



# Implementing the Calls to Action and the United Nations Declaration of the Rights of Indigenous Peoples





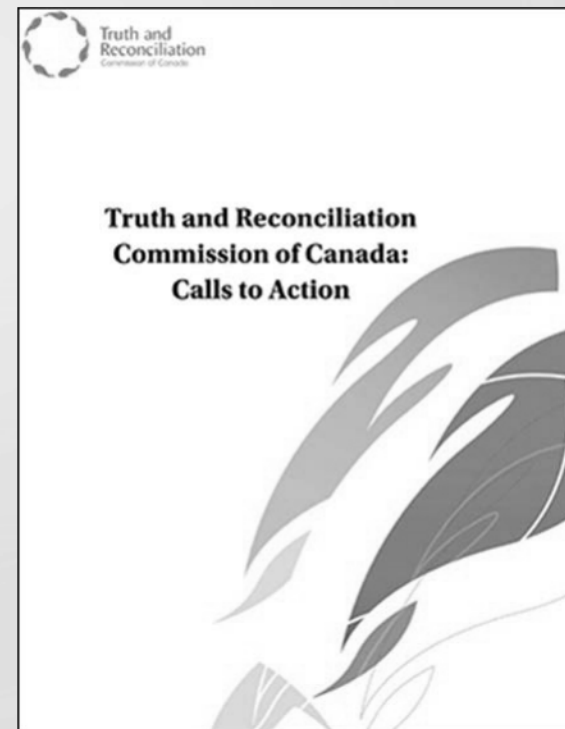
# Moving Implementation Forward

- The Ministry recognizes that the implementation of the Calls to Action and UNDRIP will not be determined by the province alone
- We are seeking input and feedback from Indigenous organizations and communities to develop a shared vision on implementation of UNDRIP and TRC Calls to Action
- This is the start of dialogue and the path forward to implement both the Minister's mandate letter and the Ministry Service Plan



# Seeking Input from Indigenous Communities

- The Ministry is seeking input on how government and First Nations can jointly implement the TRC Calls to Action and the articles of UNDRIP





# Action 1: Engage in dialogue with Indigenous communities



- The Ministry is moving to engage Indigenous communities before it develops its policies, programs and legislation



## **Action 2: Develop better G2G relationships and promote partnerships**

- Develop and implement opportunities to promote partnership between Indigenous communities and the Ministry
- The Ministry is committed to implementing meaningful G2G relationships





## **Action 3:** Implement UNDRIP and TRC Actions through policy, program and legislative review



- The Ministry is implementing the Minister's mandate letter from the Premier
- We would like to jointly develop the priorities of this review with Indigenous communities



## **Action 4:** Develop new initiatives that facilitate implementation of UNDRIP and TRC

Some initiatives include:

- Modernized land use planning
- Shared decision making
- Aboriginal Liaison Program
- Shifting agreement language





## Breakout Discussion

- How can government support your involvement in the implementation of the UNDRIP and TRC Calls to Action?
- What are the priority policy areas you feel need revision to guide the Ministry in the implementation of UNDRIP and the Calls to Action?
- What are some new or existing initiatives the Ministry could develop or change to facilitate meaningful G2G relationships?



