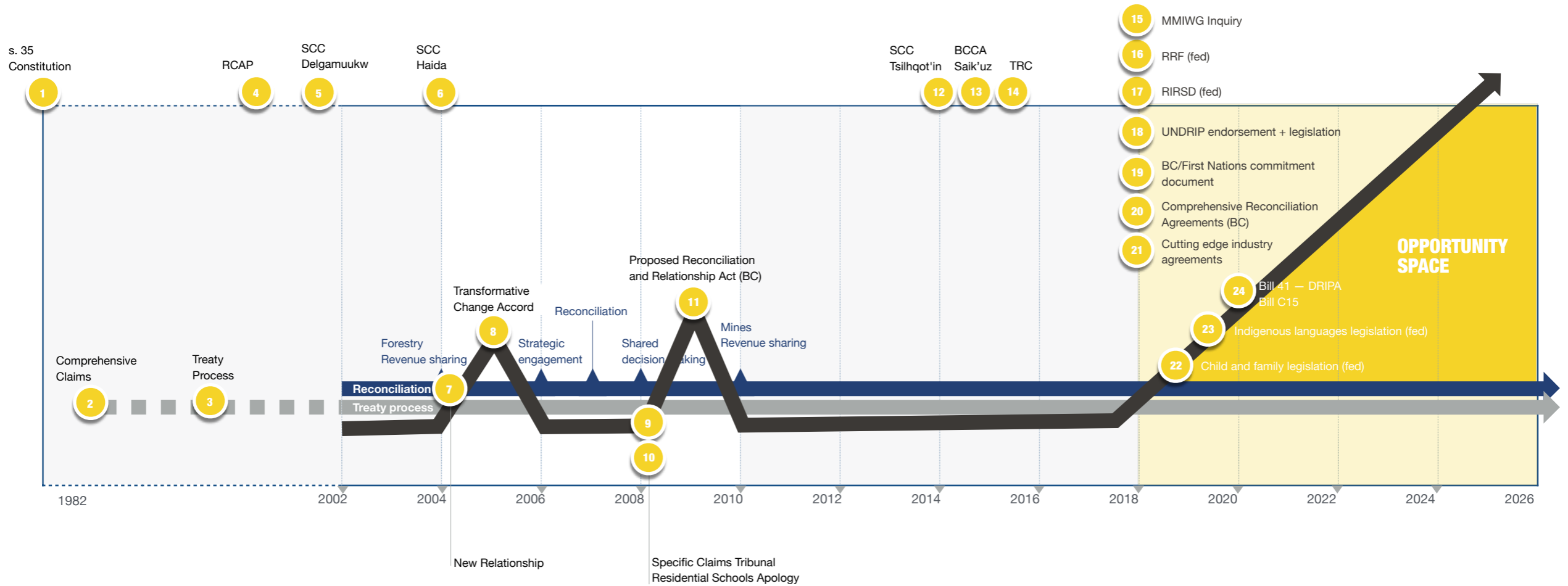
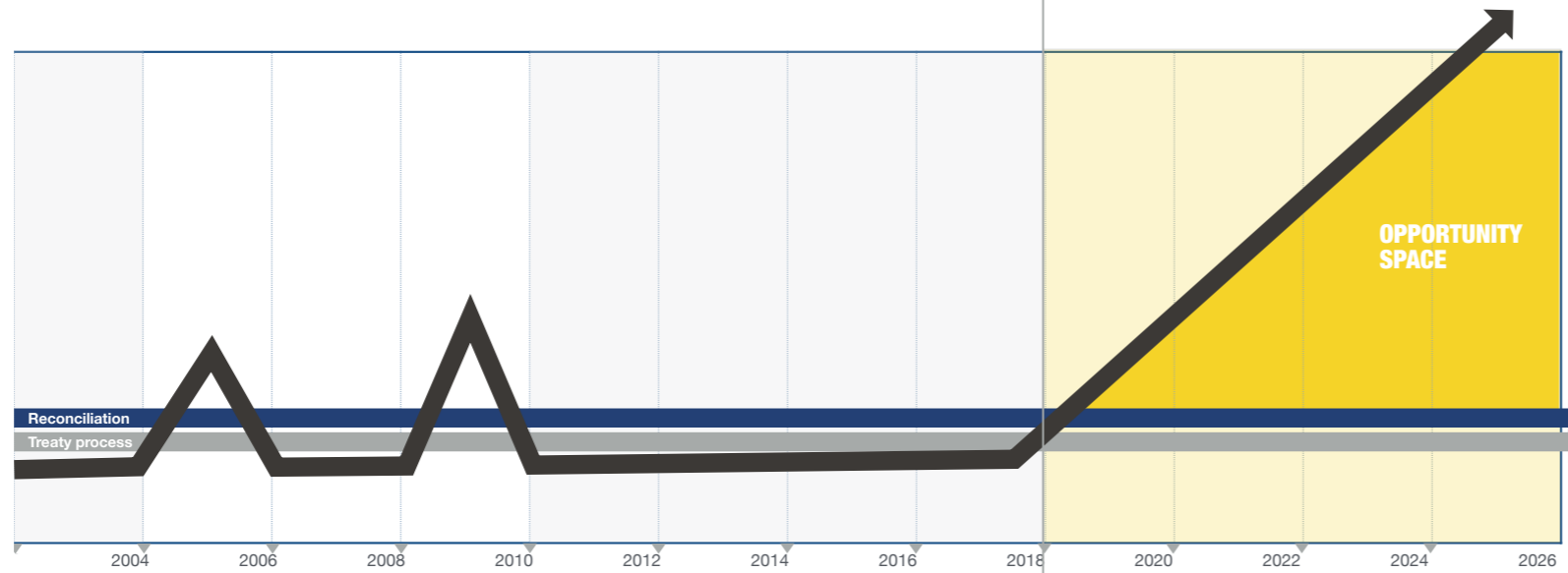


