# Enacting and Operationalizing Ethical Space and Two-Eyed Seeing in Indigenous Protected and Conserved Areas and Crown Protected and Conserved Areas

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# Executive Summary

The goal of this document is to begin to address the advent of Ethical Space and Two-Eyed Seeing in the field of protected and conserved areas. This is by no means a comprehensive treatment of all the permutations, issues, challenges or scenarios affiliated with Ethical Space and Two-Eyed Seeing. It is rather intended as an orientation to Ethical Space and Two-Eyed Seeing with examples provided to facilitate broader understanding and comfort.

We endeavour to explain these approaches, their associated systems and processes, and the potential outcomes stemming from innovative and transformative ideas about relationship building. We offer a few selected examples to extrapolate some relevant observations concerning these developments and raise several points of analysis.

In this document we deconstruct and demystify Ethical Space and Two-Eyed Seeing, sharing reflections and offering our own interpretations of key points, elaborating on transformative relationship building and facilitate a deeper understanding of Ethical Space and Two-Eyed Seeing. It is our hope that this document will serve a wide range of practitioners working at all scales of protected and conserved area management.

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# Opening the Space

The territories in which this document was written are the traditional unceded territory of the Algonquin Anishnaabeg People (Ottawa, Ontario). We wish to recognize the Indigenous Nations, representatives and organizations with whom we spoke or feature as examples as having a foundational role in what we have written and provided within this document. In the preparation of this document, and the specific contributions of representatives connected with the examples provided, we strove to respect the wishes, capacity and availability of representatives of organizations, Indigenous governments and communities, and federal, provincial and territorial representatives.

We will introduce ourselves as authors and situate ourselves in the context of this work. This is a fundamental aspect of the enactment of ethical space, and it is also a form of expression of the Two-Eyed seeing approach, in the sense that all those who navigate the relationality between and amongst Indigenous, non-indigenous and the natural world are ultimately engaging at some level with different eyes.

*Danika Billie Littlechild ᓇᐦᐃᔭᐣ ᐃᐢᑫᐧᐣ nêhiyaw-iskwêw, from Neyaskweyahk, Ermineskin Cree Nation, Maskwacis in Treaty No. 6 territory. My mother is from the Kehewin Cree Nation (the first portion of that name is the real Cree name for the place) located further north in Treaty No. 6 territory, and I have spent a lot of time in that community throughout my life. For almost two decades I practised law in Maskwacis, working for and with Indigenous Peoples in Canada and internationally in fields of work that included Indigenous legal orders, governance, health, international law, environment, water, conservation and biodiversity. I was the Co-Chair of the Indigenous Circle of Experts under the Pathway to Canada Target 1. In January of 2020 I began a new career path as an Assistant Professor in the Department of Law and Legal Studies at Carleton University in Ottawa, Ontario. My work as a new scholar has been entirely focused on Ethical Space. I am the Research Lead on Ethical Space for the Conservation through Reconciliation Partnership, and I am engaged in several different research initiatives exploring Ethical Space in theory and practice. My own journey or path into Ethical Space began almost a decade ago, when I began working with Dr. Reg Crowshoe in the field of health in Alberta. He introduced me to the concept and approach of Ethical Space. Over the ensuing years, we worked together with numerous Elders in Alberta from Treaties 6, 7 & 8 on defining and describing Ethical Space in the context of healthcare, with significant and formalized outcomes that included the participation of federal and provincial governments. Dr. Crowshoe and I brought Ethical Space into the Pathway Initiative, as well as other initiatives such as climate change, through the Joint Committee on Climate Action. It is my privilege and honour to continue this work as my own path into Ethical Space continues to respond to changing circumstances, interests and objectives.*

*My name is Colin Robert Sutherland, I was born, raised and currently live in Ottawa, the traditional unceded territory of the Algonquin Anishnaabeg People, but have spent time in a number of territories across Turtle Island. Like most settler Canadians, my journey to this territory is connected to the trials and tribulations of other lands and peoples. My ancestors left*

*Scotland during the Highland Clearances, a period of displacement fueled by a myriad of processes including the influx of wealth from Scottish stakes in the transatlantic slave trade and its impact on Scottish land tenure. All of these family members became settlers in Unama'ki-Cape Breton, settling in places like Port Hood, Colindale, Hillsdale, and Saint Ninian. By settling on the island's west coast, these ancestors contributed to another period of displacement. Unama'ki is the ancestral and unceded territory of the Mi'kmaq and a place I hold dear. Today, I am a settler scholar and postdoctoral researcher at the University of Guelph's Department of Geography, Environment & Geomatics. My research explores issues that lie at the interface of society, policy and the environment, with an attention to how such issues evolve in the context of settler colonialism. My doctoral research focused on Parks Canada's fire management program and documented the complex challenge of returning wildland fire to landscapes where fire had been contained and suppressed for a century by a range of Canadian institutions. Understanding the genealogy of institutional knowledge regarding wildland fire and its management was central to this project, approaches that until fairly recently ignored Indigenous fire knowledge and practice. I currently support research on this topic within the Conservation through Reconciliation Partnership where we are considering how engaging Indigenous fire knowledge holders and practitioners might be an opportunity to build Ethical Space within the realm of fire management. Such a project not only offers an opportunity to meet the federal government's commitment to Indigenous Peoples, but also has the potential to improve fire management policy and practices more broadly. It is my honour to support Danika with this report and I remain a student of Ethical Space and Two-Eyed Seeing.*

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# Introduction

The purpose of this document is to provide guidance that will assist in the application and operationalization of Ethical Space in conservation initiatives and in the creation of Indigenous Protected and Conserved Areas (IPCAs). This will respond to a need identified by members of the Pathway to Canada Target 1 to build on the momentum that has come from having the core concept of Ethical Space introduced into the work of the Pathway initiative and support it with examples of how it has been applied and operationalized in conservation work.[1]

This guidance will develop the foundational material for various audiences as part of a larger toolkit to support the operationalization of Ethical Space for public servants, Crown decision-makers, Indigenous governments, and environmental not-for-profit or non-governmental organizations.

Canada Target 1 was one of the 2020 Biodiversity Goals and Targets for Canada. Part of this Target was that by 2020, at least 17% of Canada's terrestrial areas and inland waters would be conserved. This Target has since been revised. In his Ministerial mandate letter, Minister Wilkinson was directed, with the Minister of Fisheries, to "introduce a new ambitious plan to conserve 25 percent of Canada's land and 25 percent of Canada's oceans by 2025, working toward 30 percent of each by 2030. This plan should be grounded in science, Indigenous knowledge and local perspectives. Advocate at international gatherings that countries around the world set a 30 per cent conservation goal for 2030 as well."

The concept of Ethical Space was introduced to the Pathway to Canada Target 1 initiative through Dr. Reg Crowshoe, a member of the Piikani Nation in Treaty 7 territory in Alberta. Dr. Crowshoe became a member of the National Advisory Panel of the Pathway to Canada Target 1 Initiative, whose report entitled *Canada's Conservation Vision: A Report of the National Advisory Panel* contained references to Ethical Space.[2] Ethical Space was also reflected in the Indigenous Circle of Experts Report *We Rise Together* through the efforts of Co-Chair Danika Littlechild, lead author of this document.[3]

While the overall concept and principles of Ethical Space have been introduced to the Pathway initiative and many endeavour to incorporate these principles in their work, a need has arisen for

[1] This document cautiously employs the phrase *operationalizing ethical space* to signal that enacting this process requires transformative institutional change within crown organizations. Operationalizing Ethical Space is not just about policy functionality but how this process will provoke changes in policy, codes of conduct and even legislation. Enacting Ethical Space takes place at multiple scales; this language intends to highlight the key challenges that emerge in institutional bodies where Ethical Space can be mistakenly confined to a subset of institutional actors.

[2] Canada's Conservation Vision: A Report of the National Advisory Board, 2018

[3] We Rise Together: Achieving Pathways to Canada Target 1 through the creation of Indigenous Protected and Conserved Areas in the spirit and practice of reconciliation, 2018

more information on how to bring Ethical Space to life. How does it operate? What are some examples? We hope to provide some preliminary answers to these questions in this foundational guidance document.

# Ethical Space and Two-Eyed Seeing

"*Engagement at the ethical space triggers a dialogue that begins to set the parameters for an agreement to interact modeled on appropriate, ethical and human principles. Dialogue is concerned with providing space for exploring fields of thought and attention is given to understanding how thought functions in governing our behaviours*."

— Prof. Willie Ermine

"*People ask, 'What is ethical space?' Well in the default system you can show a board room and say, 'Here's the code of conduct, and here's boardroom procedures. Now it's a safe place. You can talk when you want to talk, because you're safe to talk.' Well, that's an ethical space. In our culture there are traditional conventions. You make a smudge and you tell the stories of code of conduct and stories of procedure. Then it's a safe place to talk in our oral system*."[4]

— Dr. Reg Crowshoe

*"Etuaptmumk: Two-eyed seeing refers to learning to see from one eye with the strengths of Indigenous knowledges and ways of knowing, and from the other eye with the strengths of western knowledges and ways of knowing—and learning to use both of these eyes together for the benefit of all."*[5]

— Elder Albert Marshall

At the crux of Ethical Space and Two-Eyed Seeing is the idea that there are multiple ways of knowing and that we are better off when these systems are put into conversation. These approaches acknowledge that different knowledge systems each have their own histories, practices, traditions, and limitations. It is important to know that when we refer to Indigenous knowledge or 'Western' knowledge, we are in fact referring to an expansive set of knowledge systems and traditions. Indigenous knowledge systems are diverse, with unique contributions and insights that are often place-based and embedded in language, place, and legal traditions. Something similar can be said of 'Western' knowledge systems. Western knowledge systems often share a common understanding that there are empirical truths and one knowable reality, but they enact this way of knowing the world through a variety of knowledge traditions, methods, tools, and approaches to knowing and recording the world around us. Both knowledge systems share a commitment to *knowing* the world around us; this commonality invites partnership. Exercises that attempt to bring them together can be fruitful for everyone.

