

# GOVERNMENT PLATFORM EXPECTATIONS AND OTHER COMMITMENTS

Ministry of Aboriginal Relations and Reconciliation

May 22, 2013

SUBJECT	COMMITMENT/STATEMENT	SOURCE	LEAD ORG(S) AND MARR CONSIDERATIONS, if any
<b>DIRECT MARR RESPONSIBILITY</b>			
<b>Non-treaty agreements</b>	Commit to another 10 new non-treaty benefit agreements with First Nations over the next two years.	BC Liberal Platform page 22	<p><b>S13</b></p> <p>commitment to 10 agreements includes agreements that support economic certainty on the land base. A streamlined process is in place for Strategic Engagement Agreements.</p> <p><b>S13, S16</b></p>
<b>Revenue-sharing</b>	Continued work on Economic and Community Development Agreements (ECDAs) with First Nations.	BC Liberal Platform page 12	<p>MARR – Continues current direction.</p> <p><b>S13, S16</b></p>
<b>First Nations Clean Energy Business Fund</b>		BC Liberal Platform page 12	
<b>NATURAL GAS, OIL AND RELATED COMMITMENTS</b>			
		BC Liberal Platform page 29	<p><b>S13, S16, S17</b></p>
<b>Natural Gas - Leadership</b>		BC Liberal Platform page 11	<p><b>S13, S16</b></p>
<b>LNG Secretariat</b>		BC Liberal Platform page 11	<p>EMNG – Consistent with MARR's BCBC Work.</p>

<b>LNG - one EA process</b>	Work with Canada to ensure there is one EA process for LNG developments.	BC Liberal Platform page 11	EMNG, EAO – First Nations’ role and engagement in the process.
<b>LNG Facilities</b>	Target of three LNG facilities operational by 2020.	Throne Speech 2013	EMNG, EAO – First Nations support and consultation for downstream development.
<b>LNG - pipelines</b>		BC Liberal Platform page 11	EMNG, MARR – First Nations support and consultation related to midstream development.
<b>LNG - pipelines</b>		BC Liberal Platform page 12	EMNG, MARR – First Nations support and consultation issues.
<b>LNG - water issues</b>		BC Liberal Platform page 12	S13, S16
<b>LNG - skills training</b>		BC Liberal Platform	
<b>LNG - conference</b>		BC Liberal Platform page 11	S13, S16
<b>LNG - power sources</b>		BC Liberal Platform page 11	
<b>Refinery idea (David Black proposal)</b>		BC Liberal Platform page 15	
<b>Prosperity Fund</b>		Throne Speech 2013	EMNG
<b>Clean Energy to support LNG</b>		BC Liberal Platform page 12	EMNG, MARR – First Nations’ support.

S13, S16, S17



Marine shipping		S13	BC Liberal Platform page 14	S13, S16
MINING AND RELATED COMMITMENTS				
Mining	Work with the federal government to ensure mining projects undergo only one environmental review process.	S13, S16	BC Liberal Platform page 22	EAO - First Nations’ role and engagement in the process.
Mining			BC Liberal Platform page 22	EMNG – First Nations support and consultation considerations.
Mining			BC Liberal Platform page 22	EMNG, FLNR – First Nations consultation considerations.
Specific Mines identified in platform	Red Chris (Dease Lake area); Huckleberry (Houston area); Endako (Fraser Lake) Treasure Mountain (Hope area); Copper Mountain (Princeton area); Barkerville Gold Mine (Williams Lake); New Afton (Kamloops); Mt. Milligan (Prince George area).		BC Liberal Platform page 22/23	S13, S16
FORESTRY AND RELATED COMMITMENTS				
Forestry		S13, S16, S17	BC Liberal Platform page 28	FLNR – First Nations’ consultation
Forestry			BC Liberal Platform page 27	FLNR
Forestry			BC Liberal Platform page 28	FLNR
KEY GOVERNMENT PARTNER COMMITMENTS				

<b>Local Government</b>	"We commit to consulting with local governments on negotiations that affect local government jurisdiction and we will provide information and assistance to any regional district that requires it. Today's BC Liberals fully support the principle of local government involvement in negotiations highlighted in the MOU and intend to continue our efforts to ensure local governments are included in issues directly affecting them."	Metro Vancouver online questionnaire	S13, S16, S17
<b>PROTECTION AND ENVIRONMENTAL COMMITMENTS</b>			
<b>Provincial Roundtable on Protection</b>		BC Liberal Platform page 60	ENV, EMNG, FLNR – First Nations participation considerations.
<b>Protected area in the Klappan Fraser River Dyking</b>	S13, S16	BC Liberal Platform page 59 BC Liberal Platform	ENV, FLNR – Cross-ministry implications. Regional team. S13, S16
<b>Water</b>		BC Liberal Platform	ENV, FLNR – First Nations engagement and consultation considerations.
<b>TRADE COMMITMENTS</b>			
<b>Asia Trade</b>	S13, S16, S17	BC Liberal Platform page 6	S13, S16
<b>Trade Missions</b>		BC Liberal Platform page 6	JTST – First Nations participation.
<b>SOCIAL AGENDA COMMITMENTS</b>			
<b>Missing Women Commission of Inquiry</b>	S13, S16	BC Liberal Platform page 58	JAG and partner ministries – update (May 17): <b>Steven Point has resigned as chair of the advisory committee as of May 30, 2013.</b>

<b>report</b>		
<b>Poverty Reduction</b>	<b>S13, S16, S17</b>	Throne Speech
<b>Poverty Reduction</b>		BC Budget 2013
<b>OTHER COMMITMENTS</b>		
<b>Asset sales</b>	<b>S13, S16, S17</b>	BC Budget 2013
<b>Transportation</b>		BC Liberal Platform pages 16, 17
<b>Transportation</b>		BC Liberal Platform page 19
<b>Tourism</b>		BC Liberal Platform page 31

MCFD with support from partner ministries

Housing (EMNG), BC Housing

CITZ – Continued consultation with First Nations.

MOTI – First Nations support and consultation.

MOTI – First Nations support and consultation.

JTST – First Nations support and consultation.

**First Nations with Overlapping Consultative Area Boundaries  
in the Nechako Lake Electoral District:**

- Lhoosk'uz Dene Nation
- West Moberly First Nations – TR8 Disputed Area
- Tsilhqot'in Nation
- Takla Lake First Nation
- Tl'azt'en Nation
- Ulkatcho First Nations
- Skin Tyee Nation
- Kitselas First Nation – Traditional Territory
- Halfway River First Nation – TR8 Disputed Area
- Burns Lake Band
- Office of the Wet'suwet'en
- Nee-Tahi-Buhn Indian Band
- Nak'azkdli Band
- Heiltsuk Nation
- Saikuz First Nation
- Nuxalk Nation
- Nadleh Whut'en Band
- Stelat'en First Nation

# The Honourable Bernard Valcourt

## Minister of Aboriginal Affairs and Northern Development



Madawaska-Restigouche (New Brunswick)

Bernard Valcourt was first elected to the House of Commons in 1984 and re-elected in 1988. In 1984, he was appointed Parliamentary Secretary to the Minister of National Revenue and to the Minister of State (Science and Technology). From 1984 to 1993, Mr. Valcourt subsequently served as Minister of State (Small Businesses and Tourism), Minister of State (Indian Affairs and Northern Development), Minister of Consumer and Corporate Affairs, Minister of Fisheries and Oceans, Minister of Employment and Immigration and Minister of Labour.

In 1995, Mr. Valcourt was elected to the Legislative Assembly of New Brunswick as the member for Edmundston, and he served until 1999. He was Leader of the Opposition party for the province from 1995 to 1997.

He was re-elected to the House of Commons in 2011 as the Member of Parliament for Madawaska-Restigouche. In May 2011, he was appointed Minister of State (Atlantic Canada Opportunities Agency) (La Francophonie). He was appointed Associate Minister of National Defence in July 2012. In February 2013, Mr. Valcourt was appointed Minister of Aboriginal Affairs and Northern Development.

Mr. Valcourt is a barrister and solicitor who practiced law in Edmundston, New Brunswick, where he lives today.

CONFIDENTIAL

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**FINAL REPORT**

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**TO:** THE MINISTER OF ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT

**FROM:** JAMES M. LORNIE, SPECIAL REPRESENTATIVE TO THE MINISTER OF  
ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT (AANDC)

**SUBJECT:** FINAL REPORT WITH RECOMMENDATIONS REGARDING THE POSSIBILITY OF  
ACCELERATING NEGOTIATIONS WITH COMMON TABLE FIRST NATIONS THAT  
ARE IN THE BC TREATY PROCESS, AND ANY STEPS REQUIRED

**DATE:** NOVEMBER 30 2011

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## A. EXECUTIVE SUMMARY

### *Introduction*

The purpose of this Final Report is to provide to you recommendations regarding the possibility of accelerating negotiations with the Common Table First Nations that are in the British Columbia treaty process, and any steps required.

In order to develop those recommendations and steps, I interviewed numerous current and former participants in the BC treaty process, including not only representatives of the Principals but members of related organizations, to seek their views regarding the current constraints on progress and other concerns.

The findings in this report represent their individual and collective responses. I found a remarkable similarity and consistency in those responses across all organizations and individuals, regardless on which side of the treaty table they may sit. With respect to process issues in particular, respondents were typically unanimous in their views as to the reasons for the slowness of progress to date. Most importantly, all respondents were united in their desire to see these issues addressed and for meaningful progress to be made quickly and efficiently.

### *Acceleration of negotiations is possible*

It is clear that there are many challenges facing the Principals in the BC treaty process. Those challenges were clearly articulated in the October 2011 Annual Report of the BC Treaty Commission, in which Chief Commissioner Sophie Pierre emphasized to the Principals the urgent need to make significant progress by September 2012, the twentieth anniversary of the BC treaty process.

I believe that significant progress is possible by that date. The recommendations I have made support improvements in the current federal approach to the process and options for resolving differences between the federal government and First Nations with respect to the application of mandates. All of them offer the opportunity to increase the likelihood of accelerating negotiations not only with Common Table First Nations, but with other First Nations in the BC treaty process.

These steps will, if implemented, have the additional benefits of rebuilding trust in the process, increasing First Nations' capacity to participate in the process, and improving relationships between First Nations both in and outside the process and with the federal government.

### *Commitment of all three Principals required*

It is important not to underestimate the high levels of frustration that have been expressed to me regarding both mandate issues and the slowness and complexity of the



negotiations process. Every participant I interviewed expressed similar sentiments in this respect.

However, it is also important to acknowledge that all three parties to negotiations have contributed to this situation in different ways, whether as a result of limited capacity, limited resources, change of mandate or other factors. As Commissioner Sophie Pierre states in the BC Treaty Commission's 2011 Annual Report, all parties must accept some of the responsibility for the lack of urgency in treaty negotiations.

My recommendations require specific commitment and action by the federal government to initiate change, but they also rely upon the commitment and accountability of all of the Principals to use reasonable efforts to conclude negotiations in a meaningful, timely and effective manner.

#### *The time for action is now*

Other efforts have been made over the last ten years to find ways to improve the process. No quantum leap in progress has resulted from any of those discussions, however. It is now imperative for the Principals to take action without further delay. As Commissioner Pierre has noted, the process is at serious risk as a result of the lack of urgency in negotiations to date. She states unequivocally: "Direction is urgently required from the highest level—the Prime Minister, Premier and First Nations Summit Task Group—to shake the status quo."

#### *The benefits of re-committing to the process*

I consider that the single most important response that the federal government can make is to re-commit to treaty-making as a federal priority, and to commit to that priority at every level of the federal system.

The benefits of such a commitment are far-reaching. As all of the Principals in the treaty process have stated from time to time, treaties will contribute significantly to the wellbeing not just of British Columbia but of Canada as a whole. They will form the basis of a new relationship between First Nations and their fellow Canadians based on the principles of recognition, reconciliation, trust and equality. They will provide resolution to long-standing conflicts between governments and First Nations, and between First Nations themselves.

Treaties also meet a wide range of federal government objectives, including the advancement of Canada's economic agenda, facilitation of investment, encouragement of economic development, improvement of the cultural, social and economic wellbeing of First Nations, and reconciliation.

### *Vision in the 1991 BC Claims Task Force Report*

In its 1991 report recommending a process for negotiations, the British Columbia Claims Task Force, representing all three Principals, stated: "The process of negotiation to establish a new relationship will be positive for the First Nations and for the citizens of British Columbia and Canada. The status quo has been costly. Energies and resources have been spent in legal battles and other strategies. It is time to put these resources and energies into the negotiation of a constructive relationship."

Those words remain true twenty years later, and the nineteen recommendations of the Task Force that have formed the basis for the BC treaty process continue to comprise a clear vision and robust platform for accountability of all the parties to the process. The recommendations contained in this report are made in the spirit of that vision and with that intent.

### *Recommendations and steps*

This report focuses on the six mandate issues that were discussed at the Common Table, and options to accelerate the negotiations process. Recommendations could be implemented through a collective forum such as the Common Table, through new regional or local collectives, on a province-wide basis or at individual tables. The findings and recommendations contained here apply to all treaty tables, including the Common Table treaty tables.

I have made nine recommendations, with a number of steps to consider with respect to each recommendation. The recommendations are set out on page 11. The main body of the report sets out the suggested steps under each recommendation, the rationale for the recommendation, and a summary of my findings in that regard.

### *Mandates*

While the parties do not differ in principle about the inclusion of the following matters in treaty, the current application of various aspects of the federal mandates relating to certainty and recognition, fisheries and own source revenue present significant constraints on progress. My recommendations offer options for addressing the concerns raised in this regard.

### *Process*

Process issues appear to be at least as significant a barrier to making progress in the treaty process as mandate gaps. It is essential to resolve the mandate issues as quickly as possible, and my mandate recommendations speak to that. However, improvements to process may offer the best opportunities to accelerate progress in both the



immediate and the short to medium term. Five of the nine recommendations in this report offer options for addressing process issues.

#### *Non-treaty environment*

Consideration of the non-treaty climate and relationship between First Nations and governments is important. In my opinion, there are practical and reasonable conciliatory steps that can be taken to improve that climate and by doing so, enhance a positive environment in which to discuss reconciliation through treaty-making. Indeed, I consider taking steps to improve the non-treaty environment to be fundamental to improving relationships and making progress and have therefore made an additional recommendation to support that goal.

#### *Conclusion*

All of my recommendations reflect my opinion that in considering measures to accelerate negotiations it will be important to address process, substantive issues, and non-treaty considerations together rather than in isolation. Being prepared to take steps on federal mandates will be more effective if process issues are resolved; improving the process will support the resolution of outstanding mandate issues; and improving the non-treaty environment will support the treaty process through increased capacity, improved relationships and greater wellbeing in First Nations communities in general.

I believe these are significant steps which will not only expedite negotiations but which will create a more positive climate for resolving outstanding substantive issues. I am optimistic that if these issues are promptly and substantially addressed, that will be helpful in restoring faith in the process and the consequential acceleration of conclusion of mutually satisfactory treaty agreements in British Columbia.

#### *Acknowledgement*

I would like to acknowledge the assistance of my associate Katherine Gordon, from Gabriola Island, British Columbia, whose experience, writing skills and organizational capability contributed significantly to the completion of this Final Report.



James M. Lornie  
November 30 2011

## **B. BACKGROUND AND CONTEXT**

### **Common Table**

A brief summary of the background to the creation of the Common Table and my appointment to undertake this Final Report in February 2011 is set out in Appendix A.

### **Interim Report**

An Interim Report on my findings was delivered to you, and its contents accepted in September 2011. The Interim Report identified emerging trends from my initial investigations, and the steps required to complete this Final Report to you. The content of this Final Report is consistent with the findings identified in the Interim Report.

### **Process for Final Report**

#### *Format of report*

Under each of the nine recommendations contained in this report I set out the steps I suggest for implementation of the recommendation. I then outline my rationale for the recommendations, and provide a summary of the results of my interviews undertaken for the purpose of this report under the heading "Findings." Where statements in the report are statements of my opinion rather than summaries of the responses received, they are identified as such.

I conducted interviews with the Common Table First Nations listed in Appendix B. I also interviewed a number of officials within different departments of the federal government, the British Columbia government, the First Nations Summit, and the BC Treaty Commission, as well as former employees and representatives of those organizations.

The report is based on these interviews and consultations, together with information provided by the federal support team appointed to respond to my queries and a review of the public documents listed in Appendix C, among other materials reviewed during the course of my investigations. My approach to analysis of my findings included:

- a. Cross-checking information received and mandate issues as required with the federal support team;
- b. Comparing my findings to the vision in the original Claims Task Force report (and goals of the BC treaty process generally);
- c. Consideration and assessment of other relevant factors (e.g. opportunities outside the treaty process);
- d. Analysis of findings, identification of substantive gaps between the parties, process issues, and viable, realistic options for the acceleration of negotiations.



Certain respondents preferred to remain anonymous, and I have assured them that request will be honoured. In any event, in the interests of soliciting frank responses from the people I have consulted, I have not typically attributed my findings in the report to specific individuals, but rather identified consistent themes within the feedback received and made my recommendations based on those themes.

### **BC Claims Task Force Report 1991**

In assessing the options for acceleration of negotiations, it has been important in my view to measure both the status quo and those options against the original vision for treaty negotiations set out in the BC Claims Task Force Report of 1991.

That Report, and the nineteen recommendations it contains, remains the cornerstone of accountability for the Principals. I have referred to its recommendations in a number of places in this report.

I would also like to take the opportunity to commend the BC Treaty Commission on the efforts of its commissioners and staff over the last nineteen years in implementing the recommendations contained in the Task Force Report, their dedication to supporting the work of the Principals and their perseverance in their ongoing efforts to revitalize the process.

### **Comprehensive Claims Review Process**

The First Nations' Chief Negotiators' Forum expressed a view that Canada's current comprehensive claims policy is outdated, does not reflect current common law and is one of many factors which are impeding the treaty negotiations process. They are hopeful that this report will inform efforts to reform the comprehensive claims policy and the work of the Assembly of First Nations' Ad Hoc Working Group on Comprehensive Claims.

## C. RECOMMENDATIONS

### i. Introduction

#### *Acceleration of negotiations is possible*

Implementation of the following recommendations and the steps associated with each recommendation will, in my view, increase the likelihood of accelerating negotiations with Common Table First Nations and with other First Nations in the BC treaty process.

#### *Objectives of recommendations*

The recommendations I have made support improvements in the current federal approach to the process and options for resolving differences between the federal government and First Nations with respect to the application of mandates. All of them offer the opportunity to increase the likelihood of accelerating negotiations not only with Common Table First Nations, but with other First Nations in the BC treaty process.

I believe these steps will, if implemented, have the additional benefits of rebuilding trust in the process, increasing First Nations' capacity to participate in the process, and improving relationships between First Nations both in and outside the process and with the federal government.

#### *Commitment of all three parties to the process is key*

I also believe, however, that it is important not to underestimate the high levels of frustration that have been expressed to me regarding both mandate issues and the slowness and complexity of the negotiations process. Every participant shared similar sentiments in this respect.

The task before me in preparing this report is to present options for what the federal government can do to improve this situation, and thereby accelerate progress in negotiations. However, it is also important to acknowledge that all three parties to negotiations have contributed to this situation in different ways, whether as a result of limited capacity, limited resources, change of mandate or other factors. As Chief Treaty Commissioner Sophie Pierre states in the BC Treaty Commission's 2011 Annual Report, all parties must accept some of the responsibility for the lack of urgency in treaty negotiations.

My recommendations require specific commitment and action by the federal government to initiate change, but they also rely upon the commitment and accountability of all of the parties to use reasonable efforts to conclude negotiations in a meaningful, timely and effective manner.

#### *Previous efforts to accelerate progress*

The 2002 report of the Tripartite Working Group of the Principals entitled "Improving the Treaty Process," endorsed by the BC Treaty Commission and commonly referred to by officials as the "Blue Sky Report," acknowledged the high cost and slow progress of



treaty negotiations in British Columbia. That report made several recommendations for increasing process efficiencies, including building treaties incrementally, improving mandating processes and addressing the negotiations loans issue, which was already proving to be problematic ten years ago. The Working Group emphasized the compelling need to act expeditiously to address those recommendations.

Other efforts have been made since to examine ways to improve process and speed up negotiations, including through the BC Treaty Commission and the Common Table. Various options have been developed and recommended in addition to those contained in the Blue Sky Report, some of which mirror the recommendations in this report. But few of those options, if any, have been implemented. No quantum leap in progress has resulted from any of those discussions over the last ten years.

*The time for action is now*

It is imperative for all the parties to take action immediately. As Commissioner Pierre has noted, the process is at serious risk as a result of the lack of urgency in negotiations to date. She states unequivocally in the BC Treaty Commission's 2011 Annual Report: "Direction is urgently required from the highest level—the Prime Minister, Premier and First Nations Summit Task Group—to shake the status quo."

I believe that for new initiatives to accelerate negotiations to be effective, the single most important response that the federal government can make to the BC Treaty Commission is to re-commit to treaty-making as a federal priority, and to commit to that priority at every level of the federal system.

The benefits of such a commitment are far-reaching. As all of the Principals in the treaty process have stated from time to time, treaties will contribute significantly to the wellbeing not just of British Columbia but of Canada as a whole. They will form the basis of a new relationship between First Nations and their fellow Canadians based on the principles of recognition, reconciliation, trust and equality. They will provide resolution to long-standing conflicts between governments and First Nations, and between First Nations themselves.

Treaties also meet a wide range of federal government objectives, including the advancement of Canada's economic agenda, facilitation of investment, encouragement of economic development, improvement of the cultural, social and economic wellbeing of First Nations, and reconciliation.

In its 1991 report recommending a process for negotiations, the British Columbia Claims Task Force, representing all three Principals, stated: "The process of negotiation to establish a new relationship will be positive for the First Nations and for the citizens of British Columbia and Canada. The status quo has been costly. Energies and resources have been spent in legal battles and other strategies. It is time to put these resources and energies into the negotiation of a constructive relationship."

Those words remain true twenty years later, and the nineteen recommendations of the Task Force that have formed the basis for the BC treaty process continue to comprise a clear vision and robust platform for accountability of all the parties to the process. In the spirit of that vision and intent, I make the following recommendations to you.

## **ii. Nine core recommendations**

I am making nine core recommendations, accompanied by a number of subsidiary steps to take to implement those core recommendations:

1. Consider re-evaluating the approach to key substantive mandates under discussion at the Common Table, to look for opportunities to address the concerns of First Nations.
2. Review and re-evaluate the concerns raised by First Nations regarding the application of the existing Own Source Revenue (OSR) policy, to look for opportunities for flexibility in its application.
3. Review aspects of fisheries negotiations that are not implicated by the Cohen Commission of Inquiry into the Decline of Sockeye Salmon on the Fraser River, for opportunities to recommence negotiations (in the context of both comprehensive and incremental treaty agreements).
4. Reconfigure the current federal treaty-related decision-making and mandate development process to introduce greater flexibility, efficiency, authority and capability.
5. Re-evaluate the negotiations loan funding policy with a view to introducing amendments to the policy, subject to a cost-benefit analysis.
6. Engage in tripartite incremental treaty agreements to secure land and resources for First Nations at any stage of the BC treaty process.
7. Engage in discussions between the Minister of Aboriginal Affairs and Northern Development and the BC Minister of Aboriginal Relations and Reconciliation to review existing cost-sharing arrangements and commitments.
8. Provide resources to support effective dispute avoidance and resolution options for all First Nations affected by potential conflict relating to shared territory and overlap issues arising out of treaties, whether or not those First Nations are participating in the BC treaty process.
9. Develop and implement options for engagement in reconciliation measures outside the treaty process with all First Nations.

## **iii. Relevant considerations**

In considering means to accelerate negotiations with Common Table First Nations it is my view that process, substantive issues, and the non-treaty environment should be



considered as interrelated matters rather than in isolation. Being prepared to take steps on federal mandates will be more effective if process issues are resolved; improving the process will support the resolution of outstanding mandate issues; and improving the non-treaty environment will support the treaty process through increased capacity, improved relationships and greater wellbeing in First Nations communities in general.

Clearly, substantive mandate issues have to be overcome. First Nations in British Columbia are also mindful of their options outside the treaty process, including continuing success over the last two decades in the establishment and recognition of aboriginal and Douglas Treaty rights through litigation, the effectiveness of direct action (e.g. In Haida Gwaii), and the merits of impact/benefit agreements with third parties resulting from the assertion of aboriginal and/or Douglas Treaty rights.

In the meantime, process issues appear to be at least as significant a barrier to making progress in the treaty process as mandate gaps. It is essential to resolve the mandate issues as quickly as possible, and my mandate recommendations speak to that. However, improvements to process may offer the best opportunities to accelerate progress in both the immediate and the short to medium term.

I believe there are significant steps which will not only expedite negotiations but which will create a more positive climate for resolving outstanding substantive issues. I am optimistic that if these issues are promptly and substantially addressed, that will be helpful in restoring faith in the process and the consequential resolution of substantive mandate gaps.

## I. MANDATE RECOMMENDATIONS

### Introduction

I have made three substantive recommendations with respect to the mandate topics under discussion at the Common Table, and included steps on mandate development in Recommendation 4, which deals with process efficiencies.

I do not propose to suggest specific solutions to mandate topics. That is a matter for expert analysis and political consideration in due course. However, my findings strongly support the need to introduce, or reaffirm as the case may be, certain approaches in addressing the key mandate issues under discussion. Those approaches are reflected in my recommendations.

### *Mandate process issues*

The Blue Sky Report reviewed mandate development and identified three significant concerns: flexibility of mandates, transparency and efficiency of mandate development processes. The latter issue is addressed as part of Recommendation 4.

Chief Commissioner Pierre has also endorsed flexibility and transparency in negotiations, stating: "The parties must move away from entrenched positions and move towards the interests of true reconciliation through fair and timely negotiations." Of the federal government in particular, she states: "We need clarity as to mandate and transparency in delivery. It is vital that the parties give clear mandates to their chief negotiators...there should be no need to subject [agreements] to a long, internal review without an explanation to the other parties."

I agree with Commissioner Pierre that, in the interests of fairness, clarity and transparency of mandates, commitment to mandates, and willingness to delegate authority to negotiators to allow them to be creative in negotiating the components of an agreement within broad mandates, are all fundamental to success.

### *Time is of the essence*

Time is of the essence, as I have already noted. While mandate reviews can be time-consuming, the issues have been thoroughly canvassed many times and I believe that a review can be based on existing experience and knowledge. I strongly recommend that the work required with respect to Recommendations 1 to 3 take place as a high priority and as quickly as possible, with a view to announcing the outcomes on or before the twentieth anniversary of the BC treaty process in September 2012.

That is the date at which the BC Treaty Commission has signaled significant progress must be shown. My view is that if little has changed at that date, the process as a whole will be at serious risk of failure.

### *Alternatives to treaty*

I believe it is incumbent on the federal government to take a more flexible approach to the core mandate issues that have been raised in order to accelerate progress towards more Final Agreements, and to be prepared to consider other options proposed by the

First Nations to meet the respective interests of all the parties. If this is not done, and as a matter of urgency, it is my opinion that First Nations will increasingly turn to alternative means to achieve their goals of respect for and reconciliation of their rights.

By way of illustration of this point, in a presentation to the Common Table made in June 2008, Chief Robert Louie of Westbank First Nation pointed out that First Nations in British Columbia have access to significant fiscal and self-governance powers and land management jurisdiction under various federal statutes created since 1992<sup>1</sup>. The *Indian Act* also provides opportunities for assumption of taxation jurisdiction.

Many First Nations in British Columbia have taken up these powers, placing them in a position to generate and manage increasingly valuable own source revenue. Louie notes that these First Nations are not required to give up jurisdiction to the provincial government or their tax exemption status and points out: "These positive advancements in fiscal areas should not be undermined or lost by approaches taken by Canada and BC in treaty-making."

In other words, the initiatives that Louie describes are all providing real benefits to First Nations, some of which flow into the treaty process. They support capacity-strengthening, accountability and the building of independent resource capital with which to negotiate treaties. However, as Louie emphasizes, treaty outcomes need to be considered as good, or better, than non-treaty outcomes if they are to remain a priority for First Nations in the process.

Louie's view is that compared to current federal treaty mandates pertaining to fiscal matters and jurisdiction, at present non-treaty options offer benefits that outweigh treaty benefits.

It is a factor that may well apply to other mandate issues as well. In my view, this should be taken into consideration in assessing potential changes to treaty mandates that might provide a greater incentive to move forward in treaty negotiations.

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<sup>1</sup> First Nations Fiscal and Statistical Management Act; First Nations Land Management Act; First Nations Oil and Gas and Moneys Management Act; First Nations Commercial and Industrial Development Act; Budget Implementation Act; First Nations Goods and Services Tax Act.



### **Recommendation 1: Mandates**

Consider re-evaluating the approach to key substantive mandates under discussion at the Common Table to look for opportunities to address the concerns of First Nations.

#### **Steps**

- a) Address recommendations 2 and 3 below, dealing with Own Source Revenue and Fisheries respectively, and the steps required to implement those recommendations.
- b) Recognition and Certainty: Engage with the provincial government to address the need to find a model to achieve certainty that:
  - Recognizes and affirms existing rights in a way that does not amount to extinguishment, and
  - Provides the federal and provincial governments with confidence that they will not be exposed in future to unreasonable legal or financial liability arising from the assertion of undefined or unidentified rights.
- c) Governance: Consider options for incorporating traditional methods of governance that will meet First Nations interests.
- d) Section 91(24) lands: Promote greater understanding by First Nations of the extent, limits and potential benefits of proposed provincial jurisdiction on future treaty lands.

#### **Rationale**

Own Source Revenue and Fisheries are addressed separately below in Recommendations 2 and 3.

The twin subjects of recognition and certainty continue to be ones which the new measures announced by the federal government in March 2010 have not yet resolved. My understanding is that while the federal government is prepared to table a non-assertion model, the provincial government remains hesitant to do so. I also understand that new recognition language has been proposed at the Ktunaxa-Kinbasket treaty table. While I am not privy to that language, it may offer possibilities for a solution in this regard.

The approach to implementation of certain aspects of the Own Source Revenue (OSR) policy, and the suspension of fisheries negotiations, also pose significant barriers to progress.

The highest priority should be given to resolving these issues in order to successfully move forward to closing Final Agreements. My conclusion is that if the First Nations are satisfied with the certainty and recognition model, the way in which the OSR policy is

applied, and a commitment to make progress on fisheries negotiations, remaining mandate issues may be more readily resolved.

#### *Governance*

With respect to governance, it is clear that the rights of all Canadian citizens must be protected, including both First Nations and non-First Nations citizens who reside on treaty lands. Provided that such protection is built into the agreed form of First Nations government, it is difficult to see why the inherent system could not be adapted to treaty. The Maa-nulth treaty offers one model for doing so.

#### *Section 91(24) lands*

If reconciliation is to be tripartite, it is difficult to envision treaty lands that do not include provincial jurisdiction in conjunction with federal and First Nations' jurisdiction. However, First Nations must be satisfied with the application of their constitutionally-protected rights over their treaty lands, and the governance model that will be in effect, as well as have a clear understanding of the extent and limits of provincial jurisdiction over section 92 treaty lands.

My assessment is that if these matters are addressed to their satisfaction, the section 91(24) lands mandate may be more acceptable.

### **Findings**

#### *i. Recognition and Certainty:*

The desire of First Nations that all of their existing aboriginal rights be recognized and affirmed in treaties has been a core theme since the beginning of the negotiations process, and their objections to any certainty model that might serve to extinguish those rights, remain as strong today as they did at the beginning.

The desire of the federal and provincial governments for certainty as to what those rights mean in practice, through defining them comprehensively in treaty, is equally strong.

Governments have attempted to find certainty models that meet the concerns of First Nations. The proposed modification model to achieve certainty is however considered equal to extinguishment by First Nations, as it does not recognize and affirm existing rights, nor does it explicitly provide that existing rights are not extinguished.

Existing Final Agreements contain provisions stating that the treaty is a full and final settlement that exhaustively sets out the First Nation's section 35 rights. The Common Table First Nations (and some others not yet at Final Agreement stage)



have expressed concern about that model, fearing that any rights that are not dealt with in the treaty, which is intended to be comprehensive, will be lost for all time.

The standard Final Agreement preamble to date also states that existing aboriginal rights and title are recognized and affirmed in the Constitution Act, but the parties themselves do not recognize and affirm the First Nation's specific aboriginal rights and title. My understanding of the model preferred by the Common Table First Nations is one in which aboriginal rights and title are expressly recognized and affirmed by the parties to the treaty.

The difference is a subtle one, but of great significance. Rod Naknakin, Chief Negotiator for the Laich-Kwil-Tach Treaty Society, has proposed: "The Unity Protocol First Nations are prepared to engage Canada in developing an approach for recognizing and affirming the existing aboriginal rights and title within the treaty in a manner that can provide certainty for all parties. Should other rights be included, then they will simply be treaty rights."

The Common Table First Nations have also stated they are prepared to provide comfort to the two governments that undefined rights will not be asserted without agreement. Mr. Naknakin proposed: "Any other aboriginal rights that may not be consistent with the Final Agreement or remain unexercised will simply not be exercised until agreed upon otherwise and thereby remain unextinguished."

ii. *Governance:*

Having traditional hereditary (non-elected) governance mechanisms in treaty is a fundamental concern for those First Nations utilizing a hereditary system. The inflexibility of the government mandate in this respect is seen as highly problematic by those First Nations.

The inherent contradiction in the mandate (Canada employs a non-elected Senate and a non-elected Governor-General, reporting to a hereditary leader in the form of Her Majesty the Queen) has not escaped those First Nations.

iii. *Section 91(24) lands:*

Outstanding concerns regarding a change from section 91(24) status with federal jurisdiction only to section 92 status, including provincial jurisdiction on treaty lands, also remain at a high level for First Nations.

The latter concern is due in large part to the historical distrust by First Nations of the motives and behaviour of the provincial government. Some may also not fully appreciate yet the limits of provincial jurisdiction and the extent to which First Nations and federal jurisdiction will prevail in the event of a conflict of laws. As a result, notwithstanding the fact that both the federal and provincial governments

have indicated that this mandate position is fundamental, First Nations continue to resist a change to section 92 status post-treaty.

iv. *Co-Management*

Co-management of the traditional territory was one of the six mandate topics identified for discussion at the Common Table. It remains an issue of significant importance for First Nations both pre- and post-treaty. No issues of concern with respect to this topic were raised during the course of my interviews (but see Recommendation 6, Incremental Treaty Agreements).

### **Recommendation 2: Own Source Revenue (OSR) Policy**

Review and re-evaluate concerns raised by First Nations regarding the application of the Own Source Revenue (OSR) policy, to look for opportunities for flexibility in its application.

#### **Steps**

- a) Consider undertaking a cost/benefit analysis of revising the approach to application of aspects of the OSR policy to address First Nations' objections, including a review of the phase-in period, current inclusions and exclusions and transfer payment floor levels.
- b) Look for opportunities for flexibility to tailor the application of the policy to the specific circumstances of different First Nations.
- c) Include in the analysis an evaluation and assessment of the cost-saving benefits of accelerating negotiations by amending the policy to accommodate the concerns, comparing those benefits to the ongoing costs of inactive, slow-moving or failed negotiations.

#### **Rationale**

The principles of financial responsibility and accountability that are embedded in the OSR policy, which is a cornerstone of the federal government's policy approach to self-government, are well-understood and accepted by First Nations. First Nations have repeatedly indicated they have no objection to sharing the financing of self-government from their own revenues.

It is the approach to implementation of aspects of the OSR policy (the phase-in period, transfer payment floor levels, and inclusions and exclusions) that has raised objections, not the principle. The application of those provisions in their current form is seen as inflexible and unfair, and a significant disincentive to economic independence.

First Nations are looking for equitable treatment as they work hard to catch up on decades of fiscal imbalance and build the infrastructure, programs and reserve funds needed to support healthy, economically robust communities over the long term. They believe that the inflexibility of the current approach to the mandate does not allow for the different economic circumstances of various First Nations to be taken into account. While consistent standards are important, the flexibility to tailor OSR provisions to the specific situation of an individual First Nation is extremely important.

As matters stand, concerns with the way in which the current OSR policy is to be applied form a significant constraint on further progress in negotiations. From what I have observed, the presentation of OSR policy to First Nations has left them with a lack of



clarity around and understanding of how the policy will apply in practice, an issue which must be dealt with.

From my perspective, the benefit of a thorough review and re-evaluation of First Nations' concerns is that it will either form the basis for building understanding and acceptance that the current way in which the federal government is proposing that OSR policy be implemented is fair and will not be a disincentive to economic independence, or it will demonstrate that the concerns are valid and changes are required to the way in which the policy is to be applied.

Either outcome will in my view assist with progress in negotiations. If the OSR issue can be resolved, it is my view that First Nations will be eager to make substantive progress on other mandate issues to the mutual satisfaction of the parties.

### Findings

- i. While most of the First Nations can rationalize to their communities the phase-out of the tax exemption on the basis of attaining equality with all Canadians, the application of the OSR policy appears to them, conversely, to contradict the principle of equality.
- ii. OSR comes into play too early, operating as a significant disincentive to expansion of economic activities.
- iii. This is contrary to the desired goal of all the parties to treaty agreements that First Nations are empowered to gain and maintain fiscal independence and achieve similar standards of quality of life, health, education and employment to other Canadian communities.
- iv. First Nations argue that this also will result in costs to Canada over the long term as their ability to gain fiscal independence is delayed.
- v. If transfer payments are reduced too quickly and by too much as a result of increasing First Nation economic revenues, the delivery of social and other programs to First Nations citizens will be jeopardized.
- vi. Many First Nations are endeavouring to catch up to the standards of quality of life of other Canadian communities and any constraint on their ability to do so is poorly received. The application of current OSR policy falls into this category.
- vii. While the principle of OSR is understood and accepted (see Rationale, above) one participant, expressing the sentiments of many, described the current policy approach as "heavy-handed," requiring considerable refinement to accommodate the specific circumstances of individual First Nations.

- viii. Concerns with the schedule and the level of OSR transfer payment floors might equally be characterized as concerns that the funding regime is inadequate in the first place. This concern has been consistently expressed by First Nations among their general concerns with fiscal arrangements associated with treaty.
- ix. Specific objections to the OSR policy and proposals by First Nations to rectify them, and the federal government's iteration of its commitment to the principles behind the mandate, are contained in detail in the Common Table documents and other correspondence between the Principals, and are therefore not repeated here.
- x. OSR principles are now being applied outside treaty in the context of any self-government financing. For example, health services delivery agreements contain OSR provisions. OSR has also recently been introduced into the financing of First Nations operated schools in British Columbia, with respect to those First Nations interested in self-government. The latter initiative has caused concern and is seen as a further erosion of support for First Nations' wellbeing.

### **Recommendation 3: Fisheries Negotiations**

Review aspects of fisheries negotiations that are not implicated by the Cohen Commission of Inquiry into the Decline of Sockeye Salmon on the Fraser River, for opportunities to recommence negotiations (in the context of both comprehensive and incremental treaty agreements).

#### **Steps**

- a) Identify all aspects of fisheries negotiations that are not implicated by the Cohen Commission.
- b) Immediately re-engage at treaty tables with respect to those aspects of fisheries negotiations.
- c) Support the building of capacity within Fisheries and Oceans Canada to sustain both accelerated progress in fisheries negotiations and to respond to the Cohen Commission report in due course.

#### **Rationale**

All discussions relating to fisheries at treaty tables have been suspended pending the outcome of the Commission of Inquiry into the Decline of Sockeye Salmon on the Fraser River, commonly referred to as the Cohen Commission.

However, the Cohen Commission is not due to report until June 30, 2012. It can be expected that the federal government will require some time after that to digest the content of the report and prepare an appropriate response to it. It is reasonable to assume that will take several months. It may be 2013 before a position on Fraser River sockeye is known and a renewed mandate for treaty negotiations with respect to this fishery is available.

In the meantime, however, accelerating treaty negotiations is impossible with the suspension of all fisheries negotiations in place. Access to fish and fisheries habitat issues are fundamental aspects of treaty for almost every First Nation in the process.

The First Nations interviewed for this report expressed high levels of frustration that progress on other aspects of fisheries cannot be made. It is also difficult, if not impossible, for First Nations to comprehensively assess other key aspects of the treaty, such as governance and certainty, without being able to assess how they will relate to the fisheries component of the agreement.

#### **Findings**

- i. Fisheries are a fundamentally important component of negotiations at almost every treaty table in British Columbia.



- ii. The suspension of fisheries negotiations based on the Cohen Commission has been very poorly received. It is difficult for First Nations to understand why all fisheries negotiations have been suspended based on a review that deals exclusively with the Fraser River sockeye fishery.
- iii. Not only are there other unrelated salmon fisheries (the Skeena River fishery, for example) but other species to consider. There are also many issues that could be covered, such as fisheries areas, law-making authorities, monitoring, management, allocation formulae, and environmental issues. First Nations are adamant that they wish to re-engage immediately and make progress in these areas of fisheries negotiations.

## **II. PROCESS RECOMMENDATIONS**

### **Introduction**

My recommendations that focus on process, and the steps I suggest taking in association with each recommendation, are made with the goals of improving the efficiency and timeliness of negotiations and authority of decision-making. They also respond to criticisms previously described in this report about the way in which the federal government approaches its mandate development and structures its decision-making process.

As I have previously noted, criticisms were expressed to me about the latter two issues by participants involved in every aspect of the negotiations process. The findings set out in this section provide greater detail of those criticisms.

The cooperation and commitment of all of the parties to improvements in the process is vital. These recommendations are of course based on steps that the federal government can take. All the same, I consider that the other parties in the process will benefit from implementation of these recommendations in terms of their own decision-making requirements and mandate development, as the outcome should be increased momentum in negotiations, more flexibility and transparency, and greater certainty of the outcome of federal decision-making.

#### **Recommendation 4: Decision Making Process**

Reconfigure the current federal treaty-related decision-making and mandate development process to introduce greater flexibility, efficiency, authority and capability.

##### **Steps**

- a. Provide treaty negotiators with a mandate to represent all federal government departments in treaty negotiations, the authority to make commitments at tables within the scope of their mandates, and streamlined access to central decision-makers.
- b. Make British Columbia treaty-making a program priority of all federal government departments and agencies, with goals, objectives and performance measures for British Columbia treaty negotiations included in annual corporate plans.
- c. Commission an independent and rigorous third party assessment, to be undertaken and delivered as soon as possible, of the existing federal government treaty-related decision-making processes, with recommendations for changes to improve the timeliness, flexibility, efficacy, coordination and effectiveness of those processes.
- d. Review the process for mandate development with a view to improving transparency, flexibility, the solicitation of input from First Nations at an earlier stage in the process, consistency at tables, and timeliness.

##### **Rationale**

If negotiations are to be accelerated, it is vital to accord them sufficient priority across government so that decision-making is efficient, timely, authoritative and respected, and place responsibility for the process at a level capable of ensuring that cross-government cooperation and consensus can be achieved quickly and reliably.

There was consensus among those interviewed for this report that the way in which the federal treaty-making bureaucracy is organized and federal decision-making and mandate development processes have contributed to significant delays and disruptions at every treaty table and created high levels of frustration for all three parties. This is a long-standing view that has been expressed publicly from time to time by the First Nations Summit, individual First Nations in the treaty process, participants in the Common Table, and the BC Treaty Commission.

##### **Findings**

- i. There is no visible federal "champion" of the BC treaty process, either in British Columbia or in central agencies, to support robust and timely decision-making.



- ii. Little urgency appears to be accorded by government departments, including AANDC, to reaching agreement at individual tables. No process is in place to “fast-track” treaty decisions or to differentiate them from any other federal governmental decision-making process.
- iii. AANDC has negligible authority to make commitments at treaty tables on behalf of other departments and agencies with respect to any matter falling within their program mandates.
- iv. Treaty negotiations are not a program priority of other government departments and agencies, making it challenging for federal treaty negotiators to receive attention to their requests as a matter of priority and creating a “silo effect” at the table.
- v. Consultation with other departments and agencies is immensely time-consuming. Poor coordination and communication between departments contributes to delays and a lack of ability to close agreements.
- vi. Treaty negotiations teams in British Columbia have limited authority to make commitments at tables. Federal mandates are developed in comprehensive detail before being brought to the table to open discussions, inhibiting negotiation of alternative options to meet interests.
- vii. There appears to be an “all or nothing” approach on certain issues, for example, fisheries. First Nations state they have been told that they must accept language as presented or that discussions will be terminated.
- viii. Recommendation 2 of the BC Claims Task Force Report states that each party is at liberty to introduce any issue at the table which it views as significant to the relationship. First Nations report however that governments will not engage in any discussion on any issue that is outside their established mandates.
- ix. All decisions of any substance must be referred through a time-consuming process in Ottawa involving multiple committees of multiple agencies.
- x. Numerous inefficiencies result, and time-sensitive opportunities are lost. First Nations cite examples of waiting a year to receive responses to proposal letters and requests, for example. Decisions on any substantive issue typically take five months, usually longer. Agreements in Principle (AIPs) and Final Agreements have taken between nine to fourteen months to review.
- xi. The review process has also resulted in policy reversals from time to time, to the immense dismay of the First Nations who have invested significant time and resources in negotiating and generating community support for the agreements.
- xii. Negotiations have fallen prey to the temptation to focus on low-hanging fruit rather than tackle the difficult issues upfront.

- xiii. For example, negotiators spend time working on "boilerplate" chapter structure and language rather than trying to reaching substantive agreement on significant mandate issues. This looks like "progress," allowing tables to say they have achieved certain milestones in drafting chapters, while in fact there is no actual agreement in principle behind the language in the documents. This can carry on for years.
- xiv. First Nations complained that after spending tens of thousands of dollars and extensive time in agreeing on chapters and achieving community acceptance of them, government negotiators will subsequently re-open the chapters for discussion because a different version has been agreed to at another table. Objections are overruled and no progress can be made unless the First Nation accedes to the new language proposed.
- xv. Fiscal chapters have been taken off the table by the federal government, for example, to be revised in this manner.
- xvi. A historical practice of "punting" substantive issues from AIP to the Final Agreement negotiations as a way of making progress resulted in some AIPs with the majority of substantive clauses simply comprising "agreements to negotiate" the issue in Final Agreement. This includes fisheries allocations, land packages, and other fundamental aspects of the treaty. Once in Final Agreement, First Nations would be faced with inflexible mandates at the table and very little room to negotiate. I understand that this practice proved unsuccessful and has now been abandoned.
- xvii. Many respondents commented that treaty negotiations under the umbrella of AANDC appear to have effectively become another program of AANDC rather than a priority process of the federal government in general.
- xviii. Some First Nations consider that there is an inherent conflict of interest between the fiduciary responsibility of the federal government under the umbrella of AANDC and the commitment to a new relationship under the treaty process.
- xix. Their view is that the two should be separated. A suggestion was made that treaty-making be led by a completely separate agency to remove the conflict. A separate agency or secretariat with central agency authority would also increase efficiency in streamlining decision-making processes.



### **Recommendation Five: Loan Funding Policy**

Re-evaluate the negotiations loan funding policy with a view to introducing amendments to the policy, subject to a cost-benefit analysis.

#### **Steps**

The following steps comprise a menu of strategic options for consideration for the implementation of incentive-based amendments to the loan funding policy.

I also see this menu of options as being the starting point of a much-needed discussion on ways to overcome the debt burden facing First Nations in the BC treaty process. I have recommended a cost-benefit analysis for feasibility purposes.

The individual steps provide a range of different ways and incentives for First Nations to reduce their treaty debt, depending on their circumstances and objectives for the treaty process, while supporting federal government goals of making more rapid progress at active treaty tables and prioritizing resources most effectively. Any one of the steps could be implemented and be effective in its own right. In terms of the overall goal of acceleration of negotiations, however, in my view the complete combination would have the greatest effect.

One of the considerations in implementing any of the following options is the willingness of the provincial government to share the cost of doing so (see Recommendation 7 on cost-sharing).

- a. For First Nations at marginally active tables demonstrating little or no progress, some of whom continue to draw down negotiations funding, provide financial and resource support to undertake a rigorous cost/benefit analysis, overseen by the BC Treaty Commission, of continuing to accumulate debt and an assessment of whether or not to suspend further borrowing in order to pursue option (b) below.
- b. For First Nations who have left or leave the process after undertaking the analysis recommended above, introduce a loan abeyance strategy or a forgiveness program of a fixed annual percentage over a set period.
- c. For First Nations who are at active tables but constrained in their ability to make progress because of limited capacity to accelerate the pace of negotiations, provide additional financial and resource assistance for capacity-building so as to support those First Nations to make more rapid progress.
- d. For First Nations who are at active tables that are moving forward in the process, introduce a strategic loan forgiveness program geared to significant progress.
- e. Strategically raise the contribution component of all future negotiations funding to a significant level.
- f. Undertake a cost/benefit analysis of the suggested options.

In my view, the requirements of the BC treaty process and the BC Treaty Commission must be taken into account in considering the possibility of loan principal/interest abeyance. Any abeyance mechanism would require incentives equally compelling to those provided by the other suggested strategic options.

## **Rationale**

### *Debt burden*

It is my view that the accumulated debt burden of the First Nations in the BC treaty process, amounting to more than \$420 million to date, has become an insurmountable and unsustainable barrier to progress and a disincentive to completion of agreements.

While all three parties have invested significant financial resources in the negotiations process, First Nations are the only party who will be faced with a debt burden, whether or not agreements are concluded. In effect, they have little choice but to continue in the process, accruing even greater debt whether or not real progress is being made, as exiting the process will simply leave them with the burden of their debt and nothing to show for it. In other words, they currently have no viable exit strategy.

The options I propose are based on my belief that it is vital that this situation be addressed, and that future liabilities must be aligned with progress in the treaty process.

These options will also help allay criticisms, perceived or real, of the federal government's role in the slow progress of negotiations.

Ultimately both parties will reach their goals through their own initiative and efforts: reduction of the full amount of the loans in due course, and either the conclusion of treaty agreements or mutually satisfactory disengagement from unproductive negotiations.

### *Need for incentives*

Incentives are urgently needed to enable First Nations to take advantage of one of three strategies, depending on their circumstances:

- Exit strategy: Stepping aside from the process, ceasing to accumulate debt, and engaging in debt reduction;
- Capacity strategy: Building capacity to make progress in treaty negotiations; or
- Completion strategy: Increasing the pace of their negotiations towards a speedier conclusion of an agreement.

The options I have recommended allow First Nations to choose the best course for their immediate future.

Reducing future debt accumulation will provide an incentive for First Nations at active tables to continue to make more rapid progress.



Allowing First Nations who have left the process the opportunity to reduce and eventually eliminate their debt burden over time will give them the freedom to use that time to build capacity without a heavy debt burden hanging over them. It will also enable them to engage in economic development without the negative credit rating that is currently attached to the unpaid loans.

Abeyance would provide relief from the requirement to make payments and on the accumulation of interest. However, as I have already noted, the requirements of the BC Treaty Commission and the need for incentives have to be considered in this option.

Ultimately, those First Nations can re-enter the negotiations process whenever they feel ready to do so, whether or not the debt has been fully extinguished, but with greater capacity to make progress towards debt reduction through the treaty process.

#### *Incentives for all three parties important*

The recommendations for reconfiguration of the loans are based on the task at hand: finding ways to accelerate negotiations with First Nations in the treaty process.

First Nations have stated that all of the existing loans should be forgiven now, and that all future funding must be by way of contributions. Doing so would certainly provide an incentive to the federal and provincial governments to accelerate the progress of negotiations, in order to limit the amount of funding they would be required to provide. However, First Nations would not share that incentive.

The better course, in my view, is to provide clear incentives to all three parties to accelerate the progress of negotiations. Raising the proportion of contributions does provide governments with an incentive to make more rapid progress. Enabling First Nations to control the level of debt they incur in future and the basis on which that debt burden is reduced also meets that goal, by putting the pace at which they reduce their debt burden in their own hands.

#### *Cost/benefit analysis*

It is feasible that greater cost-savings may be made in the long run as a result of debt forgiveness. Implementation of the options should result in faster progress at active tables. Some First Nations will decide to stand aside from the process or focus on capacity building. The options will assist the government to prioritize its resources appropriately towards capacity-building or focussing negotiating effort where greatest results are achievable more quickly.

#### *Non-fiscal benefits*

The options also support the BC Treaty Commission in its responsibility to apply the highest level of rigour to funding allocations, a very important aspect of the funding process. Non-fiscal benefits include the generation of considerable goodwill and trust. A greater willingness to consider compromise in other areas is a potential result.