## DRAFT AGENDA

### South Coast Regional Workshop

Coast Bastion Hotel, 11 Bastion St, Nanaimo, BC V9R 6E4

May 1-2, 2018

**TUESDAY MAY 1, 2018**

**Creating a Renewed BC First Nations Forest Strategy**

<b>8:00-8:30</b>	<b>Registration and Refreshments</b>	<b>Ladysmith Room</b>
<b>8:30-8:45</b>	<b>Welcome</b> <ul style="list-style-type: none"> <li>Snuneymuxw First Nation</li> </ul>	
<b>8:45-9:15</b>	<b>Purpose and Outcomes</b> <ul style="list-style-type: none"> <li>Purpose of Session and Outcomes</li> <li>Previous engagement sessions (2015/2017)</li> <li>Expectations for 2018 sessions</li> </ul>	<i>Keith Atkinson, FNFC Charles Hunter, FLNROD</i>
<b>9:15-10:15</b>	<b>UNDRIP/TRC and CALLS TO ACTION</b> <ul style="list-style-type: none"> <li>BC development of shared vision on implementation of UNDRIP</li> <li><i>Group Breakout Sessions: Questions and Input</i></li> </ul>	<i>Charles Hunter, FLNROD</i>
<b>10:15-10:30</b>	<b>BREAK</b>	
<b>10:15-12:15</b>	<b>BC First Nations Forest Strategy</b> <ul style="list-style-type: none"> <li>Existing strategy (BC) Overview and Review</li> <li>Renewed BC First Nations Strategy</li> <li><i>Group Breakout Sessions: Questions and Input</i></li> </ul>	<i>Keith Atkinson, FNFC Charles Hunter, FLNROD</i>
<b>12:15-12:45</b>	<b>LUNCH</b>	
<b>12:45-1:45</b>	<b>BC First Nations Forest Strategy</b> <ul style="list-style-type: none"> <li><i>Group Breakout Sessions: Questions and Input</i></li> </ul>	
<b>1:45-2:45</b>	<b>Traditional Knowledge (TK)</b> <ul style="list-style-type: none"> <li>Building a common understanding of TK</li> <li><i>Group Breakout Sessions: Questions and Input</i></li> </ul>	<i>Noemie Boulanger, FLNROD</i>
<b>2:45-3:00</b>	<b>BREAK</b>	
<b>3:00-4:00</b>	<b>Timber Supply Review – Collaboration on TSR – A New Way Forward</b> <ul style="list-style-type: none"> <li>New approaches (collaboration)</li> <li>Pilot project update</li> <li><i>Group Breakout Sessions: Questions and Input</i></li> </ul>	<i>Christine Fletcher, FLNROD</i>
<b>4:00-4:30</b>	<b>Wrap-Up</b> <ul style="list-style-type: none"> <li>Comments</li> <li>Day 2 overview and structure</li> </ul>	<i>Keith Atkinson, FNFC Charles Hunter, FLNROD</i>

**WEDNESDAY MAY 2, 2018**

<b>8:00-8:30</b>	<b>Registration and Refreshments</b>	
<b>8:30-8:45</b>	<b>Day 2 Overview</b> <ul style="list-style-type: none"> <li>Day 1 Review</li> <li>Day 1 Overview - Break out sessions</li> </ul>	<i>Julia Vanderham, FLNROD</i>
<b>8:45-9:45</b>	<b>FNFC Program Initiative Update</b> <ul style="list-style-type: none"> <li>BC First Nations Workforce Initiative</li> <li><input type="checkbox"/> Stewardship and Training</li> </ul>	<i>Keith Atkinson, FNFC</i>
<b>9:45-10:45</b>	<b>PROVINCIAL BREAKOUT SESSIONS</b>	
Quadra Room	Consultation Dashboard	
Dunsmuir Room	Natural Resource Online Services	
Malaspina Room	Bio-Economy	
<b>10:45-11:00</b>	<b>BREAK</b>	
<b>11:00-11:45</b>	<b>PROVINCIAL BREAKOUT SESSIONS</b>	
Quadra Room	Consultation during Emergencies & Disasters	
Dunsmuir Room	Strategic Forestry Initiative	
Malaspina Room	Consultation Dashboard	
<b>11:45-12:30</b>	<b>LUNCH</b>	
<b>12:30-1:45</b>	<b>PROVINCIAL BREAKOUT SESSIONS</b>	
Quadra Room	Strategic Forestry Initiative	
Dunsmuir Room	Natural Resource Online Services	
Malaspina Room	Consultation during Emergencies & Disasters	
<b>1:45-2:00</b>	<b>BREAK</b>	
<b>2:00-3:00</b>	<b>PROVINCIAL BREAKOUT SESSIONS</b>	
Quadra Room	Strategic Forestry Initiative	
Dunsmuir Room	Natural Resource Online Services	
Malaspina Room	Integrating Investments in Forests and Ecosystems	
<b>3:00-4:00</b>	<b>PROVINCIAL BREAKOUT SESSIONS</b>	
Quadra Room	Iconic Tree Initiative	
Dunsmuir Room	Consultation Dashboard	
Malaspina Room	Consultation during Emergencies & Disasters	
<b>4:00-4:30</b>	<b>WRAP UP</b> <ul style="list-style-type: none"> <li>Closing Comments</li> </ul>	<i>Keith Atkinson, FNFC</i> <i>Charles Hunter, FLNROD</i>

**MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE  
OPERATIONS AND RURAL DEVELOPMENT  
INFORMATION NOTE**

Date: June 11, 2018

File: 280-20

CLIFF: NRS 237432

**PREPARED FOR: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development**

**ISSUE: MINISTRY FRAMEWORK FOR IMPLEMENTING THE CALLS TO ACTION FROM THE TRUTH AND RECONCILIATION COMMISSION AND THE PRINCIPLES OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES**

**BACKGROUND:**

Given the mandate letter direction and statements made by the Province, Indigenous communities have high expectations for substantive and transformative change, and expect that our Ministry is taking action to implement the principles of the United Nations Declaration on the Rights of Indigenous Peoples (Declaration) and the Truth and Reconciliation Commission (TRC) Calls to Action. In order to meet these expectations, the Ministry must build a framework from which we can take action to achieve the mandate letter direction or risk perpetuating adversarial relationships and impeding the process of reconciliation.

