

British Columbia Assembly of First Nations

1004 Landooz Rd.
Prince George BC, V2K 5S3

First Nations Summit

1200-100 Park Royal South
West Vancouver, BC, V7T 1A2

Union of British Columbia Indian Chiefs

401-312 Main Street
Vancouver, BC, V6A 2T2

7 October 2019

Dear Ms. Casimer, Mr. Phillips, Grand Chief Phillip, Chief Tom, Chief Wilson, and Regional Chief Teegee,

Thank you for writing, and for the opportunity to speak to issues important to your respective organizations and to First Nations people across British Columbia. I am grateful for every opportunity to engage with you.

I hope the answers below are useful for BC First Nations voters in understanding the Green Party's policies.

1. Reconciliation, Recognition and Affirmation

- a. If elected, will your government commit to bring in early legislation to implement the UN Declaration, the most comprehensive, universal international human rights instrument explicitly addressing the economic, social, cultural, political, spiritual and environmental rights of Indigenous Peoples?**

If elected, how will your government work to implement the above three articles, including working meaningfully and in partnership with Indigenous peoples?

Canada has a profound legal obligation to reconcile and provide restitution for our history of colonial relations – marked by violent expropriation, displacement, and forced assimilation – that has undermined the cultural, governance and economic foundations of the Indigenous Peoples of this land.

This is why Green Party policy is shaped around meeting our profound commitment to reconciliation with Indigenous peoples and why we are committed to enacting legislation to enshrine the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in law. We strongly supported Bill

C-262 in the House of Commons, for which Green Party leader Elizabeth May was a joint-second, and were extremely disappointed that the government did not do what was needed to get it through.

We are committed to enacting legislation to enshrine UNDRIP in law, and fully embrace all 46 articles of the Declaration. A Green government will remove all obstacles within the judicial, legislative and executive branches of government to wholly implement UNDRIP.

With respect to Articles 26-28 of UNDRIP, Greens will radically change the land management system. We will formally repudiate the doctrine of terra nullius, the doctrine of discovery, and other doctrines of superiority which have underpinned Canada's history of taking Indigenous land. We will work with Indigenous peoples to create a new Indigenous Lands and Treaties Tribunal Act, which will revamp land claims and treaty negotiations. We must move forward in a way that respects Indigenous title and rights, rather than trying to extinguish them.

b. In light of Canada's adoption of the UN Declaration and the Truth and Reconciliation Commission (TRC) 94 Calls to Action, if elected, how will your government work to transform the current relationship between First Nations and the Government of Canada in the implementation, negotiation and conclusion of Treaties, agreements and other constructive arrangements, inside the current BC Treaty negotiations framework, as well as outside of that process?

As described above, a Green government will create a new independent body to decide on specific claims and ensure fairness of treaty negotiations per a new Indigenous Lands and Treaties Tribunal Act. We can look to British Columbia's model for guidance in this process, in addition to more foundational collaboration between the federal government and Indigenous peoples.

Greens understand our responsibility to live up to the sacred relationships between the Crown and Indigenous peoples, whether formalized in treaty or not. We must honour these relationships, with each other and with our environment.

We will uphold these principles of mutual respect as we work towards true nation-to-nation relationships that honour the inherent sovereignty of Indigenous peoples.

2. Justice

If elected, how will your government challenge current approaches that contribute to the growing overrepresentation of Indigenous men and women in incarceration, and in particular, the alarming and drastic increase of Indigenous women being incarcerated as the fastest growing incarcerated population?

The criminal justice system criminalizes far too many Indigenous persons, members of visible minority communities and people suffering from mental illness, homelessness and addiction. The civil justice system disadvantages those who cannot afford lawyers.

Greens will re-invest in prisoner rehabilitation and preparation for reintegration in society, especially for Indigenous people and women. We will also reform the process of record suspensions for simple possession of cannabis to maximize fairness and accessibility for marginalized communities, and review



the process of record suspensions as it applies to other offences. We will expand the use of restorative justice to better address the needs of communities affected by incarceration.