## Findings

- i. As articulated in the BC Claims Task Force Report, funding was critical for the First Nations to be able to commence negotiations on an equal footing. The only option available from governments was loan funding augmented by a relatively small contribution (now 20 percent of the total).
- ii. First Nations have made it clear that despite signing up to the original loan process, it has always been their view that negotiations funding should be a contribution by governments, not a debt burden on First Nations.
- iii. First Nations have used the funding to develop internal governance and organizational capacity to negotiate, to assist the federal and provincial governments in understanding the issues at stake, to address consultation requests, and to cover the costs of delays in negotiations caused by process approaches of the federal and provincial governments.
- iv. Many First Nations believe that, notwithstanding their agreement to take on loans, governments will agree to forgive the debt as part of the financial arrangements in the Final Agreement (a view reinforced by the Task Force Report, which states "The parties may wish to review this matter in the negotiation of the financial component.") Governments have indicated no appetite to date to do so, and no Final Agreement to date contains such a provision.
- v. However, the decision to fund First Nations through a loan system has resulted in significant debts that are a heavy burden on some First Nations and which could wipe out any benefit of a financial settlement. Repaying loans may result in there being no money left over from the capital transfer for some. Others may find themselves owing more than the transfer amount. It seems unlikely that it will be possible to conclude treaties with some of the First Nations for whom it has become such an overwhelming burden.
- vi. Many First Nations blame the disproportionate size of their debt on the slow progress of negotiations, attributing that slowness in large part to the federal government's processes for negotiations and decision-making.
- vii. Consideration was given to the issue of table assessments and the potential for what were described as "time outs" in the 2002 Blue Sky Report, as well as the impact on loan funding. The work done by the Tripartite Working Group in this regard might form a useful starting point for consideration of step (a).



### **Recommendation 6: Incremental Agreements**

Engage in tripartite incremental treaty agreements to secure land and resources for First Nations at any stage of the BC treaty process.

#### **Steps**

- a) Review the existing options, tools and federal authorities for entering into and implementing incremental treaty agreements (currently limited to post-AIP).
- b) Review the 2003 cost-sharing agreement with the provincial government covering arrangements for incremental treaty agreements and recommit to cost-sharing these agreements (See Recommendation 7 on cost-sharing).
- c) Discuss with the other Principals in the treaty process the policy and mandate amendments required to facilitate the implementation of incremental agreements at any stage of the BC treaty process.
- d) Develop policies for the transfer of key parcels of Crown lands to First Nations in incremental treaty agreements.
- e) Develop policies for the holding for future treaty use of other key Crown land parcels that cannot be immediately transferred, subject to existing or new tenures as may be necessary or desirable.
- f) Review current policy and procedures relating to the availability and use of federal Crown lands for treaty purposes, and consider amendments as required to provide:
  - i. Confirmation that the inclusion of federal Crown lands, surplus or otherwise, in incremental (and final) treaty agreements continues to be or becomes a priority for the federal government use of those lands;
  - ii. That if federal lands are declared surplus, their transfer to First Nations in treaty are the highest priority use of those lands;
  - iii. That if federal lands are in use or held for other purposes (e.g. as park lands) their use in treaty be considered as having equal priority to those purposes, and that if necessary consideration be given to transferring those lands subject to tenures as required or to specified uses;
  - iv. For the streamlining of the process for dealing with federal surplus lands to fast-track its availability for incremental and final treaty agreements.

## **Rationales**

### *Benefits of incremental agreements*

Recommendation 16 in the BC Claims Task Force Report provides for the parties to negotiate interim measures agreements before or during treaty negotiations when an interest is being affected which could undermine the process.

Incremental treaty agreements have also been considered in a number of different fora over the last decade as an alternative means to make faster progress towards treaty.

The 2002 Blue Sky Report espoused an incremental approach to treaty-making, describing the benefits as including the development of process efficiencies and providing tangible results along the way to treaty, and noting that this should “create a more stable social and economic environment sooner, which contributes to building a new relationship.” Most recently the BC Treaty Commission endorsed incremental agreements in its 2011 Annual Report.

I agree with those views. Tripartite incremental agreements offer a positive path forward to closure of comprehensive treaty agreements, allow opportunities to demonstrate real progress and provide comfort to First Nations that the lands and resources they require for treaty will be available to them.

The 2008 Tla-o-qui-aht First Nation incremental land agreement with British Columbia illustrates these points effectively. The agreement provides for the transfer of certain land parcels to Tla-o-qui-aht in anticipation of reaching a final treaty agreement. Tla-o-qui-aht report that they feel the agreement has provided great benefits to the First Nation, allowing them to accomplish more towards treaty in the last three years than in all of the previous fifteen years of negotiations. The First Nation intends to use this incremental approach to develop other aspects of its treaty. A similar 2009 agreement provides Klahoose First Nation with forestry resource benefits.

These benefits are also evident in the post-AIP incremental agreements which Canada is currently prepared to negotiate and cost-share with British Columbia. In my view, Canada’s participation in similar agreements at any stage of the BC treaty process addressing various aspects of treaty including co-management, will assist with accelerating progress at many tables and will fulfil the intent of Recommendation 16 of the Task Force Report.

### *Federal Crown land transfers as part of incremental agreements*

Being prepared to include federal Crown lands, surplus or otherwise, in incremental and final treaty agreements is fundamental. The availability of federal Crown lands is limited in British Columbia, and particularly on Vancouver Island. All federal land is of high interest to First Nations as a result, whether or not it is in active use by government or subject to third party tenures.



The outright transfer of land parcels has numerous benefits, including building goodwill as a gesture of reconciliation. There are no holding costs associated with First Nations-owned lands, for example, and the parcels will become part of future treaty lands.

Lands subject to tenures, whether held by third parties or federal government departments, may provide much-needed revenue opportunities to some First Nations (for example, federal lands already subject to leases to third parties, or the transfer of federal lands subject to lease-backs to relevant federal government departments using those lands). Transfer of ownership also provides a built-in incentive to make progress towards concluding a treaty so as to take advantage of other treaty benefits related to the land, including governance.

When outright transfer is not possible, but it is critical to ensure the land will be available for treaty purposes, interim holding costs can be mitigated by tenure revenues.

#### *Surplus Federal Crown Lands*

When federal land is declared surplus, First Nations place high value on including it in treaty as a priority. However, the current process for dealing with such land once it has been formally declared as surplus does not meet that interest.

At present, once land has been formally declared surplus, First Nations have to compete with other potential competitors for the land, often with little success (for example, the Sto:lo were largely unsuccessful in their aspirations with respect to acquiring the DND Chilliwack lands in the Fraser Valley). This generates ill-will and a lack of faith in government commitment to the treaty process.

Conversely, giving treaty agreements the highest priority for use of those lands will build relationships and demonstrate to First Nations communities that this is a worthwhile process, and lend vigour to the negotiations process.

## **Findings**

### *Incremental agreements*

- i. To date, options for substantive interim agreements have been very limited before Stage Five of the BC treaty process. Interim measures have typically been restricted to process (e.g. bilateral treaty-related measures addressing research and planning needs) rather than substantive measures to address the situation envisioned in Recommendation 16 of the BC Claims Task Force Report. As a result, there is little concrete success to show in the process despite close to twenty years of effort.
- ii. The provincial government has recently engaged in bilateral incremental agreements, but despite the fact that cost-sharing arrangements for incremental treaty agreements were finalized in 2003, with limited

exceptions no tripartite steps have been taken to prioritize the protection of lands and resources for potential use in treaty.

- iii. In the meantime increasing privatization of Crown lands and natural resources continues. First Nations raised serious concerns regarding the lack of protection of land and resources. They have been forced to watch opportunities to acquire highly desired properties slip away because they have to wait until Stage Five of the BC treaty process to enter into interim treaty agreements. Participants raised the following specific issues:
  - a. Despite Recommendation 16, with only one or two exceptions, governments have refused to protect or to acquire land that is important to the First Nations as part of their future treaty package.
  - b. Under the BC treaty process, the potential for interim land measures is held out as an incentive to move past AIP and into Final Agreement negotiations. However, it is not guaranteed.
  - c. On Gabriola Island, land was purchased as an incentive to conclude the Snuneymuxw AIP in 2001, which has made no progress since Chief Negotiators initialled the document. This has likely deterred governments from taking similar steps with other First Nations who are more likely to reach Final Agreement or from considering a broader approach to land banking utilizing existing federal Crown lands.
  - d. In the meantime, as protracted negotiations have continued over the last twenty years, First Nations in treaty have witnessed the amount of already very limited available Crown land in their territories grow ever smaller.
  - e. In addition, land prices have skyrocketed in parts of British Columbia. Because governments place a value on land included in the package for both cost-sharing and accountability purposes, this has had a significant impact on the ability to include sufficient land in treaty packages. Anger at this failure to protect land is compounded by the delays in the process attributed to governments, and in particular the federal government.

#### *Federal surplus land process*

- iv. The federal process for dealing with surplus land is unwieldy. It is not apparent that it has been adapted to the BC treaty process to permit priority to First Nations to acquire surplus land for treaty packages, or to be involved in negotiation of the value of those lands.
- v. Despite the principle that all issues should be on the table, federal Crown land that has not formally been declared surplus, even if that land is not in active use, is not currently available for inclusion in treaty negotiations. The same is true of federal land in active use, even if the First Nation is willing to



take the land subject to tenures for continued federal government or third party use of existing facilities (e.g. a long term lease).

### **Recommendation 7: Cost-sharing**

Engage in discussions between the Minister of Aboriginal Affairs and Northern Development and the BC Minister of Aboriginal Relations and Reconciliation to review existing cost-sharing arrangements and commitments.

#### **Steps**

- a) Jointly review existing cost-sharing agreements with provincial government staff.
- b) Identify areas where changes may be required to address the recommendations in this report, including engagement in tripartite incremental treaty agreements, discussion of potential amendments to loan funding policy, and other issues as necessary.

#### **Rationale**

First Nations have expressed concerns from time to time that cost-sharing arrangements between the two governments inhibit flexibility in mandate development. The commitment to greater flexibility and transparency in mandate development carries with it an obligation to ensure that related cost-sharing discussions do not have the effect of constraining the creativity of the parties in developing options for treaties.

In particular, it will be important to ensure that robust cost-sharing arrangements to support incremental treaty agreements are in place as soon as possible in order to make timely progress in this regard.

#### **Findings**

- i. First Nations appear to be less concerned with the impact of cost-sharing arrangements than in the early days of treaty. In large part that is because the two governments have learned from the experiences of the early years and cost-sharing negotiations are more efficient and timely now.
- ii. From a federal and provincial perspective, disclosing the details of cost-sharing arrangements would distract from negotiations without any commensurate benefit to the process. Little pushback in this respect has been experienced from First Nations in recent times.
- iii. To date, the provincial government has engaged in bilateral agreements, including incremental agreements, at all stages of the treaty process, including prior to AIP. The federal government does not engage in incremental treaty agreements until after AIP. There is merit in the federal government considering engaging in such agreements on a tripartite basis at any stage of the treaty process.

- iv. The BC Treaty Commission has expressed some reservations that bilateral strategic agreements between British Columbia and First Nations may distract the parties from treaty negotiations. However, the Commission has also acknowledged the merits of such agreements and has endorsed the concept of tripartite incremental agreements as a means to make more rapid progress in negotiations.



**Recommendation 8: Shared territory dispute avoidance and resolution**

Provide resources to support effective dispute avoidance and resolution options for all First Nations affected by potential conflict relating to shared territory and overlap issues arising out of treaties, whether or not those First Nations are participating in the BC treaty process.

**Steps**

- a) Support addressing the issue of shared territory resolution much earlier in the process than is current practice.
- b) Consider increasing funding to the BC Treaty Commission to support the facilitation of discussions of shared territory between First Nations.
- c) Support increased levels of rigour by the BC Treaty Commission in establishing the bases for claimed overlapping interests in shared territories, including in the acceptance of amended or new Statements of Intent, and in the facilitation of resolution of overlap issues.
- d) Consider funding for all First Nations to ensure they have adequate resources to engage meaningfully in shared territory discussions.

**Rationale**

The issue of shared territory conflicts remains a significant problem for all three parties. Recognizing the significance of overlap issues in assessing the prospects for concluding specific treaties is essential.

The BC Claims Task Force states that First Nations should have the primary responsibility for resolution of overlap conflicts. However, to date the success rate for resolution of overlap conflicts to the mutual satisfaction of the parties concerned is low.

Providing facilitation support for discussions would at minimum assist with capacity challenges in this regard. The BC Treaty Commission clearly has a role to play in providing advice and assisting with shared territory dispute resolution, as envisioned in Recommendation 14 in the Task Force Report, in the Commission's 2010 Framework for Resolving Overlapping and Shared Territory Issues, and in its most recent Annual Report in which it states that it is a priority to assume a much larger role in this regard.

For fairness and to be effective, that role needs in my view to extend equally to non-treaty First Nations who may be affected by treaties.

Earlier engagement on this important issue is essential, especially as more and more Final Agreements are concluded. Leaving overlap disputes to be resolved post-Final Agreement results in neighbouring First Nations having little choice but to fight any provisions in the agreement they consider detrimental to their interests. In other cases, the potential for delays in conclusion of agreements arising from the refusal of other First Nations to engage in resolution of the issues is high. Earlier engagement would

provide the opportunity to seek mutually satisfactory solutions, with less cost of time and resources for all concerned.

Some overlap disputes appear to be virtually irreconcilable through discussions and a few First Nations have resorted to the courts to attempt to protect their interests. The court system is however expensive and time-consuming, and typically delivers either an all-or-nothing outcome or sends the parties back to negotiate an agreement. To date, such challenges have proved unsuccessful.

If treaties are to succeed, with the support of neighbouring communities, a more focussed and efficient process must be implemented.

### Findings

- i. Overlap issues can cause serious conflicts which First Nations find difficult, if not impossible to resolve on their own. The conflict between the Sto:lo Nation and Yale First Nation over access to certain sites is a well-known example.
- ii. Another example is Lake Babine First Nation, who are objecting strenuously to provisions in the Yekooche First Nation's Final Agreement which they consider infringe upon their territorial rights. However, neither First Nation enjoys the resources required to engage in meaningful joint resolution of the issues.
- iii. Some First Nations (including Lake Babine) feel that insufficient rigour has been applied to assessing claims by other First Nations to their territory, and that the initial acceptance by the BC Treaty Commission of all assertions of territorial rights in Statements of Intent filed with the Commission, without questioning the issue of shared or other First Nation rights, has complicated the issue of overlaps. They assert that these overlap issues did not occur before the treaty process was initiated, and believe it is incumbent upon governments to take responsibility to help resolve the resulting conflicts.
- iv. The BC Claims Task Force Report anticipated the need for the Commission to provide advice on dispute resolution services available to resolve overlap issues, and the potential need for funding to carry out the necessary studies to assist in resolving overlaps.
- v. In 2010, the Commission signalled its intent to become more active in dispute resolution of overlaps in its report entitled Framework for Resolving Overlapping and Shared Territory Issues, with a range of options for addressing various levels of conflict between First Nations in overlapping areas.
- vi. The Commission's recommendations included additional funding, to be allocated by the Commission, to support facilitation, the hiring of expert resources, and capacity to engage in discussions on overlap. The Commission

was clear that funding should be available to First Nations outside the treaty process, a sentiment echoed strongly by the Union of BC Indian Chiefs.

- vii. Participants all recognized that this is a priority that must be proactively addressed if progress towards the conclusion of treaty agreements is to be accelerated.



**Recommendation 9: Expand Non-Treaty Reconciliation Measures**

Develop and implement options for engagement in reconciliation measures with First Nations outside the treaty process.

**Steps**

- a) Review opportunities outside the treaty process for initiatives relating to education, skills training, language revitalization, place name changes, aboriginal tourism, the raising of public awareness of history and culture, and roles in the stewardship of important cultural sites.
- b) Work with British Columbia on cost-sharing agreements that may be required with respect to these potential opportunities for reconciliation.

**Rationale**

As I noted in my Interim Report to you, it is my view that improving the economic, cultural and social wellbeing of First Nations in the non-treaty environment will support the acceleration of treaty negotiations through increased capacity, improved relationships, building trust, greater wellbeing in all First Nations communities and a more positive climate of reconciliation.

**Findings**

- i. Many First Nations expressed concerns about the difficulty of maintaining progress in treaty negotiations when they are faced with enormous challenges in terms of their financial, human resource and governance capacity needs.
- ii. At the same time as they must engage in complex and time-consuming treaty negotiations, they are struggling with social and cultural challenges that include high levels of poverty, disappearing language and cultural practices, and extensive governance responsibilities for which they rarely have sufficient funds.
- iii. The issue of sufficient funding arises within treaty as well, in the context of OSR discussions. OSR principles are now being applied outside treaty in the context of any self-government financing. For example, OSR has recently been introduced into the financing of First Nations operated schools in British Columbia. This has caused grave concern and is seen as yet another erosion of support for First Nations' wellbeing.
- iv. At present, federal reconciliation initiatives are connected most strongly to treaty negotiations. A broader reconciliatory approach would assist in

accelerating the treaty process by building capacity, promoting goodwill, supporting cultural wellbeing and increasing the socio-economic status of First Nations.

- v. A broader and inclusive reconciliatory approach may also help diminish criticism by First Nations outside the treaty process that the process is divisive, and resentment that they are excluded from some of the benefits of the process, including interim funding for various measures such as research studies and planning, as well as to support overlap resolution discussions.

## **APPENDIX A: Background to Common Table and Review Process**

In 2007, the federal government agreed to participate in a Common Table with First Nations and British Columbia with the objective of exploring options for expediting negotiations in the British Columbia treaty process. The issues to be discussed at the Common Table have been those identified as major obstacles to concluding treaties: recognition and certainty, the constitutional status of lands, governance, co-management, fiscal relations and fisheries.

In March 2010, the federal government provided a response to the issues raised at the Common Table, indicating that the work of the Common Table appeared to be complete. However, First Nations Common Table representatives stated that they considered there was further work to be done on all of the issues. The First Nations Summit concurred with that view.

At a meeting in October 2010, the Minister of Aboriginal Affairs and Northern Development raised the potential for appointing a Minister's Special Representative to assess and report on the possibility of accelerating the conclusion of treaties with Common Table First Nations that are in the treaty process. That suggestion was received positively, and in February 2011, Jim Lornie was appointed to undertake this task and make recommendations to the Minister regarding the likelihood of accelerating negotiations and any steps required.



## **APPENDIX B: Consultations**

### **First Nations:**

- Ahousaht First Nation
- Ditidaht/Pacheedaht First Nations (2)
- Gitksan
- Gwa'Sala-Nakwaxda'nw (2)
- Haisla
- Homalco
- Hul'qumi'num Treaty Group (5)
- Hupacasath First Nation
- Laich-Kwil-Tach Treaty Society (3)
- Lake Babine First Nation
- Kitasoo First Nation
- Ktunaxa (4)
- Northern Shuswap Treaty Society (4)
- Nuu-chah-nulth Tribal Council (5)
- Quatsino First Nation
- Snuneymuxw First Nation
- Sto:Lo Nation (7)
- Te'Mexw Treaty Society (5)
- Tla-o-qui-aht First Nation
- Tlowitsis First Nation
- Tsawwassen First Nation
- Westbank First Nation
- Wet'suwet'en First Nation
- Wuikinuxv First Nation

### **Federal Government:**

- Federal Treaty Negotiating Teams – Briefed on Common Table Participants
- AANDC Policy Group – Briefing
- AANDC – Department of Justice – Briefing
- Department of Finance
- AANDC Fiscal Harmonization workshop and fiscal/cost-sharing briefings
- Senior negotiators
- Current and former Chief Negotiators and senior management, Vancouver and Ottawa
- Fisheries and Oceans Canada

**Provincial Government:**

- Deputy Minister Aboriginal Relations and Reconciliation
- Former Deputy Minister Lorne Brownsey (also a former senior federal treaty manager)
- Former Deputy Minister Aboriginal Relations and Reconciliation Gary Wouters
- Former and current Chief Negotiators

**First Nation Summit:**

- Grand Chief Edward John, Chief Doug White, Dan Smith (two meetings)
- Staff – Nancy Morgan and Howard Grant
- Attended and presented at First Nation Summit
- Met and did interviews with First Nations at Summit
- Two meetings with Chief Negotiators' caucus

**Union of B.C. Indian Chiefs**

Grand Chief Stewart Phillip and Executive

**B.C. Treaty Commission**

- Chief Commissioner Sophie Pierre
- BC Treaty Commission – Full Board
- Dan Gill, Mark Smith (staff)
- Miles Richardson, former Chief Commissioner

### **APPENDIX C: Bibliography of Public Documents/Resources Reviewed for Report**

During the course of my investigations into constraints on progress in negotiations, I reviewed numerous documents. Those that are public include the following (not a complete list):

1. BC Claims Task Force Report, 1991.
2. Report of the BC Treaty Commission on System Overload, 1997.
3. Improving the BC Treaty Process: Report of the Tripartite Working Group, May 2002.
4. Westbank First Nation Self-Government Agreement, October 3 2003.
5. Cost-Sharing Understanding Respecting the Sharing of Resource Revenue Sharing Arrangement Costs, Government of Canada and Government of British Columbia, October 3 2003.
6. Cost-Sharing Understanding Respecting the Sharing of Treaty-Related Measures Costs, Government of Canada and Government of British Columbia, 2003.
7. A New Beginning: First Nations Jurisdiction Over Education, July 2006.
8. Report of the Auditor-General to the House of Commons: Federal Participation in the BC Treaty Process, 2006.
9. Common Table Report, prepared by the BC Treaty Commission, August 1 2008.
10. The Common Table Process: A Report to the Minister of Indian Affairs and Northern Development, Barry Dewar, October 2008.
11. Impact Evaluation of Treaty-Related Measures in British Columbia, INAC, September 15 2009.
12. Speaking Notes for the Minister of Indian Affairs and Northern Development: Canada's Response to the Common Table, August 2009.
13. Backgrounder: Funding First Nations' Participation in BC Treaty Negotiations: Senior Officials Group, Treaty Negotiations Process Revitalization Table, May 2010.
14. BC Treaty Commission Annual Report, 2010.
15. Canada—BC Cost Sharing Overview, Treaties and Aboriginal Government: Negotiations West, January 2011.
16. BC Treaty Commission Annual Report, 2011.
17. UBCIC Opposition to the Treaty Process: archival materials.
18. BC Treaty Commission and individual First Nation treaty table summaries.



## **The New Relationship**

### **I. Statement of Vision**

We are all here to stay. We agree to a new government-to-government relationship based on respect, recognition and accommodation of aboriginal title and rights. Our shared vision includes respect for our respective laws and responsibilities. Through this new relationship, we commit to reconciliation of Aboriginal and Crown titles and jurisdictions.

We agree to establish processes and institutions for shared decision-making about the land and resources and for revenue and benefit sharing, recognizing, as has been determined in court decisions, that the right to aboriginal title “in its full form”, including the inherent right for the community to make decisions as to the use of the land and therefore the right to have a political structure for making those decisions, is constitutionally guaranteed by Section 35. These inherent rights flow from First Nations’ historical and sacred relationship with their territories.

The historical Aboriginal-Crown relationship in British Columbia has given rise to the present socio-economic disparity between First Nations and other British Columbians. We agree to work together in this new relationship to achieve strong governments, social justice and economic self-sufficiency for First Nations which will be of benefit to all British Columbians and will lead to long-term economic viability.

### **II. Goals**

Our shared vision includes a celebration of our diversity, and an appreciation of what we have in common. We recognize the vision of First Nations to achieve the following goals:

1. To restore, revitalize and strengthen First Nations and their communities and families to eliminate the gap in standards of living with other British Columbians, and substantially improve the circumstances of First Nations people in areas which

include: education, children and families, and health, including restoration of habitats to achieve access to traditional foods and medicines;

2. To achieve First Nations self-determination through the exercise of their aboriginal title including realizing the economic component of aboriginal title, and exercising their jurisdiction over the use of the land and resources through their own structures;
3. To ensure that lands and resources are managed in accordance with First Nations laws, knowledge and values and that resource development is carried out in a sustainable manner including the primary responsibility of preserving healthy lands, resources and ecosystems for present and future generations; and
4. To revitalize and preserve First Nations cultures and languages and restore literacy and fluency in First Nation languages to ensure that no First Nation language becomes extinct.

The strategic vision of the Province for British Columbians is:

1. To make B.C. the best educated, most literate jurisdiction on the continent;
2. To lead the way in North America in healthy living and physical fitness;
3. To build the best system of support in Canada for persons with disabilities, special needs, children at risk and seniors;
4. To lead the world in sustainable environmental management, with the best air and water quality, and the best fisheries management, bar none; and
5. To create more jobs per capita than anywhere else in Canada.

This vision can only be achieved if First Nations citizens attain these goals. To achieve these strategic goals, we recognize that we must achieve First Nations economic self-sufficiency and make First Nations a strong economic partner in the province and the country through sustainable land and resource development, through shared decision-making and shared benefits that support First Nations as distinct and healthy communities. All British Columbians will benefit from a richer understanding of First Nations culture and from economic, political and cultural partnerships with First Nations. We therefore agree to the following principles and action plan.

### **III. Principles to Guide the New Relationship**

We will mutually develop processes and implement new institutions and structures to achieve the following:

- integrated intergovernmental structures and policies to promote co-operation, including practical and workable arrangements for land and resource decision-making and sustainable development;
- efficiencies in decision-making and institutional change;
- recognition of the need to preserve each First Nations' decision-making authority;
- financial capacity for First Nations and resourcing for the Province to develop new frameworks for shared land and resource decision-making and to engage in negotiations;
- mutually acceptable arrangements for sharing benefits, including resource revenue sharing; and



- dispute resolution processes which are mutually determined for resolving conflicts rather than adversarial approaches to resolving conflicts.

This vision statement to establish a new relationship has been written as a measure of good faith by the parties to put into words our commitment to work together to explore these concepts and develop their full meaning.

#### **IV. Action Plans**

We agree to work together to manage change and take action on the following:

1. Develop new institutions or structures to negotiate Government-to-Government Agreements for shared decision-making regarding land use planning, management, tenuring and resource revenue and benefit sharing;
2. Identify institutional, legislative and policy changes to implement this vision and these action items;
3. Develop additional protocols or accords to further the implementation of the vision, as required from time to time;
4. Identify processes to ratify agreements;
5. Establish funding and distribution structures/institutions to support First Nations' capacity development and effective participation in the processes established through these action items;
6. Establish effective procedures for consultation and accommodation;

7. Appoint a joint working group to review Forest and Range Agreements and make recommendations to the parties on options for amending those agreements, in order to make them consistent with the Vision and Principles above;
8. Identify and develop new mechanisms on a priority basis for land and resource protection, including interim agreements;
9. Develop impartial dispute resolution processes and work towards a decrease in conflicts leading to litigation; and
10. Create an evaluation process for monitoring and measuring the achievement of this vision and these action items.

## **V. Management Committee and Working Groups**

The parties will establish a joint management committee of senior officials to:

- develop terms of reference, priorities, and timelines for the management committee and the working groups by May 31, 2005;
- identify current issues of substantial concern, and consider short and long term steps the parties could take to facilitate their resolution;
- jointly develop policy frameworks;
- establish joint working groups and provide direction, timelines and co-ordination to further the implementation of the action items;
- identify and allocate financial and technical resources for the work of the management committee and the working groups;
- make recommendations to the parties to address problems as they arise in the implementation of the vision; and

- engage the Government of Canada.



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**Transformative Change Accord**  
-between-  
**Government of British Columbia**  
-and-  
**Government of Canada**  
-and-  
**The Leadership Council**  
**Representing the First Nations of British Columbia**

The Government of British Columbia, First Nations and the Government of Canada agree that new approaches for addressing the rights and title interests of First Nations are required if First Nations are to be full partners in the success and opportunity of the province.

At the First Ministers' Meeting on Aboriginal issues on November 24<sup>th</sup>/25<sup>th</sup>, 2005, First Ministers and Aboriginal Leaders committed to strengthening relationships on a government-to-government basis, and on focussing efforts to close the gap in the areas of education, health, housing and economic opportunities.

This accord respects the agreement reached on November 25<sup>th</sup> and sets out how the parties intend to implement it in British Columbia.

Two important documents preceded the First Ministers' Meeting:

- *First Nations - Federal Crown Political Accord* – on the Recognition and Implementation of First Nations Governments signed in May 2005
- *The New Relationship* – A vision document setting out an initial work plan to move toward reconciliation of Aboriginal and Crown Titles and Jurisdictions within British Columbia

The goals in each document continue to be pursued and the understandings reached in both serve as the foundation for this tripartite accord.

The purpose of this Accord is to bring together the Government of British Columbia, First Nations and the Government of Canada to achieve the goals of closing the social and economic gap between First Nations and other British Columbians over the next 10 years, of reconciling aboriginal rights and title with those of the Crown, and of establishing a new relationship based upon mutual respect and recognition.

The Accord acknowledges and respects established and evolving jurisdictional and fiduciary relationships and responsibilities, and will be implemented in a manner that seeks to remove impediments to progress by establishing effective working relationships.

The actions and processes set out herein are guided by the following principles.

- Recognition that aboriginal and treaty rights exist in British Columbia.
- Belief that negotiations are the chosen means for reconciling rights.
- Requirement that consultation and accommodation obligations are met and fulfilled.
- Ensure that First Nations engage in consultation and accommodation, and provide consent when required, freely and with full information.
- Acknowledgement and celebration of the diverse histories and traditions of First Nations.
- Understanding that a new relationship must be based on mutual respect and responsibility.
- Recognition that this agreement is intended to support social and economic well-being of First Nations.
- Recognition that accountability for results is critical.
- Respect for existing bilateral and tripartite agreements.

The parties to this Accord acknowledge the importance of First Nations' governance in supporting healthy communities. Actions set out in this Accord and in subsequent action plans will reflect this reality.

The parties understand that new resources will be required to close the gaps and federal and provincial investments on and off reserve will be made available pursuant to the decisions taken at the November 2005 First Ministers' Meeting. The parties also recognize the need to examine how existing resources are expended with the view that transformative change will require different funding approaches.

The Province of British Columbia, the Government of Canada and the First Nations of British Columbia agree to establish a 10 year plan to bridge the differences in socio-economic standards between First Nation citizens and other British Columbians. It is understood that a 10 ten year plan must by necessity evolve over time, and that concrete actions are required at its outset to build the relationships and momentum to achieve the desired outcome.



Accordingly, the parties to this Accord agree to undertake immediate actions in the following areas:

- To improve relationships by:
  - Supporting a tripartite negotiation forum to address issues having to do with the reconciliation of Aboriginal rights and title;
  - Engaging in the review and renewal of claims, treaty implementation and self-government policies;
  - Holding an annual meeting of political leaders intended to jointly discuss issues of mutual concern, report on progress and plan ongoing action; and,
  - Developing and implementing a communications plan to increase public awareness of the diversity and value of First Nations cultures, including support for the 2008 North American Indigenous Games

***Possible Indicators include:***

- Concluded Treaties and other agreements
- Increased awareness by the public of diversity and value of First Nation cultures

- To close the gap in education by:
  - Concluding a tripartite agreement on First Nation jurisdiction over K-12 education;
  - Supporting First Nation learners;
  - Focusing resources on early childhood learning and post-secondary training, including skills, training and apprenticeships; and,
  - Creating a high quality learning environment for First Nation students through curriculum development, teacher certification and the early detection of, and response to, learning disabilities.

***Possible Indicators include:***

- First Nations children exhibiting readiness for Kindergarten.
- Aboriginal students meeting expectations in reading, writing and numeracy (Foundation Skills Assessment).
- K-12 (or Dogwood equivalent) completion rates .
- Aboriginal students enrolled in post-secondary education (alternatively "highest level of education attained").
- Number of First Nation teachers.
- K – 12 curriculum modules.



- To close the gap in housing and infrastructure by:
  - Building on-reserve housing units.
  - Developing a partnering agreement to address off-reserve housing.
  - Exploring the devolution and development of Aboriginal off-reserve housing units to an aboriginal housing authority.
  - Supporting capacity development in the area of housing, including building maintenance and standards, and training and employment having to do with housing construction;
  - Undertaking measures to ensure the safety of water supply;
  - Improving other basic infrastructure such as wastewater systems, roads and fire protection;
  - Undertaking comprehensive community planning; and,
  - Providing broadband connectivity to First Nation communities.

***Possible Indicators include:***

- First Nation households in core housing.
- First Nations people trained in construction and maintenance of housing and related infrastructure.
- Number of Aboriginal subsidized housing units .
- Number of on-reserve and off-reserve housing units built.
- On-reserve boil water advisories.
- First Nation communities with broadband access.

- To close the gap in health by<sup>1</sup>:
  - Establishing mental health programs to address substance abuse and youth suicide;
  - Integrating the ActNow strategy with First Nations health programs to reduce incidence of preventable diseases like diabetes;
  - Establishing tripartite pilot programs in the Northern Health Authority and the Lytton Health Centre to improve acute care and community health services utilizing an integrated approach to health and community programs as directed by the needs of First Nations; and,
  - Increasing the number of trained First Nation health care professionals.

<sup>1</sup> BC First Nations will be supported in the health actions by the direction and contribution from the Assembly of First Nations.

***Possible Indicators include:***

- Increased life expectancy.
- Age standardized mortality rates.
- Youth suicides.
- Infant (up to one year) and neonatal (up to 28 days) mortality rates.
- Level of incidence of diabetes.
- Level of childhood obesity.
- Practising, certified First Nation health care professionals.

- To close the gap in economic opportunities by:
  - Providing increased access to lands and resources through interim measures;
  - Considering the implementation of revenue sharing arrangements;
  - Holding a provincial summit on economic development; and,
  - Supporting First Nations business and entrepreneurial development by increasing access to business training, and skills development and considering ways to facilitate greater access to capital funding sources.

***Possible Indicators include:***

- Employment rates.
- Average weekly and hourly wage levels (LFS data).
- Business start ups.
- Number of entrepreneurs in BC.
- First Nation registered apprentices.

The Parties agree that by December, 2006 a detailed tripartite implementation strategy will be developed laying out specific actions and building upon a shared commitment to undertake as many initiatives as possible in year one of the 10 year plan (2006 – 2016). The Parties understand the collective responsibility for reporting on the progress of closing the socio-economic gaps that exist between First Nations people and other British Columbians. Accordingly, resources will be focussed towards developing the data and information necessary to appropriately monitor and report on agreed upon action plans. Canada, British Columbia and the First Nations of British Columbia agree that regular public reports are necessary. Data collection will respect the privacy of individuals.



For greater certainty, nothing in this agreement shall be construed so as to abrogate or derogate from the protection of any existing or future Aboriginal or treaty rights of the First Nations peoples of British Columbia.

Signed this 25<sup>th</sup> day of November, 2005.

**Canada**



Rt. Honourable Paul Martin

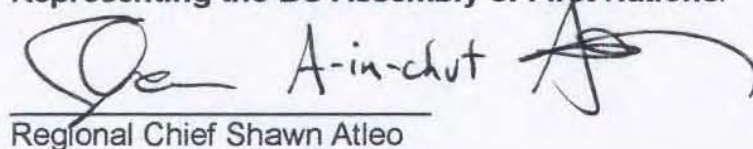
**Province of British Columbia**



Honourable Gordon Campbell

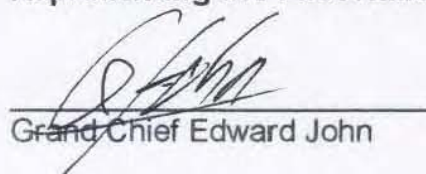
**First Nations Leadership Council**

**Representing the BC Assembly of First Nations:**



Regional Chief Shawn Atleo

**Representing the First Nations Summit:**



Grand Chief Edward John

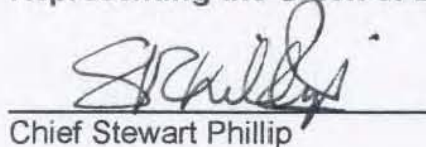


Grand Chief Doug Kelly

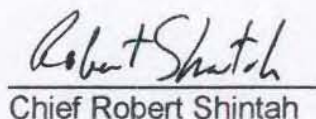


Dave Porter

**Representing the Union of BC Indian Chiefs:**



Chief Stewart Phillip



Chief Robert Shintah



Chief Mike Retasket





# MÉTIS NATION RELATIONSHIP ACCORD

between

PROVINCE OF BRITISH COLUMBIA  
AS REPRESENTED BY THE  
MINISTER OF ABORIGINAL RELATIONS AND RECONCILIATION

and

MÉTIS NATION BRITISH COLUMBIA  
AS REPRESENTED BY THE  
PRESIDENT OF THE MÉTIS NATION OF BRITISH COLUMBIA

*The history of Canada has been greatly influenced by the Métis peoples who emerged in west central North America with their own language (Michif), culture, traditions, and self-government structures.*

These Métis people refer to themselves, and are referred to by others, as the Métis Nation.

This recognition of the participation of the Métis peoples in the development of Canada is noted in section 35(2) of the Constitution Act, 1982, which states that the Aboriginal peoples of Canada includes the Indian, Inuit, and Métis people of Canada. On May 31, 2005, Canada and the Métis Nation entered into the Métis Nation Framework Agreement that identified the need to address five objectives with the Métis Nation and its Governing Members.

At the First Ministers' Meeting on Aboriginal Issues in Kelowna on November 25, 2005, First Ministers committed to strengthening relationships with Aboriginal people based on mutual respect, responsibility and sharing as well as collaboratively working with Aboriginal people in order to close the gap in the quality of life for Aboriginal people in Canada.

The Métis Nation British Columbia embraces these commitments and undertakes to work with the Province of British Columbia in order to make progress and achieve results on a number of fronts including, but not limited to, relationships, education, housing, health and economic opportunities.

A positive working relationship between the province and the Métis people of British Columbia is essential to moving forward on the goals and outcomes identified by First Ministers in Kelowna.

## 1. Objectives of the Métis Nation Relationship Accord

- Strengthen existing relationships based on mutual respect, responsibility and sharing.
- Improve engagement, coordination, information sharing and collaboration.
- Work toward meeting the commitments of the First Ministers' Meeting on Aboriginal issues as they pertain to Métis people and their aspirations to close the gap on the quality of life between Métis people and other British Columbians.

## 2. Subject Matters for the Métis Nation Relationship Accord Process

The Parties agree on the following as a preliminary list of subject matters for the Métis Nation Relationship Accord process. The Parties recognize that some work is already being undertaken in these areas and these efforts provide a foundation for enhanced work, utilizing the existing tripartite process where appropriate:

- Health (Community, Family, Individual)
- Housing
- Education (Lifelong Learning)
- Economic Opportunities
- Collaborative Renewal of Métis Tripartite Processes
- Métis Identification and Data Collection

Additional topics may be added at the request of the parties to the agreement.

## 3. The Métis Nation Relationship Accord Process

The Parties agree to work toward FMM commitments and utilize and enhance the existing tripartite process in order to implement the objectives of the Métis Nation Relationship Accord.

To that end, the Métis Nation and the Province will build upon current processes, such as the existing Tripartite Management Committee. Those processes will develop ongoing discussions and planning in relation to the social and economic challenges facing Métis people.

To support this relationship, the parties to the agreement will each appoint two senior officials. These officials shall constitute the Métis Nation Relationship Accord Secretariat. The Secretariat's primary role will be to review the progress of the Métis Nation Relationship Accord.

The Secretariat will assist in the coordination of strategies designed to address the social and economic "gaps" and arrange meetings on subject matters listed in section 2. Each party will have the responsibility to ensure that relevant representatives will be in attendance based on the agenda topic.

Once a year, the Parties will make best efforts to convene a meeting between the President of the Métis Nation British Columbia and the Province of British Columbia as represented by the Minister of Aboriginal Relations and Reconciliation.

The Parties agree that the Métis Nation Relationship Accord process will support the overall multilateral process agreed to at the First Ministers' Meeting on Aboriginal Issues on November 25, 2005.

## 4. General

The Métis Nation Relationship Accord process will also recognize and respect existing bilateral and tripartite processes that are in place between the Parties.

For greater certainty, nothing in this Accord changes, affects, infringes on, or limits existing bilateral and tripartite processes now in place between the Parties but is intended to complement and enhance these existing dialogues.

This Accord does not recognize, deny, define, affect or limit any Aboriginal rights within the meaning of Section 35 of the Constitution Act, 1982.

PRESIDENT  
MÉTIS NATION BRITISH COLUMBIA

MINISTER OF  
ABORIGINAL RELATIONS AND RECONCILIATION  
PROVINCE OF BRITISH COLUMBIA

SIGNED THIS 12<sup>th</sup> DAY May, 2006.

## TRANSITION – STRATEGIC OVERVIEW

### ISSUE: Acronyms <sup>1</sup>

#### **A**

AAC	Annual Allowable Cut
ABSN	Aboriginal Business Services Network
AEA	Aboriginal Employee Association
AECIS	Aboriginal Engagement Corporate Information Site
AtBC	Aboriginal Cultural Tourism of British Columbia
AFN	Assembly of First Nations (national)
AFS	Aboriginal Fisheries Strategy (federal)
AIA	Archaeological Impact Assessment
AIP	Agreement in Principle
ALR	Agricultural Land Reserve
AMEBC	Association for Mineral Exploration - BC
ANTCO	All Nations Trust Company
AOA	Archaeological Overview Assessment
AOI	Area of Interest
ARCOP	Aboriginal Relations Community of Practice
ASPR	Annual Service Plan Report
ATBC	Aboriginal Tourism BC
ATR	Additions to Reserves
AYIP	Aboriginal Youth Intern Program

#### **B**

BAA	Broad Assessment Area
BCAAFC	BC Association of Aboriginal Friendship Centres
BCAFN	British Columbia Assembly of First Nations
BCBC	Business Council of BC
BCBN	British Columbia Bioenergy Network
BCCA	BC Court of Appeal
BCFNEC	BC First Nations Energy Council
BCEF	British Columbia First Nations Equity Fund
BCH	BC Hydro
BCTC	British Columbia Treaty Commission (or BC Transmission Corp)
BCSC	BC Supreme Court
BCUC	BC Utilities Commission
BEST	Aboriginal Business and Entrepreneurial Skills Training

#### **C**

C&A	Consultation and Accommodation
C&E	Compliance & Enforcement

<sup>1</sup> Acronyms sorted alphabetically



DATE: February 09, 2011

## TRANSITION – STRATEGIC OVERVIEW

CAD	Consultation Area Database
CAP	Congress of Aboriginal People (national)
CCLRMP	Central Coast Land and Resource Management Plan
CCP	Comprehensive Community Planning
CE	Consultation Engagement
CEAA	Canadian Environmental Assessment Act
CEP	Clean Energy Project (formerly IPP)
CEPA	Canadian Energy Pipeline Association
CFN	Coastal First Nations
CHR	Cultural Heritage Resources
CFNRP	Coastal First Nations Reconciliation Protocol
CMA	Collaborative Management Agreement (protected areas or wildlife)
CMT	Culturally Modified Tree
COF	Council of the Federation (all First Ministers)
CSU	Cost Sharing Understanding
CT	Common Table

### D

DDM	Delegated decision-maker
-----	--------------------------

### E

EA	Environmental Assessment
EBA	Economic Benefits Agreement
EBM	Eco-system Based Management
EBMS	Eco-system Based Management System
ECDA	Economic and Community Development Agreement
ED	Effective Date (of a Final Agreement)
EF	Engagement Framework
EMA	Economic Measure Agreement
EPA	Energy Purchase Agreement

### F

FA	Final Agreement
FCARS	First Nations Consultation and Revenue Sharing Agreements
FCBC	FrontCounter BC
FCF	First Citizens Fund
FFA	Fiscal Financing Agreement
FGR	Foregone Revenue
FNCCT	First Nation Consultation Coordination Team
FNCEBF	First Nations Clean Energy Business Fund
FNCIDA	First Nations Commercial Industrial Development Act
FNEMC	First Nations Energy and Mining Council
FNEC	First Nations Energy Council



DATE: February 09, 2011

## **TRANSITION – STRATEGIC OVERVIEW**

<b>FNESC</b>	First Nations Education Steering Committee
<b>FNES</b>	First Nations' Emergency Services Society
<b>FNFC</b>	First Nation Forestry Council
<b>FNRSA</b>	First Nations Revenue Sharing Agreement
<b>FNID</b>	First Nations Initiative Division (former ILMB)
<b>FNIRS</b>	First Nations Information Reporting System
<b>FNLC</b>	First Nations Leadership Council
<b>FNS</b>	First Nations Summit
<b>FNWL</b>	First Nations Woodlands Licence
<b>FPHLCC</b>	First Peoples' Heritage Language and Culture Council
<b>FNQ2</b>	First Nations Quick Queries
<b>FPTA</b>	Federal/Provincial/Territorial/Aboriginal
<b>FRA</b>	Forest and Range Agreement (replaced by FCRSA)
<b>FRO</b>	Forest and Range Opportunity Agreement (replaced by FCRSA)
<b>FRPA</b>	Forest and Range Practices Act
<b>FSP</b>	Forest Stewardship Plan
<b>FTNO</b>	Federal Treaty Negotiations Office (now TAG NW)
<b>FTOA</b>	Forest Tenure Opportunity Agreement
<b>FVTAC</b>	Fraser Valley Treaty Advisory Committee

### **G**

<b>G2G</b>	Government-to-government
<b>GBI</b>	Great Bear Initiative Society

### **H**

<b>HA</b>	Harvest Agreement
<b>HR</b>	Human Resource
<b>HGRP</b>	Haida Gwaii Reconciliation Protocol

### **I**

<b>ICAB</b>	Industry Council for Aboriginal Business
<b>IBA</b>	Impact Benefits Agreement
<b>ILRR</b>	Integrated Land and Resource Registry
<b>ILM</b>	Interior to Lower Mainland (Transmission Line Project)
<b>ILMB</b>	Integrated Land Management Bureau
<b>IMA</b>	Interim Measures Agreement
<b>IMEA</b>	Interim Measures Economic Agreement
<b>INAC</b>	Indian and Northern Affairs Canada
<b>IPP</b>	Independent Power Producer (now CEP)
<b>ITA</b>	Incremental Treaty Agreement
<b>ITK</b>	Inuit Tapiriit Kanatami (national)

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## TRANSITION – STRATEGIC OVERVIEW

### J

### K

### L

LMA	Labour Market Agreement
LMTAC	Lower Mainland Treaty Advisory Committee
LOA	Letter of Agreement
LPM	Land Protection Measure
LRMP	Land Resource Management Plan
LRPA	Land and Resource Protocol Agreement
LSB	Legal Services Branch (Ministry of Attorney General)
LTFT	Long Term Forestry Tenure
LUO	Land Use Objectives
LUP	Land Use Plan
LUPA	Land Use Planning Agreement

### M

MABC	Mining Association of BC
MNBC	Métis Nation BC
MNC	Métis National Council (national)
MNRA	Métis Nation Relationship Accord
MO	Ministerial Order
MOU	Memorandum of Understanding
MPB	Mountain Pine Beetle
MR	Mandate request
MU	Management Units
MVUAS	Metro Vancouver Urban Aboriginal Strategy

### N

NAIS	Northern Aboriginal Integrated Service
NAO	National Aboriginal Organization
NCLRMP	North Coast Land and Resource Management Plan
NEB	National Energy Board
NEDAB	Native Economic Development Advisory Board
NFA	Nisga'a Final Agreement
NLG	Nisga'a Lisims Government
NR	New Relationship
NRIAC	New Relationship Inter-Agency Committee
NRT	New Relationship Trust

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## TRANSITION – STRATEGIC OVERVIEW

NTL Northwest Transmission Line  
NWAC Native Women's Association of Canada (national)

### O

OGC Oil and Gas Commission  
OGRII Oil & Gas Regulatory Improvement Initiative  
OIC Order in Council  
OSR Own Source Revenue  
OSRA Own Source Revenue Agreement

### P

PGUAS Prince George Urban Aboriginal Strategy

### Q

### R

RPTCA Real Property Tax Coordination Agreement  
RepHa Representative Hectare  
ROA Reasonable Opportunity Agreement  
RP Reconciliation Protocol  
RepHa Representative Hectare  
RRS Resource Revenue Sharing  
RRSA Resource Revenue Sharing Agreement

### S

SEA Strategic Engagement Agreement  
SCC Supreme Court of Canada  
SDM Shared Decision-making  
SFE Sustainable Funding Envelope  
SGA Self-Government Agreement  
SOC Strength of Claim  
SLUPA Strategic Land Use Planning Agreement  
SOI Statement of Intent  
SRMP Strategic Resource Management Plan

### T

TAG NW Treaties and Aboriginal Government – Negotiations West (Pacific Region INAC)  
TCA Transformative Change Accord  
TEK Traditional Ecological Knowledge  
TFA Tsilhqot'in Framework Agreement  
TIMA Treaty Interim Measures Agreement



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## TRANSITION – STRATEGIC OVERVIEW

TPC	Third Party Compensation
TRM	Treaty Related Measures *
	(Types 1-2 protection of Crown land and land acquisition managed by Fiscal Team; Types 3-5 Participation in land and resource planning, economic and cultural opportunities and governance managed by Partnerships and Community Renewal).
TRP	Treaty Revitalization Process
TSL	Treaty Settlement Land
TTA	Tax Treatment Agreement
TUS	Traditional Use Study

### U

UAS	Urban Aboriginal Strategy (Federal)
UBCIC	Union of British Columbia Indian Chiefs
UBCM	Union of BC Municipalities
UNN	United Native Nations

### V

### W

WLP	Woodlot License Plan
WPC	Western Premier's Conference
WSA	Wildfire Suppression Agreement

### X, Y, Z

YTG	Yukon Territorial Government
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## **TRANSITION – STRATEGIC OVERVIEW**

### **TREATY TABLES**

BRFN	Blueberry First Nations
IN	In-SHUCK-ch Nation
KKTC	Ktunaxa-Kinbasket Treaty Council
LTN	Lheidli T'enneh
MNA	Maa-nulth First Nations
NTC	Nuu-chah-nulth Tribal Council
NSTS	Northern Shuswap Treaty Society (Formerly Caribou Tribal Council)
T8	Treaty 8
TFN	Tsawwassen First Nation
TN	Tsilhqot'in Nation
TNG	Tsilhqot'in National Government
TTA	Te'mexw Treaty Association
WKN	Wuikinuxv First Nation
TKD	Tsay Kay Dene
TWT	Tsleil Waututh

### **OTHER FIRST NATIONS**

AIB	Ashcroft Indian Band
CCTC	Carrier Chilcotin Tribal Council
CFN	Coastal First Nations
CSTC	Carrier Sekani Tribal Council
CTS	Ch-ihl-kway-uhk Tribe Society
GHC	Gitanyow Hereditary Chiefs
GTS	Gitxsan Treaty Society
KDC	Kaska Dena Council
KIB	Kamloops Indian Band
LBN	Lake Babine Nation
LFN	Leq'á:mél First Nation
LNIB	Lower Nicola Indian Band
NNA	Northern Nations Alliance
NNTC	Nlaka'pamux Nation Tribal Council
ONA	Okanagan Nation Alliance
OW	Office of the Wet'suwet'en
PIB	Penticton Indian Band
SNS	Stó:lō Nation Society
SNTC	Shuswap Nation Tribal Council
STC	Stó:lō Tribal Council
TCC	Tahltan Central Council
TRTFN	Taku River Tlingit First Nation

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## **TRANSITION – STRATEGIC OVERVIEW**

### **COMMITTEES**

ADMCILM	Assistant Deputy Minister's Committee on Integrated Land Management
ADMRC	Assistant Deputy Minister's Committee on Resource and Economy
BRDO	Board Resourcing and Development Office
CCNRC	Cabinet Committee on New Relationship Coordination
DMC	DM Council
DMCPS	DM Committee on the Public Service
DMPS	Deputy Ministers' Policy Secretariat
ELUC	Environment and Land Use Committee
GCC	Government Caucus Committee
GCCNRE	Government Caucus Committee on Natural Resources and the Economy
GCCSD	Government Caucus Committee on Social Development
IADC	Inter-Agency Directors Committee (ILMB)
SCWG	Settlement Costs Working Group
SPADMNR	Social Policy Assistant Deputy Minister's Committee on New Relationship
SOG	Senior Officials Group
SPOG	Senior Policy Officials Group (MARR & FNLC)
SRMC	Sub-Regional Managers Committee (ILMB)
TFC	Tripartite Finance Committee
TB	Treasury Board



Ministry of  
Aboriginal Relations and Reconciliation

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2011/12  
Annual Service Plan Report

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Ministry of Aboriginal Relations and Reconciliation

For more information on how to contact the British Columbia  
Ministry of Aboriginal Relations and Reconciliation,  
see Ministry Contact Information on Page 24 or contact:

**Ministry of Aboriginal Relations and Reconciliation**  
PO BOX 9100  
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or visit our website at  
[www.gov.bc.ca/arr/](http://www.gov.bc.ca/arr/)

Published by the Ministry of Aboriginal Relations and Reconciliation

## Message from the Minister and Accountability Statement



I am pleased to present the *Ministry of Aboriginal Relations and Reconciliation 2011/12 Annual Service Plan Report*, outlining achievements during the fiscal year ending March 31, 2012.