**DISCUSSION:**

While many aspects of implementation rely on the formalization of higher level policy decisions (e.g. Free, Prior and Informed Consent interpretation, new approach to title resolution), there are several practical and substantive steps the Ministry can take to advance the mandate letter direction while we wait for strategic policy direction from Cabinet. These include establishing a framework that identifies an overarching set of Ministry objectives and strategies, developing a governance structure to support these objectives, and preparing staff for a change in how we engage with Indigenous communities.

**Ministry Objectives**

The following objectives form the framework within which the Ministry will take actions to achieve the mandate of moving forward on the TRC's Calls to Action, and implementing the principles of the Declaration:

1. Engage in dialogue with indigenous communities regarding the Ministry's approach to the Declaration and the TRC's Calls to Action;
2. Continue to align Ministry culture towards reconciliation with indigenous peoples;
3. Review opportunities to promote partnership with indigenous communities through program level operations;
4. Review policy, programs and legislation to reduce barriers to reconciliation and collaboration;

5. Develop new initiatives that facilitate meaningful reconciliation with indigenous peoples in consideration of their social, economic and environmental expectations and aspirations; and
6. Move beyond transactional consultation to strategic engagement.

Achieving these objectives will be accomplished through the implementation of a work plan attached here as **Appendix A**. Defining the Ministry's objectives will clearly convey to staff the importance of implementing the Declaration and the Calls to Action and enable the Ministry to advance its mandate letter obligations within a coordinated framework.

The Ministry is working on a number of strategic initiatives, as outline in the **Appendix A**, to advance the implementation of the Declaration and the Calls to Action. These include:

- Collaborative Stewardship Framework – which is a range of options to implement shared decision making/collaborative land management with Indigenous communities;
- Revitalizing Land Use Planning – the Ministry is looking at ways to revitalize land use planning in the province through pilot projects with Indigenous communities
- Expanding the Aboriginal Liaison Program (ALP) – the Natural Resource Ministries is looking to expand the application of ALP to monitoring initiatives beyond the oil and gas sector; and
- Revenue Sharing – the Ministry is participating in a broader conversation on the approach to revenue sharing with MIRR.

On May 22, 2018, Don Wright announced a set of 10 Draft Principles that guide the Province's relationship with Indigenous peoples. The Principles are a tool to guide us in meeting our ministry mandate letter commitment to bring the articles of the Declaration into action and to move forward on the Calls to Action. While the ministry's 6 objectives were developed prior to the release of the Principles, we believe the proposed objectives are fully aligned and in support of the Principles.

### **Ministry Governance Structure and Resourcing**

The delivery of the work plan should be carried out in a coordinated manner that is attentive to the interaction of changes and their implications on service delivery at the operational level. An internal governance structure is required to ensure consistent application of policy decisions, monitor progress, coordinate external engagement, and align policy, regulatory, and legislative changes. This will become more important as the ministry progresses from discussing options for change, to changing policy and legislation.

A dedicated ADM or Executive level team will be needed to act as a strategic governance body charged with making decisions on the advancement of the work plan. A dedicated secretariat (either First Nations Relations Branch staff or another dedicated group) would support and implement the direction of the governance body by developing policies, guidance materials, and leading some aspects of the work plan, while coordinating the involvement of other work units in the work plan.

The Ministry will continue to work with other Ministries and Agencies in government to achieve a consistent approach in the implementation of the Declaration and the Calls to Action. This work will be done with existing provincial level structures such as the Deputy Minister Committee on Natural Resources and regional bodies like Resource Manager Committees.

Implementation of the principles of the Declaration will require new work to be completed, and likely will mean that existing work requires additional time and effort, at least in the short term. Some of this workload pressure may be addressed through a reprioritization of existing work, however, it is anticipated that additional resources will be needed throughout the Ministry.

### **Preparing Staff through Training**

Regardless of specific policy direction, the Ministry's success in achieving the objectives above relies on preparing staff to approach Indigenous communities as partners in reconciliation and land management. Training is essential to shifting the Ministry's culture, and is also responsive to TRC Call to Action 57, which calls for governments to provide education to public servants on the history of Aboriginal peoples, the Declaration, Treaties, Aboriginal Rights, Indigenous law and Aboriginal-Crown relations.

For training to be successful in supporting a shift in Ministry culture, it will be necessary to have executive level support and participation in training initiatives. The dedicated governance group and secretariat will be looking to all levels of executive to lead by example in adopting this culture shift.

The following steps will be undertaken, subject to resourcing:

- Existing training materials will be updated and adapted to help to achieve these learning goals.
- Where necessary, new training materials or curricula will be developed to increase awareness of all staff of the importance of reconciliation and improve our capacity to engage with Indigenous communities.
- Training will be provided to staff across the Ministry through several phases over a three year period and provided to newly recruited staff on an ongoing basis.
- Consideration of training will be incorporated at the recruitment stage through use of Aboriginal Relations Behavioural Competencies.
- Minimum training standards will be established based on position requirements.

