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NEW POLIS REPORT: Reconciliation, Water and Watershed Sustainability through Collaborative Consent

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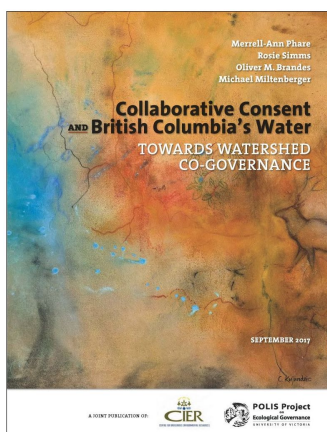
Reconciliation, Water and Watershed Sustainability:

Report authors highlight many reasons that make freshwater governance compelling grounds for *collaborative consent* in British Columbia

Collaborative consent is a mutual consent process: it is about governance and changing how decisions are made. The critical thing is that the parties involved agree how they will work together: where collaboration is necessary (or not) and how decisions will be made.

*According to a new report from the POLIS Water Sustainability Project and Centre for Indigenous Environmental Resources (CIER), **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. The report focuses on BC's new Water Sustainability Act as a prime opportunity for use of collaborative consent.*

*The concept and approach of collaborative consent emerged from the Northwest Territories context to describe the decision-making and co-drafting processes used by territorial and Indigenous governments in developing the **Mackenzie River Basin Bilateral Water Management Agreements** and other recent legislation and plans in the territory.*



A viable model for freshwater governance

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,” states Oliver Brandes.

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to download a copy of *Collaborative Consent and British Columbia's Water: Towards Watershed Co-Governance*



Oliver Brandes

Co-Director & Water Sustainability Project Lead, POLIS Project on Ecological Governance, Centre for Global Studies at the University of Victoria.



Rosie Simms

POLIS water law/policy researcher

critical shift towards more equitable nation-to-nation relationships.”

A major step forward from status quo

“With collaborative consent, the parties commit to working together over the long run, each with their asserted authority and with a goal of achieving each other’s consent on decisions, policies and plans as part of a committed and ongoing relationship,” continues Oliver Brandes.

“Collaborative consent marks a major step forward from the status quo,” continues co-author Rosie Simms. “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.”

No barriers stand in the way of BC moving in this direction

“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, 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,

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Merrell-Ann Phare
founding executive director,
Centre for Indigenous
Environmental Resources
(CIER)

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.



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