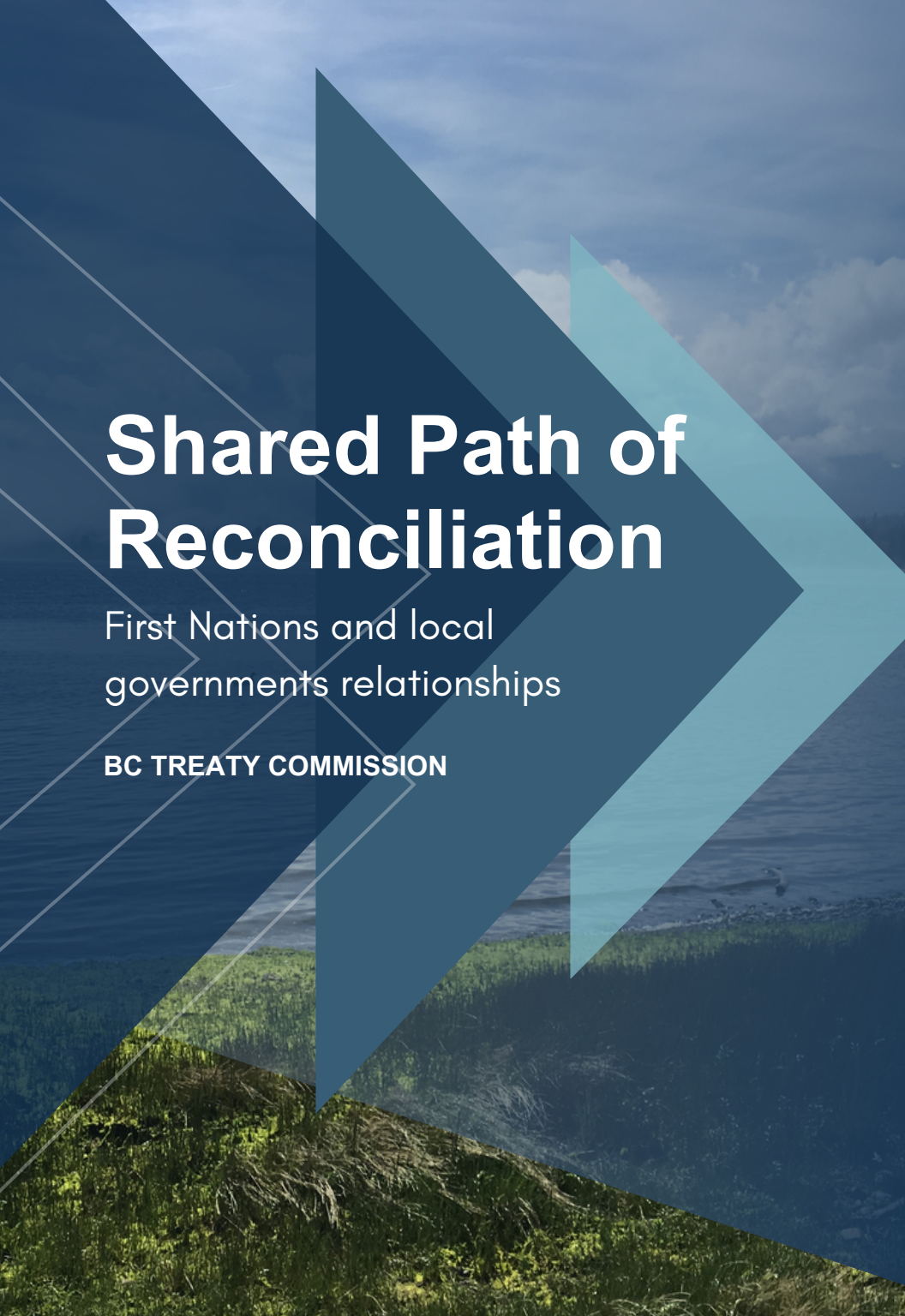




Shared Path of Reconciliation

First Nations and local
governments relationships

BC TREATY COMMISSION

This resource includes interviews that the BC Treaty Commission completed for its 2017 Annual Report, if you would like to read more please visit our website, www.bctreaty.ca

