

To: Regional and Corporate Services Committee

Date: 2020-03-10

From: Jessica Morrison - Policy Analyst, Indigenous Relations

File No: 3400-01

Subject: Sub-Regional Intergovernmental Working Groups Model for Indigenous Relations

RECOMMENDATION

THAT the Fraser Valley Regional District (FVRD) Board take a supportive role in the development of sub-regional Intergovernmental Working Groups in partnership with Indigenous governments;

AND THAT the meetings of the Regional Indigenous Relations Committee (RIRC) continue to be held at the Call of the Chair, as needed, in support of issues raised from sub-regional Intergovernmental Working Groups;

AND FURTHER THAT current appointments from RIRC to external tables maintain the status quo until such time as RIRC meets again.

STRATEGIC AREA(S) OF FOCUS

Support Environmental Stewardship

Foster a Strong & Diverse Economy

Support Healthy & Sustainable Community

Provide Responsive & Effective Public Services

BACKGROUND

The FVRD has responsibilities in fostering meaningful collaboration with Indigenous governments.

The FVRD Board held a visioning session in 2017 to discuss the possibilities in revising the Terms of Reference for, then, FVARC (now RIRC) regarding function, membership and structure. At that time, the Board directed staff to begin exploring engagement.

Since that time, staff and members of the RIRC have observed and tracked swift and meaningful changes at the federal, and especially the provincial level, with respect to Indigenous relations and rights recognition frameworks. As the landscape has been shifting tremendously in that short timeframe, staff took an observational approach. This included a fresh look at a wider range of models for collaborative engagement which may better serve the FVRD, its member municipalities and Electoral Areas, and Indigenous governments and communities.

DISCUSSION

The key proposed benefits of supporting the development of sub-regional Intergovernmental Working Groups in partnership with Indigenous governments are to:

1. Focus efforts on local issues
2. Make space for meaningful and collaborative Intergovernmental relations
3. Use the Regional Indigenous Relations Committee to elevate critical issues from sub-regional tables

In November 2019, the province of BC passed Bill 41, the Declaration on the Rights of Indigenous Peoples Act. The Act had been brought forward as a collaborative effort between members of the Legislative Assembly, the BC Assembly of First Nations, the First Nations Summit and the Union of BC Indian Chiefs (UBCIC). The drafting of the Bill itself was conducted together with the First Nations Leadership Council. The intention of the Act is to compel future changes to BC laws, which will bring them into harmony with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

While the Province has indicated that these changes will be implemented in collaboration with local governments, Indigenous peoples, and stakeholders in business and industry, the Act signifies the direction in which local governments may anticipate shifts in legislation.

The 46 articles of UNDRIP (attached) speak to overarching principles which can guide local governments in preparation for legislative changes. These rights of Indigenous Peoples include:

- The right to self-determination;
- The right to access to lands and resources; and
- The right to free, prior and informed consent (FPIC).

To coincide with the passing of BC's new UNDRIP Act, the Union of BC Indian Chiefs released a paper titled "Consent" (attached), which provides theoretical frameworks and guidance for organizations interested in understanding how to operationalize the principles of FPIC, and makes recommendations for moving forward. The document also provides clarity on the legal and political aspects of consent.

Centrally, the theme of the Consent paper is for other orders of government and private organizations to begin to shift away from the focus on "consult and accommodate" processes, in favour of building collaborative, ongoing, working relationships which recognize, respect, and support Indigenous governments.

"...beyond the impracticality of the current consultation paradigm, using consultation processes as a lens for thinking about consent fails to properly advance the foundational work of a fundamental transformation in relations based on government-to-government and Nation-to-Nation relationships that reconcile sovereignties. As distinct from thinking of consent as an extension of consultation processes, consent may be operationalized through the lens of building proper structures and processes between governments for decision-making that respects jurisdictions, laws, and authorities. In this sense, consent is inextricably linked with the work of advancing Indigenous self-determination, the inherent

right of self-government, and the work led by Indigenous peoples to rebuild their governments and nations.”

- UBCIC Consent Paper, 2019, p 41

The FVRD and Indigenous governments in the region would be well-positioned in anticipation of legislative changes by developing a model for collaborative governance which is reflective of the principles of UNDRIP.

Concerns with Single Regional Model

As conversations have continued through the FVRD RIRC in 2018 and 2019, committee members have noted that the single regional table approach is broad and unfocused, without a mechanism for specific local issues to be raised. It would be challenging, and potentially not reasonable to ask all Indigenous Government representatives in the Fraser Valley to meet quarterly to discuss these broad issues in this format. As it stands, RIRC attendance and participation has been declining in the previous years, in the absence of specific local matters to discuss, and the lack of participation from Indigenous governments.

