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## Cover Letter

Dear Editor-in-Chief,

I am sending you my research manuscript entitled “*Decolonizing Canadian Water Governance: Lessons from Indigenous Case Studies*”. I would like to have the manuscript considered for publication in UCL Open: Environment.

The article contributes to the scientific literature on water management in two ways: 1. It investigates how Indigenous persons in Canada view water policy as being more culturally situated than Western persons. 2. It investigates how we can critique existing economic principles, such as those provided by the Organization for Economic Cooperation and Development so that they can be more culturally aware.

This article will help build future water research for three reasons: 1. There needs to be an addition of Indigenous Two-Eyed Seeing in water governance; 2. Canada (and all other Settler nations) must strengthen its nation-to-nation praxis with Indigenous communities; and 3. There needs to be a creation of space in WaSH that fosters Indigenous voices so that there can be equal participation in policy conversations to mitigate existing problems and explore new possibilities. This last point is central to the paper: it is presented as a way to gauge new possibilities perspectives from normally underrepresented groups in policy conversations. What could environmental policy look like if we take seriously the voices of Indigenous groups?

The paper uses research from many water resource institutes in Canada that focus on incorporating Indigenous voices in water research. Therefore, it has a robust reference list that is informed by experts and presents arguments that should be taken seriously.

Please let me know of your decision at your earliest convenience.

With my best regards,

Sincerely yours,

Corey McKibbin, MA(c)

# Decolonizing Canadian Water Governance: *Lessons from Indigenous Case Studies*

## **Abstract**

Meaningful lessons about decolonizing water infrastructure (social, economic and political) can be learned if we scrutinize existing governance principles such as the ones provided by the *Organization for Economic Cooperation and Development (OECD) Principles on Water Governance* (OECD, 2021). Instead of using *only* Western frameworks to think about policy within Indigenous spheres of water, sanitation and hygiene (WaSH), the Government of Canada can look to Indigenous ways of knowing to compliment their understanding of how to govern areas of WaSH efficiently. In this paper, the term *Indigenous* encompasses First Nations, Inuit and Métis populations (Hanrahan & Hudson, 2014; Blaser, 2012). I present this paper as *a* step out of many toward decolonizing water governance in Canada. I hope to have shown in this paper that it is necessary to make space for other voices in water governance. By highlighting the dangers in the Case Studies, three lessons are apparent in this paper: 1. There needs to be an addition of Indigenous Two-Eyed Seeing in water governance; 2. Canada must strengthen its nation-to-nation praxis with Indigenous communities; and 3. There needs to be a creation of space in WaSH that fosters Indigenous voices. This is necessary such that there can be equal participation in policy conversations to mitigate existing problems and explore new possibilities.

## **Key Words:**

Decolonization, Water, Policy, Indigenous, Ethics

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## **Abbreviations**

WaSH – Water, Sanitation and Hygiene

OECD – Organization for Economic Cooperation and Development

PWDU – Portable Water Dispensing Unit

UNIR – Unama'ki Institute of Natural Resources

## **Introduction**

Meaningful lessons about decolonizing water infrastructure (social, economic and political) can be learned if we scrutinize existing governance principles such as the ones provided by the *Organization for Economic Cooperation and Development (OECD) Principles on Water Governance* (OECD, 2021). Instead of using *only* Western frameworks to think about policy within Indigenous spheres of water, sanitation and hygiene (WaSH), the Government of Canada can look to Indigenous ways of knowing to compliment their understanding of how to govern areas of WaSH efficiently. For the purposes of this paper, the term *Indigenous* encompasses First Nations, Inuit and Métis populations (Hanrahan & Hudson, 2014; Blaser, 2012).

While Indigenous communities in Canada make up approximately 4.3% of the overall population, they unfortunately they face a large proportion of the water crises in Canada. (Hanrahan & Hudson, 2014). According to the Auditor General of Canada, one in five Indigenous communities are under “water advisories” (meaning the water is not safe for use) and “more than half of water systems in the lands reserved for Indigenous people posed a medium or high risk” (Hanrahan & Hudson, 2014; Auditor General, 2011). The above comments have resulted in Canada’s Indigenous land reserves to be compared to Low-to-Middle-Income Countries (Hanrahan & Hudson, 2014).