### **CONCLUSION:**

The work plan articulated in this note provides the initial framework for meaningful implementation of the Declaration and TRC's Calls to Action. It also describes linkages to the recently released 10 Draft Principles. Having said this, the business of the Ministry still needs to continue. We are required to continue to manage the landbase as guided by existing case law, legislation, and agreements with First Nations. This commitment to continue to manage the landbase within existing case law, legislation, and agreements with First Nations will need to be communicated to our staff.

Stakeholder interests will be substantial as this process is developed. And given the new direction, it will be important to work closely with Indigenous communities in reaching out to engage industry partners. A sensitive balance will need to be struck in this regard.

Staffing of the secretariat and the training initiatives proposed will require significant funding and staff time to complete. Amending of Division and Branch level work plans may be required to achieve this mandate letter requirement. Despite these immediate challenges, there are many opportunities to pursue mutually beneficial solutions with Indigenous communities as partners in managing the land base.

**Contact:**

*ADM: Chris Stagg  
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*Name: Peter Wyatt, A/Executive Director  
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**Prepared by:**

*Name: Charles Hunter, Director  
Branch: First Nations Relations  
Phone: 250 387-6719*

Reviewed by	Initials	Date
DM		
DMO		
ADM	CS (FNELT)	June 11, 2018
ED	PW	June 1, 2018
PRGM Dir/ Mgr.	CH	Apr 24/18

## Appendix A – Declaration/TRC’s Calls to Action Implementation High-level Workplan

FLNRORD Objective	Proposed Action to Implement UNDRIP and TRC Calls to Action	Linkages to 10 draft principles
<b>#1. Engage in a dialogue with Indigenous communities regarding the Ministry’s approach to the Declaration and the TRC’s Calls to Action;</b>	<ol style="list-style-type: none"> <li>1. Continue to utilize and expand forums that facilitate policy discussions such as the First Nations Forest Strategy Advisory Group</li> <li>2. Expand structured outreach to communities at the region and area levels through workshops facilitated by First Nation partners</li> <li>3. Align existing strategic forums developed through agreement with policy, program, and legislative review processes</li> <li>4. Enable local senior management to proactively seek out ideas and directions from First Nations outside of structured consultation processes</li> </ol>	<p>By engaging in a dialogue with Indigenous communities on how we are implementing UNDRIP and the Calls to Action, we are implementing the Draft Principles.</p> <p>FLNRORD engagement with Indigenous communities and organizations is important to being the “work with Indigenous peoples to jointly design, and implement principled, pragmatic and organized approaches informed by the Supreme Court of Canada Tsilhqot’in decision and other established law, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission (TRC) Calls to Action.”</p> <p>There is a growing recognition within FLNRORD that Indigenous communities are not stakeholders but rather governments. We will continue to use draft principles such as principle 1 and 2 to recognize that our engagement must be guided by “recognition and respect for the right to self-determination, including the inherent right of self-government for Indigenous nations.”</p>
<b>#2. Continue to align Ministry culture towards reconciliation with Indigenous peoples;</b>	<ol style="list-style-type: none"> <li>1. Deliver Cultural understanding and indigenous/colonial history training across the Ministry (MIRR developing some of this)</li> <li>2. UNDRIP/TRC Pocketbook distribution</li> <li>3. Executive communications</li> <li>4. Establish minimum training standards and ongoing training opportunities</li> <li>5. MyPerformance requirements for all excluded managers and supervisors</li> <li>6. Service plan (3 new policies this year) is a critical performance indicator</li> </ol>	<p>FLNRORD is currently looking to update its training guide for First Nations Relations Staff. FNRB is working with regional staff and other divisions to develop a process to identify training needs and resources.</p> <p>The alignment of the culture to support reconciliation means that we need to shift away from the concept of treating Indigenous communities as stakeholders. FLNRORD will be looking to support staff to recognize that Indigenous communities are governments and that we are developing a partnership with them to map</p>

