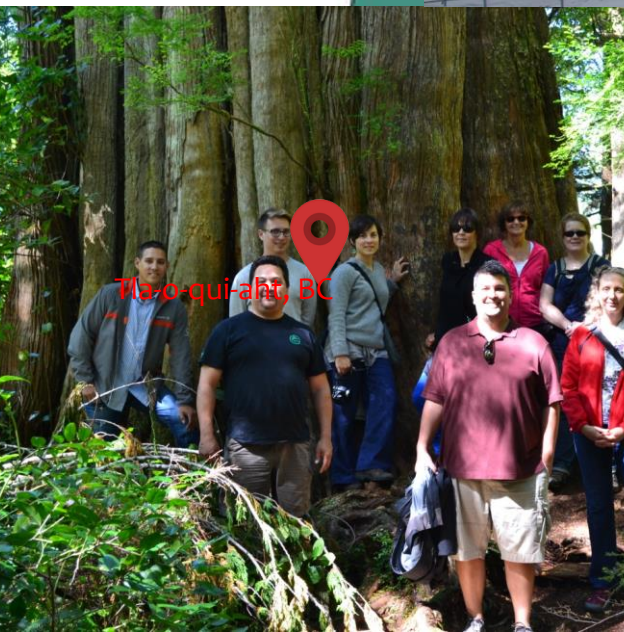
Canada

Purpose:

Through engagement and collaboration, strengthen opportunities for governing fisheries on Canada's 3 coasts and inland region

Research Goals:

1. Understand how knowledge is obtained, valued, shared and used in different knowledge systems in each of 4 regions across Canada
2. Identify commonalities and differences across the regions and systems
3. Examine how knowledge systems influences fisheries governance at multiple levels.
4. Understand how distinct IKSs can improve current efforts.



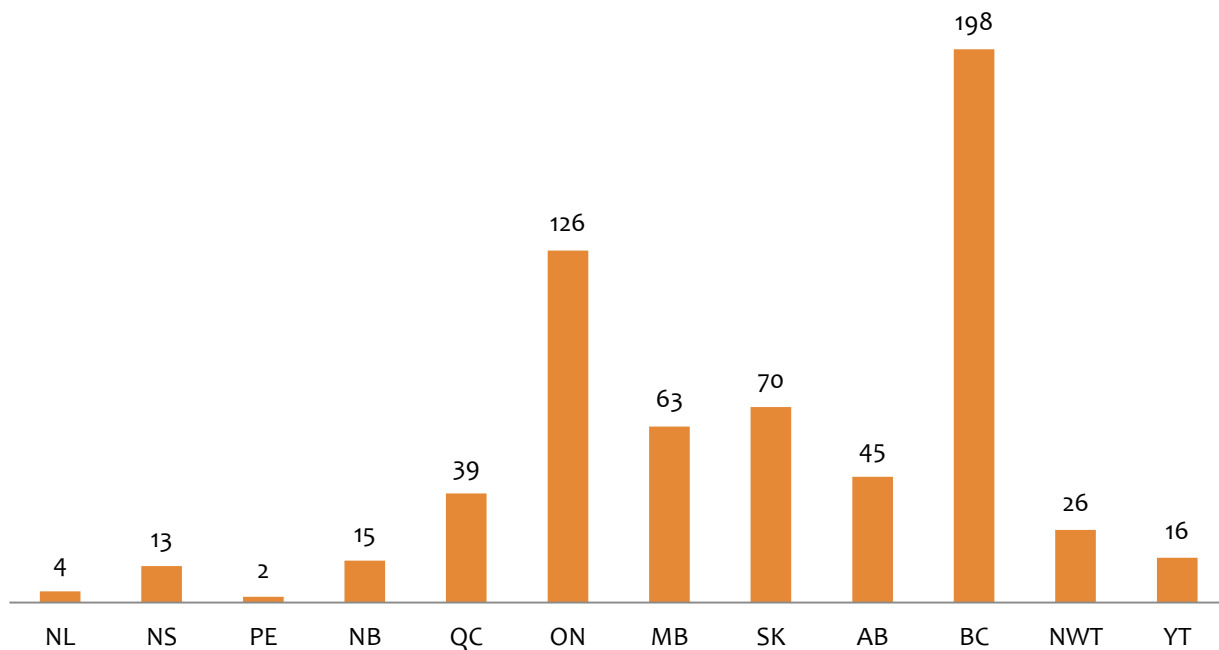


Background

Population

- * First Nations – 2.6%
(just under 1M)
- * Metis – 1.4%
(just over 0.5M)
- * Inuit – 0.2%
(around 60,000)

