

Statement of Requirements for Water Governance in British Columbia According to Crown Commitments to Reconciliation

Drafted by the BC First Nations Water Governance Roundtable
November 20 & 21, 2018

The following 16 principles provide direction to the British Columbia provincial government from the BC First Nations Water Governance Roundtable¹ on implementing the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), Truth and Reconciliation Calls to Action (TRC), and the *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples* (BCDP) in relation to the use, stewardship, and protection of all fresh waters.

[Communities may wish to share a few words on water or simply state the word(s) for water in their language here.]

1. Sacred Responsibility to Water

Our ancestors taught us that water in all its forms is the most fundamental and sacred aspect of life. Our spiritual relationship to water is linked to our inherent right to healthy water and ecological integrity. Water is integral to our peoples' heart, spirit, body and mind. The Creator's natural law gives us sacred unalterable water responsibilities to all generations of all life. This responsibility must be fulfilled through all of our decisions. All processes must be structured to ensure we are able to fulfill these responsibilities.

2. Recognition of Inherent Water Jurisdictions, Authorities, Laws and Traditional Knowledge Systems

The British Columbia provincial government must recognize and respect First Nations traditional governance structures, traditional knowledge, Elders and knowledge keepers.

First Nations Peoples have inherent jurisdictions and responsibilities to water which must be recognized by Crown governments. The BC government has jurisdictions and responsibilities based on the Constitution of Canada. Our respective jurisdictions form the basis of life, and our respective laws and authorities and must always be the foundation of our interaction with each other. Reciprocity is a fundamental part of what respect looks like: the more we are using lands/waters, the more we have to give back to the land/waters.

¹ The BC First Nations Water Governance Roundtable was established in June 2017 to advance First Nations engagement in planning, management, and governance of fresh water. Roundtable participants include approximately 15 staff and leadership comprising 55 First Nations across British Columbia that are actively developing and implementing strategies and plans to achieve their goals with respect to water. The Roundtable provides a unique structured space for collaboration, information sharing, strategy development, and capacity building at a province-wide scale.

3. Nothing about Us without Us

Any action that might directly or indirectly affect our waters must not occur without the full collaboration of First Nations governments in processes that we have designed together and that are aimed at achieving our mutual consent.

TRC 92; UNDRIP 3, 4, 25, 18, 19, 27, 32; BCDP 1, 4, 5, 6, 9.

4. First Nation and Government Processes

First Nations Peoples are comprised of communities within Nations and governments. Many Indigenous structures of governance are in the process of rebuilding after hundreds of years of continued impacts of colonization, and governance happens at multiple levels and in diverse ways. It is essential that each First Nations government can define its own means and approaches to implementing UNDRIP and TRC Calls to Action.

First Nations Institutions

First Nations have the right to choose their institutions and work through those institutions, as does the BC government. The Province must be respectful and uphold First Nations institutions and decisions. As the BC government structure is siloed, implementation of reconciliation commitments must include de-siloing in our collaborative institutions.

TRC 43; UNDRIP 3, 4, 18, 19, 27, 32; BCDP 1, 4, 5, 6, 10.

5. Resourcing

Implementation of reconciliation commitments requires sufficient resources to ensure First Nations governments have the capacity (skilled people, realistic timelines, strong institutions, accessible information, etc.) to implement our inherent jurisdictions related to fresh water, particularly when we engage in collaborative processes that we co-design with other governments. Provision of these resources is fundamental for improved community and ecological outcomes and successful implementation.

TRC 44; UNDRIP 20.2, 28, 29, 32; BCDP 3, 6, 8.

6. Water and Traditional Knowledge

Our inherent jurisdictions are foundational to our lives and interactions with each other. These encompass water in all of its forms (water, permafrost, ice, fog, snow), locations (surface [rivers, lakes, wetlands, springs], ground [aquifers] and the interactions between them), scales (sub-watersheds through to basins) and all living and non-living beings dependent on, connected to, or affecting water.

TRC 43, 47, 52; UNDRIP 25, 26; BCDP 1, 2, 4, 5.

7. All Generations of All

It is a sacred water responsibility to ensure the ecological and spiritual integrity of all parts of the aquatic ecosystem for current and future generations.