1	<u>Introduction</u>
3	<u>Truth and Reconciliation & the UN Declaration</u>
5	<u>Regional Districts and Modern Treaty Nations</u>
6	<u>Alberni – Clayoquot and Maa-nulth Treaty First Nations</u>
10	<u>Tla'amin, Powell River, and the qathet Regional District</u>
15	<u>K'ómoks, Courtenay and Comox Valley Regional District</u>
17	<u>Steps to Reconciliation for Local and Regional Governments</u>

Shared Path of Reconciliation

Reconciliation is a shared path of coming together and working together for greater opportunities today and a stronger future tomorrow. From the perspective of the BC Treaty Commission, reconciliation means the recognition of Indigenous rights and a true sharing of prosperity of land, resources, economic, social, cultural, and governmental space. Nowhere does this sharing of prosperity become more of a reality than at the community, local, and regional levels. Understanding this shared path of prosperity, and finding meaningful and tangible ways to advance reconciliation will significantly benefit First Nations, British Columbians and Canadians.

In British Columbia there are eight Modern Treaty First Nations implementing constitutionally-protected treaties with the Governments of Canada and British Columbia. Seven were negotiated through the BC treaty negotiations process and Nisga'a was the first modern treaty and was negotiated prior to the establishment of the Treaty Commission. Local and Regional governments also have a role in supporting treaty and reconciliation negotiations, implementation, and advancing broader reconciliation.

Too often throughout Canada's history, Indigenous Peoples have been left out as the country has benefited socially and economically from First Nations lands and resources. Indigenous Peoples have inherent rights to self-determination and self-government, and recognition is the starting point to reconcile and achieve the co-existence of federal, provincial, local/regional, and Indigenous jurisdictions, laws and legal systems. This is where the successful realization of the benefits of modern treaties and reconciliation agreements for both First Nation and non-First Nation communities starts.

This resource shares stories of government-to-government success and challenges, highlights the potential modern treaties hold for reconciliation in a local and regional context; and shares considerations for strengthening relationships at all levels.

Modern Treaty Nations in BC

- ▷▷ **Nisga'a Nation**, Nisga'a Final Agreement (Nisga'a Treaty), May 11, 2000
- ▷▷ **Tsawwassen First Nation**, Tsawwassen Final Agreement (Tsawwassen Treaty), April 3, 2009
- ▷▷ **Huu-ay-aht First Nations**, Maa-nulth First Nations Final Agreement (Maa-nulth Treaty), April 1, 2011
- ▷▷ **Ka:'yu:'k't'h'/Che:k:'tles7et'h' First Nations**, Maa-nulth First Nations Final Agreement (Maa-nulth Treaty), April 1, 2011
- ▷▷ **Toquaht Nation**, Maa-nulth First Nations Final Agreement (Maa-nulth Treaty), April 1, 2011
- ▷▷ **Uchucklesaht Tribe Government**, Maa-nulth First Nations Final Agreement (Maa-nulth Treaty), April 1, 2011
- ▷▷ **Yuulu?i?ath Government**, Maa-nulth First Nations Final Agreement (Maa-nulth Treaty), April 1, 2011
- ▷▷ **Tla'amin Nation**, ʔaʔjuxwʷegəs "a good relationship" (March 2025) formerly Tla'amin Final Agreement (Tla'amin Treaty), April 5, 2016



“It is important for all Canadians to understand that without Treaties, Canada would have no legitimacy as a nation. Treaties between Indigenous nations and the Crown established the legal and constitutional foundation of this country.”¹

*Truth and Reconciliation
Commission of Canada*

— Truth and Reconciliation & the UN Declaration

The Truth and Reconciliation Commission of Canada (TRC) shared important truths about residential schools and the impacts of colonialism and colonization that still exist today. The TRC also made important recommendations that all levels of government and the public advance reconciliation, including by supporting self-determination and self-government for First Nations.

True self-determination and self-government for Indigenous Peoples — as mandated by s.35 of the Canadian Constitution, and set out in the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) — cannot happen without the restoring and sharing of jurisdiction. Local and regional governments, understanding and supporting this is essential to reconciliation. It will shift power and bring significant and positive changes to any area of British Columbia where modern treaties and tripartite reconciliation agreements are implemented. Modern treaties are the most comprehensive form of reconciliation, and constitutionally-protect the sharing of sovereignty among the signatories to the treaty.

Modern treaties operationalize the UN Declaration and support the implementation of the associated federal and provincial legislations and actions plans. Implementation of the TRC Calls to Action, the UN Declaration, and reconciliation is not easy, but is crucial to the future of our country.