Distribution of 617 First Nations by Province and Territory





- # Modern Treaties - Comprehensive Land Claims and Self-Government agreements - (effective date)
-
- This map illustrates various agreements across Canada, color-coded by their effective date. The legend lists the following:
- Yukon Agreements
 - Crestone Ngazun First Nation Final Agreement (2001)
 - Chomopung and Sishik First Nations Final Agreement (1996)
 - First Nations of Nahlin Nya Doo Final Agreement (1986)
 - Kluane First Nation Final Agreement (2004)
 - Kawato First Nation Final Agreement (2005)
 - Lake Simcoe/Canada's First Nation Final Agreement (1998)
 - Selkirk First Nation Final Agreement (1987)
 - Tylen Kwaichien Council Final Agreement (2002)
 - Teslin Tlingit Council Final Agreement (1985)
 - Trondhe Hwidiin First Agreement (1995)
 - Nunatu Denchua First Nation Final Agreement (1995)
- The map also identifies several other significant agreements and regions:
- Ojibwa in Comprehensive Land Claim Agreement (1992)
 - Povungut Final Agreement Western Arctic (IFA)
 - Sarlu Dene and Metis Comprehensive Land Claims Agreement (1994)
 - Tschu Agreement (2005)
 - Nunavut Land Claims Agreement (1993)
 - Eeyou Marine Region Land Claims Agreement (2012)
 - Westbank First Nation Self-Government Agreement (2005)
 - Tsimshian First Nation Final Agreement (2009)
 - Maa-nulth First Nations Final Agreement (2011)
 - Sechelt Indian Band Self-Government Act (1996)
 - Nigeria Final Agreement (2002)
 - Nunavut Inuit Land Claims Agreement (2008)
 - Labrador Inuit Land Claims Agreement (2008)
 - Jamies Bay and Northern Quebec Agreement (1977) & The Northeastern Quebec Agreement (1978)
- Footnote:**
Comprehensive Land Claims dealt with the unfinished business of treaty-making in Canada. These claims generally arose in areas of Canada where Aboriginal land rights have not been dealt with by treaty or through other legal means. In these areas, forward-looking modern treaties are negotiated between the Aboriginal group, Canada and the province or territory. These modern treaties are enshrined in legislation and provide a clear, certain and long-lasting protection of rights for all Canadians. This includes certainty about the ownership, use and management of land and natural resources for all parties. Some treaties have also included provisions relating to Aboriginal self-government. The rights set out in the treaties involve constitutional protection. Since 1973, 24 comprehensive land claims and six stand-alone self-government agreements have been concluded and are being implemented. Of the 24 concluded claims, 18 included provisions related to self-government. More information on Agreements, like those mentioned go to www.aadnc.ca/agreements.
- The boundaries indicated are approximate and may be subject to revision in the future. These drawings are not to be relied upon for any purpose or activity, including but not limited to, assessing consultation obligations. Here drawings are illustrated for informational purposes only. No liability is accepted in respect of Canada (AANDC) does not assume any legal liability or responsibility for any damage or loss incurred as a result of the use of the drawings. Produced by AANDC 31-101/14
- Scale: 0 250 500 1,000 1,500 2,000 Km
1:9,000,000



Attributes of Indigenous Knowledge Systems across Canada

- * Rooted in ancestral territories
 - * belief systems and values,
 - * cultural meanings,
 - * social relations
 - * identities tied to place,
- * Holistic
 - * intertwining spirituality, culture, beliefs, environmental knowledge, and social code into practices in all aspects of life
- * Cosmology or worldview
 - * motivates how people relate to the world
 - * “all my relations”, reciprocity
 - * *Netukulimk* - recognizes that sustenance is physical and spiritual, and that harvesting practices should not foreclose on options for the next seven generations to sustain themselves