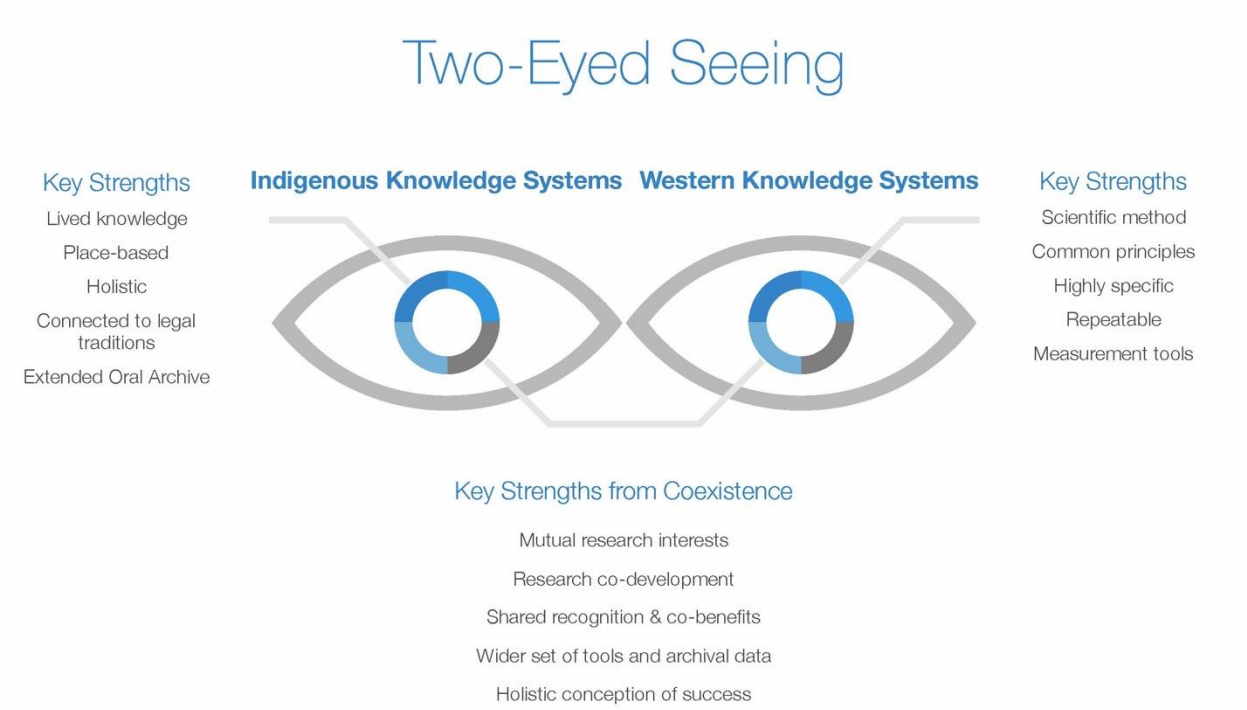
Ethical Space and Two-Eyed Seeing (*Etuaptmumk* in Mi'kmaw) are not necessarily new concepts in the context of Canada. They are concepts that have been developed in different ways through our collective attempts to understand good relations - between and amongst Indigenous Peoples, non-Indigenous peoples and the natural world. Dr. Reg Crowshoe, a thought leader in the field of Ethical Space, has often spoken about how diverse peoples,

[4] Don McSwiney, "Ghost Stories in Our Life." Dr. Reg Crowshoe says social workers need to begin with creating ethical spaces to work with Indigenous peoples, 2020, https://www.ucalgary.ca/news/ghost-stories-our-life-dr-reg-crowshoe-says-social-workers-need-begin-creating-ethical-spaces-work

[5] Elder Albert Marshall, quoted in *We Rise Together: Achieving Pathway to Canada Target 1 through the Creation of Indigenous Protected and Conserved Areas in the Spirit and Practice of Reconciliation*, Central Regional Gathering, June 2017.

coming from very different worldviews, knowledge systems, languages and cultures can come together to co-create an Ethical Space of engagement.[6]

Two-Eyed Seeing, on the other hand, has been enthusiastically adopted by a number of researchers and conservation practitioners, particularly among those carrying out research in the field and on the land with communities. This approach is often premised on looking at problems, research questions, and research needs with the eyes of two (or more) knowledge systems. As Andrea Reid and her collaborators explore in their article describing a new framework for fisheries research and management, Two-Eyed Seeing is one of many concepts that articulate the benefits of applying complementary approaches to knowing the natural world around us.[7] While our report focuses on our more intimate familiarity with Ethical Space, a number of resources are available that apply the Two-Eyed Seeing approach offered to us by Mi'kmaw Elder Albert Marshall.[8]




[6] A number of concepts have been offered to describe this kind of dialogue. While this report focuses on Ethical Space and Two-eyed Seeing, you may find that the Nations you work with have their own articulation of this process. These two concepts have been offered as vehicles of engagement and are cited as key reconciliatory methods as discussed in the document *We Rise Together: Achieving Pathway to Canada Target 1 through the Creation of Indigenous Protected and Conserved Areas in the Spirit and Practice of Reconciliation*, 2018.

[7] Reid, Andrea J., Lauren E. Eckert, John-Francis Lane, Nathan Young, Scott G. Hinch, Chris T. Darimont, Steven J. Cooke, Natalie C. Ban, and Albert Marshall. "'Two-Eyed Seeing': An Indigenous Framework to Transform Fisheries Research and Management." Fish and Fisheries n/a, no. n/a. Accessed February 22, 2021. https://doi.org/10.1111/faf.12516.

[8] Please see our resource list in Appendix 1 for a list of scholarly accounts of the application of Two-Eyed Seeing and similar approaches.

Ethical Space and Two-Eyed Seeing are distinct concepts that honour similar goals of engaging diverse knowledge systems in the creation of multifaceted and equitable outcomes for the parties involved.

Indigenous scholar Prof. Willie Ermine describes the Ethical Space of engagement as a dialogue between human communities. He explains:

> "The "ethical space" is formed when two societies, with disparate worldviews, are poised to engage each other. It is the thought about diverse societies and the space in between them that contributes to the development of a framework for dialogue between human communities. The ethical space of engagement proposes a framework as a way of examining the diversity and positioning of Indigenous peoples and Western society in the pursuit of a relevant discussion on Indigenous legal issues and particularly to the fragile intersection of Indigenous law and Canadian legal systems. Ethical standards and the emergence of new rules of engagement through recent Supreme Court rulings call for a new approach to Indigenous-Western dealings. The new partnership model of the ethical space, in a cooperative spirit between Indigenous peoples and Western institutions, will create new currents of thought that flow in different directions of legal discourse and overrun the archaic ways of interaction." [9]

Ethical Space is an invitation to co-create a space between different cultures and knowledge systems. It is about relationality and finding ways to engage with each other in an ethical way. The ethics that are engaged are dependent on the parties involved. For example, Ethical Space will be informed by the worldviews, ethics, values, practices and protocols of the parties. Ethical Space is also an opportunity for the parties to collaboratively decide what ethical, legal, policy or other standards will inform their chosen path to and building of Ethical Space. As Margo Greenwood and her collaborators explain: "*When two (or more) parties enter into respectful partnership or relationship at the interface of distinct ways of being and knowing, the desire to be self-reflexive, to honour and understand the other, and to interact with humility activates ethical space.*".[10] The decision to enter Ethical Space is thus not asking parties to renounce their respective commitments or relinquish their jobs or roles. Rather, it is an opportunity for parties on both sides to communicate and be transparent about these commitments.

[9] Willie Ermine, The Ethical Space of Engagement, Indigenous Law Journal, 6(11), 2007, p.193-4
[10] M. Greenwood, N. Lindsey, J. King, and D Loewen. Ethical spaces and places: Indigenous cultural safety in British Columbia health care. AlterNative An International Journal of Indigenous Peoples, 13(1), 2017, p. 183.

Acknowledging and understanding that parties have different ways of being and knowing is particularly important to encouraging a productive dialogue. This exchange not only allows parties to understand each other's concerns but also offers an opportunity to view challenges and opportunities in a new light. Mi'kmaw Elder Albert Marshall defines Two-Eyed Seeing as "learning to see from one eye with the strengths of Indigenous knowledges and ways of knowing, and from the other eye with the strengths of mainstream knowledges and ways of knowing, and to use both these eyes together, for the benefit of all."[11] Here, Two-Eyed Seeing is an invitation to celebrate the strengths of different knowledge systems and a testament to the new perspectives and lines of questioning made possible by the new outcomes this dialogue offers. This said, knowledge holders on both sides are challenged to appreciate how knowledge is operationalized. As Andrea Reid and her collaborators explain, Indigenous knowledges cannot be understood as an object but as a way of living and being, an important distinction for practitioners, further explaining that Two-Eyed Seeing is about: "promoting cross-cultural and enriched understandings, fostering mutual respect, and upholding constitutional and treaty rights."[12]

[11] C. Bartlett, M. Marshall, and A. Marshall, Two-Eyed Seeing and other lessons learned within a co-learning journey of bringing together indigenous and mainstream knowledges and ways of knowing. Journal of Environmental Studies and Sciences, 2(4), 2012, p. 331–340

[12] A. Reid, L. Eckert, J.-F. Lane, N. Young, S. Hinch, C. Darimont, S. Cooke, N. Ban, and A. Marshall, "Two-Eyed Seeing": An Indigenous framework to transform fisheries research and management. Fish and Fisheries, 2020, p. 253

In Canada, Ethical Space has been operationalized in diverse fields, including: health care, natural resource development, scholarly research in the sciences and social sciences, and in conservation.[13] It is a mode of engagement that is focused on building relationships in context, where different parties acknowledge each other as equals and are committed to ongoing discourse. What Ethical Space looks like in any given situation will depend on who is involved, how they choose to frame their relationship, the kind of process they choose to design and the place and space within which the collaborative design of Ethical Space is carried out.

