

Keeping the “co” in the co-management of Northern resources

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The creation of public institutions to co-manage natural resources resulting from settlement of Aboriginal land claims has been one of the most substantive innovations in Northern politics and environmental management. “Co-management” has been repeatedly re-defined by researchers and practitioners; however, it can be thought of as local to regional-scale institutional arrangements that are intended to share some measure of control and authority for decisions about specific resources (commonly wildlife, fisheries, lands, protected areas, and water) between governments and resource users (e.g., Berkes, 1991; Natcher & Hickey, 2005; Stevenson, 2006; Armitage et al., 2011).

Like other aspects of land claim implementation, co-management in the North was never expected to be easy (Penikett, 2006). However, it is now facing simultaneous threats on two fronts. Most evidently, governments have found it challenging to adapt to this new approach and appear to have passed through phases of acceptance and resistance at multiple institutional levels. This unsurprising pattern is likely to continue. More surprisingly, though, academia is emerging as the source of another threat to the foundational principle of co-management: the principle of respectfully working together across cultures. Overly-critical academic authors are making fashionable the notion that co-management is merely another method to co-opt Indigenous Peoples, which breeds cynicism among those who will one day participate in or even run these systems. Perversely, this notion could even embolden those who actually would seek to co-opt and exploit Northern peoples, their lands, and their resources.

In practice, government agencies appear to be increasingly avoiding the term “co-management” in favour of “cooperative management” (Hayes & Allen, 2006) in order to avoid even an implicit admission that they share power. In the past year we have observed two instances where authors and reviewers for peer-reviewed journals even went so far as to state, incorrectly, that co-management was never done in the Yukon. This semantic game needs to end because it is destructive and ultimately self-de-

feating. Co-management has always been conceptualized as encompassing a range of power-sharing between parties, mainly because the processes and negotiations leading to such institutional outcomes are so strongly context-dependent (e.g., Pinkerton, 1989). This means that a government which says it does co-management need not fear locking itself into a power “giveaway” simply because it uses that word. Conversely, simply choosing a different label doesn’t in any way absolve a government from its responsibilities to Aboriginal Peoples that are defined in land claim agreements or other law.

Actual recalcitrance in implementing co-management provisions of land claims has been visible in the Yukon, where the case of the Peel River Land Use Planning Process is instructive. Chapter 11 of the 1993 *Umbrella Final Agreement (UFA)* established processes and institutions for land use planning in the territory in what is manifestly a co-management policy process. To summarize, after seven years of work the Peel Watershed Planning Commission produced a plan in 2011 that was unacceptable to the Yukon government because of the high degree of protection recommended within the watershed. The government’s response was to unilaterally alter the planning process to produce a plan with much less protected land area, starkly failing to reconcile the different perspectives and values expressed within the planning process (Staples et al., 2014). That governmental action became the subject of legal action by multiple First Nations and environmental organizations, and in 2014 the Yukon Supreme Court ruled in their favour. This decision was appealed and in 2015 the Yukon Court of Appeal partially reversed the Yukon Supreme Court’s decision. That second decision was in turn appealed to the Supreme Court of Canada, which is scheduled to hear the case in March 2017 (<http://www.scc-csc.ca/case-dossier/info/dock-regi-eng.aspx?cas=36779>). This series of court cases set out to establish interpretation of Chapter 11 in the *UFA*. Part of the challenge in implementing the *UFA* is that the *Agreement* has a “spirit and intent.” In other words, it was negotiated by First Nations to breathe and provide a management



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The Beverly herd of barren-ground caribou, Thelon River, Nunavut.

framework that reflects cultural values and practices. However, when interpreted from a literal Western-style policy stance, the dynamic spirit of partnership and collaboration is commonly lost in the hierarchical delegation of authority and ownership. An integral aspect of this ongoing implementation challenge is the need to understand how to apply Western-style written policy developed from a First Nations-rooted vision of co-governance.

The Peel River controversy casts a long shadow over co-management endeavours throughout the territory. Two studies have independently pointed out that the stakes go far beyond the Peel watershed and that the entire land use planning system, a requirement under the *UEA*, is at risk (Grzybowski, 2014; Staples et al., 2014). As stated by Chief Ed Champion of the First Nation of Nacho Nyak Dun (one of those involved in the court cases): “The deal that’s on the table is co-management, and this is what the government’s missing.” (Canadian Broadcasting Corporation [CBC], 2016a)

This situation is notable also because the Yukon was an early leader in creating co-management institutions through land claim settlement (Simmons & Netro, 1995; Penikett, 2006). In marked contrast to that earlier era, one aspect of the now-former Yukon government’s public response appeared to be an attempt to recast co-management as a threat to de-

mocracy. In the same CBC radio interview, former Premier Darrell Pasloski repeatedly referred to the territorial government as “democratically-elected” and a “public government” (CBC, 2016a). Although the premier did not explicitly say that co-management with First Nations was undemocratic, the inference was clear. In a related CBC article the premier is quoted as saying that land use planning commissions are “not elected and they’re not accountable” (CBC, 2016b).