Image source: Orillia Native Women Group <http://www.onwg.org>

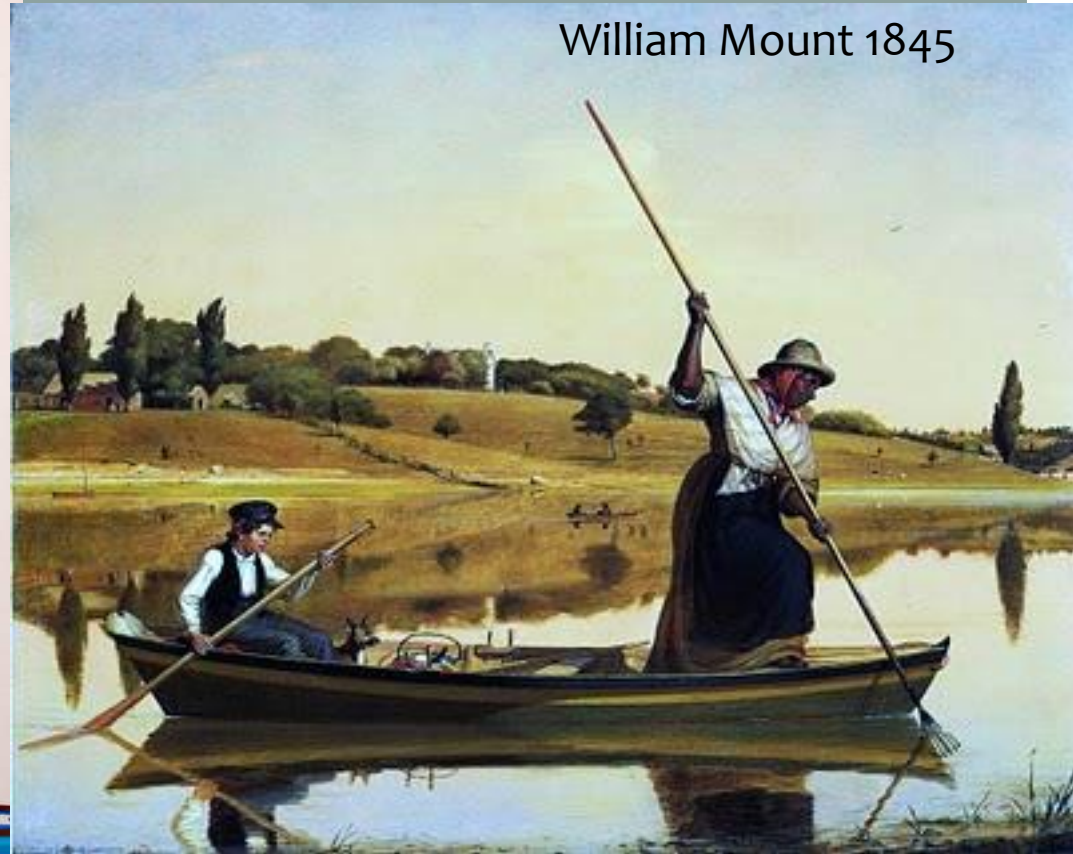


- What constraints and opportunities exist for improving the role of indigenous knowledge in sustaining Canada's fisheries?

