

# Joint Agenda: Implementing the Commitment Document

## Shared Vision, Guiding Principles, Goals and Objectives

### VISION 2018

As expressed in the 2005 New Relationship vision, the Province of British Columbia and First Nations in British Columbia remain determined to achieve a government-to-government relationship based on respect, recognition and accommodation of Aboriginal title and rights, and to the reconciliation of Aboriginal and Crown titles and jurisdictions.

In light of the changing legal, political, economic and social landscape, we are updating our shared vision of and framework for an effective Crown-First Nation relationship in British Columbia, that includes concrete actions and measures for ensuring tangible and real change to the *status quo*.

We will jointly design, construct and implement a principled, pragmatic and organized approach to implement the section 35 *Constitution Act, 1982* framework in British Columbia, the Tsilhqot'in



decision and other established law, the *United Nations Declaration on the Rights of Indigenous Peoples*, and the Truth and Reconciliation Commission's Calls to Action - with tangible milestones to demonstrate progress. We also endorse for application in BC the *Principles respecting the Government of Canada's relationship with Indigenous peoples* (July 2017), which we will determine in collaboration and which are consistent with the Four Principles developed by BC First Nations in 2014. We acknowledge, too, the roles the federal Crown must play in our work of reconciliation.

First Nations and the Crown will work toward strong, sophisticated and valued government-to-government relationships, with clear principles, mutual and respective responsibilities, and accountabilities. This renewed and modernized relationship will clarify and include space for the exercise of our respective jurisdictions, governance, laws and responsibilities, including through new processes and institutions, with the aim of benefitting from and integrating,





where appropriate, the strengths of Indigenous and Crown systems (inclusive of world views, values, processes, standards, policies, decision-making institutions or structures, and approaches), for the benefit of all British Columbians and in terms of environmental stewardship, sustainable resource development, appropriate needs-based service delivery, and a robust and sustainable economy.

Supporting strengthened governance capacity of First Nations will be a priority in order to support this renewed government-to-government relationship.

Our shared vision for Crown-First Nation reconciliation – a fundamental purpose of section 35 of the *Constitution Act, 1982* – has First Nations as an integral part of the social, cultural, political and economic fabric of British Columbia.

We will achieve this vision through our commitment to guiding principles of reconciliation, which will inform and facilitate innovative approaches to negotiations and agreement-making, the development of new mechanisms for decision-making and economic relations, meaningful changes to legislation and policy, and, collaborative engagement with partners. This collaborative work will support and contribute to our success and, also, bring clarity where it may not exist today. We recognize the legal landscape continues to evolve and there are differing interpretations of jurisprudence. We prefer, instead, to establish the following principles to move away from the status quo and toward a modernized Crown-Indigenous relationship in British Columbia.

We will begin this work by implementing our agreed ***Concrete Actions: Transforming Laws, Policies, Processes and Structures.***

## GUIDING PRINCIPLES

Our shared guiding principles for our ongoing work of reconciliation are as follows:

