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# Indigenous Engagement Requirements Interim Guidance

Emergency and Disaster Management Act

September 4, 2024

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## About this Document

This document provides interim guidance and interpretation for regulated entities (including municipalities, regional districts, and prescribed critical infrastructure owners and public sector agencies) and Indigenous governing bodies. The information in this document is for convenience and guidance and is not legal advice or a replacement for the legislation or independent legal advice.

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# Introduction and Background

In 2018, the Government of British Columbia (the Province) took a significant step towards modernizing emergency management by adopting the United Nations Sendai Framework for Disaster Risk Reduction (Sendai Framework). This framework was developed in 2015 and outlines international best practices for managing the risk of disaster. That same year, the Province underscored its commitment to work with Indigenous Peoples in the spirit of respect and collaboration by introducing the *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples*, a set of draft principles designed to guide the daily work of provincial government employees.

Then, in 2019, the Province passed the [Declaration on the Rights of Indigenous Peoples Act](#) (Declaration Act). The Declaration Act affirms application of the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* to the laws of British Columbia (B.C.). Among other things, the Declaration Act also mandates the Province to bring provincial laws into alignment with the UN Declaration and defines the term Indigenous governing body (IGB).

In 2019, the same year that the Declaration Act came into force, the Province began working to modernize B.C.'s emergency management legislation with an aim to incorporate key components of emergency management that were absent from

the former Emergency Program Act. These changes included an acknowledgement of the linkage between climate change and increasingly frequent emergencies, all four phases of emergency management (mitigation, preparation, response, and recovery) and recognition of the inherent rights of Indigenous Peoples.

The Province also developed a broad external engagement approach over multiple phases to ensure feedback was considered and prioritized in drafting new legislation. During this time, Emergency Management B.C. (now the Ministry of Emergency Management and Climate Readiness) conducted 172 meetings, webinars and teleconferences with partners and stakeholders, and received 239 written submissions. This included five regional Indigenous engagement sessions reflecting the perspectives of approximately 80 Indigenous participants from 61 First Nations communities. The Union of British Columbia Municipalities (UBCM) Flood and Wildfire Advisory Committee was a key contact point with local government elected officials and senior staff. Feedback informed the *What We Heard Summary Brief* which was released on August 31, 2020.

In March 2022, the [2022-2027 Declaration Act Action Plan](#) committed the Ministry of Emergency Management and Climate Readiness (EMCR) to collaboratively develop modernized emergency management legislation in consultation and cooperation with First Nations. The process included frequent

discussions with technical teams representing the First Nations Leadership Council, member Nations of the Alliance of B.C. Modern Treaty Nations and several First Nations. Indigenous leadership organizations and service providers also contributed to policy conversations. After the consultation and cooperation process had been initiated, B.C.'s Declaration Act Secretariat released the [Interim Approach to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act](#), and the principles in this document informed the ongoing engagement process.

EMCR recognizes that relationships and partnerships already exist between critical infrastructure owners, local authorities, the public sector, First Nations and Treaty Nations. The Emergency and Disaster Management Act (the EDMA), which received Royal Assent on November 8, 2023, promotes relationship building as an imperative that flows from the minimum standards for the survival, dignity, and well-being of the Indigenous Peoples of the world contained in the UN Declaration. The EDMA also encourages multijurisdictional collaboration in the face of complex disaster risks and emergencies.

The EDMA includes guiding principles that promote relationship building across jurisdictions and the incorporation of Indigenous knowledges and cultural safety across emergency management practices. The Indigenous engagement requirements are designed to enhance cooperation with Indigenous Peoples and support Indigenous input into emergency management. This will help to

improve outcomes and address disproportionate impacts for Indigenous Peoples.

The intent is to uphold the inherent rights of Indigenous Peoples – including the rights of First Nations and Treaty Nations – to make laws in relation to emergency management, provide policy improvements that reflect lived experience of First Nations during emergency events and enhance the emergency management outcomes for the safety of all. The legislation is also designed to recognize the unique relationship between the Province and the Modern Treaty Nations, which are the Nations that have entered into modern final agreements (treaties) with the Province and Canada. Modern Treaty Nations have the rights, powers, duties and obligations of local authorities for the purposes of emergency management in respect of their treaty lands.