David Brooks 2006

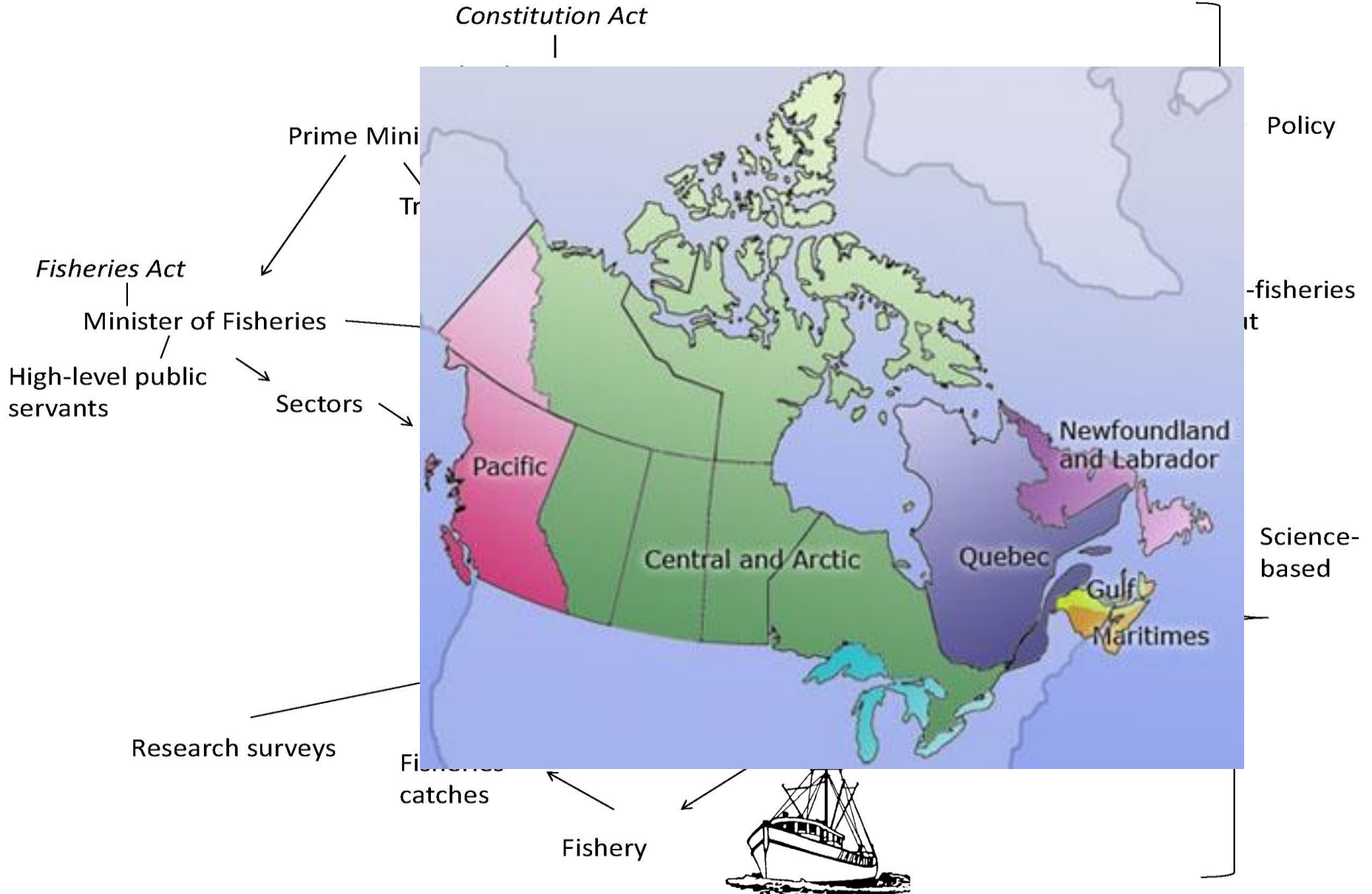


William Mount 1845





Federal Government Decision Making Process





Challenge of Developing Effective Engagement at a Regional Scale for Fisheries

First Nations Geographic Scales

Strength of authority

high

Government Organization

Strength of authority

Local

Field officers

Area/ Region

Field officers /
managers

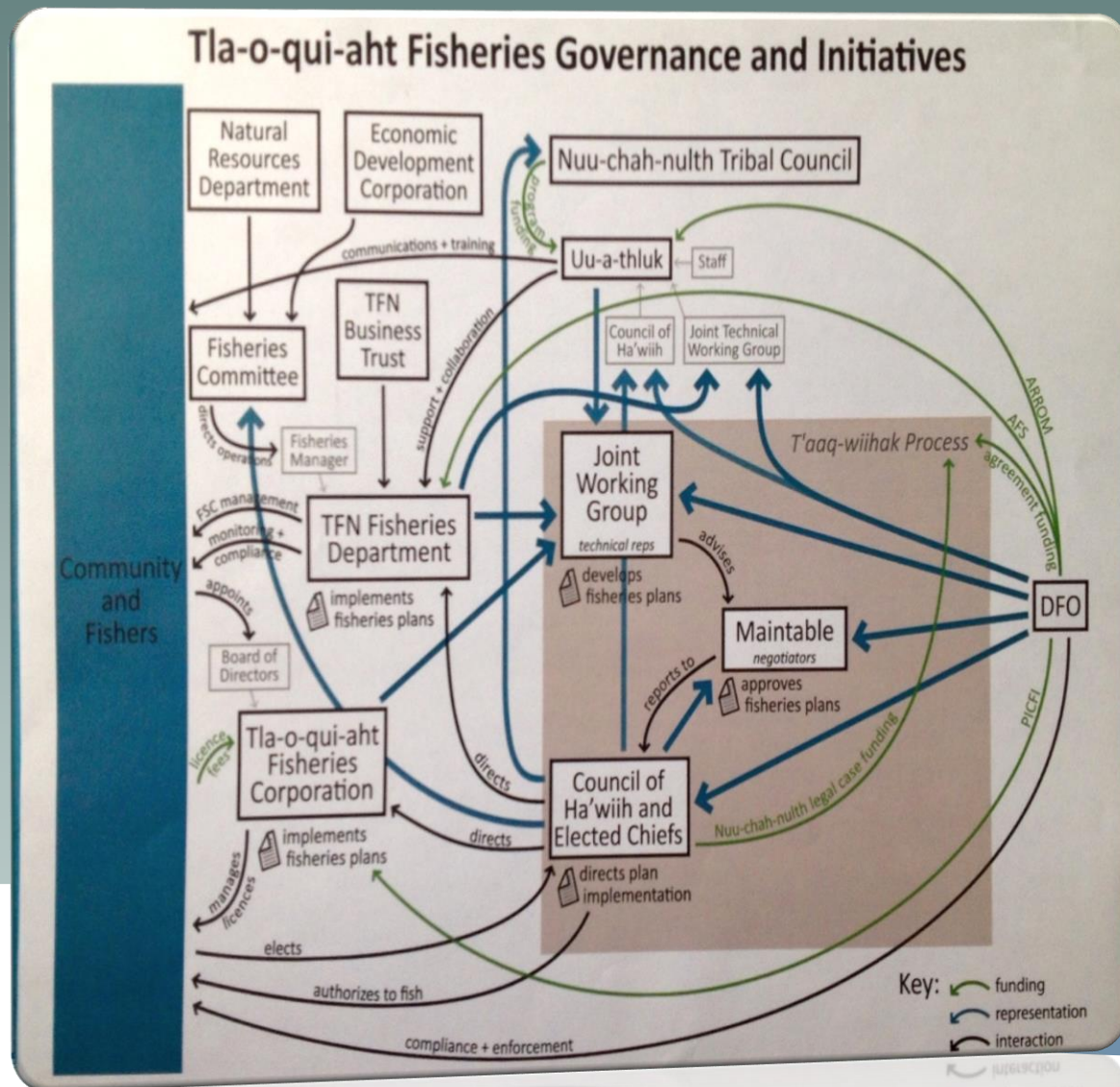
Provincial

Area chief / Area
director

RDG / Regional
Directors

ADM / DM / Minister