Important efforts on a local level in BC have been made. The long-established Union of British Columbia Municipalities' (UBCM) Community to Community Forums expanded in 2023 to support the advancement of reconciliation and relationship building between First Nations and local governments; dedicated funding is available to support efforts. UBCM also renewed its commitment to advancing lasting reconciliation with Indigenous peoples through the renewal of the UBCM/BC MOU on Engagement with UBCM and Local Governments on First Nations Negotiations and Other Indigenous Initiatives in 2021.

Nowhere does the rubber hit the road more on the hard issues of reconciliation than in treaty negotiations. Reconciling local matters with First Nations, such as land ownership and recognition of Aboriginal title, changes in land-use zoning, taxation, intergovernmental cooperation and consultation, and the recognition and establishment of a new neighbouring government, are the realities of establishing a new and lasting relationship. Treaty implementation legislation is sometimes the only means to make the regional and local changes necessary to advance reconciliation. Treaties, fairly negotiated and honourably implemented, are reconciliation in action.

TRC Call to Action 46 identified principles for working collaboratively with Indigenous Peoples to advance reconciliation in Canadian society, for all governments, at all levels. These include:

- ▷▷ reaffirmation of the parties' commitment to reconciliation.
- ▷▷ repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and terra nullius, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.
- ▷▷ full adoption and implementation of the UN Declaration as the framework for reconciliation.

Most importantly, the TRC calls on all regional and local governments to:

- ▷▷ support the establishment of treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.

Community and local support for treaty and reconciliation negotiations will lead to shared prosperity for First Nations and local and regional governments, and this support is a direct answer to the TRC's Calls to Action to collaboratively advance reconciliation.



[†] The preamble of the federal *Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* (2021) includes language stating that “the doctrine of discovery and terra nullus are racist, scientifically false, legally invalid, morally condemnable and socially unjust.” See *An Act respecting the United Nations Declaration on the Rights of Indigenous Peoples*. Statutes of Canada, c.14, Canada. 2021



“As an organization that supports relationship building between First Nations and local governments, UBCM recognizes that it has a role in the ongoing reconciliation journey.”²

— Union of BC Municipalities

— Regional Districts and Modern Treaty Nations

Regional districts are a unique form of local governance in BC, regulated by the Local Government Act. Operating as federations of municipalities electoral areas and Modern Treaty Nations, regional districts are governed by a board of directors to coordinate services and resources across a region. These boards can adopt zoning bylaws and create official community plans and regional growth strategies to manage important local matters, such as environmental protection, transportation, resource preservation, and economic development.

While First Nations governed by the Indian Act may be consulted on regional planning, Indian Act bands cannot join regional district boards as voting members. There has been ongoing engagement about First Nations representation, however there is no formal mechanism established yet that would allow First Nations under the *Indian Act* to the boards. Modern treaties in BC, provide an official place at the table on regional district boards – recognizing self-governance, through a constitutionally protected commitment. This results in stronger First Nations voices in local politics and decision-making and empowered regional districts. The legal changes to regional districts that result from First Nations joining the boards is an on-the-ground example of reconciliation. Modern Treaty Nation can decide if and when they join the board of their regional district.

Modern treaties, through enacting legislation operationalizes the constitutional arrangement, expand self-government and self-determination outwards to local and regional areas, creating new and better relationships between First Nations and local governments.



Alberni — Clayoquot and Maa-nulth Treaty First Nations

“ We saw it as a way to create
relationships that were
necessary for our success
into the future.³

— Councillor John Jack,
Chairperson Alberni—Clayoquot

Regional Reconciliation

In 2012, the Alberni—Clayoquot Regional District (ACRD) started welcoming Treaty Nations to its board. By 2016, Huu-ay-aht, Yuuluʔiʔath, Uchucklesaht and Toquaht became full voting members on the ACRD board facilitated by the Maa-nulth Treaty, and Ka:ʔyu:ʔkʔtʔhʔ/Che:kʔtles7etʔhʔ First Nations subsequently joined the Strathcona Regional District in 2021.

Prior to this, the relationship with the four former *Indian Act* bands and the ACRD was strained; due to the dedication of leadership this changed significantly overtime.

