

**Meeting Record:
Joint Core Political Table (JCPT)
March 30, 2023 – 8:00am – 9:00am**

Attendees

BC

Honourable Murray Rankin, Minister
Doug White, Special Counsel to the Premier on
Indigenous Reconciliation

MIRR Staff:

- Tom McCarthy, A/Deputy Minister
- Ann Marie Sam, Assistant Deputy Minister
- Alexandra Banford, A/Assistant Deputy Minister
- Richard Grieve, Executive Lead
- Emily Arthur, Executive Director
- Katrina Annett, Senior Policy Analyst

MAG Staff:

- Niki Sharma, Attorney General
- Barbara Carmichael, A/Deputy Attorney General
- Paul Yearwood, Supervising Counsel

Secretariat Staff:

- Jessica Wood, Associate Deputy Minister
- Priscilla Sabbas-Watts, Assistant Deputy Minister

FNLC

Terry Teegee, Regional Chief, BCAFN
Robert Phillips, Political Executive, FNS
Hugh Braker, Political Executive, FNS
Grand Chief Stewart Phillip, President, UBCIC
Chief Marilyn Slett, Secretary-Treasurer, UBCIC

Chair:

- Leah George-Wilson, Co-Chair, FNS

FNLC Staff:

- Harmony Johnson, Advisor to FNLC
- Ray Harris, Co-chair, FNS
- Colin Braker, Communications Director, FNS
- Andrea Glickman, Policy Director, UBCIC
- Rosanne Kyle, Legal Counsel, UBCIC
- Derek Odgers, Legal Counsel, BCAFN
- Maureen Buchan, Senior Policy Director, BCAFN
- Sarah Froese, Policy Analyst, BCAFN

Decision Items

- Sept 9, 2023, Meeting Record accepted.

Action Items

- Special Counsel to the Premier on Indigenous Reconciliation to meet with FNLC regarding expectations about the UN Declaration on the Rights of Indigenous Peoples, Rights and Title, and co-management of lands and resources.
- **s. 14**
- MIRR and FNLC to prepare a summary of current relevant work regarding advancing concrete action 6 – Comprehensive multi-year strategy to jointly promote the education of British Columbians to recognize the history and contributions of First Nations – and determine if there is any proposal for additional work.

Meeting Summary
Joint Core Working Group
May 18, 2023

Actions:

- MIRR to provide update on intended steps regarding May 12 correspondence from Province to MNBC.
- MIRR and FNLC to endeavour to follow a “no surprises” principle in taking next steps on this issue.
- s. 14
s. 14

Summary of FNLC’s Advice for the Minister regarding May 12 Letter to MNBC:

s. 13, s. 16



Ref. 58917

May 12, 2023

President Lissa Dawn Smith
Métis Nation British Columbia
380 – 13401 108 Avenue
Surrey BC V3T 5T3

Dear President Lissa Dawn Smith:

The Province of British Columbia (Province) recognizes Métis Nation British Columbia (MNBC) as the representative government of Métis in British Columbia (BC). The Province looks forward to continuing to work together to strengthen our government-to-government relationship, aligned with our 2021 Letter of Intent to pursue a “whole of government” approach to shaping our commitments and establishing a reconciliation agreement.

In 2006, MNBC and the Province signed the Métis Nation Relationship Accord, which was renewed in 2016 as the Métis Nation Relationship Accord II. Federally, in 2017, the Canada-Métis Nation Accord was signed by the Prime Minister, acknowledging the Métis Nation’s right to self-determination and self-government. The following year, a Memorandum of Understanding between Canada and MNBC was signed to continue advancing Métis self-determination in British Columbia.

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Ministry of
Indigenous Relations
and Reconciliation

Office of the
Minister

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Box 9151 Stn Prov Govt
Victoria BC V8W 9E2
email: IRR.Minister@gov.bc.ca
website: www.gov.bc.ca/irr

Telephone: 250 953-4844
Facsimile: 250 953-4856

The Province is committed to a distinctions-based approach in our work with Métis Nation BC in a manner that acknowledges the specific rights, interests, and priorities of Métis people in meaningful consultation and collaboration to implement self-determination and self-government, and the Province recognizes that Métis people in BC have certain Aboriginal rights as one of the three distinct groups of Indigenous peoples in Canada under Section 35 of the *Constitution Act, 1982*.