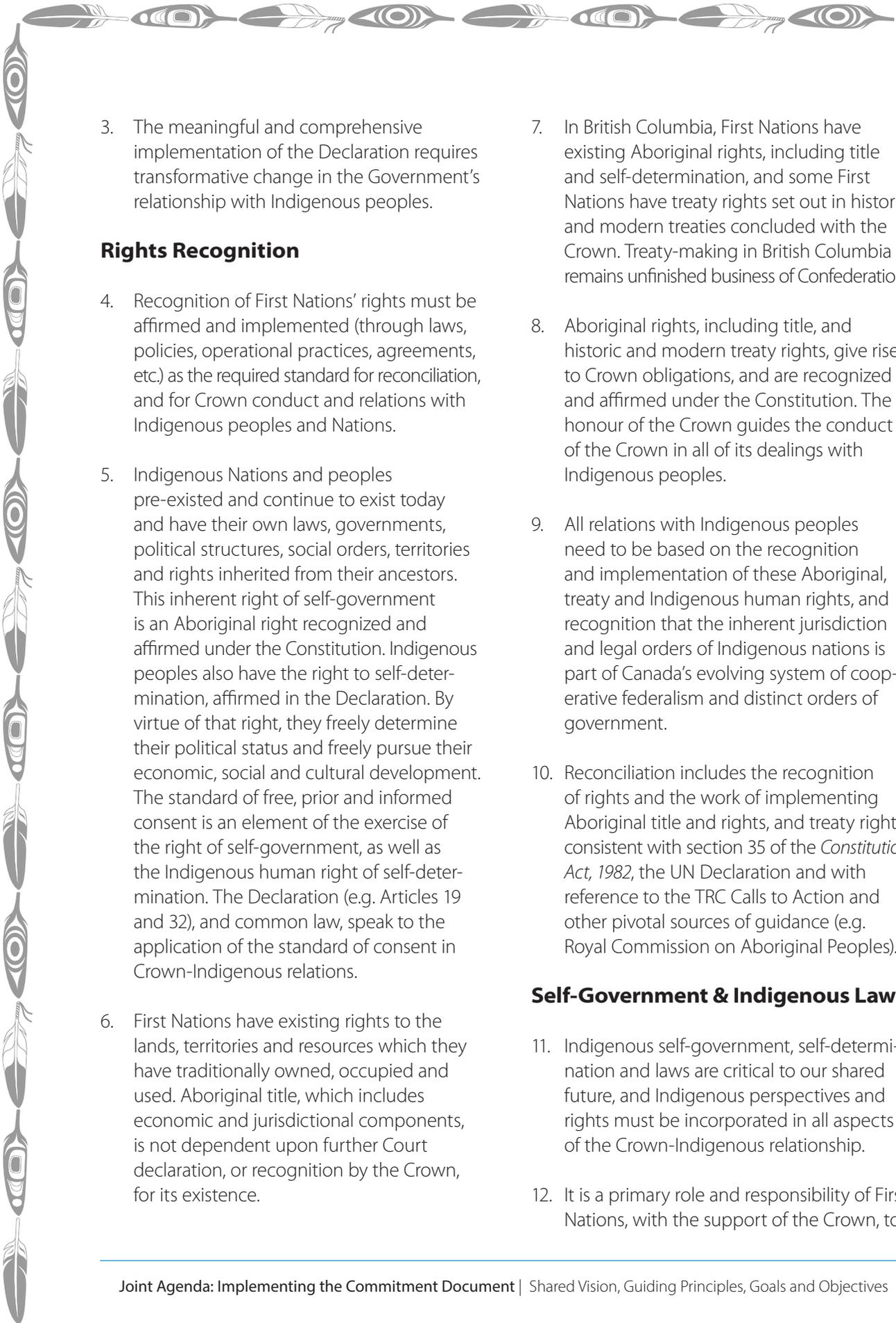
### United Nations Declaration on the Rights of Indigenous Peoples

1. The rights recognized in the *United Nations Declaration on the Rights of Indigenous Peoples* (“Declaration”) constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world, including in British Columbia. These include foundational standards related to the right of self-determination, self-government, and land and resource rights (see, for example, Articles 3, 26 and 32).
2. As stated by the Prime Minister at the 2017 United Nations General Assembly, speaking to the 10th anniversary of the Declaration:

*“In the words of Canada’s Truth and Reconciliation Commission, the Declaration provides “the necessary principles, norms, and standards for reconciliation to flourish in twenty-first-century Canada.” That’s not an aspiration. That’s a way forward.”*

And, as stated by Premier John Horgan in his mandate letter to Minister Scott Fraser, Minister of Indigenous Relations and Reconciliation:

*“We will work collaboratively and respectfully with First Nations to establish a clear, cross-government vision of reconciliation to guide the adoption of the United Nations Declaration on the Rights of Indigenous Peoples, the Truth and Reconciliation Commission Calls to Action, and the Tsilhqot’in Supreme Court decision.”*



3. The meaningful and comprehensive implementation of the Declaration requires transformative change in the Government's relationship with Indigenous peoples.

