

**Tools for Shared Decision-Making –
Databases/Information Management**

“What's Square Plugs and Round Holes Got to Do with Anything?”

Executive Summary

It is no secret that, in 2005, the Province of British Columbia and the First Nations Leadership Council negotiated the New Relationship vision document, where the parties:

“... agree to a new government to government relationship based on respect, recognition and accommodation of aboriginal rights and title...and a commitment to reconciliation of Aboriginal and Crown titles and jurisdiction.”

We all know that the referral process is how the Province attempts to consult and accommodate with regard to economic development in the Province...and if you think you're swamped now with referrals – you “ain't seen nothing yet.”

The Major Projects Inventory released in June 2008 by the BC Ministry of Technology, Trade and Economic Development indicates that the capital costs of all proposed major projects is estimated to be \$97.3 billion, of which \$11.8 billion are judged to be on hold for the time being. These projects include major pipelines, several mines, up to another 70 “run of river” IPP hydro projects, 28 wind power projects, various transmission lines proposed by the British Columbia Transmission Corporation, and several projects on the drawing board by BC Hydro.

As a consequence of legal cases since *Delgamuukw*, we are moving from a "consultation model" to a "shared decision-making model". “Share decision-making” sounds good, but what do we have to do to prepare ourselves for that?

Well, let's look at how the BC government makes decisions.

BC Government – decision-making processes

The BC Government is composed of 20 Ministries, such as Forests and Range, Energy Mines and Petroleum Resources, Environment, six centralized agencies such as the Office of the Premier,

Crown Agencies Secretariat, and numerous Crown Corporations or Agencies, such as BC Hydro, Oil & Gas Commission, etc.... and then there over 30,000 civil servant bureaucrats.

How do all of them get the right information, at the right time, to make decisions? Well they do not rely on the old paper shuffle between offices and agencies. Instead, the BC government has an extremely sophisticated computer-based approach to managing and sharing data between all the ministries, Crown corporations, and the 30,000 civil servants.

You may have heard of “Network BC” - the centralized information gateway and database system for the BC Government. To make decisions, these agencies rely on information that is updated regularly and in a timely manner, and which is computer accessible to all those parties in the decision loop on a ‘need to know’ basis. Everyone is linked together with compatible hardware and compatible software all of the time. This means that everyone is on the same page and able to access the same databases, electronic documents, maps, permits, land registry documents, corporate records, and so on.

Due to this level of compatibility, the various divisions of the BC Government can collaborate on decision-making and on management in an effective and efficient manner, which helps it achieve its’ goal of maximizing the capture of economic benefits by the Province.

First Nations Governments

For First Nations to be prepared for shared decision-making with respect to planning, management and tenuring, and sharing of the revenues and benefits of development, we have to seriously look at our data collection and management systems.

Let's be honest, for most communities, data management has been a challenge. Sure there are some exceptions where First Nations have collected and managed their data effectively, but this is not true for the vast majority of communities.

Yes, we can be proud of the fact that most of us have been very good at collecting data; however, over time, our databases have not been maintained, computer systems have not been updated, valuable data has been lost or destroyed, and trained staff, often in the GIS department, have moved on to other jobs or other locations leaving behind no one who is properly trained.

Further, regardless of the good or bad situation in our own community - most First Nations communities in BC use stand alone computer hardware – with different software that is simply not compatible with the hardware and software used by the BC Government. This is a major disconnect that is like ‘putting sand in the engine’ – it just doesn’t work. It will not work in the modern “shared-decision” era we are trying to achieve.

You know the old saying: “you can’t fit a square plug in a round hole’. No matter how hard you try, it is just going to be frustrating and it will not work!



To move to shared decision-making, we have to get into the game. We have to get on the same page as the BC Government with compatible software and hardware so that we, too, can have access to high quality and baseline information in a timely manner to make informed decisions that will maximize the benefit for our communities. Without hardware and software electronic compatibility with the Province, shared decision making with respect to planning, management and tenuring, and shared revenues and benefits, simply will not happen.