## Guiding Principles of Emergency Management in the EDMA

Effective emergency management in British Columbia requires that the government, regulated entities, IGBs and other parties engaged in emergency management, in their relationships:

- Acknowledge and respect the authority of each party
- Work towards harmonization and coordination of emergency measures, plans, policies and programs
- Foster collaborative approaches to matters of mutual interest

Effective emergency management in British Columbia is based on the following principles:

- Practicing emergency and disaster risk reduction, including by working proactively to prevent the creation of new risks, to reduce existing and future risks and to increase resilience
- Investing in the measures necessary to reduce the risk of an emergency occurring and to enhance the economic, social, health and cultural resilience of society and the resilience of the environment to emergencies and any related adverse effects
- Recognizing the relationship between a changing climate and emergency management, including recognizing that a changing climate contributes to the increased occurrence and adverse effects of some hazards and emergencies
- Promoting cultural safety in emergency management, including by incorporating relevant actions in emergency management plans, policies and programs
- Recognizing that the inherent right of self-government of Indigenous Peoples includes authority to make laws in relation to emergency management
- Recognizing the importance of Indigenous advice, input and stewardship activities in emergency management

## Scope of Guideline and Phasing-In of Requirements

The implementation of the EDMA is being phased through transitional provisions that support the shift from the Emergency Program Act to the EDMA. This phased approach allows time to develop tools to support regulated entities in advance of future regulations. These guidelines are ‘interim’ because, while the EDMA has received Royal Assent, some of the Indigenous engagement requirements do not come into effect until regulations are made. For example, the requirement to include Indigenous knowledge in risk assessment and emergency management plans does not come into effect until regulations are made. Additional detail is provided in Table 1.

This guidance document is intended to support emergency management practitioners with understanding and implementing the Indigenous engagement requirements included in the Act. This document will be updated as new tools, guidance, and regulations come into effect. For details on what is required, refer to the Act.

In this version of the guidance document, the following information is provided:

- ➔ Summary of the EDMA Indigenous engagement requirements and background for why the Indigenous engagement requirements are in place
- ➔ Who regulated entities must engage with and when
- ➔ Description of Indigenous knowledge and incorporating cultural safety in emergency management

- ➔ Key terms intended to provide a common understanding of the language used in the EDMA (note that many terms used throughout this document are legally defined within the Act. For terms that are not legally defined in the Act, a glossary, “Appendix A: Additional Key Terms,” has been included in this document to provide additional context)
- ➔ Principles of consultation and cooperation and examples of them in action
- ➔ Contacts to help determine who to talk to and how to start these critical conversations.

For a list of key components that are now in effect and key components (grouped by topic) that will become functional after regulations are made, see the fact sheet *When Does B.C.’s New Emergency Management Legislation Come Into Effect?*<sup>4</sup>. The key aspects of the EDMA related to the Indigenous engagement requirements that are in effect now can be found in the table on the next page.



**Table 1: Key aspects of the EDMA related to the Indigenous engagement requirements in effect**

<b>Component of the Act</b>	<b>Reference in the Act</b>
Definitions, including definitions of “emergency”, “security threats” and “critical incident”	Section 1(1)
Guiding principles for emergency management, including the concept of emergency management phases (mitigation, preparation, response, and recovery)	Sections 2 and 3
Power to enter into different types of agreements with IGBs	Part 3
Power to enter into emergency measures agreements	Division 4 of Part 2
Requirements for local authorities to begin work to reach agreement with IGBs on the areas to be described in the local authorities’ emergency management plans, for the purposes of consultation and cooperation during the response and recovery phases	Section 179(7)
For the response and recovery phases, consultation and cooperation will be required once agreements on areas have been reached and when either the Province or a local authority plans to use certain response or recovery powers. The EDMA response and recovery powers includes a list of the response and recovery powers that require consultation and cooperation prior to issuing an order or emergency instrument.	Section 90 and 120 respectively
Power to enter into a multijurisdictional emergency management organization	Section 21
Reporting requirements (e.g., following the use of response or recovery powers, following states of provincial or local emergency, or on spending beyond the base budget of the Ministry of Emergency Management and Climate Readiness)	Sections 10 and 24 Division 8 of Part 5 and Division 8 of Part 6
Requirement for the minister to initiate a review of the EDMA and regulations within five years of the EDMA receiving Royal Assent	Section 174
Response and recovery powers that may be exercised by the minister, the provincial administrator, the Lieutenant Governor in Council (LGIC) and local authorities including municipalities, regional districts, and Modern Treaty Nations (See: the EDMA response and recovery powers)	Divisions 3-7 of Part 5 and Divisions 3-7 of Part 6



## Definitions in the EDMA

**Regulated Entity** means a B.C. Cabinet Minister, public sector agency, a local authority, a Modern Treaty Nation or a critical infrastructure owner.

**Government Minister** means a member of the Executive Council charged by order of the Lieutenant Governor in Council with the administration of an enactment or the ministry of that Minister.

