

From: Conrad Vanderkamp [REDACTED]
Sent: Monday, March 7, 2022 11:26 PM
To: Islands2050
Cc: PIID Secretary
Subject: Islands Trust Council Draft Bylaw

Members of the Council:

I applaud the attention given to Indigenous interests and participation in the Draft. It is high time to recognize the history, presence, and claims of the Indigenous people and groups of this land. I note the efforts to consult during the drafting process.

That said, I am concerned that the language dealing with Indigenous matters be carefully considered. As a country and province, we acknowledge that Indigenous groups have certain rights and a version of title to lands, as yet not well defined and subject, at our courts' urging, to negotiation. I find that the language in the draft concerning this matter is aspirational. It stumbles all over itself, as it were, to make room.

I find the following problematic:

1.1 "Territorial Rights of First Nations": This is a vague phrase with no legal standing. Better to acknowledge "traditional territories".

1.3 UN Declaration on the Rights of Indigenous Peoples: The Trust has no business with this Declaration, other than as the BC Declaration of the Rights of Indigenous Peoples Act interprets it. See also 3.1.6

MMIWG: Many of the MMIWG Calls for Justice begin with "We call upon all governments..." Anyone of those Calls can potentially "fall within Trust Council's jurisdiction". This is empty virtue signalling that leaves the Trust open to any number of claims. See also 3.1.6

The phrases "Indigenous ways of knowing" and "Indigenous knowledge holders" appear frequently in the document and are undefined. Is it knowledge that (some) Indigenous people carry but is not accessible to non-Indigenous people, other than through instruction? Is it a mystical oneness with the land or nature? Is it an animist consciousness? Is it a different level of ecological insight? Is it transmitted in story?

Here are some definitions:

Queens University posits that Indigenous ways of knowing includes that "all elements of creation can teach us, from the plant and animal nations, to the 'objects' that many people consider to be inanimate." But "the practices, languages and protocols of one Indigenous community may look very different from another."

BC Campus Open Publishing: "Indigenous worldviews see the whole person (physical, emotional, spiritual, and intellectual) as interconnected to land and in relationship to others (family, communities, nations). This is called a holistic or wholistic view."

University of Toronto's OISE: "living ways of making sense of the world embedded in community practices, rituals and relationships."

These definitions overlap but are hardly identical, and in any case are shared largely by many people and groups. It seems to me that it would be better to write that the Trust Council commits to listen to the input of local Indigenous people and communities wherever or whenever that is relevant and available. The paragraph under 1.4 regarding First Nations information is much more useful in this context.

2.1 “Trust Council acknowledges the treaty and territorial rights of First Nations in the Trust area.” At present Trust Council can only acknowledge that certain groups of Indigenous people in the Trust area have certain inherited rights and title, as yet not well defined, while other more precisely defined groups have the “Douglas Treaties” or very new treaties which acknowledge particular rights, enforceable through the courts.

4.6 A number of clauses list various actions in part by their blue colouring as primarily reconciliation related amendments, when they’re really climate change related. The implicit suggestion that the requirements of reconciliation demand those actions is misleading.

I applaud Part 5: Heritage Preservation and Protection, but the assertion of “the inherent right” to identify cultural heritage as existing “outside of the colonial frameworks” for defining heritage has no basis in law. Hence the “shall” of imperatives for local Trust Committees is not warranted and unenforceable.

I want to make it clear once more that I wholeheartedly underwrite the Draft’s attempt to pay attention to Indigenous interests and I am certain that consultation with, and learning from, Indigenous groups in the Trust area will be beneficial to all. I will certainly advocate for such a relationship on my own island.

Conrad van der Kamp