Tla-o-qui-aht Fisheries Governance Initiatives





Role of evidence in NS Mi'kmaq decision making

Assembly of Nova Scotia Mi'kmaq Chiefs

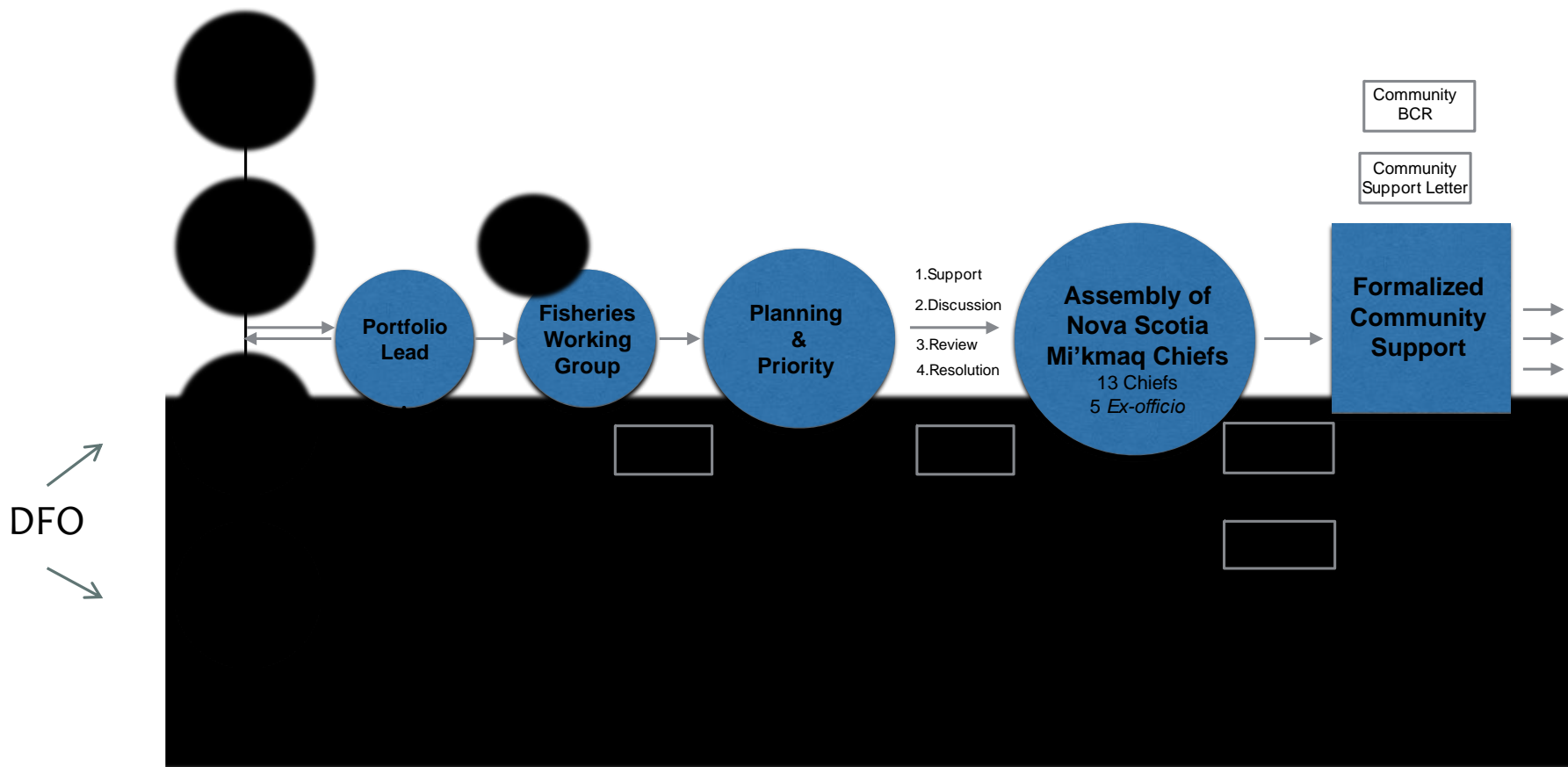
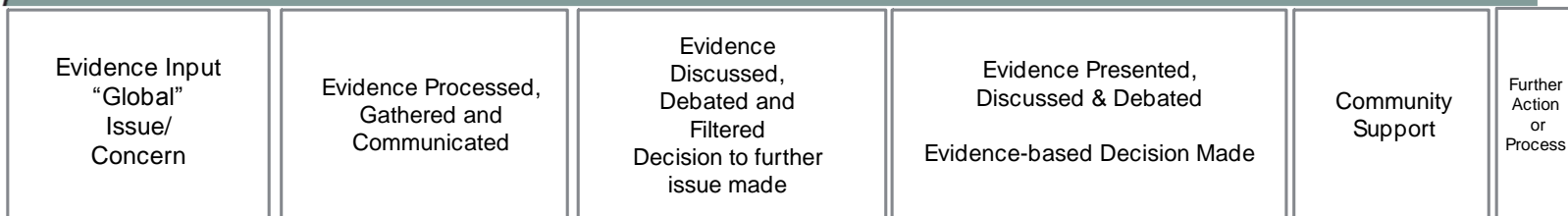


Figure 1. Role of evidence and the decision-making process for the Mi'kmaq of Nova Scotia. Blue circles indicate presence of decision-maker (chief) and the larger the circle, the greater number of decision-makers (chiefs) present. Shaded area indicates internal KNKNO role in process.