While those statements are true enough there is no public expectation otherwise about those bodies. In context, then, it’s hard to conclude that such assertions are meant in any other way than to delegitimize institutions of co-management. In fact, co-management boards were intended by the *UEA* to be independent of political influence. With the Peel watershed, the current government dictated they held jurisdiction over 97% of the region, as only 3% consists of settlement land (Peel Watershed Planning Commission, 2011, pp. 1-2). While the former Yukon government contested that it is their responsibility to manage crown land, affected First Nations agreed to cede surface and subsurface rights within their traditional territory in the spirit that their region would be planned and managed in partnership.

While such divisive rhetoric is dismaying to pro-

ponents of co-management, it's also very telling: We probably wouldn't be seeing such desperate tactics if co-management was actually succeeding as a strategy to assimilate First Nations. One wouldn't know it by reading academic publications on co-management though. Fourteen years ago Paul Nadasdy (2003) did a great service by warning against uncritical acceptance of the co-management "success story." At the time of his research in the mid-1990s, many such institutions were new, and it wasn't uncommon to see the mere existence of co-management bodies touted as evidence of their success. Times have changed since then, but unfortunately academic perspectives have not. Nadasdy's research is still cited as if current (e.g., King, 2013), and scant attention is paid to the 20 years of progress since it was conducted. Indeed, the entire evolving approach of co-management is now repeatedly critiqued as neo-colonialist and assimilationist (Irlbacher-Fox, 2009; King, 2013; Hall & Sanders, 2015). Each of those critiques far exceeds the scope of the data they were based upon, however, by denying both the agency of Indigenous Peoples who achieved their land claims and the hard, ongoing efforts of many Northerners (Indigenous and non-) to simply make co-management work because they believe in it.

The broad and comparative evaluation that would be necessary to conclude that co-management across Northern Canada either "works" or doesn't has not been done. Perhaps it needn't be. It's far from clear that such an accountability-culture approach could be either accurate or appropriate given the diversity of voices that would legitimately need to be heard, and given how time- and context-specific judgments about specific situations would be (Westley et al., 2009). Even more fundamentally, defining success is a daunting task since there are multiple legitimate social, cultural, political, economic, and ecological goals within most co-management regimes. Tradeoffs between such goals will necessarily change over time and the ethical pitfalls in making judgments about how they're formed and realized (or not) will be challenging to navigate. Given those limitations, generalizations and sweeping conclusions about co-management are probably best avoided (White, 2008). That said, the need for more current and better-engaged research on co-management remains.

Going forward, co-management research should draw more from Indigenous research methodology (e.g., Chilisa, 2013). As LaVeaux and Christopher (2009) point out, an Indigenous research approach differs from community-based, participatory research in a number of ways. Their recommendations for indigenizing research practice are of partic-

ular relevance to Northern co-management. These recommendations focus even more on Indigenous sovereignty, overcoming the negative history of research on Indigenous Peoples by stressing attentiveness to the specific history and cultural context of the communities involved, and the utilization of Indigenous ways of knowing. Such an approach would enrich co-management research by grounding it in practitioners' perspectives; it would also create space for reciprocal acts of giving back so that research tangibly enhances co-management practices, policies, and outcomes for those most affected by it (Wilson, 2008). Comparative studies are ambitious but still necessary, and would need to be both long-term and sufficiently resourced to meet Northerners' contemporary and future expectations of research practice, which keep evolving (Korsmo & Graham, 2002; Grimwood et al., 2012; Wolfe et al., 2011).

Discussion in the North, British Columbia, and elsewhere is now moving beyond co-management to "co-governance" of resources, in which the latter term denotes a sharing of both authority and control, as opposed to simply shared technical duties (Feit, 2005; Simms et al., 2016). Perhaps this trend stems from growing recognition that even at its fullest expression, co-management is still only a part of what's required to realize the vision of self-determination that land claim agreements were intended to move society towards. A vital part, to be sure, but co-management can apparently function in the absence of co-governance (McConney et al., 2003), so disentangling these concepts will become increasingly important. Perhaps too, in the heady early days of land claim implementation, co-management was burdened with unrealistic expectations that accumulated experience is only now making clear. It's possible that such expectations, when unmet, could be contributing to diminished enthusiasm for the term – if not the actual principles and practices of – co-management. Researchers, especially, should reflect on what role we may have had in miscalibrating expectations about co-management, both in the North and outside it.

It's not yet clear what co-governance looks like, or how it may functionally differ from co-management under a land claim regime, but it will be built by the people and institutions in place now and shaped by ongoing events. This means that there is much at stake in how co-management is perceived today. Most pointedly, we need to draw the right lessons from Northerners' collective experience with it and avoid the perverse learning of the wrong lessons that is all too common a risk for environmental management institutions under stress (Ascher, 2001). If we're to have the future that the ideas of co-man-

agement and co-governance promise, we had better not lose the gains made so far. Consequently, how we talk about and practice co-management in the present is profoundly important and worth our utmost care. ●

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