I claim that the problems within water governance, in Indigenous spheres, are of colonialization. Rosie Simms et al. (2016) points out that existing issues in WaSH are systemic and due to supposed provincial and federal government ownership over all water in the Canada (Simms et al., 6, 2016).<sup>1</sup> The Federal and Provincial governments laying claim to water trivializes the “ethic of responsibility” that many Indigenous populations adhere to when interacting with water (McGregor, 2014). Deborah McGregor (2014) argues that “the major strength of First

Nations involvement and input [in water governance] is the consideration of values, ethics and knowledge that provide a holistic understanding of water” (clarification added; McGregor, 499, 2014). A similar sentiment is issued by Simms et al. (2016) who write that many Indigenous communities view water as something that is spiritual, medical and the “life-blood of the land” (Simms et al, 2016). Rather than reframe existing water governance principles using Western methodologies in areas of WaSH, there must be equal participation of Indigenous expertise and ways of knowing such that altered principles can be adhered to by all transparently.

This paper aims to critique two of the 12 OECD *Principles on Water Governance* which the Government of Canada supports in order to promote decolonization within Canadian water governance. In section 1, I will first give an overview of the OECD Principles and the Indigenous research methodology of Two-Eyed Seeing. In section 2, I will introduce three case studies from three separate categories of Indigenous organization across Canada. Section 3 will end on an emancipatory note that will serve as a way of critiquing two of the OECD Principles.

## **1. Thinking Otherwise: Re-Examining the OECD Principles of Water Governance**

### *1.1 OECD Principles*

Instated in 2009 by the OECD, a multi-national governmental organization dedicated to economic policy, the OECD Principles on Water Governance were created to “identify and help governments, at all levels, bridge critical governance gaps in the design and implementation of their water policies” (Akhmouch et al, 5-6, 2018). The OECD Principles focus on the “economic analysis” and “best practices” of governing water in various countries, utilizing language that is antithetical to Indigenous ways of perceiving and acting with water (Akhmouch et al, 2018). The OECD’s consideration of “territorial development” positions water management *not* as an

environmental issue, but one of economics (Akhmouch et al, 2018). It is important to note that the OECD Principles on Water Governance stand on three pillars:

a. Effectiveness: A straightforward pillar that asks whether the Principles on Water Governance are effective or not in a government's strategic layout of water policy (Akhmouch et al., 2018).

b. Efficiency: This pillar states that an efficient water plan comes to the least cost for a society (Akhmouch et al, 2018). However, when there are two opposing ideals at play – water as an economic resource and water as lifeblood – it is hard to consider who is supposed to endure the least costs. If both societies (the colonized and the dominant) are to share equal costs, it is unclear from the principles how that is supposed to happen.

c. Trust and Engagement: The governments that employ the OECD Principles (including Canada), must build confidence and be inclusive with stakeholders (Akhmouch et al, 2018). Governments must act with integrity while monitoring, evaluating and adjusting water governance “when needed” (Akhmouch et al., 9 & 11, 2018).

One way to achieve the goals of the OECD pillars is to include alternative ways of knowing in the conversations that shape policy. I will examine how the Indigenous research methodology of Two-Eyed Seeing can help evaluate at least two of the 12 OECD Principles. Specifically, I will look at Principles Four and Nine:

Principle Four: “Adapt the level of capacity of responsible authorities to the complexity of water challenges to be met, and to the set of competencies required to carry out their duties” (OECD, 2021).

Principle Nine: “Mainstream integrity and transparency practices across water policies, water institutions and water governance frameworks for greater accountability and trust in decision-making” (OECD, 2021).

Principles Four and Nine are the most urgent to be critiqued. As will be shown below in the Case Studies that are examined, there are serious gaps in trust between Indigenous and non-Indigenous communities. There is also a lack of understanding regarding the complexities surrounding areas of WaSH in Indigenous communities that Provincial Governments have yet to address efficiently.

