



# WOLASTOQEY NATION IN NEW BRUNSWICK

POLITICAL PARTY QUESTIONNAIRE ANSWERS | 2024

The Wolastoqey Nation of New Brunswick sent questions to New Brunswick political parties regarding political priorities identified by the Chiefs of the Wolastoqey Nation.

This questionnaire was designed as a tool for Indigenous communities and allies to assess which parties align most closely with the needs and priorities of the Wolastoqey Nation in New Brunswick.

The questions examined jurisdiction, Aboriginal title, rights, systemic racism, consultation, and policing.

This information is crucial for Indigenous peoples and all New Brunswickers as they consider their choices in the upcoming provincial election.

The people of New Brunswick deserve to know where those who seek to lead this province stand on these vital issues.

Replies to the nine questions, which were grouped into six themes, were received from the Green Party NB, the Liberal Party, and the Progressive Conservative Party. Questions were sent to the NDP and People’s Alliance Party, but responses were not received.

**THEMES:**

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## Jurisdiction

How does your party propose to approach the issue of provincial tax agreements with First Nations? Will you prioritize reinstating previous agreements or negotiate new revenue sharing models? Please elaborate on your party's rationale behind this approach.

### **LIBERAL:**

Recent discussions with First Nations chiefs shed light on the gaps that existed in the previous provincial tax agreements with First Nations. Our party is committed to negotiating and establishing new tax agreements with First Nations that address the local needs and priorities and ensure all parties have a fair deal.

### **GREEN PARTY:**

The Green Party is committed to fostering a respectful relationship with First Nations in New Brunswick and strongly opposes Premier Higgs's decision to end tax-sharing agreements. We believe reinstating these agreements is crucial for supporting the economic development and job creation in First Nation communities. Our approach prioritizes re-establishing these agreements through meaningful government-to-government negotiations, rooted in the belief that reconciliation requires collaborative efforts, not unilateral decisions that disregard Indigenous rights.

### **PCNB:**

The Government of New Brunswick operates in a balanced and fair manner with all organizations, institutions and local governments that represent the citizens of this Province, including First Nations. Therefore, we cannot offer tax agreements that do not demonstrate a benefit to all citizens.

What started as a moderate and sustainable amount of revenue being re-directed to existing business activity within First Nation communities - approximately \$250,000 per year when it began - changed to include new expanded businesses being brought in and also created in new areas through the Additions to Reserve policy.

This created an unsustainable drain on the tax base that provides services to all parts of the province. When the agreements were concluded it had increased exponentially to \$50 million dollars per year. If the agreements were still in place today, they would now be at \$70 million dollars per year.

Tax revenue is intended to help all New Brunswickers. If we agreed to let Fredericton, Moncton and Saint John keep all of the provincial portion of the HST on goods sold within their boundaries, then there would quickly be no revenue for rural New Brunswick.

Instead of these tax agreements, under the PCNB the GNB has continued to meaningfully engage in negotiation of development agreements with a focus on the items that First Nations have identified as being a priority including housing, infrastructure and economic development.

We are committed to entering into agreements that provide meaningful and measurable benefit to community members of all Indigenous communities. We have signed five agreements to date, and work continues to complete more.

## Aboriginal Title

How will your party ensure more meaningful participation of Indigenous communities in provincial land-use and resource management decision-making?

What steps will your party take to enhance the consultation process with Indigenous peoples regarding land-use and resource management decisions?

### **LIBERAL:**

Our party is focused on building strong relations with First Nations and their representatives based on mutual respect and a nation-to-nation relationship, with a shared understanding of treaty obligations and a recognition of your rights. This includes having First Nations at the table and engaged on all files, including land-use and resource management.

### **GREEN PARTY:**

We will develop a new Crown lands management framework with First Nations, focusing on shared management that respects the Peace and Friendship Treaties. We will replace the outdated Crown Lands and Forests Act with new legislation which reflects the treaty obligations of the Crown and recognizes the imperative to sustain and restore the ecological integrity of forests, rivers, and coastal waters. We will enhance consultation by developing parameters for meaningful consultation with First Nations that will include a dispute resolution mechanism, so the courts become the last resort, not the default in the face of disagreements. Additionally, we will support the establishment of an indigenous community forest base on Crown lands within the watersheds of individual First Nation communities to provide ecological, economic, social, and cultural benefits directly to those communities.