The *BC Jobs Plan* includes a commitment to ten new, non-treaty agreements with First Nations. When Aboriginal communities flourish, there are clear benefits not only for them, but for all British Columbians. This report highlights the ministry's ongoing efforts to build a stronger, more respectful relationship with First Nations and put in place initiatives that improve certainty for B.C.'s economy.

Over the past year, the ministry has achieved a number of significant milestones through innovative non-treaty agreements while continuing important work in the treaty process. Highlights include signing the historic Taku River Tlingit Strategic Engagement Agreement and Land Use Plan, and a reconciliation protocol with the N̓anwakolas First Nations that has the potential for revenue-sharing opportunities from mines and clean-power. Shortly after that, the Haisla Nation became the seventh First Nation to join the Coastal Reconciliation Protocol. In 2011/12 the ministry signed 34 Forest Consultation and Revenue Sharing Agreements (FCRSAs), providing First Nation communities with economic benefits returning directly to their community based on harvest activities in their traditional territory. Through the First Nations Clean Energy Business Fund the ministry has provided equity funding to 41 First Nations, to help First Nations participate in the clean energy sector.

This past year also saw the creation of the Aboriginal Business and Investment Council to encourage economic development in Aboriginal communities, support greater participation of Aboriginal people in the economy and provide investors with the tools they need to engage and partner with B.C. First Nations.

Another milestone in 2012 was the announcement of the new allowable annual cut for Haida Gwaii, which was determined by the Haida Gwaii Management Council, a unique decision making body that was formed as a result of the Kunst'aa guu - Kunst'aayah Reconciliation Protocol. This was the first time in B.C.'s history that an allowable annual cut has been determined by anyone other than the Chief Forester of B.C.

The ministry continues to lead provincial efforts in the tripartite treaty process. In April 2011, I stood alongside hundreds of members of the five Maa-nulth Nations as they celebrated the signing of their Final Agreement. Since then two Maa-nulth Nations, Huu-ay-aht and Ucluelet, have become part of the Alberni-Clayoquot Regional District.



## Ministry of Aboriginal Relations and Reconciliation

Other treaty highlights include passing legislation to ratify the Yale First Nation Final Agreement, initialling the Tla'amin Nation (Sliammon First Nation) Final Agreement and signing the K'omoks First Nations Agreement-in-Principle. These three First Nations are at different stages in the journey towards treaty. They demonstrate that while achieving a treaty can take many years, the process itself can result in a stronger relationship with government partners and greater capacity in the community as they work towards long-term goals.

In the fall of 2011, ministry staff began working on a new government initiative, the Off-Reserve Aboriginal Action Plan. Committed to in the Throne Speech, the plan is sparked by the needs of Aboriginal people living off-reserve – more than 70% of British Columbia's Aboriginal population. The ministry will lead efforts across government to find ways to better deliver services to Aboriginal people living off-reserve, who continue to face disproportionate social-economic challenges.

Each member of the ministry shares in the success of what we have achieved. The ministry is building momentum in its work with Aboriginal people across the province, creating a brighter future that will benefit all British Columbians.

The *Ministry of Aboriginal Relations and Reconciliation's 2011/12 Annual Service Plan Report* compares the actual results to the expected results identified in the Ministry's 2011/12 – 2013/14 *Revised Service Plan*. I am accountable for those results as reported.



Honourable Mary Polak  
Minister of Aboriginal Relations and Reconciliation

June 30, 2012

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## Highlights of the Year

In 2011/12, the ministry achieved agreements in all corners of the province. First Nations, industry and government often share the same goal of sustainable and planned development to achieve specific goals. Agreements that clarify responsibilities and lay out how the parties can work together improve investor confidence and create opportunities for First Nation communities to participate more fully in B.C.'s economy.

### Non-treaty agreements

The Strategic Engagement Agreement and Land Use Plan with Taku River Tlingit First Nation, signed in July 2011, is the first of its kind in B.C. The land use plan covers an area that is close to the size of Vancouver Island and includes one of B.C.'s most significant Salmon Watersheds.

In November 2011, B.C. and members of the N̓anwakolas Council celebrated three significant milestones in a growing partnership: a reconciliation protocol, a forestry agreement and an addition to an existing Strategic Engagement Agreement. The agreements will help members of the council maintain their important relationship to the land while supporting economic growth. The agreements allow for revenue-sharing opportunities for tourism, mines and clean-power projects. Carbon-offset sharing opportunities will also be implemented. Another key benefit of the protocol is the negotiation of a comprehensive forestry schedule giving five First Nations access to timber licenses.



*The confluence of the Sloko and Nakina Rivers at the heart of Taku territory. The Atlin Taku land use plan's name, Wóoshtin wudidaa ("flowing together"), was inspired by these two rivers coming together to flow as one.*

The Sts'ailes Memorandum of Understanding (MOU) was signed on November 1, 2011. The MOU creates a more efficient approach to the management of land and natural resources in Sts'ailes traditional territory in the Fraser Valley. The MOU covers a range of diverse initiatives including forestry opportunities, land exchanges, hydroelectric projects, tourism, conservation, coordinated consultation, child and family services, and health care—all of which form the basis for future government-to-government agreements.

In November 2011, the Haisla Nation became the seventh First Nation to sign the Coastal First Nations Reconciliation Protocol. This will create economic opportunities and increase certainty over the coastal land base for First Nations, industry and government.



## Treaties

On October 21, 2011, the Tla'amin Final Agreement was initialled by the First Nation, Canada and the Province. The agreement will provide the Tla'amin people with the opportunity for increased economic opportunities for future generations, while continuing to honour their traditions and culture. The Tla'amin Final Agreement contains provisions for self-government, financial and land transfers. The treaty also provides for the ownership of forestry resources, as well as domestic fishing, gathering and harvesting rights.



*Members of the Tla'amin Nation perform a dance at the initialling of the Tla'amin Final Agreement.*

Provincial legislation to ratify the Yale Final Agreement was passed on June 2, 2011. Once the bill passes the federal Parliament, the three parties will set a date for the treaty to take effect.

On March 24, 2012, the K'ómoks Agreement in Principle (AiP) was signed. The AiP includes a commitment to negotiate the early transfer of two parcels of land to the K'ómoks First Nation, bringing the benefits of a final treaty to the community earlier in the process.

## Vancouver Island Aboriginal Youth Workers Forum

Aboriginal youth represent the fastest growing demographic in Canada, and will be asked by their communities to step into future leadership positions under increasingly complex circumstances. In the fall of 2011, the ministry's Community Development Branch Youth Initiatives Team hosted over 60 Vancouver Island-based Aboriginal youth workers in the first Aboriginal Youth Workers Forum in Campbell River. The forum was developed to meet needs for training and networking opportunities for community youth workers, who offer critical support to young people. Participants left with new skills, ideas and connections from the workshop presenters, ideas for energizing youth engagement and skills for reaching out and building broader community partnerships.

### **National Aboriginal Women's Forum and Minister's Advisory Council on Aboriginal Women**

The ministry, in partnership with the Native Women's Association of Canada, co-hosted the successful *Collaboration to End Violence: National Aboriginal Women's Forum* in Vancouver, in June 2012. Over 250 delegates attended from across Canada including provincial, territorial, and federal government representatives along with national Aboriginal organizations, agencies and community practitioners. The forum focussed on sharing promising practices in the areas of prevention, intervention and post-incident response. A final forum report with key recommendations will be used to improve how supports are delivered in Aboriginal communities. The ministry implemented the commitment made by Minister Polak at the forum to create a Minister's Advisory Council on Aboriginal Women to provide advice on how government can support Aboriginal women across British Columbia.



*Left to right: Native Women's Association of Canada President Jeannette Corbiere Lavell, Minister Mary Polak, and Her Honour Gwendolyn Point at the Collaboration to End Violence: National Aboriginal Women's Forum.*

### **Building Public Service Capacity in Aboriginal Relations (BCAR)**

The ministry, in partnership with the Public Service Agency and guided by a joint Aboriginal/Government Advisory Council, continues to make strides in implementing the BCAR Strategy. The Aboriginal Relations Resource Centre, is a one-stop shop for advice and resources for B.C. public servants on building capacity to work effectively and respectfully with Aboriginal people, communities and organizations, it is fully operational and available to all provincial employees. Resources include Aboriginal engagement guidelines, a policy lens, speaker's bureau, blogs, and other items.



## Purpose of Ministry

Negotiating lasting agreements that contribute to reconciliation

British Columbia's innovative agreements with First Nations create clarity and predictability regarding the respective responsibilities of the Province and First Nations; increase capacity and opportunity in Aboriginal communities; establish partnerships that improve the investment climate; provide major economic benefits; and contribute to family and community stability.

*The Minister of Aboriginal Relations and Reconciliation makes appointments to a number of agencies, boards and commissions including:*

- *New Relationship Trust Board,*
- *BC Treaty Commission,*
- *First Peoples' Heritage, Language and Culture Council,*
- *Haida Gwaii Management Council, and*
- *The First Peoples' Advisory Committee.*
- *Minister's Advisory Council on Aboriginal Women*

In the *BC Jobs Plan*, the government commits to ten new non-treaty agreements by 2015. The ministry leads the negotiation and implementation of provincial land and resource agreements to support economic development and build certainty on the land base, including a number of revenue sharing agreements with First Nations for forestry, new mines and other major developments. These agreements support First Nations' participation in development and help to facilitate partnerships with proponents.

The ministry negotiates treaties and related agreements with First Nations and Canada. Treaties offer the most comprehensive form of reconciliation agreement, and the highest degree of certainty on the land base. Treaties provide First Nations with significant tools for social and economic development and self-government,

and they remove First Nations from the constraints of the *Indian Act*.

The ministry's eight regional offices are responsible for managing relationships with First Nations and provide expert local support for negotiation of non-treaty agreements and implementation of treaty and non-treaty agreements. The regional presence supports conflict resolution, and serves as a liaison with other resource ministries. The regional offices also provide advice to industry on engaging with First Nations.

### **Building relationships and developing strong partnerships**

The ministry builds relationships with Aboriginal peoples based on respect and recognition.

The ministry also plays a key role in promoting creative multi-sectoral and inter-jurisdictional work on Aboriginal initiatives. The ministry works in partnership with Aboriginal communities, organizations and people and brings together representatives from other ministries and Crown



agencies, other orders of government, and business and industry to identify new opportunities for economic participation and investment and job creation to support the goals of the *BC Jobs Plan*.

### **Providing leadership and expert advice on policy relating to Aboriginal peoples**



*Minister Mary Polak and Assembly of First Nations National Chief Shawn A-in-chut Atleo in Ottawa.*

The ministry provides industry proponents and natural resource sector staff with strategic advice and best practices on a broad spectrum of issues to improve their ability to work successfully and partner with First Nations.

The ministry supports cross-government policy frameworks related to Crown-Aboriginal relations, economic development, social sectors (health, education and housing) and language and culture initiatives. In addition, the ministry is responsible for intergovernmental relations and national policy tables on social issues concerning Aboriginal peoples on and off-reserve. The ministry also supports and advises line ministries as they develop and implement Aboriginal social

and economic policies and programs, such as the new Aboriginal Business and Investment Council developed under the *BC Jobs Plan*.

### **Strengthening relationships with the Métis Nation**

The ministry continues to work in partnership with Métis Nation BC to achieve the objectives of the *Métis Nation Relationship Accord*. The ministry supports Métis Nation BC's efforts to enhance educational opportunities and to reinforce and regenerate Métis identity, history and culture through education. Métis are a distinct Aboriginal peoples, with unique language, history, and cultural traditions. Approximately 30 per cent of British Columbia's Aboriginal population self-identifies as Métis.

### **Advancing the revitalization of Aboriginal language and culture**

There are many strong and complex connections among language, culture and Aboriginal community well-being and sustainability. Language plays an important role in maintaining and reinforcing cultural identity. British Columbia is home to 32 distinct First Nations languages, representing about 60 per cent of all the indigenous languages in Canada. The ministry supports the revitalization of First Nations' language, heritage, culture and arts through the work of the First Peoples' Heritage, Language and Culture Council. The council develops and administers



programs such as the BC Aboriginal Language Initiative, which supports language revitalization through documentation, immersion programs and curriculum development. In addition, the ministry partners with the First Peoples' Heritage, Language and Culture Council, the New Relationship Trust and the First Peoples Cultural Foundation to deliver language immersion programs among children, youth and elders, and to provide capacity and resource materials for First Nations language speakers and learners.

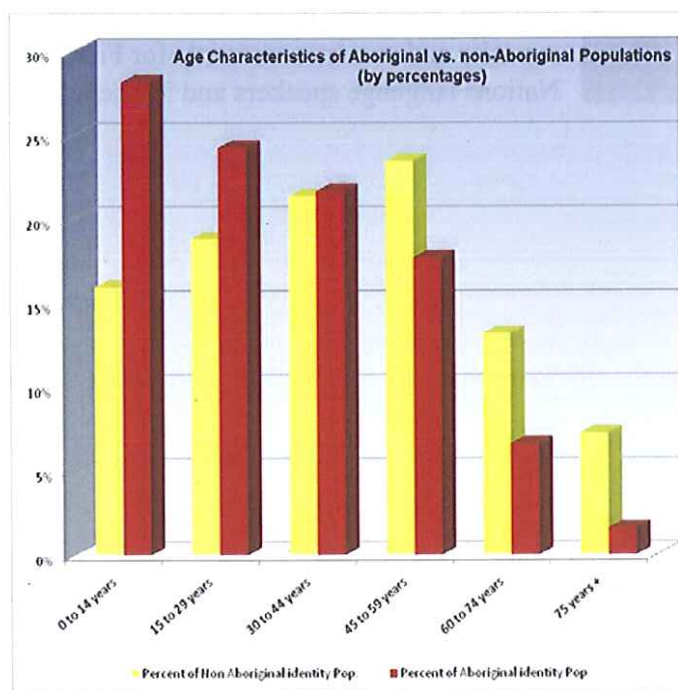


# Strategic Context

## The Legal Context

Section 35 of the *Constitution Act*, 1982 recognizes and affirms existing Aboriginal and treaty rights. Through a number of important decisions, the courts have reinforced that Aboriginal rights and title exist and that these rights influence the way government operates. The Supreme Court of Canada has stated that the ability of government to infringe those rights is constrained. Governments are legally required to consult with First Nations on decisions which have the potential to infringe rights. Infringements of Aboriginal and treaty rights must be justified and may include accommodation which can take many forms, including mitigating measures. The ministry is the lead agency within the provincial government for negotiating treaty and other arrangements that address the legal requirement flowing from Aboriginal rights and creating certainty for First Nations and all British Columbians.

## Demographic and social factors



In British Columbia, the Aboriginal population is characterized by unique demographic qualities that will inform policy and program decisions in the coming years.<sup>1</sup> British Columbia is home to 203 bands, over one-third of the more than 600 First Nations communities in Canada. This comprises the most culturally and linguistically diverse groups of Aboriginal peoples in the country: Approximately 200,000 people in the province identify themselves as First Nation, Métis, or Inuit. Between 2001 and 2006, the Aboriginal population in B.C. grew by 15 per cent, more than three times the growth rate of the non-Aboriginal population.<sup>2</sup>

The fastest growing population demographic province-wide is Aboriginal youth. In fact, the median age of the Aboriginal population in British Columbia is approximately 12 years younger than the median age of the province's overall population. The provincial government engages

<sup>1</sup> 2006 Census. Data from BC Stats' *National Household Survey* will be available beginning in 2013.

<sup>2</sup> The increase is due in part to an increase in the number of individuals who self-identify as Aboriginal.



Aboriginal youth on related provincial policy and program development to seek ways to develop their potential to make important contributions and to accelerate job creation and growth.

Increasing urbanization is another demographic consideration. The 2006 Census reports that 74 per cent of the Aboriginal population in British Columbia lives off-reserve, with 60 per cent living in urban areas. The provincial government has committed to working with Aboriginal partners, the federal government and local governments to develop an Off-Reserve Aboriginal Action Plan. The plan will support improved coordination of programs and services delivered by the Province, Aboriginal partners, the federal government and local governments. It will reflect a community-driven and multi-stakeholder approach, and will improve socio-economic outcomes in key areas including employment, in support of the *BC Jobs Plan*. The Off-Reserve Aboriginal Action Plan will also guide ministries and agencies in taking appropriate steps so Aboriginal people residing off-reserve have access to key services (i.e. health, education, housing, and employment).

### **Negotiation and implementation of agreements**

In 2011/12, British Columbia achieved an unprecedented number of agreements that directly support development in the resource sector. These agreements help build relationships with First Nations, resolve conflicts, or address concerns associated with development on traditional territories. This latitude and the breadth of agreement types serve to broaden the definition of reconciliation beyond rights and title and to reinforce the understanding that there are many paths to reconciliation.

As the number and types of agreements between B.C. and First Nations grow, the ministry will target further resources on agreement implementation.

*"Genuine collaboration is key to First Nations working more closely with industry and the Province to build a better economic future. This government's approach over the past decade has been to forge a stronger, more respectful relationship with First Nations, while also creating a climate where vital resource industries such as mining can flourish."*

*-Minister Mary Polak*

### **Economic Context**

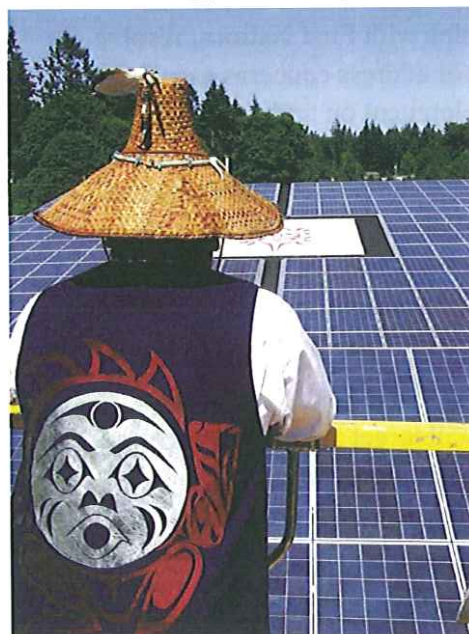
British Columbia's real GDP increased by 2.9 per cent in 2011 (according to preliminary GDP by industry data from Statistics Canada), following the growth of 3.0 per cent in 2010. Overall in 2011, most indicators of British Columbia's economic performance showed improvement compared to the previous year. Gains in the domestic economy were observed in employment and consumer spending, while external gains were made in exports and shipments of manufactured goods. However, several risks to British Columbia's economy remain, including the European sovereign debt crisis, ongoing weakness in the US economy, exchange rate volatility, and slower than anticipated Asian demand for B.C. products.

The *BC Jobs Plan* seeks to address economic challenges by delivering a set of tools and agreements that will stimulate the economy and investment. The *BC Jobs Plan* commits that, to be successful, First Nations must be active participants in the economy. B.C. is working to ensure that this occurs through agreements with First Nations, to build economic development capacity and provide opportunities for job creation.

The new Aboriginal Business Investment Council will work with Aboriginal communities and the private sector to make recommendations to government on strategies to help foster economic development in Aboriginal communities and increase overall investment in the province. The council will focus on the eight key sectors in the *BC Jobs Plan* – forestry, mining, natural gas, agri-foods, technology, tourism, transportation (marine and aerospace) and international education.

## Clean Energy

In April 2011, the ministry launched the First Nations Clean Energy Business Fund (FNCEBF). This fund was created as part of the *Clean Energy Act* to increase First Nation participation in clean, renewable energy projects within their traditional territories. Since this fund was launched, the ministry has completed three rounds of intake and committed approximately \$1.96 million for capacity and equity funding to 41 First Nations. The FNCEBF will also allow for revenue sharing with successful applicants, based on provincial resource rents (i.e. land and water rentals), prescribed under the FNCEBF regulation, that result from clean energy projects that receive land or water authorizations after the enactment of the *Clean Energy Act*.



*The B.C. government's First Nations Clean Energy Business Fund is helping First Nations participate in the renewable energy business*



# Report on Performance

## Performance Results Summary Table

<b>Goal 1: Reconciliation with Aboriginal peoples in British Columbia</b> For greater detail see pages 16 to 21.	<b>2011/12 Target</b>	<b>2011/12 Actual</b>
<b>Objective 1:</b> <b>Close the social and economic gaps between Aboriginal peoples and other British Columbians.</b> Performance measure 1: New provincial policies and initiatives that have been developed collaboratively with First Nations, Métis and Aboriginal organizations.	28	28 ACHIEVED
<b>Objective 2:</b> <b>Reconcile Provincial interests with First Nations' Aboriginal rights and treaty rights.</b> Performance measure 2: Treaties and other agreements that build incremental progress towards reconciliation.	20	39 EXCEEDED
<b>Objective 3:</b> <b>Work with First Nations to create opportunities to increase community and economic development capacity.</b> Performance measure 3: Initiatives that develop capacity and governance capabilities for First Nation governments and Aboriginal organizations. Performance measure 4: Initiatives that provide economic opportunities to Aboriginal peoples.	12  15	38 EXCEEDED  16 EXCEEDED
<b>Objective 6:</b> <b>Increase awareness of the importance of Aboriginal cultures, and the history of the relationship between the Province and Aboriginal peoples.</b> Percentage of British Columbians who agree that First Nations have made a wide range of valuable contributions to British Columbia.	75.5%	N/A <sup>3</sup>

<sup>3</sup> BC Stats changed the possible answers for this question from 2010 to 2011. See text on page 23 for further details.



## Goals, Objectives, Strategies and Performance Results

### Goal 1: Lead provincial efforts for reconciliation with First Nations and other Aboriginal peoples.

Reconciliation is an ongoing process, and rarely straightforward. It requires trust and commitment to overcome stumbling blocks along the way, and a willingness to learn from each other at all stages. Relationships built on mutual respect and recognition are key to making reconciliation possible.

*"B.C.'s treaty process is alive and well, but it's also important to recognize the progress that's being made beyond, and before, agreements-in-principle and final agreements."*

*-Minister Mary Polak*

**Objective 1: Close the social and economic gaps between Aboriginal peoples and other British Columbians.**

### Strategies

Work across government, and in partnership with Aboriginal peoples, to implement the *Transformative Change Accord* and *Métis Nation Relationship Accord* in areas such as education, housing and infrastructure, health, economic development, and Crown-Aboriginal relations.

Monitor and report on activities and progress towards meeting the goals of the *Transformative Change Accord* and *Métis Nation Relationship Accord*.

Negotiate and implement agreements with First Nations, including treaties, which contribute to addressing social and economic gaps between First Nations and other British Columbians.

Facilitate and support collaboration among Aboriginal organizations, all levels of government and the private sector on initiatives to close the socio-economic gaps.

### Performance Measure 1: Collaborative policy development

Performance Measure	2009/10 Actual	2010/11 Actual	2011/12 Target	2011/12 Actual
New provincial policies and initiatives that have been developed collaboratively with First Nations, Métis and Aboriginal organizations.	20	25	28	28 ACHIEVED

**Data Source:** Ministry of Aboriginal Relations and Reconciliation and ministries participating in the implementation of *Transformative Change Accord* and the *Métis Nation Relationship Accord*.

## Discussion of Results

The Province recognizes that partnerships with Aboriginal peoples are critical to improving social and economic outcomes for Aboriginal peoples. Collaboration on provincial policies and initiatives helps to ensure culturally appropriate and meaningful responses to key priorities. In 2011 the ministry partnered with the Native Women's Association of Canada to host a national forum with the goal of addressing issues that make Aboriginal women and girls more susceptible to violence. The ministry worked in partnership with the federal government, key provincial ministries and two First Nations communities to undertake on-reserve housing demonstration projects. The projects were designed to support the development and implementation of federally funded on-reserve housing (for renovations and new construction), using existing provincial training and employment programs.

Apart from direct engagement with Aboriginal peoples, the ministry also facilitated relationships between ministries and Aboriginal organizations and was instrumental in supporting and encouraging initiatives in the areas of housing, cultural awareness, education and health.

### **Objective 2: Reconcile Provincial interests with First Nations' Aboriginal rights and treaty rights.**

#### **Strategies**

Negotiate and implement lasting agreements that lead to reconciling provincial interests with Aboriginal rights and treaty rights and contribute to closing social and economic gaps.

Work with First Nation communities to build the capacity required to be ready for the treaty effective date, and use capacity development principles in negotiating and creating agreements.

Support the conclusion of agreements among First Nations, the B.C. Government and local governments.

Continue to seek improvements to treaty making through the trilateral processes.

#### **Performance Measure 2: Treaties and other agreements**

Performance Measure	2009/10 Actual	2010/11 Actual	2011/12 Target	2011/12 Actual
Treaties and other agreements that build incremental progress towards reconciliation.	18	63	20	39 EXCEEDED

**Data Source:** Ministry of Aboriginal Relations and Reconciliation and ministries participating in the implementation of *Transformative Change Accord* and the *Métis Nation Relationship Accord*.



## Discussion of Results

In 2011/12, the ministry signed a significant number of agreements that directly support development in the resource sector. While treaty agreements are the Province's preferred means of reconciling Aboriginal rights and title with the sovereignty of the Crown, other types of agreements can also contribute to reconciliation. For example, incremental treaty agreements provide beneficial results in the short term, which build progress towards completion of final treaties. Strategic engagement agreements, economic and community development agreements, and Forest Consultation and Revenue Sharing Agreements (FCRSAs) are other examples of agreements the Province has with First Nations. FCRSAs are three-year agreements with First Nations that provide economic benefits based on forest harvesting activity within a First Nation's traditional territory. The ministry signed 34 FCRSAs in 2011/12.

The Tla'amin (Sliammon) Final Agreement was initialled by all three parties in October 2011. Bill 11 – 2011: *Yale First Nations Final Agreement Act* was passed on June 2, 2011. Once the bill passes the federal Parliament, the three parties will set a date for the treaty to take effect.

**Objective 3:**      **Work with First Nations to create opportunities to increase community and economic development capacity.**

### Strategies

Support First Nations' access to land and resource tenures.

Work with other ministries to champion access to business venture and economic development opportunities such as resource development agreements, benefit and other strategic agreements, and employment initiatives in the private and public sectors.

Work with other ministries to support First Nations' access to training and skills development and support systems associated with economic development.

Support governance and capacity initiatives, including community development approaches that build capacity in First Nations' governments and organizations such as youth and women's groups.



*Minister Mary Polak participates in a dance at the initialing of the Tla'amin Final Treaty.*



### Performance Measure 3: Engagement capacity

Performance Measure	2009/10 Actual	2010/11 Actual	2011/12 Target	2011/12 Actual
Initiatives that develop capacity and governance capabilities for First Nation governments and Aboriginal organizations.	12	12	12	38 EXCEEDED

Data Source: Ministry of Aboriginal Relations and Reconciliation.

### Discussion of Results

In 2011/12, the ministry worked on a number of initiatives to strengthen capacity and governance capabilities in First Nation communities. The Vancouver Island Aboriginal Youth Workers Forum facilitated networking opportunities and skill development for more than 60 local youth workers from Aboriginal organizations and First Nations communities. Work to support youth leadership development and capacity building for community staff with Ehattesaht First Nation continued. The ministry continued to work with communities to strengthen capacity for strategic planning. The ministry also assisted communities in building relationships and networks to access funding to support their priorities, among these the Ahp-cii-uk initiative with three Nuuchah-nulth communities and the Tahltan Social-Cultural Working Group.

### Performance Measure 4: Economic development opportunities

Performance Measure	2009/10 Actual	2010/11 Actual	2011/12 Target	2011/12 Actual
Initiatives that provide economic opportunities to Aboriginal peoples.	N/A	17	15	16 EXCEEDED

Data Source: Ministry of Aboriginal Relations and Reconciliation.

### Discussion of Results

In 2011/12, the ministry partnered with First Nations and Aboriginal organizations and provided funding to create and stimulate economic opportunities. The ministry also supported economic opportunities through the First Citizens Fund Business Loan Program and Business Advisory Centers. The ministry also concluded negotiations to establish the Province's participation in the *First Nations Commercial and Industrial Development Act* (FNCIDA) in 2011/12. FNCIDA is federal legislation intended to close significant gaps in regulation on reserve and help facilitate economic development projects. The legislation allows B.C. to enter into agreements with Canada and First Nations to administer provincial laws on reserve lands for specific projects.

**Objective 4: Build stronger relationships with urban and off-reserve Aboriginal peoples.**

**Strategies**

Work to ensure that provincial initiatives to close social and economic gaps address the distinct needs of urban Aboriginal peoples.

Support coordinated and collaborative approaches by provincial ministries, the federal government and Aboriginal organizations that seek to address urban Aboriginal social and economic issues.

Support Métis governance and capacity development on a tripartite basis.

Work with other ministries to support urban and off-reserve Aboriginal peoples' access to education, training, skills development and employment initiatives and support systems associated with economic development.

Improve data collection and reporting specific to the Métis and urban Aboriginal populations.



*Minister Polak with Chief Robert Joseph, executive director of the Indian Residential School Survivors Society, Songhees Elder Butch Dick and BC Treaty Commission chief commissioner Sophie Pierre at the Gathering of Aboriginal Men: Standing Up Against Violence towards Aboriginal Women and Children event in Victoria.*

**Objective 5: Strengthen the Province's capacity to engage effectively with Aboriginal peoples.**

**Strategies**

Support and coordinate ministry and Crown agency actions related to the New Relationship and improving social and economic outcomes.

Work within government, with First Nations and with First Nation leaders to understand, clarify and seek solutions to issues involving Aboriginal rights and title.

Coordinate and streamline consultation processes; integrate information sharing practices within the ministry and with provincial government partners.



*Minister Mary Polak on Haida Gwaii with Guujaaw, President of the Council of the Haida Nation.*



Increase awareness of Aboriginal cultures, traditions and governance systems, and how culture impacts the way provincial representatives interact with Aboriginal peoples and communities.

Enhance corporate knowledge and awareness of working with Aboriginal peoples and communities to improve socio-economic outcomes including community development approaches.

**Objective 6: Increase awareness of the importance of Aboriginal cultures, and the history of the relationship between the Province and Aboriginal peoples.**

**Strategies**

Continue to work with First Nations and Métis leaders and organizations to celebrate their history, culture and current contributions to British Columbia.

Support the leadership of First Peoples Heritage, Language and Culture Council to revitalize First Nations languages, cultures, arts and heritage.

Support the addition of Aboriginal place names proposed by First Nations to the British Columbia Geographical Names Database.

Develop policy to acknowledge the history of the relationship between British Columbia and First Nations in development of agreements.

**Performance Measure 5: Public awareness**

Performance Measure	2009/10 Actual	2010/11 Actual	2011/12 Target	2011/12 Actual
Percentage of British Columbians who agree that First Nations have made a wide range of valuable contributions to B.C.	N/A	75%	75.5%	NOT APPLICABLE <sup>4</sup>

Data Source: Ministry of Aboriginal Relations and Reconciliation.

**Discussion of Results**

In 2011, BC Stats changed the wording of this question and changed the rating from a four- to a five-point scale. As a result, the previous baseline data is not comparable to the current data because respondents were choosing from among a different number of responses.

<sup>4</sup> BC Stats changed the possible answers for this question from 2010 to 2011. See text on page 21 for further details.



## Ministry of Aboriginal Relations and Reconciliation

The ministry continues to work to increase positive public awareness and to honour the valuable contributions of Aboriginal peoples to British Columbia. For example, in 2011 the Minister of Aboriginal Relations and Reconciliation presented awards at the 2011 BC Creative Achievement Award recipients for First Nations' Art in Vancouver, celebrating artists who have achieved international recognition for their work. The ministry continues to support the annual B.C. Business Awards; now in its fourth year the awards celebrate the achievements of business people and promote Aboriginal around the province.



*Minister Mary Polak with award recipients at the third annual British Columbia Aboriginal Business Awards ceremony. The awards showcase the accomplishments of B.C.'s Aboriginal business community and its accomplishments.*

# Report on Resources

Core Business Area	2011/12 Estimates <sup>1</sup>	Other Authorizations <sup>2</sup>	Total Estimated	Actual	Variance <sup>3</sup>
Operating Expenses (\$000)					
Negotiations and Implementation	18,134	217	18,351	12,667	(5,684)
Community and Socio-Economic Development	3,528	197	3,725	4,262	537
Strategic Initiatives	7,032	631	7,663	15,496	7,833
Executive and Support Services	6,316	0	6,316	3,630	(2,686)
Treaty and Other Agreements Funding	40,021	10,475	50,496	50,496	0
First Citizen Fund Special Account	3,649	0	3,649	3,589	(60)
First Nations Clean Energy Business Fund	1,350	0	1,350	1,333	(18)
<b>Sub-Total</b>	<b>80,030</b>	<b>11,520</b>	<b>91,550</b>	<b>91,473</b>	<b>(78)</b>
Prior Year Accrual Reversals	0	0	0	(91)	(91)
<b>Total</b>	<b>80,030</b>	<b>11,520</b>	<b>91,550</b>	<b>91,382</b>	<b>(169)</b>
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)					
Executive and Support Services	1	0	1	0	(1)
<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>(1)</b>
Other Financing Transactions (\$000)					
Settlement costs of Treaties and other agreements	1,750	0	1,750	120	(1,630)

<sup>1</sup> The amounts in the "2011/12 Estimates" column correspond to the *Estimates* as presented to the legislative assembly in May 2011.

<sup>2</sup> "Other Authorizations" include Supplementary Estimates, Statutory Appropriations and Contingencies.

<sup>3</sup> "Variance" represents "Actual" minus "Total Estimated". If the Actual is greater than the Total Estimated, the Variance will be displayed as a positive number.

# Annual Service Plan Report Appendices

## Appendix A: Ministry Contact Information

Toll-free information line: 1-800-880-1022

### **Victoria**

Physical address:

2957 Jutland Road

Victoria, B.C. V8T 5J9

Mailing address:

PO BOX 9100

STN PROV GOVT

Victoria, B.C. V8W 9B1

### **Coast Region**

Physical address:

Ste. 142, 2080 Labieux Road

Nanaimo, B.C. V9T 6J9

### **Northern Region**

Physical address:

3726 Alfred Avenue

Smithers, B.C. V0J 2N0

Mailing address:

Bag 5000

Smithers, B.C. V0J 2N0

### **Southern Region**

Physical/mailing address:

3<sup>rd</sup> Floor – 441 Columbia Street

Kamloops, B.C. V2C 2T3



## **Appendix B: Hyperlinks to Additional Information**

BC Treaty Commission  
[www.bctreaty.net/index.php](http://www.bctreaty.net/index.php)

First Peoples' Heritage, Language and Culture Council  
[www.fphlcc.ca/](http://www.fphlcc.ca/)

New Relationship  
<http://www.newrelationship.gov.bc.ca/>

New Relationship Trust  
[www.newrelationshiptrust.ca](http://www.newrelationshiptrust.ca)

A list of statutes that fall under the responsibility of the ministry can be found at:  
[www.leg.bc.ca/procs/allacts/arr.htm](http://www.leg.bc.ca/procs/allacts/arr.htm)



**Ministry of  
Aboriginal Relations and Reconciliation**

**2012/13 – 2014/15  
SERVICE PLAN**

**February 2012**





For more information on the British Columbia  
Ministry of Aboriginal Relations and Reconciliation,  
see Ministry Contact Information on Page 23 or contact:

**Ministry of Aboriginal Relations and Reconciliation**  
PO BOX 9100  
STN PROV GOVT  
VICTORIA, BC  
V8W 9B1

or visit our website at  
[www.gov.bc.ca/arr](http://www.gov.bc.ca/arr)

Published by the Ministry of Aboriginal Relations and Reconciliation

## Message from the Minister and Accountability Statement



It's an honour for me to present this service plan for the Ministry of Aboriginal Relations and Reconciliation. The plan lays out the actions the ministry will take over the next three fiscal years to create social and economic opportunities for Aboriginal peoples through collaborative government-to-government relationships.

The ministry will continue to work hard to foster economic growth and job creation for Aboriginal families and communities across British Columbia. This will, in turn, help close the gaps in economic development, education and health care that have for too long separated Aboriginal peoples from other British Columbians.

Across government, we are strengthening our economy to protect and create jobs for families in every region of B.C. The Ministry of Aboriginal Relations and Reconciliation has a key role to play.

Partnerships with First Nations are a vital part of the *BC Jobs Plan*, and have the potential to create major economic benefits across B.C. and new opportunities in Aboriginal communities.

The ministry will continue its work to establish agreements with First Nations that create certainty. While treaties are the right option for some First Nations, we know there are many paths to reconciliation that will bring economic and social benefits to First Nations families and other British Columbians.

We are flexible in our approach and have a range of tools to work with: reconciliation protocols, strategic engagement agreements, economic benefits agreements, revenue sharing agreements and innovative government-to-government agreements based on supporting sustainable Aboriginal communities and families.

We will continue to work in other ways to close the gaps between Aboriginal and non-Aboriginal British Columbians. We will work to build support for the increasing number of Aboriginal people who choose to live in urban areas by developing an off-reserve Aboriginal action plan. We will work with Aboriginal partners, the federal government and local governments to develop a plan that supports education and job training, while preserving cultures and traditions.

As an outcome of the recent Collaboration to End Violence: National Aboriginal Women's Forum with the Native Women's Association of Canada, B.C. has established an Aboriginal Women's Advisory Council to address the risks and socio-economic vulnerabilities that leave Aboriginal women and girls exposed to violence, while working to find solutions to improve the overall quality of life of Aboriginal women across British Columbia.

I am proud of what my ministry has achieved and welcome the opportunities ahead as we engage with First Nations to create jobs and economic opportunities, strengthen families and build a better future for Aboriginal communities across B.C.

The *Ministry of Aboriginal Relations and Reconciliation 2012/13 – 2014/15 Service Plan* was prepared under my direction in accordance with the *Budget Transparency and Accountability Act*. I am accountable for the basis on which the plan has been prepared and for achieving the specific objectives in the plan.



Honourable Mary Polak  
Minister of Aboriginal Relations and Reconciliation  
February 21, 2012



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# Purpose of the Ministry

## Working to achieve reconciliation with Aboriginal peoples<sup>1</sup>

Reconciliation involves commitment to healing the relationships between the Province and Aboriginal peoples. It entails the Province working collaboratively with Aboriginal peoples to achieve a better future built on positive and lasting relationships. Reconciliation is a dynamic process that aims to produce long-term social, economic, and cultural advantages for all British Columbians. The Ministry of Aboriginal Relations and Reconciliation is the B.C. Government's lead for pursuing reconciliation with the Aboriginal peoples of British Columbia. The ministry acknowledges that there are many paths to reconciliation and uses a variety of flexible tools and holistic approaches tailored to be responsive to the diverse needs, capacity, priorities and interests of Aboriginal peoples. The ministry's reconciliation efforts are broad and comprehensive, firmly rooted in principles of justice and fairness, and go beyond issues of rights and title.

*"Nanwakolas values our evolving partnership with the provincial government. These agreements create an environment in which positive social and economic change can take place, and demonstrate commitment to reconciliation and respect."*

*"People and businesses in our communities are able to better pursue economic opportunities; and companies who want to do business in our traditional territory will have clear expectations and certainty."*

*– Dallas Smith, President, Nanwakolas Council*

## Building relationships and developing strong partnerships

The ministry builds relationships with Aboriginal peoples based on respect and recognition. Partnerships with Aboriginal communities, organizations and people are critical for the success of the *BC Jobs Plan*, and for achieving positive, lasting relationships with Aboriginal peoples whose communities are healthy, prosperous, sustainable and self-determining.

The ministry also plays a key role in promoting creative multi-sectoral and inter-jurisdictional work on Aboriginal initiatives. The ministry works in partnership with Aboriginal communities, organizations and people and brings together representatives from other ministries and Crown agencies, other orders of government, and business and industry to identify new opportunities for economic participation and investment and job creation, which will support the goals of the *BC Jobs Plan*.

---

<sup>1</sup>Canada's Aboriginal population is distinct and diverse. The *Constitution Act* recognizes the Aboriginal peoples of Canada as the Indian, Inuit and Métis peoples of Canada. "First Nation" is the generally preferred term for Indian peoples of Canada. The term Aboriginal as used throughout this document includes all people of Aboriginal ancestry, including First Nations, Métis and Inuit. The term communities means the diversity of Aboriginal communities as defined by Aboriginal people and includes descriptions such as urban, rural, metropolitan, land-based and reserve. The Ministry of Aboriginal Relations and Reconciliation works with all Aboriginal peoples wherever they may live in British Columbia.



### **Negotiating lasting agreements that contribute to reconciliation**

The ministry negotiates treaties and related agreements with First Nations and Canada. Treaties offer the most comprehensive form of reconciliation agreement. Treaties provide First Nations with significant tools for social and economic development and self-government, and they remove First Nations from the constraints of the *Indian Act*.

In addition to treaties, the ministry leads the negotiation and implementation of provincial land and resource agreements to facilitate various types of opportunities. In the *BC Jobs Plan*, the government commits to ten new non-treaty agreements by 2015. The ministry also negotiates new consultation agreements, which address legal requirements to consult, simplify processes and result in stability for economic development. In addition, the ministry is negotiating a number of revenue sharing agreements with First Nations for forestry, new mines and other major developments. These agreements support First Nations' participation in development and help to facilitate partnerships with proponents. Economic benefit agreements, which combine revenue-sharing and streamlined consultation, create predictability for gas, oil and mining in Treaty 8 territory. Oil and gas consultation process agreements provide equity and revenue-sharing in exchange for process and legal certainty. Land-based agreements have shown success and facilitate immediate opportunities using Crown land.

*The Ministry of Aboriginal Relations and Reconciliation makes appointments to a number of agencies, boards and commissions including:*

- *New Relationship Trust Board,*
- *BC Treaty Commission,*
- *First Peoples' Heritage, Language and Culture Council,*
- *Haida Gwaii Management Council, and*
- *The First Peoples' Advisory Committee.*

British Columbia's innovative agreements with First Nations create clarity and predictability regarding the respective responsibilities of the Province and First Nations; increase capacity and opportunity in Aboriginal communities; establish partnerships with First Nations that improve the investment climate; provide major economic benefits for British Columbia; and contribute to family and community stability.

In addition, the ministry's eight regional offices provide expert local support for negotiation of non-treaty agreements and implementation of treaty and non-treaty agreements. The regional presence supports conflict resolution, and serves as a liaison with other resource ministries.

The ministry also works with First Nations to improve treaty making through trilateral tables which deal with policy and process challenges to concluding treaties.

### **Providing leadership and expert advice on policy relating to Aboriginal peoples**

The ministry provides industry proponents and natural resource sector staff with strategic advice and best practices on a broad spectrum of issues to improve their ability to work successfully and partner with First Nations. The ministry plays a key role in the ongoing implementation of government's New Relationship with Aboriginal peoples.



The ministry also has responsibility for coordinating strategic activity and reporting annually, on behalf of government, on progress achieved on the *Transformative Change Accord* and the *Métis Nation Relationship Accord*. As such, the ministry supports cross-ministry and cross-government policy frameworks related to Crown-Aboriginal relations, economic development, social sectors (health, education and housing), and language and culture initiatives. In addition, the ministry is responsible for intergovernmental relations and national policy tables on social issues concerning Aboriginal peoples (on- and off-reserve). The ministry also supports and advises line ministries as they develop and implement Aboriginal social and economic policies and programs, such as the new Aboriginal Business Investment Council developed under the *BC Jobs Plan*.

### Supporting capacity building in Aboriginal communities



Left to right: Minister Mary Polak, Premier Christy Clark, Chief Robert Hope, BCTC Chief Commissioner Sophie Pierre and MLA Barry Penner at the introduction ceremony of the Yale Treaty legislation in the B.C. legislature.

Social and cultural elements are important factors that enable Aboriginal peoples to take advantage of economic opportunities and improve outcomes for themselves. Economic development initiatives are often hampered by a lack of attention to social infrastructure and the ministry is working closely with Aboriginal partners and across sectors to build capacity on priorities identified by Aboriginal communities. We work with Aboriginal peoples to foster strong governments, social justice and economic resilience. We also support efforts to bring First Nations leaders, business leaders and government together to create the networks and relationships that lead to new opportunities.

### Strengthening relationships with the Métis Nation

The ministry continues to work in partnership with Métis Nation BC to achieve the objectives of the *Métis Nation Relationship Accord*. The ministry supports Métis Nation BC's efforts to enhance educational opportunities and to reinforce and regenerate Métis identity, history and culture through education. The ministry's reporting on social and economic indicators for the Métis population now includes improved measurement of progress on the commitments in the accord. Métis are distinct Aboriginal people, with unique languages, history, and cultural traditions. Approximately 30 per cent of British Columbia's Aboriginal population self-identifies as Métis. To increase awareness of Métis culture, the ministry has enhanced content on the New Relationship website by including Métis related accomplishments and stories. <http://www.newrelationship.gov.bc.ca/>.

### **Advancing the revitalization of Aboriginal language and culture**

There are intricate and mutually reinforcing connections among language, culture and Aboriginal community well-being and sustainability. Language plays both practical and symbolic roles in maintaining and reinforcing cultural identity. The decreasing number of First Nations individuals fluent in native languages signals the loss of an intrinsic expression of shared cultural heritage and affiliation. British Columbia is home to 32 distinct First Nations languages, representing about 60 per cent of all the indigenous languages in Canada. Many of these languages are in danger of extinction within a generation. The ministry supports the revitalization of First Nations' language, heritage, culture and arts through the work of the First Peoples' Heritage, Language and Culture Council. The council develops and administers programs such as the BC Aboriginal Language Initiative, which supports language revitalization through documentation, immersion programs and curriculum development, and the Aboriginal Arts Development Awards Program, which supports emerging Aboriginal artists. In addition, the ministry partners with the First Peoples' Heritage, Language and Culture Council, the New Relationship Trust and the First Peoples Cultural Foundation to deliver language immersion programs among children, youth and elders, and to provide capacity and resource materials for First Nations language speakers and learners.



*Minister Mary Polak, Minister of Community, Sport and Cultural Development Ida Chong, MLAs Murray Coell and Ben Stewart, members of the First Nations Leadership Council, and President of the Métis Nation BC at the Aboriginal Youth Internship Program completion ceremony in Victoria.*

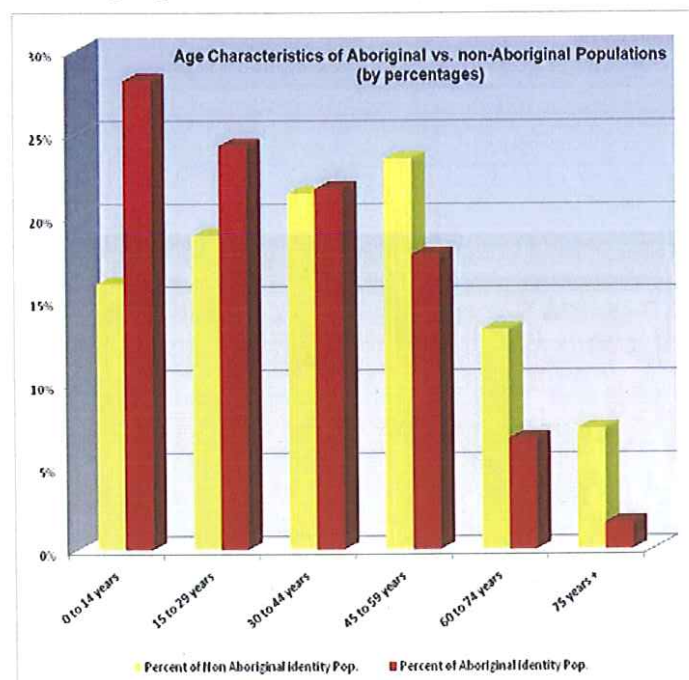


# Strategic Context

## The Legal Context

The Royal Proclamation of 1763 acknowledged that Aboriginal peoples in Canada possess certain rights and freedoms. Section 35 of the *Constitution Act, 1982* recognizes and affirms existing Aboriginal and treaty rights. Through a number of important decisions, the courts have reinforced that Aboriginal rights and title exist and that these rights must influence the way government operates. The Supreme Court of Canada has stated that the ability of government to infringe those rights is constrained. Governments are legally required to justify infringements of Aboriginal and treaty rights as being required in the public interest.

## Demographic and social factors



In British Columbia, the Aboriginal population is characterized by unique demographic qualities that will inform policy and program decisions in the coming years.<sup>2</sup> British Columbia is home to over one-third of the more than 600 First Nations communities in Canada, comprising the most culturally and linguistically diverse groups of Aboriginal peoples in the country. Approximately 200,000 people in the province identify themselves as First Nation, Métis, or Inuit. Between 2001 and 2006, the Aboriginal population in B.C. grew by 15 per cent, more than three times the growth rate of the non-Aboriginal population.<sup>3</sup>

The fastest growing population demographic province-wide is Aboriginal youth. In fact, the median age of the Aboriginal population

in British Columbia is approximately 12 years younger than the median age of the province's overall population. The stark differences between the population "pyramids" of Aboriginal and non-Aboriginal populations inform the Province's approach. The B.C. Government engages Aboriginal youth on related provincial policy and program development to seek ways to address their ambitions, and to develop their potential to make important contributions and to accelerate job creation and growth. The ministry is working with youth on initiating and implementing constructive relations between youth organizations and government partners, promoting leadership development in both provincial organizations and First Nations' communities, offering mentorship and providing resources

<sup>2</sup> 2006 Census. Data from BC Stats' *National Household Survey* will be available beginning in 2013.

<sup>3</sup> The increase is due in part to an increase in the number of individuals who self-identify as Aboriginal.



for youth to create their own opportunities. The ministry works with partners from many sectors to focus on youth-identified priorities such as creative technologies, sports and recreation, and traditional arts and culture projects. We also support those who work with youth to develop their engagement skills and help build relationships.

Increasing urbanization is another demographic consideration. The 2006 Census reports that 74 per cent of the Aboriginal population in British Columbia lives off-reserve, with 60 per cent living in urban areas. The Métis are a distinct population and make up a significant portion of the off-reserve populations. The provincial government has committed to working with Aboriginal partners, the federal government and local governments to develop an off-reserve Aboriginal action plan. The plan will support improved coordination of programs and services delivered by the Province, Aboriginal partners, the federal government and local governments. It will reflect a community-driven and multi-stakeholder approach, and will improve employment outcomes, supporting the *BC Jobs Plan*. The off-reserve Aboriginal action plan will also guide ministries and agencies in taking appropriate steps so Aboriginal people residing on- and off-reserve have access to key services (i.e. health, education, housing, and employment).

### **Negotiation and implementation of agreements, including treaties**

Although challenges may exist, innovative approaches, sound planning and solid relationships with First Nations and Aboriginal organizations have made it possible for the ministry to maintain the dynamic energy that has moved parties closer to mutual goals in the last few years. As the number and types of agreements between B.C. and First Nations grow, the ministry will target resources on agreement implementation to meet needs and obligations effectively.

British Columbia remains committed to the negotiation and implementation of agreements, including treaties, as an expression of reconciliation. Treaties and other agreements are important tools for First Nations to develop stable, healthy, resilient communities with governance over treaty lands and resources.

Likewise, there are a variety of lasting agreements that contribute to achieving reconciliation and create economic opportunities for First Nations. Strategic engagement agreements and economic and community development agreements, for example, represent innovative approaches to streamlining consultation obligations and sharing new resource revenues with First Nations.

These agreements help build relationships with First Nations, resolve conflicts, or address concerns associated with development on traditional territories.

*"We need to work together... so that we're actually achieving agreements that get economic benefits on the ground, not just for First Nations. When a First Nation benefits economically, it helps the whole community around them."*

*– Minister Mary Polak*

Flexible agreements are critical components of reconciliation, intended to address priorities identified by a specific First Nation. This latitude and the breadth of agreement types serve to broaden the definition of reconciliation beyond rights and title and to reinforce the understanding that there are many paths to reconciliation.

## Economic Context

The Economic Forecast Council estimates that British Columbia's real GDP grew by 2.2 per cent in 2011 and projects that the rate of real GDP growth will remain at 2.2 per cent in 2012, before increasing to 2.5 per cent in 2013. Risks to British Columbia's economic outlook include a return to recession in the US; the European sovereign debt crisis threatening the stability of global financial markets; slower than anticipated economic growth in Asia dampening demand for B.C. exports; and a weakening of the US dollar disrupting the financial markets and raising the cost of B.C. exports abroad.

The 2008-2009 economic downturn had a longer and deeper impact on the Aboriginal population compared to the non-Aboriginal population. From 2008-2010, employment declines among Aboriginal people were experienced in most provinces or regions, for both men and women of working age. With continued declines in employment among the Aboriginal population, the gaps in unemployment rates widened between Aboriginal and non-Aboriginal people.