The Province looks forward to continuing to work together to achieve the distinctions-based commitments outlined in the *Declaration on the Rights of Indigenous Peoples Act* Action Plan, and to achieving our shared priorities and outcomes.

Sincerely,

A handwritten signature in blue ink, appearing to read "Murray Rankin". The signature is fluid and cursive, with the first name "Murray" and the last name "Rankin" clearly distinguishable.

Murray Rankin, KC
Minister of Indigenous Relations and Reconciliation



Ref. 58871

May 30, 2023

Lissa Dawn Smith
President
Métis Nation British Columbia
Email: lsmith@mnbc.ca

Dear President Lissa Smith:

I am writing as a follow-up to my correspondence to you of May 12, 2023, and to set out some perspectives upon which the Province intends to advance its work with Métis Nation British Columbia (MNBC). I recognize that my previous correspondence could result in misinterpretation of the Provincial position in respect of these matters. I regret any misunderstanding that may have caused, particularly in respect of certain distinctions and terms which were not carefully set out. To that end, this correspondence is intended to replace and supersede my May 12, 2023 letter.

We understand that MNBC agrees with and accepts the Province's distinctions-based requirement as outlined in the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act). This approach has a legal foundation in the *Constitution Act, 1982* and the Declaration Act, and should be taken in respect of Indigenous legal orders. This approach has also been affirmed by the Province in policy and practice. In that context, and as part of the political and socio-economic work of addressing the legacy of colonization, systemic racism, and advancing reconciliation, the Province is committed to working with MNBC to, among other things, close gaps in socio-economic outcomes for Métis people living in BC and to recognize and value Métis cultures. This work is distinct in scope, nature, and purpose from Government-to-Government relations with First Nations in BC.

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The Province's understanding is that, to date, there has been no court decision that has confirmed the existence of any identifiable historic rights-bearing Métis community in what is now BC. As such, at the present time, our understanding is that while Métis people, including in BC, hold section 35 rights, those rights do not include any site-specific rights within BC. As a result, Métis rights do not trigger the same Crown obligations with respect to lands and resource decisions that are owed to First Nations under section 35(1).

The Provincial government intends to continue to work with MNBC as it advocates for the interests of Métis people in BC. While the Province agrees that Métis people in BC have non-site-specific section 35 rights, our view is that, at present, MNBC does not have status or authority as an Indigenous Governing Body within the meaning of the Declaration Act. In part, this view is informed by our understanding that section 35 rights are held collectively, and therefore an Indigenous Governing Body under the Declaration Act must be authorized by the proper rights-holding collective. The Province supports the work of MNBC, as part of the Métis National Council, towards self-determination, which the Province understands as part of the broader, collective work of expressing the rights and interests of Métis people in Canada. The Province also understands that MNBC is in the process of determining its position on the nature and content of Métis section 35 rights in BC.

The Province is committed to strengthening its relationship with MNBC, and with Métis people across the province, as we seek to honour the diverse and unique needs of all Indigenous peoples in BC. The Province will continue to work together with MNBC to achieve the distinctions-based commitments outlined in the Declaration Act Action Plan, and to achieve our shared priorities and outcomes.

Sincerely,



Murray Rankin, KC
Minister of Indigenous Relations and Reconciliation

CC: Colette Trudeau, CEO
Métis Nation British Columbia

Tom McCarthy, Deputy Minister
Ministry of Indigenous Relations and Reconciliation

Jennifer Melles, Assistant Deputy Minister
Ministry of Indigenous Relations and Reconciliation

