

## **ABORIGINAL POLICY FOR CONE**

The Coalition on the Niagara Escarpment (CONE) is a coalition of citizens and organizations working together, as one voice, since 1978, to keep the Niagara Escarpment World Biosphere Reserve green and protected.

CONE's mission is to protect the Niagara Escarpment as a continuous natural corridor characterized by ecological integrity which will sustain its natural features as well as the plant and animal life, water and air quality, which are deemed essential to human well-being. In carrying out its mission CONE gives voice to the concerns of its members, member groups and other citizens who support Escarpment protection.

In carrying out its mission, CONE forms many different partnerships with other groups and individuals. First Nations have been identified by the CONE Board as one of those groups. However, because of their unique constitutional status in Canada, and the unique environmental knowledge and ethic First Nations can bring to the kinds of issues CONE addresses, it was felt that CONE should codify how it regards First Nations and how it intends to work with First Nations on issues of mutual concern.

### **CONE recognizes the following:**

Our understanding of the aboriginal ethic toward the natural world is not to interfere with natural ecological processes, or if humans do, we must consider the consequences of our actions for the next seven generations. If the aboriginal environmental ethic can be summarized, our understanding is this:

1. First, do no harm.
2. Plan for seven generations into the future.
3. Take only what you need.
4. If harm is done, remove the agent of harm and allow the environment to heal itself.

CONE further believes that First Nations have been applying this environmental ethic to the stewardship of their traditional territories since "time immemorial". We feel that this ethic is in keeping with what ecological scientists are now saying about how to safely "manage" the environment. CONE also believes that the indigenous environmental ethic is indicative of the responsibility First Nations' people feel regarding their relationship to the natural world. CONE, in its own work, shares this feeling or responsibility and therefore looks forward to working with First Nations in common cause to protect the environment of the Niagara Escarpment.

CONE desires a relationship with First Nations built on our common interest in protecting the natural environment of the Niagara Escarpment. However, we note that there are also practical reasons for working with First Nations:

- The nature and scope of aboriginal and treaty rights to the natural world in First Nations' traditional territories is evolving as First Nations assert those rights and the courts recognize them.

- The Supreme Court of Canada, in *Haida* (2004), unequivocally stated that the Crown has an obligation to consult fully with First Nations regarding developments in their traditional territories where those developments will have an impact on recognized First Nations' claims and rights. This decision, together with the unique constitutional status held by aboriginal peoples, place First Nations in a position beyond that of ordinary stakeholder.
- CONE notes that some First Nations claim significant portions of the Niagara Escarpment as their traditional territories.
- CONE believes that, in general, conservation is well served by the assertion and protection of aboriginal and treaty rights and claim to the natural world.

**Therefore CONE intends to work with First Nations in the following manner:**

CONE will educate itself on the various aspects of Native rights and claims in order to better understand how those rights might also serve the goal of conservation.

CONE will endeavour to contact the First Nation in whose territories it plans an action, or campaign to:

- determine the perspective of the First Nation on the issue under consideration;
- include that perspective in the briefs, reports and public statements that CONE might produce on the issue;
- encourage the active participation of the First Nation in dealing with the issue;
- develop understanding and consensus between First Nation and CONE's member groups.

One of the criteria for deciding whether to enter into collaborations with other environmental groups, shall be whether those groups agree to seek the perspective, advice and participation of First Nations in whose traditional territories CONE and the environmental groups intend to work.

*Note: This policy was developed in collaboration with Henry Lickers, Director of the Department of Environment for the Council of Akwesasne FN, and John Borrows, Law Foundation Chair in Aboriginal Justice at the University of Victoria Faculty of Law. John is a member of the Chippewas of Nawash Unceded First Nation and a recipient of an Aboriginal Achievement Award in Law and Justice in 2003.*

Adopted by the Coalition on the Niagara Escarpment Board, 24 February 2005.