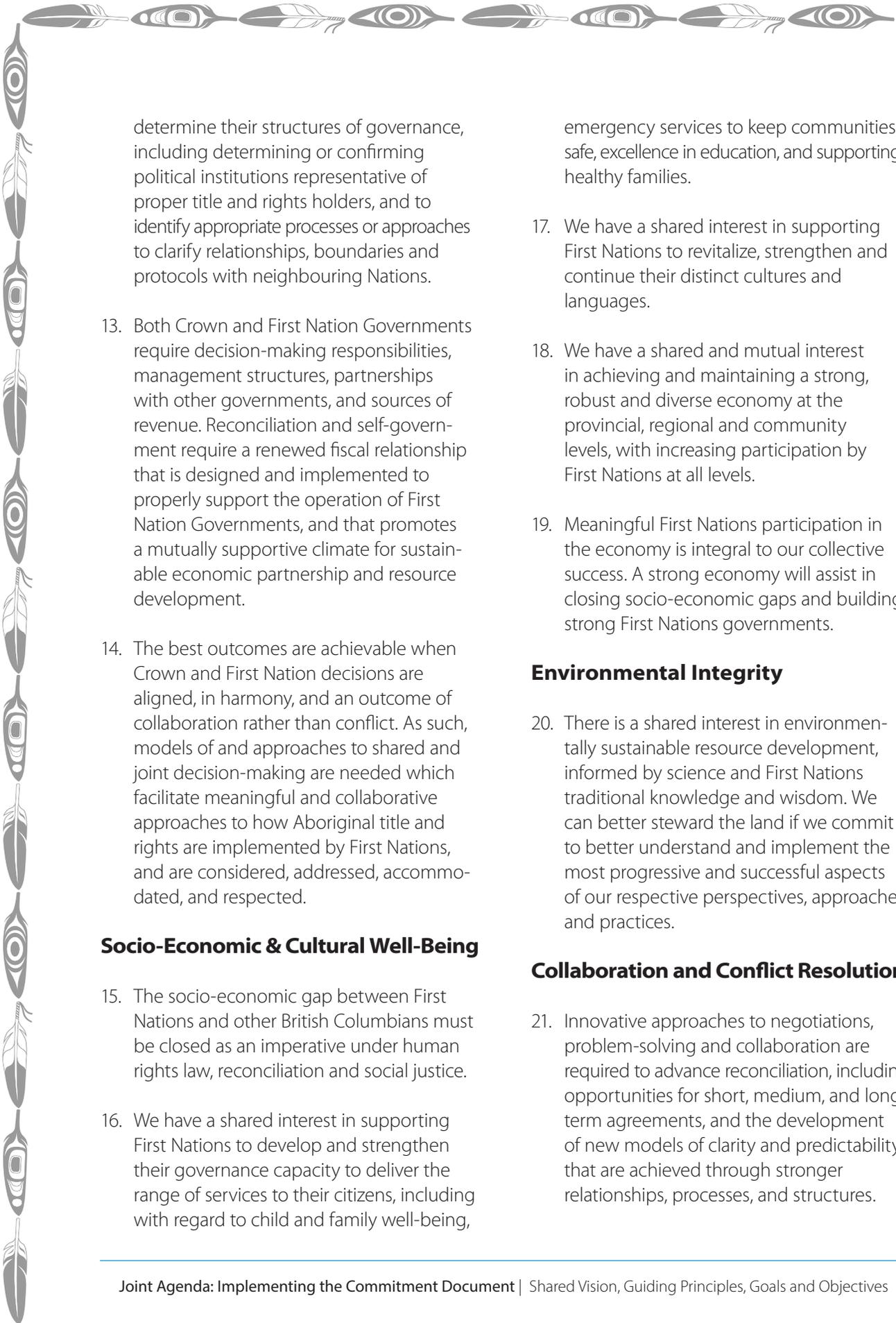
### **Rights Recognition**

4. Recognition of First Nations' rights must be affirmed and implemented (through laws, policies, operational practices, agreements, etc.) as the required standard for reconciliation, and for Crown conduct and relations with Indigenous peoples and Nations.
5. Indigenous Nations and peoples pre-existed and continue to exist today and have their own laws, governments, political structures, social orders, territories and rights inherited from their ancestors. This inherent right of self-government is an Aboriginal right recognized and affirmed under the Constitution. Indigenous peoples also have the right to self-determination, affirmed in the Declaration. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development. The standard of free, prior and informed consent is an element of the exercise of the right of self-government, as well as the Indigenous human right of self-determination. The Declaration (e.g. Articles 19 and 32), and common law, speak to the application of the standard of consent in Crown-Indigenous relations.
6. First Nations have existing rights to the lands, territories and resources which they have traditionally owned, occupied and used. Aboriginal title, which includes economic and jurisdictional components, is not dependent upon further Court declaration, or recognition by the Crown, for its existence.

7. In British Columbia, First Nations have existing Aboriginal rights, including title and self-determination, and some First Nations have treaty rights set out in historic and modern treaties concluded with the Crown. Treaty-making in British Columbia remains unfinished business of Confederation.
8. Aboriginal rights, including title, and historic and modern treaty rights, give rise to Crown obligations, and are recognized and affirmed under the Constitution. The honour of the Crown guides the conduct of the Crown in all of its dealings with Indigenous peoples.
9. All relations with Indigenous peoples need to be based on the recognition and implementation of these Aboriginal, treaty and Indigenous human rights, and recognition that the inherent jurisdiction and legal orders of Indigenous nations is part of Canada's evolving system of cooperative federalism and distinct orders of government.
10. Reconciliation includes the recognition of rights and the work of implementing Aboriginal title and rights, and treaty rights, consistent with section 35 of the *Constitution Act, 1982*, the UN Declaration and with reference to the TRC Calls to Action and other pivotal sources of guidance (e.g. Royal Commission on Aboriginal Peoples).