Working Example of a Sub-Regional Approach

Since before 2011, the District of Kent, the Village of Harrison Hot Springs, Sq'ewlets, Sts'ailes, Cheam, Seabird Island, and the Stó:lō Tribal Council meet on a quarterly basis. The table initially began as a Community-to-Community (C2C) Forum related to the Fraser River and flood management in the region. The working group has successfully built connections with other organizations and other levels of government. The Kent-Harrison C2C Forum (now called Lets'mot C2C) is a crucial collaborative space for strategic planning on sub-regional issues and serves as a model from which other sub-regional working groups within the FVRD can develop.

Role of the FVRD and RIRC

For the sake of continuity and consistency, those existing external appointments are advised to remain the same, until such time as the RIRC meets again in 2020. Those existing appointments are:

- Stó:lō Xwexwilmexw Treaty Association (SXTA) table - Director Stobbart
- Katzie Treaty table - Director Falk
- Metro Vancouver Indigenous Relations Committee (IRC) - Director Falk

Under a sub-regional working group model, the RIRC would meet at the call of the Chair, as is currently indicated in the Terms of Reference, as-needed, in support of specific issues raised from sub-regional working groups. Under this model, regular reporting back to the FVRD would be incorporated into RACS/EASC and Board communications, as is the standard practice in all other areas of FVRD business.

FVRD Indigenous Relations staff will support the development of sub-regional tables, on an as-needed basis, as identified by each table themselves. This support could take the form of helping with the design and development of Intergovernmental communications protocol, guidance navigating the C2C

funding program, assistance with drafting table-specific Terms of Reference, teaching and training on a variety of topics in Indigenous/Settler Relations, and reporting back from sub-regional working groups to FVRD committees and Board, and any other support functions as proposed or requested by individual sub-regional working groups.

Proposed Geographies of Sub-Regional Working Groups

Sub-Region	Description	Indigenous Governments
FVRD West	Abbotsford/Mission area	Semá:th, Matsqui, Kwantlen, Katzie, Leq'a:mel
FVRD Central	Kent/Harrison area	Sts'ailes, Seabird Island, Cheam, Sq'ewlets, Stó:lō Tribal Council (add Skatin, Xa'xtsa, Samahquam)
FVRD South	Chilliwack and area	Ts'elxwéyeqw Tribe (Aitchelitz, Skowkale, Shxwhá:y Village, Soowahlie, Squiala, Tzeachten, Yakwekwioose), Stó:lō Nation, Kwaw'Kwaw'Apilt, Peters, Popkum, Skwah
FVRD East	Hope and area	Shxw'ow'hamel, Skawahlook, Spuzzum, Boston Bar, Union Bar, Yale, Boothroyd, Chawathil

The proposed structure of four sub-regional working groups based on generalized geographies is not intended to be limiting to the participation of Indigenous governments in any way. Tables would be best designed and defined by those parties, both local government and Indigenous government, who would choose to participate. It should be noted that it is not necessary to have full and complete representation of all governing bodies in a geographic region for there to be utility and value in convening a sub-regional working group.

COST

There are no direct budgetary impacts with respect to this initiative. FVRD Indigenous Relations staff will support the development of sub-regional working groups from within the existing RIRC budget allowances.

The Province provides \$50,000 annually for the Regional Community to Community Forum (C2C) program, which helps local governments and Indigenous nations connect. Municipalities and the FVRD can apply for this annual funding to support efforts at collaborative tables such as those proposed in this report.

The Kent-Harrison C2C has continually accessed this funding to support their group, as has the FVRD to support similar work on multiple occasions. It would be reasonable to assume each sub-regional table could also apply independently to receive support through the program annually.

CONCLUSION

The FVRD would be prudent to follow the direction of higher orders of government. Building a collaborative working structure which recognizes and affirms Indigenous governance in accordance with UNDRIP principles is a next logical step for the region. Developing sub-regional Intergovernmental

Working Groups is a demonstrably functional, sustainable and respectful governance model for moving forward.

COMMENTS BY:

Mike Veenbaas, Director of Finance/CFO:

No further financial comments

Jennifer Kinneman, Acting Chief Administrative Officer:

Reviewed and supported

Attachments:

1. BC Declaration Act Factsheet for Local Government
2. UNDRIP
3. UBCIC Consent Paper
4. Kent/Harrison C2C MOU on Cooperation and Communication.