In implementing the Calls for Justice of the Inquiry into Missing and Murdered Indigenous Women and Girls, a Green government will also work to increase the legal and emotional support available to victims and families as they navigate the legal system and the process of seeking justice.

3. Children and Families

- a. If elected, what will your government do to ensure that a funding regime based in the principles of substantive equality is developed and implemented immediately for First Nations child welfare? If elected, how will your government ensure that Jordan's Principle is immediately implemented and adopted, equally, in all Provinces and Territories?**

It is unacceptable that any child suffer due to bureaucratic disputes. The Green Party is committed to upholding Jordan's Principle in full, ensuring Indigenous people receive the health care they need without being delayed by bureaucratic disagreements over jurisdiction. As a federal government, we will respect the principle that the government of first contact will pay for the services and seek reimbursement later as needed.

We appreciate the tireless advocacy of the First Nations Child & Family Caring Society, as well as Indigenous peoples across Canada, on this issue.

Our renewed model of collaborative federalism under the Council of Canadian Governments, described in more detail below, will provide a forum to discuss long-term solutions among different orders of government. This will ensure provincial and territorial governments also comply with Jordan's Principle.

- b. If elected, how will your government respond to this most recent CHRT decision and ensure that children and families are adequately compensated for this discrimination?**

A Green government will respect the holding of the CHRT for children who were taken from their homes on reserve. We have committed \$2 billion to compensate those affected, in line with the Tribunal's decision.



4. Indigenous Early Learning and Childcare Framework

If elected, will your party follow through on the commitments along with a ten year investment of \$1.2 billion to work in partnership with First Nations to support ongoing implementation of the Framework which is intended to build capacity of First Nations to support children and families directed by First Nations authorities, values and practices?

Yes. Greens affirm the inherent right of Indigenous communities to determine child and family services. We will support kinship ties and ensure sufficient funding and resources so that families are kept together.

We will appoint a federal Children's Advocate, who will speak out on issues that often go otherwise unnoticed, such as the disproportionately large number of Indigenous children in foster care.

Beyond this, we will invest in early learning and childcare across Canada to create a universal childcare system. This can and should be tailored to the needs of different communities, in particular Indigenous communities, and it will be a high priority for our government.

5. Education

a. If elected, how will your government continue to support the development and implementation and commitments made in Regional First Nation Education Agreements, like BCTEA, including filling outstanding funding gaps?

A Green government will work to ensure that every First Nations, Métis, and Inuit child in Canada, including those without Indian status and/or who are living off-reserve, has access to quality educational opportunities based on the expressed cultural, political and social priorities of Indigenous governments, following meaningful consultation. We believe that the Council of Canadian Governments will help as a forum for development and implementation and that filling funding gaps should be a federal fiscal priority.

b. If elected, what steps will your government take to end the backlog of First Nations students seeking funding to access and complete their post-secondary education?

Greens' commitment to youth means that we will work towards removing obstacles for young people early in their careers. While too many students right now are graduating from university with significant debt, a Green government will make tuition free and forgive the federal portion of existing government student loans. Removing this financial burden will ease participation in the economy for all.

We will also remove the two percent cap on increases in education funding for Indigenous students, which will support Indigenous students at all stages of education. We will also fully fund the current program backlog.



6. Final Report and Recommendations of the National Inquiry into Missing and Murdered Indigenous Women and Girls

If elected, what actions will your government take to ensure all 231 Calls to Justice are implemented?

A Green government will implement all recommendations of the Inquiry on Missing and Murdered Indigenous Women and Girls (MMIWG), which requires engagement across policy areas. We will work with Indigenous organizations to develop a national action plan to end violence against women, girls, and gender-diverse people. This will be complemented by an increase in access to shelters through increased investment in the Shelter Enhancement Program, providing more than 2,100 new and renovated spaces in first-stage shelters and hundreds of spaces in transition houses. Our national transportation strategy will also specifically address the need for affordable and accessible transit, as recommended in the MMIWG report.

We recognize that while a firm commitment is required from any government, policy solutions need to be developed collaboratively. We look forward to working with First Nations in BC and beyond to make nationwide improvements.

