



Coalition Update

BC Coalition for Implementation of the National Forest Strategy

Mission: *To have BC known as a world leader in sustainable forest management.*

Purpose: *Promote the advancement of sustainable forest management in BC; working with the National Forest Strategy framework.*

This is the third in a series of bi-monthly newsletters from the *BC Coalition for Implementation of the National Forest Strategy*. The first, in September 2005, focused on Ecosystem Based Management and the second, in December, focused on Sustainable Forest Communities. In this issue the topic of discussion will be Theme 3 of the National Forest Strategy:

Rights and Participation of Aboriginal People.

About the National Forest Strategy:

The National Forest Strategy 2003-2008 is the fifth consecutive national strategy for the forest sector since 1981. The strategy is supported by a broad based group of government and non-government organizations known as the [National Forest Strategy Coalition](#).

The NFS is organized around eight broad strategic themes, each supported by several action items.

1. Ecosystem-based management,
2. Sustainable forest communities,
3. Rights and participation of Aboriginal Peoples,
4. Forest products benefits,
5. Knowledge & innovation for competitiveness and sustainability,
6. The urban forest and public engagement in sustainability,
7. Private woodlots contribution to sustainability,
8. Reporting and accountability.

Strategic Theme 3 Rights and Participation of Aboriginal Peoples

Objective: Accommodate Aboriginal and treaty rights in the sustainable use of the forest recognizing the historical and legal position of Aboriginal Peoples and their fundamental connection to ecosystems.

Highlights of Related Activities in BC

The Coalition notes that there are many initiatives underway in BC in regard to accommodation of treaty and Aboriginal rights, and recognition of the historical

and legal position of Aboriginal Peoples in forest management. First Nations in British Columbia are very actively pursuing a stronger role in the sustainable management of forests. Unfortunately, prior to 2001 the climate has often been more one of litigation than cooperation. There is room for optimism in BC, however several significant gaps still need to be overcome.

For example, there appears

to be little understanding amongst the general population of the legal and constitutional role of Aboriginal Peoples, or of the high-level government commitments made nationally and provincially regarding new “government-to-government” relationships. This gap in understanding, especially in communities most directly affected by forest resource decisions, must be corrected if pro-

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The information and opinions contained herein are the responsibility of the authors and do not necessarily reflect the views of all members of the coalition.

Understanding the New Relationship from First Nations' Perspective

Commentary by Tara Marsden and Paul Blom—Carrier Sekani Tribal Council

The objective of the third theme of the National Forestry Strategy is the “Rights and Participation of Aboriginal Peoples”. Over the last several years people have contemplated how to measure success with respect to objective #3 in British Columbia through a series of criteria and indicators, some of which have concerned First Nations leadership. Some controversial examples of proposed indicators were land use plans (unilaterally undertaken by the Province) or the notorious Forest and Range Agreements that were successfully challenged in Court by the Huu-ay-aht First Nation. True indicators of success may be the following:

1. Treaties (none have been finalized in the 13 year BC Treaty Commission process)
2. New Relationship (April 2005 Agreement with the First Nations Leadership Council and the Premier of British Columbia).
3. Transformative Change Accord (signed by the First Nations Leadership Council, Premier of British Columbia, and the Prime Minister of Canada).

First Nations leaders and communities have watched as governments of all political stripes have come and gone, each one bringing with them their own vision of how to deal with First Nations issues. Each new policy or position is meant to alleviate the substandard social and economic realities in First Nation communities, but because these policies have been developed without the actual involvement of First Nations they usually fail to meet the objectives.

So when the New Relationship document was released in late 2005, many First Nations people asked - *so what's*

new about the New Relationship? Skepticism arose based on the track record of the current provincial government's approach to First Nations issues (i.e. the treaty referendum of 2002) and whether or not they were capable of changing overnight. But what is different this time is that the New Relationship document was actually drafted and agreed to by both the First Nations Leadership Council and the provincial government.

If this concept can be realized, it would truly revolutionize Aboriginal-state relations, turning British Columbia into a champion of Aboriginal rights....

In the wake of landmark Supreme Court decisions including *Delgamuukw* and more recently the *Haida* and *Taku* cases, government developed consultation and land use policies that were intended to meet the minimal legal requirements, but did not involve First Nations in decision making in a meaningful way. Not only was there no guarantee that First Nations' input would be incorporated into the final decisions, but the process itself was designed unilaterally by the province and does not provide the resources for First Nations to participate.

Many First Nations have consistently called for a government-to-government process that looks at land use planning at the highest level, as opposed to the site-specific referrals that currently flood our offices. What is significant about the New Relationship document, is that it promises just this. The document commits the parties to:

Establish processes and institutions for shared-decision making about the land and resources and for revenue and benefit sharing, recognizing, as has been determined in court decisions, that the right to aboriginal title “in its full form”, including the inherent right for the community to make decisions as to the use of the land and therefore the right to have a political structure for making those decisions, is constitutionally guaranteed by Section 35.

What this does is push governments to recognize the legal constitutional rights of Aboriginal people in their fullest form, as opposed to minimizing them to the point of obscurity.

