

Reconciliation in Action

Innovations in Reconciliation Agreements

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Context

Minister's Mandate

- *Improve our government's relationships with Indigenous Peoples by moving from short-term transactional arrangements to long-term agreements that recognize and support reconciliation, self-determination, and economic independence*



Context

Declaration Act

- Establishes the UN Declaration as the Province's framework for reconciliation, as called for by the TRC Calls to Action
- Creates a path forward that respects the human rights of Indigenous Peoples while introducing better transparency and predictability in the work we do together



Action Plan

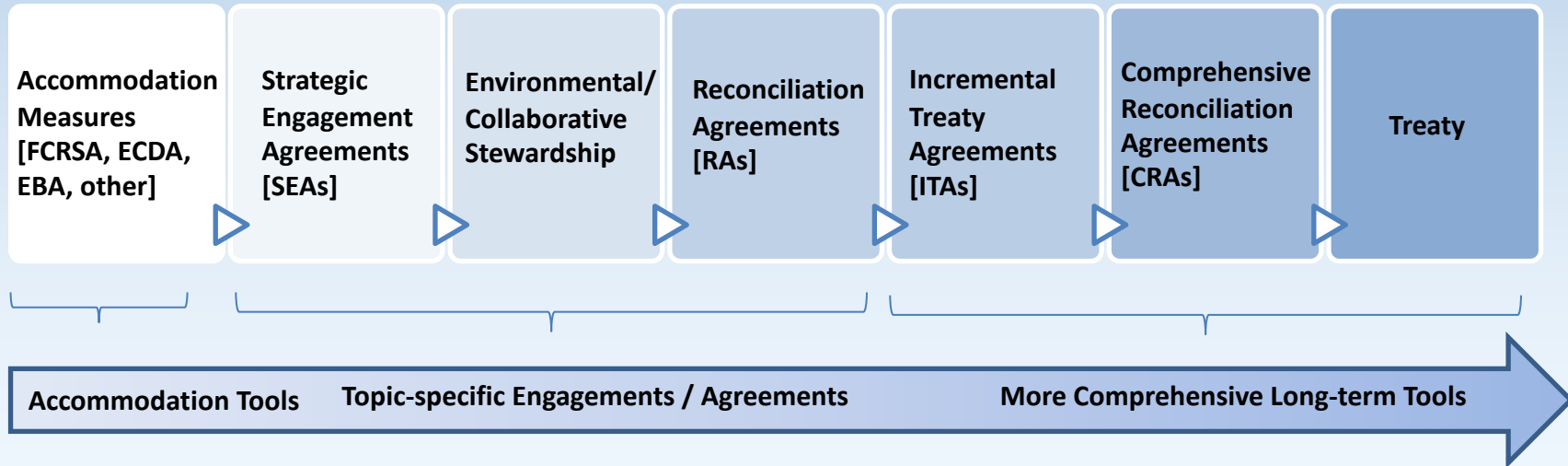
- Includes collectively identified goals and outcomes that form the long-term vision for implementing the UN Declaration in B.C.
- **Action 1.2** Shift ... to co-development of long-term agreements that recognize and support reconciliation, self-determination, decision-making and economic independence.₃

Context

Pathways to Reconciliation

- We are working with First Nations within and outside the treaty process on co-developing mandates that support the path to reconciliation that is most appropriate for each community
- BC is open to approaches to reconciliation which can be pursued through the BCTC process or other contexts for negotiations that are rooted in the recognition of rights and title and the recognition of the right to self-determination.
- Treaty is the most comprehensive tool we currently have, and we are currently in advanced treaty negotiations with several First Nations

Pathways to Reconciliation



Themes

- Co-development of mandates
- Recognition and implementation of rights and title, guided by UNDRIP
- Long-term partnership over short-term transactional arrangements
- Governance development
- Incremental approach to reconciliation
- Shared decision making
- Revenue sharing
- Emphasis on social sector alongside natural resources

Treaty

Recognition and Reconciliation of Rights Policy



- Endorsed by Principals September 2019
- Addresses the introduction of incremental approaches to treaty negotiations to provide common opportunities to First Nations regardless of the chosen reconciliation path
- Establishes a modernized framework for treaty negotiations that reflects case law and the **UN Declaration on the Rights of Indigenous Peoples**

Treaty

Recognition and Reconciliation of Rights Policy

Principles

Co-
development of
Mandates

Dispute
Resolution

Self-
determination
& Jurisdiction

Fiscal
Arrangements

Title

Shared
territories and
overlaps

Implementation

Monitoring

Comprehensive Reconciliation Agreements

- A broad category of agreements that are intended to “meet First Nations where they are”, while addressing common themes.
- Adopt incremental approaches by providing up-front benefits while allowing work on complex governance, jurisdiction, and title issues to occur over time
- Allow us to build our partnerships on the land over time and pursue pathways to recognize title through:
 - Shared decision making, including under Section 7 of the Declaration Act
 - Revenue sharing
 - Negotiation of land ownership