### **PCNB:**

During the season of PCNB leadership, the Government of New Brunswick ("GNB") has invested significant resources in developing a robust duty to consult and engagement process which recognizes the rights of Indigenous communities and ensures those rights are respected. GNB is tasked with balancing the interests of all New Brunswickers, Indigenous and non-Indigenous alike.

We are interested in fully involving First Nations in the development of natural resources, including natural gas development. We believe that the development of natural gas is better for the environment - because it allows for the shut down of coal-fired power plants all over the globe - and it allows for a meaningful step along the path to reconciliation.

Having Indigenous communities involved with a stake in resource development agreements will create significant revenue for First Nations governments, and raise the standard of living for everyone involved.

Meaningful involvement in resource development projects is having a positive impact on Indigenous communities across the country, and the PCNB would welcome the opportunity to work in partnership with First Nation leadership to develop resources.

This topic will be addressed further in the section titled "Aboriginal and Treaty Rights"

## Aboriginal and Treaty Rights

How does your party plan to demonstrate a renewed commitment to recognizing our joint treaty responsibilities and acknowledging that the lands and waters of this territory remain unceded?

### **LIBERAL:**

When we form government, the first conversations the premier-designate will have is with First Nations leaders. We will publicly and explicitly acknowledge your treaty rights, and our joint responsibility as treaty people. We will look forward to working together to ensure all people of New Brunswick understand the important history of First Nations and will work together to find solutions rooted in respect and recognition.

### **GREEN PARTY**

The Green Party acknowledges that New Brunswick is situated on the unceded and unsurrendered territories of the Wolastoqiyik, Mi'kmaq and Peskotomuhkati peoples, covered by the Treaties of Peace and Friendship. Our party is committed to establishing true Nation-to-Nation relationships with First Nations, grounded in mutual respect and cooperation as the treaties intended.

To demonstrate this commitment, a Green government will immediately rescind the directive restricting land acknowledgements for government employees. We will choose the path of negotiations with the Wolastoqet, Mi'kmaq and Peskotomuhkati Nations regarding aboriginal title within their territories.

We are all treaty people, so we would give the Department of Indigenous Affairs a new mandate to monitor and manage the treaty obligations of the Crown, to coordinate negotiations over aboriginal title, and to support the advancement and strengthening of indigenous languages.

We will enter into partnership agreements with First Nations for the stewardship and co-management of Crown lands and fully implement the recommendations from the Truth and Reconciliation Commission, the Calls to Action of the National Inquiry into Missing and Murdered Indigenous Women and Girls, and the Systemic Racism Commissioner's Final Report.

### **PCNB**

The PCNB respectfully disagrees with the assertion that land title has been unceded.

This is a legal question that has not been determined by the courts.

We believe that historic treaties address this issue. With both court actions that have been launched against the government to establish land title, our Government will defend the interests of all New Brunswickers and mount a defence in court.

We also believe that while it may be appropriate to launch a lawsuit against the Crown, in a nation-to-nation manner, it is not appropriate to involve private landowners in the case.

There are currently competing legal actions launched against the Province of New Brunswick that claim indigenous governments have title to 125% of the total provincial land mass. Some areas of the province are covered by both lawsuits.

This legal action generates uncertainty over home ownership and business operations.

Spokespeople for the plaintiffs have indicated that they prefer to negotiate a financial settlement. The PCNB's preference would be to invite First Nations to the table and have real ownership over a stake in new natural resource development in New Brunswick.

Just like in other parts of the country, ownership equity of natural resource development can open up significant sources of revenue for everyone across the province. This benefits Indigenous community members, as well as non-Indigenous New Brunswickers.

We believe that participation and partnership in natural resource development can be a meaningful step towards reconciliation.

## THEME

# Systemic Racism

How does your party plan to address and eliminate systemic racism within the justice system, particularly in policing, and ensuring that policing respects community by-laws and self-governance structures? Please outline specific policies or initiatives your party intends to implement in this regard.

