



SUPPORTING PAPER #3:

PARTNERING WITH INDIGENOUS PEOPLES

July 2017

The Government of Canada is reviewing the changes to the [Navigation Protection Act](#) (NPA) to fulfill its commitment to restore lost protections and incorporate modern safeguards. This is part of a broader [review of environmental and regulatory processes](#) that aims to strengthen and restore trust in Canada's environmental assessment and regulatory review processes.

Reconciliation must guide partnerships with Indigenous peoples, recognizing and respecting their rights and interests, their deep connection to their lands, territories and resources, and their desire to participate as partners in the economic development of their territories. We recognize that reconciliation requires sustained government-wide action and needs to be at the centre of our consultation and accommodation activities.

This paper provides an outline of what we heard with respect to enhancing the role of Indigenous peoples, as well as a summary of proposed changes to the NPA, that advance reconciliation.

What We Heard

Seeking the views of First Nation, Métis and Inuit peoples has been at the core of the NPA review. We have heard that Indigenous peoples want a deepened, nation-to-nation relationship with the federal government, consistent with the United Nations Declaration on the Rights of Indigenous Peoples. We also heard that Indigenous knowledge should be considered and support decision-making, and that there needs to be a partnership role for Indigenous peoples in development activities.

Waterways are sacred to Indigenous peoples and are heavily relied upon to exercise existing rights, including hunting, fishing and trapping rights that are recognized under section 35 of the *Constitution Act, 1982*.

Specific to the NPA, the most common concerns raised during the initial phase of the review focused on the reduction in regulatory oversight resulting from the 2014 changes to the Act. We heard that this led to reduced opportunities for Indigenous peoples to be aware of, engaged in, and consulted about works in their traditional territories.

We also heard that Indigenous peoples are seeking meaningful consultation, with some suggesting that the NPA could formally acknowledge the importance of the constitutionally-protected Aboriginal and treaty rights of Aboriginal peoples.

We heard that we need to better incorporate Indigenous knowledge into decision-making processes, and that consideration should also be given to Indigenous knowledge in the conduct of monitoring and enforcement activities.

Indigenous peoples expressed a desire for an enhanced role in the implementation of the NPA, including co-governance options when possible.

Proposed Actions

In order to recognize and respect the rights of Indigenous peoples, their deep connection to traditional lands and territories, and their desire to participate as partners in the economic development of their territories, **Transport Canada is seeking feedback on proposed changes that include:**

- Working with Indigenous peoples to incorporate Indigenous knowledge in decision-making, alongside other sources of evidence.



- Facilitating early and regular engagement and participation in NPA processes, by requiring owners to provide notice and opportunities for appropriate consultation, prior to constructing a work on any navigable water.
- Exploring the inclusion of a tailored process for Indigenous peoples to seek the addition of navigable waters in their traditional territory to the Schedule.
- Identifying opportunities for Indigenous peoples to be involved in monitoring, enforcement and decision-making activities in their jurisdictions or traditional territories.

It is Transport Canada's goal that the proposed changes to the NPA enhance nation-to-nation relations and involve Indigenous peoples in the regulation of works on navigable waters within their traditional territories.

Share Your Views!

Transport Canada is seeking feedback on these proposals for partnering with Indigenous peoples.

Please share your views at www.discussionpaper.ca or by contacting us at NPPHQ-PPNAC@tc.gc.ca by **August 28, 2017**.