Dialogue with Former Mayor Josie Osborne, former Vice Chair for the Alberni Clayoquot District and Chair John Jack

On July 24, 2017, the Treaty Commission interviewed Huu-ay-aht Executive Councillor John Jack and Tofino Mayor Josie Osborne to gain insight into how the ACRD benefits from the inclusion of treaty First Nations on the board. When Mayor Osborne's term as chair concluded in 2016, Councillor Jack was elected to the position, becoming the first Indigenous chair of a regional district in British Columbia.

“ We are demonstrating the power of First Nations and non-First Nations communities working together. We are leading in the action of reconciliation and showing what is possible in the future, as well as providing good governance with the solid infrastructure and services that people need to live good lives.”⁴

— Josie Osborne

“ Being at the table, when you are a member of the board, you have unfettered access to all the information that you might not have if you weren't part of the board. That turns a conversation from one that is mission critical and time sensitive, and not that comfortable, to one that is further off into the future, and therefore not as intimidating, and it becomes one of finding solutions.”⁵

— John Jack

Through continued collaboration, the ACRD strengthened its relationships with the Modern Treaty Nations and in April 2022, the regional district celebrated the 10th anniversary of First Nations representation on the board.

The following are quotes from the leaders at the event celebration.



It's nice for us to be participating in what's happening in our region, said McCarthy.

*We've always been told under INAC [Indigenous and Northern Affairs Canada] what to do and when you can do it. To participate in this level, having a say in what goes on in our region—I see that as the most important thing.*⁶

— President Chuck McCarthy,
Yuulu?i?ath Government



It's just enriched the lives of all people that live in our communities, said Johns.

*This is a great day to reflect back on 10 years of hard work, and the important work that still needs to be done. There are many communities not represented at the table.*⁷

