

Obligations to aboriginal people not being fulfilled by Ontario government: seminar speaker



By Jon Thompson, Kenora Daily Miner & News
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Consultation with First Nations is taking on new prominence in the wake of the Keewatin Decision, which ruled First Nations resource use rights must be recognized in land use approvals.

Two local sessions have been held in the past few days to educate proponents and First Nations to build relationship capacity.

To recognize National Engineering Month, a local group met Saturday to hear Bruce McIvor's perspective. McIvor represents First Peoples Law and prioritizes public education. He told those attending the Lake of the Woods Chapter of the Ontario Engineers' Large Project Development and Management Seminar the resources must be shared between aboriginal and non-aboriginal people and within the confederacy, there are responsibilities of each level of government in negotiating resolutions that respect constitutional rights.

"Part of the particular obstacles that rise here in Ontario - and I think this is particular to Ontario - the provincial government isn't properly fulfilling its obligations to aboriginal people," he said. "Instead, it's downloading its responsibilities onto proponents. It's telling proponents, 'you have the responsibility to go out and consult.' That's what I see. Then the government tends to sit in judgement of the proponent, whether or not they've fulfilled their duty. My perspective is it's contrary to the duty to consult. It's contrary to the laws of Canada."

Proponents have taken hard lines at times, he said, claiming they have no duty to consult and that has developed sensitivities both in relationships between First Nations, proponents and the provincial government. It's in the best interests of proponents, he argued, to establish their own relationships with communities but when it comes to revenue sharing agreements for example, government is required.

"There should be the will to step up," he said of Queen's Park. "Other provincial governments have done this. They take over the lead for consultation. They work with proponents and they'll delegate certain procedural aspects to proponents but they take the lead. Ontario, from what I've seen, tends not to take that responsibility."

Rob Neil is the operations manager of Miisun Integrated Resource Management Inc. On Thursday, Miisun hosted John Rowinski to present area First Nations representatives with consultation protocols, the templates and blueprints to respond to any proponent of mining, forestry or other resource-based industry.

"It's the how-to. It's the biggest piece they're missing," Neil said. "Without it, a lot of proponents will fail to engage or hesitate because they have no idea what the process is or how long it will take to take them to the next level. It's critical to get these things up and running to have them in place."

While Neil recognized the concern of many First Nations that human resources are often insufficient to make decisions, he said the duty to consult resides with the government and often, project proponents are willing to pay for the initial engagements.

"The cost isn't as much of a barrier as it is the lack of communication up front," he said.