The *BC Jobs Plan* seeks to address the effects of the economic downturn by delivering a set of tools and agreements that will also serve to stimulate the economy and investment. These agreements, which include revenue sharing and consultation agreements, will build economic development capacity and provide opportunities for job creation by contributing to a stable investment environment.

The newly developed Aboriginal Business Investment Council will work with Aboriginal communities and the private sector to make recommendations to government on strategies to help foster economic development in Aboriginal communities and increase overall investment in the province. The council will focus on the eight key sectors in the *BC Jobs Plan* – forestry, mining, natural gas, agri-foods, technology, tourism, transportation (marine and aerospace) and international education.

## Climate change

The ministry has partnered with First Nations in B.C. to support government's commitment to climate action and green energy initiatives and to generate new economic opportunities. First Nations have been assisted to engage potential sources of technical and financial assistance within government for projects that reduce climate impacts, such as renewable energy developments and greenhouse gas reduction projects.

In April 2011, the ministry launched the First Nations Clean Energy Business Fund (FNCEBF). This fund was created as part of the *Clean Energy Act* to facilitate increased participation of First Nations in clean, renewable energy projects within their traditional territories. Since this fund was launched, the ministry has completed two rounds of intake and committed approximately \$1.36 million for capacity and equity funding to 30 First Nations. In 2012/13, the ministry expects to provide an additional \$1.75 million in First Nations capacity and equity funding. The FNCEBF will also allow for revenue sharing with successful applicants, based on provincial resource rents, (i.e. land and water rentals), prescribed under the FNCEBF regulation, that result from clean energy projects that receive land or water authorizations after the enactment of the *Clean Energy Act*.



The ministry recently signed a carbon credit-sharing agreement with the Coastal First Nations that is the first of its kind in the province or in Canada. The agreement allows First Nations to sell carbon credits on local and international markets. The Province expects to sign two more carbon credit-sharing agreements in the near future: with the Council of the Haida Nation, and with the Nanwakolas First Nations.

The ministry is also supporting implementation of the provincial climate change adaptation strategy. The strategy calls on government to assess business risks and opportunities related to climate change, where relevant, in planning, projects, policies, legislation, regulations and approvals. Adaptation is a vital part of government's climate change plan. It means taking action now to prepare for a changing climate and its impacts on ecosystems, resources, businesses and communities.



BC Achievement Foundation chair Keith Mitchell, award recipient Vera Edmonds and Minister Mary Polak at the fifth annual British Columbia Creative Achievement Awards for First Nations' Art.

### Coordinated Resource Management

Government's structure to manage Crown land and natural resources was reconfigured in the spring of 2011, creating an improved arena for coordination and integration. The ministries involved included: Aboriginal Relations and Reconciliation; Energy and Mines; Environment; Agriculture; Forests, Lands, and Natural Resource Operations; and Jobs, Tourism and Innovation. Under the direction of the

Natural Resources

Board, these ministries are making bold changes to service delivery in the natural resource sector. This sectoral approach promotes streamlined authorization processes and enhanced access to public services across

*"The MABC and our counterparts in industry have been calling for resource revenue with First Nations for some time. We are pleased to see the government moving in this direction. The Province is to be commended on its leadership and implementation of such progressive public policy."*

*"B.C. is breaking new ground in Aboriginal and natural resources public policy, not just in Canada but internationally."*

*– Mining Association of BC*

the province. The reconfiguration facilitates more consistent engagement and consultation with industry, stakeholders, partners and clients. It also enhances inclusion of Aboriginal, economic and environmental considerations into decision making. The ministries are working together to make these improvements and meet the commitments of the *BC Jobs Plan*.



# Goal, Objectives, Strategies and Performance Measures

## **Goal: Reconciliation with Aboriginal peoples in British Columbia**

Reconciliation is an ongoing process, and rarely straightforward. It requires trust and commitment to overcome stumbling blocks along the way, and a willingness to learn from each other at all stages. Relationships built on mutual respect and recognition are key to making reconciliation possible.

### *New Relationships*

*It's not just about a new relationship. It's about new relationships, very much in the plural – new relationships that lead to self-sufficiency; that provide employment in rural and remote communities as well as large ones and that give hope to young people that they can stay in their communities and raise their families and keep their historic connection to the land where they grew up.”*

*- Premier Christy Clark*

## **Objective 1: Establish respectful relationships with Aboriginal peoples as a model for all British Columbians.**

### **Strategies**

- Work with other provinces, territories, the federal government and national Aboriginal organizations to initiate and coordinate efforts to address issues of mutual interest.
- Facilitate and support collaboration among Aboriginal organizations, all levels of government and the private sector on initiatives aimed at improving social and economic outcomes for Aboriginal peoples.
- Provide advice, guidance and direction to industry in engaging with Aboriginal peoples.
- Prevent critical incidents and resolve issues.

## **Objective 2: Seek opportunities for early engagement of Aboriginal peoples in initiatives that affect their families and their communities.**

### **Strategies**

- Support First Nations' access to land and resource tenures.
- Negotiate and implement agreements with First Nations, including treaties, which contribute to improved social and economic outcomes for Aboriginal peoples.

- Work with the Unified Aboriginal Youth Collective to support Aboriginal youth to develop their capacity and opportunities for engaging with government on issues of importance to them.
- Lead the Province's commitment to ten new non-treaty agreements by 2015, as referenced in the *BC Jobs Plan*.

### Performance Measure 1: Strategic agreements

Performance Measure	2011/12 Forecast	2012/13 Target	2013/14 Target	2014/15 Target
Number of completed agreements that support strategic engagement with First Nations, including reconciliation agreements and strategic engagement agreements.	3	4	4	4

Data Source: Ministry of Aboriginal Relations and Reconciliation

### Discussion

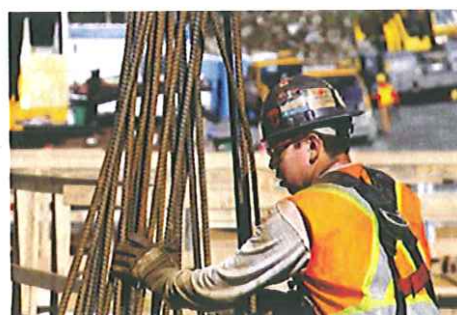
Through meaningful engagement processes with First Nations, non-treaty agreements focus on ensuring First Nations benefit from and participate in development opportunities, identify areas of common interest and create possibilities to work with First Nations to achieve mutual goals. Specific elements of each agreement are flexible, depending on the parties' objectives, local needs, and relationship history.

- Strategic engagement agreements establish a government-to-government relationship and improve processes for decision making.
- Reconciliation agreements are specifically designed to increase economic and legal certainty for resource and land use, establish a process for shared decision making and create economic opportunities for First Nations communities, building a stronger future for all British Columbians.

### Objective 3: Improved social and economic outcomes for Aboriginal peoples.

#### Strategies

- Work with other ministries to champion access to business venture and economic development opportunities.
- Work with the ministries of Advanced Education and Jobs, Tourism and Innovation to support Aboriginal access to programs and services associated with skills development and training.
- Provide flexible funding to First Nations through various agreements such as economic and community development agreements.





- Participate in the treaty revitalization process.
- Work across government and in partnership with Aboriginal peoples, to implement the *Transformative Change Accord* and *Métis Nation Relationship Accord* in areas such as education, housing and infrastructure, health, economic development and Crown-Aboriginal relations.
- Monitor and report on activities and progress on meeting the goals of the *Transformative Change Accord* and *Métis Nation Relationship Accord* through two cross-government reports: *Measuring Outcomes* and *New Relationships with Aboriginal People and Communities in British Columbia*.
- Improve data collection and reporting specific to the Métis and off-reserve/urban Aboriginal populations.

## Performance Measure 2: Revenue sharing agreements

Performance Measure	2011/12 Forecast	2012/13 Target	2013/14 Target	2014/15 Target
Number of completed revenue sharing agreements with First Nations.	1	2	3	3

Data Source: Ministry of Aboriginal Relations and Reconciliation

## Discussion

Resource revenue sharing agreements are agreements between government and potentially impacted First Nations to share revenue on successful major resource development projects within their traditional territories. Economic and community development agreements (ECDAs), which are initiated on a case-by-case basis, are negotiated on such projects as major new mines and mine expansions, and tourism initiatives such as resort developments. Economic benefit agreements (EBAs) are agreements to share oil and gas revenue within First Nations' traditional territory and provide a solid foundation for increased participation in the regional economy. The mining, tourism and oil and gas sectors are important elements of the *BC Jobs Plan*, creating a wide range of jobs across the province that support families, accelerate economic growth and attract investment across the province. Resource revenue sharing agreements enable greater process certainty for the Province, First Nations and industry, shifting all parties into a partnership around a development and solidifying support for project success.

## Objective 4: Respectfully reconcile Provincial interests with First Nations' Aboriginal and treaty rights.

## Strategies

- Support the conclusion of agreements among First Nations, the B.C. Government and local governments.



- Work across ministries to support Aboriginal peoples' access to programs and services associated with economic development.
- Continue to seek improvements to treaty making through tripartite processes.
- Link economic development agreements to treaty through land transfers for current and future use.

### Performance Measure 3: Treaties and related agreements

Performance Measure	2011/12 Forecast	2012/13 Target	2013/14 Target	2014/15 Target
Number of completed treaties, incremental treaty agreements and agreements-in-principle.	2	4	6	6

Data Source: Ministry of Aboriginal Relations and Reconciliation

### Discussion

The ministry negotiates and coordinates the negotiation of treaty, treaty-related, and non-treaty agreements to support successful reconciliation and secure a better future for all British Columbians. A treaty is considered to be the most comprehensive form of reconciliation between First Nations and government. Treaty negotiations are complex and take time; treaties address the rights and responsibilities of the Province, First Nations and Canada on matters including land ownership, governance, taxation, financial benefits, and environmental management (including wildlife). Treaties help First Nations achieve stable governance structures, social justice, and economic self-reliance.

An agreement-in-principle (AIP) is negotiated during the fourth phase of the six-stage treaty negotiation process. The AIP outlines the major points of agreement between the parties on many topics, including land, cash, access, fisheries, wildlife, culture and heritage, governance, and certainty.

Incremental treaty agreements (ITAs) are typically treaty-related agreements that help to build trust and momentum, and allow First Nations to realize benefits before treaties are concluded and implemented. For example, an ITA may allow a First Nation to develop an economic opportunity, provide employment for members or acquire culturally significant land parcels.

The voluntary six-stage treaty process is open to all B.C. First Nations. At every treaty table, three parties, (the Province, the First Nation, and Canada), are represented. The BC Treaty Commission (<http://www.bctreaty.net/>) has a critical role overseeing the process of treaty negotiations.



Minister Polak, MLAs John Les and Barry Penner, and Seabird Island Indian Band Chief Clem Seymour celebrate the signing of a forestry agreement that will directly benefit the community's social and economic development.

**Performance Measure 4: Forest consultation and revenue sharing agreements**

Performance Measure	2011/12 Forecast <sup>3</sup>	2012/13 Target	2013/14 Target	2014/15 Target
Number of completed agreements under the Forest Consultation and Revenue Sharing Agreement program.	95	107	117	124

Data Source: Ministry of Aboriginal Relations and Reconciliation

<sup>3</sup> Cumulative totals include the 53 FCRSAs that were signed in 2010/11.**Discussion**

Forest consultation and revenue sharing agreements allow for sharing of forestry revenues with First Nations based on forest activity in their traditional territories. FCRSAs were launched in the fall of 2010 to replace forest and range opportunity agreements as these latter agreements expire over time. FCRSAs build on the success of previous agreements by combining a meaningful consultation protocol and other commitments with economic benefits for First Nations.

FCRSAs have a three-year term. The new FCRSA revenue-sharing model transitions from the previous per-capita funding to a model based on harvesting activity in a First Nation's traditional territory. As a result, for the first time, First Nation communities will see more direct economic benefits returning from harvest activities taking place in their traditional territory.

FCRSAs directly support the forest sector by streamlining consultation with First Nations through negotiated consultation protocols and commitments by First Nations that improve stability on the land base. Developed in the spirit of the New Relationship, FCRSAs also support the *Transformative Change Accord* objectives; contain linkages to agreements that further reconciliation and progress to treaty; and support jobs and the economy by providing economic benefits to First Nations.

**Objective 5: Work with Aboriginal peoples to enhance and build capacity in Aboriginal communities, governments and organizations.**

**Strategies**

- Implement the First Nation Clean Energy Business Fund.
- Lead negotiation of carbon offset-sharing arrangements with First Nations.
- Support governance and capacity initiatives in Aboriginal communities, governments and organizations.
- Provide economic opportunities for communities in supporting implementation.
- Work with First Nations through multi-sectoral partnerships such as Ahp-cii-uk and the Tahltan socio-cultural working group.
- Support Métis governance and capacity development on a tripartite basis.



### Performance Measure 5: Capacity building

Performance Measure	2011/12 Forecast	2012/13 Target	2013/14 Target	2014/15 Target
Number of capacity-building opportunities, including two-way job shadowing, work exchanges and sharing of human resource expertise.	N/A	Establish baseline	Increase from baseline	Increase from baseline

Data Source: Ministry of Aboriginal Relations and Reconciliation

#### Discussion

In January 2012, the B.C. Government signed a Memorandum of Understanding (MOU) with the First Nations Summit Society and the First Nations Public Service Secretariat to enhance the professional capacity of the British Columbia First Nations' Public Service, which is responsible for delivering services for First Nations communities and organizations. The MOU lays the groundwork for opportunities for First Nations and B.C. Government employees to participate in capacity-building opportunities such as short-term work exchanges, job shadowing and human resource development.

The MOU builds on the *BC Jobs Plan* by supporting jobs and job training for Aboriginal people, supports government's Diversity and Inclusiveness Strategy and enhances initiatives such as the Aboriginal Youth Internship Program and the Building Public Service Capacity in Aboriginal Relations strategy.

In 2012/13, a baseline will be established regarding the number of capacity-building opportunities under the MOU. It is anticipated that in subsequent years, the number of such opportunities will increase over the baseline year.

#### **Objective 6: Work across government to support the delivery of programs and services to off-reserve and urban Aboriginal populations.**

#### Strategies

- Work with provincial ministries to identify how to better coordinate programs to improve outcomes.
- Work with provincial ministries, Aboriginal partners, the federal government and local governments to develop an off-reserve Aboriginal action plan.
- Undertake evidence-based research to support the Aboriginal action plan.



## Objective 7: Strengthen the Province's capacity to engage effectively with Aboriginal peoples.

### Strategies

- Work within government, with First Nations and with First Nations leaders to understand, clarify and seek solutions to issues involving Aboriginal rights and title.
- Coordinate and streamline consultation processes and provide information management systems to government and provincial government partners.
- Provide strategic advice across government and facilitate coordinated consultation strategies for major projects with multi-agency authorizations.

### Performance Measure 6: Applied knowledge of Aboriginal peoples

Performance Measure	2011/12 Forecast	2012/13 Target	2013/14 Target	2014/15 Target
Percentage of public service employees who are able to use their knowledge of Aboriginal peoples, histories and cultures to influence their day-to-day work. <sup>3</sup>	59%	Maintain or improve	Improve	Improve

Data Source: Ministry of Aboriginal Relations and Reconciliation

<sup>3</sup> The data is taken from an annual survey of public service employees.

### Discussion

In spring 2011, informed by regional engagement sessions with Aboriginal people and public servants, the ministry developed a strategy called Building Public Service Capacity in Aboriginal Relations. The strategy features a new website for public service employees that houses resources and tools to support public service employees in working effectively, respectfully and knowledgeably with Aboriginal peoples. The strategy also contains a performance measurement framework, including a survey for provincial public service employees, gauging perceptions of how well the provincial government is working in Aboriginal relations. Survey results provide help the ministry determine whether it is meeting the needs of staff and where to focus its efforts to achieve results.



Minister Polak with Haisla Nation Chief Councilor and chair of the Aboriginal Investment Council Ellis Ross and Deputy Chief Councilor Lucille Harms

# Resource Summary

Core Business Area	2011/12 Restated Estimates <sup>1</sup>	2012/13 Estimates	2013/14 Plan	2014/15 Plan
<b>Operating Expenses (\$000)</b>				
Negotiations and Regional Operations .....	13,749	13,708	13,708	13,708
Community and Socio-economic Development .....	3,867	3,830	3,830	3,830
Strategic Initiatives .....	13,495	13,316	13,316	13,316
Executive and Support Services .....	3,899	3,899	3,899	3,899
Treaty and Other Agreements Funding ..	40,021	40,007	40,873	41,594
First Citizens Fund Special Account .....	3,649	3,230	3,230	3,030
First Nations Clean Energy Business Fund Special Account .....	1,350	2,151	2,334	3,206
<b>Total .....</b>	<b>80,030</b>	<b>80,141</b>	<b>81,190</b>	<b>82,583</b>
<b>Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)</b>				
Executive and Support Services .....	1	391	1	1
<b>Total .....</b>	<b>1</b>	<b>391</b>	<b>1</b>	<b>1</b>

<sup>1</sup> For comparative purposes, amounts shown for 2011/12 have been restated to be consistent with the presentation of the 2012/13 Estimates.



## Status Report on Treaty Negotiations

Number of First Nations involved in the BC treaty negotiations process:	105
Number of First Nations at Stage 6 (implementation):	6
Number of First Nations at Stage 5 (final agreement):	7
Number of First Nations at Stage 4 (agreement-in-principle):	2
Number of First Nations at Stage 3 (framework agreement):	84
Number of First Nations at Stage 2 (readiness):	2
Number of First Nations at Stage 1 (statement of intent):	0

British Columbia's first contemporary land claims agreement - the Nisga'a Final Agreement - came into effect in 2000. Although not part of the BC Treaty Commission process, Nisga'a negotiations followed the same tripartite procedure and resulted in the first modern-day treaty in British Columbia.

The treaty between the five First Nations of Maa-nulth, Canada and British Columbia took effect on April 1, 2011. Maa-nulth joins the Tsawwassen in stage six of the treaty process, working to implement the provisions of the treaty and address issues as they arise.



*Minister Polak listens as Grand Chief Bert Mack, who was chief of Toquaht Nation for 60 years, speaks at the Maa-nulth Treaty's effective date celebration.*

Yale First Nation members approved their final agreement in March 2011. The legislation ("Bill 11 – 2011: *Yale First Nations Final Agreement Act*") was introduced in the British Columbia Legislature on May 18, 2011, and passed on June 2, 2011. The agreement now goes through the federal parliamentary process. If Parliament passes its legislation, a date is set by the three parties for the treaty to take effect. The Tla'amin Final Agreement was initialled by Canada, British Columbia and Tla'amin Nation on October 21, 2011. The next step is agreement ratification by Tla'amin members in a vote scheduled for June 2012. K'ómoks membership voted to accept their agreement-in-principle (AIP) in a referendum held on March 26, 2011. BC and Canada must now approve the AIP before the parties sign the agreement.

A challenge for the ministry in concluding treaties has been the federal government's moratorium on negotiation of treaty provisions around fishing due to the Cohen Inquiry. During the delay in final negotiations, the Province is investigating the negotiation of incremental treaty agreements with First Nations as a bridge until negotiations can resume. An incremental treaty agreement is not a replacement for treaty. Rather, it is a pre-treaty agreement which provides treaty-related benefits to First Nations in advance of final agreement. Tla-o-qui-aht First Nations and the Klahoose First Nation have signed incremental treaty agreements.

In response to concerns raised by First Nations and independent external reviews, the Province, Canada and the First Nations Summit have agreed to discuss ways to improve the treaty process to support further progress in negotiations through trilateral tables that deal with subject matters identified by First Nations as barriers to concluding treaties, as well as treaty process issues, including funding. In addition, the ministry and Canada have taken steps to streamline internal approval processes to conclude treaties.



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## Hyperlinks to Additional Information

BC Treaty Commission

[www.bctreaty.net/index.php](http://www.bctreaty.net/index.php)

First Peoples' Heritage, Language and Culture Council

[www.fphlcc.ca/](http://www.fphlcc.ca/)

*Métis Nation Relationship Accord*

<http://www.gov.bc.ca/arr/social/accord.html>

New Relationship

[www.gov.bc.ca/arr/newrelationship/down/new\\_relationship.pdf](http://www.gov.bc.ca/arr/newrelationship/down/new_relationship.pdf)

New Relationship Trust

[www.newrelationshiptrust.ca/](http://www.newrelationshiptrust.ca/)

*Transformative Change Accord*

[www.gov.bc.ca/arr/social/down/transformative\\_change\\_accord.pdf](http://www.gov.bc.ca/arr/social/down/transformative_change_accord.pdf)

A list of statutes that fall under the responsibility of the ministry can be found at:

[www.leg.bc.ca/procs/allacts/arr.htm](http://www.leg.bc.ca/procs/allacts/arr.htm)

Definitions of terms related to Aboriginal peoples can be found at:

<http://www.gov.bc.ca/arr/index.html>

**Ministry of  
Aboriginal Relations and Reconciliation**

**2013/14 – 2015/16  
SERVICE PLAN**

**February 2013**





For more information on the British Columbia  
Ministry of Aboriginal Relations and Reconciliation,  
see Ministry Contact Information on Page 18 or contact:

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or visit our website at  
[www.gov.bc.ca/arr](http://www.gov.bc.ca/arr)

Published by the Ministry of Aboriginal Relations and Reconciliation

## Message from the Minister and Accountability Statement



It's an honour for me to deliver this service plan, that lays out the actions the Ministry of Aboriginal Relations and Reconciliation will take over the next three fiscal years to create social and economic opportunities for Aboriginal peoples.

A key aspect of the *BC Jobs Plan* is government's commitment to improve opportunities for First Nations to participate in the provincial economy. This ministry has made great progress in reaching innovative agreements that bring benefits to First Nations communities while increasing economic certainty. When Premier Christy Clark launched the *BC Jobs Plan* in 2011, the plan included a commitment to reach 10 new non-treaty agreements by 2015. I am pleased to say that we recently fulfilled this commitment – two

years ahead of schedule.

Our work on non-treaty agreements has enriched relationships with First Nations and complements the British Columbia treaty process. The ministry will continue to work toward final treaty agreements as the ultimate form of reconciliation.

We will also continue our efforts to close the gaps that separate Aboriginal and non-Aboriginal British Columbians. The recent announcement of five pilot communities was another step forward in the development of our Off-Reserve Aboriginal Action Plan, working with Aboriginal partners, the federal government and local governments to support education and job training, while preserving cultures and traditions. British Columbia will continue to work closely with our Aboriginal Women's Advisory Council to lessen the risks and socio-economic vulnerabilities faced by Aboriginal women and girls.

The past year has been one of incredible progress for this ministry. I take great pride in what we have achieved, but there is still much work left to do.

The *Ministry of Aboriginal Relations and Reconciliation 2013/14 – 2015/16 Service Plan* was prepared under my direction in accordance with the *Budget Transparency and Accountability Act*. I am accountable for the basis on which the plan has been prepared and for achieving the specific objectives in the plan.

A handwritten signature in cursive script, reading "Ida Chong".

Honourable Ida Chong, FCGA  
Minister of Aboriginal Relations and Reconciliation  
February 5, 2013

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## Purpose of the Ministry

The Ministry of Aboriginal Relations and Reconciliation is the B.C. Government's lead for pursuing reconciliation with the Aboriginal peoples<sup>1</sup> of British Columbia. A key component of reconciliation involves creating relationships that are mutually beneficial through collaboration and commitment. This includes working together to create a stable economic environment so that all British Columbians, including Aboriginal peoples, are able to pursue their goals.

The *BC Jobs Plan* will help facilitate transformational changes to the British Columbia economy; for it to be successful, uncertainty created by undefined Aboriginal rights must be addressed. Government must work in partnership with Aboriginal peoples to identify shared goals, strategic outcomes and progress to improve Aboriginal peoples' participation in the economy and quality of life. Three foundational documents provide a framework for the ministry's work: the *New Relationship*, the *Transformative Change Accord*, and the *Métis Nation Relationship Accord*. There are many paths to reconciliation and the ministry uses a variety of tools and approaches to respond to the diverse needs and interests of Aboriginal peoples.

**Negotiations** - The ministry negotiates agreements to help create economic certainty over Crown land and resources and works with First Nations to meet their social and economic goals. Negotiated agreements stimulate investment, create jobs, expand economies in communities throughout British Columbia and provide a better quality of life for Aboriginal people. These agreements include treaties, strategic engagement agreements and revenue sharing agreements.

**Partnership** - The ministry supports Aboriginal business development and success through a suite of initiatives and programs including the Aboriginal Business and Entrepreneurship Skills Training (BEST) program, Business Advisory Centres and Business Loan Program and the BC Aboriginal Business Awards. The ministry also supports the Off-Reserve Aboriginal Action Plan, a multi-stakeholder, community-driven approach focused on better education and job training, healthier family life, and strengthened cultures and traditions for off-reserve Aboriginal people in British Columbia.

*"The Business Council of BC is a strong supporter of the certainty and shared prosperity that innovative and competitive development agreements bring to our resource sectors and our members encourage the ongoing pursuit of such agreements as being in the interest of all British Columbians."*

*Greg D'Avignon, president and CEO, Business Council of British Columbia*

**Engagement** - The ministry engages with Aboriginal leadership organizations and

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<sup>1</sup>Canada's Aboriginal population is distinct and diverse. The *Constitution Act* recognizes the Aboriginal peoples of Canada as the Indian, Inuit and Métis peoples of Canada. "First Nation" is the generally preferred term for Indian peoples of Canada. The term Aboriginal as used throughout this document includes all people of Aboriginal ancestry, including First Nations, Métis and Inuit. The term communities means the diversity of Aboriginal communities as defined by Aboriginal people and includes descriptions such as urban, rural, metropolitan, land-based and reserve. The Ministry of Aboriginal Relations and Reconciliation works with all Aboriginal peoples wherever they may live in British Columbia.

communities, including the First Nations Leadership Council, on tangible initiatives to improve quality of life and address community priorities. Some of this work includes: initiating individual projects using an assets-based community development approach, youth engagement and capacity building, delivery of programs and funding, and the Minister's Advisory Council on Aboriginal Women. The ministry also works with industry stakeholders to improve relationships with First Nations. In the spring and fall of 2012, the Ministry of Aboriginal Relations and Reconciliation and the Business Council of British Columbia worked with more than 220 industry delegates and provincial decision makers to deliver six engagement sessions around the province. These sessions resulted in numerous recommendations to improve the consultation process and build relations between First Nations and industry.

**Funding** - Through the First Citizens Fund and other mechanisms, the Ministry of Aboriginal Relations and Reconciliation supports Aboriginal business loans, business advisory centres, student bursaries, elders' transportation, friendship centre program directors, and the First Peoples' Cultural Council. The ministry works with partners to help fund the following language revitalization programs: Language Authority and Language Planning Program, Language and Culture Immersion Camps, Master – Apprentice Program, Pre-school Language Nest Program. The First Nations Clean Energy Business Fund provides capacity and equity development funding as well as a share in revenues from clean energy projects.

*"Clean energy is a key part of the BC Jobs Plan, and an area in which First Nations are playing a vital and ever-increasing role. The fund's success speaks to First Nations' determination to bring clean power sources to their communities and to create new business opportunities."*

*Ida Chong, Minister of Aboriginal Relations and Reconciliation*



## Strategic Context

The *BC Jobs Plan* is helping to transform British Columbia's economy through mining, natural gas, pipeline, transportation infrastructure, clean energy and other major development opportunities. To be successful, legal requirements regarding Aboriginal rights must be addressed and Aboriginal people and communities are provided with the opportunities, information and resources necessary to participate in, and benefit from development opportunities.

British Columbia has developed an innovative and flexible approach to reconciliation with First Nations that has had a large degree of success in shifting from a primarily adversarial and confrontational relationship to one which is more proactive and respectful, benefiting all parties.

In late 2012 Aboriginal communities across Canada began participating in the national movement Idle No More. Participants are seeking resolution to issues around Aboriginal rights and title, further work to improve social and economic conditions that Aboriginal people face and specific actions to ensure Aboriginal people participate in and benefit from development opportunities. British Columbia is viewed as a leader in Canada in regards to building relationships with First Nations. B.C. was the first province to directly share resource revenue with First Nations. The provincial government's priority is to negotiate agreements and build partnerships that facilitate investment and establish economic independence for First Nations.

British Columbia has enjoyed increased investment, employment and economic growth resulting from the improved investment climate and increased First Nation participation in local economies. Industry and developers have benefited from increased legal and economic certainty resulting from the increasingly positive relationships between British Columbia and First Nations.

Industry is supportive of British Columbia's approach with First Nations, whether that be pursuing long-term reconciliation through treaty, or through short-term agreements which facilitate better operational certainty and improved relationships.

The ministry has initiated expenditure restraint measures, including adhering to government-wide Managed Hiring Guidelines, travel restrictions, and other operating cost- management initiatives to achieve efficiencies and savings to support the government's commitment to balance the budget in fiscal 2013/14. The ministry is committed to meet its fiscal objectives while minimizing negative impacts on service levels to its stakeholders.



*Minister Ida Chong, Haisla Nation Council Chief Councillor Ellis Ross and Minister of Energy, Mines and Natural Gas Rich Coleman at the signing of the Haisla Framework Agreement.*



## Economic context

The Economic Forecast Council estimates that British Columbia's real GDP grew by 2.1 per cent in 2012 and projects that the rate of real GDP growth will remain at 2.1 per cent in 2013, before increasing to 2.5 per cent in 2014. Risks to British Columbia's economic outlook include a return to recession in the United States; the European sovereign debt crisis threatening the stability of global financial markets; slower than anticipated economic growth in Asia dampening demand for British Columbia exports; and a weakening of the United States dollar disrupting the financial markets and raising the cost of British Columbia exports abroad.

*"...when government and First Nations are able to get along, when there is equitable sharing of benefits, a positive environment for responsible economic development flourishes."*

*Lorne Waldman, corporate secretary, Silvercorp Metals Inc.*

## Negotiation and implementation of agreements, including treaties

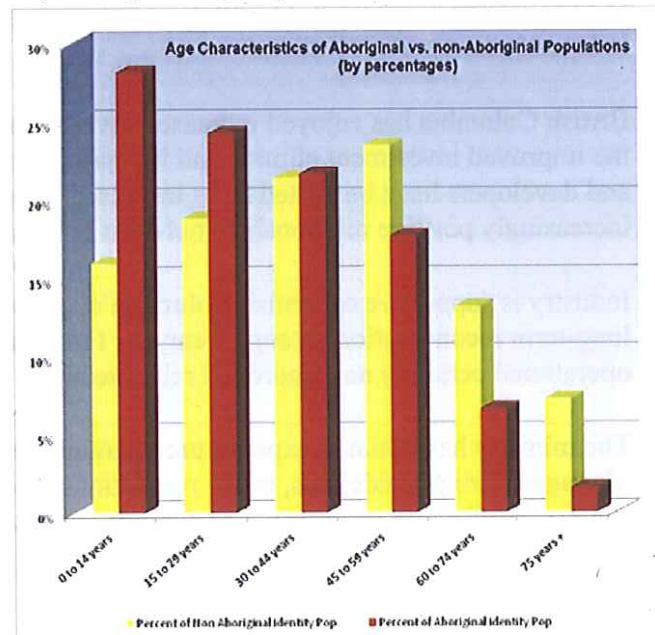
Reconciliation requires government to listen and respond to the particular priorities of specific First Nations, government agencies and the business community. British Columbia is a world leader in creating innovative new agreements. A broad range of agreement types contribute to achieving reconciliation and creating economic opportunities for First Nations.

Treaties and other agreements are important tools for First Nations to develop sustainable, healthy, resilient communities. Strategic engagement agreements and economic and community development agreements represent innovative approaches to streamlining consultation obligations and sharing new resource revenues with First Nations. These agreements, among others, help build relationships with First Nations, resolve conflicts, or address concerns associated with development on traditional territories.

As the number and types of agreements between British Columbia and First Nations grow, the ministry is increasing resources for agreement implementation to meet needs and obligations effectively.

## Demographic and social factors

In British Columbia, the Aboriginal population is characterized by unique demographic qualities that inform policy and program decisions made by government.<sup>2</sup> British Columbia is home to over one-third of the more than 600 First Nations communities in Canada, comprising the most culturally and linguistically diverse groups of



<sup>2</sup> 2006 Census. Data from BC Stats' *National Household Survey* will be available beginning in 2013.

Aboriginal peoples in the country.

The fastest growing population demographic province-wide is Aboriginal youth. The median age of the Aboriginal population in British Columbia is approximately 12 years younger than the median age of the province's overall population.

The B.C. Government engages Aboriginal youth on related provincial policy and program development. The ministry is working with youth to build constructive relations and promote leadership and mentorship. The ministry works with partners to focus on youth-identified priorities such as creative technologies, sports and recreation, and traditional arts and culture projects. British Columbia is also working with Aboriginal communities to ensure Aboriginal youth have the skills and training to take advantage of the demand for skilled workers.



*Minister Chong presented 23 interns with completion certificates at a ceremony for the Aboriginal Youth Internship Program, year five graduation.*

Increasing urbanization is another demographic consideration. The 2006 Census reports that 74 per cent of the Aboriginal population in British Columbia lives off-reserve, with 60 per cent living in urban areas. The Métis are a distinct population and make up a significant portion of the off-reserve populations.

The provincial government is working with Aboriginal partners, the federal government and local governments to implement an off-reserve Aboriginal action plan. The plan supports improved coordination of programs and services. It reflects a community-driven and multi-stakeholder approach, and will improve employment outcomes, supporting the *BC Jobs Plan*.

### Climate change

The ministry has partnered with First Nations in British Columbia to support government's commitment to climate action and green energy initiatives and to generate new economic opportunities. The First Nations Clean Energy Business Fund was created as part of the *Clean Energy Act* to facilitate increased participation of First Nations in clean, renewable energy projects within their traditional territories. Since 2011, British Columbia has invested \$3.56 million to help 61 Aboriginal communities participate in the clean-energy sector, including wind energy, biomass and

*"We applaud the provincial government for supporting clean energy projects such as ours and look forward to their continued support over the lifespan of the project as the returns of this initiative benefit all British Columbians."*

*Chief Cheryl Casimer, St. Mary's Indian Band, on the First Nations Clean Energy Fund*

run-of-river hydroelectric power. The First Nations Clean Energy Business Fund will also allow for revenue sharing with successful applicants, based on provincial resource rents, (i.e. land and water rentals), prescribed under the First Nations Clean Energy Business Fund regulation, that result from clean energy projects that receive land or water authorizations after the enactment of the *Clean Energy Act*.



# Goal, Objectives, Strategies and Performance Measures

## Goal 1: Immediate opportunities for improved Aboriginal and First Nation participation in the economy and increased certainty for development

### Objective 1: Improved economic and social outcomes for Aboriginal peoples



*A cultural performance and blessing open the event celebrating the renewal of the Nanwakolas Strategic Engagement Agreement at the Legislature in Victoria.*

### Strategies

- Negotiate and sign agreements with First Nations that create economic and social benefits, including revenue sharing agreements.
- Directly engage with business and industry to improve relationships with First Nations.
- Work across ministries to support Aboriginal peoples' access to programs and services associated with economic development including business venture opportunities and access to programs and services associated with skills development and training.
- Work across government and in partnership with Aboriginal peoples, to implement the *Transformative Change Accord* and *Métis Nation Relationship Accord*. Monitor and report on activities and progress on meeting these goals.

### Performance Measure 1: Revenue sharing agreements

Performance Measure	2012/13 Forecast	2013/14 Target	2014/15 Target	2015/16 Target
Number of completed revenue sharing agreements with First Nations (economic and community development agreements and economic benefit agreements).	4	4	4	4

Data Source: Ministry of Aboriginal Relations and Reconciliation



## Discussion

The mining, tourism and oil and gas sectors create a wide range of jobs across the province that support families, accelerate economic growth and attract investment across the province. British Columbia is a leader in Canada in resource revenue sharing with First Nations. The Province is committed to sharing revenue with First Nations that are potentially impacted by resource development in their traditional territories. Revenue sharing agreements enable greater process certainty for the Province, First Nations and industry, shifting all parties into a partnership around development and solidifying support for project success. Economic and community development agreements, which are initiated on a case-by-case basis, are negotiated on projects such as major new mines and mine expansions and tourism initiatives like resort developments. Economic benefit agreements are agreements to share oil and gas revenues produced within First Nations' traditional territories and provide a solid foundation for increased participation in the regional economy.

## Objective 2: Respectfully reconcile provincial interests with First Nations' Aboriginal and treaty rights

### Strategies

- Support the conclusion of agreements among First Nations, the B.C. Government and local governments.
- Continue to seek improvements to treaty making through tripartite processes, including treaty revitalization.
- Link economic development to treaty through land transfers for current and future use.
- Work within government, with First Nations and with First Nations leaders to understand, clarify and seek solutions to issues involving Aboriginal rights and title.

*"As we continue to work together to strengthen communities and build economic opportunities, our government remains committed to the treaty process as the most comprehensive path toward certainty and reconciliation with First Nations."*

*Ida Chong, Minister of Aboriginal Relations and Reconciliation*

### Performance Measure 2: Treaties and related agreements

Performance Measure	2012/13 Forecast	2013/14 Target	2014/15 Target	2015/16 Target
Number of completed treaties, incremental treaty agreements and agreements-in-principle.	7	7	7	7

Data Source: Ministry of Aboriginal Relations and Reconciliation

## Discussion

The ministry negotiates and coordinates the negotiation of treaty, treaty-related, and non-treaty agreements to support successful reconciliation and secure a better future for all British Columbians. A treaty is considered to be the most comprehensive form of reconciliation between First Nations and government. Treaties address the rights and responsibilities of the Province, First Nations and Canada on matters including land ownership, governance, taxation, financial benefits, and environmental management (including wildlife). An agreement in principle is negotiated during the fourth phase of the six-stage treaty negotiation process. The agreement in principle outlines the major points of agreement between the parties. Incremental treaty agreements help to build trust and momentum toward treaty. They allow First Nations to realize benefits before treaties are concluded and implemented. For example, an incremental treaty agreement may allow a First Nation to develop an economic opportunity, provide employment for members or acquire culturally significant land parcels.

### Performance Measure 3: Forest consultation and revenue sharing agreements

Performance Measure	2012/13 Forecast*	2013/14 Target	2014/15 Target	2015/16 Target
Number of completed agreements under the Forest Consultation and Revenue Sharing Agreement program.	107	117	124	128

Data Source: Ministry of Aboriginal Relations and Reconciliation

\*Cumulative totals include the forest consultation and revenue sharing agreements that were signed in previous years.

## Discussion

Forest consultation and revenue sharing agreements share forestry revenues with First Nations based on forest activity in their traditional territories. Forest consultation and revenue sharing agreements were launched in the fall of 2010 to replace forest and range opportunity agreements as these latter agreements expire.

Forest consultation and revenue sharing agreements directly support the forest sector by streamlining consultation with First Nations through negotiated consultation protocols and commitments by First Nations that improve stability on the land base. Developed in the spirit of the New Relationship, Forest consultation and revenue sharing agreements also support the *Transformative Change Accord* objectives; contain linkages to agreements that further reconciliation and progress to treaty; and support jobs and the economy by providing economic benefits to First Nations.



## **Goal 2: Reconciliation with Aboriginal peoples in British Columbia**

Successful reconciliation produces long-term social, economic and cultural advantages for all British Columbians. Reconciliation is an ongoing process and it is rarely straightforward. It requires trust and commitment to overcome stumbling blocks along the way, and a willingness to learn from each other at all stages. Relationships built on mutual respect and recognition are key to making reconciliation possible.

### **Objective 3: Establish respectful relationships with Aboriginal peoples as a model for all British Columbians**

#### **Strategies**

- Facilitate and support collaboration among Aboriginal organizations, all levels of government and the private sector on initiatives aimed at improving social and economic outcomes for Aboriginal peoples.
- Provide advice, guidance and direction to industry in engaging with Aboriginal peoples.
- Avoid confrontation and resolve issues.
- Engage with the First Nations Leadership Council to reach shared goals regarding improving First Nations communities and increasing certainty on the land base.
- Work with other provinces, territories, the federal government and national Aboriginal organizations to initiate and coordinate efforts to address issues of mutual interest.



*The unveiling of a totem pole, part of a Reconciliation Journey ceremony with Tseycum First Nation.*

### **Objective 4: Seek opportunities for early engagement of Aboriginal peoples on initiatives that affect their families and their communities**

#### **Strategies**

- Support First Nations' access to land and resource tenures.
- Negotiate and implement agreements with First Nations, including treaties, which contribute to improved social and economic outcomes for Aboriginal peoples.
- Meet, or exceed, the Province's commitment to 10 new non-treaty agreements by 2015, as included in the *BC Jobs Plan*.



**Performance Measure 4: Strategic agreements**

Performance Measure	2012/13 Forecast	2013/14 Target	2014/15 Target	2015/16 Target
Number of completed agreements that support strategic engagement with First Nations, including reconciliation agreements and strategic engagement agreements.	7	7	7	7

Data Source: Ministry of Aboriginal Relations and Reconciliation

**Discussion**

Non-treaty agreements focus on ensuring First Nations benefit from and participate in development opportunities, identify areas of common interest and create possibilities to work with First Nations to achieve mutual goals through meaningful engagement processes with First Nations. Specific elements of each agreement are flexible, depending on the parties' objectives, local needs, and relationship history. Strategic engagement agreements establish a government-to-government relationship and improve processes for decision making. Reconciliation agreements are specifically designed to increase economic and legal certainty for resource and land use, establish a process for shared decision making and create economic opportunities for First Nations communities.

**Objective 5: Work with Aboriginal peoples to enhance and build capacity in Aboriginal communities, governments and organizations**

**Strategies**

- Manage the First Nations Clean Energy Business Fund and lead negotiation of carbon offset-sharing arrangements with First Nations.
- Provide economic opportunities through the implementation of treaties and other agreements with Aboriginal people
- Support governance and capacity initiatives in Aboriginal communities, governments and organizations including working with First Nations through multi-sectoral partnerships such as the Tahltan socio-cultural working group and the Off-Reserve Aboriginal Action Plan.
- Support Métis governance and capacity development on a tripartite basis.
- Improve data collection and reporting specific to off-reserve/urban Aboriginal populations.
- Work with Aboriginal youth organizations to support Aboriginal youth to develop their capacity and opportunities for engaging with government on issues of importance to them.

## Performance Measure 5: Capacity building

Performance Measure	2012/13 Baseline	2013/14 Target	2014/15 Target	2015/16 Target
Number of capacity-building engagements with communities, youth and Aboriginal organizations.	12	12	12	12

### Discussion

In the previous service plan, Performance Measure 5 was limited to reporting on progress under a Memorandum of Understanding with the First Nations Summit Society and the First Nations Public Service Secretariat to enhance the professional capacity of the British Columbia First Nations' Public Service, which is responsible for delivering services for First Nations communities and organizations. This year this performance measure has been expanded to capture the broader work the ministry does to engage directly with Aboriginal youth, communities and organizations, to build capacity through initiatives including governance support, community engagement, short-term work exchanges, job shadowing, human resource development and building youth leadership.

The ministry's efforts also support government's Diversity and Inclusiveness Strategy and enhance initiatives such as the Aboriginal Youth Internship Program and the Building Public Service Capacity in Aboriginal Relations strategy.

### Objective 6: Work across government to support the delivery of programs and services to off-reserve and urban Aboriginal populations

#### Strategies

- Work with provincial ministries to identify how to better coordinate programs to improve outcomes.
- Work with provincial ministries, Aboriginal partners, the federal government and local governments to develop an off-reserve Aboriginal action plan.
- Undertake evidence-based research to support the Aboriginal action plan.
- Work with the five ORAAP pilot communities (Vancouver, Surrey, Duncan, Prince George and Kamloops) to support the implementation of the first phase of the Off-Reserve Aboriginal Action Plan.

*"The BC Association of Aboriginal Friendship Centres welcomes this opportunity to advance the ORAAP implementation process and to continue to improve the quality of life for Aboriginal people living off-reserve. We sign this agreement with a sense of urgency and dedication for achieving real change and positive growth for our people, and we recognize the Ministry of Aboriginal Relations and Reconciliation for their leadership and commitment to strengthen our longstanding relationship."*

*BC Association of Aboriginal Friendship Centres  
President Annette Morgan*



## Objective 7: Strengthen the Province's capacity to engage effectively with Aboriginal peoples

### Strategies

- Support public service employees in working effectively, respectfully and knowledgeably with Aboriginal peoples.
- Coordinate and streamline consultation processes and provide information management systems to government and provincial government partners.
- Provide strategic advice across government and facilitate coordinated consultation strategies for major projects with multi-agency authorizations.

### Performance Measure 6: Applied knowledge of Aboriginal peoples

Performance Measure	2012/13 Forecast	2013/14 Target	2014/15 Target	2015/16 Target
Percentage of public service employees who are able to use their knowledge of Aboriginal peoples, histories and cultures to influence their day-to-day work.*	Data not available	Maintain or improve on 59%	Improve	Improve

Data Source: Ministry of Aboriginal Relations and Reconciliation

\*The data is taken from a survey of public service employees.

### Discussion

The ministry has developed a strategy called Building Public Service Capacity in Aboriginal Relations. This strategy features a new website for public service employees that houses resources and tools to support public service employees in working effectively, respectfully and knowledgeably with Aboriginal peoples. The strategy also contains a performance measurement framework, including a survey for provincial public service employees, gauging perceptions of how well the provincial government is working in Aboriginal relations. Survey results help the ministry determine whether it is meeting the needs of staff and where to focus its efforts to achieve results. The survey is now being conducted on a bi-annual basis.



# Resource Summary

Core Business Area	2012/13 Restated Estimates <sup>1</sup>	2013/14 Estimates <sup>2</sup>	2014/15 Plan	2015/16 Plan
<b>Operating Expenses (\$000)</b>				
Negotiations and Implementation .....	13,708	13,537	13,537	13,537
Partnerships and Community Renewal	4,054	4,003	4,003	4,003
Strategic Initiatives .....	13,316	13,150	13,150	13,150
Executive and Support Services .....	3,899	3,862	3,862	3,862
Treaty and Other Agreements Funding	40,007	43,086	42,607	44,163
First Citizen Fund Special Account	3,230	3,030	2,830	2,830
First Nations Clean Energy Business Fund	2,151	1,811	318	2,169
<b>Total .....</b>	<b>80,365</b>	<b>82,479</b>	<b>80,307</b>	<b>83,714</b>
<b>Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)</b>				
Executive and Support Services .....	391	1	1	1
<b>Total .....</b>	<b>391</b>	<b>1</b>	<b>1</b>	<b>1</b>

<sup>1</sup> For comparative purposes, amounts shown for the 2012/13 have been restated to be consistent with the presentation of the 2013/14 Estimates.

<sup>2</sup> Further information on program funding and vote recoveries is available in the [Estimates and Supplement to the Estimates](#).

# Appendices

## Ministry Contact Information

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E-mail: [ABRInfo@gov.bc.ca](mailto:ABRInfo@gov.bc.ca)

URL: [www.gov.bc.ca/arr](http://www.gov.bc.ca/arr)

## Hyperlinks to Additional Information

BC Treaty Commission

[www.bctreaty.net/index.php](http://www.bctreaty.net/index.php)

First Peoples' Cultural Council

[www.fphlcc.ca/](http://www.fphlcc.ca/)

*Métis Nation Relationship Accord*

<http://www.gov.bc.ca/arr/social/accord.html>

New Relationship

[www.gov.bc.ca/arr/newrelationship/down/new\\_relationship.pdf](http://www.gov.bc.ca/arr/newrelationship/down/new_relationship.pdf)

New Relationship Trust

[www.newrelationshiptrust.ca/](http://www.newrelationshiptrust.ca/)

*Transformative Change Accord*

[www.gov.bc.ca/arr/social/down/transformative\\_change\\_accord.pdf](http://www.gov.bc.ca/arr/social/down/transformative_change_accord.pdf)

A list of statutes that fall under the responsibility of the ministry can be found at:

[www.leg.bc.ca/procs/allacts/arr.htm](http://www.leg.bc.ca/procs/allacts/arr.htm)

Definitions of terms related to Aboriginal peoples can be found at:

<http://www.gov.bc.ca/arr/index.html>





**MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION**  
**Event and Meeting Schedules**  
May – September 2013

DATE	EVENT/MEETING	LOCATION	AUDIENCE	MORE INFO, IF ANY
<b>MAY 2013</b>				
<b>May 28 – 29</b> <b>Public Hearing</b>	Truth & Reconciliation Commission Community Hearing	Kamloops: Moccasin Square Gardens	Media First Nations	<a href="http://fnbc.info/sites/default/files/TteS%20Truth%20and%20Reconciliation%20Hearings.pdf">http://fnbc.info/sites/default/files/TteS%20Truth%20and%20Reconciliation%20Hearings.pdf</a>
<b>May 29</b> <b>Public Event</b>	UBCIC Chiefs Council	Nanaimo	First Nations	<a href="http://www.ubcic.bc.ca/Current_Events/#axzz2IBYJCfyn">http://www.ubcic.bc.ca/Current_Events/#axzz2IBYJCfyn</a>
<b>JUNE 2013</b>				
<b>June 5 – 7</b> <b>Public Event</b>	First Nations Summit Meeting: 2 <sup>nd</sup> of 4 Quarterly Meetings	North Vancouver: Squamish Nation Chief Joe Mathias Centre	First Nations Stakeholders Media	<a href="http://www.fns.bc.ca/">http://www.fns.bc.ca/</a>
<b>June 19</b> <b>11am – 4pm</b> <b>Ministry event</b>	MARR National Aboriginal Day Celebration	Victoria Esquimalt Longhouse	First Nations MARR and Govt employees	
<b>June 21</b> <b>Public Events</b>	National Aboriginal Day	Various events across Canada	First Nations Governments Stakeholders Media	
<b>June 26 – 27 (TBC)</b> <b>Public Event</b>	BCAFN Special Chiefs Assembly & Annual General Meeting	TBA	First Nations Stakeholders	<a href="http://www.bcafn.ca/files/other-events.php">http://www.bcafn.ca/files/other-events.php</a>
<b>JULY 2013</b>				

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**MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION**  
**Event and Meeting Schedules**  
May – September 2013

<b>July 3</b> <b>Public Meeting</b> <b>1 – 4 p.m.</b>	Metro Vancouver (GVRD) Aboriginal Affairs Committee Full Meeting	Burnaby: GVRD	Government	<a href="http://www.metrovancouver.org/boards/Pages/BoardsCommittees.aspx">http://www.metrovancouver.org/boards/Pages/BoardsCommittees.aspx</a>
<b>July 8 - 11</b> <b>Public Event</b>	35 <sup>th</sup> Annual BC Elders Gathering 2013	Prince George: Civic Centre	Media First Nations Stakeholders	<a href="http://www.bcafn.ca/files/documents/LheidliTennehMediaReleaseAugust152012.pdf">http://www.bcafn.ca/files/documents/LheidliTennehMediaReleaseAugust152012.pdf</a>
<b>July 16 – 18</b> <b>Public Event</b>	AFN Annual General Assembly	Whitehorse	Media First Nations	<a href="http://www.afn.ca/index.php/en">http://www.afn.ca/index.php/en</a>
<b>AUGUST 2013</b>				
<b>August 8 - 9</b>	FNS Chief Negotiators' Meeting	North Vancouver: Tsleil-Waututh Nation Recreation Centre	First Nations	<a href="http://www.fns.bc.ca/index.htm">http://www.fns.bc.ca/index.htm</a>
<b>SEPTEMBER 2013</b>				
<b>September 11 – 13</b> <b>Public Event</b>	UBCIC 45th Annual General Assembly	Vancouver: TBA	First Nations Stakeholders Media	<a href="http://www.ubcic.bc.ca/News_Releases/UBCICEvent09111301.htm#axzz2ljzdBBF9">http://www.ubcic.bc.ca/News_Releases/UBCICEvent09111301.htm#axzz2ljzdBBF9</a>
<b>September 16 – 20</b> <b>Public Event</b>	UBCM Annual Convention	Vancouver: Convention Centre	Governments Stakeholders Media	<a href="http://www.ubcm.ca/EN/main/convention/2013-convention.html">http://www.ubcm.ca/EN/main/convention/2013-convention.html</a>
<b>September 18-21</b>	National Truth and Reconciliation Commission of Canada Event (one of seven national events)	Vancouver	First Nations Stakeholders Media Public	<a href="http://www.trc.ca/websites/trcinstitution/index.php?p=92">http://www.trc.ca/websites/trcinstitution/index.php?p=92</a>



**MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION**  
**Event and Meeting Schedules**  
 May – September 2013

<b>September 17</b>	All Nations Canoe Gathering	Vancouver: False Creek	First Nations Stakeholders Media Public	<a href="http://reconciliationcanada.ca/events/all-nations-canoe-gathering/">http://reconciliationcanada.ca/events/all-nations-canoe-gathering/</a>
<b>September 22</b> <b>Public Event</b>	Walk for Reconciliation (followed by Reconciliation Canada's 'A New Way Forward' Event)	Vancouver	First Nations Stakeholders Media Public	<a href="http://reconciliationcanada.ca/events/walk-for-reconciliation/">http://reconciliationcanada.ca/events/walk-for-reconciliation/</a>
<b>September 25 – 27</b> <b>Public Event</b>	First Nations Summit Meeting: 3 <sup>rd</sup> of 4 Quarterly Meetings	North Vancouver: Squamish Nation Chief Joe Mathias Centre	First Nations Stakeholders Media	<a href="http://www.fns.bc.ca/">http://www.fns.bc.ca/</a>



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Liquefied Natural Gas First Nations Engagement Strategy

#### Background:

- The development of a Liquefied Natural Gas (LNG) industry presents an important economic opportunity for the citizens of British Columbia. The current expectations for LNG growth in the Province show the industry could add as much as \$1 trillion in cumulative gross domestic product between now and 2046. Maximizing the opportunities available with LNG is a critical piece of the *BC Jobs Plan*.
- Demand for LNG, particularly in Asian markets is strong – given their increasing population and growing economies which are driving demand for increased energy. Coupled with a lack of locally available energy resources, this has increased the value of energy-related resources in Asia, which in turn presents an economic opportunity for jurisdictions such as BC that have surplus energy resources that could be made available for export.