To achieve shared decision-making, a modern data collection and data management system is absolutely critical. To that end the concept of a “sustainable development institute” (SDI) has been developed for consideration, discussion and input by the First Nations leadership.

The SDI would use hardware and software that is electronically compatible with the information management protocols of the BC Government. It would provide an information gateway to provincial databases concerning land, resources and development projects (the gateway), and a modern relational database (the database) that will allow First Nation communities to use the internet to ask questions and instantaneously receive replies in the form of maps, graphs, charts and documents.

The SDI Gateway and Database is envisaged as a state-of-the-art compatible data collection and data management system that will securely support First Nations Governments as they engage in shared decision-making with the Province.

The SDI could be a province-wide model or could be implemented on a regional basis. Some First Nations have expressed interest in pursuing a regional SDI model.

Introduction

A core impediment to honourable engagement with respect to any proposal for land and resource development within a First Nation's territory is that no baseline information concerning the "state of the Territory" from a title and rights perspective exists within the Province. The absence of such information is one of the key reasons why efforts at engagement, in particular on major projects, often lead to serious conflict. First Nations regard the information gathering process as fundamentally impaired when it does not have the baseline information about title and rights from which to properly measure the scope of potential impacts.

Over the past several years, computer and software advances have enabled the ability to link ecological and cultural models with traditional use information, leading to new opportunities in resource stewardship, land use and sustainable development planning for First Nations. These advances, if acted upon, enable new levels of government-to-government decision-making, and collaboration between industry, scientific representatives, non-Aboriginal communities and First Nations. They would assist First Nations to understand the full economic, social, environmental, and legal dimensions of what they may be involved with at their local levels by providing a framework of key principles of sustainable development.

In this era, the task is not to just encourage more economic growth within the Province, or to repeat boom-bust cycles of economics, ecological disaster or unfair distribution of negative impacts with human/community costs to First Nations. Rather, the task ahead is to stimulate sustainable development that hopefully will be guided by First Nation-Crown shared decision-making and stewardship over land and resources. To that end, it is essential that First Nations thoroughly comprehend principles and policy dimensions of sustainability that can provide guidance to a shared decision-making and stewardship process.

To achieve these objectives, First Nations require infrastructure for gathering data and managing and using information for governance purposes. To this end, the concept of regional or provincial First Nations-driven “sustainable development institute” is set out below for discussion and consideration.

1.0 The Modern Sustainability Movement

The emergence of sustainability stems from the United Nations creation in 1983 of the World Commission on Environment and Development, headed by Gro Haarlem Brundtland, former Prime Minister of Norway. The most remembered quote from the Brundtland report defined sustainable development as:

“development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

The report stressed the importance of evaluating any development initiative with reference to the interaction of three fundamental criteria:

- ecology/environment
- economy/employment
- equity/equality

The key innovation of the sustainability movement is the expansion of focus from the preservation and management of the ecology/environment system to include, on an equal basis, issues related to economy/employment and equity/equality.

1.2 Ecology/Environment:

Environmental sustainability requires the long-term viability of resource use, especially in areas of resource extraction, agriculture, transportation, manufacturing and human settlement. It recognizes that civilized human societies are dependent on the successful functioning of major ecosystems.

Generally speaking, ecological services are defined as the conditions and processes through which natural ecosystems, and the species that make them up, sustain and fulfill human life (e.g. purification of air and water, prevention of floods, droughts and diseases, decomposition of waste, pollination of crops).

It is the task of 'ecological economists' to sustainably manage the four categories of ecosystem services:

- Provisioning ecological services that provide goods like food, fuel and timber;
- Regulatory services (e.g. climate, flood and pest control);
- Supporting services (e.g. pollination, species population control, soil formation and other ecosystem functions or services depend); and
- Cultural services of ecosystems that give humans recreational, spiritual and aesthetic values.