The field of protected and conserved areas has the potential to be a rich resource for champions of Ethical Space and Two-Eyed Seeing. A common commitment to caring for the natural world and a shift in legislation and policy that invites partnership, sets the stage for productive dialogue. This shared commitment to the natural world should not be underestimated, practitioners working at all scales in the protected and conserved area space bring a unique passion and motivation that is integral to applying and building Ethical Space.

It is becoming increasingly clear for those in the conservation sector that spaces previously understood as *wilderness* are indeed places with a human past, present and future. Indeed, Indigenous leadership and scholars have repeatedly shown how Indigenous Peoples have inextricable and enduring relationality to waters and lands, with expansive knowledge and laws of interest to non-Indigenous practitioners in fields like science, policy-making and stewardship. Likewise, Indigenous Nations have in many instances valued the knowledge and practice of other ways of knowing. In the context of conservation, although it may be understood differently, there is a shared desire to care for the natural environment. **Ethical Space and Two-Eyed Seeing offer a method of engagement that allows partners to be expressive of multiple worldviews and intersectional identities, to work towards better and more meaningful forms of water and land care**.[14]

With respect to the operationalization of Ethical Space and Two-Eyed Seeing, there are important examples of Indigenous governance in protected and conserved areas such as Tribal Parks. In many instances, success rests on the fact that recognized authority to govern waters and lands reside with Indigenous Nations. However, in crown protected areas and other kinds of IPCAs, the subjects of this report, have real opportunities to address ongoing and complex relationships between Indigenous peoples and crown governments. **These communities of**

[13] There are a number of experts working on this topic. In the realm of conservation experts include: Dr. Jesse Popp, Dr. Andrea Reid, Elder Willie Ermine, Elder Reg Crowshoe, Carmen Wong, and Elder Albert Marshall, among others. In the realm of education experts include: Catherin Longboat and Chloe Dragon Smith, among others. Ethical Space also appears in the Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans, and preceded the Tri-Council Guidelines through being incorporated in the CIHR Guidelines on research from 2007-2010. We have included a list of resources in Appendix 1.

[14] According to Merriam Webster, Intersectionality is "the complex, cumulative way in which the effects of multiple forms of discrimination (such as racism, sexism, and classism) combine, overlap, or intersect especially in the experiences of marginalized individuals or groups." Intersectional Environmentalism is an inclusive version of environmentalism that advocates for both the protection of people and the planet. It identifies the ways in which injustices happening to marginalized communities and the earth are interconnected (*See* The Good Trade).

**practice have an opportunity to set a standard for how a wide range of Canadian institutions can work towards reconciliatory efforts.**

While this report offers a glimpse into how Ethical Space and Two-Eyed Seeing could be operationalized in a host of contexts, **these approaches are only possible when they are tailored to the parties involved. As such, Ethical Space is a process that emerges out of initial and ongoing engagement.** This requires people to come together, to speak to each other, to build and/or strengthen relationships **in person** as much as possible, even in the context of building back from the pandemic.

### Mythbusting Ethical Space

- **Myth: Ethical Space is about privileging Indigenous Peoples** Actually, it is less about making Indigenous Peoples the entire focus, and more about creating a true team environment, where the parties deliberately level the playing field - whatever that might look like for them. This may require more respect and deference to be paid to Indigenous Peoples as knowledge holders and experts (versus past "status quo" or "default" approaches to Indigenous inclusion in decision making). However, this doesn't mean that Indigenous perspectives are the ONLY perspectives to be engaged with. To be truly transformative, ALL perspectives must be engaged with, including non-Indigenous perspectives.
- **Myth: Ethical Space is One Size Fits All** Unfortunately, there is no one template available for download that allows people to engage in data input and be transported into Ethical Space. Ethical Space is unique to the parties and issues involved and can only be co-created by them through deliberate and sometimes challenging effort.
- **Myth: Ethical Space has a Finish Line** Ethical Space is a process. While you may be able to accomplish tangible outcomes as a result of engaging in Ethical Space, in a lot of ways, once Ethical Space is co-created, it takes on a life of its own, fed by the mutuality and reciprocity engendered by the parties when they are able to create and strengthen their relationships. In the experience of the lead author, many people who use Ethical Space for one issue or matter inevitably see how it might be useful for another.
- **Myth: Ethical Space can be a part of the Implementation of Consultation/Accommodation** Consultation, accommodation and other related forms of engagement differ from Ethical Space in several important aspects. Primarily, there exists a complex web of legislation, regulation, jurisprudence, policy and guidelines regarding consultation and accommodation. Ethical Space as an approach is not intended to replace, supplant, fulfil nor explicitly support this massive field of work and engagement. However, there are aspects of consultation and accommodation which may inform different pathways into Ethical Space, as we will demonstrate. Secondly, consultation and accommodation require parties to, at times, assume various responsibilities and take on specific roles that may be officially mandated or practically (in practice?) required (as an aspect of the usual conduct of i.e. crown representatives/Indigenous)
- **Myth: Ethical Space is Always Pleasant and Easy** As in any relationship, there is always the possibility of conflict and tension. In many ways, the various paths into Ethical Space are reflective of broader contexts of conflict, struggles, disagreements, arguments, discord and controversy. It is inevitable that these feelings and very real circumstances inform and contribute to Ethical Space. What we are being asked to do is to re-frame conflict in a transformative way. What we must be prepared for is to experience a broad range of emotions in our respective pathways into Ethical Space.

# Pathways to a Shared Ethical Space

Ethical Space is not about creating new hierarchies of decision making, nor is it a tool for implementing decisions already made. While it may be deeply ingrained that we follow established norms in relationship building, **Ethical Space asks that we allow ourselves to experience a different mode of engagement, one which we co-design with others.** A broad base of individuals, organizations and/or governments who co-create a shared lexicon of values, a framework of standards, and consensus on process will feel personal ownership and connection for the success of the engagement.

Ethical Space is far more like a horizontal structure than a hierarchical one. It attempts to create a sense of equality and equity between and amongst the parties. This can enable responsiveness to a dynamic or evolving focus of work and allows for receptiveness to change. Organizing around a horizontal structure facilitates being strategic and innovative. Further, Ethical Space recognizes that while the parties may have different objectives in entering into Ethical Space, the process of articulating a shared purpose and commitments can temper tension and conflict and provide real moments of transformation.

In this section, we offer a set of pathways to Ethical Space. How you and your partners enter Ethical Space will be specific to who is involved and what your common objectives will be. A common objective could be as simple as opening a line of communication or as complex as establishing a new protected or conserved area. Further, you and your organization may be in a different state of building these relationships. For some, your institution may have long and well-established relationships, while others may be at the very beginnings of opening up those lines of communication. As such, the following is not meant to propose a linear method of establishing and facilitating Ethical Space but should instead serve as a set of *possible* pathways to this ongoing exchange.

## Describing Your Work

We live in a time of institutional and organizational challenge, wherein it often feels as though we are failing to make progress, or where progress is something that can only be accomplished when unilateral action is taken. We are collectively facing a future where institutions and organizations have the potential to create or at least bolster results that nobody wants: environmental degradation, displacement or disruption of communities, poverty, cultural loss, linguistic loss - and yet, these are the foundations of our collective social, economic, ecological and spiritual well-being.

These times call on us to engage in a new ethic, a new consciousness and demonstrate innovative and transformative leadership in order to meet challenges in a more conscious, intentional and strategic way. We can, together, create a future of greater possibilities in the world of conserved and protected areas.

To bring this future to fruition, we have to ask ourselves uncomfortable questions. Why do our attempts to deal with the challenges and goals we have set for ourselves so often fail? Why do we repeat past models of relationship that have led to more conflict than they have resolved? Ethical Space and Two-Eyed Seeing ask us to engage in deeper reflection, an exercise we hope will illuminate the place from which we can co-lead into a mutually beneficial future.

Before we start down this path towards Ethical Space or Two Eyed Seeing approach, we must first set out our work plan. We have to be able to describe the challenge, issue, matter, problem, place or space we wish to engage with.

There is a common misconception that Ethical Space or Two-Eyed Seeing can be accomplished at a high level of analysis or structure, i.e. “We are engaging in Ethical Space in the context of a negotiation of an IPCA.” However, if you are unable to set out a work plan that describes what precisely you will be addressing in Ethical Space in the context of that negotiation, then all you have done is describe an ambition without any manageable actions associated with that.

In the experience of the lead author, it is far more constructive to begin with a much smaller, and more focused area of work. For example, you could say, “We are engaging in Ethical Space to co-draft our Memorandum of Understanding/Terms of Reference for the negotiations of a new IPCA.” This provides a better and more manageable set of boundaries for co-creating Ethical Space and allows for people who are unaccustomed to Ethical Space to orient themselves, understand process, make commitments and engage in a more meaningful dialogue over which they can then gain “ownership”. Once the parties to Ethical Space or a Two-Eyed Seeing approach gain a more fulsome understanding, they can carry those learnings forward and apply them to other aspects of their work together.

This path starts by the parties co-initiating or building a common intent to work in Ethical Space or in a Two-Eyed Seeing Approach. You are not in Ethical Space yet! You are collaboratively discussing what you wish to work on together.

## Knowing your Positionality and Listening to Others

> *Our identity has been here for thousands of years, we had our own governance, education system that is connected to Turtle Island. Everyone had a part in it, the Cree, Blackfoot, Bloods, Dene, and they all worked together. They all had their places. Every person connected to this land should know their clans, identity and connection to the environment because that is who they are. They were created from the same source no matter who it is. Our identity is always to the land. When God created us, he took the soil to make us. That is how we are to share the land. That is why they said, we would share six inches of the land in the Treaty signing. We share ourselves as we are part of the ecosystem. The relationship is in accordance with natural law*.