7. Fisheries

- a. If elected, how will your government uphold the mandate letter to the current Minister of Fisheries and Oceans and the 10 Principles Respecting the Government of Canada's relationship with Indigenous Peoples, ensuring that the laws, policies, and practices relating to fisheries management are consistent with the UN Declaration and Canadian case law, and that the priority of access to fisheries resources be upheld and implemented for First Nations in BC to exercise their rights to fish for food, social and ceremonial purposes?**

It is critical that any government uphold the spirit and intent of this kind of strategy. Greens will ensure that the right to fish in line with traditional practices is protected. Furthermore, any policy agreements should respect the hard-fought self-government agreements for your nation. We will respect and uphold the Ahousaht decisions, and live up to the heavy responsibility on the Crown.

Whether relating to fisheries or otherwise, a Green government will uphold and fulfill Canada's responsibilities in all agreements with Indigenous Peoples.

- b. If elected, how will your government commit to re-working the Guardian Program to provide capacity and resources for First Nations to exercise their jurisdiction and authority of designated Indigenous fishery guardians to manage, conserve and protect the resources in their traditional territories?**

The Green Party acknowledges that Indigenous peoples have stewarded lands and waters in their traditional territories for centuries. A Green government will respect Indigenous sovereignty over self-defined and self-governed lands – whether First Nations, Métis or Inuit – and respect all rights that



their title to land entails, including the right to stewardship. Greens will commit \$100 million annually over the next four years to create Indigenous-led protected and conserved areas and fund stewardship of these lands and waters by Indigenous guardians.

- c. Consistent with Canada's commitment to new fiscal relationships, if elected, how will your government dedicate new long-term funding to support First Nations to design and implement new stock assessment and fish habitat monitoring programs and help Canada meet its commitments to the Wild Salmon Policy?**

The Greens will remove Fisheries and Oceans Canada's (DFO's) mandate to promote salmon aquaculture and shift regulation of aquaculture to Agriculture and Agrifood Canada, thereby eliminating DFO's conflicting roles of aquaculture promotion and wild salmon protection. Greens will also increase funding for research on fish stocks to improve management and protect endangered species - including western salmon populations, in the face of rapidly changing ecosystems.

- d. If elected, how will your government ensure the Aboriginal right to fish affirms and enables Indigenous access to fishing for economic purposes?**

The Green party will negotiate with Indigenous peoples over primary hunting, fishing, trapping and logging rights on traditional lands - especially lands under federal jurisdiction, subject to standards of sustainable harvesting and traditional ecological knowledge.

It is important that we don't consider the decisions of the Supreme Court a limit on the capacity of the federal Crown to support Indigenous rights. Previous governments have looked to decisions like *Marshall*, *Van der Peet*, and *Sparrow* as justification for denying, limiting, or otherwise infringing inherent rights. We can, and should, do better.

- e. If elected, will your government commit to developing and implementing policies and regulations to transition all existing open net-pen finfish facilities along the Pacific Coast to land-based closed containment facilities?**

Greens will ensure that by 2025, all open-net aquaculture facilities will be moved to closed containment systems on land. We will provide financial and extension support to workers to help them make this transition.

- f. If elected, how will your government empower BC First Nations to advance First Nations fisheries rights at the international scale, including protecting food security for BC First Nations at the Pacific Salmon Commission?**

A Green government will support the model of collaborative federalism, working with and ensuring fair treatment for provinces, territories, municipalities and Indigenous peoples by establishing a Council of Canadian Governments to set higher order policy priorities, with the goal of policy coherence to optimize public spending. It would include the federal government, provincial/territorial governments, representatives of the local order of government with large city mayors and smaller and rural municipalities, and Indigenous (First Nations, Métis and Inuit) governments.



This model will recognize the right of Indigenous peoples to have a seat at the table as equal partners. In this council, BC First Nations would be able to outline their policy priorities in the Pacific Salmon Commission, so all representatives of Canada will be working to advance BC First Nations' priorities.

8. Environmental stewardship

a. If elected, will your government work with First Nations to ensure the commitment of FPIC is incorporated in federal environmental assessments?