**Lead Minister** means government ministers assigned responsibility for specific hazards.

**Public Sector Agency** means a government organization within the meaning of the Budget Transparency and Accountability Act that will be prescribed in regulation.

**Local Authority** means a municipality, a regional district, the Nisga'a Nation and/or a treaty First Nation (unless otherwise noted).

**Critical Infrastructure Owner** means a person who possesses, occupies, controls the use of or has the right to control the use of critical infrastructure, or subject to the regulations, a person who has an estate or interest, whether legal or equitable, in critical infrastructure.

**Lieutenant Governor in Council (LGIC)** means the Lieutenant Governor (LG of B.C. represents the King at the provincial level in Canada and is the legal head of state in B.C. The LGIC refers to the LG acting on and with the advice of the Executive Council of Cabinet. In the Act, the powers and duties of the LGIC include regulation-making authority.

**Provincial Administrator** means the designated government administrator for the Act. The powers of the provincial administrator can be delegated. Under the former Emergency Program Act, the provincial administrator was known as the "director."

**Indigenous Governing Body**, as defined in the Declaration Act, means an entity that is authorized\* to act on behalf of Indigenous Peoples that hold rights recognized and affirmed by section 35 of the Constitution Act (1982).

\*The notion of "authorized" in the definition of IGBs must be read as a form of "authorization" pursuant to Indigenous legal processes, traditions, and standards, consistent with the UN Declaration, that are undertaken as part of Nations expressing, rebuilding, and implementing their governance systems. Given this definition, it is for Indigenous Peoples — not the Province — to determine what entity constitutes an IGB. This has to be determined by Indigenous Peoples as part of their internal work, including the processes and mechanisms they use in establishing the authorization for that entity.)

EMCR anticipates that the approach to implementing the Indigenous engagement requirements will become further refined through collaboration on regulations, engagement on policies and practices with Indigenous Peoples and partners and the legislated five-year review of the EDMA.

In addition to the five-year review, the Act offers other touchpoints to assess the implementation of the Indigenous engagement requirements. For example, post-event reporting requirements provide for transparency, and offer an opportunity to review how consultation and cooperation are being implemented. The annual meetings with IGBs who have entered into agreements with the Province under the EDMA allow for an annual review of the relationships. In addition, future Multijurisdictional Emergency Management Organization (MJEMO) meetings, partnership table meetings and seasonal readiness meetings offer an opportunity to assess processes.

In some regions where relationships between jurisdictions are in an early stage of development, more time and support may be needed. EMCR is committed to supporting these important discussions and helping to grow trust-based relationships.



# Key roles in the Emergency and Disaster Management Act

The EDMA acknowledges the following roles across the phases of emergency management.

## Ministry of Emergency Management and Climate Readiness (EMCR)

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- Provides oversight, leadership, and coordination of activities and implementation of the EDMA.
- Prepares, maintains, and implements the new Comprehensive Emergency Management Plan (CEMP), in consultation and cooperation with IGBs and with the inclusion of measures to promote cultural safety and Indigenous knowledge, where available.
- Makes information public on potential emergencies.
- Can exercise statutory response and recovery powers and must report accordingly.
- Must consult and coordinate with local authorities.

## Lead Ministers (Provincial Ministries)

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- Following regulation development, prepare risk assessments and emergency management plans for hazards, in consultation and cooperation with IGBs and with inclusion of measures to promote cultural safety and Indigenous knowledge, where available.
- Take measures outlined in the CEMP.
- Following regulation development, prepare a business continuity plan.
- Regulations will include the assignment of hazards to provincial ministries.
- Must consult and coordinate with local authorities.

## Comprehensive Emergency Management Plan (CEMP)

Under the former Emergency Program Act, there was a provincial “All-Hazard Plan” that was the basis for the response to the danger, or risk, posed by all types of hazards in British Columbia. The All-Hazard Plan will be replaced by the CEMP.

The CEMP is the emergency management plan for the Government of British Columbia and includes all the plans provided by lead ministers that are assigned responsibility for specific hazards. It applies across the province. Under the EDMA, the provincial administrator (or another staff member authorized to perform their duties) within EMCR is the keeper and overseer of the CEMP. They must prepare, maintain, implement, review and revise the CEMP. They must also make prescribed information available to the public in relation to potential emergencies. This information will be added through regulation and can include information relating to hazards, risks and vulnerabilities.

The provincial administrator (or representative) is also required to prepare, maintain and implement one or more area-based emergency management plans that includes descriptions of Modern Treaty areas and areas agreed to with IGBs for the purposes of consultation and cooperation related to response and recovery actions. Regional districts and municipalities are required to contribute to this area-based plan by submitting an outline of the areas that have been agreed to during the implementation of the transitional requirements.

