

The wildfires in the Interior of British Columbia are uprooting thousands of lives. In the midst of the plumes of smoke and evacuations, another, older, Canadian tragedy continues to unfold. First Nations communities in Tsilhqot'in, Nlakapa'mux and Secwepemc territories are amongst those directly affected by the wildfires, losing homes and livelihoods. We are concerned that First Nations receive the full and necessary support from the federal and provincial governments, along with all other communities affected by the fires.

While the [Globe and Mail reported](#) that, by the weekend, over 1,000 firefighters, backed up by 200 contractors, were either deployed or on days of rest to fight fires in British Columbia, some First Nations reported through social media that resources to help their communities are being slowed by "paperwork." Meanwhile, First Nations are mobilizing to protect their own communities, with [reports of First Nations reserves in areas under evacuation orders staying to personally fight fires to protect their homes and communities](#). In the absence of provincial crews directed to those communities, [more homes would have been lost](#) without their own efforts.

The last time BC declared a provincial state of emergency was in response to wildfires in 2003. In the wake of that emergency, the [Filmon Report](#) reviewed the Province's response to that emergency. Filmon's recommendations included greater emergency preparedness and integration of services across different jurisdictions within the province, including with First Nations. It recommended that emergency plans at the regional district, and that "ideally" these plans should include First Nations (p. 37). It also recommended that a principle of "automatic aid" be adopted to ensure that emergency services can be delivered in all areas of the province.

As the fires rage, and in spite of past knowledge and experience, the likelihood of First Nations running into continuing jurisdictional barriers and hurdles in fighting these wildfires is suggested in the reports from affected communities. First Nations reserves are under federal jurisdiction. Emergency response to these interior BC wildfires is a provincial responsibility. Emergency planning across jurisdictions and coordinating multiple governments and departments to respond in an emergency is complex, requiring resources, advanced preparation and attention. These attributes of the Canadian federation and their implications for emergency response are well known. And yet, for First Nations, jurisdictional quagmires still threaten to darken an already dire situation.

Saving communities from the fires is just the first – and immediate - step. When the ash settles, clean-up and remediation will also be required. In the midst of this emergency situation, newspapers are reporting on the devastation, and human tragedy, including the experience in affected First Nations. There are still, however, misunderstandings about the differences of services and responsibilities for these communities. It is not too early to start asking questions about coordination and flow of resources between the BC government and the federal government in regard to First Nations, and whether First Nations receive all the necessary protection and support for their communities in the path of these fires.

Janna Promislow, Associate Professor, Faculty of Law, Thomson Rivers University ne Secwepemcul'ecw, in Secwepemc territory, Interior of British Columbia; cell: 250-8584619
Nicole Schabus, Assistant Professor, TRU Law, cell: 778-257-4431
Sharon Mascher, Professor, Faculty of Law, University of Calgary; cell: 403-554-5606