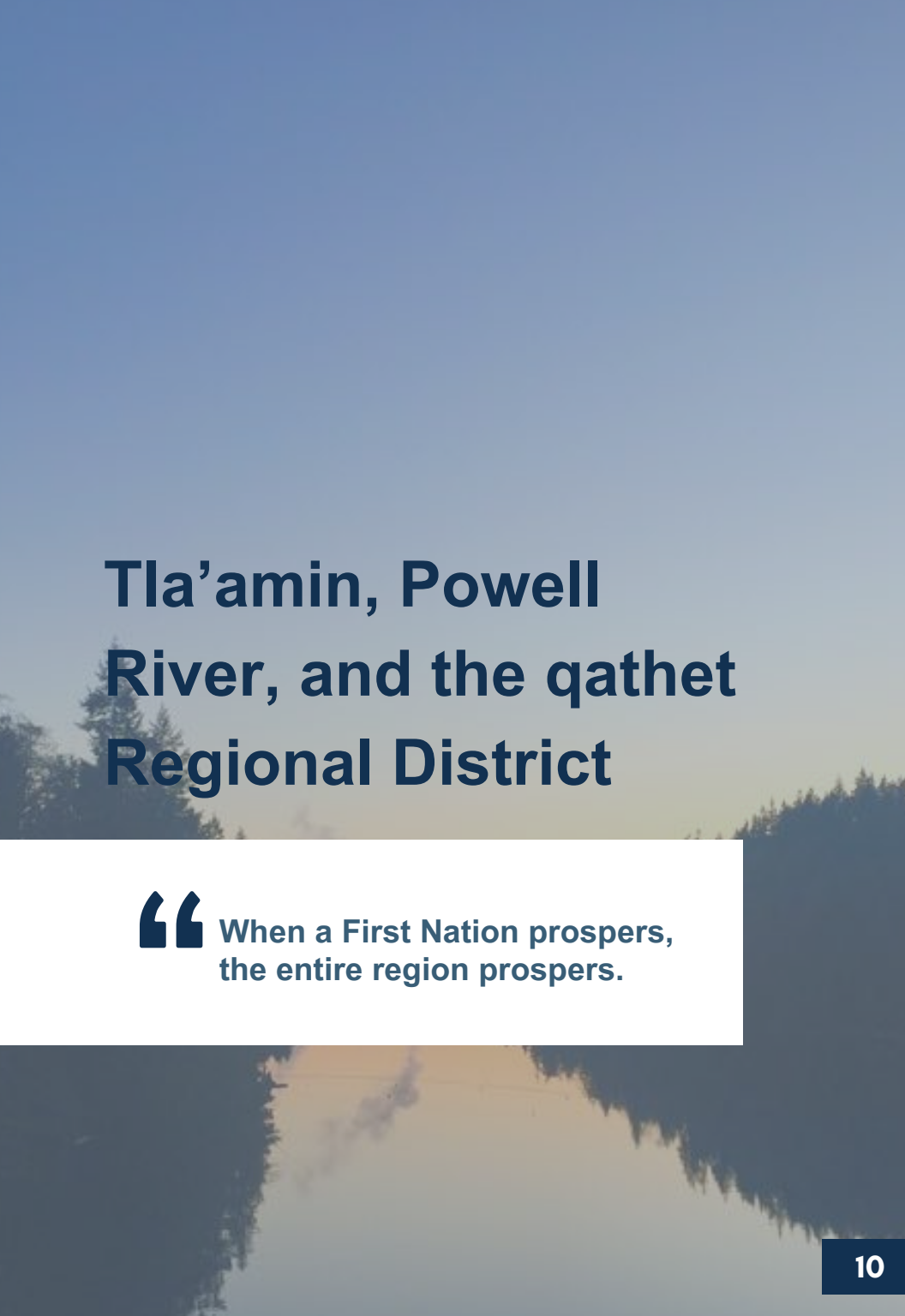
— Courtenay-Alberni MP Gord Johns

The importance of maintaining meaningful relationships between First Nation communities and local governments was also highlighted at the *Association of Vancouver Island and Coastal Communities* AGM Convention, April 14-16, 2023. Reflecting on the work that has been done over the past eleven years as a voting member, John Jack, discussed the reasons for joining the board:

“We saw it as a way to create relationships that were necessary for our success into the future. Our treaty was primarily about self-government, ownership, control of our own resources – but also economic development and relationship-building. Those two are intertwined and will continue to be increasingly so over the next 50 years.”⁸

— Councillor John Jack,
Chairperson Alberni—Clayoquot





Tla'amin, Powell River, and the qathet Regional District



When a First Nation prospers,
the entire region prospers.

Tla'amin, Powell River, and the qathet Regional District

Building a Shared Future

For over two decades, the relationships between Tla'amin Nation, the City of Powell River and qathet Regional District has had challenges and successes. It exemplifies how local governments and First Nation collaboration can lead to regional prosperity.

The relationship between the governments has not always been positive, however it began to shift when Tla'amin began its path to self-determination and self-governance. Local leadership recognized that Tla'amin prosperity directly benefits the City and the region.

Dialogue with Powell River Mayor David Formosa and Tla'amin Nation Hegus Clint Williams

To reflect on how far Tla'amin and Powell River's partnership has come and to understand the shared vision for the future of the region, on July 27, 2017, the Treaty Commission asked former Mayor of Powell River Stewart Alsgard to facilitate a dialogue between the then Mayor of Powell River David Formosa, and the then Hegus [Tla'amin word for leader] Clint Williams.

Since that conversation, the relationship between Tla'amin and Powell River has continued to grow and evolve through challenges and pathways forward.

— THE CONVERSATION THEN

In 2002, construction of a new sea walk disrupted sacred Tla'amin cultural sites. The response to this event was a turning point in the relationship between Powell River and Tla'amin, and eventually led to the Community Accord signed in 2003. The Accord is a living document outlining how Tla'amin and Powell River will work together at a government-to-government level. It sets out principles of cooperation rooted in mutual respect, recognition, and an understanding that the communities share a common interest in seeing the region prosper.

As the relationship strengthened, Powell River became a vocal supporter of the Tla'amin treaty.

Tla'amin, Powell River, and the gathet Regional District



There's people that are going to be afraid of change, and that's understandable.

I see it in a positive light. Not all change is positive all the time, but we're trying to do the best that we can to keep this change as positive as we can. That's building on the transparency and accountability pieces that our government is committed to.⁹

— Clint Williams

In 2011, when the treaty became stalled, the Mayor and Hegus travelled to Ottawa to pressure the federal government to complete the treaty. This was strong signal of respect and recognition of Tla'amin's right to self-determination and self-government – a local government leader advocating for First Nation self-determination.

As the Tla'amin Treaty continues to be implemented, the two governments are learning and growing together. The Community Accord was updated and resigned in 2018 following the implementation of the Tla'amin Treaty to demonstrate an ongoing commitment to the relationship. Former Mayor Formosa also sat on the Sliammon Development Corp. board (now Tla'amin Management Services LP) until 2012, and gained insight into the obstacles and challenges of the Indian Act and the strength Tla'amin now has as a self-governing First Nation. Dave Formosa retired from politics in 2022.