### Public Sector Agencies

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- Following regulation development and in consultation and cooperation with IGBs:
  - Prepare and maintain a risk assessment with respect to prescribed types of hazards.
  - Prepare, maintain, and implement an emergency management plan with inclusion of measures to promote cultural safety and Indigenous knowledge, where available.
  - Prepare and maintain a business continuity plan.

## Municipalities and Regional Districts

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- Following regulation development, prepare risk assessments for hazards in the area within their jurisdiction, and emergency management plans, in consultation and cooperation with IGBs and with inclusion of measures to promote cultural safety and Indigenous knowledge, where available.
- Following regulation development, prepare a business continuity plan.
- Can exercise statutory response and recovery powers and must consult and cooperate with IGBs when doing so.
- Prepare and submit post-event reports — see the [guide for Post-Event Reporting by Local Authorities Under the EDMA](#).
- Must consult and coordinate with other local authorities (see section on Consult and Coordinate).

## Indigenous governing bodies — First Nations

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- Facilitate the exercise of inherent rights of First Nations including law-making authority in relation to emergency management.
- Take actions, in reliance on this inherent right, in relation to emergency management.
- May choose to enter into agreements with the Province or local authorities, some of which may include other parties. First Nations' laws may be recognized through the implementation of agreements such as coordination agreements.

## Modern Treaty Nations

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- Exercise inherent right of self-government as treaty-based authorities in relation to emergencies, including power to make laws and to take actions in reliance on this inherent authority. Can exercise statutory response and recovery powers.
- Have a dual role in the EDMA as they are a "local authority" and have similar rights and powers to other local authorities, though some duties and obligations are different. They are also an IGB and are entitled to consultation and cooperation and may choose to enter into agreements in a similar manner as other IGBs.
- May choose to prepare risk assessments and emergency management plans, as described in, and governed by, the EDMA and its regulations.

## Critical Infrastructure Owners

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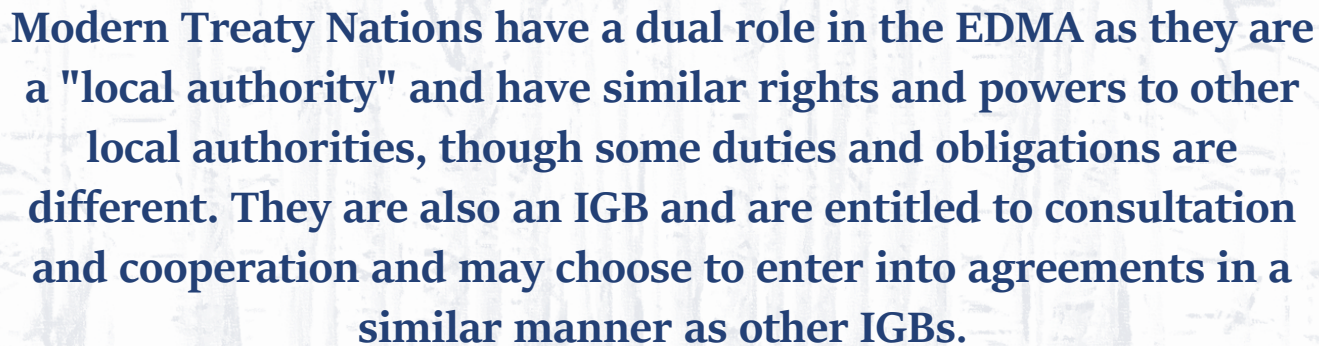
- Following regulation development, prepare risk assessments with respect to the hazards that may affect the critical infrastructure.
- In consultation and cooperation with IGBs, prepare emergency management plans, with inclusion of measures to promote cultural safety and Indigenous knowledge where available.
- Following regulation development, prepare a business continuity plan.

Note: Critical Infrastructure will be defined in regulations made under the new statute.

## Volunteers/Volunteer Organizations

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- If the provincial administrator is of the opinion that there is a need for volunteers for a specialized measure, volunteer organizations may be invited to apply to be authorized as public safety providers.
- Volunteers may be required by regulation to take training to incorporate cultural safety and intersectionality in their role in emergency management.



**Modern Treaty Nations have a dual role in the EDMA as they are a "local authority" and have similar rights and powers to other local authorities, though some duties and obligations are different. They are also an IGB and are entitled to consultation and cooperation and may choose to enter into agreements in a similar manner as other IGBs.**

# Engagement Terminology in The Emergency and Disaster Management Act

Within the EDMA, there are three forms of engagement: **consult and cooperate**, **engage and cooperate**, and **consult and coordinate**. The following sections provide a high-level explanation of these forms of engagement and why they are different.