Pursuing Opportunities for IK in Fisheries Governance - Salmon and Eel

A cultural and legal relationship for Mi'kmaq

Salmon and Eel

- * Food source
 - * Dependable and predictable
 - * Species and fishing activities tied to Mi'kmaq identity
 - * “M'sit no'komaq” – “All my relations”
 - * Kinship
 - * Connection to the land, water, plants and animals
 - * Life has spirit and are of one origin
 - * Loss of species is deeply connected to loss in cultural identity
- * **R. v. Simon (1985)**
 - * Aboriginal and Treaty rights co-exist
 - * **R. v. Denny, Paul and Sylliboy (1990)**
 - * Aboriginal right for food has priority over other user groups (exception conservation and management)
 - * **R. v. Sparrow (1990)**
 - * Aboriginal and treaty rights are protected by the Constitution of Canada
 - * DFO has the responsibility to justify valid legislative objective for infringing right
 - * DFO must act in fiduciary capacity so that rights are taken seriously



Case Study: The Salmon Fishery in NS

- * Mi'kmaq dissatisfied with lack of salmon consultation on the recreational retention fishery
 - * Limited in tags to a few rivers; rec fishery could target all rivers in SFA 18
 - * No opportunity to negotiate while rec fishery had input through advisory committee
 - * Bearing the burden of conservation measures

Establish Salmon Consultation Table under NS negotiation process

- * Variety of DFO reps from Policy, Resource Management & Science from 2 regions
- * Provincial reps
- * Parks Canada
- * Mi'kmaq representation
- * Co-Chaired by Mi'kmaq Chief (Fisheries Portfolio) and DFO-RDG

WESTERN PERSPECTIVE	MI'KMAQ PERSPECTIVE
Worldview <ul style="list-style-type: none"> * Western, scientific based reflected in belief of human superiority * Application of single rule to multiple watersheds 	Worldview <ul style="list-style-type: none"> * Multiple ways of knowing * Equality of life with humans as part of the ecosystem * Mi'kmaq knowledge place-based
Management Philosophy <ul style="list-style-type: none"> * Species specific * Surplus production model * Policy based; written 	Management Philosophy <ul style="list-style-type: none"> * Customary laws: Oral tradition and practice * Applies to all resources, habitat included * Relationship, respect, reciprocity
Beneficiaries <ul style="list-style-type: none"> * Preservation of salmon for human benefits 	Beneficiaries <ul style="list-style-type: none"> * Role of salmon extend beyond human needs
Management <ul style="list-style-type: none"> * Hierarchical and segregated structure of science and management * Prescriptive 	Management <ul style="list-style-type: none"> * Holistic – includes habitat and spirituality * Preventative * Netukulimk- no waste, take what is needed
Conservation Measures <ul style="list-style-type: none"> * SFA 18-22 - Zero retention * Max daily limit for “catch & release” * Prior to 2015, Targeted smaller portion of the population (grilse; <63 cm); no retention of MSW 	Conservation Measures <ul style="list-style-type: none"> * Rotational fishing – sharing of rivers * Opposed to C&R fisheries * Do not target one stage (balance) with emphasis on taking what Mother Earth “offers”
Knowledge Used in Decision Making <ul style="list-style-type: none"> * Quantitative, scientific assessment * Advisory committees * Open to IK only as TEK as information to feed into science which feeds into management 	Knowledge Used in Decision Making <ul style="list-style-type: none"> * Quantitative and qualitative * Open to science as a tool but fishing methods don't “fit” assessment criteria (spear vs reel) * IK includes the practical application of knowledge and experience (i.e inclusive of “management”)



Creating Relationship

- * Consultation led to creation of working groups to **resolve** issues
- * Off the record; without prejudice
- * Opportunity to build trust
- * **Opportunity for co-learning through “Two-Eyed Seeing”**

Two-Eyed Seeing “...refers to learning to see from one eye with the strengths of Indigenous knowledges...and from the other eye the strengths of Western knowledges...and using both these eyes together, for the benefit of all.”