UNDRIP 25, 26, 28, 29, 32; BCDP 1, 4, 6.

8. Reflecting Our Water Values

First Nations and Crown legal systems protect differing fundamental values regarding water. Crown legal systems must shift so that they include, respect, and uphold Indigenous values regarding water. Implementation means we will make better decisions that reflect our rights and values on the use, stewardship and protection of water. It also means that our collaborations with each other regarding all stages and aspects of water decision-making will be ongoing and continuous.

TRC 44, 47; UNDRIP 3, 4, 18, 26, 27, 32; BCDP 1, 2, 3, 4, 5, 6, 7, 9.

9. Building Collaborative Institutions, Processes and Approaches

We must co-design and build new collaborative institutions, processes and approaches through which our governments engage with one another in our ongoing decision-making regarding water. Through these processes and institutions, we clarify how Indigenous and Crown jurisdictions, authorities, and laws work together and how these systems become more transparent and accessible to one another over time. Through these approaches, we co-design and use tools that help us make better decisions that result in improved community and ecological outcomes.

TRC 43, 44, 47; UNDRIP 3, 4, 18, 26, 27, 32; BCDP 1, 2, 3, 4, 5, 6, 7, 9.

10. Taking a Precautionary Approach

We have the humility to recognize that humans will never fully understand the complexity of the natural world and so we are always cautious, and we avoid making decisions that might harm ecosystems. When information is uncertain, unreliable or inadequate, we take action to avoid harm to aquatic ecosystems rather than taking a "wait and see" approach. Given that full implementation of reconciliation commitments will take some time, the precautionary approach must be used to ensure that we do not make decisions contrary to UNDRIP and TRC.

TRC 44; UNDRIP 25, 26, 28, 29, 32; BCDP 1, 4, 6.

11. Prioritizing Conservation and Restoration

Due to the dominance of Western values in past and ongoing decision-making of lands and waters, many ecosystems and waters are unhealthy and continue to be impacted. We must take a proactive

approach to ensure no further damage to all waters. Restoring critical waters to their previous health is the highest priority for the governance and management of water.

TRC 44; UNDRIP 25, 26, 28, 29, 32; BCDP 1, 4, 6.

12. Ecosystem-Based Approach

Implementation must proceed according to ecosystem-based management that considers all relevant elements of scale (from local through to watersheds and territory wide considerations). The impacts of previous decisions on ecosystems (cumulative effects) must be integrated into current decision-making. Instead of looking at activities/impacts in the near future, the BC government must be open to adopting a long-term multi-generational view (at least seven generations or 150 years) when evaluating impacts of our decisions on ecosystems.

TRC 44; UNDRIP 25, 26, 28, 29, 32; BCDP 1, 4, 6.

13. Water at the Centre of Land-Use Decision-Making

Everything is connected. Water must be at the center of all other land use planning and decisions. Water will be the lens through which upstream and downstream land use decisions are made in/at watersheds.

TRC 44; UNDRIP 25, 26, 28, 29, 32; BCDP 1, 4, 6.

14. Transparency and Information-Sharing

Co-creation of sufficient information and the systems that create them is necessary for implementation. We engage in joint analysis, interpretation, and knowledge creation so that we can build a cumulative and common understanding of information for decision making. We are open with each other as governments about the information and the reasoning behind discretionary decisions.

TRC 44; UNDRIP 27, 32; BCDP 1, 3, 7.

15. Communications and Education

There is still a need to teach others that First Nations are part of government. This Statement of Requirements must be communicated to non-First Nation governments and stakeholders. We as First Nations must also educate across our Nations, including youth and children.

TRC 44, 57, 92; BCDP 9.

16. Stakeholders

We recognize that the involvement of stakeholders at certain points in our decision-making processes is a responsibility of First Nations and Crown governments and can result in more durable outcomes. We will mutually agree upon the appropriate time and scope of discussions with stakeholders. There must be precursor recognition and agreement that stakeholders are not equal parties in government-to-government processes and decisions.

TRC 44; UNDRIP 3, 4, 18, 19, 27, 32; BCDP 1, 4, 5, 6, 9.