### *1.2 Two-Eyed Seeing*

To mitigate the lack of understanding about Indigenous water issues in areas of governance and to foster trust between Settler and Indigenous communities, it is prudent that governments utilize the Indigenous methodology of Two-Eyed Seeing. Two-Eyed Seeing (*Etuaptmunk* in Mi’kmaw) was conceptualized by Mi’kmaw Elder Dr. Albert Marshall (Reid et al., 2020).<sup>ii</sup> Two-Eyed seeing is a “model of knowledge” that promotes the utilization of both Western and Indigenous ways of knowing (Reid et al., 2020; Arsenault et al., 2018).<sup>iii</sup> Corroborated by McGregor, Andrea Reid and colleagues state that central to Two-Eyed Seeing is an idea of *Netukulimk*, or an ethic of responsibility (McGregor, 2014; Reid et al., 2020). Water scholars, practitioners and policy-makers *must* pay attention to the potential harms of current practices and policies, and how they can possibly impact future generations. Within Two-Eyed Seeing there are two principles that are adhered to:

a. “Learn from one eye with the strengths of Indigenous knowledge and ways of knowing” (Arsenault et al., 4, 2018).

b. “From the other eye with the strength of Western knowledges and ways of knowing” (Arsenault et al., 4, 2018).

As noted by Reid et al., (2020), it is not a question of “*whether*” Two-Eyed Seeing can be utilized in areas of WaSH: it is a question of how governments can transform and shape their policies to recognize Indigenous methodologies as legitimate (Reid et al., 2020; Lawless et al., 2013). In other words, how can we apply Indigenous Two-Eyed Seeing to Canadian water governance practices? The next section will address this question by examining three Case Studies.

## **2. Toward Decolonization**

Here I will briefly refer to three Case Studies, taken from existing literature, that explain opportunities to fill water policy gaps within various levels of Indigenous organization across Canada. Once the Case Studies have been explained, it will be made clear how water governance in Canada can move toward decolonization.

### *2.1: Key Developments in Canadian Policy and Legislation with Respect to First Nations Drinking Water Quality from 2003-2013 (McGregor, 2014)*

a. In 2003, the Government of Canada announced that it would create a *First Nations Water Strategy* (McGregor, 2014). The Strategy would aim to utilize resources that could improve “the safety of water supplies in First Nations communities” (McGregor, 503, 2014).

b. By 2008 it was evident that the Strategy failed and there were many issues that still needed to be solved (McGregor, 2014).

c. In 2010, the Government of Canada passed Bill 5-31 titled *An Act Respecting the Safety of Drinking Water* (McGregor, 2014). Bill 5-31 was promptly rejected by the Chiefs of Ontario (McGregor, 2014).

d. Bill 5-8, a revision of Bill 5-31, claimed that the Federal Government would not “abrogate or derogate from any existing Aboriginal or Treaty rights of the Aboriginal people of Canada under Section 35 of the *Constitution Act, 1982*... except to the extent necessary to ensure the safety of drinking water on First Nations land” (McGregor, 504, 2014).<sup>iv</sup> Bill 5-8 was rejected.

e. In June of 2013, the Federal Government brought forward the *Safe Drinking Water for First Nations Act* (McGregor, 2014). The Act suggests that all water, whether on Indigenous or non-Indigenous land, should be of equal quality (McGregor, 2014).

f. The Chiefs of Ontario noted that there are problems with the Act insofar that the Federal Government did not provide sufficient funding for water infrastructure to First Nations communities and that there are potential concerns about Treaty rights being ignored (McGregor, 2014).

## 2.2: *Chiefs of Ontario 2008 Water Declaration of the Anishinaabek, Mushkegowuk, and Onkinehonwe* (Arsenault et al., 2018)

a. In 2001 the Chiefs of Ontario, frustrated by the lack of governance with the Great Lakes, sought to change existing policy (Arsenault et al., 2018). The Chiefs of Ontario attacked policy at three different levels: 1) International – *Great Lakes Water Quality Agreement*; 2) National – *Canada-Ontario Agreement Respecting the Great Lakes Water Quality Agreement*; and 3) Provincial – *Great Lakes Strategy and Great Lakes Protection Act* (Arsenault et al., 2018).

b. In 2008, after years of deliberation amongst Indigenous Elders, the Chiefs of Ontario presented the *Water Declaration of the Anishinaabek, Mushkegowuk, and Onkinehonwe* (Arsenault et al., 2018). The Declaration, which emphasises Indigenous ways of knowing, “resulted in recognition of Traditional Knowledge in the *Great Lakes Protection Act, 2015*” (Arsenault et al., 2018).

c. Further, the Chiefs of Ontario created the *Great Lakes Guardian Council*, a group of Traditional Knowledge holders who inform Great Lake policy in both Canada and the United States (Arsenault et al., 2018).

d. Heightened success came in 2017 when the Government of Canada dedicated funding to create a *Great Lakes Indigenous Fund* – an initiative to support Indigenous community-based knowledge praxis to help “protect the Great Lakes” (Arsenault et al., 2018).

