



Collaborative Consent and British Columbia's Water: Towards Watershed Co-Governance

by pmnationtalk on September 26, 2017

New research from POLIS Water Sustainability Project and Centre for Indigenous Environmental Resources

Collaborative consent provides a powerful way to tackle difficult questions about how Indigenous and non-Indigenous governments can work together to make decisions about water and land use.

Canada's relationships with Indigenous peoples—and the institutions, laws, and policies governing these relationships—remain fraught with challenges 150 years into Confederation. These tensions are evident in freshwater governance in B.C. where First Nations are excluded from the major decision-making regime; yet the outcomes have a significant impact on Indigenous rights and important cultural, spiritual, and economic water uses.

Released on September 21st by the POLIS Water Sustainability Project at the University of Victoria and the Centre for Indigenous Environmental Resources, [Collaborative Consent and British Columbia's Water: Towards Watershed Co-Governance](http://poliswaterproject.org/polis-research-publication/collaborative-consent-british-columbias-water-towards-watershed-co-governance/) (<http://poliswaterproject.org/polis-research-publication/collaborative-consent-british-columbias-water-towards-watershed-co-governance/>) lays out a viable model for achieving a critical shift towards more equitable nation-to-nation relationships.

With collaborative consent, the parties commit to work together as equals at the table, each with their asserted authority, with a goal to achieve each other's consent to decisions, policies and plans.

“Collaborative consent marks a major step forward from the status-quo,” says co-author Rosie Simms, a water law/policy researcher at the WSP. “It offers a way for B.C. to realize its commitments to govern according to the United Nations Declaration on the Rights of Indigenous Peoples and to develop a successful co-governance regime for fresh water in this province through the window of opportunity offered by the B.C. Water Sustainability Act.”

The report takes a detailed look at collaborative consent, how it differs from other collaborative and partnership processes and includes case studies on how elements of it have been used in B.C., Canada and internationally.

“Collaborative consent is about a different way of being, together, and building a future for Canada in which Indigenous nations assume their rightful governance role as founding nations in this country,” says co-author Merrell-Ann Phare, founding executive director of the Centre for Indigenous Environmental Resources and chief negotiator for the Northwest Territories in achieving transboundary water agreements in the Mackenzie River Basin.

“There are no barriers standing in the way of B.C. moving in this direction,” says Phare. “Territorial and Indigenous governments in the Northwest Territories have been leaders in a collaborative consent

approach for years.”

Collaborative consent can be applied to decision-making processes at any scale, so it is relevant for provincial, federal, local, First Nations, and Métis governments, as well as water leaders, practitioners, and others.

Simms says several reasons exist that make freshwater governance compelling grounds for collaborative consent in B.C.—escalating water issues and insufficient governance and management approaches; the lack of jurisdictional clarity for fresh water and overlapping responsibilities between all levels of government, including Indigenous; growing momentum towards co-governance and watershed governance approaches; and the specific window of opportunity to advance the implementation of the new provincial water law regime for the benefit of all British Columbians.

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