

## FIRST NATIONS RIGHTS AND PUBLIC ENGAGEMENT

Issue	West Coast Environmental Law	BC Liberals	BC NDP	BC Greens
<b>Government-to-government decision-making with First Nations</b>	Recognition of First Nations' decision-making authority in their territories	<p>“The future....will be built through negotiation, consultation, accommodation and reconciliation of Aboriginal peoples’ constitutionally-protected inherent rights and title with the Crown’s title, jurisdiction and obligations to all British Columbians.” (p.37).</p> <p>Commitment to recognition and respect through shared decision making with First Nations would be furthered "by a new Recognition and Reconciliation Act." (p. 37)</p>	<p>“Respect, recognition and accommodation of aboriginal title and rights in developing government agreements and treaties...and broadening the range of tools available to include legislation and resources.” (p.15)</p> <p>“Support for the adoption by the government of Canada of the UN Declaration on the Rights of Indigenous Peoples, to help guide the policies of the BC government. (p. 15)</p> <p>"Fair agreements and shared decision-making [with First Nations] on economic development and resource management." (p. 15)</p>	<p>“Partnering with First Nations in resource management and economic development will assist First Nations in building greater capacity for self-government and actualizing their aspirations for healthy communities.” (p. 64)</p> <p>“Work with First Nations as partners to ensure just consultation and accommodation of First Nations’ aspiration, and co-management and equitable sharing of BC’s natural resources on traditional territories.” (p.65)</p> <p>"Develop park co-management agreements with First Nations." (p. 44)</p>
<b>Public participation in decisions about land and resources</b>	Meaningful public participation in land and resource decisions (also see Environmental Assessment)	Not mentioned	<p>"The NDP will create a permanent Commission on Forestry to guide the change to our industry [tenure reform] in a public accountable way." (p.13)</p>	<p>"Form elected Regional Resource Management Boards." (p. 43)</p>

**Analysis:**

**Government-to-government decision-making with First Nations:** The Canadian courts have made it clear that Aboriginal Title and Rights continue to exist in British Columbia. Strong commitments regarding honourable engagement with First Nations are a hallmark of all three platforms for this election. The Liberal platform reflects a continuation of the 2005 provincial government commitment to a “New Relationship” with First Nations grounded in respect and recognition of Aboriginal Title. The cornerstone of the Liberal platform is to implement the proposed Recognition and Reconciliation Act. This ground-breaking legislation would give legal effect to the New Relationship commitments and establish processes for shared decision-making regarding planning, management and tenuring decisions over land and resources (including waters) as well as revenue and benefit sharing. It is, in part, intended to remedy the perception that change on the ground was slow to follow the 2005 New Relationship. A commitment to recognition and respect is also prominent in the NDP platform. In addition, the NDP supports Canada’s adoption of the UN Declaration on the Rights of Indigenous Peoples, which commits nations to cooperating with First Nations to achieve their free prior informed consent prior to resource development in their territories. The Greens are not as explicit about rights recognition but do support co-management, which is a similar concept to shared decision-making.

**Public participation in decisions about land and resources:** The platforms provide less detail with respect to public involvement. Changes made to provincial forestry laws since 2001 have dramatically reduced opportunities for public oversight and engagement in tenuring and forest planning decisions. In this regard, the NDP commits to tenure reform and involving a Commission on Forestry as a mechanism for public accountability on tenure decisions but does not address public involvement in other types of forestry decisions (e.g., operational plan approvals). The Greens commit to implementing elected regional resource boards. The Liberals do not appear to prioritize this issue.

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