Today, leading practitioners not only have some awareness of ecological services, they are able to carry out adaptive ecosystem management using computer geographic information systems linked to map/spatial databases which provide the capacity to correlate vast quantities of information respecting vegetation, species, habitat, to make queries of databases, and to receive instantaneous reply in the forms of graphs, tables or a series of map overlays.

1.3 Economy/Employment

Economic sustainability recognizes the importance of providing secure, long-term well-paying employment without jeopardizing the health of ecosystems. Sustaining a healthy environment free of pollution and toxic waste and simultaneously developing a dynamic economy that will endure for extended period of time are complementary, rather than conflicting goals.

1.4 Equity/Equality

The third component of the modern sustainability movement relates to the fair distribution of such resources as food, affordable housing, healthcare, education, job training, business and professional opportunities. It sees inequities as problems of distribution rather than simply a lack of resources. It asserts that members of a sustainable society recognize that the well-being of the individual and the larger community are interdependent, and that the basically good human qualities of compassion, tolerance, respect and cooperation are more likely to emerge in an environment where all members of the community feel included and appreciated, and where resources are distributed on an equal basis, rather than on a basis related to privilege, power or unequal access.

1.5 First Nations contributions to the Sustainable Development Movement

What does all of this imply for the development paths of First Nations within British Columbia?

Given First Nations unique historical and cultural connection to the natural world and the reliance of their renewable resource economy on the continued viability of ecosystems, as well as their constitutional rights, there ought to be ample opportunity for First Nations to articulate unique dimensions supplemental to the sustainable development movement.

Many questions need to be asked, and then answered by individual First Nations communities, for instance:

- What do First Nations mean when they use the word “sustainability”?

- What do First Nations mean when they say that development in their traditional territories must be sustainable?
- What indicators will First Nations rely upon to measure whether or not they have achieved the desired level of sustainable development?
- From a cultural perspective, are there limits to the types, pace and location of growth, or is all economic growth that may be proposed by the state or by corporations for a given traditional use territory desirable and acceptable within culturally defined notions of sustainable development?
- What guiding principles will be relied upon as a basis for sustainable development?
- Can First Nations peoples uniquely contribute to the leading edge research pertaining to the assessment of ecological services and their economic value?
- What unique contributions can First Nations peoples make to integrated ecosystem management, to the creation of adaptive measures to climate change?
- What does it mean to be a sustainable First Nations community and how can that be assessed?

These, and other related matters, need to be identified and answered by First Nations peoples, communities and leadership. A new approach to First Nations information management and databases, if created and sufficiently resourced, could be a vital source of quality data and policy advice respecting First Nations sustainable development.

2.0 Four Rationales for a BC First Nation “sustainable development institute” (“SDI”)

Four factors provided the essential rationale for the creation of a First Nations-driven “sustainable development institute” (SDI). These include:

- i) **a new political and legal context for a government-to-government relationship** between BC First Nations and the Provincial Crown, including evolving case law and the *New Relationship*;

- ii) **an ethical rationale brought about by the deteriorating state of the global and provincial natural environment** and the minimal degree of involvement by First Nations in the Province's current land use planning processes, requiring a leadership response by BC First Nations;
- iii) **A demographic and ethical rationale related to the demands by First Nations peoples for economic opportunities** and secure, long-term, well paying employment, without jeopardizing the well-being of ecosystems, sacred sites and traditional land and resource uses, or First Nations social-cultural systems;
- iv) **A trend line of strong economic growth in British Columbia in resource extraction sectors** that will require First Nations informed consent and collaboration in order to capture beneficial opportunities and reduce negative impacts for First Nations communities and governments.

2.1 The *New Relationship* Rationale

The province of British Columbia and First Nations negotiated a historic vision document in 2005 called the *New Relationship*, where they agreed to:

...a new government to government relationship based on respect, recognition and accommodation of aboriginal rights and title. Our shared vision includes respect for our respective laws and responsibilities. Thru this new relationship, we commit to reconciliation of Aboriginal and Crown titles and jurisdiction."