### **Self-Government & Indigenous Laws**

11. Indigenous self-government, self-determination and laws are critical to our shared future, and Indigenous perspectives and rights must be incorporated in all aspects of the Crown-Indigenous relationship.
12. It is a primary role and responsibility of First Nations, with the support of the Crown, to



determine their structures of governance, including determining or confirming political institutions representative of proper title and rights holders, and to identify appropriate processes or approaches to clarify relationships, boundaries and protocols with neighbouring Nations.

13. Both Crown and First Nation Governments require decision-making responsibilities, management structures, partnerships with other governments, and sources of revenue. Reconciliation and self-government require a renewed fiscal relationship that is designed and implemented to properly support the operation of First Nation Governments, and that promotes a mutually supportive climate for sustainable economic partnership and resource development.
14. The best outcomes are achievable when Crown and First Nation decisions are aligned, in harmony, and an outcome of collaboration rather than conflict. As such, models of and approaches to shared and joint decision-making are needed which facilitate meaningful and collaborative approaches to how Aboriginal title and rights are implemented by First Nations, and are considered, addressed, accommodated, and respected.

### **Socio-Economic & Cultural Well-Being**

15. The socio-economic gap between First Nations and other British Columbians must be closed as an imperative under human rights law, reconciliation and social justice.
16. We have a shared interest in supporting First Nations to develop and strengthen their governance capacity to deliver the range of services to their citizens, including with regard to child and family well-being,

emergency services to keep communities safe, excellence in education, and supporting healthy families.

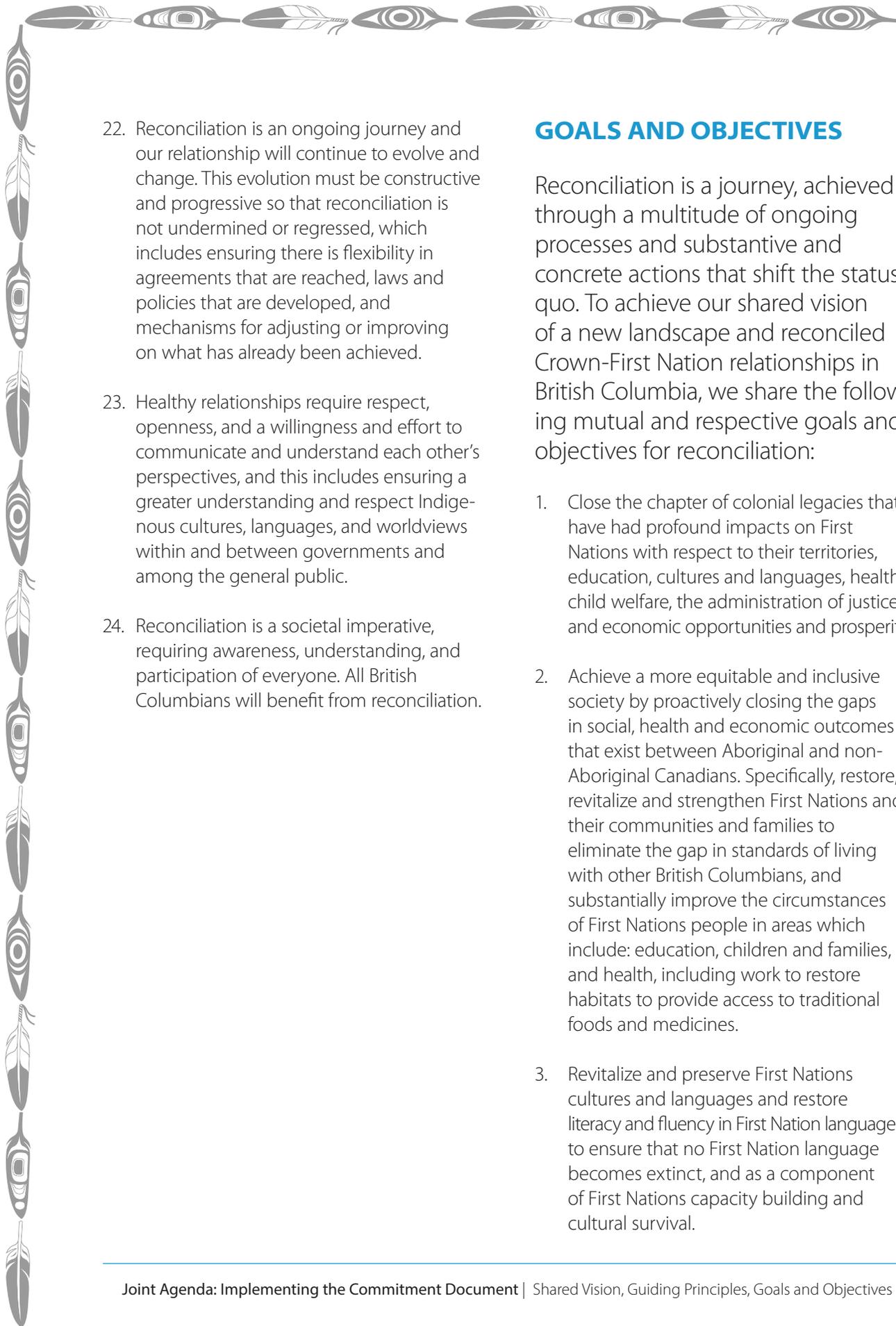
17. We have a shared interest in supporting First Nations to revitalize, strengthen and continue their distinct cultures and languages.
18. We have a shared and mutual interest in achieving and maintaining a strong, robust and diverse economy at the provincial, regional and community levels, with increasing participation by First Nations at all levels.
19. Meaningful First Nations participation in the economy is integral to our collective success. A strong economy will assist in closing socio-economic gaps and building strong First Nations governments.