These principles are echoed and reaffirmed in the *Transformative Change Accord*, which is based first and foremost on the recognition that Aboriginal title and rights “exist in British Columbia.” This signifies a departure from the historic and consistent denial of the existence of such rights and title. In negotiations and in court, First Nations have been told they must “prove” their constitutional rights before they are to be protected. Recognition, not denial, was essential before First Nations and government could come to agreement on how lands and resources would be managed.

The concept of shared decision-making, in the form of co-management, is one that First Nations have advocated for many years in both treaty negotiations and other arenas. If this concept can be realized, it would truly revolutionize Aboriginal-state relations turning British Columbia into a champion of Aboriginal rights, and move the province past its

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colonial existence.

Nonetheless, revolutions are by nature from the bottom up. To revolutionize relationships between First Nations and British Columbians requires a new way of thinking and interacting, not just for the Premier and members of Cabinet, but for the average citizen, and the bureaucrats who interact with First Nations and develop the policies that affect them.

For First Nations who have in some cases spent entire lifetimes fighting government, we must now put our minds to the types of structures that will ensure shared decision making and collaboration.

Our leaders, such as Grand Chief Ed John at the First Nations Summit, have fought

hard for these agreements and we owe it to them and to future generations to ensure the New Relationship and the Transformative Change Accord do not become another false hope for positive change.



With a Masters degree in First Nations Studies and Political Science from UNBC, Tara brings passion to her role as Communications Officer in the Treaty Department of the Carrier Sekani Tribal Council. Tara is a member of the House of Gam-laxyeltxw, in the Lax Ganeda (Frog/Raven) Clan of Gitanyow.

Paul Blom is the Forester for the Carrier Sekani Tribal Council.

Strategic Theme 3

Rights and Participation of Aboriginal Peoples (cont'd from Page 1)

ductive local relationships are to be achieved. Addressing this could help lead to more productive local government (e.g. Band/Municipal) relationships, better meeting the needs of all parties.

Further, it is important that First Nations be able to acquire the resources to develop capacity for a new relationship at all levels. The \$100 million commitment to First Nations from the Provincial government will help address this capacity issue. Governance is complex and will take time and effort. In the meantime, efforts should be made to find practical expressions (e.g. pilots) that will provide operational examples for meaningful involvement of first nations, including but not limited to accommodation.

With \$115 million in revenue sharing and over half of the First Nations participating in tenure opportunities, it appears that First

Nations are achieving economic benefits from the Provinces First Nations Forest Strategy.

A recent example of progress is the land use decisions for the Central Coast and the North Coast:

“The agreement reached on these areas represents an unprecedented collaboration between First Nations, industry, environmentalists, local governments and many other stakeholders in how we manage the vast richness of B.C.’s coast for the benefit of all British Columbians,” according to Premier Campbell

“This agreement brings an end to the long-standing resource-use conflicts over this land,” said KNT First Nations chairman Dallas Smith. “Now our people have a more active role in how and where business is done in our traditional territories, and we

can move toward cultural, ecological and economic stability in this region.”

“I commend the provincial government for its commitment to this land use planning process,” said Heiltsuk Chief Ross Wilson “We’re looking forward to finalizing and implementing our land use agreements. Completion of the government-to-government land use agreements will ensure the well-being of the lands, waters and peoples within our Traditional Territories.”

According to the provincial government, the decisions pave the way for finalizing government-to-government land use agreements with First Nations. This will enable the formation of Land and Resource Forums allowing the Province and the First Nations to work together to finalize and implement land use plans that incorporate the cultural values and ecological and economic interests of the First Nations.

Membership in the Coalition

The Coalition is an informal organization without a charter or legal standing. The intent of the members is that it remains this way unless a need arises to incorporate or otherwise take a more structured approach.

A chair (Dr. Gordon Weetman) has been appointed and a steering committee has been struck to move the business of the Coalition forward. Meetings are convened and facilitated by an administrative secretariat. The secretariat is provided by the McGregor Model Forest Association.

New participants are encouraged to join the Coalition provided that they:

- Have signed the Canada Forest Accord, or espouse support for the National Forest Strategy (2003-2008) and membership conditions by letter and or communiqué; and
- Express a commitment to implement the strategy in a way that is appropriate to their circumstances and capabilities, through the delivery of action plans and/or involvement in strategic theme processes; or

- Express support for the Mission and Purpose of the BC Coalition, including its relationship with the National Forest Strategy Coalition.

Members of the coalition decided at an early meeting that a simple procedure is required to guide Coalition actions. As a Coalition of governmental and non-governmental organizations from across BC, it is important that the Coalition speak consistently on crucial matters that the majority of Coalition members agree to, and that the process to make decisions is clear, concise, open and transparent.

Steering Committee Members

The Steering Committee is made up of the Coalition Chair and at least three other coalition members. The mandate of the steering committee is to oversee planning, implementation, communications and reporting of the Coalition activities, and provide direction to the Secretariat on behalf of the members.

Current members of the Steering Committee are:

- **Gordon Weetman** - UBC (Chair)
- **Bill Bourgeois** - Consultant
- **Chris Hollstedt** - FORREX
- **Mike Apsey** - Past Chair, National Forest Strategy Coalition
- **Ken Baker** - Forestry Innovation Investment Ltd.
- **Jim Snetsinger** - Ministry of Forests and Range
- **Dirk Brinkman** - Brinkman & Associates
- **Al Gorley** - McGregor Model Forest Association
- **Mike Millard** - MMFA - Secretary



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