FLNRORD Objective	Proposed Action to Implement UNDRIP and TRC Calls to Action	Linkages to 10 draft principles
		out how UNDRIP and the Calls to Action can be implemented.
<b>#3. Review opportunities to promote partnership with Indigenous communities through program level operations;</b>	<ol style="list-style-type: none"> <li>1. Provincial level guidance on prioritization of First Nations participation and issues resolution across business lines</li> <li>2. Collaboration/engagement review               <ol style="list-style-type: none"> <li>a. Develop collaboration options guidance document to assist staff in identifying acceptable situations and options for proactive collaboration with First Nations</li> <li>b. Branch, or service area level evaluation of opportunities for collaboration outside the consultation process</li> </ol> </li> <li>3. Program level service delivery review               <ol style="list-style-type: none"> <li>a. Evaluation of norms of service to identify how better to align operations with direction from executive on the priority of First Nations as partners in realizing the principles of the Declaration/TRC's Calls to Action</li> </ol> </li> </ol>	<p>Under Draft Principle 8, we are looking how to develop capacity of Indigenous communities to benefit from development within their traditional territories.</p> <p>There are a number of programs and services that we are looking at to develop or expand to realize the draft principles. Expanding programs such as:</p> <ul style="list-style-type: none"> <li>• Collaborative Stewardship Framework – creating a range of inclusive consultation and decision making processes</li> <li>• Aboriginal Liaison Program – expanding monitoring to other land management activities</li> <li>• Environment Stewardship Initiative – creating new processes to ensure appropriate information is available for review of major projects.</li> </ul>
<b>#4. Review policy, programs and legislation to reduce barriers to reconciliation and collaboration;</b>	<ol style="list-style-type: none"> <li>1. Program level policy review               <ol style="list-style-type: none"> <li>a. Branch, or service area review of existing guidance and policy at operational level to determine conformity with executive direction on the Declaration/TRC's Calls to Action</li> <li>b. Discussion at local levels and through established forums of options for modification</li> </ol> </li> <li>2. Legislative review               <ol style="list-style-type: none"> <li>a. Evaluation of legislation would be a final outcome of discussion with First Nations, and the program area reviews.</li> </ol> </li> </ol>	<p>Under Principle 9, FLNRORD is looking at actions that we can take in both the short, medium and long term. In our engagement process with Indigenous communities on forestry, we are looking at developing a recommendation report on how the BC First Nations Forestry Strategy can be moved forward with meaningful input from Indigenous communities and organizations.</p> <p>We expect that there will be a number of changes proposed to move programs and initiatives under the First Nation Forestry Strategy to better reflect and implement the principles of UNDRIP and the Calls to action.</p> <p>In terms of legislative review, we are currently reviewing the contrite actions to support the Commitments Document. Under that document, there was discussion</p>

FLNRORD Objective	Proposed Action to Implement UNDRIP and TRC Calls to Action	Linkages to 10 draft principles
		about establishing a joint table with the First Nations Leadership Council to review forestry legislation. FLNRORD will be exploring this action and developing options on how to implement it, including resourcing requirements.
<b>#5. Develop new initiatives that facilitate meaningful reconciliation with Indigenous peoples in consideration of their social, economic and environmental expectations and aspirations</b>	<ol style="list-style-type: none"> <li>1. Development of new services and programs that better realize the principles of Declaration/TRC's Calls to Action, Examples might include:               <ol style="list-style-type: none"> <li>a. Extension services,</li> <li>b. Reg. econ. dev. funding</li> <li>c. Road and Infrastructure development fund</li> <li>d. Regional Indigenous Advisory Boards</li> <li>e. Implementation of Collaborative Stewardship Framework</li> </ol> </li> </ol>	FLNRORD is looking to expand the tools available for reconciliation. We are conducting a review of existing initiatives, such as the Strategic Forestry Initiative, with Indigenous communities to identify opportunities to expand and improve it.
<b>#6. Move beyond transactional consultation to strategic engagement.</b>	<ol style="list-style-type: none"> <li>1. Continue to manage the landbase as guided by existing legislation and case law while we engage with First Nations on how the Ministry will approach the implementation of the Calls to Action and the Declaration.</li> <li>2. Development of new guidance for small scale collaboration opportunities</li> <li>3. Strategic Resourcing evaluation               <ol style="list-style-type: none"> <li>a. Review of program delivery approaches to identify strategic efficiencies and enable consultation staff to take on a broader set of relationship related responsibilities</li> </ol> </li> </ol>	<p>Under Principle 6 and 7, FLNRORD recognizes that existing policies on consultation and accommodation are inadequate. By developing new approaches to decision making, engagement and relationship building, we will support the move building better processes to obtain free, prior and informed consent.</p> <p>Under Principle 5, we will work towards improving how agreements with Indigenous communities are implemented. This will include a review of how the Ministry supports other agencies in negotiating agreements and identifying the necessary resources to effectively implement these agreements.</p>

**MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE  
OPERATIONS AND RURAL DEVELOPMENT  
INFORMATION NOTE**

Date: June 11, 2018

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CLIFF: NRS 237432

**PREPARED FOR: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development**

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DMO	AN	June 11, 2018
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## Appendix A – Declaration/TRC’s Calls to Action Implementation High-level Workplan