S13, S16

- The Province has developed Natural Gas and LNG Strategies that lay the groundwork to advance and incent resource development by industry.
- LNG proponents have responded to the Province's strategies and multiple major natural gas pipelines and LNG plants and marine terminals have been proposed. While no new major pipelines or LNG plants are currently in operation, two LNG plants and one pipeline have received their required regulatory approvals.

S13, S16



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

S13, S16, S17

Decision required:

S13, S16, S17





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Heavy Oil Pipeline Projects and Aboriginal Issues

#### Background:

- One new oil pipeline and one major expansion of existing oil pipelines are being pursued by industry proponents.
- These new projects propose to export heavy oil and bitumen from the Alberta tar sands to markets (primarily in Asia), through the development of pipelines to British Columbia's west coast – transporting them via large oil tankers.
- The two immediate proposals related to heavy oil are:
  - Enbridge Northern Gateway Project (ENGP): 1172 kilometer-long oil pipeline from the Edmonton area to Kitimat. About 670 kilometres of the pipeline, seven of the ten pumping stations, and the marine terminal and tank storage facilities would be located in British Columbia.
  - Kinder Morgan TransMountain Expansion Project (TMx) – 900 kilometer long new oil pipeline, new and expanded pump stations along the pipeline from Edmonton to the Westridge Marine Terminal in Burnaby, BC.

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- Currently the ENGP is going through a Joint Review Panel (JRP) of the National Energy Board and Canadian Environmental Assessment Office.
- British Columbia is participating in the JRP through the provision of information of its interests as well as through cross-examination of ENGP officials.
- In July 2012, the Province released its Technical Analysis: "Requirements for British Columbia to Consider Support for Heavy Oil Pipelines". This document sets out the five minimum requirements that will guide British Columbia's evaluation and formulation of support or non-support of such projects. The Technical Analysis applies to both ENGP and TMx proposals.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

- One of the five minimum requirements relates to the adequacy of Aboriginal issues being addressed in project proposals. The three principles upon which the Province has set out as applicable to reviewing proposals and Aboriginal issues are:
  - Legal requirements to consult and accommodate First Nations for impacts on Aboriginal and treaty rights must be addressed;
  - Proponents should make best efforts to avoid or mitigate the impact of a project on Aboriginal and treaty rights; and
  - First Nations should have the opportunity to benefit from major developments on Crown land – specifically, proponents should make best efforts to conclude agreements that provide training, employment and other economic benefits to First Nations
- The Province has also set out detailed expectations for heavy oil pipeline proponents in how they build relationships with First Nations, such as inclusion of Aboriginal communities in project design and involvement in mitigation of environmental impacts of the proposal.

### Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Haisla Nation lease and sale arrangements supporting liquefied natural gas development.

#### Background:

- BC has identified fostering effective relationships with First Nations, particularly the Haisla Nation, as a critical component of the *BC Jobs Plan* and keeping the Province competitive in the global Liquefied Natural Gas (LNG) market.
- The Haisla Nation (Haisla) comprises approximately 1500 members, with 700 people living on their main reserve, Kitamaat Village, located at the head of the Douglas Channel 15 km south of the District of Kitimat.
- Haisla has the sole Aboriginal rights and title claim within the northern Douglas Channel, where several LNG projects are being considered

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- As part of the development at IR#6, Haisla has been involved in partnership with BC to pass the *First Nations Commercial and Industrial Development Act* (FNCIDA). The legislation, passed in May 2012, allows the federal government to produce regulations, compatible with existing provincial regulations, for complex commercial and industrial development projects on reserves. This compatibility increases certainty for the public and developers while minimizing costs.

Douglas Channel Lands supporting Kitimat LNG (KM LNG), BC LNG, and LNG Canada:

- In September 2012, the Province and Haisla signed the Haisla Framework Agreement (HFA). The HFA is a term sheet for a purchase or lease agreement covering approximately 800 hectares of land adjacent to IR#6, intended for LNG development. See attached map Schedule A: Subject Lands.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Approval of the Summary of Terms for various Agreements with Saulteau First Nations

#### Background:

- The Saulteau First Nations (SFN) is the most populous member of the Treaty 8 First Nations in northeast British Columbia. The SFN community is located approximately 20 kilometers north of Chetwynd.
- The SFN's traditional territory encompasses a resource-rich area that includes the Peace River Coalfield, a portion of the Montney natural gas basin, emerging clean energy projects supporting major timber processing facilities in Chetwynd and Fort St John.
- Continued resource development in this area is integral to sustaining the regional economy and the broader economic goals of the Province.
- A linked array of agreements are envisaged between the SFN and the Province setting out engagement and consultation processes for proposed resource development activities, dispute resolution and revenue sharing. Negotiations with the SFN are ongoing with respect to Term Sheets for the following agreements:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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Decisions required:

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## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **ISSUE NOTE**

#### **Issue:**

- Province-wide Economic and Community Development Agreement Policy

#### **Background:**

There are a number of opportunities to improve how ECDAs are achieved in BC, including:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Forest Consultation and Revenue Sharing Agreements (FCRSAs)

#### Background:

- In 2003, the Forest and Range Agreement (FRA) was implemented by the Ministry of Forests and Range (MFR). FRAs provided per-capita based revenue sharing and short term forest tenure opportunities in return for a consultation protocol and an acknowledgement of accommodation of Aboriginal interests on the land-base. MFR entered into 132 FRA agreements with 153 First Nations between 2004 and 2009.
- In 2010, Government authorized a new activity based revenue sharing model and the new FCRSA agreement with a three year term for forest revenue sharing based on forest harvesting activity within First Nation's traditional territory. **S16, S17**  
**S16, S17**
- FCRSAs reflect the recommendations of the Working Roundtable on Forestry, direction from the courts, and feedback from First Nations and replace existing FRAs as they expire over time.
- MARR took over the delivery of the FCRSA program from the Ministry of Forests, Lands and Natural Resource Operations in the fall of 2010 and delivers the program through its regional teams.
- The FCRSA provides an accommodation of Aboriginal interests; supports the objectives of the *Transformative Change Accord*, and includes planning, reporting and auditing mechanisms to meet public accountability objectives.
- As with the previous agreements, a central component of the FCRSA is a consultation protocol for forest decisions within the First Nation's traditional territory. Revenue sharing payments are made twice a year through the three year term.

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- Currently, 109 FCRSAs have been signed with First Nations.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Tsilhqot'in First Nation

#### Background:

- The Tsilhqot'in Nation (Tsilhqot'in) is located in the Cariboo region
- Tsilhqot'in is made up of six First Nations communities: Alexis Creek Indian Band, Tl'etinqox-t'in Government Office, Stone Indian Band, Xeni Gwet'in First Nations Government, ?Esdilagh First Nations, and Toosey Indian Band Nations.
- There are currently three topics of high profile:
  1. **Gibraltar Mine Expansion – Decision Required**
    - Gibraltar Mine (Gibraltar) is a large open pit copper/molybdenum producer located to the east of the Fraser River approximately halfway between Williams Lake and Quesnel.
    - Gibraltar is owned and operated by Taseko Mines. This is the same proponent that holds the proposed Prosperity project. S13, S16
    - S13, S16
    - Gibraltar has recently been issued a number of permits that will allow for the ore production to nearly double. S13, S16
    - S13, S16
    - BC is in active Economic Community Development Agreement (ECDA) negotiations on Gibraltar's proposed expansion with the two most impacted First Nations, ?Esdilagh (part of the TNG), and the Xat'sull First Nation (Northern Shuswap). S13, S16
    - S13, S16
    - An agreement is targeted for summer and will be presented to the Minister for signing.
  2. **Tsilhqot'in Framework Agreement – Decision Required**
    - BC signed a Strategic Engagement Agreement (SEA) with Tsilhqot'in in December 2009 which committed \$1.26 million in capacity funding over three years.
    - The original SEA expired in December, 2012. As of April, 2013 a one year extension has been signed off on by all six TN communities.
    - The Tsilhqot'in Framework Agreement (TFA) provides a stable basis for Government-to-Government engagement on land and resource management and has resulted in a more predictable decision-making environment.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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### 3. Prosperity Mine – No Current Decision Required

- The proposed Prosperity Mine, owned by Taseko Mines Ltd (Taseko), is a large open pit gold and copper mine located southwest of Williams Lake. The mine is located within the proven Tsilhqot'in rights area.
- Opposition to the project is led largely by the TNG supported by the Assembly of First Nations (including the National Chief, Shawn Atleo, and the Chiefs-in-Assembly), the Union of British Columbia Indian Chiefs, other First Nations and Aboriginal political groups, and non-government organizations led by the Council of Canadians.
- The BC Environmental Assessment Office (EAO) gave the original project approval. Subsequent to that approval the Canadian Environmental Assessment Agency (CEAA) denied Taseko's application for a federal permit due to "environmental impacts". The significant environmental impacts were largely associated with the proposed draining of Fish Lake.
- Taseko has since submitted a revised proposal to the federal CEAA for the project. This revised proposal is currently before the EAO for review. The revised project differs from that rejected by the Federal Government in that it does not include the draining of Fish Lake.
- MARR's role in the decision-making process for the revised project is one of advice and support to MEMNG, MOE and FLNRO.

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**Decision Required:**

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Klappan Protection / Tahltan First Nation

#### Background:

- The Klappan area includes the headwaters of the Nass, Skeena and Stikine Rivers in Northwest British Columbia. It is covered by the Cassiar Iskut Stikine Land and Resource Management Plan, approved in 2000, which contains 26.2 percent protected area (1.37 million ha). The Klappan has rich Tahltan First Nation (Tahltan) cultural, fisheries and wildlife values, and contains large mineral, coal and coalbed gas deposits. The headwaters of the Skeena, Nass and Stikine Rivers are in the Klappan area.
- The Klappan area is within the Tahltan territory, and has been the focus of protests and roadblocks by the Tahltan to prevent coalbed gas exploration. An international campaign is currently emerging to protect the “Sacred Headwaters” from all development
- Royal Dutch Shell (Shell) coalbed gas tenures were voluntarily relinquished by Shell in December 2012, and the Province announced that all future gas development in the area would be prohibited. The announcement did not preclude other development in the area.
- Fortune Minerals Ltd. (Fortune) holds tenure over high grade anthracite coal deposits in the Klappan. Fortune is the proponent for the proposed Arctos Anthracite Coal Project (previously known as the Mt. Klappan Project). Fortune is proposing a 20 year, 3 million tonne-per-year open pit coal mine, and submitted their Project Description to the Environmental Assessment Office in February 2013.
- The Canadian Environmental assessment agency must now decide if a Federal EA process is required, and if it is appropriate to act on a substitution request from BC, which would allow for the BCEA process to take the place of the Federal process. Public comment has been invited by the CEAA until May 6<sup>th</sup>.
- Multiple other coal tenure applications are currently active in the area but have not yet been adjudicated.
- Imperial Metals’ Red Chris Project (copper/gold mine) is permitted and under construction.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

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#### Background:

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#### Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Resolution of Business to Business arrangements between 'Namgis First Nation and Western Forest Products

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#### Background:

- The 'Namgis First Nation ('Namgis) is located in Alert Bay on Cormorant Island, near the north end of Vancouver Island, with a population of approximately 1750 members.
- Chief Negotiators for Canada, BC and the 'Namgis signed a Letter of Understanding (LOU) on August 17, 2012 indicating that agreement has been reached on the substantive items for an Agreement-in-Principle (AIP).

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Kitselas and Kitsumkalum First Nations signing of Agreements-in-Principle.

#### Background:

- Since 1996, Kitselas and Kitsumkalum have been involved in the British Columbia Treaty Commission process, **S13, S16, S17**
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#### Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

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#### Background:

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#### Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

Issue:

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Background:

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Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Wuikinuxv Treaty Negotiations **S13, S16, S17**

#### Background:

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#### Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Kaska Dena Council **S13, S16, S17**

#### Background:

- The mandate to negotiate an Incremental Treaty Agreement (ITA) with Kaska Dena Council (Kaska) was approved in 2010. Kaska has a population of approximately 800 members and is comprised of the Daylu Dena Council, Dease River and Kwadacha Indian Bands. Kaska is engaged in Stage 4 Agreement-in-Principle (AIP) treaty negotiations under the British Columbia Treaty Commission process. The key goals for this ITA are to provide Kaska with economic development opportunities and demonstrate the advantages of treaty to the Kaska membership.

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#### Decision required:

**S13, S16**





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

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#### Background:

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#### Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Approval of the Ruddock Creek pilot tri-partite project-specific Strategic Engagement Agreement

#### Background:

- In 2012, MARR initiated a process, with the BC Business Council (BCBC), to seek feedback from stakeholders in regards to opportunities for improving engagement with First Nations. Through this process, industry leaders requested opportunities to work in a more coordinated fashion with respect to both consultation and negotiation of benefit and accommodation agreements with First Nations. In 2012, Imperial Metals contacted MARR and expressed an interest in participating in a tri-partite agreement (Province, Imperial and First Nations) for their proposed Ruddock Creek Mine, located north east of Kamloops.
- MARR developed a mandate under the 2008 policy framework for Strategic Engagement Agreements (SEA). The mandate was approved by the Natural Resource (NR) Board November 13, 2012.

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- The Ruddock Creek mine is located approximately 155 km north east of Kamloops. Simpcw First Nation, Little Shuswap, Adams Lake and Neskonlith Indian Bands assert interests over the project area. All four bands are members of the Secwepemc (Shuswap) Nation.

#### Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Northern Secwepemc te Qelmucw and British Columbia Government to Government Strategic Engagement Agreement

#### Background:

- Northern Secwepemc te Qelmucw (NStQ) is comprised of four communities (Soda Creek Band, Canoe/Dog Creek, Canim Lake, and Williams Lake). The combined territory of these four communities is approximately 5 million ha and covers a substantive portion of the Cariboo region. The total population of the four NStQ communities is approximately 2,100.
- It is expected that a large component of the resource based economic drivers within the Cariboo Region will be concentrated within NStQ territory over the foreseeable future. This includes two large operating mines (Gibraltar and Mt. Polley), and the majority of the non-salvage forest activities.

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#### Decision Required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Amendment to **S16** Reconciliation Framework Agreement **S13, S16**  
**S13, S16**

#### Background:

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#### Decision required:

**S13, S16**



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

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#### Background:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

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#### Background:

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#### Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

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#### Background:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Implementing the Tsawwassen Final Agreement

#### Background:

- The Tsawwassen Final Agreement (TFA) has been in effect since April 3, 2009. The Tsawwassen First Nation (TFN) is located in the Greater Vancouver Regional District (GVRD) near the Corporation of Delta (Delta) and the Tsawwassen Ferry Terminal.

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#### Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Implementing the Nisga'a Final Agreement

#### Background:

- The Nisga'a Final Agreement (NFA) has been in effect since May 11, 2000. The Nisga'a Nation, represented by the Nisga'a Lisims Government (NLG), is located near Terrace in the Nass River Valley.
- Under the NFA, the Implementation Committee was established for a 10 year term. British Columbia, Canada, and NLG have negotiated and signed a Letter of Understanding to temporarily re-establish this Committee to evaluate the implementation of the NFA. The Committee has begun a ten year review of its activities with respect to the Implementation Plan. The next meeting of the Implementation Committee is scheduled for May 27, 2013.

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#### Decision required:





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Implementation of the Yale First Nation Final Agreement

#### Background:

- Yale First Nation (Yale) is located on the Fraser River north of Hope and has a population of approximately 160 members. The Yale First Nation Final Agreement (the treaty) provides for 1,966 hectares of treaty settlement lands, including 1,749 hectares of former provincial Crown land and 217 hectares of former reserve land. The treaty also includes a capital transfer of \$10.7 million and an Economic Development Fund of \$1.1 million.
- Yale ratified the treaty on March 12, 2011 with 68 per cent of eligible voters voting to approve the treaty. British Columbia ratified the treaty by way of the Yale Final Agreement Act on June 2, 2011. BC, Canada and the First Nation signed the treaty on April 11, 2013.

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#### Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Implementation of the Tla'amin Final Agreement

#### Background:

- The Tla'amin Nation (Tla'amin; formerly Sliammon) is located just north of Powell River and has a population of approximately 1000 members. The Tla'amin Final Agreement (treaty) provides for 8,322 hectares of treaty settlement land, including 6,405 hectares of former provincial Crown land and 1,917 hectares of former reserve land. The treaty also includes a capital transfer of \$36.1 million over 10 years, an Economic Development Fund of \$6.9 million, and a Fishing Vessel Fund of \$0.25 million.
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- Following First Nations ratification, British Columbia passed necessary settlement legislation, which received royal assent on March 2013.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

**Issue:**

Wet'suwet'en First Nation and Huckleberry Mine

**Background:**

**Current Situation May 8, 2013:**

- On April 30, 2013, the Wet'suwet'en First Nation (WFN), also known as the Broman Lake Band, and the band's legal counsel, Ratcliff and Co., informed Huckleberry Mines Ltd. (Huckleberry) and the media of its plans to prevent the mine's employees, suppliers and company vehicles from using the Morice River Forest Service Road, near Houston and Smithers, that runs through their unoccupied George Felix #7 reserve near Owen Lake in order to prevent access to the mine site. WFN also set a deadline of May 7, 2013 for the power line to be removed or it would be removed by the band at the company's expense.
- There are a series of ongoing meetings between Huckleberry & WFN lawyers to seek resolution. The May 7<sup>th</sup> deadline has been extended while these discussions are underway. A press release by WFN is anticipated after the meetings, regardless of outcome.

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**Facts leading to today**

- In 1997, Huckleberry received a 50-year permit from the Government of Canada to run a power line along the road through approximately one kilometer of the unpopulated reserve. The permit included a \$215,000 initial payment and annual payments of \$8,000 (\$6,000 to band, \$2,000 to Government of Canada).



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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- In 2011, Huckleberry received an expansion permit for its activities to continue operation until 2021. Over 400 workers and contractors from nearby communities are working year-round on the site during the expansion of this open pit copper/molybdenum mine.
- The WFN issued a similar blockade and power line removal threat in December 2012, and undertook a 2-day traffic monitoring exercise. On May 7, 2013, WFN members set up a small information blockade at the same 41km mark.
- Huckleberry has been negotiating with the WFN since early 2013 for a community benefits agreement. Talks broke down again in mid-April.
- The Morice Forest Service Road is a provincial road, heavily used by the public and industry and is the only active road providing access to the mine. The approximately 1.3km portion through the reserve was legally removed from the reserve and transferred to BC in 1965. Huckleberry is the owner and the sole customer of the 94km of 138kv. wooden pole power line.
- The WFN, separate from the Office of the Wet'suwet'en (OW), is governed by an Indian Act band council, represented by the Carrier Sekani Tribal Council; it has approximately 150 members living on and off reserve. The main community is west of Burns Lake.
- Huckleberry is owned by a consortium of Japanese companies (Mitsubishi Materials Corporation, Dowa Mining Co. Ltd., Furukawa Co. Ltd., and Marubeni Corporation) and Imperial Metals Corporation.

**Decision required:**

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

**Issue:** Marpole Midden - Musqueam Opposition to Development

**Background:**

- The Musqueam Indian Band is opposed to any redevelopment of its former village site, known as the Marpole Midden, located near the Arthur Laing Bridge in southwest Vancouver. The midden is made up of a number of privately owned lots, and has been developed for a variety of uses over the last century.
- The current Musqueam opposition is focused on a proposed condominium development on private land (the “site”) at one end of the midden.
- The Province’s involvement is based on two permits granted by FLNRO in December 2011 under the *Heritage Conservation Act*. FLNRO considered all factors, including the Canadian Heritage designation of the midden, which recognizes its significance but offers no legal protection. Both permits have since expired, and the human remains found during excavation were re-interred as part of a Musqueam ceremony.
- A Musqueam protest encampment was in place for most of 2012.

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- MARR has been involved since early April 2012, when then-Minister Mary Polak first met with Chief Ernest Campbell and representatives of the Musqueam Indian Band. MARR staff have taken a facilitation role and have been participating in discussions with Musqueam, the City of Vancouver, and other parties to achieve a workable plan for addressing the current issues and concerns regarding the site. The site owner has agreed to stop all work on the site while acquisition negotiations are underway.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Possible extension of financing deadline for proposed purchasers of Crown lands at Brunswick Point in Delta, BC

#### Background:

- Tsawwassen First Nation has a modern treaty.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Okanagan Nation Alliance (ONA) Negotiations towards development of a Memorandum of Understanding (MOU) **S13, S16**

#### Background:

- The Columbia River Treaty (CRT) is an agreement between the governments of the United States and Canada, which outlines the joint use of the Columbia River. The CRT was signed in 1961 and started implementation in 1964. The CRT facilitated the construction of three large dams on the river to control the flow of water. September, 2014 is the latest date to signal treaty termination or modification by either government. As a result, both governments are currently reviewing the CRT, and are undertaking consultation processes with First Nations and the public on CRT related issues **S16**

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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Decision required:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Federal First Nation Commercial and Industrial Development Act (FNCIDA) and Haisla Nation FNCIDA Agreement (Agreement)

#### Background:

- FNCIDA is a federal initiative to facilitate major economic developments on Indian Reserves through a regulation that replicates the provincial legislative and regulatory framework governing similar developments off-Reserve. On August 28, 2012, Haisla Nation, British Columbia and Canada (Parties) signed the Agreement to govern the liquefaction, storage and off-loading for transport of natural gas on Bees Indian Reserve No. 6 near Kitimat.
- Canada brought into force the *Haisla Nation Liquefied Natural Gas Facility Regulations* SOR/2012-293 (Regulations) on December 14, 2012. The Agreement commenced on January 23, 2013.

S13, S16

#### Decision required:

S13, S16



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Federal/Provincial Consultation on coordination for potential treaty settlements

#### Background:

S13, S16

#### Decision required:

S13, S16



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- New Relationship Trust

#### Background:

- In the spring of 2005, leaders from the First Nations Summit, the BC Assembly of First Nations, the Union of BC Indian Chiefs, known collectively as the First Nations Leadership Council, worked with the government of British Columbia to jointly develop a vision of a new relationship between the Province and First Nations in British Columbia.
- The New Relationship Trust is independent and arms-length from Government. The purpose of the New Relationship Trust (NRT) fund is to provide money to assist First Nations to build their capacity to engage with the Province in the processes and activities envisioned by, and that evolve out of, the New Relationship. The *New Relationship Trust Act* was passed in 2006, and \$100 million was transferred to the corporation from British Columbia to fulfill its purpose.

S13, S16, S17

- The NRT Trust has a seven member Board of Directors, appointed by the First Nations Summit, the BC Assembly of First Nations, the Union of BC Indian Chiefs, the First Nations Leadership Council and the Province.
- BC's representatives are Catherine Panter and Terry Kuzma. Both are re-appointments and their current terms end on December 1, 2014.

#### Decision required:

S13, S16



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Off-Reserve Aboriginal Action Plan

#### Background:

- The October 3, 2011, Speech from the Throne acknowledged the importance of the off-reserve Aboriginal population and committed the government to work with Aboriginal partners, the federal government and local governments to develop an Off-Reserve Aboriginal Action Plan (ORAAP).
- The ORAAP Provincial Co-ordination Team (PCT) which includes representatives from the British Columbia Association of Aboriginal Friendship Centres (BCAAFC), Métis Nation British Columbia (MNBC), Aboriginal Affairs and Northern Development Canada, Union of British Columbia Municipalities, Ministry of Aboriginal Relations and Reconciliation, Ministry of Social Development and the Ministry of Children and Family Development, is responsible for overseeing the implementation of ORAAP.

#### Community Pilots

- A key element of ORAAP is the development of community-based action plans in Vancouver, Surrey, Prince George, Kamloops, and Duncan.
- Community actions plans are being developed through a multi-stakeholder, community-driven approach with a focus on improving the socio-economic outcomes of British Columbia's off-reserve Aboriginal people in all key sectors including health, education, housing, employment and justice.

S13, S16, S17





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

S13, S16, S17

### BCAAFC

- The BCAAFC has been an important ORAAP partner and was instrumental in helping to move the work forward in 2012/13.
- The BCAAFC has been a key member of the ORAAP PCT, which is responsible for overseeing the development and implementation of ORAAP.
- In addition to this, on October 19, 2012, the Province and the BCAAFC signed a protocol agreement that outlines the partnership and principles that will guide the work of both parties.

S13, S16, S17

**Decision required:**

S13, S16, S17



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Violence Against Aboriginal Women

#### Background:

- On June 17, 2011, following the Collaboration to End Violence - National Aboriginal Women's Forum, then Minister Polak announced the creation of the Minister's Advisory Council on Aboriginal Women (MACAW). Council Chair, Wendy Grant-John, works with nine other councillors.
- MACAW Terms of Reference states that the Province of British Columbia wishes to work respectfully and in partnership with Aboriginal women, organizations and leadership to improve the quality of life for Aboriginal women; the Province is committed to work with Aboriginal women and key informants to develop the necessary framework and support systems to address the risks and violence that many Aboriginal women are currently exposed to.
- The overarching goal of the advisory council is to provide advice to government on how to improve the quality of life for Aboriginal women across British Columbia.

S13, S16

#### Decision required:

S13, S16

Pages 207 through 208 redacted for the following reasons:

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S13, S16



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Critical Incidents

#### Background:

- Resource development may be controversial in Aboriginal communities because of the potential, and perceived potential, of infringing on Aboriginal rights and title and negative environmental impacts. There is potential that any issue may provoke a response or further responses from First Nations, which may include possible legal action and civil disobedience.
- In recent years First Nations have aligned themselves with some environmental and non-government organizations (NGOs); First Nations/NGOs/environmental organizations have been effective in using social media to attract additional attention to issues.
- MARR has a Critical Incidents Response Plan for Government that outlines a clear process at operational and decision-making levels for coordinated communication and response amongst front-line government agencies, the RCMP, and proponents, to incidents of civil disobedience involving First Nations.

#### Recent and Ongoing Issues

S13, S16





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

S13, S16

Decision required:

- 

S13, S16



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Critical Incidents - Idle No More

#### Background:

- Idle No More (INM) is a national movement opposing proposed federal legislation. While the Federal Government is leading the response to the movement, between December 10, 2012 and March 15, 2013 there were 197 INM events held by First Nations in BC. The DM of MARR ensures other Deputy Minister's are comprehensively briefed on INM activities on a regular basis, alerting them to potential operational impacts that may require a response.
- The primary provincial priority regarding activities in support of Idle No More is public safety, for both event participants and the general public. As well, having an understanding of the fundamental principles of the movement is relevant to the work of the Provincial Government through MARR and the ministry's continuing vision of achieving positive and lasting relationships with First Nations.
- The MARR Critical Incidents (CI) team works closely with law enforcement & operational staff to monitor and analyze INM activities and inform government and proponents as appropriate. INM actions range from short duration activities such as flash mobs, information demonstrations and marches, to day-long road blocks; the Legislative Assembly building in Victoria is a frequent protest site. Dates for these events are often combined with other public events, such as Family Day, Earth Day and nationally advertised Days of Action. While interest nationally appears to have waned, the level of activity in BC remains high and is expected to continue.
- As required, the CI team also advises the MARR Executive and Senior Management team on current and upcoming INM and other CI related issues. Briefings may highlight strategies, decision points and law enforcement/legal implications, as well as outline plans for agency action(s). The team monitors and coordinates all activities closely and is prepared to initiate operational calls if necessary.
- Since February, 2013, there has been an increasing level of cross-linkage between targeted resource sector events and non-INM causes from the social sector (both relevant local issues). To date, INM events on open source media are advertised into June, 2013.

#### Decision required:

S13

Pages 212 through 213 redacted for the following reasons:

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S16



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Unist'ot'en

#### Background:

- A group of Wet'suwet'en members calling itself the Unist'ot'en, aligned under a single hereditary house chief, are a small breakaway faction of the Wet'suwet'en Nation.

S16

S16

- The Unist'ot'en and its Aboriginal and non-Aboriginal supporters have been engaged in an escalating campaign against natural resource development in Wet'suwet'en traditional territory. They are opposed to a range of resource activities including forestry, mining, all pipelines, terminals, refineries and port expansions.
- The group has built connections with several non-mainstream environmental organizations that advocate a variety of protest methods, including violence. The activists have a strong social media presence, attracting support and funding from hard-line activist groups. No mainstream environmental organizations are known to support the group.

S16





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

S16

- Government, RCMP, and Oil and Gas Commission staff are working together and have proactively reached out to advise proponents and monitor developments. There are also plans underway to keep dialogue open, with primary considerations for employee and public safety consistent with activity levels and severity.

**Decision required:**

S16

Page 216 redacted for the following reason:

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S16



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Economic and Community Development Agreement negotiations with Highland Valley Copper / Nlaka'pamux Nation Tribal Council

#### Background:

- Highland Valley Copper (HVC) is the largest metal mine in the Province and employs over 900 people. In 2009, a mandate to negotiate an Economic and Community Development Agreement (ECDA) was approved with six Nlaka'pamux bands (the bands originally consulted with, and closest to HVC). The mandate approved sharing up to 25% of the mineral tax revenue attributable to expansion activity, beginning with a June 25, 2009 permit amendment. The Province committed to not be punitive about ECDA delays and to share from the start of expansion, as the Province needed time to develop a methodology to calculate incremental revenue.

S13, S14, S16, S17



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

S13, S16, S17

Decision required:

S13, S16, S17



Pages 219 through 220 redacted for the following reasons:

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S13, S16



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Reconciliation Canada and the Truth and Reconciliation Commission

#### Background:

- In 1997, the Government of Canada issued a “Statement of Reconciliation” in a document entitled, *Gathering Strength - Canada’s Aboriginal Action Plan* that acknowledged regret and sorrow for the role the Government had in establishing Indian residential schools.
- In the House of Commons on June 11, 2008 the Prime Minister of Canada apologized to former students of Indian residential schools.
- The **Truth and Reconciliation Commission (TRC)** was first established in 2008. On July 1, 2009 a chair and two commissioners were federally-appointed and began a five-year mandate to inform all Canadians about what occurred in Indian residential schools, to witness, gather statements and document the truth of survivors, families, and communities.
- The TRC is facilitating seven national and regional events across Canada and a final closing ceremony to be held in Ottawa. *The TRC’s second to last national event will be held in Vancouver, September 18 - 21, 2013.*
- Leading up to the 2013 Vancouver National Event, the TRC hosted a Victoria Regional Event on Vancouver Island, April 13 and 14, 2012. As well, community hearings were held in February and March in Port Hardy, Campbell River, Port Alberni and Duncan. The Ministry of Aboriginal Relations and Reconciliation (MARR) provided \$50,000 (non-publicized) in fiscal 2011/12 to support the Regional Event and community hearings. In-kind support and advice were also provided by MARR Aboriginal staff. Another \$50,000 in funding was provided to TRC this year (2012/13).
- **Reconciliation Canada** was formed in response to the need for BC to lead cultural activities for “Reconciliation Week” and the local/provincial strategy linked to the TRC’s upcoming National event in Vancouver, September 18 – 21, 2013. More importantly, Reconciliation Canada (RC) is tasked with carrying the vision of reconciliation forward in the province of BC.
- RC is a BC-based charitable project lead by BC First Nations with support of the First Nations Leadership Council, Metro Vancouver Aboriginal Executive Council and Indian Residential Schools Survivors Society. RC has a memorandum of collaboration with the TRC and has an extensive network of partners and has led the efforts to bring societal changes in the fundamental relationships between Aboriginal and non-Aboriginal British Columbians (see attachment for list of contributing partners).

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

**S17, S13**

- Both the TRC and Reconciliation Canada are actively seeking volunteers.

### September Reconciliation Activities

- To ensure that the September 2013 Vancouver National TRC Event is as engaging and effective an experience as possible, Reconciliation Canada is developing a number of cultural activities as follows:
  - Reconciliation Dialogue Circles: September 2012 – September 2013
  - Reconciliation Walk Training: June 2013 – September 2013
  - All Nations Canoe Gathering: Tuesday, September 17, 2013
  - Reconciliation Canada's "A New Way Forward": Saturday, September 21, 2013
  - Walk for Reconciliation: Sunday, September 22, 2013

**S13, S16, S17**

Decision required:

Comment [e1]:

Comment [e2]: Steve Pls confirm these recommendations

**S13, S16, S17**



**ABORIGINAL RELATIONS & RECONCILIATION  
IN BRITISH COLUMBIA**

**S13, S16**





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### ISSUE NOTE

#### Issue:

- Minister's attendance at July 2013 ceremony to mark 1869 hanging of Hesquiaht men.

#### Background:

- In 1869, the colonial government of the day convicted two First Nations men of murdering shipwreck victims who landed in their territory on the Hesquiaht Peninsula, off the west coast of Vancouver Island. The two men, members of the Hesquiaht First Nation, were subsequently returned to their community in Hesquiaht Harbour and hanged in front of family, friends and community members. In recent years, the Amos family -- descendants of John Anietchist, one of the hanged men -- have sought to exonerate their ancestor and have requested an apology from the provincial government.
- Following four years of correspondence, information exchanges and planning meetings with Amos family members and Hesquiaht officials, a two-stage reconciliation plan was tentatively agreed to.
  - The first event occurred at the November 17, 2012, "Forgiveness Feast", hosted by Hesquiaht, at which the Minister of the Ministry of Aboriginal Relations and Reconciliation (MARR) delivered a statement of regret on behalf of the provincial government.

S13, S16

#### Decision required:

S13, S16

## TRANSITION BINDER

### PROPOSED BRIEFING SCHEDULE

#### **BRIEFING ONE: INTRODUCTIONS AND PRIORITY CALLS**

- General introduction of Executive members and high level discussion of divisional functions
- Platform commitments
- List of suggested first calls
- Minister's immediate action items (note: at Minister's discretion)
- Aboriginal Peoples of British Columbia overview: First Nations, Métis, Urban Aboriginals

(Note: Leave copy of transition binder with Minister)

#### **BRIEFING TWO: STRATEGIC OVERVIEW**

- Budget Overview
- Strategic Overview – Aboriginal Issues in BC
- Immediate Opportunities

#### **BRIEFING THREE: LEGAL AND ABORIGINAL OVERVIEW**

- Legal Framework
- Legal Context for Ministry Operations
- Litigation Overview briefing
- The Role of Canada; The Role of BC

#### **BRIEFING FOUR: MARR PROGRAM FUNCTIONS**

- Treaty Agenda

#### **BRIEFING FIVE: MARR PROGRAM FUNCTIONS**

- Non-Treaty Agenda & LNG

#### **BRIEFING SIX: MARR PROGRAM FUNCTIONS**

- Social Agenda

#### **BRIEFING SEVEN: 30/60/90 DAY ACTION ITEMS**

- Review potential items for Cabinet Committees and/or Treasury Board
- Review of Minister's 30/60/90 Days List – items requiring immediate action
- Communications/Issues Briefing by Government Communications & Public Engagement

#### **BRIEFING EIGHT: ELEVATE THE RELATIONSHIP**

- Discuss opportunities from the Aboriginal Issues tab in the Transition binder
- Overview of Actions taken by Government to-date; Strategic Context

\* Unexpected urgent items will be added as necessary.

# MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

## 2013 Budget Highlights

### Ministry Outlook

- The Province is committed to the New Relationship, to closing the socio-economic gap, and to making treaty and other agreements in support of the BC Jobs Plan and First Nation participation in the economy.

### Ministry Budget

S17

\$ millions	2012/13	
Vote 11 - Ministry Operations	34,977	
Vote 12 - Treaty & Other Agreements Funding	40,007	
Sub-Total	74,984	S17
First Citizens' Fund	3,230	
First Nations Clean Energy Business Fund	2,151	
Total	80,365	

## MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

The mission of the Ministry of Aboriginal Relations and Reconciliation is to lead provincial efforts on reconciliation and improvement of social and economic outcomes for Aboriginal peoples on behalf of a British Columbian through negotiating reconciliation agreements and treaties, supporting the goals of the New Reconciliation, building reconciliation and raising awareness, supporting culture and language revitalization, economic initiatives, community development, and capacity building.

### MINISTRY SUMMARY

(\$000)

Estimates  
2012/13<sup>1</sup>

#### VOTED APPROPRIATIONS

Vote 11 — Ministry Operations	34 977
Vote 12 — Treaty and Other Agreements Funding	40 007

#### STATUTORY APPROPRIATIONS

First Citizens Fund Special Account	3 230
First Nations Clean Energy Business Fund Special Account	2 151

#### OPERATING EXPENSES

80 365

#### CAPITAL EXPENDITURES <sup>2</sup>

391

#### LOANS, INVESTMENTS AND OTHER REQUIREMENTS <sup>3</sup>

—

#### REVENUE COLLECTED FOR, AND TRANSFERRED TO, OTHER ENTITIES <sup>4</sup>

—

#### NOTES

<sup>1</sup> For comparative purposes figures shown for the 2012/13 operating expenses capital expenditures loans investments and other requirements and revenue collected for and transferred to other entities are restated to be consistent with the presentation of 2013/14 Estimates Schedule A presents a detailed reconciliation of the restatement of operating expenses and capital expenditures

<sup>2</sup> Details of capital expenditures are presented in Schedule C

<sup>3</sup> Details of loans investments and other requirements are presented in Schedule D

<sup>4</sup> Details of revenue collected for and transferred to other entities are presented in Schedule E



## MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

## CORE BUSINESS SUMMARY

(\$000)

	2012/13	
<b>OPERATING EXPENSES</b>	Net	
<b>Core Business</b>		
Negotiations and Regional Operations	13 708	
Partnerships and Community Renewal	4 054	
Strategic initiatives	13 316	
Executive and Support Services	3 899	
Treaty and Other Agreements Funding	40 007	
First Citizens Fund Special Account	3 230	
First Nations Clean Energy Business Fund Special Account	2 151	
		<b>S17</b>
<b>TOTAL OPERATING EXPENSES .....</b>	<b>80 365</b>	
<b>CAPITAL EXPENDITURES</b>	Net	
<b>Core Business</b>		
Executive and Support Services	391	
<b>TOTAL CAPITAL EXPENDITURES .....</b>	<b>391</b>	

# MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

## VOTE DESCRIPTIONS

(\$000)

Estimates  
2012/13

Estimates  
2013/14

### VOTE 11 — MINISTRY OPERATIONS

This vote provides for ministry programs and operations described in the voted appropriations under the following four core businesses: Negotiations and Regional Operations, Partnerships and Community Renewal, Strategic initiatives, and Executive and Support Services.

#### NEGOTIATIONS AND REGIONAL OPERATIONS

##### Voted Appropriation

Negotiations and Regional Operations

**S17**

**Voted Appropriation Description:** This sub-vote provides for the participation in the negotiation of treaties, incremental treaty agreements and other agreements with First Nations and the federal government, and negotiation and implementation of agreements with the federal government to cost-share treaties and other arrangements with First Nations. This sub-vote also provides for cross-government coordination of First Nations engagements including development of government-to-government resource management protocols, cross-government coordination of First Nations consultation and accommodation, and treaty implementation and treaty related measures. This sub-vote also provides for the operation of regional offices that provide customer assistance with supporting information such as guidelines on First Nations consultation. Costs may be recovered from ministries, other entities within government, and parties external to government for services described within this sub-vote.

#### PARTNERSHIPS AND COMMUNITY RENEWAL

##### Voted Appropriation

Partnerships and Community Renewal

**S17**

**Voted Appropriation Description:** This sub-vote provides for initiatives to close the socio-economic gaps between Aboriginal peoples and other British Columbians, including the identification of opportunities, removal of barriers, the cross-ministry coordination of resources and services provided to Aboriginal peoples, and support for data development and reporting out on progress. This sub-vote also provides for leadership in policy development, relationship building, cultural initiatives, community development, support to Aboriginal leadership and advisory bodies, and for administration of the First Citizens Fund and related transfers. Costs may be recovered from ministries, other entities within government, and parties external to government for services described within this sub-vote.

#### STRATEGIC INITIATIVES

##### Voted Appropriation

Strategic initiatives

**S17**

**Voted Appropriation Description:** This sub-vote provides for the support and enhancement of the government's New Relationship with First Nations and Aboriginal peoples through non-treaty negotiations considered strategically important to furthering the New Relationship, including revenue sharing and shared decision making, and by liaison with key First Nation groups such as the First Nations Leadership Council. This sub-vote also supports the development of treaty related policy in the areas of consultation, accommodation, and reconciliation, produces the provincial lands resources and governance mandates and policies that represent provincial interests at the treaty tables, and facilitates engagement and negotiation among First Nations, provincial ministries, and key stakeholders with the aim of accommodating First Nation interests and promoting collaboration and coordination on Aboriginal issues across sectors and orders of government. The ministry's planning efforts, including strategic, service and business plans, and performance monitoring, measurement, and reporting, are also funded by this sub-vote. Costs may be recovered from ministries, other entities within government, and parties external to government for services described within this sub-vote.

# MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

## VOTE DESCRIPTIONS

(\$000)

Estimates  
2012/13

Estimates  
2013/14

### EXECUTIVE AND SUPPORT SERVICES

#### Voted Appropriations

Minister's Office

Corporate Services

S17

**Voted Appropriations Description:** This sub-vote provides for the office of the Minister of Aboriginal Relations and Reconciliation including salaries benefits allowances and operating expenses for the minister and the minister's staff and executive support including the deputy minister's office and corporate administration This sub-vote also provides for executive direction to the ministry finance administrative strategic human resource and information management services and systems and information and privacy Costs may be recovered from ministries other entities within government other levels of government organizations and individuals for services described within this sub-vote

### VOTE 11 — MINISTRY OPERATIONS

S17

# MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

## VOTE DESCRIPTIONS

(\$000)

Estimates  
2012/13

Estimates  
2013/14

### VOTE 12 — TREATY AND OTHER AGREEMENTS FUNDING

This vote provides for programs and operations described in the voted appropriation under the core business Treaty and Other Agreements Funding

#### TREATY AND OTHER AGREEMENTS FUNDING

##### Voted Appropriation

Treaty and Other Agreements Funding

S17

**Voted Appropriation Description:** This sub-vote provides for transfers to First Nations and third parties as a result of the settlement of treaties incremental treaty agreements economic benefit agreements forest consultation and revenue-sharing agreements and other agreements with First Nations This sub-vote also provides for transfers to First Nations of revenue received from petroleum natural gas and minerals extraction in accordance with the federal/provincial agreement as specified under the *Fort Nelson Indian Reserve Minerals Revenue Sharing Act* and other agreements with First Nations Costs may be recovered from natural resource revenues for services described within this sub-vote

#### VOTE 12 — TREATY AND OTHER AGREEMENTS FUNDING

S17



## MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

## VOTE DESCRIPTIONS

(\$000)

Estimates  
2012/13Estimates  
2013/14

## STATUTORY — SPECIAL ACCOUNTS

These statutory appropriations provide for programs and operations under the following special accounts First Citizens Fund and First Nations Clean Energy Business Fund

## FIRST CITIZENS FUND

## Statutory Appropriation

First Citizens Fund

S17

**Statutory Appropriation Description:** This statutory appropriation provides for the First Citizens Fund which is governed under the *Special Accounts Appropriation and Control Act*

## FIRST NATIONS CLEAN ENERGY BUSINESS FUND

## Statutory Appropriation

First Nations Clean Energy Business Fund special account

S17

**Statutory Appropriation Description:** This statutory appropriation provides for the First Nations Clean Energy Business Fund special account which is governed under the *Clean Energy Act*

## MINISTRY GROUP ACCOUNT CLASSIFICATION SUMMARY

## GROUP ACCOUNT CLASSIFICATION

Salaries and Benefits	19 889	20,159
Operating Costs	6 799	6,382
Government Transfers	51 884	56,749
Other Expenses	2 713	2,409
Internal Recoveries	(6)	(4)
External Recoveries	(914)	(3,216)
<b>TOTAL OPERATING EXPENSES.....</b>	<b>80 365</b>	<b>82,479</b>

# MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

## SPECIAL ACCOUNT<sup>1</sup>

(\$000)

Estimates 2012/13	Estimates 2013/14
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### FIRST CITIZENS FUND

This account was originally created as a fund under the *Revenue Surplus Appropriation Act* in 1969 was continued under the *Funds Control Act* in 1979 and was changed to a special account under the *Special Accounts Appropriation and Control Act* in 1988. The account promotes the economic, educational, and cultural well-being of Aboriginal people who are normally residents of British Columbia by providing financial assistance through loan guarantees and government transfers. Interest attributable to the account balance is credited to the account as revenue. Expenses consist of government transfers in support of cultural, educational, and economic opportunities including student bursaries, heritage, language, and culture programs, Aboriginal friendship centre program delivery, and economic development programs. The account also provides funds for the administration costs of certain social and economic development programs. No financing transactions are provided for under this account.

### SPENDING AUTHORITY AVAILABLE AT THE BEGINNING OF THE FISCAL YEAR <sup>2</sup>.....

#### OPERATING TRANSACTIONS

Revenue

Expense

Net Revenue (Expense)

Difference Between 2012/13 Estimates and Projected Actual Net Revenue (Expense)

S17

#### FINANCING TRANSACTIONS

Receipts

Disbursements

Capital Expenditures

Net Cash Source (Requirement)

### PROJECTED SPENDING AUTHORITY AVAILABLE AT THE END OF THE FISCAL YEAR <sup>2</sup>.....

### NOTES

<sup>1</sup> A Special Account is an account in the General Fund where the authorization to spend money from the account is located in an Act other than the *Supply Act*.

<sup>2</sup> The Projected Spending Authority Available represents the cash and temporary investments projected to be available at the end of the fiscal year. The Spending Authority Available at the beginning of the fiscal year 2012/13 is based on the 2011/12 *Public Accounts*.

## MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION

SPECIAL ACCOUNT<sup>1</sup>

(\$000)

Estimates 2012/13	Estimates 2013/14
----------------------	----------------------

**FIRST NATIONS CLEAN ENERGY BUSINESS FUND SPECIAL ACCOUNT**

This account was created as a fund under the *Clean Energy Act* which came into force July 5, 2010. It provides for increased First Nations participation in clean energy power projects through sharing of revenue government receives from those projects or through facilitating the participation of First Nations in the clean energy sector including supporting First Nation equity positions in those projects. The account also provides for administration costs of the account.

**SPENDING AUTHORITY AVAILABLE AT THE BEGINNING OF THE FISCAL YEAR <sup>2</sup>.....**

## OPERATING TRANSACTIONS

Revenue

Expense

Net Revenue (Expense)

Difference Between 2012/13 Estimates and Projected Actual Net Revenue (Expense)

S17

## FINANCING TRANSACTIONS

Receipts

Disbursements

Capital Expenditures

Net Cash Source (Requirement)

**PROJECTED SPENDING AUTHORITY AVAILABLE AT THE END OF THE FISCAL YEAR <sup>2</sup>.....****NOTES**

<sup>1</sup> A Special Account is an account in the General Fund where the authorization to spend money from the account is located in an Act other than the *Supply Act*.

<sup>2</sup> The Projected Spending Authority Available represents the cash and temporary investments projected to be available at the end of the fiscal year. The Spending Authority Available at the beginning of the fiscal year 2012/13 is based on the 2011/12 *Public Accounts*.



## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **MINISTRY PROFILE**

**Ministry:** Ministry of Aboriginal Relations & Reconciliation (MARR)

#### **Ministry Mandate:**

MARR leads government's efforts to achieve reconciliation with Aboriginal peoples. MARR is responsible for the Province's Aboriginal policy approach and the representative for all treaty and other negotiations with First Nations.

At a strategic level MARR's work is focused in three key strategic areas:

- addressing legal and economic uncertainty created by unidentified Aboriginal rights through reconciliation of Aboriginal rights and title through lasting agreements (treaty and non-treaty),
- building respectful relationships with Aboriginal peoples; and
- closing the socio-economic gaps between Aboriginal peoples and other British Columbians.

The ministry plays a crucial role in supporting key corporate initiatives. In 2012/13 MARR refocused its efforts to support the BC Jobs Plan by:

- Engaging directly with business and industry on key areas of interest including consultation, capacity and fostering greater participation in economic development
- Working with resource ministries to streamline consultation and permitting
- Pursuing agreements, both treaty and non-treaty, that build certainty on the landbase
- Reaching and implementing new agreements that support the mining, LNG, forestry and clean energy sectors

#### **Ministry Structure:**

In October 2010 the ministry underwent a restructure as part of broader changes to support an integrated approach to resource management; MARR is one of 5 ministries that together comprise the provincial government Natural Resource Sector. Partner ministries are:

- Forests, Lands and Natural Resources
- Energy and Mines
- Environment
- Agriculture

The Deputy Minister's Office at MARR provides overall leadership and direction to the Ministry and is responsible for strategic and corporate planning. The office acts as the ministry liaison with the Minister's Office, Cabinet Operations and all deputy minister and Cabinet committees. The office is supported by Executive Services, Corporate Submissions, Third Party Engagement, Internal Communications, Records Management and the Correspondence unit.

There are three divisions in MARR:



### Negotiations and Regional Operations Division (NROD) – Charles Porter, ADM

The division is structured into 3 large treaty and non-treaty negotiation teams in the north, south and coastal regions, with headquarters in Victoria. Each team is made up of headquarters and regional employees that report into one of the three Chief Negotiators in the division. NROD is responsible for negotiations of both treaty and non-treaty agreements. It also represents MARR's regional presence in the Natural Resource Sector, with eight regional offices. The role of regional staff includes First Nations relationship building, conflict resolution, negotiation of agreements, liaison with other land and resource ministries, and local support for agreement negotiations and treaty and non-treaty agreement implementation.

### Strategic Initiatives Division (SID) – Peter Walters, ADM

SID coordinates land and resource issues including consultation, accommodation, revenue-sharing and shared decision making. The division leads the ministry in discussions with the First Nations Leadership Council as well as in non-treaty negotiations considered strategically important to furthering corporate initiatives. It also serves as the lead in providing advice on treaty and non-treaty related policy and planning.

### Partnerships & Community Renewal (PCR) – Peter Cunningham, ADM

PCR leads the ministry in implementing the [Transformative Change Accord](#) and [Métis Nation Relationship Accord](#) whose common objective is to close the social and economic gaps between Aboriginal and non-Aboriginal British Columbians. The division is the lead for developing the Off-Reserve Aboriginal Action Plan, committed to in the 2011 Throne Speech.

