

## **ABORIGINAL UPDATE:**

# **MINISTER PLANT COMMITS TO NEW AGREEMENT WITH UBCM**

The UBCM Aboriginal Affairs Committee met with Minister Responsible for Treaty Negotiations, the Hon. Geoff Plant and Minister of Community, Aboriginal and Women's Services, the Hon. George Abbott on March 1, 2002 in Vancouver to discuss the future of local government participation in the treaty process.

Committee member Councillor Mary Ashley advised that a recent conference call with Treaty Advisory Committee Chairs around the province revealed local governments' need for clarity about their role. Uncertainty has been spurred by the recently announced elimination of Treaty Advisory Committee (TAC) funding and the planned shift in the province's consultation approach, referenced in Minister Plant's letter to TAC members on January 28, 2002.

In response, Minister Plant emphasized that his government is committed to ensuring that local governments are as actively involved in treaty making as possible. The importance of their involvement is not in question he said.

Director Aaron Dinwoodie proposed that the Province and UBCM negotiate a restructured agreement defining future local government participation in the treaty process. He envisions this building on and ultimately replacing the 1993 and 1994 agreements UBCM has with the province currently and producing the clarity local governments seek. Mayor Don Bell reviewed some of the essential components of the agreement from a UBCM perspective:

- *Recognition of local government's unique interest and critical role in the negotiation and implementation of treaties (1993 MOU)*
- *Provincial commitment to local government participation and structured consultation*

- *Representation on provincial negotiating team*
- *Participation at main table and side tables*
- *Structuring participation: Defining roles and responsibilities*
- *Links to Interim Measures Protocol*

Minister Plant agreed to negotiate a new agreement and noted that these components were useful as a menu or framework for its development.

Throughout the meeting, Minister Plant emphasized that product not process in treaty negotiations was his number one priority. While the province will continue to have a presence at every treaty table, the amount of resources they put into a particular negotiation will be determined by whether they see a realistic possibility of achieving results. They want to reserve the maximum amount of resources for the treaty tables themselves and to avoid creating other structures that are costly and self-perpetuating.

Mayor Corinne Lonsdale raised the issue of provincial funding for local government involvement. She agreed with the Minister that process which is not efficient nor cost-effective should not be continued. However she advised that a collective approach to local government participation, such as the current TAC process, is effective not just in terms of dollars, but also by ensuring local governments are not providing contradictory advice to provincial negotiators and that the messages the provincial teams are based on the considered interests of local government. She added that local governments believe they are contributing significant funds now to their participation in the treaty process.

The Minister advised that he would not rein-

state TAC funding. He did however acknowledge a valid concern when local governments in more remote areas (e.g. Central Coast, North) are unable to participate because of costs. He stated that there could be selected funding provided by the province, noting the possibility of this being included in the agreement with UBCM.

Development of the agreement will start immediately and UBCM will keep members updated on its progress.

### **DECISION IN HAIDA CASE**

The B.C. Court of Appeal ruling in the case of *Haida Nation v. Government of B.C. and Weyerhaeuser* has made media headlines since its release on February 27, 2002.

The case involved a challenge by the Haida Nation against a Ministry of Forests decision to renew Weyerhaeuser's tree farm license to a substantial portion of the Queen Charlotte Islands. The ruling said that both the provincial Crown and the third party in the case, Weyerhaeuser, had an enforceable and legal duty to consult on the use of Crown land because of the Haida's aboriginal title claim. The court did not decide whether the Haida have aboriginal title or whether the transfer of the timber license was legal. UBCM is requesting a legal summary of the decision and comment on any implications for local government, which will be sent to members as soon as possible.