FLNRORD Objective	Proposed Action to Implement UNDRIP and TRC Calls to Action	Linkages to 10 draft principles
<b>#1. Engage in a dialogue with Indigenous communities regarding the Ministry’s approach to the Declaration and the TRC’s Calls to Action;</b>	<ol style="list-style-type: none"> <li>1. Continue to utilize and expand forums that facilitate policy discussions such as the First Nations Forest Strategy Advisory Group</li> <li>2. Expand structured outreach to communities at the region and area levels through workshops facilitated by First Nation partners</li> <li>3. Align existing strategic forums developed through agreement with policy, program, and legislative review processes</li> <li>4. Enable local senior management to proactively seek out ideas and directions from First Nations outside of structured consultation processes</li> </ol>	<p>By engaging in a dialogue with Indigenous communities on how we are implementing UNDRIP and the Calls to Action, we are implementing the Draft Principles.</p> <p>FLNRORD engagement with Indigenous communities and organizations is important to being the “work with Indigenous peoples to jointly design, and implement principled, pragmatic and organized approaches informed by the Supreme Court of Canada Tsilhqot’in decision and other established law, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation Commission (TRC) Calls to Action.”</p> <p>There is a growing recognition within FLNRORD that Indigenous communities are not stakeholders but rather governments. We will continue to use draft principles such as principle 1 and 2 to recognize that our engagement must be guided by “recognition and respect for the right to self-determination, including the inherent right of self-government for Indigenous nations.”</p>
<b>#2. Continue to align Ministry culture towards reconciliation with Indigenous peoples;</b>	<ol style="list-style-type: none"> <li>1. Deliver Cultural understanding and indigenous/colonial history training across the Ministry (MIRR developing some of this)</li> <li>2. UNDRIP/TRC Pocketbook distribution</li> <li>3. Executive communications</li> <li>4. Establish minimum training standards and ongoing training opportunities</li> <li>5. MyPerformance requirements for all excluded managers and supervisors</li> <li>6. Service plan (3 new policies this year) is a critical performance indicator</li> </ol>	<p>FLNRORD is currently looking to update its training guide for First Nations Relations Staff. FNRB is working with regional staff and other divisions to develop a process to identify training needs and resources.</p> <p>The alignment of the culture to support reconciliation means that we need to shift away from the concept of treating Indigenous communities as stakeholders. FLNRORD will be looking to support staff to recognize that Indigenous communities are governments and that we are developing a partnership with them to map</p>

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		out how UNDRIP and the Calls to Action can be implemented.
<b>#3. Review opportunities to promote partnership with Indigenous communities through program level operations;</b>	<ol style="list-style-type: none"> <li>1. Provincial level guidance on prioritization of First Nations participation and issues resolution across business lines</li> <li>2. Collaboration/engagement review               <ol style="list-style-type: none"> <li>a. Develop collaboration options guidance document to assist staff in identifying acceptable situations and options for proactive collaboration with First Nations</li> <li>b. Branch, or service area level evaluation of opportunities for collaboration outside the consultation process</li> </ol> </li> <li>3. Program level service delivery review               <ol style="list-style-type: none"> <li>a. Evaluation of norms of service to identify how better to align operations with direction from executive on the priority of First Nations as partners in realizing the principles of the Declaration/TRC's Calls to Action</li> </ol> </li> </ol>	<p>Under Draft Principle 8, we are looking how to develop capacity of Indigenous communities to benefit from development within their traditional territories.</p> <p>There are a number of programs and services that we are looking at to develop or expand to realize the draft principles. Expanding programs such as:</p> <ul style="list-style-type: none"> <li>• Collaborative Stewardship Framework – creating a range of inclusive consultation and decision making processes</li> <li>• Aboriginal Liaison Program – expanding monitoring to other land management activities</li> <li>• Environment Stewardship Initiative – creating new processes to ensure appropriate information is available for review of major projects.</li> </ul>
<b>#4. Review policy, programs and legislation to reduce barriers to reconciliation and collaboration;</b>	<ol style="list-style-type: none"> <li>1. Program level policy review               <ol style="list-style-type: none"> <li>a. Branch, or service area review of existing guidance and policy at operational level to determine conformity with executive direction on the Declaration/TRC's Calls to Action</li> <li>b. Discussion at local levels and through established forums of options for modification</li> </ol> </li> <li>2. Legislative review               <ol style="list-style-type: none"> <li>a. Evaluation of legislation would be a final outcome of discussion with First Nations, and the program area reviews.</li> </ol> </li> </ol>	<p>Under Principle 9, FLNRORD is looking at actions that we can take in both the short, medium and long term. In our engagement process with Indigenous communities on forestry, we are looking at developing a recommendation report on how the BC First Nations Forestry Strategy can be moved forward with meaningful input from Indigenous communities and organizations.</p> <p>We expect that there will be a number of changes proposed to move programs and initiatives under the First Nation Forestry Strategy to better reflect and implement the principles of UNDRIP and the Calls to action.</p> <p>In terms of legislative review, we are currently reviewing the contrite actions to support the Commitments Document. Under that document, there was discussion</p>