### **Budget**   **S17**

#### **Full Time Equivalents (FTEs): S17**

Staff are located in Victoria and in eight regional offices (this structure reflects the broader Natural Resource Sector model with staff co-located in the regions). The MARR Regional Offices include:

#### North:

- Smithers
- Prince George
- Fort St. John

#### South:

- Kamloops
- Williams Lake
- Cranbrook

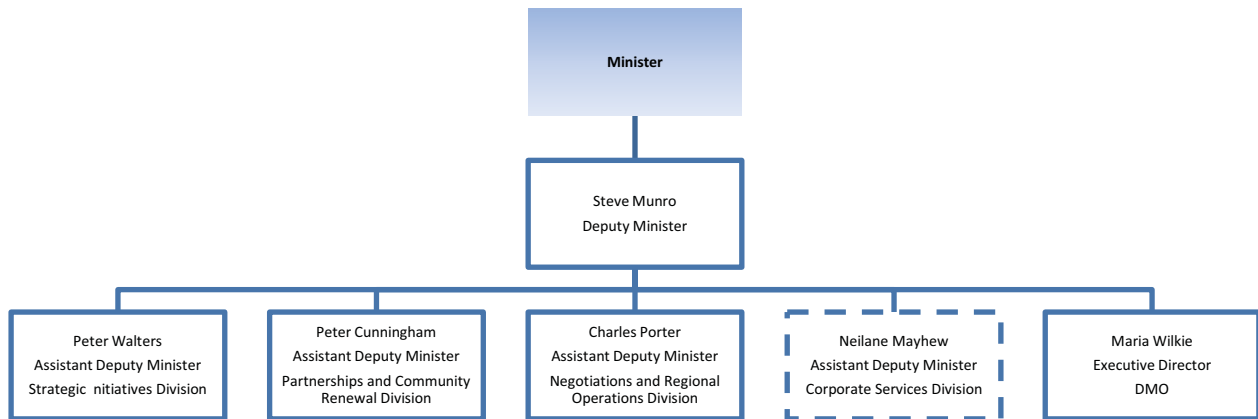
#### Coast:

- Surrey
- Nanaimo



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Executive Organizational Chart:



## **Deputy Minister**

### **Aboriginal Relations and Reconciliation**

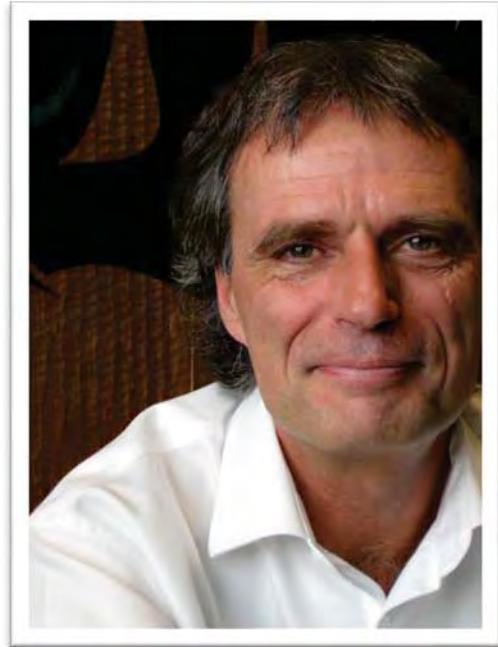
#### **Steve Munro**

Steve was appointed Deputy Minister of the Ministry of Aboriginal Relations and Reconciliation on October 25, 2010.

Steve joined the Government of British Columbia in 1989.

Steve's first six years with the provincial government were with the Ministry of Finance, working in taxation, intergovernmental fiscal relations and social policy fields. Steve joined the Ministry of Aboriginal Relations and Reconciliation as a Negotiator in 1995. His early years with the Ministry dealt mostly with federal-provincial cost-sharing matters and the negotiations of financial, tax, revenue-sharing and other fiscal elements of treaties and other agreements with First Nations. In July 2008, Steve became acting Assistant Deputy Minister of the Negotiations Division and was permanently appointed to the position in August 2009. In that position, Steve had broad responsibilities for the negotiation of a range of agreements with First Nations, including treaties, incremental treaty agreements, economic benefit agreements and reconciliation protocols.

Steve has a Masters of Economics from the University of Western Ontario and Bachelor of Science from Trent University.



## **Assistant Deputy Minister**

### **Partnerships & Community Renewal (PCR)**

#### **Peter Cunningham**

On October 17, 2011, Peter Cunningham joined the Ministry of Aboriginal Relations and Reconciliation as Assistant Deputy Minister, Partnerships and Community Renewal, based in Victoria.



Peter came to British Columbia from Ontario in 1979. He has spent the last three decades in Prince George, delivering numerous government programs and services.

Peter has deep roots in both health and social services. He began his career working with troubled teenagers in Toronto and, over the years, has worked in the areas of addiction, prevention, health promotion, mediation and family therapy. He has a keen interest in systems theory and has applied that interest to much of his work in government.

More recently, in his capacity as ADM for the Ministry of Children and Family Development, Peter has worked extensively in Aboriginal child welfare and community development – and been widely recognized for collaborating with Aboriginal communities on service delivery. He believes strongly in this Ministry's vision to foster enduring relationships with Aboriginal peoples and says he looks forward to contributing to the good work already underway in MARR.



## **Executive Financial Officer**

### **Corporate Services Natural Resource Sector (CSNR)**

#### **Neilane Mayhew**



Reporting to Doug Konkin, Chair of the Natural Resource Board, Neilane is one of three ADM/EFOs responsible for Corporate Services for the Natural Resource Sector. Neilane is the Executive Financial Officer for Ministry of Aboriginal Relations and Reconciliation and Ministry of Energy and Mines. Additionally, Neilane is the lead on strategic human resource services for the sector, and she is responsible for leading the delivery of the Information Management and Technology Services.

Neilane has eleven years of public sector leadership experience working in a complex financial environment. She has a Bachelor of Arts from the University of Calgary and a Bachelor of Laws from UVic. Prior to joining the public service, she practised law with a small firm in Victoria. Neilane joined the BC Public Service in 2001 and, shortly after joining, was asked to form and lead a new branch in the then Ministry of Provincial Revenue to consolidate the ministry's tax appeals program. In 2005, Neilane moved into the role of Executive Director of the Property Taxation Branch (PTB). During her time with the PTB, she led a variety of projects and initiatives to implement new systems and business process improvements. In 2009, Neilane became the Executive Director for the Consumer Taxation Programs Branch and while in this role helped support the implementation of HST. With an emphasis on building strong working relationships, Neilane has worked with senior leaders in a number of ministries across government as well as external agencies and organizations such as the Land Title and Survey Authority, the BC Assessment Authority, First Nations bands, regional districts and municipalities. She is committed to the work of the public service and is constantly looking for ways to improve our services and implement new ways of doing business to ensure we meet the needs of our customers, stakeholders and partners.

## **Assistant Deputy Minister**

### **Negotiations and Regional Operations**

#### **Charles Porter**



Charles joined the BC public service in 1992, initially working in policy and legislative roles. From 1995 to 2002, he worked in regional management positions in Cranbrook and Kamloops in Crown lands, Aboriginal relations, planning and assessment, and fish and wildlife.

In 2002, he returned to Victoria as Director of Corporate Policy, Planning and Intergovernmental Relations for the Ministry of Water, Land and Air Protection. In 2006, he was made Executive Director of Natural Resources and the Economy with the Deputy Ministers' Policy Secretariat, Office of the Premier.

In October 2008 Charles was appointed ADM of the First Nations Initiatives Division within the Integrated Land Management Bureau, Ministry of Forests and Range. In April 2010 he received additional responsibilities of another division, GeoBC.

Charles Porter was appointed Assistant Deputy Minister of the Ministry of Aboriginal Relations and Reconciliation on November 1, 2010.

Charles was educated at the University of Victoria where he received Fine Arts and Law degrees.

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## **Assistant Deputy Minister**

### **Strategic Initiatives Division**

#### **Peter Walters**

Peter has been part of the BC public service since 1980, and has worked in Kamloops, Surrey and Victoria. While his first twenty-five years focused on Crown land management and projects, he has served as an Assistant Deputy Minister in several ministries, including Tourism, Culture and the Arts, and Forests, Lands and Natural Resource Operations.



Peter's experience has given him a passion for positive change in the Province's relationship with First Nations. As a relatively new addition to the Ministry of Aboriginal Relations and Reconciliation, he is looking forward to building strong relationships with First Nations communities, and close connections with their leaders.

## **Executive Director**

### **Office of the Deputy Minister**

#### **Maria Wilkie**

Maria became the Executive Director, Strategic Initiatives in the Deputy Minister's Office on May 14<sup>th</sup>, 2012. She is responsible for leading the ministry's corporate initiatives, strategic planning, and the Deputy Minister Office team.



Maria worked in communications and project management for over 15 years in the forestry and non-profit sectors in Ontario, Haida Gwaii and with the BC Government. Joining the Public Service in 2002, she worked for the Public Affairs Bureau at the Ministry of Community, Aboriginal and Women's Services, Attorney General, and Communications Headquarters before she joining the Ministry of Aboriginal Relations and Reconciliation in May 2007.

Maria holds a Bachelor of Political Science.

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S22





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Divisional Overview – Negotiations and Regional Operations Division

#### ADM Responsible:

Charles Porter, Negotiations and Regional Operations Division

#### Core Business: Divisional Overview – Negotiations and Regional Operations Division

The Negotiations and Regional Operations Division (NROD), in conjunction with the other MARR divisions and natural resource ministries, is responsible for:

- Negotiating and implementing lasting agreements that contribute to reconciliation;
- building relationships with First Nations;
- Resolving conflicts;
- Providing advice to other ministries and the private sector.

The Division is located in Victoria and eight regional offices. NROD is composed of three negotiations teams that serve the three regions of the province (North, South and Coast) and a headquarters team based in Victoria. NROD's regional structure is aligned with the natural resource sector regional areas in order to ensure a strong integration with other agencies and a presence in provincial engagements with First Nations at the community and local level.

The main structures of the Division and their relative roles are:

**Negotiations and Regional Operations Branch:** is a small, Victoria-based branch. It leads and participates in a number of key negotiations, supports the Division in the overall administration of key treaty and non-treaty negotiations, runs the Forest Consultation and Revenue Sharing Agreement program, and plays a key role in communication with line agencies, cross-division and cross-ministry integration and tracking for the Assistant Deputy Minister.

**Three Regional Negotiations Teams:** The three teams are each headed by a Chief Negotiator, and include Regional Directors, and Senior Negotiators assigned to each region. Each regional office has a Regional Manager, responsible for field operations. Staff are located in both Victoria and regions. They are responsible for negotiating and assisting with the implementation of both treaty and non-treaty agreements. Staff who are located in the regional offices play a direct role in First Nations relationship building, conflict resolution, and liaison with other land and resource ministries.

Within the Division there currently are three Chief Negotiator (CN) positions. One of the roles of the CNs is to participate on the Chief Negotiators Board, which includes all of the CNs from NROD as well as the two CNs from the Strategic Initiatives Division. The Chair of the CN Board is an NROD CN. The board manages strategic negotiations issues as well as identifying and prioritizing negotiation assignments in each of the regions.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

Regional offices are located in:

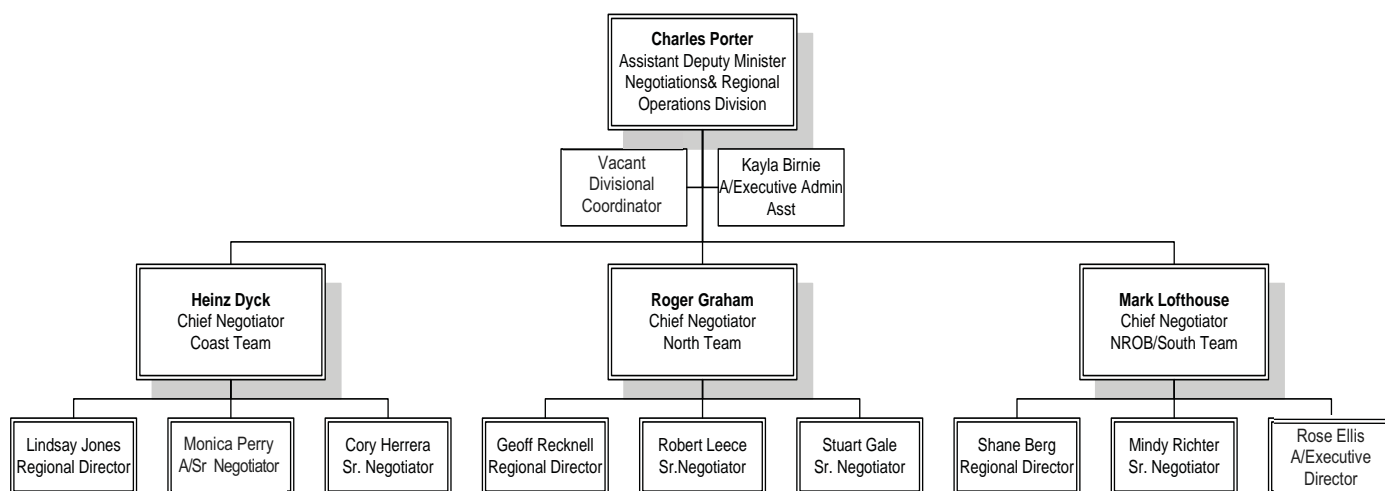
- North:
  - Smithers
  - Ft. St. John
  - Pr. George
- South:
  - Williams Lake
  - Kamloops
  - Cranbrook
- Coast:
  - Surrey
  - Nanaimo

**Budget:** FY 2012/13 was **S17**

**Full Time Equivalents (FTEs):** 130

**Related Legislation:** Negotiations touch on various legislation in the resource sector. Specific legislation is included in Core Business notes related to Treaty and Non-Treaty Agendas and Priorities.

### Organizational Chart:





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Divisional Overview – Strategic Initiatives Division

#### ADM Responsible:

Peter Walters, Strategic Initiatives Division

#### Core Business: Divisional Overview - Strategic Initiatives Division

The Strategic Initiatives Division leads the Ministry in building the New Relationship with Aboriginal people, and the Natural Resource Sector (NRS) in matters of consultation, accommodation, revenue-sharing and shared decision making. The Division leads the engagement with the First Nations Leadership Council, and provides advice on treaty and non-treaty policy. The Division consists of five branches:

- **Strategic Policy Branch** has overall responsibility for supporting treaty mandate work in two main streams: Lands & Resources and Governance & Government Relations. This includes involvement in addressing significant treaty policy issues, providing policy advice to negotiators on provincial treaty mandates, development of new and table-specific mandates, engagement with provincial line agencies for coordination of strategic policy analysis and advice, and policy reviews of agreements-in-principle and final agreements at key stages. The Branch also works with federal policy counterparts on treaty issues. In addition, the Branch has an integral role in leading the ministry's Lean initiatives.
- **Lands and Resources Branch** provides strategic leadership, advice and support to the ministry and across government on a wide variety of lands and resources based initiatives. Work involves policy development in the areas of consultation, accommodation and reconciliation, as well as strategic engagements and non-treaty agreement negotiations among First Nations, provincial ministries and key stakeholders to address First Nation interests and reconcile them with provincial priorities. It is responsible for engagement with Industry, including an on-going initiative with the BC Business Council, and leading the ministry's BC Jobs Plan commitments on Liquefied Natural Gas.
- **Fiscal Branch** supports treaty and non-treaty agreements by leading bilateral federal-provincial cost-sharing and tripartite fiscal negotiations as well as developing financial and specific mandates. The team is also the ministry lead on climate change initiatives and provides financial and policy development expertise on a variety of fiscal topics including tax policy and benefit sharing.
- **Implementation and Legislation Branch** works with First Nations and Canada on the steps required to ratify treaties and related agreements, bring them into effect, and implement them over time. This branch is also responsible for Ministry legislation and regulatory reform initiatives.
- **Land Programs Branch** provides research on provincial lands that will be transferred to First Nations under treaties and other negotiated agreements. The branch confirms the ownership.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

status of the lands, and documents all provincially issued tenures over the lands to ensure negotiators are aware of any factors that may impact the offer of these lands. It also manages the surveys required to complete the transfers.

### Budget:

- The budget for the Strategic Initiatives Division is

S17

S17

### Full Time Equivalents (FTEs):

- The Strategic Initiatives Division FTE count total is 70.

### Related Legislation:

- Mineral Tax Act
- The New Relationship
- Transformative Change Accord
- New Relationship Trust Act

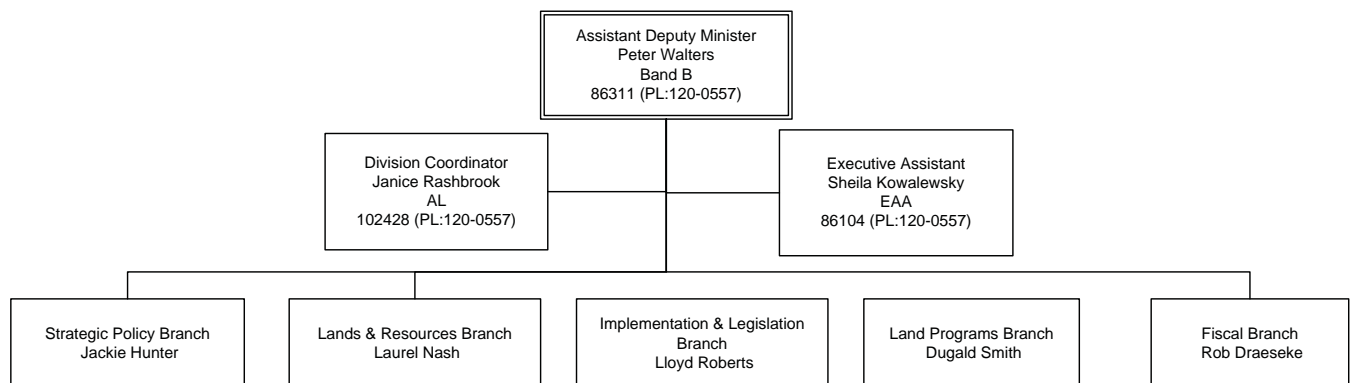




## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Organizational Chart:

### MINISTRY OF ABORIGINAL RELATIONS & RECONCILIATION Strategic Initiatives Division





## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **Divisional Overview - Partnerships and Community Renewal Division**

#### **ADM Responsible:**

Peter Cunningham, Partnerships and Community Renewal Division

#### **Core Business: Divisional Overview, Partnerships and Community Renewal Division**

Partnerships and Community Renewal Division (PCR) is composed of two branches.

**1 - Intergovernmental and Community Relations Branch (ICR)** is responsible for achieving progress on government's strategic priorities that relate to Aboriginal programs and services in the Province, and for addressing Aboriginal concerns regarding policy, program and service delivery. ICR carries out these responsibilities through respectful engagement with Aboriginal leadership, organizations and communities; by providing line ministries support and advice on working effectively, knowledgeably and respectfully with Aboriginal people as they develop and implement relevant social and economic policies and programs; and by engaging with federal departments, other jurisdictions and national Aboriginal organizations on issues of mutual concern. ICR additionally manages the Ministry of Aboriginal Relations and Reconciliation (MARR) relationship with its Crown Corporation, the First Peoples' Cultural Council; champions work with Aboriginal youth and Elders; supports the Minister's Advisory Council on Aboriginal Women; leads the First Nations housing portfolio; leads the Off-Reserve Aboriginal Action Plan and related urban Aboriginal work; and produces annual reports on progress toward closing the socio-economic gaps between Aboriginal and non-Aboriginal citizens.

**2 - Community Development Branch (CD)** works closely with First Nations on community identified priorities to build capacity based on the communities' assets and strengths. In the northwest, CD is supporting the BC economic development agenda by addressing Tahltan Nation priorities and concerns through the joint Social Cultural Working Group. Actions are designed to ensure Tahltan members are prepared to benefit from new development and at the same time able to protect Tahltan culture and society from the potential negative effects of rapid development. CD supports implementation of the community wellness provisions in provincial reconciliation and economic and community development agreements (ECDAs) such as the Nanwokolas Reconciliation Agreement. CD is working directly with First Nations youth to realize their potential and empower their participation as emerging leaders.

CD champions community development principles within government to increase effectiveness of working with Aboriginal people and First Nations. CD also manages delivery of First Citizens Fund programs, as well as the Aboriginal BEST program and the Province's participation in the British Columbia Aboriginal Business Awards. The branch also provides leadership on the



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

Province's relationship with the Métis Nation British Columbia, including leading tri-partite negotiations involving the Government of Canada. Branch staff have also contributed to provincial initiatives such as the broadband connectivity initiative for First Nations and the Industry Training Authority's Aboriginal Apprenticeship Advisory Committee.

PCR policy and program areas are profiled in more detail in *Backgrounders – The New Relationship: Socio-Economic Agenda - Transformative Change Accord, Métis Nation Relationship Accord*.

**Budget:** 2012/13 - **S17** (Estimates: Budget Day); 2013/14 **S17** (Estimates: Budget Day)

**Full Time Equivalents (FTEs):** 22 FTEs (1 ADM; 6 CD; 13 ICR)

**Related Legislation:** The First Peoples' Cultural Council is a Crown corporation established by the Province in 1990 by the *First Peoples' Heritage, Language and Culture Act* (the *Act*). The Act established the First Peoples' Advisory Committee and the Board of Directors to support and guide the work of FPCC. Its mandate includes the following:

- Preserve, restore and revitalize First Nations heritage, language, arts and culture;
- Heighten the appreciation and acceptance of the wealth of cultural diversity among all British Columbians;
- Provide funding to BC First Nations for arts, cultural and language programs;
- Advise government on the preservation and fostering of First Nations heritage, arts, languages and culture; and,
- Work in partnership with First Nations communities to revitalize and archive their cultures and languages and restore literacy and fluency in First Nation languages.

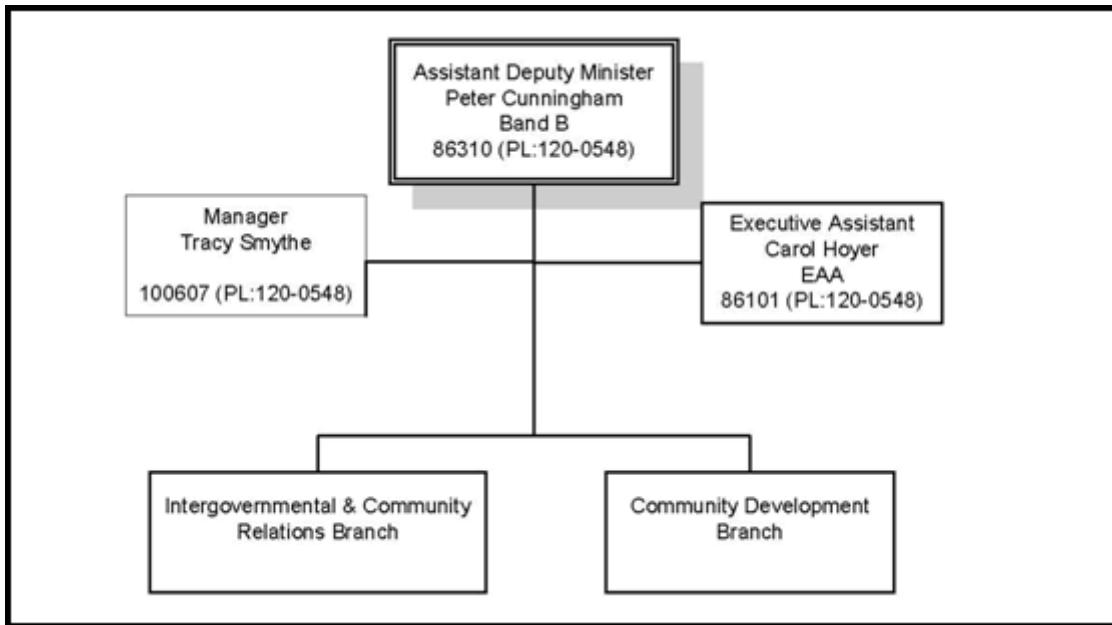
The *Special Accounts Appropriation and Control Act* provides the minister with the authority to spend the interest earned by the First Citizens Fund as follows:

- 4. (1) The minister may pay or lend or provide loan guarantees to an amount equal to the interest calculated on and attributable to the balance in the First Citizens Fund special account for the purposes of advancing and expanding the culture, education and economic opportunities and the position of persons of North American aboriginal ancestry who are ordinarily resident in BC.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Organizational Chart:







## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Corporate Services for the Natural Resource Sector

#### Assistant Deputy Minister / Executive Financial Officer Responsibilities:

<b>Shauna Brouwer</b>	EFO for Agriculture and Environment Responsible for Financial Services
<b>Trish Dohan</b>	EFO for Forests, Lands and Natural Resource Operations Responsible for Sector Client Services
<b>Neilane Mayhew</b>	EFO for Aboriginal Relations and Reconciliation and Energy, Mines and Natural Gas Responsible for Information Management, People and Workplace Strategies

#### Core Business/Program Area Description/Critical Business Processes:

Formed in 2010, Corporate Services for the Natural Resources (CSNR) is the largest corporate services team in the BC Public Service. CSNR is an integrated entity within the Ministry of Forests, Lands and Natural Resource Operations (FLNR) which has accountability to provide services to the five ministries that make up the Natural Resource Sector.

- Ministry of Aboriginal Relations & Reconciliation (MARR)
- Ministry of Agriculture (AGRI)
- Ministry of Energy, Mines and Natural Gas (EMNG)
- Ministry of Environment (ENV)
- Ministry of Forests, Lands and Natural Resource Operations (FLNRO)

CSNR is led by three assistant deputy ministers (ADMs), each ADM has specific business area accountabilities for the natural resource sector in the service areas of **finance, strategic human resources, client services and information management**. In addition, each ADM has Executive Financial Officer (EFO) responsibility for one or more ministries.

The corporate services model was designed to be flexible. By using a sector based approach, to share best practises, standardize business processes and consolidate resources, significant efficiencies have been achieved. Benefits have included:

- Enhancing integration and coordination across the sector;
- Streamlining processes and providing consistent services across the sector;
- Establishing a single accountability for corporate services functions;
- Optimizing use of NRS facilities and assets where possible;
- Synergies in central agency requirements (e.g. sector Workforce Plans, sector Technology and Transformation Plan,);
- Providing strategic high level financial overviews to improve and support sector based decisions.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Budget:

CSNR supports the Natural Resource Sector and each ministry contributes towards the cost:

MARR

AGRI

EMNG

ENV

FLNRO

S17

**2013/14 CSNR Total**

**Full Time Equivalents (FTEs): 519\***

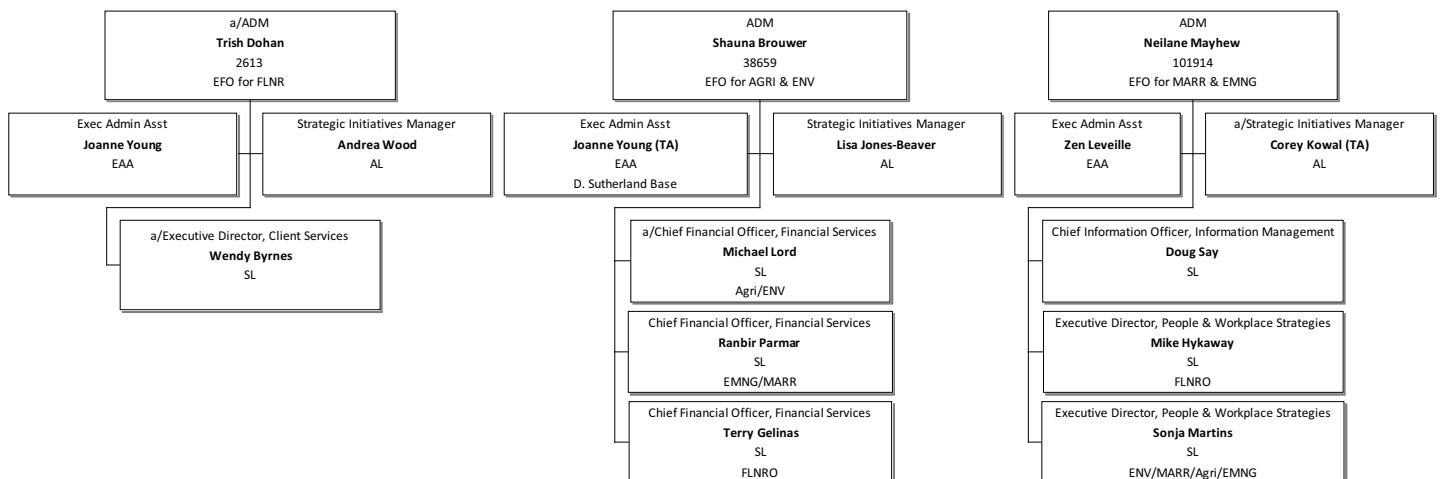
\*Includes regular and auxiliary positions – the FTE numbers provided are the YTD burn rate as of December 31, 2012

### Related Legislation:

- Financial Administration Act;
- Budget Transparency and Accountability Act;
- Balanced Budget and Ministerial Accountability Act;
- Financial Information Act;
- Supply Acts;
- Public Service Act

### Organizational Chart:

#### Corporate Services for the Natural Resource Sector Executive and ADM Office - April 2013





## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **Natural Resource Sector Roles and Responsibilities**

#### **Natural Resource Sector:**

The BC Public Service's natural resource sector (NRS) is comprised of five ministries – Aboriginal Relations and Reconciliation; Agriculture; Energy, Mines and Natural Gas; Environment including the Environmental Assessment Office; and Forests, Lands and Natural Resource Operations.

Each ministry has its own mission and goals, set out in annual Service Plans, and collectively the NRS regulates and influences activities on 94% of the province's land base. NRS ministries are responsible for implementing over 130 provincial statutes that provide for the sustainable management and protection of the Province's natural resources and reconciliation with First Nations.

The NRS generates nearly \$3 billion in direct annual revenue to the Province through mining, oil, gas, electricity, forestry, agriculture, tourism and recreation. The sector's combined annual operating expenses are approximately \$1.3 billion and its work both directly and indirectly benefits the economic, environmental and social health of our Province.

All natural resource ministries report to the Natural Resource Board and the Environment and Land Use Committee. The ministries making up the natural resource sector have been structured to streamline government processes for critical natural resource industries to better attract global investment, enabling BC to make integrated resource management decisions on the whole of the land base.

#### **Environment and Land Use Committee (ELUC):**

ELUC, a legislated committee under the Environment and Land Use Act, is mandated to ensure that all aspects of preservation and maintenance of the natural environment are fully considered in the administration of land use and resource development. The Committee is responsible for providing direction to the natural resource ministries that balances economic development and stewardship by setting priorities for the land base, managing land use conflicts and providing strategic advice to Cabinet on policies, programs, operations and legislation that impact the natural resource sector. This advice includes consideration of budgetary implications as well as implementation and communication strategies.

The committee is responsible for reviewing Cabinet submissions, requests for legislation and business plans from the natural resource sector ministries: Aboriginal Relations and Reconciliation; Agriculture; Energy and Mines and Natural Gas; Environment; Forests, Lands and Natural Resource Operations.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

**Membership (as of March 2013):** Honourable Steve Thomson (Chair), Honourable Terry Lake (Vice Chair), Honourable Bill Bennett, Honourable Rich Coleman, Honourable Ida Chong, Honourable Norm Letnick, Member Eric Foster, Member Murray Coell, Member Pat Pimm, Member John Rustad, Member Randy Hawes.

### Natural Resource Board (NRB):

The Natural Resource Board is responsible for supporting the Environment and Land Use Committee and for providing it with information and recommendations on policy and operational issues in support of its mandate. This support includes ministries working together to apply resources to highest sector priorities as guided by ELUC, including sharing and/or collaborating on resources to meet critical government objectives, advancing the integrated decision-making and one-decision maker approach to authorizations and permits, reviewing high-level business plans to ensure that natural resource operations priorities are being met, and improving and gaining support for ELUC submissions.

The Board is also responsible for oversight of the Natural Resource Corporate Services and provides direction respecting its services, programs and sectoral plans, and ensures that an appropriate and consistent level of support is maintained across all NRS agencies.

**Membership (as of March 2013):** Doug Konkin (FLNRO - chair), Steve Carr (EMNG – Vice Chair), Wes Shoemaker (MoE), Steve Munro (MARR), Derek Sturko (AGR), Dave Nikolejsin (EAO) and Paul Jeakins (OGC). Representation at meetings is also maintained by Tim McEwan (JTI). \*\*update with new ministers\*\*





## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **Natural Resource Sector Overviews**

#### **Ministry of Agriculture**

The Ministry of Agriculture supports an innovative, adaptive, globally competitive and socially and environmentally responsible agrifoods sector valued by all British Columbians. The Ministry's support of healthy and safe agrifood and seafood production and post-production processing provides new and value-added products for domestic and international markets, contributing to B.C. jobs and the economy as well as to diversified rural communities. The Ministry champions the agrifoods sector by:

- Supporting practices that promote adaptable, sustainable and competitive agrifoods production;
- Ensuring, in partnership with the Ministry of Health and the Federal Government, a regulatory system that promotes animal and plant health and food safety;
- Delivering programs to stabilize farm incomes when threatened by circumstances beyond farmers' control to ensure continued long-term production;
- Providing guidance and funding to the sector to increase market development;
- Supporting the agricultural industry's contribution to the green economy;
- Working with other ministries, federal partners and other governments, stakeholders and industry to ensure sustainable marine fisheries; and
- Working to balance urban / agricultural interests.

#### **Ministry of Aboriginal Relations and Reconciliation**

The Ministry of Aboriginal Relations and Reconciliation is BC's lead agency for reconciling provincial interests with First Nations' Aboriginal and treaty rights, negotiating treaties and other lasting agreements. As an increasing number of agreements have been signed, the focus on implementation of these agreements has become more important. The ministry works with First Nations to improve treaty-making through trilateral tables that deal with policy and process challenges to concluding treaties.

The ministry also works with Aboriginal leaders, partner ministries and the federal government to close the gaps in education, health, housing and economic development that separate Aboriginal people from other British Columbians, in order to reach the goals of the Transformative Change Accord and the Métis New Relationship Accord.

#### **Ministry of Environment**

The Ministry of Environment has responsibility for environmental protection, compliance and enforcement, and BC Parks. This ministry also remains the lead on environmental policy direction such as species at risk and climate action, and is responsible for the Environmental Management Act. The act covers areas such as municipal waste management, contaminated site remediation and clean air provisions.



## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

The Ministry provides environmental leadership through developing policy, building knowledge, developing partnerships, encouraging innovation and providing environmental services. Policy development is focussed on water, air, ecosystems and species protection and conservation priorities.

### **Ministry of Energy and Mines and Natural Gas**

The Ministry of Energy and Mines and Natural Gas is responsible for ensuring the energy needs of British Columbians are being met now and into the future, and for contributing to the economic growth and development of BC communities. The Ministry manages the responsible exploration and development of BC's energy and mining sectors (including electricity, clean or renewable energy such as biomass, biogas, geothermal heat, hydro, solar, ocean, and wind), petroleum and natural gas, minerals, and renewable and low carbon fuels. The Ministry develops and implements BC's policies with regard to electrical power generation and transmission. The Ministry develops tenure, royalty and regulatory policy for BC's petroleum and natural gas industry, ensuring the effective and environmentally responsible management of the Province's petroleum and natural gas resources. The ministry has responsibility for B.C.'s electrical power generation and transmission policies, including oversight of BC Hydro and the Columbia Power Corporation.

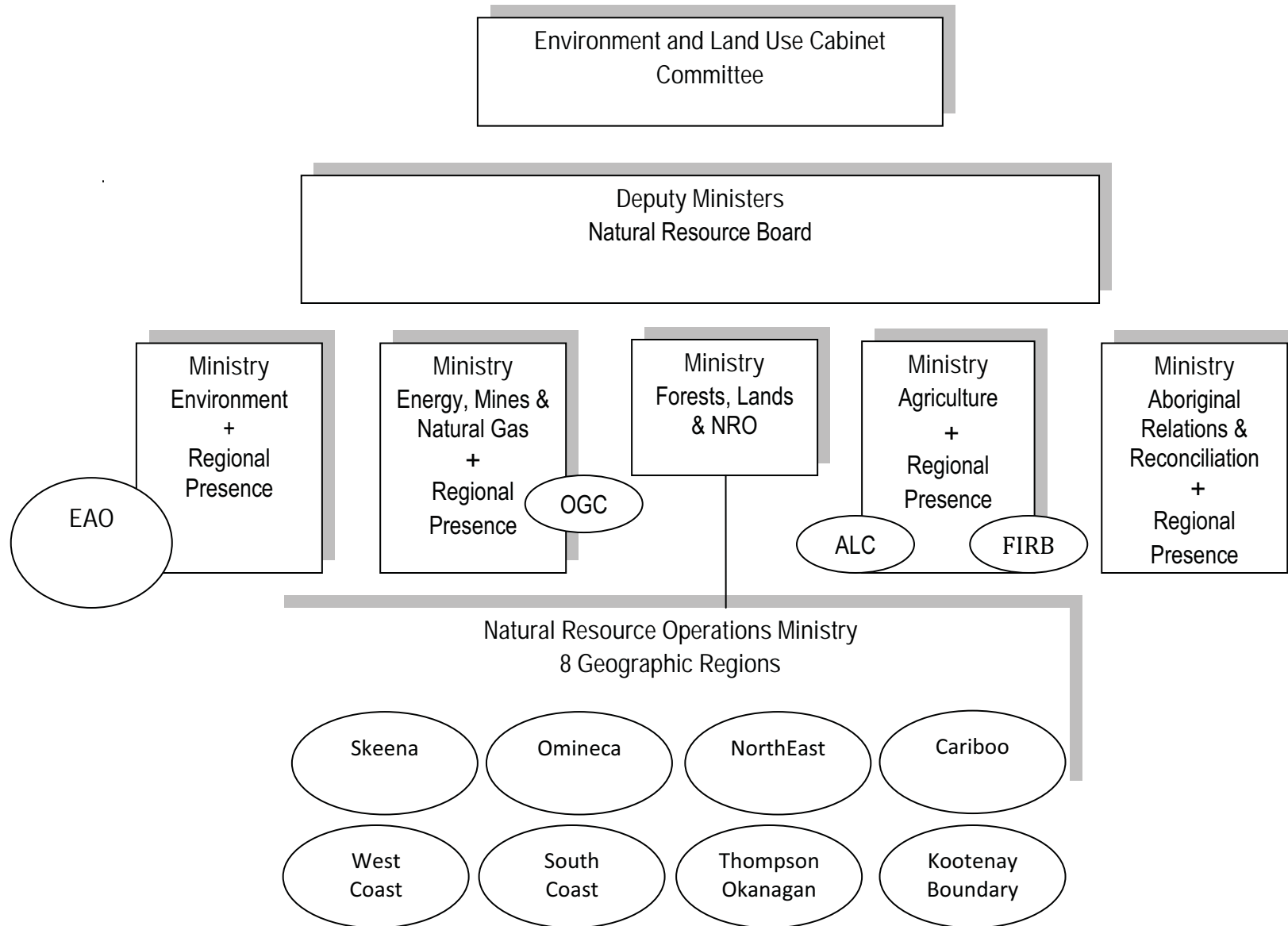
### **Ministry of Forests, Lands and Natural Resource Operations**

The Ministry of Forests, Lands and Natural Resource Operations supports the sustainable development of forest and land resources and the competitiveness of industries that use them. The ministry aims to deliver better service and better land management to British Columbians. Bringing all provincial natural resource operations together in one ministry allows for more informed decision making when it comes to natural resource uses and the environment. This enhanced understanding of cumulative impacts will fully consider the environmental, social and economic factors of land use.

The integrated approach of the ministry is part of a global trend toward combined service distribution in public sector governance structures. Regionally based, this ministry is committed to helping local businesses and citizens succeed in the natural resource sector while creating predictability, encouraging investment and ensuring strong environmental management. As the ministry responsible for making decisions around land use in the province, the ministry considers all factors of resource activity for complete view of the land base.

The Ministry works collaboratively with other resource ministries, industry professionals, regulators and federal agencies. Initiatives such as the Environment and Land Use Committee and Natural Resource Board exemplify the shared service delivery the Province is working towards. Working together means the operational decisions on the land base match policy development. Natural resource sector ministries share service and business planning with clear lines of accountability and shared responsibility.

## Organisational Structure to Support Natural Resource Sector Integration



Sector Crossover Functions with Emergency Management BC include:  
Public Safety, Emergency Services, Wildfire Services, Flood Response,  
Environmental Emergencies

Pages 259 through 261 redacted for the following reasons:

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S13

S13, S16, S17





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Organization:

Business Council of British Columbia (BCBC)

### Speaking Points:

Greg D'Avignon

S13

### Background:

- In 2011, the Ministry of Aboriginal Relations and Reconciliation (MARR) began a very successful industry relations strategy with the Business Council of British Columbia (BCBC) on Aboriginal issues.
- The purpose of the enhanced engagement is to identify opportunities to improve business practices for consultation and engagement with First Nations based on the principles of:
  - Clarity with regard to roles in the First Nations consultation process, potential improvements and how industry actions may fit into Crown accommodation strategies;
  - Capacity building for First Nations to engage efficiently and meaningfully; and
  - Celebration of best practices and successful outcomes happening now.
- The engagement efforts led to six workshops with almost 250 industry leaders throughout the province in summer 2012 which focused on understanding the roles and responsibilities of industry with respect to Aboriginal issues, and tools and approaches necessary to build successful partnerships with First Nations.
- The sessions resulted in a joint action plan with short and long term actions.



## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

- MARR and the natural resource sector have made progress on delivering upon key immediate commitments including the accelerating the non-treaty agreement model, one land manager approach, updated guides related to proponents, sector-specific guidance on consultation processes, and resources to complete several new ethnohistoric reports to support the development of Strength of Claim analysis.
- MARR has also dedicated resources internally to liaise with industry and support First Nations consultation.
- Industry participants also reported that they support the provincial government's continuing efforts to build relationships with First Nations and Aboriginal people.
- There was a strong recognition throughout the process of the need to extend this dialogue in a new tri-partite phase to directly include First Nations.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Organization:

BC Association of Aboriginal Friendship Centres

### Speaking Points:

Paul Lacerte, Executive Director

S13

### Background:

- The BCAAFC and its 25 member friendship centres play an important role in providing a variety of services and programs to BC's urban/off-reserve Aboriginal population.

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- This lobby effort was a key factor leading to the October 2011 Throne Speech commitment to develop ORAAP.
- Also, on October 19, 2012, the Province and the BCAAFC signed a protocol agreement that outlines the partnership and principles that will guide the work of both parties as it relates to ORAAP.
- The BCAAFC will continue to be a key partner as the province moves forward to develop an urban Aboriginal strategy
- The BCAAFC has also led the Moose Hide campaign, which is a grassroots movement of Aboriginal and non-Aboriginal men who are standing up against violence towards Aboriginal women and children.
- The campaign started in 2012 and focuses on the need for healing, positive change and the importance of working together on this issue.
- In 2012 and 2013, previous Ministers of Aboriginal Relations and Reconciliation have attended events related to the campaign.



## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Organization:

Métis Nation British Columbia

### Speaking Points:

President Bruce Dumont

S16, S13

### Background:

- MNBC is recognized by BC and Canada as the politically representative organization for Métis people in the province.
- MARR supports tripartite negotiations and capacity development to ensure Métis people have a voice in the formulation of government policy.
- The tripartite self-governance negotiations include federal participation and leverage federal capacity support for the MNBC.
- In 2006, the Province and MNBC signed a bilateral agreement called the Métis Nation Relationship Accord to formalize their relationship and jointly commit to address social and economic issues for Métis people. The Province does not recognize the existence of rights-bearing Métis communities in British Columbia, and therefore the MNRA does not address land based rights.
- The substance of the MNRA has many of the same objectives outlined in the Transformative Change Accord with First Nations.



## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

- The MNBC represents 35 Métis Chartered Communities in BC and is mandated to develop and enhance opportunities for Métis communities by implementing culturally relevant social and economic programs and services.

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- There are 59,455 Métis people living in BC, predominantly in urban areas, representing almost one third of the Aboriginal population in BC.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Organization:

Reconciliation Canada

### Speaking Points:

Chief Dr. Robert Joseph

S22

S13

### Background:

- Reconciliation Canada is a BC based charitable project established as a collaboration between the Indian Residential Schools Survivors Society (IRSSS) and Tides Canada Initiatives Society (TCI).
- Reconciliation Canada is the organization mandated to carry forward reconciliation dialogue activities in the Province of British Columbia by the executives of the First Nations Summit, the BC Assembly of First Nations and the Union of BC Indian Chiefs (collectively known as the First Nations Leadership Council).
- Reconciliation Canada was formed in response to the need for BC to lead cultural activities



## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

for “Reconciliation Week” and the local/provincial strategy linked to the Truth and Reconciliation Canada (TRC) upcoming National event in Vancouver, September 18 – 21, 2013. More importantly, Reconciliation Canada (RC) is tasked with carrying the vision of reconciliation forward in the province of BC.

- RC has a memorandum of collaboration with the TRC and has an extensive network of partners.

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- Both the TRC and Reconciliation Canada are actively seeking volunteers.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

**Organization:** Truth and Reconciliation Commission of Canada

**Speaking Points:**

The Honourable Justice Murray Sinclair - **S22**

**S13**

**Background:**

- Justice Murray Sinclair is the federally-appointed chair of the Truth and Reconciliation Commission whose five-year mandate is to inform all Canadians about what occurred in Indian residential schools, to witness, gather statements and document the truth of survivors, families, and communities.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

- In 1997, the Government of Canada issued a “Statement of Reconciliation” in a document entitled, *Gathering Strength - Canada’s Aboriginal Action Plan* that acknowledged regret and sorrow for the role the Government had in establishing Indian residential schools.
- In the House of Commons on June 11, 2008 the Prime Minister of Canada apologized to former students of Indian residential schools.
- The **Truth and Reconciliation Commission (TRC)** was first established in 2008. On July 1, 2009 a chair and two commissioners were federally-appointed and began a five-year mandate to inform all Canadians about what occurred in Indian residential schools, to witness, gather statements and document the truth of survivors, families, and communities.
- The TRC is facilitating seven national and regional events across Canada and a final closing ceremony to be held in Ottawa. *The TRC’s second to last national event will be held in Vancouver, September 18 - 21, 2013.*
- Leading up to the 2013 Vancouver National Event, the TRC hosted a Victoria Regional Event on Vancouver Island, April 13 and 14, 2012. As well, community hearings were held in February and March in Port Hardy, Campbell River, Port Alberni and Duncan. The

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- The Ministry of Health (MOH) has also been closely involved BC TRC events as follows:
- MOH is a member of the BC TRC Events Health Support Team led by Health Canada and including Reconciliation Canada. MOH is a member of the Regional Working Group for this years Regional sessions and MOH and MARR are members on the planning committee for the Vancouver National Event.
- MOH is assisting with recruitment from the Regional Health Authorities to assist in the following Regional sessions:
  - Interior Health
    - Williams Lake – May 16 to 18
    - Kamloops – May 28 and 29
  - Northern Health
    - Prince George – May 13 and 14
    - Terrace – June 25 and 26
- Most recently, the TRC will conduct a two-day hearing in Kamloops, BC: May 28/29, 2013. The event is co-hosted by Tk’emlups te Secwepemc.

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## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

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## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **Organization:**

Union of British Columbia Municipalities – First Nations Relations Committee

### **Speaking Points:**

Councillor Murray Krause, Committee Chair

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### **Background:**

- City of Prince George Councillor Murry Krause has a long history in the social services and health fields and currently serves as Executive Director of the Central Interior Native Health Society.
- He is in his fourth term as a city councillor for Prince George.
- In addition to Councillor Krause (Chair), the UBCM's First Nations Relations Committee (the Committee) consists of the following members, appointed after the September 2012 UBCM convention:
  - Mayor Mitch Campsall (District of 100 Mile House)
  - Councillor Harry Kroeker (City of Merritt)
  - Councillor Claire Moglove (City of Campbell River)
  - Chair Joe Stanhope (Regional District of Nanaimo)
  - Mayor Ralph Drew, Vice-Chair of the Metro Vancouver Aboriginal Relations Committee [MVARC] (Village of Belcarra)





## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

- Mayor Campsall, Chair Stanhope and Councillor Kroeker are recent appointees to the Committee. Mayor Drew was appointed as an external member to the Committee last spring in his capacity as MVARC Vice-Chair, following the dissolution of the Lower Mainland Advisory Committee (LMTAC).
- The Committee oversees UBCM policy development work related to Aboriginal issues.
- In 2012, UBCM and MARR renewed a memorandum of understanding (MOU) which sets out the role of local governments in treaty negotiations and helps guide interactions between provincial representatives and local governments on other negotiations with First Nations.
- Current priority issues/activities identified by the Committee include:
  - local government involvement in Strategic Engagement Agreements
  - UBCM representation on the Off-Reserve Aboriginal Action Plan Provincial Coordination Team (Councillor Krause is the representative)
  - Activities related to the 2012 MOU
  - A potential inter-governmental joint working group staff on select issues of mutual importance; and,
  - numerous issues related to federal government activities including additions-to-reserve policy and proposed Bill S-8: the proposed Safe Drinking Water for First Nations Act.
- There are other enduring issues for the Committee:

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## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **Organization:**

First Peoples' Cultural Council

### **Speaking Points:**

Dr. Lorna Williams

S13

### **BACKGROUND:**

- Dr. Lorna Williams is the Chair of the Board of Directors for First Peoples' Cultural Council. Her third and final term will conclude December 15, 2014.
- Dr. Lorna Williams is a member of the Lil'wat First Nation of Mount Currie, BC. She is the Canada Research Chair in Indigenous Knowledge and Learning at the University of Victoria. She received the Queen Elizabeth II Diamond Jubilee Medal in August 2012 for her work in Indigenous Education and the support of Indigenous Youth in international relationship development.
- Before joining the University of Victoria, Dr. Williams worked at the Ministry of Education as Director of the Aboriginal Education Enhancement Branch for three years where she directed research, policy development and implementation in all areas of education for Aboriginal students. Prior to this appointment, she worked as a First Nations Education Specialist with the Vancouver School Board. Dr. Williams is a strong advocate committed to working with



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

Aboriginal communities to increase the achievement of Aboriginal learners and to teach First Nations culture, heritage, traditions, and history to all students.

- FPCC is governed by a 13-member Board of Directors (BOD) and supported by a 34-member Advisory Committee, with one representative for each of the First Nations language groups in BC.
- The First Peoples' Cultural Council (FPCC) is a Crown corporation established by the Province in 1990 by the *First Peoples' Heritage, Language and Culture Act* (the *Act*). The Act established the First Peoples' Advisory Committee and the Board of Directors to support and guide the work of FPCC. Its mandate includes the following:
  - Preserve, restore and revitalize First Nations heritage, language, arts and culture;
  - Heighten the appreciation and acceptance of the wealth of cultural diversity among all British Columbians;
  - Provide funding to British Columbia First Nations for arts, cultural and language programs;
  - Advise government on the preservation and fostering of First Nations heritage, arts, languages and culture; and,
  - Work in partnership with First Nations communities to revitalize and archive their cultures and languages and restore literacy and fluency in First Nation languages.
- British Columbia (BC) has a wealth of First Nations languages and cultures. BC is home to 60 per cent of First Nations languages in Canada with 32 languages and 61 dialects. Most of these languages are endangered. Today only 5.1 per cent of the province's First Nations population are fluent speakers of their language; only 8.2 per cent of the population are semi- speakers. This can be attributed to state-sanctioned policies of assimilation from the 1800s.

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- FirstVoices, one of First Peoples' programs, is an internationally recognized online Indigenous language archiving and teaching resource that allows indigenous communities to document their language for future generations. Teams of fluent Elders and technically savvy youth upload dictionaries, alphabets, songs, stories, words and phrases as well as audio and video to their community archives. FirstVoices includes mobile apps that include an interactive and customizable dictionary for 12 languages, as well an Indigenous language texting app for Facebook Chat and Google Talk.



## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Organization:

New Relationship Trust

### Speaking Notes:

Kathyn Teneese, NRT Board Chair

S13

### Background:

- In the spring of 2005, leaders from the First Nations Summit, the BC Assembly of First Nations, and the Union of BC Indian Chiefs – known collectively as the First Nations Leadership Council – worked with the government of British Columbia to jointly develop a vision of a new relationship between the Province and First Nations in British Columbia.
- The purpose of the NRT fund is to provide money to assist First Nations to build their capacity to engage with the Province in the processes and activities envisioned by, and that evolve out of, the New Relationship. The *New Relationship Trust Act* was passed in 2006, and \$100 million was transferred to the corporation from British Columbia to fulfill its purpose.

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## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

- The NRT Trust has a seven member Board of Directors, appointed by the First Nations Summit, the BC Assembly of First Nations, the Union of BC Indian Chiefs, the First Nations Leadership Council and the Province:
  - Kathryn Teneese, Chair (Ktunaxa Nation)
  - Michael Bonshor (Tsawataineuk First Nation)
  - George Saddleman (Sylix Nation)
  - Judith Sayers (Hupacasath First Nation)
  - Hugh Braker (Tseshah First Nation and Nuuchahnulth Tribal Council)
  - Terry Kuzma
  - Catherine Panter
- The Province's representatives are Catherine Panter and Terry Kuzma. Both are re-appointments, and their current terms end on December 1, 2014.