I see the benefits of treaty in a huge, diversified, and sustainable way. First and foremost, the majority of the youth in the region are from Tla'amin. The whole community needs to take advantage of that... Then on the monetary side, the fact that Tla'amin has thousands of hectares of land and timber resources, fish resources, seafood resources, capital, along with a yearning to create a good, solid government. We all benefit. I just see the fact that they are their own people, their own government, destiny in their own hands, all these resources. How can it not turn into huge prosperity for both of us?¹⁰

— Dave Formosa

Tla'amin, Powell River, and the qathet Regional District

In 2018, Powell River consented to have four parcels of City land designated as Tla'amin Treaty Settlement Lands, returning traditional lands back to Tla'amin. In 2019, the two governments alongside qathet Regional District, partnered to address social planning and community wellbeing; focuses of work include housing and economic progress.

— THE CONVERSATION NOW

In 2018, following public engagement, the Powell River Regional District changed its name to qathet Regional District, and in 2022 the Powell River General Hospital changed its name to the qathet General Hospital. qathet (pronounced “KA-thet”) is a Tla'amin word meaning “working together.” Name changes can serve as a public demonstration of reconciliation.

In May 2021, Tla'amin and Powell River began a process to explore the possibility of renaming the City, in light of the legacy of the city's namesake Israel Powell. Following public engagement, the Joint Working Group released recommendations to City Council in July 2022. These included additional work of public education and community engagement on shared values, history and reconciliation, establishment of a Tla'amin, Powell River and qathet Reconciliation Committee, and making reconciliation and relations with Tla'amin Nation a strategic priority. It was determined it was not the appropriate time to hold a referendum on changing the name of the city, and next steps will be determined at a later date. Conversations around reconciliation and the ongoing impacts of colonialism can be challenging and can take time, however, it is important to keep engaging and working together.

“We need to continue our reconciliation forever because of what we did in the past. I know that I didn't do it, but I didn't go to war and I go to the cenotaph every year. We got to keep working together as we are, as good neighbours, and more and more we win over more people. I think Powell River is onside for the majority, but we still have work to do.”¹¹

— Dave Formosa

Tla'amin, Powell River, and the qathet Regional District

In February 2023, Tla'amin Nation and Powell River Energy Inc. (PREI) entered into a MOU to enhance collaboration and communication, and advance innovative and mutually beneficial activities in the Tla'amin Territory. PREI acquired full ownership of hydroelectric facilities on tiskʷat mill site in 2013. The MOU recognizes the historic and ongoing connection Tla'amin has to tiskʷat, a historic village from which Tla'amin was forcibly removed in the late 1800s. Today, Tla'amin and the qathet Regional District jointly advocate for a future for the site that will “provide a model for economic reconciliation in coastal British Columbia.” Their joint statement states that the Tla'amin Modern Treaty protects its right to a specific claim at tiskʷat, now formally underway with the Government of Canada.

“ Our new relationship with Powell River Energy is a powerful demonstration of reconciliation in action. The recognition of Tla'amin's deep connection at the Tiskʷat site and surrounding lands and resources plays an important role in restoring our nation's rightful place and decision-making role in our territory. We look forward to working together to implement the MOU commitments in collaboration with our new partner.”¹²

— Hegus John Hackett

K'ómoks, Courtenay, and Comox Valley Regional District

“The economic development of our treaty settlement lands and resulting benefits for our members hinges on removing key barriers to development, such as bringing water and sewer service to these proposed parcels.”¹³

— K'ómoks First Nation Chief Councillor Ken Price

When First Nations and local/regional governments are able to work collaboratively, we see positive tangible results that benefit entire regions. Whether it is through infrastructure investments, economic initiatives, or servicing agreements, strengthening of government-to-government relationships can illustrate reconciliation in action. Collaborative government-to-government relationships have enabled the initiatives highlighted below.

A servicing agreement signed in March 2016 between K'ómoks First Nation and the City of Courtenay will bring water and sanitary sewer services to the K'ómoks Puntledge Indian Reserve [IR] #2, which will become treaty lands upon completion and implementation of the future K'ómoks Treaty. Utility installation commenced in October 2020; this work was conducted under permit from the Ministry of Transportation and Infrastructure.