* Mi'kmaq Elder
Albert Marshall



Improving Fisheries Governance through Consultation and Collaboration

- * **Improving technical capacity through collaboration**

- * Sharing human resources
- * Sharing data used in assessments

- * **Improving current management of rec fishery**

- * Warm water closures & reduction in tags

- * **Creating innovative processes**

- * Breaking down barriers in DFO working habits

- * **Improving reporting of Mi'kmaq salmon harvests for assessments**

- * Greater collaboration for timely receipt of information

- * **Creating Mi'kmaq salmon advisory process**

- * Advise ANSMC if further declines is observed

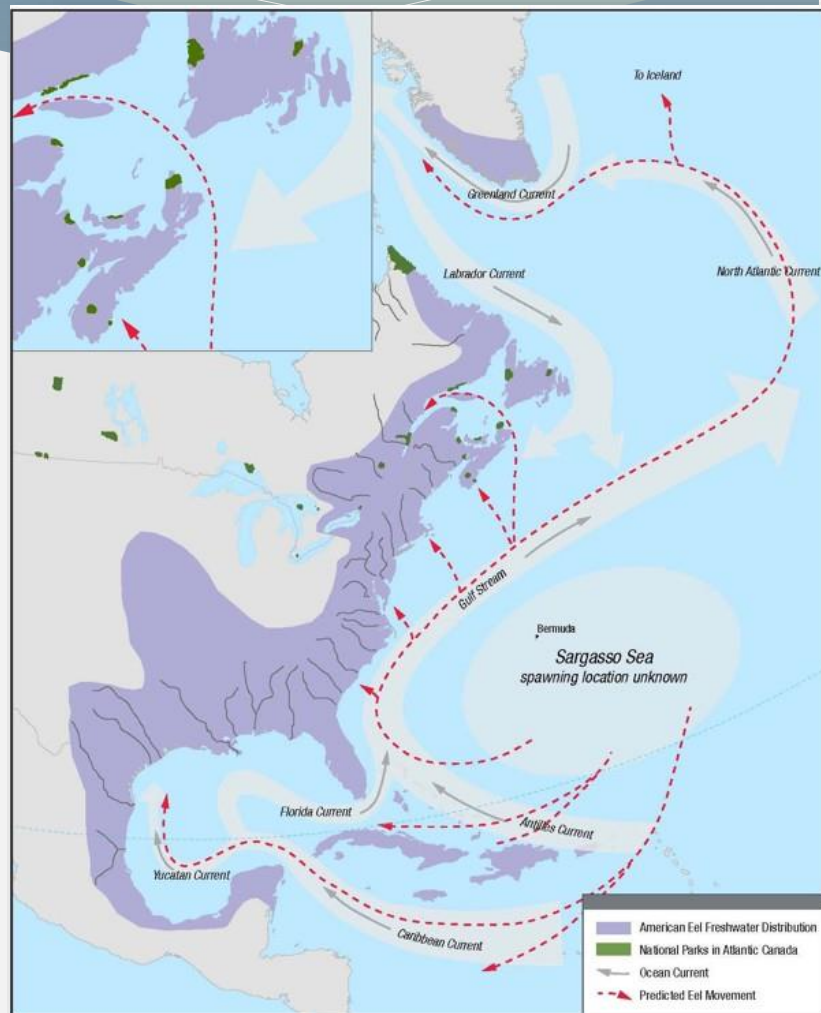
- * **Opportunity to balance Mi'kmaq culture with conservation**

- * Agree to primary conservation measure & co-exist



Improving the eel fishery through the incorporation of Indigenous Knowledge Systems into policy level decision making