### **LIBERAL:**

New Brunswick is more diverse now than ever before, making it critical to combat institutional and systemic racism and discrimination. Leaders are uniquely positioned to bring about positive change that directly impacts the lives of all people, and this should happen through consultation and collaboration with the communities experiencing the challenges. There are many ways that we can make the justice system more just including review of existing laws and law-making processes, inclusive hiring practices and representation on boards and commissions, strengthening anti-discrimination policies within institutions, providing mandatory cultural competency training and establishing regular feedback mechanisms.

### **GREEN PARTY:**

We will commission an Indigenous-led, independent public inquiry into New Brunswick's justice and policing systems to uncover and correct systemic racism and biases against Indigenous peoples and other marginalized communities. This inquiry will help all New Brunswickers understand the realities faced by First Nations communities and hold the justice and policing systems accountable to ensure they operate fairly and equitably for everyone.

In addition, we will implement the recommendations from Dr. Varma's report on systemic racism. Key recommendations include:

- **Recommendation 49:** Mandate anti-racist, trauma-informed education for all citizen-facing JPS employees, including court officers.
- **Recommendation 50:** Require all police forces in the province, including Sheriffs, RCMP, and municipal forces, to collect race-based statistics, including data on police stops and street checks, to address racial profiling. These metrics should inform promotions, community placements, and discipline within law enforcement.
- **Recommendation 51:** Establish measurable goals to increase diversity and representation within individual police forces, with annual reviews by the deputy minister of JPS.
- **Recommendation 52:** Ensure that First Nations and racialized persons have board positions on the NB Police Commission.
- **Recommendation 53:** Include competencies in understanding systemic racism and unconscious bias as requirements for senior-level police positions and promotions."

## **PCNB:**

Following the issue of Commissioner Varma's Report on Systemic Racism, it was determined that taking action meant getting to the root cause of systemic racism through a data-driven approach and being able to measure outcomes to determine whether interventions have the desired effect.

An interdepartmental working group was formed to undertake this work and the race-based data that needs to be collected across government departments has been identified and the departments are continuing the process of collecting the data to help government make good, evidence-based decisions that will address systemic racism and its impact. This analysis will cover systemic racism within the justice system and policing and will take into consideration community bylaws-and self-governance structures in reaching measures to address systemic racism.

Work has begun or will begin soon to address over 75% of the Commissioner's recommendations. The following are examples of activities related to implementation of the recommendations:

### **Health:**

- Funding for specific health projects such as the Youth Fetal Alcohol Syndrome support program continues and have seen permanent funding commitments of over 1.15 M in June 2022 budget towards this.

### **Early Childhood Education**

- Added the perspective of Afro-descendant and Black people as well as that of First Nation for educational resources which were also developed and deployed in schools (Francophone sector).
- The Wabanaki Curriculum Committee oversees provincial curriculum development—this helps to ensure antiracism approaches and pedagogies are present. This work goes hand in hand with the Wabanaki Wholistic Framework which guides the development of curriculum.

### **Justice and Public Safety**

- The Department of Justice, Public, and Safety has been working on updating policing standards this year, and discussions around those will include systemic racism.
- Consulting on how to collect race-based data safely. They will continue to aim at recruiting diversely on boards and agencies in order to ensure representation of racialized groups.

### **Indigenous Affairs**

- Efforts have been made to create mandatory Indigenous-based education and Blanket Exercises for GNB employees and Senior Leadership with a success rate of over 8,500 employees completing the modules.

### **Tourism, Heritage, and Culture**

- Provides a pool of funding dedicated to events, initiatives, and programming specifically to indigenous and racialized groups. The Department is collaborating with Indigenous Affairs and Regional Development Council to streamline the processing of funding requests for pow-wow celebrations, ensuring efficient client service reducing response time.
- In enhancing support for Indigenous tourism and entrepreneurship they supported Elsipogtog First Nation, which successfully developed a 5-year Tourism Strategic Plan that reflects the community's collective voice, shared aspirations, and commitment to preserving and celebrating its rich culture.

