

# First Nations Update

## 2018 Regional District Chairs (CEOs) and CAOs Forum

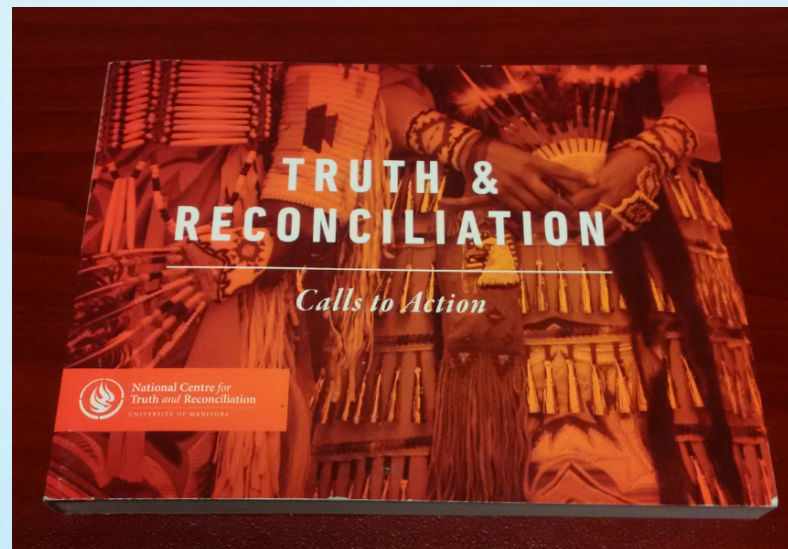
Brent Mueller, Director Governance Relations  
Ministry of Municipal Affairs and Housing

Heather Cochran, Legal Counsel,  
Ministry of Attorney General



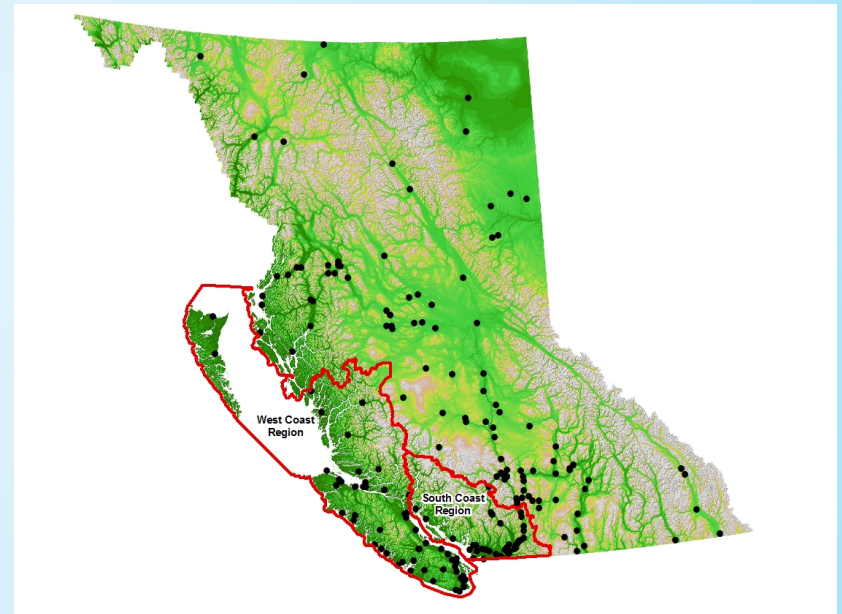
# Presentation Outline

- Introduction – context (Brent)
- Background on TRC and UNDRIP (Heather)
- What this means for Local Government (Brent)
- Qs and As



# Snapshot of First Nations in BC

- More than 230,000 people in BC identify as Indigenous - includes First Nations, Métis, Inuit
- Over 70% of Indigenous people live 'off-reserve'
- Total of 203 First Nations in BC (of 600 in Canada),
- High number of unresolved land claims
- Land and resource use is significant to Indigenous people and communities