### **Environmental Integrity**

20. There is a shared interest in environmentally sustainable resource development, informed by science and First Nations traditional knowledge and wisdom. We can better steward the land if we commit to better understand and implement the most progressive and successful aspects of our respective perspectives, approaches and practices.

### **Collaboration and Conflict Resolution**

21. Innovative approaches to negotiations, problem-solving and collaboration are required to advance reconciliation, including opportunities for short, medium, and long-term agreements, and the development of new models of clarity and predictability that are achieved through stronger relationships, processes, and structures.

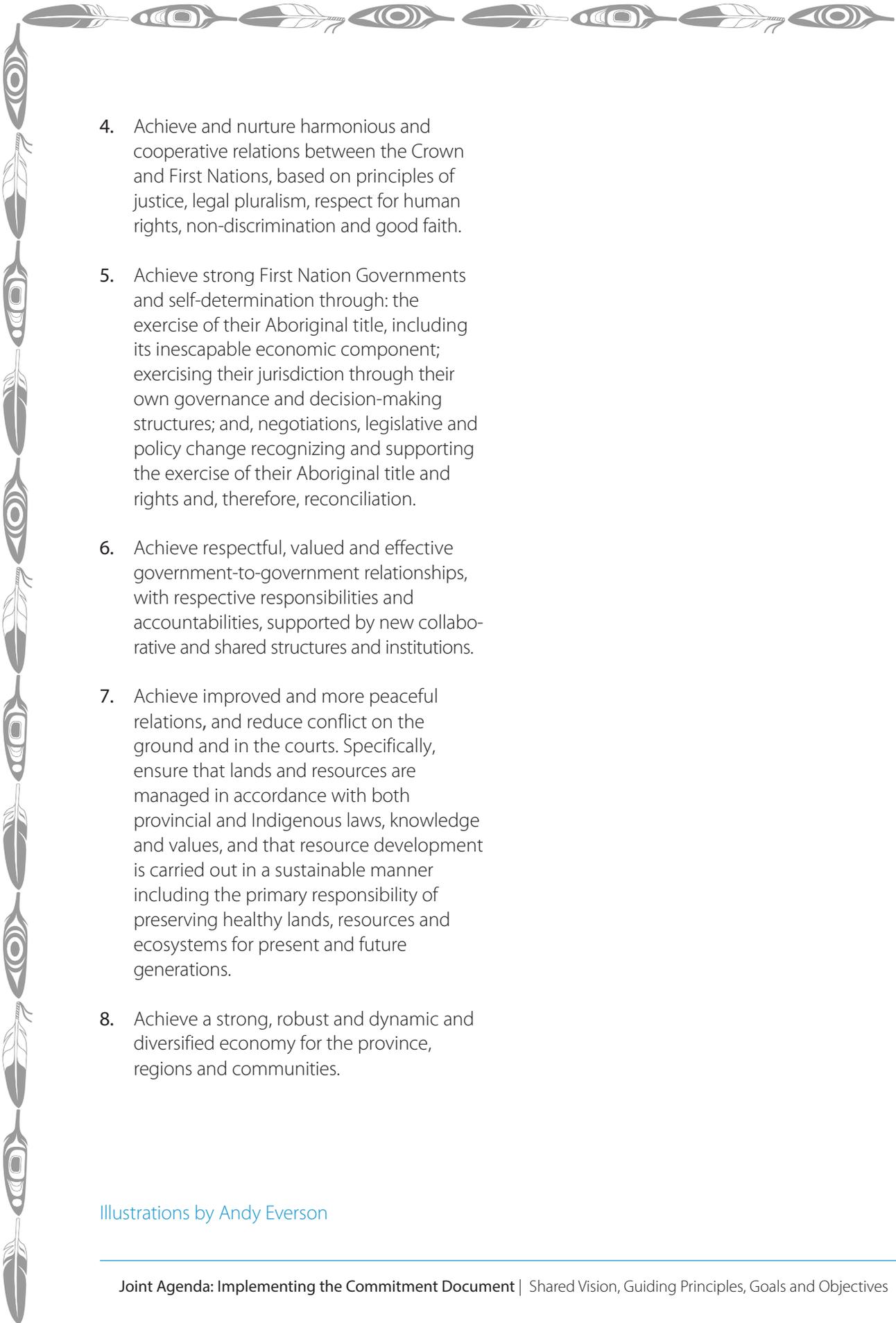


22. Reconciliation is an ongoing journey and our relationship will continue to evolve and change. This evolution must be constructive and progressive so that reconciliation is not undermined or regressed, which includes ensuring there is flexibility in agreements that are reached, laws and policies that are developed, and mechanisms for adjusting or improving on what has already been achieved.
23. Healthy relationships require respect, openness, and a willingness and effort to communicate and understand each other's perspectives, and this includes ensuring a greater understanding and respect Indigenous cultures, languages, and worldviews within and between governments and among the general public.
24. Reconciliation is a societal imperative, requiring awareness, understanding, and participation of everyone. All British Columbians will benefit from reconciliation.

## GOALS AND OBJECTIVES

Reconciliation is a journey, achieved through a multitude of ongoing processes and substantive and concrete actions that shift the status quo. To achieve our shared vision of a new landscape and reconciled Crown-First Nation relationships in British Columbia, we share the following mutual and respective goals and objectives for reconciliation:

1. Close the chapter of colonial legacies that have had profound impacts on First Nations with respect to their territories, education, cultures and languages, health, child welfare, the administration of justice, and economic opportunities and prosperity.
