



## Indigenous Solutions to COVID-19 and Recognition in Canadian Law

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### Introduction

This project investigates how T̓silhqot̓'in law and jurisdiction were operationalized during the COVID-19 emergency and identifies barriers and gaps within the Canadian state that impeded recognition of and support for that jurisdiction. The unprecedented nature of the COVID-19 pandemic strained existing collaborative emergency management protocols between the T̓silhqot̓'in Nation, BC and Canada. The pandemic introduced new emergency protocols and procedures that interrupted funding, information and services to the T̓silhqot̓'in Nation during the first wave. This disruption undermined the exercise of T̓silhqot̓'in jurisdiction over the Nation's pandemic response and made T̓silhqot̓'in communities more vulnerable to the pandemic and its cascading social impacts.

### Research Questions

The project's three principal research aims were:

1. To document Indigenous solutions to the COVID-19 response during the first wave of the pandemic.
2. To identify gaps, challenges and barriers in provincial and federal support for T̓silhqot̓'in jurisdiction
3. To assess how existing provincial and federal laws cause or contribute to these challenges.

### Methods

The PIs first collaborated with the community project lead, Crystal Verhaeghe, in June of 2020, in order to design the study. Ethics approval was obtained to carry out interviews and from June to July 2020, one group and seven individual in-depth interviews were conducted with key staff and T̓silhqot̓'in chiefs. These were done virtually via Zoom, as the T̓silhqot̓'in communities were under pandemic orders that closed it off to outside visitors. The community project lead led seven of the interviews.

### Preliminary Findings

The initial research findings highlight key successes and challenges expressed by T̓silhqot̓'in leaders and emergency management staff within the T̓silhqot̓'in Nation. Firstly, the Nation's response to the COVID-19 pandemic has been informed by the Nation's history and knowledge of disease spread by settlers, its experience of systemic discrimination in the health care system, and ongoing colonialism that denies Indigenous communities access to resources and infrastructure available to most people in Canada. Drawing on this collective knowledge and experience, T̓silhqot̓'in leadership exercised its authority in



response to the COVID-19 pandemic by declaring a state of emergency, implementing regulations to guide travel and public gatherings and behaviour, raising awareness about COVID-19 requirements, mobilizing resources and services for remote areas, and advocating for the Nation's right to access health data from the province. Secondly, the T̓silhqot̓'in National Government's Emergency Operations Centre made a successful transition in responding to the needs of communities. Despite staff's lack of experience with pandemics, the Nation was able to quickly adjust to pandemic response, which required a switch to a remote working environment. Notable achievements in the first wave of the pandemic included the facilitation of food delivery from wholesale food distributors to communities and the effective management of spring flooding despite the unfolding pandemic.

Preliminary findings also reveal that the T̓silhqot̓'in Nation faced some challenges with regard to fully leading its own pandemic response, particularly in instances when its goals and priorities differ from those of the province. For instance, the province initially did not recognize First Nations checkpoints as legitimate emergency expenses eligible for reimbursement. It took months of advocacy by Indigenous leaders before the province recognized these measures. This may be due to inherent differences in emergency management approaches between the province and Indigenous Nations and background assumptions that erroneously equate First Nations to local governments. While these expenses were later reimbursed, this was done too late, as checkpoints had already been closed due to insecure funding.

Finally, through the firm control of health data, province also impeded the T̓silhqot̓'in Nation from acting as a self-determining nation, fully capable of making decisions for the benefit and wellbeing of its communities. While negotiations with the province have yielded some new agreements, these modest gains have required months of precious staff time and resources in the midst of the pandemic.

## Conclusion

This project highlights the need to build effective partnerships between Indigenous Nations and provincial and federal authorities, which facilitates the leadership of Indigenous peoples in emergency response. It shows that previous emergency management issues identified by the research team in *The Fires Awakened Us* (2019) remain unaddressed. The T̓silhqot̓'in Nation successfully responded to the first wave of the COVID-19 pandemic by drawing on the Nation's expertise and experience with emergency management. The devastating potential of the pandemic was clear from the Nation's history with disease and the ongoing discrimination experienced by Indigenous peoples in the health care system and access to the basic resources and infrastructure enjoyed by most communities in Canada. The Nation encountered numerous constraints and barriers in taking needed actions to keep its communities safe, including for instance, access to needed funding and information. Despite provincial and federal commitments to the *UN Declaration on the Rights of Indigenous Peoples* and to the *Collaborative Emergency Management Agreement* with the T̓silhqot̓'in Nation, there remains much work to be done to effectively support T̓silhqot̓'in leadership in emergency management. The researchers are developing recommendations for the T̓silhqot̓'in Nation, BC and Canada for realizing this goal.