— Jimmy O'Chiese

Ethical space requires that the parties have a strong understanding of themselves and their particular path into Ethical Space. Being "self-reflexive" requires that we consider what informs our participation. For those hoping to work towards Ethical Space, being aware of your 'positionality' in relation to your organization and others is key to identifying how dialogue will proceed. This process may also help you to identify the steps needed to facilitate equal grounding, with respect to knowledge systems, when it comes time to engage with one another. Your positionality may also provide you with tools and resources not accessible to those with whom you are building Ethical Space. These might include treaties, agreements and other constructive arrangements (like Memorandums of Understanding), or emerging practices/principles employed in engaging on IPCAs.

One component of this process of being self-reflexive invites participants to think about how they as members of an organization, institution, government or community embody certain histories and ongoing conflict. For those working for crown organizations this may include tracing the history between your organization and those you are hoping to engage. It can also include asking ourselves if we are familiar with the Indigenous Peoples in the region in which we work. Identifying where knowledge and partnership gaps exist can help to identify next steps.

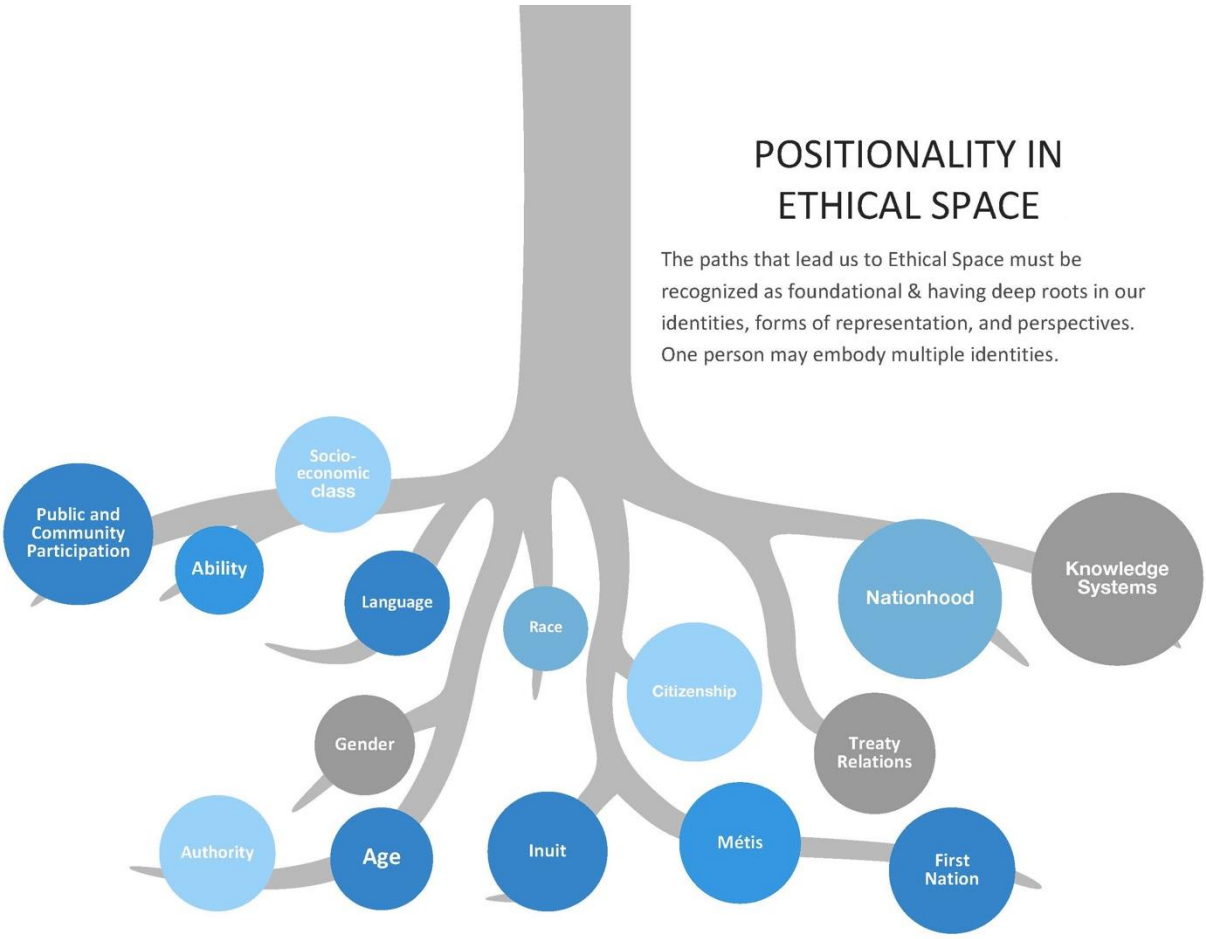
Furthermore, it is ideal if every partner engaged in Ethical Space does a mini-assessment of their organization, institution, government and/or community in order to comprehensively understand positionality moving into Ethical Space or Two-Eyed Seeing. It is often the case that in our work, our responsibility associated with being a representative, many aspects of the infrastructure of our organization or community is not as dominant or obvious in our day to day work. Yet, these hidden aspects of the infrastructure surrounding us may become important in the context of Ethical Space.

Here are some elements we might look for in conducting a mini-assessment. While engaging in your mini-assessment, ask whether any of these might be changed, suspended or altered in the context of engaging in Ethical Space:

- Laws in the form of statutes, regulations, standards, or other similar formats
- Laws in the form of Indigenous legal traditions (not to be confused with Canadian laws about Aboriginal peoples)
- Policies, guidelines, practices and principles
- Funding models
- Indicators and measures used for decision making and reporting
- Codes of conduct, including non-disclosure agreements you may have signed as an employee, or confidentiality clauses of agreements you have entered into
- Safety guidelines in the context of building back from the pandemic

Some questions that could be asked as a part of this mini-assessment include:

- With whom do you regularly work? Will you be entering into Ethical Space as a team or as an individual? If you are a member of a team, do you know them well? Have you worked with them before?
- What is the function of the work that you do? Are there objectives related to your department of work for example; is there a decision-making hierarchy with which you have to abide?
- What is your mandate? Do you have authority to make decisions?
- Does your organization only use one knowledge system? Or, does it use several? How are these different knowledge systems dealt with?
- How is Indigenous knowledge celebrated or documented? Is it “translated” by non-Indigenous scientists and experts?
- What is the history between your organization and the one you are trying to build Ethical Space with? What histories has your organization inherited? (Is there room to be critical of this history?)
- What existing commitments does your organization have to the parties you are partnering with? These could be specific to your organization, or, specific to the whole of the government of which you are a part.
- IPCAs have characteristics that distinguish them from crown-run protected and conserved areas. What role has your organization identified as key modes of engagement with respect supporting IPCAs?
- Are there other aspects of your participation, individual identity and approach that are important to consider in assessing your own positionality?




Not everyone within an organization or group will share the same positionality. Our identities are intersectional and impact how we enter Ethical Space. Members of Indigenous Nations may wear several hats, and crown employees may also be members of the Indigenous communities in question.

Another aspect of positionality includes being mindful of the very important reasons and history behind why Indigenous and non-Indigenous relations have been so fraught with conflict and challenges. The most obvious reasons include colonization, oppression, racism and discrimination, and the at times "monolithic presence of Western society"[15] that seems to so impede Indigenous Peoples from being able to express who they are, and to conduct themselves in accordance with their own knowledge systems, life ways, laws and philosophies/epistemologies. The sad and dark histories in Canada include not only the residential school system and the Indian Act, but a myriad other measures intended to quash identity and indigeneity. Ceremonies like potlatch and sundance were made illegal; First Nations could not leave the reserve without a pass from the Indian Agent, could not hire lawyers to represent them until 1951, and were not given the vote until 1960. Similarly, Indigenous burning practices, harvesting, and medicine retrieval were also interrupted or criminalized.

[15] Willie Ermine, The Ethical Space of Engagement, Indigenous Law Journal, 6(11), 2007, p.197

**Ethical Space provides a framework where all parties are treated with dignity.** It is not a space where parties should expect to have "payback" for legacies of colonialism and discrimination - but it is certainly a space where those things should inform collaboration and be acknowledged. It is about granting autonomy for the parties engaged, so they can decide what constraints they have to live with, and what they can reasonably abandon in a new pathway to Ethical Space and Two-Eyed Seeing relationship building.

Some of the common obstacles to successful relationship building between Indigenous and non-Indigenous Peoples can be found in entrenched beliefs about appropriate consultation, the specter of litigation, negotiations gone sour, and strong ties to existing norms about decision making. People see themselves as detached from processes of change and that transformation can only take place at specific scales of decision making or behind closed doors. The "normal" structure is so deeply ingrained, and so widespread, that it can be challenging to think of an alternative in the first place. That is why this document and the examples are important. There is also a fear of the unusual. John Maynard Keynes said, "Worldly wisdom teaches that it is better for reputation to fail conventionally than to succeed unconventionally." Unfortunately, this is still largely true today in the context of many dominant organizations and institutions with the authority to prompt transformational change. Finally, it is difficult for leadership in organizations, Indigenous communities and governments to change approaches to engagement, because it requires a significant shift in thinking, standard setting and even legislative change. It may take a strong belief in concepts like reconciliation and a resistance to criticism to stay the course and engage in transformative change offered by Ethical Space and Two-Eyed Seeing.