### 2.3: *The Community of Black Tickle, Newfoundland (Hanrahan & Hudson, 2014)*

a. The community of Black Tickle, Newfoundland is an Indigenous land reserve created by the Government of Newfoundland as part of their plan to centralize and resettle Indigenous communities (Hanrahan & Hudson, 2014).

b. Without robust water infrastructure such as pipes and clean drinking water, the community relies on a Portable Water Dispensing Unit (PWDU) (Hanrahan & Hudson, 2014).<sup>v</sup> The cost of the PWDU, ~2\$/L, makes it inaccessible to many low-income community members (Hanrahan & Hudson, 2014).

c. Distrust of the PWDU rose in the community due to its proximity to a cherished brook and the lack of funds provided by the government to sustain it (Hanrahan & Hudson, 2014). The poor placement of the PWDU means that residents often have to travel by vehicle to reach their

water resource – minimizing accessibility for people who cannot walk long distances (~1-2km) (Hanrahan & Hudson, 2014).

d. Many of the residents in Black Tickle have turned to making their own water wells instead of using the PWDU. However, these wells often become contaminated with animal waste or buried in large snow-falls (Hanrahan & Hudson, 2014). The failure to address water policy concerns created immeasurable negative public health outcomes.

e. In 2014, after a request to the Government of Newfoundland to fix the water infrastructure issues, residents were told they needed to put forward 30% of the overall costs (8601.77\$) and the province would put forward 70% (20,070.69\$) (Hanrahan & Hudson, 2014). The province's 70/30 cost split was inconceivable for the residents as many are of lower socioeconomic status – barely able to afford the water in the PWDU (Hanrahan & Hudson, 2014).

f. Much to the chagrin of the Black Tickle residents, the citizens of Pigeon Cove, a nearby non-Indigenous community, received 100,000\$ in funding when it was found out that their water pipes were contaminated during a similar time period (Hanrahan & Hudson, 2014).

Appreciating these three Case Studies, an analysis can be done to provide a call-to-action to decolonize water.

### **3. Call to Action**

Yates et al. (2017) note that in Canada, “[Indigenous] Elders felt current government initiatives around water to be limited and short sighted. When we consider water, one must consider all that water supports and all that supports water” (clarification added; Yates et al, 803, 2017). Instrumental to my paper has been an ethic of responsibility and recognition. In the above Case Studies, there were few instances where Indigenous peoples achieved respect or recognition

in water governance.<sup>vi</sup> Instances of secured respect for Indigenous communities came after self-advocation and preservation from Elders. If we ought to understand Indigenous communities as having a right to autonomous action and recognition, then it necessary to embrace their perspectives. To explain how Indigenous perspectives could enhance water policy, I will critique OECD Principles Nine and Four using the above Case Studies.

### *3.1: Principle Nine*

Residents of Black Tickle suffered after attempting to advocate for their survival – lacking funds to meet the province of Newfoundland’s demands. According to the Unama’ki Institute of Natural Resources (UINR), “Netukulimk [the ethic of responsibility] is achieving adequate standards of community nutrition and economic well-being without jeopardizing the integrity, diversity, or productivity of our environment” (UINR, 2021). The Government of Newfoundland, splitting the cost of repairing water infrastructure, denied the community of Black Tickle an ethic of responsibility. Newfoundland increased the tension that exists between Settlers and the Oppressed by providing a non-Indigenous community 100,000\$. Black Tickle residents, resorting to creating wells in the ground, harmed community nutrition and economic well-being. The community of Black Tickle showcases a fundamental flaw in Principle Nine of the OECD. The Government of Newfoundland, maintaining a division of respect between how it treats Indigenous and non-Indigenous communities, has shown a lack of “trust in decision making” (OECD, 2021).