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## A Note on Distinctions-Based Approach:

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A distinctions-based approach means there will be circumstances in British Columbia where First Nations are engaged, but Inuit and Métis are not. This is particularly with respect to processes, matters, projects, or initiatives that relate to or have implications for the land, water, or air in British Columbia, or associated jurisdiction related to land, water, or air in British Columbia.

In implementing the Declaration Act, the Province must consider the diversity of the Indigenous Peoples in British Columbia, particularly their distinct languages, cultures, customs, practices, rights, legal traditions, institutions, governance structures, relationships to territories and knowledge systems. The Province is required to take a distinctions-based approach in all relations with First Nations, Inuit and Métis. This requirement has a legal foundation in:

- the Constitution Act (1982)
- the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration),
- the Declaration Act,
- treaties
- the respective and distinct laws, legal systems, and systems of governance of First Nations, Inuit, and Métis.

A distinctions-based approach, and appropriate respect for Indigenous laws and jurisdictions, means that the scope of rights enjoyed by an Indigenous People is contextual and that the Province's relations and dealings with First Nations, Inuit and Métis will be conducted in a manner that is appropriate for the specific context, recognizing and respecting the distinct and different rights, laws, legal systems, and systems of governance of each. (See B.C.'s [distinctions-based approach primer](#))

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# Consult And Cooperate Explained

## The UN Declaration: Summary, Context, And Application

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Within the EDMA, the UN Declaration concept of “consult and cooperate” is applied to certain emergency management actions. The following sections on mitigation, preparation, response and recovery provide additional information on which specific powers require consultation and cooperation. A list of response and recovery powers available to all parties authorized to exercise those powers under the Act, and related consultation and cooperation requirements, can be found in [the EDMA response and recovery powers](#).

The UN Declaration in its preamble encourages and emphasizes the importance that states implement the UN Declaration in consultation and cooperation with Indigenous Peoples. It is important to first recognize the distinct laws, legal systems and systems of governance of Indigenous Peoples. The UN Declaration affirms Indigenous Peoples’ right to self-determination and, in exercising this right, the right to autonomy or self-government (Articles 3-4). Flowing from the inherent and human right to self-determination, Indigenous Peoples have the [collective] right to maintain and strengthen their distinct political, legal, economic, social, and cultural institutions (Article 5). Indigenous Peoples also have rights to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use (Article 26).

In the UN Declaration, states are required to consult and cooperate with Indigenous Peoples to obtain their **free, prior and informed consent**, “before adopting or implementing legislative or administrative measures that may affect them” (Article 19). “Free” means there is no coercion, manipulation or intimidation and there is no pressure for IGBs to agree. “Prior” means that consent is sought in advance of a decision, with sufficient and appropriate respect for Indigenous decision-making processes. “Informed” means that necessary information is provided through a participatory process of consultation. “Consent” is a concrete expression of the right to self-determination, and an affirmation of Indigenous laws, jurisdiction and decision-making. In the context of emergency response and recovery, where the imminent safety of all is the priority, efforts to obtain consent should not compromise safety and may not be possible in all cases (see p. 25).

The Declaration Act and recent amendments to the EDMA represent important first steps towards implementing these aspects of the United Nations Declaration into B.C. law.

First Nations, as territorial title and rights-holders and pre-existing sovereign societies that used and occupied lands and resources prior to contact, have their own laws, legal systems and systems of governance that apply to those lands, resources, and territories.

Those laws, legal systems, and systems of governance have not and cannot be unilaterally displaced. To clarify and enable the exercise of the inherent right of self-government by the IGB in responding to or recovering from an emergency, the EDMA allows for agreements including coordination agreements between jurisdictions.

In implementing the Act, free, prior and informed consent is the objective, and the Province and regulated entities are expected to make reasonable efforts to achieve it, and reflect it in their approach when consulting and cooperating. In addition, consent is specifically required under the EDMA in defined circumstances, including in the contemplation of sharing any confidential

Indigenous knowledge, the application of an emergency instrument to an IGB or certain actions in relation to Modern Treaty lands, title land or reserve land. Consent may also be required under a shared decision-making agreement (decision-making agreement or statutory power agreement) entered into under section 6 or 7 of the Declaration Act.

Consultation and cooperation are a central requirement of the EDMA. While formal agreements are not a prerequisite for implementing consultation and cooperation under the Act, negotiations and agreement-making can enhance, specify processes related to, and/or adapt, these base requirements.