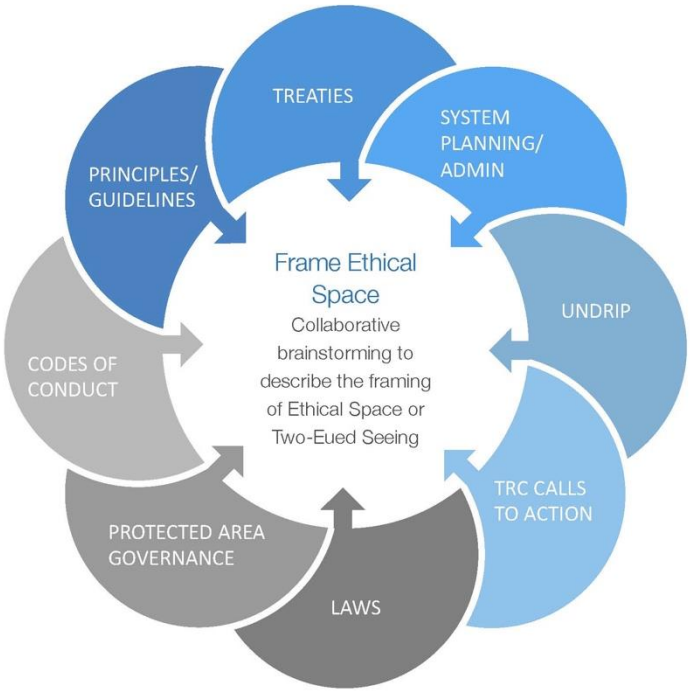
This is not about adopting Indigenous Peoples' knowledge or adopting non-Indigenous frameworks. It is about acknowledging different systems as opposed to trying to "master" or "learn" another system in the context of Ethical Space. Neither does it require you to abandon your way of knowing in order to acknowledge one another.

> *"Elder Crowshoe shared that in his community, the culture is to write a song and sing it in ceremony to commemorate an event, or validate completed work. In Euro-Western systems (or the current mainstream system in Canada), documents and papers are signed. Elder Crowshoe asked us to consider how silly it would seem to a group of scientists, if they were asked to write and sing a song in order to publish their findings. He paused, and remarked gravely, "imagine how the Elders feel when they are constantly asked to sign papers.""*
>
> Dr. Reg Crowshoe, quoted by Chloe Dragon Smith in her report *Creating Ethical Spaces: Opportunities to Connect with Land for Life and Learning in the NWT*

## Identifying Emerging and Existing Standards to Frame Ethical Space

The process of co-creating Ethical Space can be a complex process, and at times might feel a bit like a negotiation. When you and your partners in Ethical Space decide to move forward together, you will have to talk about what kinds of existing and emerging standards are “framing” Ethical Space.

When engaging in the framing of an Ethical Space of engagement, you must ask yourselves as a collective: “What are the emerging and existing standards that should frame the space between us?” This is the elusive and transformative space that you will occupy together, wherein you can declare yourselves to actively be in Ethical Space.




This is not the same exercise as “positionality,” which is specific to you as a partner in Ethical Space, and centered on you being reflexive about your background, constraints, identity, representation etc.

In order to know what should frame your Ethical Space, you need to get to a point where you can collectively agree on the focus of your Ethical Space work, the place, matter, idea and/or issue that you wish to tackle together. It may be that these have been tackled elsewhere, perhaps without success or a satisfactory outcome. It may also be that you are engaging in Ethical Space to address a matter that has not yet received any kind of treatment or analysis in

any other mechanism or institution. In any case, what you as Ethical Space partners collectively decide to use to frame the Ethical Space will be just as determinative of achieving a successful outcome as positionality and reflexivity from an individual or organizational level.

Let's think about the motivation of Ethical Space (not necessarily the same thing as your own personal motivation). The intent behind taking an Ethical Space approach, as a methodology, an encounter and as process/practice, is to be **transformative**. This necessarily implies that something different will be done here - something different will happen because it will take place in Ethical Space.

That "something different" can only be enacted if there is a corollary willingness to work in a different kind of environment. This will mean stepping out of our respective bubbles of institutions, organizations and communities, and stepping into a newly defined space, as diverse and willing partners, albeit with our respective identities and responsibilities intact.

When you have landed on what it is that you will be working on in Ethical Space, you can brainstorm together about what the possible applicable standards are that apply to that work. These standards will frame Ethical Space. What does that imply?

It means that the standards you choose become the rules that govern your interactions in Ethical Space. They might include actual laws, whether from Indigenous or non-Indigenous systems. They may also include things that are not considered "binding" outside of Ethical Space, but which become quite important and persuasive within Ethical Space. It is very important for all partners in Ethical Space or engaged in a Two-Eyed Seeing approach to be diligent in their exploration of possible standards to frame their proposed work. Possible standards are just that - possible.

**Possible Standards**

- Codes of Conduct that come from a relevant Indigenous or non-Indigenous institution, organization, community or government
- Resolutions, Declarations, or Statements on a relevant matter. These documents may be from a specific Indigenous or non-Indigenous community, organization or government; a Provincial Territorial Organization (PTO); a regional organization; a National Representative Organization (NRO); or something from the international sphere, presented within the context of the UN system perhaps.
- Principles, Objectives, Standards or Guidelines that may already exist about the matter at hand. These could be Indigenous, protected area specific, landscape specific, topic specific, organizational, provincial/territorial, regional, national, or international.
- Protected Areas governance standards by government, private entities, Indigenous Peoples, or shared governance.
- System Planning and protected area creation mechanisms. These include parks systems planning, authority to establish protected areas or parks, and connectivity and corridors.
- Laws in the form of Indigenous legal traditions; federal, provincial or territorial law; or international law. Keep in mind that these should extend beyond the laws specific to the work you propose to conduct in Ethical Space or with a Two Eyed Seeing approach - there may be laws from a broader context that are important for the framing exercise.

- Treaties, agreements or other constructive arrangements. These may include the 70 historic treaties, 25 modern treaties/comprehensive land agreements or over 500 specific claims recognized by Canada. This may also include those treaties or agreements between and amongst Indigenous Peoples.
- Jurisprudence
- Statutory performance requirements
- Administration, management planning and regulation
- Enforcement arrangements
- Intergovernmental coordination
- Public participation standards
- United Nations Declaration on the Rights of Indigenous Peoples (2007)
- Truth and Reconciliation Commission Calls to Action (2015)

In a number of cases your organization may already have these as parts of a list of emerging and existing standards that will inform how you and your organization enter and build Ethical Space. These may include: park management plans, regulations related to biodiversity, species at risk, and migratory birds, emerging standards on self-government agreements, treaty agreements, memorandum of understanding, and/or funding mechanisms premised on engagement with Indigenous Peoples. These same documents may provide you with your organization's code of conduct, outline your current commitments in relation to or between Indigenous Nations, and may already be examples of Ethical Space in the making.

While these documents may initially be understood as a list of restrictions on what actions you as a partner in Ethical Space can take, they can also be understood as an outline for where partnership is possible. This isn't to say that partners should be used as a means of fulfilling your organization's mandate or that these documents should not be troubled, rather they should serve to illustrate the architecture of your organization's relationship to others in Ethical Space.

## Co-Creating Ethical Space, Enacting Two-Eyed Seeing

You have co-initiated a process wherein a common intent has been decided upon; you know who will be engaged in Ethical Space or a Two-Eyed Seeing approach; you have reflected on your own positionality; you have even started to collaboratively frame your Ethical Space or Two-Eyed Seeing approach. So far, you have seen the space from the edges.

### Preparing to Enter Ethical Space

The preparation for your presence in Ethical Space requires you to engage in competencies related to heart, will and mind. These competencies require your consent to be enlivened. **You must give your consent to enter Ethical Space.** If you feel "forced" into Ethical Space, then it is no longer ethical - not for you, nor for your partners.

Consent is not just about saying "yes, I will."

It means you are fully informed about the process, you have had an opportunity to prepare, you have an equal role in setting out the structure and framing of the space you will enter into

together. Consent makes us vulnerable in many ways, and it activates the competencies we need to follow through on our consent.

We have to start with an **open heart**. Can you connect to something or someone that isn't familiar to you? Can you express compassion for others without attributing limits to or conditions on their contributions? We also have to **be willing participants**. If we enter the space 'in resistance', or express resistance throughout the process, our actions will tell others that we are not willing, that we do not agree. This will compromise the process. We have to **be courageous**, to move beyond being an observer to being expressive and making vocal contributions. We have to **be self-aware**, constantly being self-reflexive about our positionality. This does not mean that you have to give your partners periodic updates on your positionality. Rather, it is about you being a critical thinker in the moment and understanding when you can connect to what is emerging in spite of your inner voice saying what you "can't do". Finally, being an **active listener** is vital. Mindfulness, thoughtful communication and deep reflection about the lexicon of terminologies, phrases, and language being used is very important, especially when engaging with other knowledge systems.

## Moving Past Resistance

It is unavoidable that resistance of thought and emotion may happen at various moments in Ethical Space. This is because often we can feel challenged by the process, made to occupy a space that we still do not feel totally comfortable with. This is a normal part of the process. The internal work is as important as the external work. We are effectively learning by doing. We are being forced out of our comfort zones, out of our "default" approaches as Dr. Reg Crowshoe calls them. The kinds of responses we are most comfortable in supplying to challenges are no longer readily available to us. We also have to recognize moments when the dark histories of protected areas and Indigenous Peoples in Canada looms over dialogue and conversation:

> With opportunity comes risk. Indigenous Peoples are understandably hesitant to (re)build or establish relationships of trust with non-Indigenous governments. The usurpation and dispossession of lands, territories and waters still resonates in the lived realities of Indigenous Peoples across Canada. In addition, Indigenous systems of knowledge, language, laws, customs, protocols and practices have never been respected as such. Often, roles for Indigenous Peoples in the conservation and protection of lands and waters have been negative and have diminished Indigenous Peoples rather than creating space in which to be themselves and contribute meaningfully to decision-making processes. There have been countless instances of rights violations. Indigenous land stewards and defenders have been criminalized along with their traditional and contemporary relationships with lands and waters.[16]

We have to temper our thought process with reference to the new framing of our relationships. We need to be mindful speakers. We have to respect the integrity of all knowledge systems.

It is so important to avoid "shutting down" in Ethical Space. Choosing to be silent, to absent yourself from a conversation, can often silence others. Silence may suggest to others that you passively object, or that you are "giving up". None of these are appropriate to intentions and desired state of Ethical Space.