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		about establishing a joint table with the First Nations Leadership Council to review forestry legislation. FLNRORD will be exploring this action and developing options on how to implement it, including resourcing requirements.
<b>#5. Develop new initiatives that facilitate meaningful reconciliation with Indigenous peoples in consideration of their social, economic and environmental expectations and aspirations</b>	<ol style="list-style-type: none"> <li>1. Development of new services and programs that better realize the principles of Declaration/TRC's Calls to Action, Examples might include:               <ol style="list-style-type: none"> <li>a. Extension services,</li> <li>b. Reg. econ. dev. funding</li> <li>c. Road and Infrastructure development fund</li> <li>d. Regional Indigenous Advisory Boards</li> <li>e. Implementation of Collaborative Stewardship Framework</li> </ol> </li> </ol>	FLNRORD is looking to expand the tools available for reconciliation. We are conducting a review of existing initiatives, such as the Strategic Forestry Initiative, with Indigenous communities to identify opportunities to expand and improve it.
<b>#6. Move beyond transactional consultation to strategic engagement.</b>	<ol style="list-style-type: none"> <li>1. Continue to manage the landbase as guided by existing legislation and case law while we engage with First Nations on how the Ministry will approach the implementation of the Calls to Action and the Declaration.</li> <li>2. Development of new guidance for small scale collaboration opportunities</li> <li>3. Strategic Resourcing evaluation               <ol style="list-style-type: none"> <li>a. Review of program delivery approaches to identify strategic efficiencies and enable consultation staff to take on a broader set of relationship related responsibilities</li> </ol> </li> </ol>	<p>Under Principle 6 and 7, FLNRORD recognizes that existing policies on consultation and accommodation are inadequate. By developing new approaches to decision making, engagement and relationship building, we will support the move building better processes to obtain free, prior and informed consent.</p> <p>Under Principle 5, we will work towards improving how agreements with Indigenous communities are implemented. This will include a review of how the Ministry supports other agencies in negotiating agreements and identifying the necessary resources to effectively implement these agreements.</p>

**MINISTRY OF FORESTS, LANDS AND NATURAL RESOURCE  
OPERATIONS AND RURAL DEVELOPMENT  
INFORMATION NOTE**

Date: June 11, 2018

File: 280-20

CLIFF: NRS 237432

**PREPARED FOR: Honourable Doug Donaldson, Minister of Forests, Lands, Natural Resource Operations and Rural Development**

**ISSUE: MINISTRY FRAMEWORK FOR IMPLEMENTING THE CALLS TO ACTION FROM THE TRUTH AND RECONCILIATION COMMISSION AND THE PRINCIPLES OF THE UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES**

**BACKGROUND:**

Given the mandate letter direction and statements made by the Province, Indigenous communities have high expectations for substantive and transformative change, and expect that our Ministry is taking action to implement the principles of the United Nations Declaration on the Rights of Indigenous Peoples (Declaration) and the Truth and Reconciliation Commission (TRC) Calls to Action. In order to meet these expectations, the Ministry must build a framework from which we can take action to achieve the mandate letter direction or risk perpetuating adversarial relationships and impeding the process of reconciliation.

**DISCUSSION:**

While many aspects of implementation rely on the formalization of higher level policy decisions (e.g. Free, Prior and Informed Consent interpretation, new approach to title resolution), there are several practical and substantive steps the Ministry can take to advance the mandate letter direction while we wait for strategic policy direction from Cabinet. These include establishing a framework that identifies an overarching set of Ministry objectives and strategies, developing a governance structure to support these objectives, and preparing staff for a change in how we engage with Indigenous communities.

**Ministry Objectives**

The following objectives form the framework within which the Ministry will take actions to achieve the mandate of moving forward on the TRC's Calls to Action, and implementing the principles of the Declaration:

1. Engage in dialogue with indigenous communities regarding the Ministry's approach to the Declaration and the TRC's Calls to Action;
2. Continue to align Ministry culture towards reconciliation with indigenous peoples;
3. Review opportunities to promote partnership with indigenous communities through program level operations;
4. Review policy, programs and legislation to reduce barriers to reconciliation and collaboration;

5. Develop new initiatives that facilitate meaningful reconciliation with indigenous peoples in consideration of their social, economic and environmental expectations and aspirations; and
6. Move beyond transactional consultation to strategic engagement.

Achieving these objectives will be accomplished through the implementation of a work plan attached here as **Appendix A**. Defining the Ministry's objectives will clearly convey to staff the importance of implementing the Declaration and the Calls to Action and enable the Ministry to advance its mandate letter obligations within a coordinated framework.