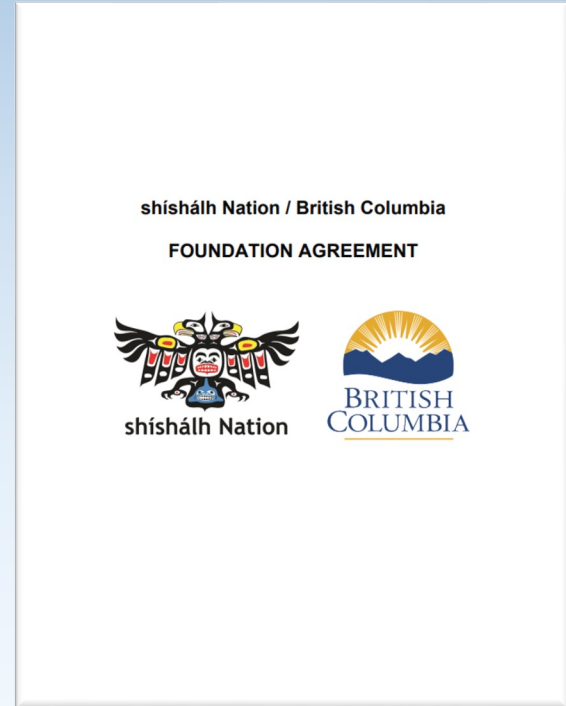
Comprehensive Reconciliation Agreements

- New form of government-to-government agreement
- Provide a framework to negotiate using a phased approach
- Build toward a tripartite, constitutionally protected agreement



Examples of Success

- Lake Babine Nation Foundation Agreement
- Heiltsuk Tuigila Agreement
- Shishalh Foundation Agreement
- Carrier Sekani Pathways Agreement



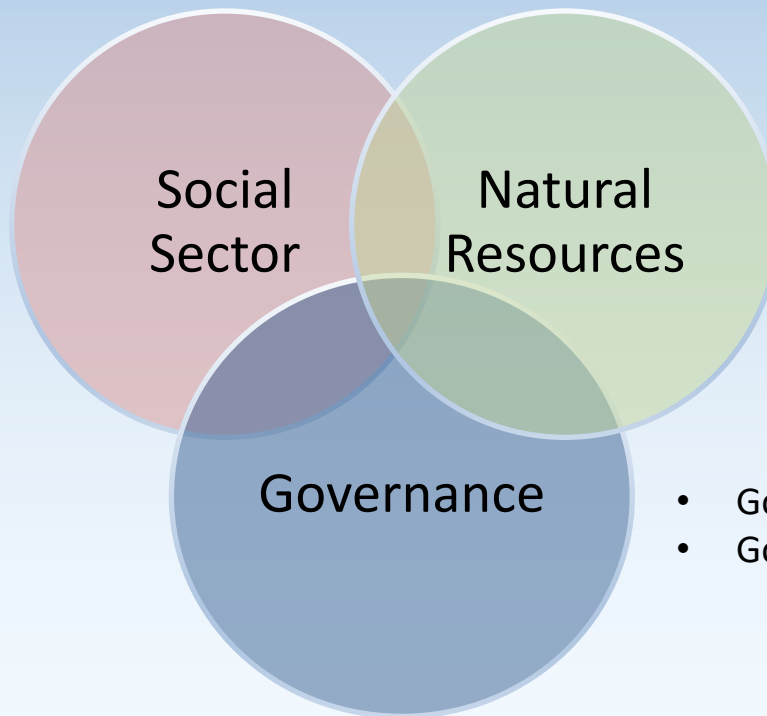
Example - Lake Babine Nation Foundation Agreement

- Collaborative agreement to advance reconciliation, social and community well-being, and regional economic growth
- Sets out a tripartite vision for key areas, immediate measures, future milestones and guiding principles for future work
- Parties agree to incrementally move through projects to develop reconciliation relationship over time



Agreement Key Elements - Topic Integration

- Child and family
- Education and language
- Health
- Justice
- Community Planning and Infrastructure
- Economic Development



- Decision-making
- Forestry
- Wildlife
- Fisheries

- Governance model
- Governance Agreement

Challenges

- Shifting from consultation/accommodation mindset to partnership
- Different relationship at the table – based on trust and understanding
- Many key policy and negotiation elements remain ahead of us
- Culture change – internal to government and across the province
- Implementation – on-going resource requirements

Federal Participation

- The federal government has been increasing its participation in non-treaty agreements, resulting in recent tripartite foundational reconciliation agreements.
- Where the federal government is not engaged, the province negotiates bilateral agreements to work towards our reconciliation objectives with First Nations, with the goal of increasing federal government participation over time.

Local Government Engagement on Negotiations

Province's MOU with UBCM in 2021 reflects our commitment to engage on:

- Process for continued local government participation in negotiation and implementation of agreements
- Consulting and exchanging information on other arrangements and initiatives
- Opportunities to share initiatives for advancing reconciliation at the local level – including implementing the UN Declaration
- Matters of mutual interest that may broadly impact local governments.



What does this look like?

The Province will:

- Initiate contact with a local government at the early stages of a negotiation process
- With the Indigenous partner's agreement, support relationship building by establishing working groups for local government to discuss and come to agreements with First Nations on issues related to negotiations
- Give full and fair consideration to results produced and agreements reached through these discussions

Conclusions

- Lots of work remains ahead on collaborative approaches to critical topics
 - E.g., title, foreshore, relationship of laws, shared decision-making, etc.
- We generally think we are on the right path in the approaches
- Every First Nation will approach these issues differently
- Trust and collaboration will be key as we advance this work - and it will take time

Questions?