The *New Relationship* is founded on respect, recognition and reconciliation of Aboriginal rights and title. The parties commit to the establishment of new processes and institutions for shared decision-making about the land and resources and for revenue and benefit sharing.

The SDI would be the technical backbone that would facilitate each of the planning phases between First Nations and the Province that is envisaged for shared decision-making over land use planning. Without technical infrastructure, such as an SDI, it will be extremely difficult for First Nations to undertake informed engagement with the Province on issues pertaining to strategic land, marine and resource use based on principles of stewardship and community sustainability.

2.2 THE ETHICAL RATIONALE FOR A SDI

Humanity is at crossroads. It is readily apparent that the dominant economic system of the modern era is causing great stress to the carrying capacity of the earth to sustain current levels of economic growth. While the Gross National Product of many nations continues to grow, and while many of the world's largest corporations continue to reap profits for majority shareholders, the poverty gap increases and global and regional environments continue to deteriorate. Simply put, the collective ecological footprint of humanity on the carrying capacity of the Earth is approaching or, in some cases, has exceeded a sustainable capacity.

It is clear: to achieve measureable standards of sustainable development, we must affect deep changes in how we conduct our personal lives, our business and our governance, or face dire, perhaps irreversible ecological consequences. The signs of crisis are evident, for example:

- Unpredictable weather patterns ranging from extreme heat waves, unseasonably long cold spells, violent hurricanes and tornadoes, increased frequency of severe earthquakes, volcano eruption, drought, acidification of the world oceans, climate change, and the melting of the polar caps, and
- From falling water tables, to collapsing fisheries, destruction of large tracts of the world's forests and higher rates of risk for significant species extinction, it is an understatement that the ecological systems that underpin the global economy are under extraordinary stress.

With respect to Provincial ecosystem degradation, and the challenges facing us on the local scene, according to June 2008 information from the BC Ministry of Forests and Range, the mountain pine beetle has cumulatively destroyed 13.5 million hectares of British Columbia's pine forest (approximately the size of Portugal). This is an ecological disaster for many species of unparalleled proportions and it remains uncertain whether First Nations and the Province will realize a modest level of economic benefits from this disaster. Most certainly this disaster has significant, but thus far unvalued, impacts on First Nations traditional land uses and renewable resource economy, compensatory monies for which have not yet been provided.

Coupled with this, the Pacific Fisheries Resource Conservation Council stated that "wild salmon returns in British Columbia were generally very poor in 2007, with exceptionally low abundance in some crucial stocks and areas of the province" ...and "single-species management has not worked". Thus, while species extinction has not occurred, it is not inconceivable that the population of several species of west coast wild salmon fisheries stock may fall below levels required for stock replenishment and fishery, thereby leading to a west coast fishery collapse for some genetic species of salmon. This could have enormous ecological consequences for the approximately 137 species that depend on salmon as part of their diet. The cumulative consequences for all BC First Nations communities would be incalculably devastating.

In June 2008, the Vancouver Sun reported British Columbia has the most contaminated sites of federal land of any province in the Confederation (4,088 sites). In addition, the Province has identified almost 8,000 more contaminated sites on BC Crown and private land.

A First Nations response to provincial ecosystem challenges was perhaps best articulated within the five point vision statement of the *BC First Nations Energy Action plan* of April 2007 which stated:

" We are the original peoples of this land and have responsibility for our respective territories, lands, resources, waters and air given by the Creator to take care of for our children and our grandchildren. Our ancestors passed to us their teachings and practices that reflect the traditional values of respect for the natural world and for each

other. We have an immediate responsibility, in our time, to pass these teachings and practices to our children.”

And:

“We carry a sacred responsibility to protect the health and well-being of our nations, people and communities, our cultural languages, and our lands, waters and resources. We had inherent authorities and jurisdiction, and will fully exercise our aboriginal title and rights, and treaty rights, to achieve our political, cultural, social and economic aspirations.”

Within the crisis lies immense opportunity for First Nations peoples to collaborate with the Province to provide principled and sustainable stewardship of the land and marine resources in BC and to act as a beacon of hope and inspiration for all people nationally, and around the globe.