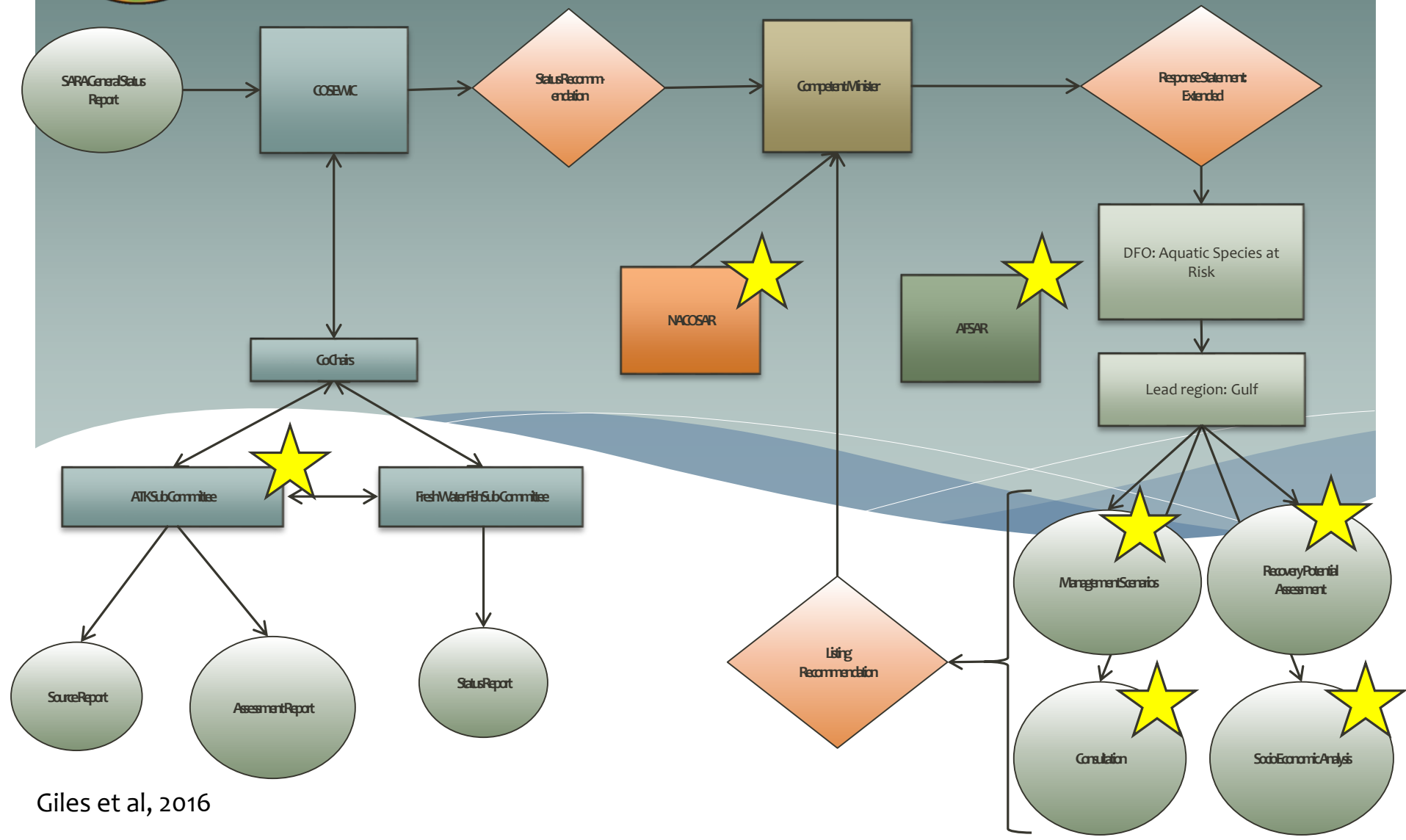
- COSEWIC: Threatened
- SARA: Currently being assessed
- Large distribution, crossing international boundaries
- Eels' social, economic, spiritual, medicinal, and cultural importance
- Concerns over declining status of the eel and implications for SARA designation on Aboriginal and Treaty fishing rights



Mi'kmaq Perspective on Eeling		Opportunities to Bridge Knowledge Systems
Eeling Practice	Values Expressed	Recommendations to DFO
Sharing eels with elders, family, and community members	Kinship Reciprocity Generosity	Minimum FSC level ensured
Undertaking a period of observation before eelers begin to eel	<ul style="list-style-type: none"> • Respect for the eel • Oral tradition • M'sit No'kamaq 	<ul style="list-style-type: none"> • Courses for fishers which include Mi'kmaq cultural awareness
Deciding to leave the commercial eel fishery	<ul style="list-style-type: none"> • 7 Generations • Netukulimk 	<ul style="list-style-type: none"> • Conservation efforts
Using spears over nets	<ul style="list-style-type: none"> • Respect for the eel • Netukulimk 	<ul style="list-style-type: none"> • Gear restrictions
Keeping all eels caught during winter spearing	Respect for the eel M'sit No'kamaq	Change to seasonal management for fishery Varying Size Limitation of seasonal periods
Not fishing or only taking enough for the elders during years of low populations	<ul style="list-style-type: none"> • 7 Generations 	<ul style="list-style-type: none"> • Adaptive management • Monitoring programs
Visiting eeling sites only once in a cycle	<ul style="list-style-type: none"> • Netukulimk • Relationship with territory • Respect for place 	<ul style="list-style-type: none"> • Conservation efforts
Being extremely selective during summer fishing, only taking the "good sized ones"	<ul style="list-style-type: none"> • Netukulimk • Respect for the eel 	<ul style="list-style-type: none"> • Size limits for summer eeling



Improving the Role of Indigenous Knowledge in Species at Risk Decision Making





Conclusion

- * Case law creates legal platform for interactions between Indigenous peoples and the state
- * Consultation is **the** governance mechanism for Mi'kmaq involvement in salmon and eel governance
- * Consultation is an effective process to create the opportunity to learn from each other, address conflict, build relations, improve cultural awareness, & improve salmon governance.
- * If power is the issue, **consultation is not the end-point solution**; need to negotiate power relationships leading to co-management and self-government for solutions to be effective
- * Need an interdisciplinary process to develop cross-cultural conservation ethics based on perspectives
- * “Relationship” - trust building exercise



Bringing Governance into Conversation with 'Indigenous Knowledge'

Orientation	What are the commonalities and differences between Western and Indigenous knowledge systems?	How can Indigenous knowledge systems improve fisheries management?
Ecological	Indigenous knowledge complements post-positivist science	Through adaptive management frameworks
Critical	Uneven relations of power marginalize Indigenous knowledge	Only with structural change
Relational	Distinct knowledge systems can be shared for mutual benefit	Through self-governance and the nation-to-nation relationship
Collaborative	Potential for knowledge co-production	Empowered, collaborative processes at multiple scales



Thank you
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(Nakurmiik)

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