Yes. Fully restoring the Canadian Environmental Assessment Act is one of our priorities. We will adopt the recommendations of the independent Expert Panel on Environmental Assessment commissioned by the Liberals.

A Green government will fully implement UNDRIP, which necessarily includes a commitment to free, prior, and informed consent. We look forward to working with First Nations to improve the environmental assessment process.

b. If elected, will your government include First Nations in global outreach opportunities including implementing partnerships as suggested in BC First Nations action plans?

Yes. As described above, we look forward to increased engagement with First Nations at the Council of Canadian Governments. This will be a valuable forum to discuss issues in energy, mining, and climate change matters, and to build partnerships.

9. Emergency management

If elected, what initiatives will your government undertake to ensure comparable levels of servicing for addressing (ongoing and continuing) critical foundations of Emergency Management? What commitment can be adhered to for BC First Nations' direct inclusion (partnership) in all agreements related to the provisions of Emergency Management (preparedness and response) Services?

Emergency services are a key part of any community infrastructure. Increased investments in infrastructure under a Green government will help to expand the services available especially in remote and northern communities.

Policy discussions on these services will be had at the Council of Canadian Governments.

10. Climate emergency

If elected, how will your government safeguard the inherent, Treaty and constitutionally protected rights of First Nations, respect Indigenous knowledge, and uphold Treaties and other constructive arrangements between First Nations and the Crown, and take urgent and transformative climate action that meets the requirements outlined in the reports by the Intergovernmental Panel on Climate Change and Canada in a Changing Climate to reduce emissions in Canada by 60% below 2010 levels by 2030 and reach net-zero emissions by 2050?

Our climate plan, Mission: Possible, addresses the climate emergency with concrete actions to get Canada's emissions to 60 percent below 2005 levels by 2030 and reach net-zero emissions by 2050. To achieve this, the government of Canada must utilize every tool in the federal toolkit, including regulations, public spending, and pollution pricing. Indigenous leadership is critical to the climate goals of Mission: Possible.

One critical step in our plan is that a Green government will approve no new fossil fuel projects—pipelines, coal, oil or gas drilling, or offshore wells. We have seen how Indigenous nations have suffered because of resource projects that have run roughshod over aboriginal rights and have not respected the doctrine of free, prior, and informed consent. In addition to not approving new pipelines, we will cancel the Trans Mountain pipeline, and all subsidies to fossil fuel industries.

We recognize the economic benefits that resource projects have brought to Indigenous communities in British Columbia. Our climate plan instead provides sustainable solutions that bring economic benefit as well. We will develop a national electrical grid strategy and ramp up renewable energy, creating new jobs. A Green government will also fund a just transition plan for workers in the fossil fuel industry, investing in apprenticeship and retraining programs to ensure good jobs for all.

Infrastructure is another core part of our climate plan. New transit and renewable energy infrastructure will create jobs and make our communities more liveable. A portion of our infrastructure funding will be dedicated to climate-proofing essential systems, like wastewater and drinking water systems.

We recognize the importance of traditional knowledge of Indigenous peoples in fighting climate change. Indigenous people have been stewards of these lands since time immemorial, and for us to move forward we must work together to share our knowledge to keep the environment clean. With this in mind, a Green government will commit \$100 million annually over the next four years to create Indigenous-led protected areas and conservation areas, financially supporting Indigenous stewardship work. This is just one of many areas we see for collaboration to ensure that our lands and waters are managed with care and respect.



11. First Nations Jurisdiction over Cannabis

If elected, what legislative and regulatory changes will your government make to ensure that First Nations jurisdiction is respected in relation to cannabis?

The legalization of cannabis in 2018 leaves much room for improvement. As with other policy areas, cannabis should be managed by individual nations and communities according to their distinct traditions and needs. We support the development of a First Nations jurisdiction option, in line with the Standing Senate Committee on Aboriginal Peoples and in line with section 35 rights.