OPPORTUNITY SPACE



AGREEMENT SHIFTS



Arbitrary	Principled
Transactional or Final	Comprehensive and Evolving
Asserted	Recognized
Program/Policy Economic Benefits	Economic Benefits as a Component of Title
Consultation	Consent
Unitary Crown Jurisdiction and Laws	Roles for Indigenous Jurisdictions and Laws
Single Model	Plural models
Legal Certainty	Relationship-based and Predictable



THREE MODELS OF CONSENT-BASED DECISION MAKING

Each can be expressed in diverse and distinct ways

PRE- DECISION



ACKNOWLEDGE A LEAD JURISDICTION

Agree in advance about whose decision will be binding

Single decision maker/process

Requires clear up front criteria, accountability and design



A JOINTLY/AUTHORIZED DECISION-MAKING BODY

Agree to establish a joint decision-making body with decision-making authority

Guided by strategic level plans

Arms length

POST- DECISION



MECHANISMS TO ALIGN DECISIONS AND RESOLVE DISPUTES

Multiple decisions and decision-making

Structures and processes of interaction

Focus on dispute resolution



PRINCIPLES AND MECHANISMS FOR NEW NEGOTIATIONS AND AGREEMENTS

UBCIC PRINCIPLES

1. **Self-Determination.** Negotiations and agreements must support and advance the right of self-determination.
2. **Indigenous governments, laws, and jurisdictions.** Negotiations and agreements should prioritize structuring proper relations between Indigenous governments, laws, and jurisdictions and Crown governments, laws, and jurisdictions.
3. **Recognition and Implementation of Title and Rights.** Negotiations and agreements should have as a priority the co-operative and systematic recognition and implementation of the fundamental aspects of Title, including consent-based decision-making and title-based fiscal relations, such as revenue-sharing.
4. **Nation and government re-building.** Nation and government re-building, determined and led by First Nations, must be appropriately supported and advanced through negotiations and agreements.
5. **Unity.** The historic practice of the Crown has been to promote division and conflict between First Nations, especially through the development and implementations of negotiations and agreements.
6. **Redress.** The right to redress must be respected as part of true reconciliation – building the future requires acknowledging and addressing the wrongs of the past.
7. **Flexible and Adaptable.** The imperatives of recognition, respect, and self-determination necessitates approaches to negotiations and agreements that are open, fluid, co-designed, adaptable and flexible.
8. **Legislative Change.** Governments must explicitly recognize that legislative change is urgently needed to design and implement agreements that meet basic standards of recognition and the UN Declaration, and to meet Canada's commitment to have renewed relations with Indigenous peoples.
9. **Transparency.** A perpetual challenge and obstacle to negotiations is transparency about how and why governments make decisions about negotiations and agreements.
10. **Political involvement.** There has long been a disparity between the roles played by Indigenous leaders and those played by government ministers and senior executive officials in negotiations.
11. **Third Party Assistance.** There has long been a resistance to seeking help from experts, mediators, facilitators, and others to help guide, advance, and accelerate negotiations and achieve success in agreement implementation.

MECHANISMS

1. Section 7 enabling legislation.
2. Recognition of Indigenous jurisdictions and laws
3. Title recognition legislation.
4. Indigenous institution/dispute resolution (overlaps and shared territories).
5. Self government supports and mechanisms.
6. New fiscal framework including Indigenous land and resource taxation.
7. Crown oversight and accountability.
8. Formalized dispute resolution with the Crown.

