

Aboriginal Affairs Policy (Last reviewed 2016)

PREAMBLE:

The Green Party of Nova Scotia recognizes that the Aboriginal Peoples have suffered historic injustice as a result of the colonization of their territories and injustices continue to this day. While Canada's federal government issued a much-needed Apology for the Residential School policy, it has not addressed the full sense of the searing violence of generations of occupation and assault upon Aboriginal traditional cultures and values or the continuing systemic injustices inherent in the Indian Act and government departments.

The Mi'kmaq First Nation has been dispossessed of lands and resources contrary to agreements in the *Peace and Friendship Treaties* and the *Royal Proclamation of 1763* entrenched in Canada's Constitution.

There are both legal and human rights considerations. A number of Supreme Court Rulings have upheld the legal necessity to consult with Aboriginal Peoples, and the *United Nations Declaration on the Rights of Indigenous Peoples* is the guide for government application of human rights to Aboriginal issues. The extent of consultation and accommodation that may be required or the veto power that can be exercised by the federal or provincial government, or the Mi'kmaq First Nation will be affected by the strength of the treaty and Aboriginal title claims, what will be impacted, and the seriousness of the impact of the proposed activity.

In Nova Scotia, for various legal and public policy reasons, the government began to become more inclusive in dealing with matters that affect Aboriginal peoples in the late 1990s. In 1999, the Office of Aboriginal Affairs (OAA) was created within the Nova Scotia government. Prior to that, in 1997, the Mi'kmaq-Nova Scotia-Canada Tripartite Forum had been established to resolve issues of mutual concern, where claimed treaty, title and Aboriginal rights are not an issue.

The legal duty to consult with the Mi'kmaq has led to the *Made-in-Nova Scotia Process* for Mi'kmaq, Nova Scotia, and Canada to resolve issues related to Mi'kmaq treaty rights, Aboriginal rights, including Aboriginal title, and Mi'kmaq governance. The *Terms of Reference for a Mi'kmaq-Nova Scotia-Canada Consultation Process* were agreed in 2010 after a 3-year trial, and the Province now has an *Interim Consultation Policy* and a *Proponents Guide to Engagement with the Mi'kmaq of Nova Scotia*.

This document was last reviewed in 2016.

1. The Green Party acknowledges a responsibility to repair relationships and address the continuing injustices for people on Mi'kmaq First Nation reserves and for off-reserve Aboriginal Peoples in Nova Scotia.
2. The Green Party grounds our work toward right and just relationship with the Mi'kmaq and off-reserve Aboriginal Peoples in Nova Scotia in the *Peace and Friendship Treaties* and the *Royal Proclamation of 1763* entrenched in Canada's Constitution, Supreme Court rulings, and the *United Nations Declaration on the Rights of Indigenous Peoples*.

3. The Green Party respects the Mi'kmaq-Nova Scotia-Canada Tripartite Forum and *Terms of Reference for Mi'kmaq-Nova Scotia-Canada Consultation Process*.
4. The Green Party will support processes driven by Aboriginal priorities and legal entitlements, in cooperation with the federal government
 - 4.1. to address governance issues,
 - 4.2. to establish just accommodation of Aboriginal peoples' aspirations
 - 4.3. to establish with the Mi'kmaq First Nation a fair sharing of lands and Nova Scotia's resources,
 - 4.4. to improve relations, and move toward reconciliation
 - 4.5. to correct legislative inconsistencies and policy inequities,
 - 4.6. to effectively address social and economic disparity
 - 4.7. to address gender inequity
 - 4.8. to change or, if in accordance with the wishes of First Nations, to phase-out the *Indian Act*
5. The Green Party will build capacity and awareness to undertake effective dialogue with Mi'kmaq First Nation and off-reserve Aboriginal Peoples, using available Mi'kmaq processes to the extent possible.
 - 5.1. As well as consultation with the Assembly of NS Mi'kmaq Chiefs under the *Terms of Reference for Consultation*, the Green Party will seek to share information on various issues with and receive input from other Mi'kmaq organizations, including the Confederacy of Mainland Mi'kmaq, the Union of Nova Scotia Indians, the Unama'ki Institute of Natural Resources, Native Women's Association, and the Native Council of Nova Scotia (NCNS).
6. The Green Party will promote processes whereby the conservation movement, farming community, fishers, developers, industries, and others consult and work with the Aboriginal communities on resource utilization issues
7. The Green Party will work to ensure that governments and corporations respect the legally confirmed right of Aboriginal Peoples to their resources, to be consulted, and to have their concerns accommodated regarding decisions that may impact their resources and their future.
8. The Green Party honours Mi'kmaq First Nation rights of self-determination and self-government.
9. The Green Party will work toward greater recognition of the Aboriginal ownership of cultural property on land and within institutions, to ensure Aboriginal control and management of their cultural property and protection of Aboriginal heritage
10. The Green Party will promote Mi'kmaq culture, language and history as a fundamental source of Nova Scotia's identity, including
 - 10.1. greater inclusion of Mi'kmaq history and culture in the core program in Nova Scotia's schools
 - 10.2. the introduction of courses that include both Western and Aboriginal perspectives at all levels of education.
 - 10.3. support for programs that involve Elders mentoring young people

11. The Green Party will work with Aboriginal community groups, Mi'kmaq Grandmothers and other Elders, professionals in education, and leaders in literacy programs to address issues to improve Aboriginal literacy in NS.
12. The Green Party will work with the federal government to support the right of Mi'kmaq to be involved in the design and management of the delivery of their health, justice, and education services, including
 - 12.1. respect for Aboriginal communities' treatment, prevention, and healing programs
 - 12.2. the delivery of health care, justice, education and other services in a way that incorporates traditional practices and recognizes the role of extended families and Elders.
13. The Green Party will work cooperatively with all levels of government to address the treatment of Aboriginals by Canadian police forces and the justice system.
14. The Green Party will demand more effective action to stop violence against Aboriginal women and increased support to investigate and address the disappearance of Aboriginal women.
15. The Green Party will urge the federal government
 - 15.1. to implement recommendations of the *1996 Report of the Royal Commission on Aboriginal Peoples* embarking on true nation-to-nation negotiations on a full range of issues and act provincially with the federal government in the spirit of those recommendations;
 - 15.2. to honour the *Kelowna Accord*, restore the funding commitment, and act on the specifics of the *Kelowna Accord*; and
 - 15.3. to move from endorsement to implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* as a primary guide to the application of human rights to Aboriginal issues in Canada.