12. Indigenous Culture and Heritage

a. Given the urgent need to recognize and protect Indigenous heritage, if elected, how will your government ensure sustainable funding and support of an oversight Indigenous organization to carry out this important and complex work in Canada, the provinces and territories?

Heritage extends beyond the federal government's current definition. Greens understand that heritage includes language, culture, and the environment around us. Preserving and promoting all of these areas is a core tenet of our overall policy proposals. We welcome the knowledge sharing from Indigenous peoples, and honour this work in helping settlers to understand the real meaning of heritage. Through increased arts funding and improved education programs for non-Indigenous Canadians on Indigenous culture, we have hope for a better way forward.

b. If elected, how will your government commit to honour this work, implement meaningful financial reparations, and provide resources to Indigenous organization and communities to continue and increase our efforts to remedy the damage done to our societies?

We are grateful for the many profound contributions of stories from Canada's Indigenous peoples to support policy initiatives, like the TRC Report, the MMIWG inquiry, and the Royal Commission on Aboriginal Peoples. We honour this work.

A Green government will acknowledge this work of storytelling for the comprehensive work that it is, fulfilling not only a cultural role but a legal, political, and spiritual role as well.

We see reconciliation as the long and complicated process of renewing relationships. Working towards repairing the damage done by colonialism is crucial, and a sacred responsibility that must be undertaken together, with financial compensation by the Crown. Courts have been able to recognize this need for compensation, but we hope to lead a government that is focused on restoring rights and respecting sovereignty to undo the deep-seated harms of colonialism.



13. Indigenous Arts

If elected, what steps will your government take to ensure the vitality and sustainability of Indigenous arts and cultures in all of Canada's provinces and Territories?

Greens recognize the inherent value of the arts sector to our country, as well as the economic value this brings to communities through tourism. We are increasing overall funding in arts and culture in Canada by \$25 million per year, and we will prioritize Indigenous arts funding.

14. Indigenous Languages

a. If elected, will your government commit to providing adequate funding as mandated by Bill C-91?

Yes. It is crucial that we continue supporting Indigenous languages. Greens will commit an additional \$10 million annually (on top of existing Liberal commitments) for protection of Indigenous languages, and follow through on the promises in this bill such as the establishment of an Office of the Commissioner of Indigenous Languages. We need to respect Indigenous languages as part of the fabric of our national heritage, and Greens will uphold this responsibility.

b. If elected, will your government commit to developing a national language strategy as part of the implementation of Bill C-91?

Yes. A Green government will develop a national language strategy, in collaboration with Indigenous peoples across Canada. We hope to create a plan that can provide conditions for these languages to flourish.

15. Closing Language and Technology Gaps

If elected, how will your government effectively invest and support the positive momentum for Indigenous communities to manage and revitalize their languages in Canada?

We are thrilled to see all the ways that Indigenous communities are finding ways to keep languages alive and make them more accessible to younger learners. Our previously mentioned funding commitments will support these kinds of technological solutions, in addition to others identified by Indigenous communities, depending on their needs.

16. Access to broadband and Mobile Connectivity



If elected, what will your government do to ensure all Indigenous peoples have equal and affordable access to internet and mobile connectivity, considering the majority of nations in BC are excluded from accessing the world's most powerful economic and social platform?

To participate fully in the digital economy, individuals and communities across the country need access to reliable, affordable, high-speed internet. Currently there is a digital divide separating those with such access and those without.

The Green Party supports the Liberal government's Connectivity Strategy, but we believe more needs to be done, in particular for remote and northern communities to get affordable and reliable broadband. Our government will invest \$400 million per year in a universal broadband strategy to address this problem.

We are also concerned that the regulatory structure governing cellular and internet service results in Canadians paying much higher fees than people in other countries. We will amend Canadian Radio-television and Telecommunications Commission regulations to increase competition in the provision of cellular and internet services to consumers and decouple payments for cell phones from cell services. This will help to bring down prices and broaden access.

I look forward to working with you in the coming years to move Canada forward together towards reconciliation.

Sincerely,



Elizabeth May, O.C.
Member of Parliament
Saanich—Gulf Islands
Leader of the Green Party of Canada