**First Nations, as territorial title and rights-holders and pre-existing sovereign societies that used and occupied lands and resources prior to contact, have their own laws, legal systems and systems of governance that apply to those lands, resources, and territories.**

## General Guidelines for Operationalizing Consultation and Cooperation

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The following is a list of guiding principles and examples for regulated entities to operationalize consultation and cooperation with IGBs.

### → Undertake preparatory work prior to reaching out to First Nations.

Learning about the history, culture, demographics, governance and territory of the First Nation you are partnering with shows respect and will enhance relationships between regulated entities and First Nations by fostering a deeper understanding of the cultural context for doing business.

- For example, many regional districts have reviewed First Nations' websites that provide information on history, culture, demographics, governance and territory and First Nations have taken steps to make information about their Nations available to regional districts and municipalities.
- A local authority could access funding under the [UBCM Community Emergency Preparedness Fund Indigenous Cultural Safety and Cultural Humility Training](#) stream to train their emergency management and emergency operations centre (EOC) team in advance of reaching out to IGBs.

### → Consider the distinct rights of the Indigenous Peoples with whom you are engaging.

First Nations, Inuit and Métis Peoples all have rights recognized and affirmed by s. 35 of the Constitution Act (1982). Further to the "[Note on the distinctions-based approach](#)" (page 15), the approach to engaging First Nations is different than the approach to engaging Inuit or Métis. Where the EDMA requires consultation and cooperation with each IGB whose traditional territory or treaty area are engaged, this will not include Inuit or Métis because they do not have land-based rights in the province. However, it is appropriate to consider Inuit and Métis in connection with local knowledge, cultural safety and intersectional disadvantage in the development of risk assessments and emergency management plans.

- For example, it is appropriate to include Inuit and Métis Peoples where cultural considerations, anti-Indigenous racism, specific customs and intergenerational trauma may impact evacuee care and supports.

In considering distinct rights of Indigenous Peoples, it is also important to recognize the unique rights, powers, responsibilities and law-making authorities of the Modern Treaty Nations, which are the First Nations that have entered into modern final agreements (treaties) with the Province and Canada. Currently these are the Nisga'a Nation, Tsawwassen Nation, Tla'amin Nation and the Maa-nulth Nations (the Huu-ay-aht First Nations, Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations, Toquaht Nation, Uchucklesaht Tribe and Yuułu?ił?ath). Treaties identify treaty lands owned and governed by each Modern Treaty Nation. Modern Treaty Nations have the rights, powers, duties and obligations of local authorities for the purposes of emergency management in respect of their treaty lands. Beyond their treaty lands, Modern Treaty Nations still have various treaty rights comparable to the Aboriginal rights of other IGBs.

## Intersectional Disadvantage

Intersectional disadvantage is defined as the intersection of social categorizations of persons or classes of persons, including race, economic status, sexual orientation, gender identity and expression, age and ability, in ways that may result in overlapping systems of discrimination or disadvantage or disproportionate adverse effects.

### → To support the implementation of the engagement requirements in EDMA, engage early with IGBs to co-determine consultation and cooperation planning, frequency, and approaches, including timelines and process.

There is no single, prescriptive approach for this. Where mechanisms and processes for engagement are not in place, they should be jointly determined. Seek to engage in dialogue with the IGB to discuss how the work may affect them, and whether and how they wish to be involved. The intent of the legislation is to encourage and enable conversations and enhance relationships between First Nations and regulated entities through consultation and cooperation. It is recognised that an IGB may or may not engage or may require time to coordinate internally before participating in consultation and cooperation with regulated entities. There is no obligation for IGBs to participate in consultation and cooperation, but they must be given the opportunity to engage.

Information-sharing with IGBs can take various forms (e.g., meetings, workshops, or correspondence) based on established or recommended processes.

This may include:

- clear milestones and associated timelines and key documents
- guidance from First Nations on how to respect protocols, traditions, governance processes, laws, and jurisdiction
- the mechanisms for engagement
- anticipated timelines
- accountabilities and roles and responsibilities
- the need to engage any technical or consulting support
- resourcing for the process.

Provide ample time for IGBs to consider information and respond and be prepared to adapt or change proposals in response to input from Indigenous Peoples. Acknowledge the capacity variations and limitations and integrate appropriate timelines reflecting these factors.

- For example, a municipality, regional district, and neighbouring First Nation could commit to attend annual spring readiness meetings to discuss engagement processes for the upcoming freshet or wildfire seasons. Notes from that meeting could be circulated to all partners to validate the agreed upon approach.
- For example, an IGB and municipality may choose to draft an agreement to clearly outline consultation and cooperation processes across the phases of emergency management.