# Duty to Consult

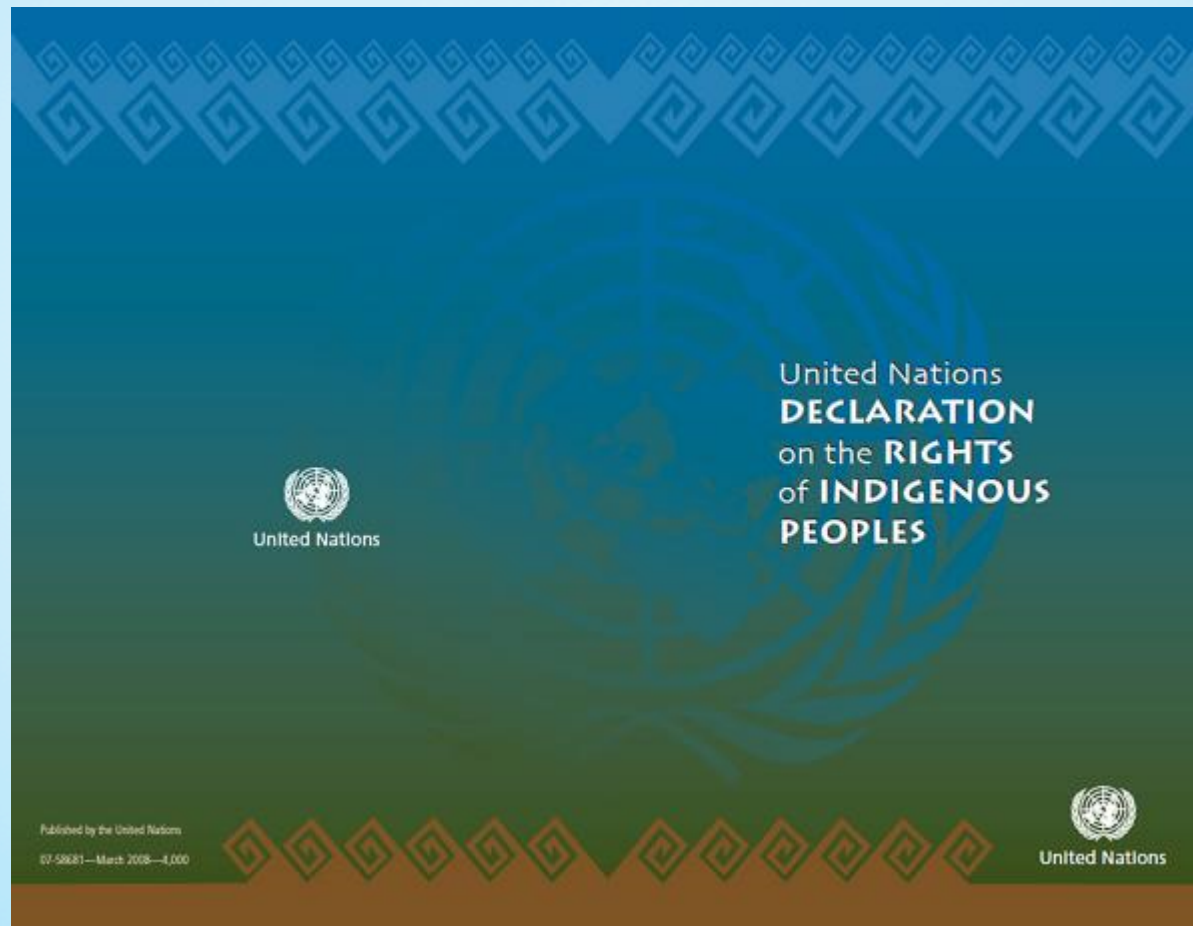


- Royal Proclamation clarifies that aboriginal rights and title exist (1763).
- The *Constitution Act, 1982*, Section 35, recognizes and affirms existing aboriginal and treaty rights.
- Much of Crown land in BC is subject to claimed or proven aboriginal rights.
- There is a duty to consult, and where appropriate accommodate, First Nations whenever the Province proposes a decision or activity that could adversely affect Aboriginal interests.
- The duty to consult rests with the Crown – not local government