Collaboration between K'ómoks First Nation and Comox Valley Regional District (CVRD) is illustrated through a Mutual Benefit Agreement, signed on September 28, 2018. Through this agreement, K'ómoks provided support for the Comox Valley Water Treatment Project and the CVRD's water license application, which assisted in gaining provincial and federal support for the project. The infrastructure will ultimately support K'ómoks' plans to develop more economic initiatives on the Puntledge IR, including expanding the existing campground and building a residential housing complex.

This agreement was developed over several years with the support of the Comox Valley Regional District. Puntledge IR is adjacent to Courtenay, but outside of the municipal boundary. Local governments do not usually provide services beyond their boundaries. This agreement is indicative of the strong relationship that Courtenay and K'ómoks have forged, since local governments do not typically supply services to areas outside of its boundaries.



— Steps to Reconciliation for Local and Regional Governments

The Treaty Commission shares the following steps to assist in building relationships that can foster reconciliation and shared prosperity between local and regional governments and First Nations.

▶ **LEARN ABOUT SHARED HISTORIES AND CURRENT EVENTS**

Educate yourself about the shared history of Indigenous peoples and Canada. Read through First Nations website(s), the Truth and Reconciliation Commission of Canada (TRC) Final Report and Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and familiarize yourself with First Nations priorities, and local/regional government reconciliation policies and initiatives.

▶ **FOSTER RELATIONSHIPS BUILT ON MUTUAL RESPECT AND TRUST**

Build a meaningful relationship and have the courage and commitment to do things differently. Dedicate time and action with genuine-intention to build lasting relationships, that will benefit all people and governments involved. Respect includes recognition of First Nations distinct rights and needs, and trust includes safe and responsive space and action.

▶ **SUPPORT FIRST NATIONS PATH OF SELF-DETERMINATION**

First Nations have inherent rights of self-determination and self-government. Recognition is the starting point to reconcile and achieve the co-existence of federal, provincial and Indigenous jurisdictions, laws and legal systems. Learning about treaty and tripartite reconciliation negotiations and the status of negotiations will assist in knowing how to support and collaborate, these important processes of reconciliation. Local support may tip the balance for approval for funding, projects, and ratification. Provide letters of support, participate at treaty open houses and vocalize your support publicly.

IMPLEMENT THE *UNITED NATIONS DECLARATION ON THE RIGHTS OF INDIGENEOUS PEOPLES*

The TRC said that the UN Declaration provides a framework for reconciliation at all levels and across all sectors of Canadian society. Federal and provincial governments, and some local/regional governments have committed to implementing the UN Declaration. Utilize the UN Declaration framework and the TRC's Calls to Action to guide the creation of new policies and processes that are in line with Indigenous rights recognition and which implement reconciliation through action.

MAINTAIN REGULAR DIALOGUE

Government-to-government discussions and cross-cultural workshops provide opportunities to learn about respective roles, responsibilities, and guiding principles, and develop plans together. Committees and boards are useful mechanisms for engagement. It is important that everyone is invited to participate early and in a meaningful way.

ESTABLISH PROTOCOLS, AGREEMENTS, OR GUIDING PRINCIPLES

Develop safe, respectful and culturally appropriate processes and forums where First Nations and governments can come together to build mutual understandings and resolve matters. Equitable and effective mechanisms and procedures should be the achievable goal.

BE CREATIVE IN SEEKING INNOVATIVE APPROACHES

There is no "one size fits all". Each First Nation is distinct, and it is important to take diversity into account when developing innovative and responsive approaches. Co-development processes provide inclusive approaches from design to approval, through open and transparent discussions of issues, while respecting respective government processes.

NEGOTIATE SERVICE AGREEMENTS

There are opportunities for efficiencies in service delivery. Both First Nations and local governments need access to existing service infrastructure, and can support each other in enhancing and building needed services.

INVOLVE AND INFORM OTHERS

Community members, organizations, other levels of government, industry, business, and the media, all play a role in reconciliation. They are potential supporters, funders, and key players in intergovernmental processes, and they need to be involved. Ensure public education is a central part of government reconciliation initiatives.

SHARE AND CELEBRATE SUCCESS

Community events and celebrations of success are opportunities to get to know each other more, and share information and visions for the future. Keep coming together.



**BC TREATY COMMISSION
INDEPENDENT FACILITATOR
FOR TREATY NEGOTIATIONS**



BCTREATY.CA
700 - 1111 MELVILLE ST
VANCOUVER BC V6E 3V6

T 604 482 9200
F 604 482 9222
TF 1 855 482 9200