➔ **Strive to ensure consistency and coherence throughout the process. Include continuity in who is representing your organization and messages that are shared.**

Ensure mechanisms are in place to deal with challenges that may arise.

- For example, a communication protocol could be established between an IGB and a regional district with clear instructions about who to contact during an emergency event and if challenges arise.

→ **Provide for a range of potential consultation and cooperation mechanisms.**

It should never be presumed (or imposed) that IGBs will all choose to be involved in the same way or at all. Do not impose modes of involvement; instead, be responsive to the priorities and preferred approaches of the IGBs you work with.

- For example, a regional district could ask an IGB how (or if) they wish to be consulted if a regional district plans to use emergency powers that could affect the IGB. It is a wise practice to establish a back-up method for communication in the case that the primary method for communication is impacted by the emergency event.

→ **Ensure that discussions and materials are accurate, complete and include providing options, discussing challenges and issues and all other material that supports meaningful two-way dialogue.**

Clear, open, and transparent communications at every stage of the process contribute to mutually acceptable, commonly understood and well-informed outcomes. Proactively seek the views of IGBs in terms of other worldviews, values and options that should be considered. Remain open: listen and apply inputs into successive drafts of documents and options.

- For example, ensure that Indigenous knowledge and IGB contributions to local authority emergency management plans are validated by the IGB before the plan is finalized and published.

→ **Apply anti-racist, anti-colonial, trauma-informed, gender-based analysis plus (GBA+) and cultural safety lenses to consultation and cooperation plans, materials and sessions.**

Create an environment for safe truth-telling and perspective-sharing (e.g., offering space and support for reflection following difficult conversations). Recognize the First Nations territory where all work is taking place.

Update emergency management documents with inclusive language — developing literacy with language that more accurately reflects Indigenous people demonstrates commitment to reconciliation. Avoid use of the possessive (such as “our First Nations”) and the term “stakeholder,” and be intentional when using terms such as “partner.”

- For example, a local authority could proactively reference Indigenous style guides when drafting emergency management materials or plans and working closely with IGBs to confirm or validate the wording and the approach.
- The Province offers further guidance on [inclusive language and terms](#).

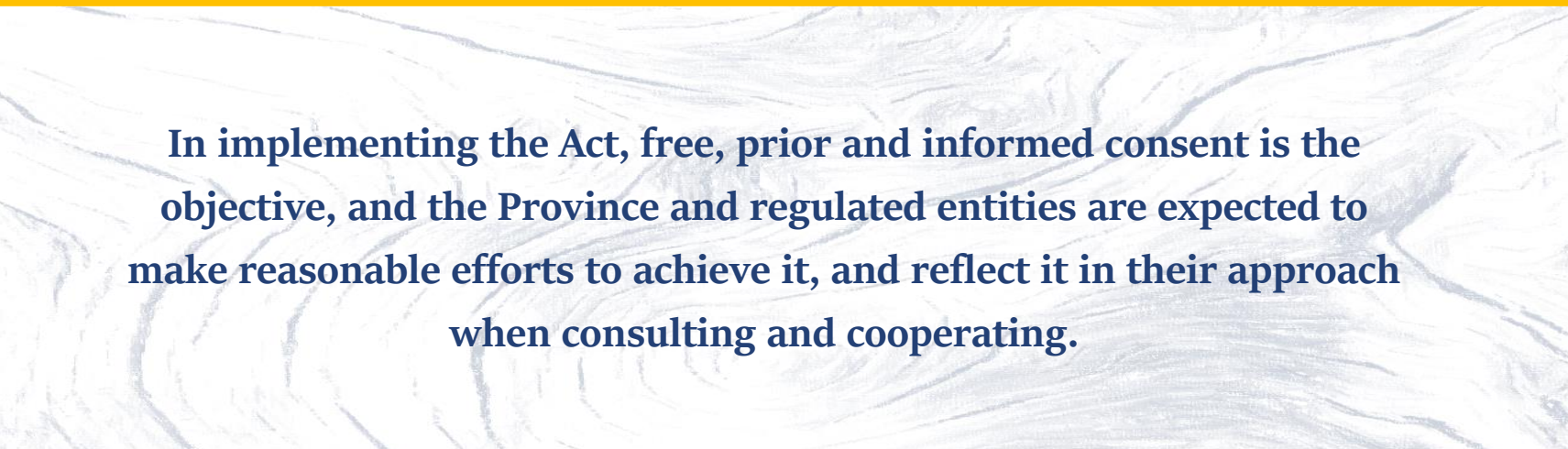
→ **Synthesize and report back the results of consultation and cooperation and those who participated in the engagement process, in accordance with a transparent and co-developed methodology.**

Describe the ways in which consultation and cooperation has informed the decisions needing to be made. When results of engagement are not incorporated, the reasons for this should be clearly conveyed to the IGB involved, with the opportunity for dialogue, discussion and problem-solving. For post-event reporting see [the Local emergency response operations](#) webpage. For example, a local authority EOC situation report could include the outcome of engagement conversations with an IGB. When engagement results are not incorporated, the local authority EOC could phone the IGB to provide context as to why they had to go in a different direction.

