

## MOU on Local Government Participation in the New Relationship with First Nations of BC

At the 2008 Convention UBCM signed an expanded memorandum of understanding (MOU) on local government participation in the New Relationship with First Nations in BC with the Honourable Mike de Jong, Minister of Aboriginal Relations and Reconciliation. The purpose of this circular is to provide you with more information on the details of the Agreement. This MOU builds upon UBCM's ongoing partnership with MARR that was established through a previous MOU in 1993 that clarified the role of local governments in treaty negotiations. The expanded MOU captures the spirit and commitments in the earlier agreement by extending the principles for consultation to include New Relationship discussions.

The New Relationship is an initiative of the current provincial government, which seeks reconciliation with First Nations not only in the treaty process but outside the process as well. The Province is negotiating land and resource agreements outside the treaty process that can affect local government interests and jurisdiction. In addition to land and resource issues, the New Relationship addresses social issues like health, education and economic development.

The MOU applies similar consultation principles that exist in the treaty process to the New Relationship discussions. The Province commits to consulting with local governments early on and throughout New Relationship negotiations with First Nations that may affect local government jurisdiction. Together local governments and the Province

will determine local government involvement in these negotiations.

The following consultation and information sharing principles are included in the MOU:

- flexibility for local government to identify and represent their interests in a way that they consider appropriate to their local circumstances;
- early notice to local government of a matter that may affect local government jurisdiction;
- sufficient information early on and reasonable time for local government to document their interests and views and to provide advice to provincial negotiators;
- due consideration of local government interests, views and advice;
- a response from provincial negotiators on how local government advice was used; and
- regular information exchange between the Province and local government.

When negotiating with First Nations, the Province will share information, consider local government interests and seek advice on matters affecting local government jurisdiction including but not limited to the following:

- Land management and land use planning
- Land selection
- Dispute resolution
- Property taxation
- Environmental assessment and protection
- Local government access to resources for public purposes and

access to adjacent lands

- Servicing arrangements
- Governmental relations
- Economic development

### **Treaty Implementation**

Regarding treaty implementation, the Province committed to discussing with individual local governments their involvement in implementation. MARR will make every effort to come to an agreement that identifies significant local government issues and how local government will be involved.

### **Confidential Information**

The MOU allows local government representatives involved in treaty advisory committees (TACs) or alternate structures, after consultation with the provincial negotiator, to share confidential treaty information with their respective councils and regional district boards, other local governments, TACs and with UBCM on an in-camera basis. A similar confidentiality clause applies to New Relationship discussions outside treaty.

### **UBCM's Commitment**

UBCM's commitment under the MOU is to monitor the progress of provincial notification and consultation with local governments on relevant agreements with First Nations.

For a copy of the MOU please go to the UBCM website at [www.civicnet.bc.ca](http://www.civicnet.bc.ca) and click on: Featured Policy Topics/First Nations Relations/UBCM MOUs and Protocols.

*Please make copies of this circular and distribute to Council/Board Members /Staff.*