2. Achieve a more equitable and inclusive society by proactively closing the gaps in social, health and economic outcomes that exist between Aboriginal and non-Aboriginal Canadians. Specifically, restore, revitalize and strengthen First Nations and their communities and families to eliminate the gap in standards of living with other British Columbians, and substantially improve the circumstances of First Nations people in areas which include: education, children and families, and health, including work to restore habitats to provide access to traditional foods and medicines.
3. Revitalize and preserve First Nations cultures and languages and restore literacy and fluency in First Nation languages to ensure that no First Nation language becomes extinct, and as a component of First Nations capacity building and cultural survival.



4. Achieve and nurture harmonious and cooperative relations between the Crown and First Nations, based on principles of justice, legal pluralism, respect for human rights, non-discrimination and good faith.
5. Achieve strong First Nation Governments and self-determination through: the exercise of their Aboriginal title, including its inescapable economic component; exercising their jurisdiction through their own governance and decision-making structures; and, negotiations, legislative and policy change recognizing and supporting the exercise of their Aboriginal title and rights and, therefore, reconciliation.
6. Achieve respectful, valued and effective government-to-government relationships, with respective responsibilities and accountabilities, supported by new collaborative and shared structures and institutions.
7. Achieve improved and more peaceful relations, and reduce conflict on the ground and in the courts. Specifically, ensure that lands and resources are managed in accordance with both provincial and Indigenous laws, knowledge and values, and that resource development is carried out in a sustainable manner including the primary responsibility of preserving healthy lands, resources and ecosystems for present and future generations.
8. Achieve a strong, robust and dynamic and diversified economy for the province, regions and communities.

Illustrations by Andy Everson