



Ontario Nature Federation of Ontario Naturalists Board of Directors Protected Areas and First Nations' Consent – Position Statement

Ontario Nature supports the establishment of protected areas in Ontario including legislated protected areas such as national parks, provincial parks, conservation reserves and marine conservation areas to conserve biodiversity.

Ontario Nature understands, respects, and affirms the existence of treaty rights and Aboriginal rights enshrined in Section 35 of the Constitution. Ontario Nature further acknowledges that many First Nations claim inherent rights to self-determination including rights to make decisions about their lands that either require no granting authority or extend from an authority outside of Canadian law.

Ontario Nature understands that affirmation of Aboriginal and treaty rights requires that affected First Nations be able to provide free, prior and informed consent before any protected areas which affect them are established through legislation.

Therefore, Ontario Nature will not endorse the establishment of new, legislated protected areas where they are not consented to by the First Nation governments on whose traditional territories or homelands they are to be established.

Furthermore, it is our position that consultation must occur on a government-to-government basis and, therefore, the duty to consult can be legally satisfied only by the Crown. It follows that consent for any new, legislated protected areas must be given by a First Nation to the Crown.

Finally, it is our position that in order for free, prior and informed consent to occur, the initiative to establish any specific protected area should either be led by First Nations or, if led by Ontario Nature, the government, or another group, First Nations are involved in the process as early as possible.

However, Ontario Nature does not support the de-regulation of previously established protected areas without the consent of affected First Nations, full public consultation, and comprehensive land use planning. Ontario Nature's support for changes to previously established protected areas, or boundaries, will be on a case-by-case basis.

Ontario Nature supports the concept of co-management and will encourage the Province to amend legislation to allow protected area co-management institutions to be negotiated between the Province and First Nations.