The Ministry is working on a number of strategic initiatives, as outlined in the **Appendix A**, to advance the implementation of the Declaration and the Calls to Action. These include:

- Collaborative Stewardship Framework – which is a range of options to implement shared decision making/collaborative land management with Indigenous communities;
- Revitalizing Land Use Planning – the Ministry is looking at ways to revitalize land use planning in the province through pilot projects with Indigenous communities
- Expanding the Aboriginal Liaison Program (ALP) – the Natural Resource Ministries are looking to expand the application of ALP to monitoring initiatives beyond the oil and gas sector; and
- Revenue Sharing – the Ministry is participating in a broader conversation on the approach to revenue sharing with MIRR.

On May 22, 2018, Don Wright announced a set of 10 Draft Principles that guide the Province's relationship with Indigenous peoples. The Principles are a tool to guide us in meeting our Ministry mandate letter commitment to bring the articles of the Declaration into action and to move forward on the Calls to Action. While the Ministry's 6 objectives were developed prior to the release of the Principles, we believe the proposed objectives are fully aligned and in support of the Principles.

### **Ministry Governance Structure and Resourcing**

The delivery of the work plan should be carried out in a coordinated manner that is attentive to the interaction of changes and their implications on service delivery at the operational level. An internal governance structure is required to ensure consistent application of policy decisions, monitor progress, coordinate external engagement, and align policy, regulatory, and legislative changes. This will become more important as the Ministry progresses from discussing options for change, to changing policy and legislation.

A dedicated ADM or Executive level team will be needed to act as a strategic governance body charged with making decisions on the advancement of the work plan. A dedicated secretariat (either First Nations Relations Branch staff or another dedicated group) would support and implement the direction of the governance body by developing policies, guidance materials, and leading some aspects of the work plan, while coordinating the involvement of other work units in the work plan.

The Ministry will continue to work with other Ministries and Agencies in government to achieve a consistent approach in the implementation of the Declaration and the Calls to Action. This work will be done with existing provincial level structures such as the Deputy Minister Committee on Natural Resources and regional bodies like Resource Manager Committees.

Implementation of the principles of the Declaration will require new work to be completed, and likely will mean that existing work requires additional time and effort, at least in the short term. Some of this workload pressure may be addressed through a reprioritization of existing work, however, it is anticipated that additional resources will be needed throughout the Ministry.

### **Preparing Staff through Training**

Regardless of specific policy direction, the Ministry's success in achieving the objectives above relies on preparing staff to approach Indigenous communities as partners in reconciliation and land management. Training is essential to shifting the Ministry's culture, and is also responsive to TRC Call to Action 57, which calls for governments to provide education to public servants on the history of Aboriginal peoples, the Declaration, Treaties, Aboriginal Rights, Indigenous law and Aboriginal-Crown relations.

For training to be successful in supporting a shift in Ministry culture, it will be necessary to have executive level support and participation in training initiatives. The dedicated governance group and secretariat will be looking to all levels of executive to lead by example in adopting this culture shift.

The following steps will be undertaken, subject to resourcing:

- Existing training materials will be updated and adapted to help achieve these learning goals.
- Where necessary, new training materials or curricula will be developed to increase awareness of all staff of the importance of reconciliation and improve our capacity to engage with Indigenous communities.
- Training will be provided to staff across the Ministry through several phases over a three year period and provided to newly recruited staff on an ongoing basis.
- Consideration of training will be incorporated at the recruitment stage through use of Aboriginal Relations Behavioural Competencies.
- Minimum training standards will be established based on position requirements.

### **CONCLUSION:**

The work plan articulated in this note provides the initial framework for meaningful implementation of the Declaration and TRC's Calls to Action. It also describes linkages to the recently released 10 Draft Principles. Having said this, the business of the Ministry still needs to continue. We are required to continue to manage the landbase as guided by existing case law, legislation, and agreements with First Nations. This commitment to continue to manage the landbase within existing case law, legislation, and agreements with First Nations will need to be communicated to our staff.

Stakeholder interests will be substantial as this process is developed. And given the new direction, it will be important to work closely with Indigenous communities in reaching out to engage industry partners. A sensitive balance will need to be struck in this regard.

Staffing of the secretariat and the training initiatives proposed will require significant funding and staff time to complete. Amending of Division and Branch level work plans may be required to achieve this mandate letter requirement. Despite these immediate challenges, there are many opportunities to pursue mutually beneficial solutions with Indigenous communities as partners in managing the land base.

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Reviewed by	Initials	Date
DM		
DMO	AN	June 11, 2018
ADM	CS (FNELT)	June 11, 2018
ED	PW	June 1, 2018
PRGM Dir/ Mgr.	CH	Apr 24/18

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