2.3 THE DEMOGRAPHIC RATIONALE FOR AN SDI

The study of human populations is a most powerful tool to understand the past and forecast the future. Demographic information is critically important for social, economic, and environmental planning. To foster sustainable development it is vital that we understand the demographic nature of BC’s First Nations peoples.

The fast-growing Aboriginal population indicates that First Nations are facing a critical challenge to provide equitable and long-term sustained access to the demands by that youthful population for traditional foods and such factors as housing, health care, education, job training and employment.

Economic growth has been uneven across British Columbia, and that economic growth by itself, though necessary, has not been sufficient to bring about either development or equitable sustained development for First Nations peoples and their communities. Unemployment is particularly high and it is reasonably inferred that high levels of unemployment means

unacceptable levels of adequate incomes, unhappiness and exclusion from the formal economy.

In essence there is a continuing social and economic “gap” between BC First Nations peoples and communities and the rest of British Columbia. It is a gap that must be remedied by a multi-faceted policy of sustainable development that relies on creative tools such as educational/training initiatives, benefit agreements, and measureable “genuine wealth” standards to ensure goals are truly met within an acceptable timeframe. It is a “gap” that has been recognized by the Province, the Federal Government and the Leadership Council representing the First Nations of British Columbia who, in November 2005, signed the *Transformative Change Accord (TCA)*.

2.4 THE ECONOMIC RATIONALE FOR AN SDI

Previous economic growth within British Columbia has thus far not led to an equitable distribution of benefits to BC First Nations peoples and their communities. Looking to the future, sustainable development requires that this pattern not be repeated, particularly since Aboriginal title exists in BC and has an “inescapable economic component”.

To ensure sustainable development that meets First Nations demographic demand and leadership policy priorities, an SDI must be a central point to regularly gather and distribute up-to-date information on the provincial economy so that First Nations leadership can make the best decisions for sustainable development in their territories.

With respect to economic growth in the Province, according to British Columbia’s Major Projects Inventory*, March 2008 edition:

“Eight hundred and fifty-eight major capital projects, worth an estimated record \$163.2 billion were planned or underway in B.C. between January and March 2008”, all of them involving strategic use of land, water and resources requiring land use planning.

With respect to land use planning, the Province has been developing strategic land use plans for more than 20 years. In total, over 85% of the Province is covered by 26 Regional Land Use Plans and Land & Resource Management Plans (LRMP), including 4 that are nearing completion pending conclusion of Government-to-Government discussions with First Nations. There are currently 102 Sustainable Resource Management Plans (SRMP) completed and 93 underway, for a total of 195. Many of these Plans were developed without First Nations involvement or input. Despite the very promising intentions expressed on the ILMB's website, minimal financial and technical resources have been provided by the Province to BC First Nations to enable their informed participation in the process and, as a consequence, there is minimal First Nation-Province collaboration respecting the disposition of lands, waters and natural resources within British Columbia.

While economic growth per se may lead to increased revenues for the Provincial Treasury, and higher share prices and profits for the majority owners of corporate proponents of growth, the Province's ostensibly "go-it alone" approach to land use planning and public policy formation falls short of the New Relationship commitments and will result in sustainable development leading to "genuine wealth or progress" for First Nations.

Development, including Major Projects (capital cost of at least \$15-\$20 million), must be evaluated within an SDI planning process to determine opportunities and impacts, and whether or not all or some of the Major Projects are candidates for First Nations support or participation, in accordance with First Nations priorities for sustainable development and genuine wealth or genuine progress.

An SDI approach, together with implementation of a new framework for shared decision-making over land use planning, is a path forward that can create a climate of greater certainty that the Province and private sector require for continued economic development, without the costs of disruption, delay and uncertainty from court cases and conflict. It will create the

certainty to enable sustainable growth in a multitude of economic sectors. This sustainable economic growth, together with an SDI, will provide the opportunity for First Nations to negotiate, on an informed basis, fair impact benefit agreements with both the Province and the private sector to capture benefits and mitigate negative impacts. It is envisaged that this flow of benefits will substantially raise standards of living, eventually making all BC First Nations more sustainably self-reliant.