If you feel as though you are struggling to find your place in the conversation, perhaps you could raise this concern with your partners. You may be very surprised at how your own conception of who you are and your value/role in the context of Ethical Space is perceived quite differently by your partners in Ethical Space.

[16] *We Rise Together: Achieving Pathway to Canada Target 1 through the Creation of Indigenous Protected and Conserved Areas in the Spirit and Practice of Reconciliation*, Indigenous Circle Of Experts, 2018, p.16

## Convening of Ethical Space

These key competencies will serve you well as you move into Ethical Space or Two-Eyed Seeing approach collectively as partners.

How do we make that move into the space we have collaboratively constructed? How can we collectively begin the work in an appropriate and resonant way?

You must inaugurate the Ethical Space or Two-Eyed Seeing approach in a formal way in which **all partners participate**. This may occur through an agreement and/or affiliated document (such as a Terms of Reference), an event, inaugural meeting, and perhaps most importantly, through ceremony, cultural practice or prayer. As Dr. Reg Crowshoe reminds us, it is a call to order, as expressed through Indigenous and non-Indigenous systems.

The conventional method of convening is through documents that include a mandate, in a boardroom style meeting governed by mainstream rules of procedure (such as Robert's Rules of Order). If you restrict yourself to a conventional approach in Ethical Space, you run the risk of compromising Ethical Space right out of the gate.

In order to create equity and equality between all partners in Ethical Space, Indigenous processes and protocols must be honored. Space must be provided for Indigenous partners to speak to their stories and protocols. Stories are an integral part of identity, community and regeneration/resurgence. Within each ceremony or protocol there is a story specific to that practice, its spiritual aspect, seasonality and celebration.

In the context of ceremony and protocol it is very important to be present and connected. This is not a moment to observe alone - it is a moment in which you are encouraged to listen with all aspects of your being - your heart, mind, ears, eyes, and every faculty of feeling. This exercise is both internal and external. It is external in the obvious ways, in which you are in the presence of a protocol of practice with your partners, led by knowledge holders and Elders. It is internal in the sense that you are also encouraged to be wholly yourself, to allow your inner understanding and stillness to happen.

This is not a place for fear or anxiety. Try to think about questions you might ask ahead of time to reassure yourself that you will know how to behave and conduct yourself in the context of protocol and ceremony. These might include questions about dress, deportment, position in a physical space, whether there is anything you might bring or do to prepare. If you feel comfortable, ask if there is anything you can do to help or support the process. Extending yourself in this way will be an indicator of your openness and willingness to engage in Ethical Space or a Two-Eyed Seeing approach.

As a follow up to an inaugural moment or protocol, it is very important to ask what must be done to maintain that space in an appropriate manner. Should it be a part of how people think about the way they interact or share? Are there any important duties that are taken on by those who

participate? Often, ceremony and protocol are thought of as mechanical practices used as bookends at meetings that are all too often conducted in substance with western or mainstream protocols or practice. Often, no one really considers or discusses what role these “bookends” play in relationality or decision-making. Entering Ethical Space is a chance to change that.

## Methods of Work

### Who will Facilitate Ethical Space?

Deciding who will be a facilitator in Ethical Space is very important. Asking someone to provide support to the partners to work in Ethical Space is a significant marker in your progress. You can take a multiplicity of approaches to selecting one or more people to help. You could select from amongst the partners in Ethical Space. You could select people from outside your circle, who have recognized skills and capacity to provide the necessary support. You could select as one of the facilitators, from amongst the Elders who have provided guidance and direction through the ceremony or inauguration. These individuals or groups of people can take any approach to facilitation that is appropriate to the partners at hand.

That being said, the most important tenet of supporting Ethical Space is to understand that almost all the contributions, substance and process must come from all the partners in Ethical Space. This is not a moment for everyone to be passive listeners in process. This is not a moment for a facilitator to become a lecturer or deliver a series of presentations.

Ethical Space is about active on-going engagement, with everyone contributing and speaking.

### How to Speak to One Another in Ethical Space

A major benefit to Ethical Space is that you can build it according to your needs and desired state. Have an early conversation together as partners about how you wish to speak with each other in the context of Ethical Space. If you are a group of people who commonly work together, such as members of a board of directors, you may already have a form of dialogue with which you are accustomed and comfortable.

You could also defer to your facilitator/Helper in Ethical Space to set the logistical parameters of dialogue.

Some logistical parameters could include:

- Guideline around interruption; (for example, people raise their hands or pass a talking stick to provide an intervention in dialogue);
- A roundtable approach with everyone speaking in turn on a particular topic;
- A protocol of speaking order set by a relevant, place-based Indigenous practice;

There are many ways to structure the actual conversation. You can be as innovative or pedestrian as you wish! This is about ensuring that people have some predictability and safety in the way conversations happen in Ethical Space.

### Building and Strengthening Relationships in the Context of Ethical Space

Take the time after inaugurating Ethical Space to get to know one another. Allow real time for introductions and storytelling. People must have the space to tell their stories, to say who they are, or what they believe is important about who they are to this process.

These may not be a five-minute exercise (a common approach and timeline in conventional meetings for 'introductions'). All parties will need to ensure they have the time and energy to devote to this process.

Language has spirit in it, telling our stories can help teach others about us, and who we are. People can reflect on these sharings, and they allow us to feel safe and connected to one another through communicating life experience, history, emotion, anxiety or hopes about reaching a particular desired state as a group.

Relationship building will occur throughout engagement in Ethical Space. Making sure that we all know we are "safe" with one another is foundational.

### Rhythm of Work in Ethical Space

There is a different cadence created in the context of Ethical Space. In conventional practice, accountability is always top down - related to who you represent, and the importance of checking in with your organization or institution to determine what you should focus on or what you can communicate. In the context of Ethical Space, accountability is shared amongst the partners. When you make commitments to each other in Ethical Space, you are accountable to one another for following through. This requires you to ensure that you are constantly checking in with your own positionality to make sure you have the appropriate latitude to fully engage in Ethical Space without second guessing yourself.

Ethical Space requires significant discipline and reflexivity. You need to ensure that the topic being discussed or the dialogue that is happening is indeed actively being framed by the standards you described. As such, it is not enough to simply say "we are using UNDRIP as part of our framing" - you must be able to say which preambular paragraphs or articles of UNDRIP are most relevant. This makes the UNDRIP real in the context of your dialogue and serves as the floor upon which you stand with your partners in Ethical Space.

For example, if you were to engage on creating an MOU/Terms of Reference for a new IPCA, you might say that you wanted to apply UNDRIP Article 26 (2) regarding the right of Indigenous Peoples to develop and control their traditional lands and how that must be recognized by Canada, a Province, or Territory (i.e. the development of an IPCA). Under Article 26(3),

UNDRIP requires that the recognition be conducted “with due respect to the customs, traditions and land tenure systems of the Indigenous peoples concerned.”

As such, while engaged in Ethical Space around your drafting of the MOU/TOR, you might form some guiding questions to implement Article 26 in an Ethical Space discussion of an MOU/TOR to create an IPCA:

- Did you inaugurate Ethical Space with the relevant customs and traditions?
- Are there ongoing obligations of the partners that arise through the enactment of those customs and traditions?
- What are those obligations and how should they be fulfilled either in practice at Ethical Space meetings, or in the operative text of the MOU/TOR? Do you need guidance of an Elder or Knowledge Holder to orient you to those obligations?
- Are there procedural elements of Ethical Space that include aspects of the relevant customs/traditions? Should there be prayer/ceremony to convene every meeting, or just the first one? Is there a requirement for additional / regular ceremonies/practices as an aspect of engagement?
- Does the operative text of the MOU/TOR contain explicit recognition of Indigenous customs, traditions and land tenure systems?
- In terms of the work plan set out in the MOU/TOR, does it include reference to these customs/traditions/land tenure systems, and if so, what implications do these have for how Indigenous Peoples will collaborate on or lead discussions regarding the creation of an IPCA?

## Land Based Pedagogy in Enacting Ethical Space

One aspect of the work of Ethical Space that often takes on importance or significance is the connection of the work to a particular space and place in the natural world. Having direct experience and analysing the interaction of the framework of Ethical Space in the physical world can impact the outcomes of Ethical Space. When you are out on the land, it is easier to make those connections between your Ethical Space approach and your outcomes. When you are out on the land, it is harder to isolate yourself and the rhythm of the work from the land.

Where you have an opportunity, in the context of building back from the pandemic, you are encouraged to collectively (as partners together) physically connect to the place and space that is the focus of your work in Ethical Space. Being on the land should not replace other forms of engagement in Ethical Space by any means - there is real value to virtual and in person meetings on other platforms or in buildings. What is suggested is to take a balanced approach.

Being on the land offers different kinds of opportunities for sharing, strengthening relationships, co-learning and collaborating.

Finally, and probably most importantly, enacting some aspects of your work in Ethical Space or Two-Eyed Seeing on the land also allows for a process that is more receptive to and respectful of Indigenous knowledge systems, legal traditions, customs, protocols and practices.

## Cross Validations, Dialogue and Outcomes of Ethical Space

Dr. Reg Crowshoe has often described what happens in Ethical Space as “cross-validation”.

This is not a form of reconciliation, but rather an encounter that creates and implements connectivities and linkages in order to make sense of the subject matter being addressed in Ethical Space, and co-create innovative outcomes related to it.

It starts with knowing what is ours to do: each of our respective systems, whether Indigenous or non-Indigenous, have specific infrastructure for analysing and processing information and issues. Dr. Crowshoe encourages us to continue to work within our respective systems - his direction is to bring the outcomes of our respective systems into Ethical Space as a focal point of the work to be conducted by all the partners. This helps to address any feelings of the Ethical Space dialogue being random or unbridled.

It bolsters self-confidence in the sense that each partner will already know what their own system says about the subject matter to be raised in Ethical Space, or that they may be exploring in the context of their respective systems along with parallel ongoing engagement in Ethical Space.

The encounter of different forms of knowledge and partners in Ethical Space is intended to cultivate transformative learnings, nurture connection and creativity, and progress towards innovation in our respective systems.