## Consultation Process

What concrete steps will your party take to establish a jointly created consultation protocol that respects and includes the perspectives of Indigenous communities in decision-making processes regarding land use and resource management? Please outline the specific steps and protocols your party plans to implement to ensure meaningful and effective consultation.

### **LIBERAL:**

Meaningful engagement is a priority of our leader, Susan Holt. It is critical for there to be a process by which First Nations can raise concerns, inform decision-making and flag any potential adverse impacts on Aboriginal and Treaty rights. The current Duty to Consult process introduced by the provincial government needs to be changed based on the feedback of First Nations representatives and known best practices in order to guarantee true and meaningful consultation and accountability across government departments, to ensure that the rights of First Nations are respected, and that the process is in keeping with the direction of the court. We will work with Wolastoqey Nation in New Brunswick (WNNB) to create a rights impact assessment framework and a path forward for adoption of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) in New Brunswick.

### **GREEN PARTY:**

The Greens will work directly with First Nations to co-develop a consultation protocol that reflects the Crown's treaty obligations and recognizes that indigenous people never ceded or surrendered their lands. This protocol will be grounded in mutual respect and will ensure that First Nations and their communities have a meaningful voice in government decisions affecting Crown lands and waters. We will also establish formal agreements with First Nations to establish collaborative stewardship and co-management of Crown lands and waters. Finally, we will implement ongoing, structured dialogues between the government and Indigenous communities, ensuring that consultation is a continuous process rather than a one-time event.

### **PCNB:**

GNB has invested significant resources in developing a consistent and robust five-step duty to consult and engagement process. As part of this, the Department of Indigenous Affairs was mandated to lead a whole-of-government approach to consultation with First Nations, which ensures that each file is reviewed by subject matter experts in a consistent and transparent manner.

More details about this can be found on the GNB's website, which can be accessed using the following link: <https://www2.gnb.ca/content/gnb/en/corporate/promo/duty-to-consult-portal.html>



## Policing and Enforcement

What is your party's commitment to appointing prosecutors and judges who will enforce legislatively constructed bylaws, ensuring compliance and accountability within our communities? How do you plan to balance enforcement with respect for community-specific laws and governance structures?

### **LIBERAL:**

Achieving a balance between enforcing legislatively constructed bylaws and respecting Indigenous community-specific laws and governance structures requires a collaborative and respectful approach. By recognizing and supporting Indigenous legal systems and ensuring that government actions are culturally informed and community-led, it is possible to create an environment that respects the legal traditions and governance structures of Indigenous communities. We will support capacity building of prosecutors and judges to ensure community-specific structures are understood.

### **GREEN PARTY:**

A Green government would initiate nation to nation discussions concerning policing and enforcement that respect our treaty obligations and recognize the self-determination of indigenous communities. We will implement mandatory cultural and legal competence training for all judicial and prosecutorial staff concerning indigenous rights, treaties, and title.

### **PCNB:**

Representatives of PPS, OAG, JPS and DIA are currently engaged in discussions with the Wolastoqey Nation New Brunswick (WNNB) and the RCMP to identify the best option to enforce and prosecute First Nation by-laws. With respect to prosecution, at the request of WNNB, meetings are currently focused on reaching a consensus regarding the best model, following which it can be presented to GNB and First Nation decision-makers. Options under discussion include use of provincial Crown prosecutors, or First Nations hiring their own prosecutors, provided sustainable funding is available. GNB is open to considering either option and have committed to seek government approval (including support for any necessary amendments to the Provincial Offences Procedures Act) once WNNB, the RCMP and GNB identify the desired approach.

Prosecution is not possible without enforcement. Enforcement is led by the RCMP, which is why the RCMP is an integral party to the discussion.

Regardless of the model chosen, the starting point is the passage of a First Nation by-law by Chief and Council. First Nation governments would need to ensure their by-laws include a process that permits enforcement and prosecution in accordance with the model selected, and identify the offences that can be enforced and prosecuted. This central role of First Nation governments, working in conjunction with the RCMP, will help to ensure the correct balance between enforcement and community-specific laws and governance structures.