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## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **Transition – Strategic Overview**

#### **Organization:**

Aboriginal Affairs and Northern Development Canada (AANDC)

#### **Speaking Points:**

Federal Minister Bernard Valcourt

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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### Background:

- The Minister of Indian and Northern Affairs Canada is the Honourable Bernard Valcourt and the Deputy Minister is Michael Wernick.
- Minister Valcourt was appointed in February 2013, following the resignation of John Duncan.
- Minister Valcourt has previously served as Minister of State (Small Businesses and Tourism), Minister of State (Indian Affairs and Northern Development), Minister of Consumer and Corporate Affairs, Minister of Fisheries and Oceans, Minister of Employment and Immigration and Minister of Labour, Minister of State (Atlantic Canada Opportunities Agency) (La Francophonie), and, most recently, Associate Minister of National Defence.
- First elected in 1984, Minister Valcourt currently represents the riding of Madawaska-Restigouche in New Brunswick.
- He is a barrister and solicitor by profession.
- In response to Minister Valcourt's appointment to AANDC, Roger Augustine, Assembly of First Nations regional chief for New Brunswick and Prince Edward Island, described the Minister as "approachable and down-to-Earth" and suggested the Minister is "a straight-talking guy [who] tells you right from the start where you stand with him, and how he can help you or cannot help you."
- AANDC is one of the federal government departments responsible for meeting the Government of Canada's obligations and commitments to First Nations, Inuit and Métis, and for fulfilling the federal government's constitutional responsibilities in the North. AANDC's responsibilities are largely determined by numerous statutes, negotiated agreements and relevant legal decisions. AANDC also works with urban Aboriginal people, Métis and Non-Status Indians (many of whom live in rural areas) through the Office of the Federal Interlocutor.
- Ministry of Aboriginal Relations and Reconciliation (MARR) officials interact with AANDC officials on a regular basis on a wide range of issues (including treaty negotiations, economic, social and intergovernmental-related matters). MARR participates in federal, provincial, and territorial (FPT) discussions.



## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

- Many of MARR's activities require participation of the federal government, especially in the case of First Nations where the federal government has jurisdiction for all manner of funding and services.
- MARR participates at a number of bilateral and tripartite tables with AANDC including treaty negotiations, Principals' meetings, socio-economic initiatives (such as the tripartite First Nations Health Plan, Education Jurisdiction Agreement and the Housing MOU), FPT officials and FPT DM meetings. These bilateral and tripartite activities are utilized to advance BC objectives and goals relating to "closing the socio-economic gap" between Aboriginal and non-Aboriginal people in BC.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Organization:

British Columbia Treaty Commission (BCTC)

### Speaking Points:

Chief Commissioner Sophie Pierre

S13

### Background:

- BCTC was established in 1992 by agreement among the Government of Canada, the BC Government and the First Nations Summit (FNS) collectively known as the Principals. BCTC is the independent body responsible as keepers of the BC treaty process. Its responsibilities include: facilitating treaty negotiations; determining First Nation negotiation support funding; and providing public information and education on the treaty process.
- The BCTC governing body consists of a Chief Commissioner and four part-time Commissioners. Sophie Pierre was appointed in April 2009 as Chief Commissioner; her 3 year term has been extended to April 2015. The FNS appoints two Commissioners and the federal and provincial governments appoint one each, for a two year term. The current Commissioners are: Dave C. Haggard (appointed by the BC Government), Jerry Lampert (appointed by the Government of Canada), Robert Phillips and Shana Manson (both appointed by the FNS).

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## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **Organization:**

National Assembly of First Nations

### **Speaking Points:**

National Chief Shawn Atleo

S13

### **Background:**

- The Assembly of First Nations (AFN) is the national representative organization of First Nations in Canada. The AFN presents the views of First Nations through their leaders in areas such as Aboriginal and treaty rights, economic development, education, languages and literacy, health, housing, social development, justice, taxation, land claims, environment, and other issues of common concern.
- The National Chief is elected every three years by the Chiefs-in-Assembly. The Chiefs meet regularly to set national policy and direction through resolution.
- The AFN receives most of its operating funds from the federal government.
- National Chief Shawn Atleo (A-in-chut) is a Hereditary Chief from the Ahousaht First Nation on the west coast of Vancouver Island. He was elected in July 2009 and re-elected for a second three- year term in July 2012.
- Chief Atleo served two terms as Regional Chief of the BCAFN. He was one of the signatories to the 2005 First Nations Leadership Accord and was an active member of the First Nations Leadership Council before becoming national chief.
- Chief Atleo has a Masters of Education in Adult Learning and Global Change. In 2008 he was appointed Chancellor of Vancouver Island University, BC's first indigenous Chancellor.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Organization:

First Nations Summit (FNS)

### Speaking Points:

Grand Chief Edward John

S13

### Background:

- The FNS is comprised of a majority of First Nations and Tribal Councils in British Columbia, and provides a forum for First Nations to address issues related to treaty negotiations as well as other issues of common concern.
- As one of the three principals of the BC Treaty Commission (BCTC) process, the First Nations Summit plays an important and ongoing role in ensuring that the process for conducting treaty negotiations is accessible to all First Nations.
- The Summit does not negotiate treaties, but supports those negotiations, provides political direction, and speaks on behalf of First Nations involved in the BCTC process.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

- The five-member First Nations Summit Task Group is the Political Executive of the First Nations Summit. The Task Group is elected and authorized by Summit Chiefs in Assembly to carry out specifically-mandated tasks on issues related to treaty negotiations.
- The current FNS Task Group members elected by FNS Chiefs at the June 2013 Assembly are:
  - **Grand Chief Edward John**, (Akile Ch'oh), hereditary Grand Chief of the Tl'azt'en Nation, serving his tenth term as a member of the FNS political executive. Chief John was a member of the tripartite BC Claims Task Force which recommended the establishment of the independent BC Treaty Commission to facilitate treaty negotiations. Chief John was also recently re-appointed by the President of the United Nations Economic and Social Council as an Indigenous Member of the United Nations Permanent Forum on Indigenous Issues (UNPFII) for North America for the term 2014-2016.
  - **Cheryl Casimer**, citizen of the Ktunaxa Nation and currently resides in the community of ʔaqam (St. Mary's Band), is serving her first term on the FNS political executive. She is a former Chief and Councillor of the ʔaqam First Nation and a former Co-Chair of the First Nations Summit. Ms. Casimer is a longstanding advocate for First Nations Issues and perspectives, and is committed to building better bridges of understanding between neighboring cultures.
  - **Robert Phillips**, member of the Northern Secwepemc te Qelmucw (Shuswap) of the Canim Lake First Nation, serving his first term with the FNS political executive. He previously served three terms as a Commissioner of the BC Treaty Commission and also previously served as Chief Negotiator and Self-Government Director at the Northern Shuswap Tribal Council.
- The First Nations Summit Co-Chairs are Chief Leah George-Wilson of Tsleil-Waututh Nation and Ray Harris of Chemainus First Nation. The Co-Chairs are Executive Members responsible for the administration of the First Nations Summit. This is Ms. George-Wilson's fifth term and Mr. Harris' third term as Co-chairs.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Organization:

BC Region – Assembly of First Nations (BCAFN)

### Speaking Points:

BC Regional Chief Jody Wilson-Raybould

S13

### Background:

- BCAFN represents all 203 First Nations in BC.
- The BCAFN Regional Chief is Jody Wilson-Raybould, a descendant of the Musgamagw Tsawataineuk and Laich-Kwil-Tach peoples. She is a member of the We Wai Kai Nation (formerly known as Cape Mudge Indian Band). She was a commissioner on the BC Treaty Commission from 2003 to 2009.
- The BCAFN is working towards creating new and better circumstances for First Nations that include meaningful participatory relationships with the provincial and federal governments as well as with industry to close the socio-economic gap that exists for First Nations.

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## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

- BCAFN membership is open to all First Nations in British Columbia, both in and out of the treaty process, and with historic or modern treaties.
- The Regional Chief is elected by BC First Nations Chiefs that attend BCAFN meetings. Regional Chief Jody Wilson-Raybould was elected in October 2009.
- BCAFN is governed by a Board of five directors who were elected/re elected in 2012, terms ending in 2015. The Board currently consists of:
  - Chief Maureen Chapman (Skawahlook Council);
  - Chief Trish Cassidy (St. Mary's Band);
  - Tribal Chief Liz Logan (Treaty 8 Tribal Association);
  - Chief Nelson Leon (Adams Lake Indian Band);
  - Chief Bruce Underwood (Pauquachin First Nation).
- BCAFN is a regional arm of the National Assembly of First Nations (AFN), which makes Regional Chief Wilson-Raybould an Executive Member of the AFN Executive Committee.
- As an incorporated society, BCAFN operates with its own regionally specific mandates and establishes relationships with the provincial and federal governments, and other organizations.
- BCAFN has outlined four key areas as critical to meeting its shared objective of improving the lives of First Nation peoples and ensuring practicing and thriving cultures. These are:
  - Strong and Appropriate Governance;
  - Fair Land & Resource Settlements;
  - Improved Education; and,
  - Individual Health.
- Regional Chief Wilson-Raybould hosts regional assemblies that allow First Nations leadership of BC to engage in open socio-political discussion that help provide direction and mandates to the BCAFN. Regional Chief Wilson-Raybould ensures that these mandates are represented and advocated at both the regional and federal levels, creating linkages between the two processes. It is the role of BCAFN to ensure that these activities continue to be communicated and represented at the community level.

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## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **Organization:**

Union of British Columbia Indian Chiefs

### **Speaking Points:**

Grand Chief Stewart Phillip

S13

### **Background:**

- UBCIC's mission is to:
  - improve intertribal relationships through common strategies to protect Aboriginal title;
  - hold the Federal Government to its fiduciary obligations and have them change their extinguishment policy;
  - support Aboriginal peoples at regional, national and international forums;
  - continue to defend Aboriginal title through the revival of the Aboriginal way of life (political, social, economic and spiritual); and,
  - build trust, honour and respect so that they may achieve security and liberty in their lifetime and continue the healing and reconciliation (decolonization) of their Nations.
- Since 1969, UBCIC has consistently opposed Canada's comprehensive claims and modern treaty-making processes because they believe that current treaty processes require the surrendering of Aboriginal title and rights in order to settle the land question.
- UBCIC's stand on Aboriginal rights and title is based on the argument that Aboriginal title predates Crown title, and the Imperial, federal and provincial governments were legally obliged to make treaties with First Nations before alienating any land for settlement or other purposes.
- The UBCIC Executive is part of the First Nations Leadership Council (FNLC), which is comprised of the political leadership of the UBCIC, the First Nations Summit and the BC Assembly of First Nations.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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- UBCIC does not provide members' names, but a significant number of First Nations in the interior, on the coast, and in other areas have joined. Most of its members are not in the BC Treaty Commission (BCTC) process. Most First Nations in the BCTC process are members of the First Nations Summit.
- UBCIC has Special Consultative Status with the Economic and Social Council of the United Nations as a non-governmental organization.
- Political direction for UBCIC is provided by a three-person executive committee, comprised of:
  - **Grand Chief Stewart Phillip, President:** Currently serving a fourth three-year term as the President of the UBCIC, Grand Chief Phillip was Chief of the Penticton Indian Band for over 20 years.
  - **Chief Bob Chamberlin, Vice-President:** Chief Chamberlin was first elected as Chief of Kwicksutaineuk-Ah-kwaw-ah-mish First Nation (Gilford Island) in 2005. This is his second term with the UBCIC executive; previously he was Secretary-Treasurer. He also served as Chairman of the Musgamagw-Tsawataineuk Tribal Council for 5 years. Kwicksutaineuk-Ah-kwaw-ah-mish is a member First Nation of that Council.
  - **Chief Marilyn Baptiste, Secretary-Treasurer:** Former Chief of the Xeni Gwet'in First Nation, one of six nations of the Tsilhqot'in National Government. This is her first term with the UBCIC executive. She is also a founding member of British Columbia's First Nations Women Advocating Responsible Mining.

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## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **Organization:**

Aboriginal Business Investment Council (ABIC)

### **Speaking Points:**

Chief Ellis Ross (Haisla Chief Councillor)

S13

### **BACKGROUND:**

- The Aboriginal Business Investment Council was established in 2011 to focus on Aboriginal business development separate from rights and title issues.
- The Ministry of Jobs, Tourism, and Skills Training has the primary relationship with ABIC and serves as the Secretariat and appoints the Council members.
- MARR enjoys observer status with respect to the work and progress of the Council.

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## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

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## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **Organization:**

Minister's Advisory Council on Aboriginal Women (MACAW)

### **Speaking Points:**

Wendy Grant-John, Chair

S13, S16

### **Background:**

- The Province of British Columbia's Ministry of Aboriginal Relations and Reconciliation and the Native Women's Association of Canada co-hosted the Collaboration to End Violence: National Aboriginal Women's Forum in Vancouver in June 2011. The Forum brought together more than 250 participants from all provinces and territories in Canada representing provincial and territorial government departments and agencies, national Aboriginal organizations, First Nation, Métis and Inuit communities, and community-based organizations.
- Following the Forum, the former Aboriginal Relations and Reconciliation Minister Mary Polak, announced the creation of the Minister's Advisory Council on Aboriginal Women (MACAW) and that Wendy Grant-John had agreed to chair the new council.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

- Nine more members were selected by the minister and Chair based on criteria of diversity, experience, and regional representation. In addition to Chair Wendy Grant-John, members include: Charlene Belleau; Mary Tegee; Kim Baird; Sophie Pierre; Darlene Shackelly; Paulette Flamond; Debbie Williams; Chastity Davis; and Marge White.
- As per the Terms of Reference, the Council is intended to provide advice to government on how to improve the quality of life for Aboriginal women across BC. The term is for up to two years (November 2013) and the Council will meet quarterly, or as determined by the chair, and at least twice a year with the minister.
- The first meeting of the council was held in Vancouver on November 30, 2011 with former Minister Polak. Subsequent meetings were held in Musqueam (March 2012); Vancouver's Downtown Eastside with the Honourable Mary Polak (June 2012); *ᑭᐱᑦᐱᑦ* (St. Mary's Indian Band) (August 2012); Musqueam (September 2012); teleconference (November 2012); Vancouver (February 2013); and Victoria (May 2013).
- To inform their work, the Council requested and received an inventory of current provincial programs that broadly support Aboriginal women, including related budget information. Council also requested and has undertaken a schedule of meetings with ministries and other relevant organizations to support deeper understanding of their work.
- While much is happening it was clear that ministries need to pay more attention to working with Aboriginal people, and women in particular, when developing appropriate policies, programs and services.
- The Council hosted a "Day of Dialogue" in May 2013, and invited participants from the Ministry of Justice and the Provincial Office of Domestic Violence to attend. The Honourable Steven Point, appointed as the "champion" to oversee government's response to the report from the Missing Women Commission of Inquiry, also participated in the session.

S13, S16

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Pages 296 through 336 redacted for the following reasons:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Aboriginal Leadership

#### The Opportunity:

- Continued engagement with the First Nations Leadership Council.

S16, S13

S13, S16

#### Background/context:

The FNLC was formed in 2005 as a political entity to represent the interests of all First Nations in BC. Discussions at that time led to the New Relationship vision statement (Appendix 4), focused on creating new arrangements between the BC Government and First Nations to address Aboriginal rights and title in mutually beneficial ways.

S13, S16

The FNLC is comprised of executive members from three First Nation political organizations, currently:

- **BC Assembly of First Nations (BC AFN)**: Regional Chief Jody Wilson-Raybould of We Wai Kai Nation.
- **First Nations Summit (Summit)**: Grand Chief Ed John, hereditary Chief of the Tl'azt'en Nation; Chief Douglas White III of the Snuneymuxw First Nation; and, Dan Smith, member of the Laich-Kwil-Tach First Nation.
- **Union of BC Indian Chiefs (UBCIC)**: Grand Chief Stewart Phillip of the Penticton Indian Band; Chief Bob Chamberlin of Kwicksutaineuk-Ah-kwaw-ah-mish First Nation; and Marilyn Baptiste former Chief of the Xeni Gwet'in First Nation.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

S13, S16

In 2011, the FNLC indicated that they were mandated to engage in discussions with the BC Government in relation to a range of social-, economic-, and rights- related issues at a policy level.

S13, S16

S13, S16, S17

The Provincial Government already works closely with the Summit on treaty-related issues and provides \$250K each year to the Summit for their role as a Principal in the treaty process.

S13, S16

The BCAFN has several initiatives underway, including a governance initiative to support First Nations in rebuilding strong and appropriate governance institutions and decision-making systems that reflect First Nation unique cultures and traditions. Other BCAFN initiatives include improved First Nation educational structures and processes to work with First Nations to address the issue of the proper rights-holder.

S13, S16





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

S13, S16

MNBC represents 35 Métis Chartered Communities in British Columbia and is mandated to develop and enhance opportunities for Métis communities by implementing culturally relevant social and economic programs and services. In 2006, the Province and MNBC signed the Métis Nation Relationship Accord, which targets closing the socio-economic gaps that currently exist between Métis and other British Columbians.

S13, S16

S13, S16 the Province, the Federal Government and the Métis National Council recognize the MNBC as the legitimate politically representative body for the Métis in BC.

The BCAAFC and its 25-member friendship centres play an important role in providing services and support programs to BC's urban/off-reserve Aboriginal population.

S13, S16, S17

S13, S16, S17

### How to maximize the opportunity:

Maintain progress with First Nations organizations as follows:

S13, S16



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

S13, S16

**Drafted by:**

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**Alternate:**

*Laurel Nash, Chief Negotiator (250 953-4004)*



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Integrated Social Agenda

#### The Opportunity:

Aboriginal peoples in British Columbia (BC) lag significantly behind the general population of BC in all social-economic indicators and are over-represented in all social service areas. It is estimated that

S16, S17

S13, S16

#### Background/context:

The considerable gap between the socio-economic conditions of the BC Aboriginal population and other British Columbians is well known and documented. It is also clear that a set of complex historical and modern factors have given rise to the current challenges facing Aboriginal peoples.

Government has identified the need, and has taken important first steps to address the socio-economic challenges facing Aboriginal communities.

S13

S13 key visionary agreements have guided government in its work:

- The *Transformative Change Accord* (TCA) signed in 2005 committed the Province, federal government and First Nations to close the socio-economic gap within 10 years;
- The *Métis Nation Relationship Accord* signed in 2006, committed the Province and the Métis Nation BC to close the gap in quality of life between Métis and other British Columbians; and,
- In 2011, government made a Throne Speech commitment for an *Off-Reserve Aboriginal Action Plan* to address the significant socio-economic issues facing Aboriginal people who live off reserve.

S13, S16

Pages 342 through 343 redacted for the following reasons:

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S13, S16



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Accelerating the Treaty Process

#### The Opportunity:

Revitalize and accelerate the treaty process in BC to maximize:

- Short term opportunities – using relationships and capacity gained in the treaty process to support BC Jobs Plan goals
- Longer term opportunities – capitalize on treaty momentum to achieve economic and legal certainty through modern day treaties.

#### Background/context:

Unlike other provinces, BC is largely without treaties and, as a result, faces a greater level of legal and economic uncertainty from undefined Aboriginal rights, an issue which impacts all British Columbians. Industry has repeatedly identified uncertainty regarding Aboriginal rights as a major impediment to investing in BC.

S13, S16

Two-thirds of all First Nations people in BC, or 60 First nations, are currently participating in treaty at various stages. Revitalizing and accelerating the treaty process in BC provides a unique opportunity to engage with First Nations.

S13, S16



Pages 345 through 346 redacted for the following reasons:

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S13, S16, S17



## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **Enhanced Federal/Provincial Engagement Strategy**

#### **The Opportunity:**

Building on joint interests such as jobs and economic growth, an enhanced federal-provincial framework will ensure a more comprehensive and cost-shared Aboriginal agenda in BC

The federal and provincial governments share responsibility for building collaborative relationships with First Nations to achieve reconciliation, improve the lives of Aboriginal people, and grow the economy. The Transformative Change Accord, tripartite agreements on social issues and the negotiation of treaties and other strategic agreements are each facilitating progress toward closing the socio-economic gaps facing Aboriginal people.

**S13, S16**

Pages 348 through 349 redacted for the following reasons:

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S13, S16, S17



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Legal Framework: Constitutional Provisions Relating to First Nations

#### The Issue:

There are two important constitutional provisions that relate to First Nations:

- Exclusive federal jurisdiction under section 91(24) Indians and Lands Reserved for Indians, of the *Constitution Act, 1867*, and
- The recognition and affirmation of existing Aboriginal and treaty rights in Section 35 of the *Constitution Act, 1982*.

#### Background/context:

##### Section 91(24) Indians and Lands Reserved for Indians

*Indian Act* reserve lands are “Lands reserved for Indians” under section 91(24) of the *Constitution Act, 1967*. Case law has identified provincial enactments that relate to the management, use and occupation of land as falling within the core of the federal head of jurisdiction relating to “lands reserved for Indians”. This means that some provincial laws will not apply of their own force. Subject to the provisions of treaties and other federal law, provincial laws of general application have been made applicable to Indians through federal legislation. There is no federal law that incorporates provincial laws relating to land management, use and occupation. First Nations have a federally delegated law making authority on their reserve lands.

Treaty lands, such as those held by the Nisga’a, Tsawwassen or Maa-nulth First Nations, as a result of a final agreement, are not “Lands reserved for Indians” under section 91(24).

The principle of federal paramountcy is relevant to understanding the relationship of laws. If there is a provincial law which applies to *Indian Act* reserve lands of its own force, and it is in conflict with a federal law (including a law of the First Nation), the provincial law will be inoperative to the extent of the conflict.

Legal developments are continuing with respect to the scope of federal jurisdiction. Jurisdiction over Indians may include persons that are not Indians under the *Indian Act* and Métis.

Aboriginal title lands are within the scope of the federal jurisdiction under section 91(24). Two constitutional questions, relating to provincial jurisdiction on Aboriginal title lands, will be heard by the Supreme Court of Canada in the Tsilhqot’in case. This case may have a significant impact on reconciliation negotiations with First Nations. The stated questions are as follows:



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

1. Are the *Forest Act*, R.S.B.C. 1996, c. 157 and the *Forest Practices Code of British Columbia Act*, R.S.B.C. 1996, c. 159, or their predecessor legislation, constitutionally inapplicable in whole or in part to Tsilhqot'in Aboriginal title lands in view of Parliament's exclusive legislative authority set out at s. 91(24) of the *Constitution Act, 1867*?
2. Are the *Forest Act*, R.S.B.C. 1996, c. 157 and the *Forest Practices Code of British Columbia Act*, R.S.B.C. 1996, c. 159, or their predecessor legislation, constitutionally inapplicable in whole or in part to Tsilhqot'in Aboriginal title lands to the extent that they authorize unjustified infringements of Tsilhqot'in Aboriginal title, by virtue of ss. 35(1) and 52 of the *Constitution Act, 1982*?

### Section 35 Aboriginal Rights and Treaty Rights

Section 35 states: The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed. This constitutional provision has been interpreted to mean that in all its dealings with Aboriginal peoples, from the assertion of sovereignty to the resolution of claims and the implementation of treaties, the Crown must act honourably.

Aboriginal rights (including Aboriginal title) stem from First Nations' prior occupation and use of land and resources before contact with Europeans. These rights are specific to each First Nation and rely on specific historical facts.

The only way to have Aboriginal rights "proven" is through the courts. To date, the courts have determined that some BC First Nations hold proven specific hunting, fishing or trading rights, but have never determined that a First Nation has proven Aboriginal title to an area.

The Courts have utilized the doctrine of the honour of the Crown to restrain legislative power and impose obligations such as the duty to consult. British Columbia must consult with First Nations in relation to their asserted (unproven) Aboriginal rights (including Aboriginal title), proven rights and treaty rights to ensure that First Nations continue to be able to exercise these rights, while provincial decisions are being made that affect the land base. The Updated Procedures for Consulting with First Nations guides how this consultation occurs.

### Treaty Rights

Treaty rights are set out in legally binding, government-to-government agreements that are negotiated and protected under the *Constitution Act, 1982* (the Constitution). Treaties were negotiated in most parts of Canada as European settlement occurred. Only British Columbia and Quebec have large parts of the province not covered by historic treaties.

In British Columbia, historic and modern treaties address the following matters:

**Historic treaties** generally refer to those treaties whereby land rights were surrendered by First Nations in exchange for rights such as hunting, trapping and fishing. Fourteen First Nations signed Douglas Treaties on Vancouver Island between 1850 and 1854. Eight First Nations are





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

covered by the 1899 Treaty No. 8 in North-Eastern BC, including the McLeod Lake Band which adhered to Treaty No. 8 in 2000.

**Modern treaties** set out rights and obligations for all parties, including any consultation obligations. The first modern treaty in BC, with the Nisga'a Nation, came into effect in 2000. Canada and BC have since concluded modern treaties with Tsawwassen First Nation and the five Maa-nulth First Nations.

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### Aboriginal Rights

Aboriginal rights are not defined in the Constitution; as a result, it has been left to the courts or negotiations to define Aboriginal rights. Due to the lack of treaties in BC, most of the provincial land base is subject to undefined Aboriginal rights.

Until Aboriginal rights are proven in court or set out in a treaty, Aboriginal rights (including title) are treated by the courts as “claims” and are dealt with under the principles established by the courts. The Supreme Court of Canada (SCC) in *Haida*, determined that the Crown has a duty to consult and, where required, accommodate First Nations whenever a Crown decision or activity might infringe treaty or Aboriginal rights (claimed or proven).

These obligations apply to federal, provincial and territorial governments for land and resource decisions within their jurisdiction.

#### The duty to consult

The Crown's duty to consult is readily triggered – it is triggered where claimed or proven rights or treaty rights may be impacted by a potential Crown action or decision. The depth of consultation will vary with the strength of claim and seriousness of the potential impact on rights.

#### The duty to accommodate

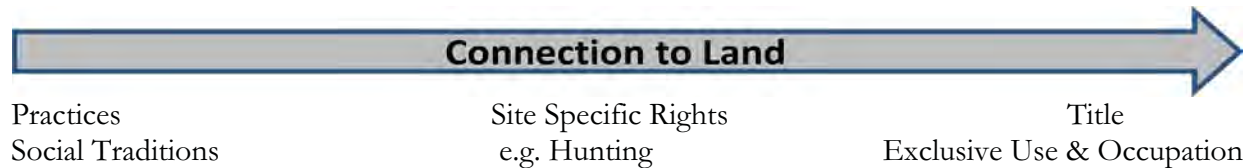
Consultation may reveal a duty to accommodate in certain circumstances. Government may be required to take steps to avoid irreparable harm or minimize the effects of infringement when a strong prima facie claim of an Aboriginal right, a proven Aboriginal right, or a treaty right, may be infringed by a proposed decision. Accommodation primarily means addressing concerns and adopting or reconciling interests.

### Aboriginal Rights – what we know

- Aboriginal rights exist on a spectrum of connectivity to the land and include practices, customs and traditions that:
  - are integral to a distinctive culture;
  - are generally area-specific and may vary between First Nations;
  - may be practiced in a modernized form; and
  - are collective rights that may be exercised by individuals.

## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

- Aboriginal title is a specific category of Aboriginal rights and the legal test focuses on First Nations' land use that is site-specific, intensive, ongoing and exclusive, similar to the common law test for title.



### Interpreting claims

- The fact-specific nature of Aboriginal rights dictates that rights must be considered on a case-by-case basis.
- The First Nation and Canadian common law perspectives must be considered.

### Proving Aboriginal rights – the test

- Claimants must prove that a modern practice, tradition or custom has a reasonable degree of continuity with those that existed prior to contact with Europeans.
- Claimants must also prove that the practice, custom or tradition was integral to the distinctive culture - i.e. a practice relied upon for the survival of that Aboriginal community.

### Proving Aboriginal title – the test

- Claimants must prove exclusive occupation of site-specific areas of land prior to sovereignty (1846), including the capacity and intention to exclude others, and the regular use and occupation of those lands. Seasonal use may not be sufficient to ground Aboriginal title.

### Infringing Aboriginal rights

- Aboriginal and treaty rights are not absolute: government can infringe so long as they are justified (for example: to further a compelling legislative objective (i.e. conservation) minimizing impact; priority for the right where it is being regulated; and sufficient and adequate consultation).

Key Cases:

## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA



- **Calder (1973)** – The SCC recognized Aboriginal rights to land and resources. This was the first time Canadian law acknowledged that Aboriginal title to land existed prior to colonization and that Confederation and the Royal Proclamation of 1763 did not extinguish land rights. The case prompted the federal government to develop new policy to address Aboriginal land claims.
- **Sparrow (1990)** - The SCC ruled on the application of Aboriginal rights under s.35 of the *Constitution Act 1982*, and held that rights, such as fishing, existed prior to the Constitution and cannot be infringed upon without justification on account of the government's duty to Aboriginal peoples. The case was groundbreaking because it provided explanations for the terms "existing" and "recognized and affirmed" in s.35.
- **Delgamuukw (1997)** – This was the first time the SCC directly addressed the issue of Aboriginal title. It concluded that Aboriginal title does exist in British Columbia as the right to the land itself, not just the right to use that land; furthermore, it ruled that government must consult with Aboriginal peoples when exploring further use of Aboriginal land. Although the final decision was that another trial was necessary to resolve the Gitksan and Wet'suwet'en Nations disputes, the court made the important distinction between land use rights and title.
- **Haida Nation (2004)** – The *Haida* and *Taku River Tlingit* cases were heard together. The SCC confirmed that the Crown has the duty to consult and accommodate Aboriginal peoples prior to making decisions that might adversely affect their rights and title claims. The SCC ruled in *Haida* that there is no third party duty to consult First Nations, but that the crown could delegate procedural aspects of consultation to industry. The Court emphasized the test for consultation and accommodation, and that the consultation process required both good faith and reasonableness on the part of the Province and the Aboriginal people and, ultimately, the duty of consultation does not give Aboriginal people the veto.
- **Taku River Tlingit (2004)** –The court held that the Province had made adequate consultations and accommodation under the *Haida* test in the environmental assessment process.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

- **Mikisew (2005)** – Supreme Court of Canada considered an historic treaty (Treaty 8) which provided that the Crown could take up lands from time to time. Despite this term, the court held that the Crown still needed to consult with the treaty rights holders before taking up lands, since that would impact the rights set out in the treaty to hunt, fish and trap.
- **Bernard and Marshall (2005)** – In this case from Atlantic Canada, the Supreme Court of Canada (SCC) applied the test for determining Aboriginal title described in *Delgamuukw* and further refined that test. In so doing the court confirmed that the standard of Aboriginal occupation and regular use required in establishing an Aboriginal title is a high threshold, and will not likely be found to apply over entire traditional territories where lands may have been used occasionally but not on a regular and intensive year-round basis.
- **Sappier and Gray (2006)** – The Supreme Court of Canada determined that the domestic use of wood could qualify as an Aboriginal right and slightly broadened the test for what kinds of traditional activities would qualify as Aboriginal rights, to include practices relied upon for the survival of the community (at the time of European contact).
- **Rio Tinto (2010)** – The Crown's duty to consult is in relation to current government conduct or decisions, and a duty to consult is triggered only if the present decision has the potential of causing a novel adverse impact on a present claim or existing right. The Court introduced the notion that damages may be available to First Nations to address past and continuing breaches, including prior failures to consult. The duty to consult can extend to strategic, high-level decisions that may impact Aboriginal claims and rights. The Court clarified that administrative tribunals have both the power and duty to assess the adequacy of the Crown's consultative efforts and, in some cases, may have the power to engage in consultation.
- **Little Salmon/Carmacks (2010)** – The Honour of the Crown may not always require consultation; for example, the parties in treaties may negotiate a different mechanism that, in the result, nevertheless upholds the Honour of the Crown. However, government cannot contract out of the Honour of the Crown, such that where a treaty is silent on how a First Nation will be consulted when government exercises its treaty rights, the common law duty to consult can be invoked to fill this gap. The Honour of the Crown is a doctrine that applies independently of the expressed or implied intention of the parties.
- **Tsilhqot'in (William) (2012)** – The BC Court of Appeal confirmed certain Aboriginal rights (hunting and trapping, and limited trade and use of horses for work and transportation) accepted by the trial judge. The Tsilhqot'in had also made a claim for Aboriginal title based on a "territory-wide" basis. The Court held that was an incorrect test and that the Tsilhqot'in would need to make their claim based on the site-



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

specific test for Aboriginal title set out by the SCC in *Bernard and Marshall*. Leave to appeal to the Supreme Court of Canada has been granted on questions relating to the jurisdiction of the Province in relation to aboriginal title land and its infringement.

- **Manitoba Metis Federation (2013)** Implementation of a constitutional obligation to an Aboriginal people engages the honour of the Crown. The Crown must take a broad purposive approach to the interpretation of the promise; and act diligently to fulfill it. Claims based on honour of the Crown are not barred by the law of limitations or the equitable doctrine of laches.

**Drafted by:** Geraldine Hutchings, Aboriginal Law Group, **S22**





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Incremental Treaty Agreement Priorities

**ADM Responsible:** Charles Porter, Negotiations and Regional Operations Division

**Core Business:** Incremental Treaty Agreements

Incremental Treaty Agreements (ITAs) are an innovative tool designed to accelerate and stimulate treaty making. Since they were introduced in 2008, the Ministry of Aboriginal Relations and Reconciliation (MARR) has made considerable progress in negotiations. **S13, S16**

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**Budget:** Within NRODs FY 2012/13 Budget of

**S17**

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**Full Time Equivalents (FTEs):** Within NROD organizational chart.

**Related Legislation:** There is no legislation related to ITAs.

**Organizational Chart:** Included in NROD Divisional Overview Note.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Treaty Agenda

**ADM Responsible:** Charles Porter, Negotiations and Regional Operations Division

**Core Business:** Treaty Agenda

Treaties are a comprehensive settlement of Aboriginal rights and title which, unlike most non-treaty agreements, include the full participation and cost-sharing of Canada. Key benefits of treaties are:

- treaties create the highest order of legal and economic certainty on Crown land;
- social and economic development tools to allow First Nations to become independent of government and fully participate in the economy; and
- treaties and related agreements are cost shared with Canada. These arrangements ensure that treaties have minimal impacts on the fiscal plan. For example, it is projected that the

**S16, S17**

Treaties are negotiated through the British Columbia Treaty Commission (BCTC) process that was established in 1993. The three Principals to the process are BC, Canada and the First Nations Summit, which represents First Nations participating in treaty negotiations. The Treaty Commission is the independent “keeper” of the process. It is responsible for managing the process, distributing negotiation funding support to First Nations and facilitating negotiations, where possible.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

**Budget:** Within NRODs FY 2012/13 Budget of **S17**

**Full Time Equivalents (FTEs):** Within NROD organization chart.

**Related Legislation:** Legislation is prepared for each Final Agreement.

**Organizational Chart:** Included in NROD Divisional Core Business Area Note.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Treaty Priorities

**ADM Responsible:** Charles Porter, Negotiations and Regional Operations Division

**Core Business:** Treaty Priorities

Over recent years, the Ministry of Aboriginal Relations and Reconciliation (MARR) has achieved progress in treaty-making. Concluded Final Agreements include:

- Tsawwassen Final Agreement came into effect on April 3, 2009;
- Maa-nulth Final Agreement, with five Vancouver Island First Nations, came into effect on April 1, 2011;

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In addition, the Nisga'a Final Agreement came into effect on May 11, 2000 (concluded outside the British Columbia Treaty Process).

Considerable momentum has also been achieved in recent years on active negotiations. S13, S16, S17

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

**Budget:** Within NRODs FY 2012/13 Budget of **S17**

**Full Time Equivalents (FTEs):** Within NROD organization chart.

### **Related Legislation:**

- *Nisga'a Final Agreement Act*
- *Tsanwassen First Nation Final Agreement Act;*
- *Maa-Nulth First Nations Final Agreement Act;*

**S16**

**Organizational Chart:** Included in NROD Divisional Overview Note.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Non-Treaty Agenda

**ADM Responsible:** Charles Porter, Negotiations and Regional Operations Division

**Core Business:** Non-Treaty Agenda

While treaties are viewed as the most complete and permanent form of reconciliation, there is still a need to make progress towards the reconciliation of Aboriginal rights in advance of, or apart from, treaties.

Progress under the BC treaty process takes considerable time and about one third of First Nations in the province have chosen not to participate in the treaty process. Furthermore, Supreme Court of Canada decisions – particularly the two rulings in *Haida Nation* and *Taku River Tlingit* (2004) – have resulted in increased legal requirements to consult (and potentially accommodate) First Nations.

The Ministry of Aboriginal Relations and Reconciliation (MARR) and resource ministries have developed a variety of revenue sharing and shared decision making agreements that are designed to enable resource development on Crown lands while fully addressing consultation and accommodation obligations associated with Aboriginal rights pre-treaty. All are intended to be incremental steps towards reconciliation, including treaty.

There are four types of Revenue-Sharing agreements:

- *Forest Consultation and Revenue Sharing Agreements* (FCRSAs) provide the means to share forestry revenues in consideration for First Nation participation in consultation and accommodation of Aboriginal Interests respecting forestry activity. FCRSAs contain a consultation protocol and offer revenue sharing payments that transition over the three year term of the agreement from per-capita to an activity based model within the First Nation's asserted territory. **S13, S16**

**S13, S16**

- *Economic Benefit Agreements* (EBAs) are available to First Nations in Treaty 8, one of British Columbia's two historic treaties. EBAs establish a process for consultation and collaborative management of lands and resources and provide the means for sharing revenue that flows from use of Treaty No.8 lands. Collectively, the agreements also address issues related to wildlife, provincial parks and land use planning **S13**

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

- *Economic and Community Development Agreements*. (ECDAs) provide the means to share revenue on new major mining or resort projects. For new mines, actual mineral tax revenues may be shared in order to assist First Nations in achieving their social and economic goals. Revenue-sharing negotiations for resort developments are now led by the Ministry of Natural Resource Operations. **S13** required.
- *First Nations Clean Energy Business Fund*: The FNCEBF is described in Section 20 provisions of the *Clean Energy Act*. The purpose of the fund is to promote increased First Nation participation in the clean energy sector within their asserted traditional territories and treaty areas through agreements between the B.C. government and the eligible First Nations.

**S13**

There are two types of Shared Decision Making Agreements:

- *Strategic Engagement Agreements* (SEAs) involve multiple agencies/decision makers and First Nations, cover large areas and are intended to reduce the overall consultation burden and improve working relationships with First Nations. SEAs provide First Nations with an enhanced role in decision making on Crown land (First Nations do not receive a veto).
- S13, S16**
- *Reconciliation Agreements* generally combine elements of shared decision making, revenue-sharing and economic development. Some of these agreements have provided the means to build on existing Government-to-Government and consensus land-use agreements.

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**Budget:** Within NRODs FY 2012/13 Budget of **S17**

**Full Time Equivalents (FTEs):** Within NROD organization chart.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Related Legislation (for consultation agreements):

- *Environmental Management Act* ;
- *Fisheries Act* ;
- *Forest Act* and *Forest and Range Practices Act* ;
- *Integrated Pest Management Act* ;
- *Land Act* and *Ministry of Lands, Parks and Housing Act* ;
- *Mines Act* ;
- *Park Act* and *Protected Areas of British Columbia Act* ;
- *Water Act* and *Dike Maintenance Act* ;
- *Wildlife Act* ; and
- *Heritage Conservation Act*.

**Organizational Chart:** Included in NROD Divisional Overview Note.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Non-Treaty Priorities

**ADM Responsible:** Charles Porter, Negotiations and Regional Operations Division

Peter Walters, Strategic Initiatives Division

**Core Business:** Non-treaty priorities

In addition to treaty, the Province is actively pursuing agreements outside the treaty process with First Nations that address the immediate operational priorities of BC's natural resource ministries and social and economic needs of Aboriginal communities. These agreements directly support BC's goals of stimulating economic growth, improving access to jobs and other economic opportunities and increasing First Nations participation in natural resource development.

The BC Jobs Plan launched in 2011 committed BC to achieving 10 new non-treaty agreements with First Nations by 2015; MARR achieved this goal two years early. Recently, a public commitment has been made to reach a further 10 new non-treaty agreements with First Nations by 2015.

Key priorities include:

- MARR negotiates Strategic Engagement Agreements, Forest Consultation and Revenue Sharing Agreements, and Economic and Community Development Agreements. Highlights of accomplishments and priorities for these agreements are included in individual notes.

S13, S16, S17





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

S13, S16, S17

**Budget:** Included within the NROD and SID joint budget of **S17** FY 2012/13 budget.

**Full Time Equivalents (FTEs):** Within NROD and SID organization chart.

**Related Legislation:** Included in the SEA overview note is a list of legislation where consultation is required.

**Organizational Chart:** Included in NROD Divisional Overview Note.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Strategic Engagement Agreement (SEA) Priorities

**ADM Responsible:** Charles Porter, Negotiations and Regional Operations Division

**Core Business:** Strategic Engagement Agreements (SEA) Priorities

SEAs are Government-to-Government agreements that provide capacity funding for First Nations to engage in decision making on natural resource development. SEAs involve multiple agencies/decision makers and First Nations, cover large areas and are intended to reduce the overall consultation burden and improve working relationships with First Nations. They provide a more structured role for First Nations in decision making on Crown land and may include elements of shared decision making, but they do not provide a veto for First Nations. SEAs can also address broad socio-economic issues by committing the Parties to strategic initiatives at the Senior Government to Government Forum level and joint projects at working group level.

Government directed the Intergrated Land Management Bureau to pilot SEAs in 2008. The program moved to MARR in 2010. There are now SEAs with seven First Nations groups:

S13, S16, S17

S12, S13, S16, S17



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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**Full Time Equivalents (FTEs):** Within NRODs current budget.

**Related Legislation (each SEA varies):**

- *Environmental Management Act* ;
- *Fisheries Act* ;
- *Forest Act* and *Forest and Range Practices Act* ;
- *Integrated Pest Management Act* ;
- *Land Act* and *Ministry of Lands, Parks and Housing Act* ;
- *Mines Act* ;
- *Park Act* and *Protected Areas of British Columbia Act* ;
- *Water Act* and *Dike Maintenance Act* ;
- *Wildlife Act* ; and
- *Heritage Conservation Act*.



## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

**Organizational Chart:** Included in the Negotiations and Regional Operations Divisional Core Business note.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Revenue Sharing Agreements Overview

#### ADMs Responsible:

Peter Walters, Strategic Initiatives Division

Charles Porter, Negotiations & Regional Operations Division

#### Core Business: Revenue Sharing Agreements Overview

There are four types of revenue sharing agreements with existing mandates and ongoing negotiations:

***Treaty Revenue Sharing:*** (RRS) provides for treaty First Nations' participation in forestry revenues as part of their treaty settlement package. Canada and BC are willing to include Resource Revenue Sharing in treaty settlements as an option within the treaty package and within the treaty financial mandate.

- Treaty based Resource Revenue Sharing is linked to actual stumpage within the First Nation's traditional territory and is cost-shared equally between Canada and BC – in particular:

S13, S16, S17

#### *LNG Pipelines and Terminals*

S13, S16, S17, S21

S12, S13, S16, S17, S21





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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*Economic and Community Development Agreements* (ECDAs) provide First Nations with up to 37.5% of mining tax revenue in exchange for litigation safeguards and increased process certainty for the Province, First Nations and industry for the life of the agreement. The province also shares revenue through ECDA's with respect to major resort developments, Ministry of Tourism leads this program.

S16, S21

S12, S13, S16, S17

*First Nations Clean Energy Business Fund:* The FNCEBF is described in Part 6, Section 20 provisions of the *Clean Energy Act*. The purpose of the fund is to promote increased First Nation participation in the clean energy sector within their asserted traditional territories and treaty areas through agreements between the B.C. government and the eligible First Nations.

S13, S16

S12, S13, S16



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

***Economic Benefit Agreements:*** (EBAs) are available to First Nations in Treaty 8, one of British Columbia's two historic treaties. EBAs establish a process for consultation and collaborative management of lands and resources and provide the means for sharing revenue that flows from use of Treaty No.8 lands. Collectively, the agreements also address issues related to wildlife, provincial parks and land use planning.

S13

S13

S13, S16, S17

***Forest Consultation and Revenue Sharing Agreements :*** (FCRSAs) were introduced in 2010 and share forest revenues based on forest harvesting activity within First Nation's traditional territory. FCRSAs have a three year term and replace the previous Forest and Range Opportunity agreements. A central component of FCRSAs is a consultation protocol for forest decisions within the First Nation's traditional territory. FCRSAs provide an accommodation of Aboriginal interests; supports the objectives of the *Transformative Change Accord*, and includes planning, reporting and auditing mechanisms to meet public accountability objectives.

S13, S16, S17

S13, S16, S17



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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### Budget:

- Falls within the Strategic Initiatives and Negotiation and Regional Operations budget allocations.

### Full Time Equivalents (FTEs):

- FTE's fall within the Strategic Initiatives and Negotiation and Regional Operations Divisions FTE counts.

### Related Legislation:

- Mineral Tax Act
- The New Relationship
- Transformative Change Accord
- Clean Energy Act



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Non-Treaty Agreement Funding Envelope

#### ADM Responsible:

Peter Walters, Strategic Initiatives Division (SID)

#### Core Business: Non-Treaty Agreement Funding Envelope

S12, S16, S17

S13, S17

S12, S13, S17

#### Budget:

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S13, S17

#### Full Time Equivalents (FTEs):

- The equivalent of 1 FTE is dedicated to working on NTAFE in Strategic Initiatives Division.

#### Related Legislation:

S12, S17



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Final Agreement and Non-Treaty Agreement First Nations Fiscal Accountability

#### ADM Responsible:

Peter Walters, Strategic Initiatives and Charles Porter, Negotiation and Regional Operations

#### Core Business: Fiscal Accountability: Final Agreements with Treaty First Nations

Below is a list of First Nation (FN) fiscal accountabilities sorted by agreement:

##### Final Agreement (FA)

- The FN Government must provide a system of financial administration with standards comparable to those generally accepted for governments in Canada, through which the FN Government will be financially accountable to its citizens.

##### Fiscal Financing Agreement (FFA)

- Programs delivered under the FFA by the FN must be in accordance with whatever system of financial administration is required under the FN constitution.
- The FN must undertake extensive annual program reporting to BC and Canada as set out in the FFA Schedules;
- FNs must also undertake annual program reporting on the use of the funds and activities undertaken by the BC-funded community/local officers;
- All accounts and financial statements required under the FFA will be maintained and prepared in accordance with International Financial Reporting Standard (IFRS);
- Within 120 days of Fiscal Year end, FNs must provide consolidated audited financial statements prepared to comparable standard to that accepted for governments in Canada.

##### Property Tax Co-ordination Agreement (PTCA)

- No specific accountability measures regarding property tax burdens are included as FNs are constrained in their ability to set property tax policy:
  - FN property tax rates cannot be lower than agreed-to minimums based on the prevailing *School Tax* and *Rural Area Tax* rates set by the Province;
  - FN property tax rates cannot discriminate between members and non-members on TSL – one rate will apply to all properties in any one assessment class;
  - Property values must be assessed as per *BC Assessment Act* by the BC assessment authority; and
  - Regarding the use of property tax revenues, adequate non-member taxpayer representation must be provided where property tax is collected from non-members.





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### **Fiscal Accountability: Non Treaty Agreements with FNs**

Non-Treaty Agreement FNs have fiscal accountabilities to both their community and the Province, with some exceptions. These reporting mechanisms are in place to provide accountability for public monies in order to achieve consultation certainty or socio-economic outcomes.

Each one of the agreements listed below have accountability/reporting requirements that the FN must meet as the condition of transferring funds including making these reports and financial statements publically available to their community. As well, upon written request by the Province, the FN will conduct an audit of expenditures and provide a copy of the audit to the Province.

- Economic and Community Development Agreements (ECDA) for mines only;
- Forest Consultation Revenue Sharing Agreements (FCRSA);
- Strategic Engagement Agreements (SEA); and
- Reconciliation Agreements (RA).

Additional *quid pro quos* for those FNs that have entered into an ECDA include:

- that the FN on its own behalf or on behalf of its members agrees not to bring or continue any action at law or in equity against BC that challenges the Effective Date release for government actions taken previously and the annual releases on government actions provided thereafter; and
- that the FN also agrees not to challenge or impede the right of BC or the project proponent to carry out activities in relation to the development and operations of the project.

Additional *quid pro quos* for FCRSAs, SEAs and RAs include:

- Transactional and strategic level consultation efficiency for forestry activities in exchange for forestry revenue sharing;
- Commitment to work with Province to deal with acts of interference by community members with authorised forest activities; and
- A provision that acknowledges accommodation and commits to 'no litigation' with respect to fiscal accommodation

Once these requirements have all been met the funding can be transferred under those agreements listed above.

Those accountability/reporting requirements are not however required for resort ECDAs because the actual revenues that a FN would received from a resort ECDA are so small that the cost of accounting for how the ECDA revenues were expended would be far greater than the funds received.



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

The accountability/reporting requirements are also not required for Revenue Sharing Agreements related to Clean Energy Projects (RS-CEP). Government provided direction under BC's *Clean Energy Act*, Part 6, section 20, that the FNs Clean Energy Business Fund is to support FN participation in the clean energy sector and it was not related to achieving consultation certainty or socio-economic outcomes.

The remaining non-treaty agreements are the Economic Benefit Agreements (EBAs) that have been signed with the Treaty 8 FNs. These agreements differ because they utilize a formal Trust system to ensure that the payments are being made for the benefit of the membership for the FN.

All non-treaty agreements do include similar termination provisions and may be terminated if:

- the FN is not in compliance with obligations under the agreement (except for RS-CEP because there are no obligations except for those listed below);
- the FN makes any representation or warranty that is untrue or incorrect;
- the FN commences any legal proceeding against the province, or activates a proceeding in abeyance, in relation to the project; and
- the project payments are suspended by BC because of a material breach of obligations by the FN, BC will provide notice to the FN of reasons for suspension, the parties will then meet and if the material breach/es are not remedied, BC may proceed to termination (except for RS-CEP).

### **Budget:**

Falls within Strategic Initiatives and Natural Resource Organization Divisions budget allocations

### **Full Time Equivalents (FTEs):**

FTEs fall within Strategic Initiatives and Natural Resource Organization Divisions FTE counts

### **Related Legislation:**



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Socio-Economic Agenda: New Relationship, Transformative Change Accord and Métis Nation Relationship Accord

**ADM Responsible:** Peter Cunningham, Partnerships and Community Renewal Division

**Core Business:** Socio-Economic agenda: New Relationship, Transformative Change Accord and Métis Nation Relationship Accord

Provincial Context - Since 2005 the Province, First Nations, Métis and other Aboriginal leaders have focused attention on building new positive working relationships. The New Relationship, the Transformative Change Accord (TCA) and the Métis Nation Relationship Accord (MNRA) all inform a new approach to how government works with Aboriginal people.

New Relationship - The New Relationship is a vision document developed by the Province of British Columbia and the First Nations Leadership Council agreeing to a government to government relationship based on respect, recognition and the reconciliation of Aboriginal title and rights with those of the Crown. The First Nations Leadership Council is composed of political executives of the First Nations Summit, Union of BC Indian Chiefs and the BC Assembly of First Nations.

Transformative Change Accord - In November 2005, the Government of British Columbia, First Nations Leadership Council and the Government of Canada signed the TCA, a 10-year plan to achieve outcomes and measure progress in five key sectors: Crown-First Nations relationships, education, housing and infrastructure, health, and economic opportunities.

Métis Nation Relationship Accord - In 2006, British Columbia and Métis Nation BC (MNBC) signed the MNRA agreeing to work together to address socio-economic gaps. British Columbia and Canada work with MNBC to support organizational capacity and self governance activities.

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## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

Partnership and Community Renewal Division - In addition to its role in the commitments outlined in the TCA and MNRA, the Partnership and Community Renewal Division leads or partners on a range of collaborative initiatives that support improved socio-economic outcomes for all Aboriginal British Columbians.

First Citizens Fund (FCF) - Established in 1969 as a perpetual fund, the original investment of \$25M was increased to \$72M in 2001. FCF provides a variety of cultural, social and economic programs delivered by Aboriginal organizations.

Ministers' Advisory Council on Aboriginal Women - In June 2011, the Ministry of Aboriginal Relations and Reconciliation (MARR) co-hosted with the Native Women's Association of Canada (NWAC) the National Aboriginal Women's Forum in Vancouver. Following the forum, the minister announced the creation of the Minister's Advisory Council on Aboriginal Women and that Wendy Grant-John had agreed to Chair the 10-member council. The Minister meets with the Council at least twice per year. (More detail is in the MACAW Overview note.)

Youth - Aboriginal youth is one of the fastest-growing demographics in Canada. British Columbia's commitment to ongoing, meaningful engagement with Aboriginal youth is demonstrated with the Unified Aboriginal Youth Collective (UAYC) composed of BC Aboriginal youth representative organizations. In 2010, the UAYC signed a Memorandum of Understanding with MARR (on behalf of the Province).