**Joint Core Political Table
Agenda
Thursday, June 1, 2023
11:00am - 12:00pm
[Zoom Meeting](#)**

Chair: Leah George-Wilson

Agenda Item	Time (Allocation)
1. Opening Prayer	11:00am (5 mins)
2. Administration	
a. March 30, 2023 Meeting Record	11:05am (5 mins)
3. Distinctions-Based Approach	
a. Follow up on MIRR correspondence to MNBC	11:10am (20 mins)
b. Indigenous Governing Bodies	11:30am (15 mins)
4. Sections 6/7 Agreements	11:45am (10 mins)
5. Closing Comments	11:55am (5 mins)



Ref. 58824

May 31, 2023

Cheryl Casimer
Robert Phillips
Hugh Braker
First Nations Summit
Suite 1200 – 100 Park Royal South
West Vancouver BC V7T 1A2

Grand Chief Stewart Phillip
Chief Don Tom
Kukpi7 Judy Wilson
Union of British Columbia Indian
Chiefs
401 – 312 Main Street
Vancouver BC V6A 2T2

Regional Chief Terry Teegee
British Columbia Assembly of First Nations
1004 Landooz Road
Prince George BC V2K 5S3

Dear First Nations Leadership Council:

Thank you for your letter of May 18, 2023, regarding your concerns with the May 12, 2023, letter that I had sent to Métis Nation British Columbia (MNBC).

I recognize that the May 12 letter may have resulted in a misinterpretation of the Provincial position, and I regret any misunderstanding that the letter may have caused. I have since issued a letter intended to replace and supersede the May 12 letter, which I attach to this document for your reference.

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The Province is required to take a distinctions-based approach in all relations with First Nations, Métis, and Inuit peoples. This requirement has a legal foundation in the *Constitution Act, 1982* and the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) and should be taken in respect of Indigenous legal orders. This approach has also been affirmed by the Province in policy and practice.

In the context of that distinctions-based approach, it is important to clarify our understanding that, to date, there has been no court decision that has confirmed the existence of any identifiable historic rights-bearing Métis community in what is now BC. As such, at the present time, our understanding is that while Métis people, including those residing in BC, hold section 35 rights, those rights do not include any site-specific rights within BC. As a result, we have taken the consistent position that Métis rights do not trigger the same Crown obligations with respect to lands and resource decisions that are owed to First Nations under section 35(1).

It is also our current view that there is no Métis collective or representative body that has inherent or constitutionally protected site-specific rights or associated jurisdiction in BC. This includes MNBC, the BC Métis Federation, or any other Métis organization. Documents published by MNBC such as *the Laws of the Hunt, First Edition*, their *Consultation Guidelines* and the *MNBC Natural Resources Act* are internal to their organization and are not recognized or applied in any provincial policy as being grounded in a claim to site-specific section 35 rights.

As you are aware, we are working on a distinctions-based approach guidance document that is intended to support provincial agencies in their work with First Nations, Métis, and Inuit in BC. Core to this work is the notion that our relationships with First Nations, Métis, and Inuit peoples will be conducted in a manner that acknowledges, respects, and upholds the distinct interests of each. I recognize that this idea is not well understood across the provincial public service. To that end, I am committed to supporting a comprehensive plan for education and advice, in order to assist BC public officials in taking a coherent and consistent approach to our relationships.

The attached letter to MNBC speaks to our commitment to developing our relationship with MNBC in a manner which is distinct and different from our relationships with First Nations in BC. In advancing a reconciliation framework with MNBC, our intention is to close gaps in socio-economic outcomes for those Métis individuals living in BC and to recognize and value Métis cultures. We emphasize that this work is distinct in scope, nature, and purpose from government-to-government relations with First Nations. I am confident that any agreement negotiated to advance the reconciliation framework with MNBC or any other Métis organization will be transparent and public.

We acknowledge the concerns that have been raised by your letter and we hope that this letter serves as an opportunity to strengthen our shared understandings. This exchange highlights the importance of moving forward with a distinctions-based approach, and to fully implementing that approach within the Provincial public service. We are committed to that work, and I look forward to taking that on in partnership with you.