If partners in Ethical Space feel a strong relationship amongst themselves and have some certainty in their understanding of the framing of Ethical Space, as well as their roles and responsibilities, their ability to focus on the subject matter at hand is enhanced and expanded.

Furthermore, engaging in Ethical Space can shift the sense of self and connection to the subject matter at hand. This often leads to a transformed sense of agency going forward, which is where innovative outcomes can be realized.

Ethical Space is intended to foster and develop trust amongst the partners since it requires them to act in a place framed with different principles, standards and values that are informed by their respective systems and by what is possible in a newly co-constructed space of emergence.

The question of how to manifest possibility becomes an exercise in trust and vulnerability by stepping into a new space together. What comes out of that space is really up to the collective.

Sometimes just having convened the space is enough to create transformation. Sustainable relationships built and strengthened in Ethical Space can prompt new work, agreements and arrangements. Sometimes significant decisions may emerge. Finding a home for those outcomes will be an important consideration of the partners.

In that regard, some important considerations include funding of outcomes, applicability of outcomes in contexts where pre-existing barriers exist (such as seasonality or high levels of transience in employees/staff) and ensuring that Ethical Space outcomes are relevant to the day to day operations of the organizations, institutions and communities engaged at all levels.

**Questions to think with:**

- How will you sustain Ethical Space in your project or partnership?
- Are there ways to encourage institutional memory regarding Ethical Space?
- Is there room for Ethical Space to evolve over time?

# Two-Eyed Seeing and Ethical Space in IPCAs

Reflecting on the examples of Ethical Space and Two-Eyed Seeing below, we wanted to highlight the value of looking at these new forms of engagement and Indigenous leadership in conserved and protected areas. We note that possessing similar labels (i.e. “IPCA” or “existing protected area”) does not automatically mean that the examples will be the same or even similar. While parties may engage in similar approaches or choose similar organizational forms, the actual expression of these approaches can make all the difference in terms of function, efficacy and outcomes. Factors such as cultures, histories, backgrounds, existing agreements, and even jurisprudence can significantly impact a chosen approach.

Additionally, not many of the examples articulate their approach as specifically founded in Ethical Space or Two-Eyed Seeing. Yet, they may employ language around engagement that is deeply resonant of Ethical Space and Two-Eyed Seeing. It is safe to say that initiatives which propose to engage in Ethical Space are “emerging” with many unanswered questions. What makes various approaches perform better than traditional alternatives? What specific combinations of factors or positionality produce more or less effective engagement in Ethical Space? In what types of environments and contexts should one turn to an Ethical Space or Two-Eyed Seeing approach? What is the magic around convening in ethical space? Are there elements that are fundamental to Ethical Space or Two-Eyed Seeing? Are there underlying or preliminary processes that have to take place to properly facilitate Ethical Space or Two-Eyed Seeing? There are many other questions that could arise in an examination of the examples to follow.

The intent of this section is not to provide comprehensive histories or overviews of each example, as that is not within the scope of this work. Such a detailed analysis may arise in future work, where examples appear particularly compelling. Instead, what we seek to do is provide very brief summaries of each example, drawing out the aspects related to Ethical Space and Two-Eyed Seeing as we see them, or as have been relayed to us by the parties engaged in the initiatives.

For those hoping to work towards Ethical Space, the aim should not be to replicate how Ethical Space and Two-Eyed seeing are operationalized in the reviewed case studies. Rather, these case studies should serve as inspiration for how Ethical Space and Two-Eyed Seeing have been made possible. What has worked elsewhere might be a perfect fit for you and your partners. Furthermore, if you and your partners in Ethical Space co-create something unique and original, be sure to celebrate it and share with colleagues and others working in the field of Ethical Space or Two-Eyed Seeing. It may serve as inspiration and wise practice models moving forward in the field.

## Arqvilliit Indigenous Protected and Conserved Area

Arqviliit, a cluster of 24 islands in the Hudson Bay and part of the Nunavik Inuit homeland, is a region rich in wildlife and Inuit history. Arqviliit, meaning the place with bowhead whales, lays 155km from Inukjuak and surrounding communities on the bay. These islands, which make up the proposed Indigenous Protected and Conserved Area, are home to whales, polar bears, walrus and several species of threatened birds.

Oral and archeological records both confirm a long history of Inuit use of the area going back at least 4000 years. According to Shaomik Inukpuk, chair of the steering committee for the Arqvilliit IPCA project, oral history of the islands emphasizes the presence of polar bears and a need to refrain from hunting them on the islands. While hunting of polar bears may be required closer to townsites where bears can become a danger to the community, the islands are an opportunity to guarantee a kind of sanctuary for the animals. While the IPCA may be the vehicle for delivering this kind of protection to the bears, Shaomik Inukpuk has explained that this lesson already existed within oral knowledge passed down to him from his father.

At a recent public lecture, Shaomik Inukpuk described the important role partnership has played in the ongoing effort to establish the IPCA. Some of this partnership has focused on engaging a wide range of stakeholders with an interest in the islands. These groups include various hunting, fishing and trapping associations, the Government of Nunavut, and Makivik Corporation (the legal representative of Québec's Inuit). Engaging these stakeholders will be important to restoring confidence in the community's handling of polar bear conservation decisions, tactics that have been criticized by other Inuit organizations in the past.

Other forms of partnership have focused on the different skills and knowledge systems partners can bring to the table. For example, the committee's involvement with Oceans North, an organization focused on supporting marine conservation in partnership with Indigenous and coastal communities, helped them to navigate a complex set of funding mechanisms that put an emphasis on non-Indigenous knowledge systems and data. This partnership helps to identify both a possible role for conservation organizations in this process, and a possible limitation of current frameworks for funding and establishing IPCAs.

## Kitaskino Nuwenëné

Kitaskino Nuwenëné, meaning "our land" in Cree and Dene, has deep cultural and ecological significance in the boreal forest of northeast Alberta. Funded in part by the Quick Start Component of the Canada Nature Fund, it was established in 2019 as part of the Mikisew Cree First Nation vision to conserve culturally important, natural landscapes, and is a joint effort amongst government and industry.

The history and context for the establishment of Kitaskino is important to understand its significance as an example in this document.

In 2014 the Mikisew went to the UNESCO World Heritage Centre to express their concern about the state of conservation of Wood Buffalo National Park located adjacent to the Kitaskino Nuwenëné Park in Treaty 8 territory in Alberta. The World Heritage Centre made a decision in July 2015 that expressed concern about the lack of engagement with Indigenous communities in monitoring activities, as well as insufficient consideration of traditional ecological knowledge. The World Heritage Centre directed Canada to undertake a strategic environmental assessment to assess the potential cumulative impacts of all the developments on Wood Buffalo and indicated better UNESCO mission would visit the park to review the impact of developments on the property, to evaluate its state of conservation, and to exchange in more depth with Canada and the Mikisew Cree First Nation.[17]

In their submission to the UNESCO mission in 2016, the Mikisew Cree First Nation described, in their language, the convergence of the creeks and waterways joining together with grass and green things to form a living delta. They spoke about the importance of the delta to them. They spoke about the role of Treaty 8 with the Canadian government, and how the delta is at the heart of their traditional territory. This territory is where they hunt and trap, fish, gather and disseminate traditional knowledge to youth. They spoke about the deep connection their people have with animals, birds, waters, and all aspects of the natural environment in the delta. Due to hydro developments, oil sands and climate change, the delta and the people of the delta became endangered. “Recognizing and respecting indigenous knowledge results in better understanding of complex ecological and cultural systems and better environmental decisions that are more likely to be trusted by the people who live in and depend on the places where changes occur. *Sakaw pimacihiwin* is what we call indigenous knowledge. It literally means ‘bush way of life’. Our knowledge and way of life are not separate. Knowing requires living and practicing traditional activities.”[18]

In the report of the 2017 UNESCO mission the first recommendation was to adopt a clear and coherent policy and guidance to enable the transition to a genuine partnership with First Nations and Métis communities in the governance and management of the property.[19]

More recently, the World Heritage committee issued a decision that the Wood Buffalo National Park might be added to the list of World Heritage in Danger in short order.

It is in this context that a “biodiversity stewardship area” was developed by the Alberta government and officially recognized as a park in 2019. The wildland park will be managed to conserve nature and associated cultural features in a relatively undisturbed state. The park borders the southern side of Wood Buffalo National Park and protects the waters of the Athabasca River that empties into the Peace-Athabasca Delta. Mineral leases within the park

[17] UNESCO, Decisions adopted by the World Heritage Committee at its 39th session, Bonn, 2015
[18] Water is Everything - *nipî tapîtam*: An Indigenous Understanding of the Outstanding Universal Value of Wood Buffalo National Park, Mikisew Cree First Nation, 2016, p.12
[19] UNESCO World Heritage Centre & International Union for Conservation of Nature, Reactive Monitoring Mission to Wood Buffalo National Park, Canada, 25 September - 4 October 2016, Mission Report, 2017

were abandoned thereby providing some element of protection from intensive extractive disturbances. The Alberta government also committed to a vision of cooperative management where Indigenous communities and organizations will play an active role in stewarding and managing the park. Co-operative management could include a wide variety of activities, including co-development of a park management plan and coordinated protection of specific traditional use sites and cultural resources. The Indigenous Guardians Program is also proposed to support Indigenous stewardship in the park.

# Two-Eyed Seeing and Ethical Space in Crown Protected Areas

## Banff National Park

Canada's oldest national park, modern day Banff resides in the convergence of Treaties 6, 7 and 8 territories, the homeland of the Métis Nation of Alberta, as well as the traditional territories of many other Indigenous groups originating on both sides of the Continental Divide. A small sampling of those Indigenous Nations include: Stoney Nakoda, Ktunaxa, Tsuu T'ina, Kainai, Piikani, Siksika, and many Cree Nations. Today the park is 6,641 km² and is bordered by other national parks like Kootenay National Park, Jasper National Park, the municipality of Canmore, a series of provincial parks, and crown land.