Off-Reserve Aboriginal Action Plan (ORAAP) - The October 3, 2011 Speech from the Throne committed the provincial government to work with Aboriginal partners, the federal governments Urban Aboriginal Strategy and local governments to develop an off-reserve Aboriginal action plan to achieve better education and job training, healthier family life, and strengthened cultures and traditions.

First Nations Housing MOU - In May 2008, the First Nations Leadership Council, the Government of Canada and the Province of British Columbia signed the First Nations Housing Memorandum of Understanding (MOU). Under this MOU, the parties committed to exploring innovative approaches to improve housing and infrastructure for First Nations individuals, families and communities in British Columbia.

Building Capacity in Aboriginal Relations (BCAR) - In 2010, MARR partnered with the Public Service Agency (PSA) and launched the BCAR Strategy intended to develop a corporate approach to strengthen the capacity of British Columbia's public service in working respectfully, knowledgeably



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

and effectively with Aboriginal communities, organizations and people. Implementation is ongoing.

Other social policy areas that are not PCR core business but are recent successes linked to the *New Relationship* and the *Transformative Change Accord* through partner ministries include:

Health – In 2006, the Province and the First Nations Leadership Council signed the *Transformative Change Accord: First Nations Health Plan* to close the gaps in health between First Nations and other British Columbians. In 2007, Canada joined the Province and FNLC in signing the *Tripartite First Nations Health Plan* (TFNHP). The TFNHP contains 29 actions in four areas where First Nations and BC will collaborate: governance, relationships and accountability; health promotion / disease and injury prevention; health services; performance tracking. A key commitment in the TFNHP is the creation of a new “governance” structure for First Nations health. The new structure should enhance First Nations involvement in the delivery of health services, and promote better integration and coordination of federally and provincially funded health services. In 2010, the *Basis for a Framework Agreement on Health Governance* was signed and in 2011 the landmark *British Columbia Tripartite Framework Agreement on First Nations Health Governance* was signed that will create a new administrative arrangement for the delivery of existing federal health services through a First Nations health governing body.

Education (K-12) - *Tripartite Education Framework Agreement* (TEFA). Recognizing that individual First Nations have primary decision-making responsibility for First Nation Schools, including the management and delivery of education programs and services, First Nations and First Nation Schools in British Columbia work together through First Nations Education Steering Committee (FNESC) and the First Nations School Association (FNSA) to improve the educational outcomes of all First Nations students in British Columbia. British Columbia and FNESC have developed a collaborative partnership on educational initiatives, which respects the integrity of the commitment to establish a new relationship, including joint initiatives on curriculum development, enhancement agreements, local education agreements, and recognition of Aboriginal languages and teachers and supports the transferability of students between First Nation Schools and Provincial Public Schools. The TEFA is based on a longstanding and comprehensive education partnership in the province dating back to 1999. FNESC has demonstrated the capacity to administer education programs and services on behalf of First Nations and First Nation schools. The Government of Canada, the FNESC and the Province have been engaged in a series of negotiations on the details of a framework agreement since December 2010. The purpose of the TEFA agreement is to identify the roles, responsibilities and commitments of the Parties relating to the improvement of educational outcomes for students in First Nation Schools in British Columbia.





## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

Education (Post-secondary) – Aboriginal Post-Secondary Education and Training Policy Framework and Action Plan, June 2012. The PSE Framework and Action Plan was developed by the BC Aboriginal Post-Secondary Education and Training Partners Table with extensive consultation. The Partners Table includes the Ministries of Advanced Education, Innovation and Technology (AEIT); Education; Aboriginal Relations and Reconciliation; the Aboriginal Affairs and Northern Development Canada BC Region; the First Nations Education Steering Committee; the Indigenous Adult and Higher Learning Association; Métis Nation BC; First Nations Public Service Secretariat; the BC College Presidents; the BC Association of Universities and Institutes; and the Research Universities' Council of British Columbia.

The PSE Framework and Action Plan encompasses all post-secondary education and training programs, including adult basic education, vocational, career, business, trades, undergraduate and graduate degree programs. It addresses a commitment under the *BC Jobs Plan* to provide funding for additional partnerships between post-secondary institutions and Aboriginal communities for community-based delivery of programs that meet Aboriginal needs. The PSE Framework and Action Plan includes four goals with specific actions and targets. Goals include systemic change, community-based delivery of programs, reduced financial barriers, and seamless transition from K-12 to post-secondary education.

**Budget:** Falls within the PCR budget

S17

**Full Time Equivalents (FTEs):** 22 FTEs

**Related Legislation:** *First Peoples' Heritage, Language and Culture Act*

**Organizational Chart:** Included in PCR Divisional Overview note



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Stopping Violence Against Aboriginal Women – Memorandum of Understanding

#### The Opportunity:

- A joint Government/Aboriginal Leadership public commitment to take action on stopping violence against Aboriginal women and girls through signing a Memorandum of Understanding (MOU).

#### Background/context:

- A disproportionate number of women affected by violence are Aboriginal, leading to calls for action on justice and equity for Aboriginal women.
- Several ministries have mandates with regard to this important and complex issue (i.e. Justice/Attorney General; Children and Family Development; Health; Housing; Education/Advanced Education; Social Development; Aboriginal Relations & Reconciliation). A coordinated and collaborative approach is essential.
- In 2011, BC and the Native Women's Association of Canada co-hosted the *National Aboriginal Women's Forum – Collaboration to End Violence*. At the end of the event, then minister of Aboriginal Relations & Reconciliation announced the creation of the Minister's Advisory Council on Aboriginal Women (the Council).
- The 10 member council is chaired by Wendy Grant-John. The Council is intended to provide advice to government on how to improve the quality of life for Aboriginal women across BC.
- Acting on its strategic priorities, the Council developed a *Declaration to Stopping Violence Against Aboriginal Women and Girls* and has received endorsement from Aboriginal political organizations (Union of BC Indian Chiefs, First Nations Summit Society, BC Assembly of First Nations and Métis Nation BC) which are now prepared to enter into a MOU with the Province to commit to work together to stop violence against Aboriginal women and girls.
- The Council is resolute that the provincial signatory to the MOU be the Premier to demonstrate the seriousness of the issue and to "send a signal" to ministries to work together in a coordinated fashion. They recognize that it would be appropriate for the Minister of Aboriginal Relations and Reconciliation to also be a signatory.
- The Council received a commitment from Premier Christy Clark to sign the MOU on stopping violence against Aboriginal women and girls with Aboriginal leadership, and to discuss opportunities to publicly announce this shared commitment.
- On March 6, 2013, the council communicated to Premier Clark, Grand Chief Stewart Phillip, Chief Bob Chamberlin, Chief Marilyn Baptiste, Grand Chief Edward John, Dan Smith,



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

Chief Douglas White III, Chief Jody Wilson-Raybould, and Bruce Dumont its' ongoing support for the signing of the MOU between Aboriginal leadership and the Province of BC regarding Stopping Violence Against Aboriginal Women and Girls.

S13, S16

How to maximize the opportunity:

S13, S14, S16

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S13, S14, S16



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Off Reserve Aboriginal Action Plan

#### The Opportunity:

- To build on the momentum of phase one of the Off-Reserve Aboriginal Action Plan (ORAAP), there is an opportunity now for the Province to continue the development of an urban Aboriginal strategy by:

S13, S16, S17

#### Background/Context:

- Seventy-five per cent of British Columbia's Aboriginal population live in urban/off-reserve areas and they continue to have significant socio-economic challenges in all key sectors including health, education, housing, justice and employment.
- Given this, the October 3, 2011, Speech from the Throne committed the Province to work with Aboriginal partners, the federal government and local governments to develop ORAAP. BC is the only province in Canada that has this kind of commitment.

#### *Community Pilots*

- To fulfill the first phase of ORAAP, in 2012/13 the Province partnered with the federal government, the BC Association of Aboriginal Friendship Centres (BCAAFC), Métis Nation BC and the Union of BC Municipalities to support the development of five ORAAP community-based pilot projects in Vancouver, Surrey, Prince George, Kamloops and Duncan.

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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### *BCAAFC*

- The BCAAFC and its 25 member friendship centres play an important role in providing services and support programs to BC's urban/off-reserve Aboriginal population.
- The BCAAFC has been an important ORAAP partner and was instrumental in helping to move the work forward in 2012/13.
- The BCAAFC has been a key member of the ORAAP Provincial Coordination Team, which is responsible for overseeing the development and implementation of ORAAP.
- In addition to this, on October 19, 2012, the Province and the BCAAFC signed a protocol agreement that outlines the partnership and principles that will guide the work of both parties.

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### *Mandated Systematic Cross Government Approach*

S13, S16



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

S13, S16

How to maximize the opportunity:

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S13, S16, S17

**Drafted by:** Juanita Berkhout, Director, Urban and Housing Initiatives, 250-387-2162



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### Leveraging Success

#### ADM Responsible

Peter Cunningham, Partnerships & Community Renewal Division

#### Core Business: Leveraging Success

Guided by a new relationship mandate, British Columbia has made real progress in effectively working with First Nations and Aboriginal organizations that is supporting the achievement of improved outcomes for Aboriginal peoples and communities. Identification of the factors that are critical to success and developing a strategy to leverage these factors across government will potentially accelerate improved health and well-being, economic stability, and self-governance sustainability within First Nations communities and Aboriginal organizations.

The Ministry of Aboriginal Relations and Reconciliation (MARR) is working across government with all key social ministries, First Nations and Aboriginal organizational partners to identify ways to work most effectively together to achieve improved outcomes for Aboriginal people and communities. MARR is also working with other levels of government and government agencies to ensure effective practices are shared when working in a tri-partite relationship.

#### Commitment:

- The New Relationship document, the Transformative Change Accord and the Métis Nation Relation Accord commit the province to strengthen relations with Aboriginal peoples and to achieve improved socio-economic outcomes.
- The New Relationship document commits to a new Government-to-Government approach between the Province and BC First Nations.

#### Key Outcomes/Deliverables:

S13, S16

#### Budget:

S17



## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **Full Time Equivalents (FTEs):**

- FTE's fall within the Partnerships and Community Renewal Division FTE count.

### **Related Legislation:**

n/a



## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

### First Nation Leadership Council Engagement

#### ADM Responsible

Peter Walters, Strategic Initiatives Division

#### Core Business: First Nation Leadership Council Engagement

Engagement with the First Nation Leadership Council (FNLC) occurs on several levels, including the FNLC/Deputy Minister Main Table, and the Technical Table working group, which provides more in-depth engagement between government and First Nation senior officials. The Premier last met with the FNLC in January 2013; at the meeting, the next Main Table engagement was agreed to but has yet to be announced. There are also a number of joint working groups and councils exploring topics such as consultation and accommodation, cultural heritage, forestry, energy, health, technology and connectivity, education and housing issues. These engagements are ongoing, although the cultural heritage working group is currently suspended.

The FNLC engagements have been an effective forum for government to communicate important initiatives, gauge the level of First Nations' support and/or concern regarding provincial initiatives at key stages, and continue to build good relations. The parties have recently established a working group to jointly review the *Procedures for Meeting Legal Obligations When Consulting First Nations*, and a working group on *Water Act* modernization.

The FNLC is made up of the BC Assembly of First Nations, the Union of BC Indian Chiefs and the First Nations Summit, who represent BC First Nations who are recognized as "rights-bearing Aboriginals" or "Status Indians" by the federal government. They are mandated separately from each of their organizations and are responsible to act on the resolutions of their respective organizations; demonstrable progress at the community level is very important to their members.

S13, S16, S17

#### Budget:

- S17, S16

#### Full Time Equivalents (FTEs):

- FTE's fall within the Strategic Initiatives Division FTE count.





## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **Related Legislation:**

- The New Relationship
- Transformative Change Accord
- New Relationship Trust Act



## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA**

### **MARR/BC Business Council Joint Action Plan**

#### **The Opportunity:**

- Capitalize on the positive relationship developed between the Ministry of Aboriginal Relations and Reconciliation (MARR), natural resource sector and the Business Council of British Columbia (BCBC), and continue regular dialogue with industry on opportunities for improving collective engagement in natural resource sector development.
- Broaden the scope of the current engagement with the BCBC and bring leading First Nations organizations into the dialogue to identify opportunities for industry, the Province and First Nations to work together.
- Build on an existing joint action plan/recommendations set, continue to deliver upon short-term commitments in the plan and explore new policy recommendations advanced by BCBC.
- Work in a coordinated fashion with BCBC to influence federal discussions on treaty and other areas.

#### **Background/context:**

Since 2011, MARR and BCBC have worked together to identify opportunities to improve business practices for consultation and engagement with First Nations based on the principles of:

- Clarity with regard to roles in the First Nations consultation process, potential improvements, and how industry actions may fit into Crown accommodation strategies;
- Capacity building for First Nations to engage efficiently and meaningfully; and,
- Celebration of best practices and successful outcomes.

MARR and BCBC jointly led a regional engagement process in the spring of 2012 to advance this dialogue with almost 250 industry leaders and provincial decision-makers in six locations.

The sessions resulted in a joint action plan/recommendations set with short and long term actions. MARR and the Ministry of Forests, Lands and Natural Resource Operations (FLNR) have made progress delivering on key immediate commitments:

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## ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA

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Throughout the regional engagement process, industry raised several other constructive ideas for streamlining consultation and improving decision making processes. While these ideas are out of scope of the existing action plan due to policy, legal and resources issues, they do highlight the importance of the dialogue with industry as a way of encouraging the exchange of new concepts and plans:

S13, S17, S16

The focus of the industry engagement at the outset was to clarify how government and industry work to support the decision-making process for natural resource development. The results surpassed expectations.

The Province also heard, overwhelmingly, that industry supports the provincial government's continuing efforts to build relationships with First Nations and Aboriginal people because building these relationships creates stability and helps avoid confrontation. There was a strong recognition throughout the process of the need to ensure the Province continues to have staff on the ground to support consultation

S13, S16

**How to maximize the opportunity:**

S13, S16

**Drafted by:**

Rose Ellis 250-387-5237



## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA: RESETTING THE RELATIONSHIP**

### **Working with First Nations to Develop an LNG Industry**

#### **The Opportunity:**

**S13, S16**

#### **Background/context:**

Development of an LNG industry for British Columbia will bring significant investment and revenues to the Province in three key areas:

- upstream development in northeastern British Columbia (drilling of new wells);
- midstream development across northern British Columbia (pipelines from northeast to the west coast); and,
- downstream development (building of liquefaction plants and marine terminals on the west coast that will ship LNG product to Asian markets).

Current expectations for LNG growth in the province show the industry could add as much as \$1 trillion in cumulative gross domestic product between now and 2046. If British Columbia establishes a new LNG tax regime, five LNG plants could potentially produce \$130-\$260 billion in revenues to the Province over the next 30 years.

In the upstream component, the Ministry of Aboriginal Relations and Reconciliation (MARR) has been working closely with other Ministries in the Natural Resource Sector to develop agreements with Treaty 8 First Nations. These negotiations are addressing consultation processes and economic benefits with these communities. Additionally, while natural gas development is important in this region of the Province, MARR has been integrating development of other important resource development opportunities such as coal and hydro-electricity power generation (Site C) in its negotiations with First Nations.

Over the past 18 months, MARR has been part of the integrated government team that has been advancing the LNG initiative. The primary focus to date has been to educate and inform major international investors of the need to engage First Nations, consider benefit agreements, and incent Aboriginal support for their project proposals.

**S13, S16, S17**



## **ABORIGINAL RELATIONS & RECONCILIATION IN BRITISH COLUMBIA: RESETTING THE RELATIONSHIP**

**S13, S16, S17**

### **How to maximize the opportunity:**

If Government wishes to gain support of First Nations for natural gas and LNG development in BC, then it may wish to:

**S13, S16**

### **Drafted by:**

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# GOVERNMENT PLATFORM EXPECTATIONS AND OTHER COMMITMENTS

Ministry of Aboriginal Relations and Reconciliation

May 22, 2013

SUBJECT	COMMITMENT/STATEMENT	SOURCE	LEAD ORG(S) AND MARR CONSIDERATIONS, if any
<b>DIRECT MARR RESPONSIBILITY</b>			
<b>Non-treaty agreements</b>	Commit to another 10 new non-treaty benefit agreements with First Nations over the next two years.	BC Liberal Platform page 22	<div>S13</div> <div>commitment to 10 agreements includes agreements that support economic certainty on the land base. A streamlined process is in place for Strategic Engagement Agreements.</div> <div>S13, S16</div>
<b>Revenue-sharing</b>	Continued work on Economic and Community Development Agreements (ECDAs) with First Nations.	BC Liberal Platform page 12	MARR – Continues current direction.
<b>First Nations Clean Energy Business Fund</b>		BC Liberal Platform page 12	
<b>NATURAL GAS, OIL AND RELATED COMMITMENTS</b>			
		BC Liberal Platform page 29	
<b>Natural Gas - Leadership</b>		BC Liberal Platform page 11	
<b>LNG Secretariat</b>		BC Liberal Platform page 11	EMNG – Consistent with MARR's BCBC Work.

<b>LNG - one EA process</b>	Work with Canada to ensure there is one EA process for LNG developments.	BC Liberal Platform page 11	EMNG, EAO – First Nations’ role and engagement in the process.
<b>LNG Facilities</b>	Target of three LNG facilities operational by 2020.	Throne Speech 2013	EMNG, EAO – First Nations support and consultation for downstream development.
<b>LNG - pipelines</b>		BC Liberal Platform page 11	EMNG, MARR – First Nations support and consultation related to midstream development.
<b>LNG - pipelines</b>		BC Liberal Platform page 12	EMNG, MARR – First Nations support and consultation issues.
<b>LNG - water issues</b>		BC Liberal Platform page 12	S13, S16
<b>LNG - skills training</b>		BC Liberal Platform	
<b>LNG - conference</b>		BC Liberal Platform page 11	S13, S16
<b>LNG - power sources</b>		BC Liberal Platform page 11	
<b>Refinery idea (David Black proposal)</b>		BC Liberal Platform page 15	
<b>Prosperity Fund</b>		Throne Speech 2013	EMNG
<b>Clean Energy to support LNG</b>		BC Liberal Platform page 12	EMNG, MARR – First Nations’ support.

S13, S16, S17

Marine shipping		S13	BC Liberal Platform page 14		S13, S16
MINING AND RELATED COMMITMENTS					
Mining	Work with the federal government to ensure mining projects undergo only one environmental review process.	S13, S16	BC Liberal Platform page 22	EAO - First Nations’ role and engagement in the process.	S13, S16
Mining			BC Liberal Platform page 22	EMNG – First Nations support and consultation considerations.	
Mining			BC Liberal Platform page 22	EMNG, FLNR – First Nations consultation considerations.	
Specific Mines identified in platform	Red Chris (Dease Lake area); Huckleberry (Houston area); Endako (Fraser Lake) Treasure Mountain (Hope area); Copper Mountain (Princeton area); Barkerville Gold Mine (Williams Lake); New Afton (Kamloops); Mt. Milligan (Prince George area).	BC Liberal Platform page 22/23			
FORESTRY AND RELATED COMMITMENTS					
Forestry		S13, S16, S17	BC Liberal Platform page 28	FLNR – First Nations’ consultation	
Forestry			BC Liberal Platform page 27	FLNR	
Forestry			BC Liberal Platform page 28	FLNR	
KEY GOVERNMENT PARTNER COMMITMENTS					

Local Government	"We commit to consulting with local governments on negotiations that affect local government jurisdiction and we will provide information and assistance to any regional district that requires it. Today's BC Liberals fully support the principle of local government involvement in negotiations highlighted in the MOU and intend to continue our efforts to ensure local governments are included in issues directly affecting them."	Metro Vancouver online questionnaire	S13, S16, S17
PROTECTION AND ENVIRONMENTAL COMMITMENTS			
Provincial Roundtable on Protection		BC Liberal Platform page 60	ENV, EMNG, FLNR – First Nations participation considerations.
Protected area in the Klappan Fraser River Dyking	S13, S16	BC Liberal Platform page 59 BC Liberal Platform	ENV, FLNR – Cross-ministry implications. Regional team. S13, S16
Water		BC Liberal Platform	ENV, FLNR – First Nations engagement and consultation considerations.
TRADE COMMITMENTS			
Asia Trade	S13, S16, S17	BC Liberal Platform page 6	S13, S16
Trade Missions		BC Liberal Platform page 6	JTST – First Nations participation.
SOCIAL AGENDA COMMITMENTS			
Missing Women Commission of Inquiry	S13, S16	BC Liberal Platform page 58	JAG and partner ministries – update (May 17): <b>Steven Point has resigned as chair of the advisory committee as of May 30, 2013.</b>

<b>report</b>		
<b>Poverty Reduction</b>	S13, S16, S17	Throne Speech
<b>Poverty Reduction</b>		BC Budget 2013
<b>OTHER COMMITMENTS</b>		
<b>Asset sales</b>		BC Budget 2013
<b>Transportation</b>	S13, S16, S17	BC Liberal Platform pages 16, 17
<b>Transportation</b>		BC Liberal Platform page 19
<b>Tourism</b>		BC Liberal Platform page 31

MCFD with support from partner ministries

Housing (EMNG), BC Housing

CITZ – Continued consultation with First Nations.

MOTI – First Nations support and consultation.

MOTI – First Nations support and consultation.

JTST – First Nations support and consultation.



**First Nations with Overlapping Consultative Area Boundaries  
in the Nechako Lake Electoral District:**

- Lhoosk'uz Dene Nation
- West Moberly First Nations – TR8 Disputed Area
- Tsilhqot'in Nation
- Takla Lake First Nation
- Tl'azt'en Nation
- Ulkatcho First Nations
- Skin Tyee Nation
- Kitselas First Nation – Traditional Territory
- Halfway River First Nation – TR8 Disputed Area
- Burns Lake Band
- Office of the Wet'suwet'en
- Nee-Tahi-Buhn Indian Band
- Nak'azkdli Band
- Heiltsuk Nation
- Saikuz First Nation
- Nuxalk Nation
- Nadleh Whut'en Band
- Stelat'en First Nation

# The Honourable Bernard Valcourt

## Minister of Aboriginal Affairs and Northern Development



Madawaska-Restigouche (New Brunswick)

Bernard Valcourt was first elected to the House of Commons in 1984 and re-elected in 1988. In 1984, he was appointed Parliamentary Secretary to the Minister of National Revenue and to the Minister of State (Science and Technology). From 1984 to 1993, Mr. Valcourt subsequently served as Minister of State (Small Businesses and Tourism), Minister of State (Indian Affairs and Northern Development), Minister of Consumer and Corporate Affairs, Minister of Fisheries and Oceans, Minister of Employment and Immigration and Minister of Labour.

In 1995, Mr. Valcourt was elected to the Legislative Assembly of New Brunswick as the member for Edmundston, and he served until 1999. He was Leader of the Opposition party for the province from 1995 to 1997.

He was re-elected to the House of Commons in 2011 as the Member of Parliament for Madawaska-Restigouche. In May 2011, he was appointed Minister of State (Atlantic Canada Opportunities Agency) (La Francophonie). He was appointed Associate Minister of National Defence in July 2012. In February 2013, Mr. Valcourt was appointed Minister of Aboriginal Affairs and Northern Development.

Mr. Valcourt is a barrister and solicitor who practiced law in Edmundston, New Brunswick, where he lives today.

## TRANSITION – STRATEGIC OVERVIEW

### ISSUE: Acronyms <sup>1</sup>

#### A

AAC	Annual Allowable Cut
ABSN	Aboriginal Business Services Network
AEA	Aboriginal Employee Association
AECIS	Aboriginal Engagement Corporate Information Site
AtBC	Aboriginal Cultural Tourism of British Columbia
AFN	Assembly of First Nations (national)
AFS	Aboriginal Fisheries Strategy (federal)
AIA	Archaeological Impact Assessment
AIP	Agreement in Principle
ALR	Agricultural Land Reserve
AMEBC	Association for Mineral Exploration - BC
ANTCO	All Nations Trust Company
AOA	Archaeological Overview Assessment
AOI	Area of Interest
ARCOP	Aboriginal Relations Community of Practice
ASPR	Annual Service Plan Report
ATBC	Aboriginal Tourism BC
ATR	Additions to Reserves
AYIP	Aboriginal Youth Intern Program

#### B

BAA	Broad Assessment Area
BCAAFC	BC Association of Aboriginal Friendship Centres
BCAFN	British Columbia Assembly of First Nations
BCBC	Business Council of BC
BCBN	British Columbia Bioenergy Network
BCCA	BC Court of Appeal
BCFNEC	BC First Nations Energy Council
BCEF	British Columbia First Nations Equity Fund
BCH	BC Hydro
BCTC	British Columbia Treaty Commission (or BC Transmission Corp)
BCSC	BC Supreme Court
BCUC	BC Utilities Commission
BEST	Aboriginal Business and Entrepreneurial Skills Training

#### C

C&A	Consultation and Accommodation
C&E	Compliance & Enforcement

<sup>1</sup> Acronyms sorted alphabetically

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## TRANSITION – STRATEGIC OVERVIEW

CAD	Consultation Area Database
CAP	Congress of Aboriginal People (national)
CCLRMP	Central Coast Land and Resource Management Plan
CCP	Comprehensive Community Planning
CE	Consultation Engagement
CEAA	Canadian Environmental Assessment Act
CEP	Clean Energy Project (formerly IPP)
CEPA	Canadian Energy Pipeline Association
CFN	Coastal First Nations
CHR	Cultural Heritage Resources
CFNRP	Coastal First Nations Reconciliation Protocol
CMA	Collaborative Management Agreement (protected areas or wildlife)
CMT	Culturally Modified Tree
COF	Council of the Federation (all First Ministers)
CSU	Cost Sharing Understanding
CT	Common Table

### D

DDM	Delegated decision-maker
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### E

EA	Environmental Assessment
EBA	Economic Benefits Agreement
EBM	Eco-system Based Management
EBMS	Eco-system Based Management System
ECDA	Economic and Community Development Agreement
ED	Effective Date (of a Final Agreement)
EF	Engagement Framework
EMA	Economic Measure Agreement
EPA	Energy Purchase Agreement

### F

FA	Final Agreement
FCARS	First Nations Consultation and Revenue Sharing Agreements
FCBC	FrontCounter BC
FCF	First Citizens Fund
FFA	Fiscal Financing Agreement
FGR	Foregone Revenue
FNCCT	First Nation Consultation Coordination Team
FNCEBF	First Nations Clean Energy Business Fund
FNCIDA	First Nations Commercial Industrial Development Act
FNEMC	First Nations Energy and Mining Council
FNEC	First Nations Energy Council



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## TRANSITION – STRATEGIC OVERVIEW

FNESC	First Nations Education Steering Committee
FNESS	First Nations' Emergency Services Society
FNFC	First Nation Forestry Council
FNRSA	First Nations Revenue Sharing Agreement
FNID	First Nations Initiative Division (former ILMB)
FNIRS	First Nations Information Reporting System
FNLC	First Nations Leadership Council
FNS	First Nations Summit
FNWL	First Nations Woodlands Licence
FPHLCC	First Peoples' Heritage Language and Culture Council
FNQ2	First Nations Quick Queries
FPTA	Federal/Provincial/Territorial/Aboriginal
FRA	Forest and Range Agreement (replaced by FCRSA)
FRO	Forest and Range Opportunity Agreement (replaced by FCRSA)
FRPA	Forest and Range Practices Act
FSP	Forest Stewardship Plan
FTNO	Federal Treaty Negotiations Office (now TAG NW)
FTOA	Forest Tenure Opportunity Agreement
FVTAC	Fraser Valley Treaty Advisory Committee

### G

G2G	Government-to-government
GBI	Great Bear Initiative Society

### H

HA	Harvest Agreement
HR	Human Resource
HGRP	Haida Gwaii Reconciliation Protocol

### I

ICAB	Industry Council for Aboriginal Business
IBA	Impact Benefits Agreement
ILRR	Integrated Land and Resource Registry
ILM	Interior to Lower Mainland (Transmission Line Project)
ILMB	Integrated Land Management Bureau
IMA	Interim Measures Agreement
IMEA	Interim Measures Economic Agreement
INAC	Indian and Northern Affairs Canada
IPP	Independent Power Producer (now CEP)
ITA	Incremental Treaty Agreement
ITK	Inuit Tapiriit Kanatami (national)



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## TRANSITION – STRATEGIC OVERVIEW

### J

### K

### L

LMA	Labour Market Agreement
LMTAC	Lower Mainland Treaty Advisory Committee
LOA	Letter of Agreement
LPM	Land Protection Measure
LRMP	Land Resource Management Plan
LRPA	Land and Resource Protocol Agreement
LSB	Legal Services Branch (Ministry of Attorney General)
LTFT	Long Term Forestry Tenure
LUO	Land Use Objectives
LUP	Land Use Plan
LUPA	Land Use Planning Agreement

### M

MABC	Mining Association of BC
MNBC	Métis Nation BC
MNC	Métis National Council (national)
MNRA	Métis Nation Relationship Accord
MO	Ministerial Order
MOU	Memorandum of Understanding
MPB	Mountain Pine Beetle
MR	Mandate request
MU	Management Units
MVUAS	Metro Vancouver Urban Aboriginal Strategy

### N

NAIS	Northern Aboriginal Integrated Service
NAO	National Aboriginal Organization
NCLRMP	North Coast Land and Resource Management Plan
NEB	National Energy Board
NEDAB	Native Economic Development Advisory Board
NFA	Nisga'a Final Agreement
NLG	Nisga'a Lisims Government
NR	New Relationship
NRIAC	New Relationship Inter-Agency Committee
NRT	New Relationship Trust

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## TRANSITION – STRATEGIC OVERVIEW

NTL Northwest Transmission Line  
NWAC Native Women's Association of Canada (national)

### O

OGC Oil and Gas Commission  
OGRII Oil & Gas Regulatory Improvement Initiative  
OIC Order in Council  
OSR Own Source Revenue  
OSRA Own Source Revenue Agreement

### P

PGUAS Prince George Urban Aboriginal Strategy

### Q

### R

RPTCA Real Property Tax Coordination Agreement  
RepHa Representative Hectare  
ROA Reasonable Opportunity Agreement  
RP Reconciliation Protocol  
RepHa Representative Hectare  
RRS Resource Revenue Sharing  
RRSA Resource Revenue Sharing Agreement

### S

SEA Strategic Engagement Agreement  
SCC Supreme Court of Canada  
SDM Shared Decision-making  
SFE Sustainable Funding Envelope  
SGA Self-Government Agreement  
SOC Strength of Claim  
SLUPA Strategic Land Use Planning Agreement  
SOI Statement of Intent  
SRMP Strategic Resource Management Plan

### T

TAG NW Treaties and Aboriginal Government – Negotiations West (Pacific Region INAC)  
TCA Transformative Change Accord  
TEK Traditional Ecological Knowledge  
TFA Tsilhqot'in Framework Agreement  
TIMA Treaty Interim Measures Agreement

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## TRANSITION – STRATEGIC OVERVIEW

TPC	Third Party Compensation
TRM	Treaty Related Measures *
	(Types 1-2 protection of Crown land and land acquisition managed by Fiscal Team; Types 3-5 Participation in land and resource planning, economic and cultural opportunities and governance managed by Partnerships and Community Renewal).
TRP	Treaty Revitalization Process
TSL	Treaty Settlement Land
TTA	Tax Treatment Agreement
TUS	Traditional Use Study

### U

UAS	Urban Aboriginal Strategy (Federal)
UBCIC	Union of British Columbia Indian Chiefs
UBCM	Union of BC Municipalities
UNN	United Native Nations

### V

### W

WLP	Woodlot License Plan
WPC	Western Premier's Conference
WSA	Wildfire Suppression Agreement

### X, Y, Z

YTG	Yukon Territorial Government
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## **TRANSITION – STRATEGIC OVERVIEW**

### **TREATY TABLES**

BRFN	Blueberry First Nations
IN	In-SHUCK-ch Nation
KKTC	Ktunaxa-Kinbasket Treaty Council
LTN	Lheidli T'enneh
MNA	Maa-nulth First Nations
NTC	Nuu-chah-nulth Tribal Council
NSTS	Northern Shuswap Treaty Society (Formerly Caribou Tribal Council)
T8	Treaty 8
TFN	Tsawwassen First Nation
TN	Tsilhqot'in Nation
TNG	Tsilhqot'in National Government
TTA	Te'mexw Treaty Association
WKN	Wuikinuxv First Nation
TKD	Tsay Kay Dene
TWT	Tsleil Waututh

### **OTHER FIRST NATIONS**

AIB	Ashcroft Indian Band
CCTC	Carrier Chilcotin Tribal Council
CFN	Coastal First Nations
CSTC	Carrier Sekani Tribal Council
CTS	Ch-ihl-kway-uhk Tribe Society
GHC	Gitanyow Hereditary Chiefs
GTS	Gitxsan Treaty Society
KDC	Kaska Dena Council
KIB	Kamloops Indian Band
LBN	Lake Babine Nation
LFN	Leq'á:mél First Nation
LNIB	Lower Nicola Indian Band
NNA	Northern Nations Alliance
NNTC	Nlaka'pamux Nation Tribal Council
ONA	Okanagan Nation Alliance
OW	Office of the Wet'suwet'en
PIB	Penticton Indian Band
SNS	Stó:lō Nation Society
SNTC	Shuswap Nation Tribal Council
STC	Stó:lō Tribal Council
TCC	Tahltan Central Council
TRTFN	Taku River Tlingit First Nation

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## **TRANSITION – STRATEGIC OVERVIEW**

### **COMMITTEES**

ADMCILM	Assistant Deputy Minister's Committee on Integrated Land Management
ADMRC	Assistant Deputy Minister's Committee on Resource and Economy
BRDO	Board Resourcing and Development Office
CCNRC	Cabinet Committee on New Relationship Coordination
DMC	DM Council
DMCPS	DM Committee on the Public Service
DMPS	Deputy Ministers' Policy Secretariat
ELUC	Environment and Land Use Committee
GCC	Government Caucus Committee
GCCNRE	Government Caucus Committee on Natural Resources and the Economy
GCCSD	Government Caucus Committee on Social Development
IADC	Inter-Agency Directors Committee (ILMB)
SCWG	Settlement Costs Working Group
SPADMNR	Social Policy Assistant Deputy Minister's Committee on New Relationship
SOG	Senior Officials Group
SPOG	Senior Policy Officials Group (MARR & FNLC)
SRMC	Sub-Regional Managers Committee (ILMB)
TFC	Tripartite Finance Committee
TB	Treasury Board



## Guide to Pronunciations for B.C. First Nations

This guide was developed by the Ministry of Aboriginal Relations and Reconciliation. The phonetic spellings presented here should be viewed as an introductory guide for the reader and are not meant to be authoritative. Variations in pronunciation may occur in the region where the traditional language is spoken. The final authority on a pronunciation rests with the community. The reader is advised to always gain a first-hand understanding of how a particular name is pronounced by speaking directly with and being guided by members of that community.

For information on First Nations languages in B.C., please see the First Peoples' Heritage, Language and Culture Council website at <http://www.fphlcc.ca>.

First Nation	Pronunciation
Acho Dene Koe	A- <b>ko</b> -den-eh-ko
Adams Lake	A-dams Lake
Ahousaht	A- <b>house</b> -aat
Aitchelitz	A-che- <b>leets</b>
Alexandria	Al-ex- <b>an</b> -dre-aa
Alexis Creek	A- <b>lex</b> -is Creek
Alkali Lake	Al-ka-li Lake
Anderson Lake	<b>An</b> -der-son Lake
Ashcroft	<b>Ash</b> croft
Beecher Bay	<b>Bee</b> -cher-bay
Blueberry River	<b>Blue</b> -ber-ry River
Bonaparte	<b>Bon</b> -a-part
Boothroyd	<b>Booth</b> -roy-d
Boston Bar	<b>Bos</b> -ton Bar
Bridge River	<b>Bridge</b> River
Broman Lake	<b>Bro</b> -man Lake
Burns Lake	<b>Burns</b> Lake
Burrard	<b>Burr</b> -ard
Campbell River	<b>Cam</b> -bell River
Canim Lake	<b>Ca</b> -nim Lake
Canoe Creek	Can- <b>oo</b> Creek
Cape Mudge	Cape Mudge
Carcross-Tagish	Car-cross-Ta- <b>geesh</b>
Cariboo Tribal Council	<b>Care</b> -i-boo Tribal Council
Carrier Chilcotin	Carry- <b>er</b> Chill- <b>coh</b> -tin
Carrier Sekani	Carry- <b>er</b> Se- <b>can</b> -ee
Cayoose Creek	Ky- <b>oose</b> Creek
Champagne-Aishihik	Sham-pane- <b>A</b> -sh-i-ack
Chawathil (formerly Hope)	<b>Shi</b> -wat-hill
Cheam	<b>Chee</b> -am
Chehalis	Sh- <b>hay</b> -lis
Chemainus	She- <b>may</b> -nis
Cheslatta Carrier Nation	Chess- <b>latt</b> -a
Chilcotin	Chil-coh-tin

Coast Salish	Coast Say-lish
Coldwater	<b>Cold</b> -water
Columbia Lake	Co- <b>lum</b> -bia Lake
Comox	<b>Ko</b> -mox
Cook's Ferry	<b>Cooks</b> Ferry
Coquitlam	Ko- <b>qwit</b> -lam
Cowichan	<b>Cow</b> -i-cha
Cowichan Lake	<b>Cow</b> -i-cha Lake
Dakelh	Da-kelh
Da'naxda'xw	<b>Da</b> -nak-dah
Dax Ka Nation	<b>Dax</b> -ka Nation
Dease River	<b>Dees</b> River
Dene-thah	De-ney-ta
Ditidaht (formerly Nitinaht)	<b>Dit</b> -ee-dat
Doig River	<b>Dayg</b> River
Douglas	Doug-lass
Dunne-za	De-ney-za
Ehattesaht (formerly Douglas)	Eh- <b>hat</b> -eh-sat
Esketemc (formerly Alkali Lake)	Es- <b>ket</b> -em
Esquimalt	Es- <b>kwy</b> -malt
Fort Nelson	Fort Nelson
Fort Ware	Fort Ware
Fountain	Faun tain
Gingolx	Gin-golth
Gitanmaax	Git- <b>an</b> -maa
Gitanyow (was Kitwancool)	Git- <b>an</b> -yow
Gitlakdamix	Git lah t aa mix
Gitga'at	Git-gat
Gitsegukla	Git-zee- <b>gee</b> -u-kla
Gitxsan	Git- <b>san</b>
Gitwangak	Git-wan- <b>gah</b>
Gitwinksihlkw (formerly Canyon City)	Git-win- <b>k</b> -see-thl-k
Gitxaala	Kit-sa-la
Glen Vowell	<b>Glen</b> Vow-ell
Gwa'Sala-Nakwaxda'xw	Gwa-sala- <b>nak</b> -wah-dah
Gwawaenuk	Gwa- <b>wae</b> -nuk
Haida	<b>Hy</b> -da
Haida Gwaii	Hy-dah G-why
Hagwilget	Hag-wil- <b>get</b>
Haisla	Hy- <b>sla</b>
Halalt	Ha- <b>lalt</b>
Halfway River	Half-way River
Hamatla	Ha- <b>mat</b> -la
Hartley Bay	<b>Hart</b> -lee Bay
Heiltsuk (formerly Bella Bella)	Hel-sic
Hesquiaht	<b>Hesh</b> -kwit

High Bar	<b>Hi</b> -bar
Homalco	Ho- <b>mall</b> -ko
Hupacasath	Who-pe- <b>chess</b> -it
Hul'qumi'num	Hull-kah- <b>me</b> -num
Huu-ay-aht (formerly Ohiaht)	Ooh- <b>ay</b> -at
In-SHUCK-ch	In- <b>Shuck</b> -shuh
Iskut	Is- <b>cut</b>
Kamloops	<b>Kam</b> -loops
Ka:'yu:'k't'h'/che:K'tles7et'h' (formerly Kyoquot)	Ky- <b>yuk</b> -et/Check-le-set
Kanaka Bar	Kan- <b>aka</b> -bar
Kaska	<b>Kass</b> -kah
Katzie	<b>Kat</b> -zee
Kincolith Village Government	Kin- <b>ca</b> -lith
Kispiox	<b>Kiss</b> -pee-ox
Kitamaat (formerly Haisla)	Kit- <b>a</b> -mat
Kitasoo	Kit- <b>a</b> -zoo
Kitkatla	Kit- <b>cat</b> -la
Kitselas	<b>Kit</b> -se-las
Kitsumkal	Ki- <b>tsem</b> -kay-lem
Klahoose	Kla- <b>hoos</b>
Kluskus	<b>Klus</b> -kus
K'omoks	<b>Ko</b> -mox
Kootenai	<b>Koot</b> -nee
Ktunaxa-Kinbasket	<b>Tun</b> -ah-hah-kin-basket
Kwadacha	<b>Kwa</b> -dach-a
Kwakwilt (formerly Fort Rupert)	<b>Kwa</b> -gyu-lth
Kwantlen	<b>Kwant</b> -len
Kwa-wa-aineuk	Kwa-wa- <b>ay</b> -neuk
Kwaw-kwaw-a-pilt	Kwa-kwa- <b>a</b> -pilt
Kwiakah	Kwee-a-ka
Kwagiulth	<b>Kwa</b> -gyu-lth
Kwicksutaineuk-ah-kwah-ah-mish	Kweek-soo- <b>tain-nuk</b> -ah-kwa-a-meesh
Kyuquot	<b>Kyu</b> -kwat
Lakahahmen	Lak- <b>aha</b> -men
Lakalzap	Lak- <b>al</b> -zap
Lake Babine	Lake <b>Ba</b> -been
Langley	<b>Lang</b> -ley
Lax-kw'alaamas	Lax-kwa- <b>laams</b>
Laxqalts'ap	Lah-gal-tsap
Lheidli T'enneh	<b>Klate</b> -lee-Ten-eh
Lheit Lit'en	<b>Lay</b> -letten
Lillooet	<b>Lil</b> -low-wet
Lil'wat	<b>Lil</b> -watt
Little Shuswap	Little <b>Shoe</b> -swap
Lower Kootenay	Lower <b>Koot</b> -ney
Lower Nicola	Lower Ni- <b>cole</b> -la
Lower Similkameen	Lower Sim- <b>milk</b> -a-meen
Lyackson	Ly- <b>ack</b> -sun

Lytton	Lit- <b>ton</b>
Maa-nulth	<b>Maa</b> -nul-th
Maiyoo Keyoh	<b>May-o Kay-o</b>
Malahat	Mal- <b>a</b> -hat
Mamalelegala-qwe-qwa-sot-enox	Mamma-leel-eh-qwala-queek-qwa-soot-ee- <b>nuk</b>
Matsqui	Mat- <b>skwee</b>
McLeod Lake	Ma- <b>cloud</b> Lake
Metlakatla	Met-la- <b>ka</b> -tla
Moricietown	<b>Mo</b> -ris-town
Mount Currie	Mount <b>Currie</b>
Mowachaht/Muchalaht	Mow-i-chit/Much- <b>a</b> -laht
Musgamagw	Moose- <b>gah</b> -makw
Musqueam	<b>Mus</b> -kwee-um
Nadleh Whuten (formerly Fraser Lake)	<b>Nad</b> -lay-woten
Nak'azdli (formerly Necoslie)	Nak- <b>ah</b> -dzlee
Namgis	Nam-gees
Nanaimo	Na-ny-mo
Nanoose	Na- <b>noose</b>
Naut'sa Mawt Tribal Council	<b>Not</b> -sa-mott
Nazko	Naz- <b>ko</b>
Nee-Tahi-Buhn (formerly Omenica)	Nee- <b>tahee</b> -boon
Nemaiah Valley	Na- <b>ma</b> -eh Valley
Neskonlith	Nes- <b>kon</b> -lith
Nicomen	Nick- <b>oh</b> -men
Nisga'a	<b>Niss</b> -gah
Nlaka'pamux	<b>Nick-Kluck-mix</b>
Nooaitch	Noo- <b>eye</b> -chi
North Thompson	North <b>Tom</b> -son
Nuu-Chah-Nulth	Noo- <b>chah</b> -noolth
Nuchatlaht	Nu- <b>chat</b> -lat
Nuxalk (formerly Bella Coola)	Noo- <b>huk</b>
Ohiaht	Oh-high-at
Okanagan	Oh-can-a-gan
Old Masset	Old Mass-et
Omahil	Oo- <b>ma</b> -hil
Opetchesah	Oh- <b>pet</b> -chee-sat
Oregon Jack Creek	Ore- <b>e</b> -gon Jack Creek
Osoyoos	O- <b>soo</b> -yoos
Oweekeno	O- <b>wee</b> -ken-o
Pacheedaht	Pak-ee-d- <b>aat</b>
Pauquachin	<b>Pak</b> -qwa-chee-sat
Pavilion	Pa- <b>vil</b> -yon
Penelakut	Pen- <b>e</b> -la-kut
Penticton	Pen- <b>tic</b> -ton
Peters	<b>Pete</b> -rs
Popkum	<b>Pop</b> -kum

Prophet River	Pro- <b>phet</b> River
Qualicum	Qwal-i-come
Quatsino	<b>Qwat</b> -sino
Red Bluff	Red <b>Bluff</b>
Saik'uz	<b>Sake</b> -ooz
Samahquam	<b>Sam</b> -ah-quam
Saulteaux	<b>Soe</b> -toe
Scowlitz	<b>Scow</b> -litz
Seabird Island	<b>Sea</b> -bird Island
Sechelt	<b>See</b> -shelt
Secwepemc	She-whep-m
Sekani	Sik-an-ee
Semiahmoo	Sem- <b>ee</b> -a-moo
Seton Lake	<b>See</b> -ton Lake
Shacken	<b>Shack</b> -en
Sheshaht	Tse- <b>shat</b>
Shuswap	Shu- <b>swap</b>
Siska	Sis- <b>ka</b>
Skawahlook	<b>Skwa</b> -ha-look
Skeetchestn	<b>Skeet</b> -cha-sun
Skidegate	<b>Skid</b> -a-gate
Skookumchuck	<b>Skook</b> -um-chuck
Skowkale	Skow- <b>kale</b>
Skuppah	Skupp- <b>ah</b>
Skwah	<b>Skwaa</b>
Skyway	<b>Sky</b> -way
Sliammon	Sly- <b>ah</b> -mon
Snaw-Naw-As (Nanoose First Nations)	Sna-No- <b>Az</b>
Snuneymuxw (formerly Nanaimo)	Shnah- <b>nay</b> -mo
Soda Creek	<b>So</b> -da Creek
Songhees	<b>Song</b> -hees
Sooke	Sook
Soowahlie	<b>Soo</b> -wall-ee
Spallumcheen	<b>Spall</b> -ium-cheen
Spuzzum	<b>Spuzz</b> -um
Squamish	<b>Squa</b> -mish
Squiala	<b>Skwye</b> -ala
St. Mary's	St. Mary's
Stl'atl'imx	Stat-la-mick or Stat-leum
Stellaquo	Stell- <b>ack</b> -oe
Stellat'en	Stell- <b>at</b> -in
Sto:lo	<b>Stah</b> -low
Stone	<b>Stone</b>
Stoney Creek	<b>Ston</b> -ee Creek
Sumas	<b>Soo</b> -mass
Sununeymuxw	Shnah-nay-moh
Tagish	Ta-gish



Tahltan	<b>Tall</b> -tan
Takla Lake	<b>Tak</b> -la Lake
Taku River Tlingit	<b>Ta</b> -koo River Tlin-gits
Tanakteuk	Tun- <b>aah</b> -duck
Te'mexw	Te- <b>muck</b>
Tla-o-qui-aht (formerly Clayoquot)	T- <b>lay</b> -qwat
Tlatlasikwala	Tla-tla- <b>see</b> -kwa-la
Tl'azt'en (formerly Stuart-Trembleur Lake)	Tl- <b>az</b> -din
Tlingit	Kling-kit
Tlowitsis-mumtagila	<b>Tla</b> -oe-wad-zees-mum-ta-gee-la
Tobacco Plains	To- <b>back</b> -co Plains
Toosey	<b>Too</b> -see
Toquaht	<b>Toe</b> -kwat
Tsartlip	<b>Tsar</b> -lip
Tsawataineuk	<b>Tsa</b> -wa-tay-nook
Tsawout	<b>Tsa</b> -woot
Tsawwassen	<b>Tsa</b> -wah-sen
Tsay Keh Dene	<b>Tsa</b> -Kay-Den-ee
Tsehaht	Tse- <b>shat</b>
Tseycum	<b>Tsay</b> -come
Ts'ilhqot'in	Tsil- <b>coh</b> -tin
Tsimshian	Sim- <b>she</b> -an
Ts'kw'aylaxw	<b>Ski</b> -lak
Tsleil-Waututh	<b>Tslay</b> -wa-tooth
T'sou-ke (formerly Sooke)	<b>Sook</b>
Tutchone	Too- <b>chohn</b> -ee
Tzeachten	<b>Chak</b> -tum
Uchucklesaht	U- <b>chuck</b> -le-sat
Ucluelet	U- <b>clue</b> -let
Ulkatcho	Ul- <b>gat</b> -cho
Union Bar	<b>Uun</b> -yon Bar
Upper Nicola	Upper <b>Ni</b> -cola
Upper Similkameen	Upper Sim- <b>milk</b> -ka-meen
Wei Wai Kai	<b>Wee</b> -way-kay
Wei Wai Kum	<b>Wee</b> -way-come
Westbank	<b>West</b> -bank
Wet'suwet'en	Wet- <b>sew</b> -et-en
West Moberly	West <b>Mo</b> -ber-lee
Whe-La-La-U	We-la-la-U
Whispering Pines (formerly Clinton)	<b>Wiss</b> -purr-ing Pines
Williams Lake	<b>Will</b> -yams Lake
Wuikinuxv	O- <b>wee</b> -ken-o
Xai-xais	shy shy
Xaxli'p	<b>Hock</b> -lip
Xeni Gwet'in	Honey-wuh-teen
Yakweakwioose	Yak- <b>week</b> -we-oose
Yale	<b>Yale</b>

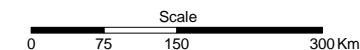
Yekooche	Ye- <b>koo</b> -chee
<b>Other Aboriginal Names</b>	<b>Pronunciation</b>
Clayoquot	<b>Clay</b> -o-quot
Coast Salish	Coast Say- <b>lish</b>
Haida Gwaii	<b>Hy</b> -da G- <b>why</b>
Winalagalis	Win-lag-a- <b>lees</b>



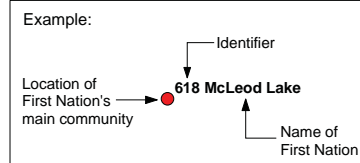
Aboriginal Affairs and  
Northern Development Canada

Affaires autochtones et  
Développement du Nord Canada

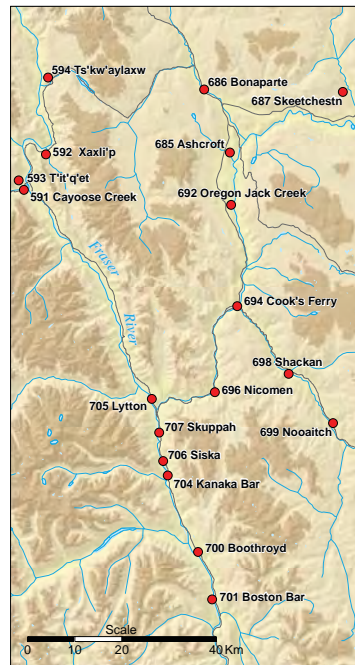
# First Nations in British Columbia



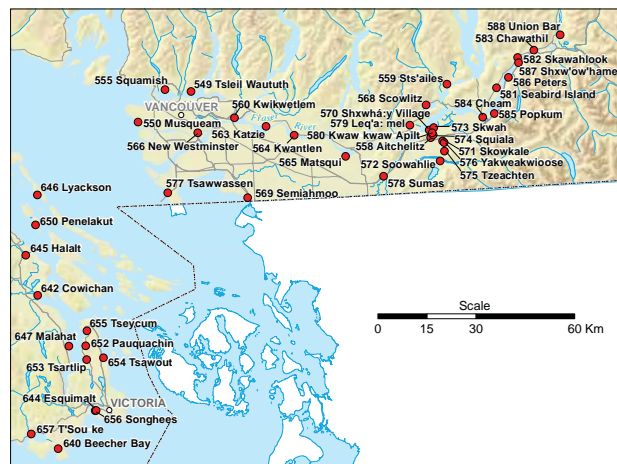
- Location of First Nation Community
- City or Town



Inset 1



Inset 2



May 1, 2012  
CIDMS #1909804



Canada