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New role proposed for Indigenous nations in water and land use decisions

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, according to a report that uses BC's new *Water Sustainability Act* as a prime opportunity for its 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 BC 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 today by the POLIS Water Sustainability Project at the University of Victoria and the Centre for Indigenous Environmental Resources (CIER), [*Collaborative Consent and British Columbia's 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 POLIS water law/policy researcher. "It offers a way for BC 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."

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 BC, 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 non-profit CIER 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 BC 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 BC: 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.

A copy of *Collaborative Consent and British Columbia's Water: Towards Watershed Co-Governance* is available [online](#).

A **backgrounder** on specific examples of collaborative consent is also available.

-- 30 --

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