The Province must fulfill its commitment to shared decision-making over planning, management and tenuring. Further, the Province must be committed to the allocation of resources to support shared decision-making.

2.5 LEGAL RATIONALE

In the recent *Tsilhqot'in* decision, Justice Vickers held:

[1294] Tsilhqot'in Aboriginal rights to hunt and trap in the Claim Area must have some meaning. A management scheme that manages solely for maximizing timber values is no longer viable where it has the potential to severely and unnecessarily impact Tsilhqot'in Aboriginal rights. To justify harvesting activities in the Claim Area, including silviculture [sic] activities, British Columbia must have sufficient credible information to allow a proper assessment of the impact on the wildlife in the area. In the absence of such information, forestry activities are an unjustified infringement of Tsilhqot'in Aboriginal rights in the Claim Area. As I mentioned earlier, the Province did engage in consultation with the Tsilhqot'in people. However, this consultation did not acknowledge Tsilhqot'in Aboriginal rights. Therefore, it could not and did not justify the infringements of those rights.

In *Tsilhqot'in*, Justice Vickers spoke of the need for such information, in the context of deciding that the Province did not justify its infringements of the Tsilhqot'in Aboriginal rights:

[1293] At present, British Columbia does not have a database that provides information on the individual species of wildlife or their numbers in the Claim Area. The Province has not conducted a needs analysis which would inform decision makers on the needs of the Tsilhqot'in people related to their hunting, trapping and trading rights. Such an analysis would ensure those needs are addressed when planning and conducting forestry activities. The absence of a database or a needs analysis indicates that Tsilhqot'in Aboriginal rights in the Claim Area are not a priority with respect to timber harvesting and other forestry activities.

To date, such baseline information gathering is not available to First Nations, as funding for information gathering is almost always tied to specific projects, and specific project lands. As such, no territorial 'snapshot' is provided to see how activity or projects proposed on those lands will cumulatively impact the exercise of rights throughout the territory. Such baseline information gathering, on a territorial basis, apart from any specific project, is an essential foundation for meaningful engagement on specific projects.

3.0 Creating a First Nations Sustainable Development Institute

A significant step to achieve the vision of the *New Relationship* would be to establish one or more First Nations Sustainable Development Institutes (SDI) (e.g. regional, provincial), providing live access to a secure database for resource profiling, analysis, reporting and monitoring for all First Nations in British Columbia. This would support continued growth of First Nations provincial, regional and community level governance, while incorporating First Nations cultural and traditional information in a new environment that supports the development of government-to-government relationships based on shared decision making over planning, management and tenuring, and shared benefits from lands, waters and resources.

The First Nations SDI would support First Nations participation in a meaningful arrangement with Provincial and Federal governments to negotiate government-to-government agreements for:

- Intergovernmental structures that support policy development for land and resource stewardship in a sustainable environment;
- New efficiencies in shared decision making that support institutional changes with respect to the natural resource development; and
- Revenue sharing and capacity.
- Climate change mitigation and adaption measures

3.1 SDI OVERVIEW

The technical infrastructure of the First Nations SDI would be the SDI Gateway and SDI Digital Database.