Banff has a dark history with Indigenous Nations who have historically accessed this important meeting point. Many of the Indigenous connections to the territories, lands, waters and mountains in the park have not been appropriately recognized nor supported in the context of park management. The removal of Indigenous Peoples, save for so-called "Indian Days" or pow wow celebrations, can be contrasted with contemporary efforts to mend relationships and engage in reconciliation.

Opportunities to build Ethical Space in the context of Banff National Park is made more complex given its connection to multiple Indigenous Nations. This said, as Canada's first and most popular national park Banff has taken the opportunity to emerge as a leader in this space. The National Parks Act does not make partnership or shared responsibility easy. Authority remains in the hands of the federal government.

However, the establishment of the Banff Indigenous Advisory Circle in 2018 was an important and vital first step towards moving into the spirit and practice of reconciliation. Furthermore, in 2019 Banff published the outcomes of their engagement process on the next national park management plan and in particular the input received from Indigenous Peoples.

There were requests to understand and respect Indigenous protocols of engagement, and to employ Indigenous approaches to working together instead of western or "colonial" processes.

The formalization of the Indigenous Advisory Circle was advocated for, as well as the inclusion of Indigenous place names in the Park. In addition, Indigenous Peoples called for the explicit recognition of UNDRIP and the TRC Calls to Action in relation to park management plan principles.

Indigenous Peoples also called on Banff to create new opportunities for relationship building and collaboration at all levels - Parks Canada, Chief and Council, Elders/knowledge keepers, technicians, youth and communities. "It was ... flagged that the cultures, spiritual identities, and

ways of life of Indigenous peoples is rooted in their connection to the land, and the next management plan should recognize this relationship and Indigenous stewardship of the land, as well as reflect the potential for Indigenous communities and Parks Canada to work together on environmental stewardship, studies and assessments."[20]

## Jasper National Park

What we now know as Jasper National Park, is a place with a rich and long history that predates Canada and the national park system. Like Banff and other national parks in the late 1800 and early 1900s, Indigenous Peoples were removed with the park's establishment. Relocation, alongside other mechanisms of Canadian colonialism, made access to the park impossible and contributed to an image of the park as a wilderness for leisure travel. This began to change in 2005 when the Jasper Indigenous Forum and Indigenous Relations Office were created, and when the 2010 Jasper National Park Management Plan identified the need to strengthen Aboriginal relationships as a key strategy in park operations.

Today, more than twenty Indigenous communities from Alberta and British Columbia—First Nations, Non-Treaty, and Métis peoples—have begun formalizing their relationships with the park through a suite of initiatives. With such a diverse set of communities with historical and contemporary relationships to the national park, Jasper is challenged to not only honour federal commitments to one community but to several. The experience of Jasper National Park will be of interest to crown organizations attempting to build ethical space with multiple communities with unique knowledges, legal traditions, needs, and desires. Since 2005 a number of advisory boards have helped provide input on park management.

According to the Jasper management plan, this strategy focuses on "Fostering strong and mutually-beneficial working relationships with Aboriginal communities that have documented historic associations with Jasper National Park...Encouraging and strengthening interest-based participation by Aboriginal people in the management and benefits of Jasper National Park [and] Fostering reconciliation and reconnection with Jasper National Park". Similar to other initiatives in Canadian national parks, the direction of this strategy hinges on engaging Indigenous knowledge about the park and identifying interpretive opportunities. The plan also notes how there is work to do within the organization and the park's partners. Fostering "cultural awareness" is a key mechanism in this work.

One project that embodies this commitment to fostering cultural awareness and dialogue is the park's effort to create an exhibit describing the Indigenous history in the park. The exhibit will profile more than 20 groups with a connection to Jasper, with over a dozen of these groups preparing their own materials. The exhibit will recognize the forced removal of Indigenous peoples from Jasper and the role played by early national park administrations. The exhibit, a project ten years in the making, will be celebrated with a grand opening in 2022.

[20] See Banff National Park "What we heard" available online at: https://www.pc.gc.ca/en/pn-np/ab/banff/info/gestion-management/involved/plan/entendu-heard

This effort to commemorate Indigenous history in the park is not just an exercise in establishing historical connections to the land, but to remind visitors, Indigenous Peoples, and town residents alike that these connections to the park continue. Such exercises are even more meaningful when coupled with support for Indigenous access to the park for spiritual and ceremonial purposes, as was seen with the creation of a dedication ‘Cultural Use Area’ in 2012.

This area, the result of strong advocacy, is housed on land that once supported a fish hatchery. The area allows for a diversity of practices and for the continued enactment of ceremony on the land. There is also some limited infrastructure to support these uses of the land. There is water, wood and some human waste services. Following the establishment of the cultural use area in 2012, the park made headlines in 2017 when it helped to facilitate the harvest of six animals with Simpcw First Nation. For Mark Young, who these authors see as a champion of the Ethical Space approach, the hunt in the park has been misunderstood by some on the outside, “[the hunt is] not about the belly, it's about the heart.” For those working closely with communities seeking to reconnect their communities and their youth back to land they were unjustly removed from, Ethical Space can foster meaningful acts of reconciliation.

## Kejimkujik National Park and National Historic Site

Kejimkujik National Park and National Historic Site is Canada’s only national park to hold both designations, a product of ongoing discussion that highlights the park not only as an important ecological landscape, but a cultural landscape as well. Here, in the traditional territory of the Mi’kmaq of Nova Scotia and a region subject to the Peace and Friendship Treaties, Kejimkujik stands as an example of how relationships between crown organizations and Indigenous nations are capable of amicable change.

Following initial discussions in 2001, the Mi’kmaq of Nova Scotia and Parks Canada established an advisory council to help guide decisions in the park and support some research that operationalizes Mi’kmaw knowledge. These boards are not rights based, rather they are understood as an opportunity to reconnect, have open and frank discussion, and a safe space to think outside the box. Today, two decades of ongoing discussion are beginning to bear fruit, an effort that speaks to the ongoing commitment and patience required to enact meaningful change.

Some of these changes are illustrated in park documents and other material. The 2010 national park management plan makes continued reference to the role Mi’kmaq play in park operations and continuing projects. Collaboration and shared leadership is continuously cited as a key component of the management plan and is likely to be accentuated in the forthcoming updated management plan for the national park and historic site. This forthcoming edition of the management plan will also make direct reference to the Mi’kmaw concept of Two-Eyed seeing.

Advisory boards like that of Kejimkujik have found success in other parts of Nova Scotia. In Cape Breton Highlands National Park, an active advisory board has prompted a set of ongoing projects celebrated by Parks Canada staff as key examples of ongoing partnership and collaboration. Of note was a moose harvest in the park that simultaneously addressed ecological concerns of moose overpopulation in the park and allowed food to be redistributed to Mi'kmaq communities and food banks in Nova Scotia. More than a cull, the program focused on a 20 square-kilometer pilot project area and aimed to understand the relationship between overbrowsing and the impact a growing moose population has on the boreal forest while also creating an opportunity to work closely with Mi'kmaw partners.

Signs of Mi'kmaq attachment to land are found throughout the park. As such, collaborative archeology has spurred a set of meaningful projects that are mutually beneficial. For the Mi'kmaq, collaborative archaeology is an opportunity to provide physical evidence of title, tangible evidence that their people have been in what is now the park, for thousands of years. In these instances, Mi'kmaw stories, place names and the inclusion of language narrate archeological efforts and findings.

For the park, projects like collaborative archeology and harvesting are not only an opportunity to gain a more nuanced understanding of the park as a natural and cultural landscape but are also an opportunity to ameliorate the agency's interpretive material. Sharing this history with visitors, neighbours, Mi'kmaw and park staff is understood as an essential effort in building a more collaborative approach in the park and the wider field unit. Lessons learned in the park have inspired crucial discussions in other Parks Canada places in Nova Scotia, including the Fortress of Louisbourg National Historic Site and the Halifax Citadel National Historic Site. Rather than historic sites presenting a purely imperial or settler narrative of history, these sites are an opportunity to share the rich history of encounters between many cultures.

# Appendix 1: Key Resources

## Resources on Ethical Space

Alberta Energy Regulator, Voices of Understanding Looking Through the Window, Examining decision-making models and creating ethical spaces where indigenous communities and the AER can work together.

Conservation through Reconciliation Partnership, Ethical Space Stream of Work

Creating Ethical Spaces: Opportunities to Connect with Land for Life and Learning in the NWT by Chloe Dragon Smith

Ethics in Community Based Monitoring and Knowledge Production, A Report on Proceedings from the Ethical Space for Knowledge Coproduction Workshop on Ethics in Community Based Monitoring

Walking with Indigenous Communities: Our Reconciliation Journey, Alberta Recreation and Parks Association

Yellowstone to Yukon Initiative, Entering Ethical Space: Land-based reconciliation in the Kootenay-Columbia

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Mapping Change: Fostering a Culture of Reconciliation within Parks Canada — Parks Canada, 2020

National Intuit Strategy on Research — Inuit Tapiriit Kanatami, 2018

Principles of Ethical Métis Research — National Aboriginal Health Association, 2011

Promising Pathways Strengthening engagement and relationships with Aboriginal peoples in Parks Canada heritage places — Parks Canada, 2014

The Land is Our Teacher: Reflections and Stories on Working with Aboriginal Knowledge Holders to Manage Parks Canada's Heritage Places — Parks Canada, 2015

Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans — Tri Council Panel on Research Ethics, 2018

Tribal Parks and Indigenous Protected and Conserved Areas: Lessons Learned from B.C. Examples — David Suzuki Foundation, 2018

United Nations Declaration on the Rights of Indigenous Peoples — United Nations, 2007

We Rise Together: Achieving Pathways to Canada Target 1 through the creation of Indigenous Protected and Conserved Areas in the spirit and practice of reconciliation — Indigenous Circle of Experts, 2018