Sincerely,



Murray Rankin, KC
Minister of Indigenous Relations and Reconciliation

CC: Honourable David Eby, KC
Premier

Enclosure
May 30, 2023 letter to MNBC

**Joint Core Political Table
Annotated Agenda
Thursday, June 1, 2023
11:00 am - 12:00 pm
[Zoom Meeting](#)**

Chair: Leah George-Wilson

Agenda Item

1. Opening Prayer – LEAH GEORGE-WILSON

2. Administration

a. March 30, 2023 Meeting Record – EMILY ARTHUR, EXECUTIVE DIRECTOR

Action Items:

1. Special Counsel to the Premier on Indigenous Reconciliation to meet with FNLC regarding expectations about the UN Declaration on the Rights of Indigenous Peoples, Rights and Title, and co-management of lands and resources.
 - *I will defer to Doug White to speak to this action.*
2. **s. 14**
3. MIRR and FNLC to prepare a summary of current relevant work regarding advancing concrete action 6 – Comprehensive multi-year strategy to jointly promote the education of British Columbians to recognize the history and contributions of First Nations – and determine if there is any proposal for additional work.
 - *Work underway: MIRR and FNLC staff are doing a comparative analysis of Concrete Action 6 and work being done to implement relevant actions in the Declaration Act Action Plan.*

3. Distinctions-Based Approach – MINISTER MURRAY RANKIN

a. Follow up on MIRR correspondence to MNBC – MINISTER MURRAY RANKIN

Background

- *On May 12, 2023, Minister Rankin's office sent a letter to Métis Nation of British Columbia (MNBC) which discusses the Province's relationship with MNBC.*
- **s. 16**

MMR Speaking Notes

- On May 12th, I sent a letter to the President of the Métis Nation BC which outlined the Province's relationship with Métis Nation British Columbia. I am aware of the concerns you have raised in respect of this letter, including in your letter of May 18th
- I have reached out and spoken with some of you about these concerns, and I have recently sent you a response to your letter which sets to clarify what is meant in respect to the distinctions and terms that were used.
- I have also sent a letter to MNBC, which indicates it is intended to replace and supersede the May 12th letter.
- I want to recognize and acknowledge how challenging this discussion is, and express my regret that the May 12th letter mis-characterized the Provincial position.
- s. 14

- As you know, we have been working on a Distinctions-Based Approach document to provide more clarity on B.C.'s position around how we engage with Indigenous Peoples as part of implementing the Declaration Act.
- We received FNLC's feedback on the document on May 26 and will be working through those proposed revisions.
- Not all rights are uniform or the same among or between all Indigenous peoples. Rights are diverse and distinct, arising from and in relation to Indigenous Peoples' unique histories and circumstances.
- It is important we work to bring a common understanding of the distinct rights and interests of Indigenous Peoples in BC, both within the public service and among the public-at-large. And this recent letter exchange has highlighted the importance of that work.
- s. 13

(If asked why the Province sent a letter recognizing MNBC as the representative government of Métis People in B.C.)

- You will see that our May 30th letter, which is intended to replace our May 12th letter, does not make that recognition statement.
- The letter goes on to clarify that we do not, at the present time, recognize MNBC as an Indigenous Governing Body under the Declaration on the Rights on Indigenous Peoples Act.
- I want to be clear that our work with Métis people is distinct in scope, nature, and purpose from our relationships with First Nations in BC.

b. Indigenous Governing Bodies – MINISTER MURRAY RANKIN

Background

Federal Approach:

- *The federal Act respecting First Nations, Inuit and Metis children, youth and families defines as Indigenous Governing Body as “a council, government or other entity that is authorized to act on behalf of an Indigenous group, community or people that holds rights recognized and affirmed by section 35 of the Constitution Act, 1982.”*
- *The more recently introduced federal United Nations Declaration on the Rights of Indigenous Peoples Act does not refer to nor include a definition for Indigenous Governing Bodies. In the federal context, the use of Indigenous Governing Bodies appears to be limited to children and family services.*

Provincial Approach:

- *The provincial Declaration on the Rights of Indigenous Peoples Act (Declaration Act) defines Indigenous Governing Body as “an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982”.*
- *This definition of Indigenous Governing Bodies in the Declaration Act is broad to include many forms of governing structures. Key to this definition is that government wants to be able to engage with the entity that the Indigenous peoples say represents their section 35 constitutional rights for the purposes of entering into an agreement, instead of relying on an Indian Act Band, corporation or society.*
- *This definition is important for the agreement provisions in Sections 6 and 7 of the Declaration Act. The Province can enter into decision-making agreements with Indigenous Governing Bodies that implement free, prior, and informed consent under section 7, or other agreements under section 6.*

- *What constitutes an “entity authorized to act on behalf of Indigenous peoples” is a matter of Indigenous self-determination, as articulated in the UN Declaration including in articles 3, 4, and 5. However, the Province does have an interest in ensuring an Indigenous Governing Body is appropriately authorized and has the experience, capacity and administrative structures to carry out the responsibilities necessary to achieve the intended outcomes of a specific agreement.*

MMR Speaking Notes

Provincial vs Federal Approach:

- Working with Indigenous Peoples, as well as through engagement with other governments and stakeholders, the Province will co-develop approaches and policies regarding new models of decision-making to support negotiations and agreements with Indigenous Governing Bodies. This work is proceeding in collaboration and cooperation with Indigenous Peoples in accordance with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and the Declaration Act.
- The Province has an interest in achieving agreements with Indigenous Governing Bodies under sections 6 and 7 of the Declaration Act that deepen co-operation, develop innovative, accountable, practical and predictable processes of shared, joint, or consent-based decision-making, and support a principled approach to reconciliation consistent with the UN Declaration.
- Modern Treaty First Nations, or other self-governing First Nations such as Shishalh or Westbank, acting through their governments are an example of an Indigenous Governing Body, based on the clear governance structures and accountabilities set out in their Constitution document, and the authorization of those structures through ratification votes by the membership.
- The Tahltan Central Government is another example of an Indigenous Governing Body, who entered into a Section 7 agreement with the Province this past year related to the Eskay Creek Revitalization Project.

IGBs and IGEs

- The Declaration Act states an Indigenous Governing Body means an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the Constitution Act, 1982.
- In recent legislation such as the Anti-Racism Data Act, the term Indigenous Governing Entity has been used.
- According to legislation that uses this term (Freedom of Information and Privacy Act and Anti-Racism Data Act) an Indigenous governing entity means an Indigenous entity that exercises governmental functions, and includes but is not limited to an Indigenous governing body as defined in the Declaration on the Rights of Indigenous Peoples Act.
- All work needs to apply a distinctions-based approach.
- The Province recognizes that it is required to take a distinctions-based approach in all relations with First Nations, Métis, and Inuit peoples. This requirement has a legal foundation in the Constitution Act, 1982 and the Declaration on the Rights of Indigenous Peoples Act. This requirement has also been affirmed by the Province in policy and practice.

AG Sharma Notes

s. 14

4. Sections 6/7 Agreements – MINISTER MURRAY RANKIN

Background

s. 14

s. 16

MMR Speaking Notes

- My ministry, MIRR, continues to lead the development of a consistent approach to legislative amendments that enable the implementation of Declaration Act agreements.
- We will also continue to work closely with you on the implementation of the Declaration Act through the Joint Core Working Group and the Joint Core Political Table.
- As you know, we have worked through this issue with the Ministry of Children and Families to include amendments to enable section 6 and 7 agreements for the Adoption Act and Child, Family and Community Services Act.
- We are continuing to work with other ministries, who are considering legislative amendments, on the inclusion of amendments to enable section 6 and 7 agreements.
- An example of that work is the inclusion of section 6 and 7 amendments in the Emergency and Disaster Management Act, which will be introduced in October.

s. 14

- I recognize that this process – when we work with individual agencies on their own initiatives involving section 6 and 7 – is not perfect. It is slow – and I know that we often find ourselves repeating the same lesson.
- I know that my colleagues who are working through this have found this process challenging and time-consuming.
- I appreciate your patience as we work through this.

s. 14

5. Closing Comments – MINISTER MURRAY RANKIN

MMR Speaking Notes

- Thank you for the conversation today.
- I look forward to our next Joint Core Political Table meeting on September 28th.