The SDI Gateway (or data pipeline) will provide access to the latest data pertaining to land, marine, tenure allocation and land-use planning in the province of British Columbia, whether that data is held by the Province or by First Nations. Its complement, the SDI Digital Database, will have such capabilities as real-time reply to “and, or, if” questions pertaining to lands, waters and resources, data manipulation including sophisticated mapping overlays and computer modeling,

3.2 Base Data Collation

Three categories of data have been identified:

- **Provincial Government data** (e.g. Land and Resource Data Warehouse (LRDW), Geo BC, Geo Science’s Quests initiative, BC Land Registry, BC Environmental Assessment, TRIM, VRI, watersheds, fisheries, oil, gas, range, mineral, hydroelectric, forest tenures, as well as aspatial/non-mapped data from BC Stats, Ministry of Economic Development, Major Projects Development regions)

- **First Nations Data** (e.g. land-use maps, traditional systems of land-use; traditional economic knowledge; traditional tenure systems; completed First Nations land use planning documents and agreements; First Nations demographic and membership data)
- **Federal Government Data** (e.g. fisheries, energy)

3.3 Goals

The SDI (gateway& relational database) could be used for specific purposes and partial regions of the Province, or it can be implemented Province wide. In addition to putting baseline information into one place for First Nation(s) to access, it would also be a “service” body for using that data for governance purposes and carrying out stewardship roles and responsibilities. While an SDI would evolve over time, its goals presently include the following thematic areas:

A. Basic Research

- To analyze both provincial and traditional land use data
- To carry out research related to ecosystem services within traditional territories
- To carry out research related to climate change, its effects on First Nations, and possibilities for mitigation or adaptation
- To carry out research pertaining to the needs of reforestation in mountain pine beetle infested areas
- To research the state of salmon stocks
- To carry out research so as to better understand the economic values associated with resource development, the revenues that the Province might obtain from that development, and the resource revenue sharing opportunities for First Nations

- To identify First Nation territories that need cleanup, remediation or restoration as well as investments in natural capital

B. Data repository

- To provide a First Nations governance system, where First Nations can register their decisions, conditions and caveats to land-use and major development plans, and deposit with certainty, strategic land, marine and resource use plans developed alone, or collaboratively with the Province
- To provide a digital repository for all types of traditional use data and knowledge with secure access authorized by the First Nation that owns that dataset
- To provide a digital repository for all research results
- To provide a repository of best practices templates, laws, policies and reports developed by First Nations

C. Community Outreach

- To assist First Nations to collect, store and manage traditionally use knowledge
- To assist First Nations to develop policies and protocols that respect and recognize traditional use knowledge
- To assist First Nation to respond to the hundreds of land use development referrals by providing database analysis to their queries
- To assist First Nations to do sustainable development planning, integrated ecosystem management, strategic land-use planning or impact assessments
- To support First Nations in their negotiations with government, industry and other third parties

D. Law and Policy

- To act as an innovative law and policy institute pertaining to matters respecting First Nations territories, their governance, their sustainable development
- To link the SDI to other First Nations within Canada and globally
- To link the SDI with non-First Nations colleges, institutes and universities to foster greater collaboration

3.4 First Nations governance system

Given the large number of referrals that First Nations are receiving respecting proposed economic development and land uses within traditional territories, an SDI could serve as a First Nation's governance system that would allow for the registration of First Nation Government's decisions, including any terms and conditions, respecting proposed developments in their traditional territories, including final land use plans created solely by First Nations or jointly with the Province. In the alternative, attempts could be made to negotiate the creation of such a mechanism or institution outside of, yet parallel to, the SDI, as a tool of governance.

4.0 Conclusion

In British Columbia, not only does the *New Relationship* document confirm that we are we all here to stay, but it provides that, by collaborating together for our best mutual interests, we can better sustainably manage the natural resources for the benefit of present and future generations. From a First Nations perspective, there is ample room for improvement and an opportunity for BC to become a leader in sustainable environmental stewardship.

Whether implemented province-wide or regionally, the SDI and all its components represents a significant step into 21st century management capabilities for all BC First Nations. As importantly, it places the *New Relationship* on a strong, solid cornerstone that will set the stage for shared decision-making over land use planning, management and tenuring, and revenue and benefit sharing.

The *Campbell* case established legal recognition of the right of First Nations to self-government. Based on First Nations inherent right to self-government, which implies a bundle of rights to create a system of law and legislation parallel to, yet different from the prevailing legal system established by the Crown. An SDI would be legally constituted by, and embedded within, First Nations legal systems and governance structures.