# United Nations Declaration on the Rights of Indigenous Peoples



# Truth & Reconciliation Commission

*In order to redress the legacy of residential schools and advance the process of Canadian reconciliation, the Truth and Reconciliation Commission makes the following calls to action...*

#43. We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation





# 2016 UN Permanent Forum on Indigenous Issues

*[W]e are now a full supporter of the Declaration without qualification. We intend nothing less than to adopt and implement the declaration in accordance with the Canadian Constitution. By adopting and implementing the Declaration... we are breathing life into Section 35 and recognizing it now as a full box of rights... Canada believes that our constitutional obligations serve to fulfil all of the principles of the declaration, including “free, prior and informed consent”*



# Confidence & Supply Agreement

*A foundational piece of the relationship is that both caucuses support the adoption of the UN Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission calls-to-action... We will ensure the new government reviews policies, programs and legislation to determine how to bring the principles of the Declaration into action in BC...*





# Cabinet Mandate Letters



*July 18, 2017*

*Dear Minister Robinson :*

*... our government will be fully adopting and implementing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), and the Calls to Action of the Truth and Reconciliation Commission. As minister, you are responsible for moving forward on the calls to action and reviewing policies, programs, and legislation to determine how to bring the principles of the declaration into action in British Columbia...*

# Local Governments and Reconciliation

- Neighbours having a conversation
- Building relationships
- Local governments are already doing a lot
- More we can do together







# Consultation and Engagement

Province (Crown)	Local Government
Duty to Consult	Engagement
Constitutionally required	Neighbour-to-neighbour / local relationships
Provincial statutory decisions	Matters of mutual interest and concern
	Encouraged to engage when seeking provincial statutory approvals 



# Province-UBCM MOU



**MEMORANDUM OF UNDERSTANDING**  
*between*  
**THE PROVINCE OF BRITISH COLUMBIA**  
*and*  
**THE UNION OF BRITISH COLUMBIA  
MUNICIPALITIES**  
*on*  
**LOCAL GOVERNMENT PARTICIPATION IN THE  
NEW RELATIONSHIP WITH FIRST NATIONS**







# Progress

## FIRST NATIONS AND LOCAL GOVERNMENT RECONCILIATION

Posted by [Bob Joseph](#) on Oct 20, 2015 12:08:57 PM

Sep 23, 2016

[Town Of Ladysmith and Stzuminus First Nation Form Unique Partnership for Waterfront Future](#)

## First Nation, municipality profit from teamwork

What started as a dispute has turned into a bridge between communities

By [Nelson Bennett](#) | January 19, 2016, 9:29am

## Fort St. James and Nak'azdli Whut'en Community Forum: keeping community

Both Fort St. James District and Nak'azdli Whut'en got together to help better understand each other's roles.

Mar. 9, 2016 11:00 a.m. / [NEWS](#)

## OKANAGAN INDIAN BAND AND CITY OF VERNON TO PARTICIPATE IN CEDI TO FOSTER JOINT ECONOMIC COLLABORATION

February 7, 2018

[News](#)



# Community to Community Forum Program




 **FIRST NATIONS SUMMIT**

 **UBCM**

PROVINCE-WIDE COMMUNITY TO COMMUNITY FORUM  
*Joint Ventures: Exploring innovative local government-First Nation partnerships*

June 6, 2017  
 Musqueam Community Centre

 **UBCM** Union of BC Municipalities

Community to Community Forum

Applications are currently being accepted for this program.



## Summary

- TRC and UNDRIP implementation a process
- At the local level continue building relationships
- Need to acknowledge efforts underway
- Resources are available





# Resources

Guide to First Nations Engagement on Local  
Government Statutory Approvals (Interim)

Ministry of Community, Sport and Cultural Development  
Local Government Division



FIRST NATIONS SUMMIT



## Regional Community to Community Forum Program

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