The Case Studies in Sections 2.1 and 2.3 show that there is a prominent distrust insofar that the Chiefs of Ontario believe the Government of Canada lacks the foresight to adhere to Treaty Rights. Shortage of trust is prominent in Section 2.3 insofar that the Province of Newfoundland built a PDWU near a water resource that is cherished by the community of Black Tickle. Ignoring socio-cultural inferences from the community that you are working with (i.e., learning what the

community views as important with respect to their cultural values), is in direct violation of an ethic of responsibility and respect. Learning what the community values when making water policy would be supported by the pillars of the OECD which foster trust and engagement.

### *3.2: Principle Four*

It is not obvious that non-Indigenous government authorities have the capacity to meet complex water governance challenges in Indigenous spheres. To meet the goals of Principle Four, a government must be able to work with all of its members. For example, Section 2.1 shows the incompetence of the Canadian government to create a Bill that satisfies the needs of Indigenous communities. In Section 2.2, Indigenous communities had to advocate for themselves, preserving their own autonomy, to create adequate governance groups in the Great Lakes area. The aforementioned is often to the detriment of Indigenous communities as the groups that are formed have to take funding from non-Indigenous sources. Thus, even in areas of self-advocacy, the Oppressors have influence over how the Oppressed maintain funding. Within governance spheres where Indigenous ways of knowing are prevalent, it could be the case that Western systems infiltrate the direction of a project to maintain funded support. Specific concerns that ought to be taken into consideration in the future are whether or not the Canadian Government will try to steer Indigenous programs within WaSH. Referring back to Yates et al.'s (2017) sentiment: all who are supported by water in Canada are not being supported – especially in a way that is competent, transparent, or with integrity. A challenge that remains in Canadian WaSH contexts is considering Indigenous voices as equal in governance. To open up possibilities for mitigating the above issues, research methodologies such as Two-Eyed Seeing must be given equal weight in shaping policy. Federal and Provincial governments need to look to past Treaty agreements and reformulate WaSH principles with Indigenous perspectives, giving Indigenous communities respect and recognition.

## Conclusion

C-24 Chair Ambassador Keisha McGuire proclaimed, in February of 2021, that, “This year we entered the first year of the Fourth International Decade for the Eradication of Colonialism... I call on member states to renew their commitment, to strive to make this the last decade to be observed” (McGuire, 2021). I have presented this paper as *a* step out of many toward decolonizing water governance in Canada. I hope to have shown in this paper that it is necessary to make space for other voices in water governance. In order to show the above, I provided three different Case Studies that relayed various success of Indigenous organization, advocating for their voices to be heard. Finally, I provided a brief analysis that assessed the dangers of two OECD Principles of Water Governance that the Canadian government recognizes as legitimate. By highlighting the dangers in the Case Studies, three lessons are apparent in this paper: 1. There needs to be an addition of Indigenous Two-Eyed Seeing in water governance; 2. Canada must strengthen its nation-to-nation praxis with Indigenous communities; and 3. There needs to be a creation of space in WaSH that fosters Indigenous voices so that there can be equal participation in policy conversations to mitigate existing problems and explore new possibilities.

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<sup>i</sup> There are problems in terms of how the provinces view the personhood/autonomy of Indigenous communities and their legitimate claims to water. For an in-depth discussion about the aforementioned, see Gibson, 1969.

<sup>ii</sup> For more information of Indigenous/Western collaborations in WaSH, see: *Ohneganos “Let’s Talk Water”* – a research program led by Dr. Dawn Martin-Hill (McMaster University) (Martin-Hill, 2021).

<sup>iii</sup> An alternative model of knowledge that fosters Indigenous/Western collaboration is the Co-Creation Model (Global Water Futures, 2021).

<sup>iv</sup> Section 35 of the *Constitution Act, 1982* supposedly recognizes and affirms the rights and autonomy of First Nations, Métis and Inuit peoples of Canada (Hanson, 2009).

<sup>v</sup> In this section I investigate the social and health impacts of the PWDU. For information about the engineering aspects of a PWDU see Dawe, 2021.

<sup>vi</sup> Much of Indigenous advocacy occupies a politics of refusal (refusing the paternalism of the dominating government) insofar that communities attempt to maintain autonomy over their own well-being and culture while refusing to be dominated (Simpson, 2014).

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