→ **Undertake a process of debriefing following the engagement, to support ongoing learning and improvement.**

Co-develop and implement processes to document lessons learned (e.g., debriefing sessions, surveys).

- For example, a local authority and an IGB may participate in a joint After-Action Review (AARs) to reflect on and adjust engagement processes for future emergency events.



**In implementing the Act, free, prior and informed consent is the objective, and the Province and regulated entities are expected to make reasonable efforts to achieve it, and reflect it in their approach when consulting and cooperating.**



## Engage and Cooperate Explained

In the context of emergency response and recovery activities, where the imminent safety of all is the priority, efforts to obtain consent should not compromise safety and may not be possible in all cases. There may be limited circumstances when using specific powers following the declaration of a State of Local Emergency (SOLE) where it is not practicable for the Province or local authorities to consult and cooperate and seek consent from IGBs prior to taking action due to issues of imminent risk of loss of life, risk of injury to individuals or animals or imminent risk of significant loss or damage to property. In this case, the local authority must “engage and cooperate” with IGBs as soon as reasonably practicable after the emergency action is taken.

These circumstances are expected to be exceptional, and the following must take place:

- 1.) The local authority must update the IGB on emergency response actions that were taken within the agreed upon area for consultation and cooperation (engage).
- 2.) The regulated entity and IGB are to collaborate on next steps to continue responding to the emergency event, if required (cooperate).
- 3.) The local authority must provide reasons why they believed consultation and cooperation was “not practicable” after

specific powers are used in the response or recovery phase. This information must be included in the report to the provincial administrator.

## Consult and Coordinate Explained

“Consultation and coordination” are the combined terms used in the EDMA to refer to engagement between regulated entities and local authorities when developing risk assessments and emergency management plans. The provincial administrator must consult and coordinate with local authorities when preparing the CEMP and emergency management plans. Local authorities must also consult and coordinate with other local authorities during evacuation and re-entry planning. Once regulations are in effect, local authorities must consult and coordinate with other local authorities, and with each local authority that has jurisdiction over an area that is adjacent to an area within the jurisdiction of the local authority, when preparing a risk assessment and an emergency management plan.

More information on reporting requirements and a reporting template can be found in the [the Local emergency response operations](#) webpage. A list of response and recovery powers available under the Act, including consultation and cooperation requirements, can be found in the EDMA response and recovery powers.

# Identifying Areas for Consultation and Cooperation in Response and Recovery

Under the EDMA, municipalities, and regional districts are now required to make reasonable efforts to reach agreement with IGBs on the geographic area over which consultation and cooperation must take place before exercising certain response and recovery powers. The agreed-upon areas must be described in emergency management plans prepared by the Province and the local authority. Partners have the flexibility to choose how agreement on areas for consultation and cooperation is captured; there is no obligation to have a formal written agreement, though written documentation is prudent.

For example, a verbal agreement can be made, with subsequent written confirmation from the IGB, but parties may find that a formal agreement is useful to document and communicate the areas that will be included in emergency management plans for the purpose of consultation and. Agreements may also be helpful to confirm the details of how the consultation and cooperation requirements will be met (e.g., who, how, when and what).

## **The purpose of reaching an agreement is to:**

- ➔ Confirm the geographic boundary for the purposes of consultation and cooperation in the response and recovery phases. This should reflect the traditional territory or treaty area that overlaps with the geographic area of the local authority's jurisdiction.
- ➔ Identify and specify the IGB whose traditional territory or treaty area is described. For example, if a Tribal Council or other organization has been authorized to represent one or more First Nations, the agreement would reflect this.

A local authority that enters into such an agreement must provide to the provincial administrator a description of the area and the IGB specified.

In addition, a local authority and an IGB may outline agreed-upon processes for consultation and cooperation under the EDMA. Note that geographic boundaries and IGBs may change over time as First Nations adapt their own laws and implement their inherent jurisdiction.

Municipalities and regional districts should begin by engaging with First Nations or IGBs that they are currently working with, and First Nations that are known to have traditional territories that overlap the geographic area of local authority's jurisdiction. Once agreement has been reached, this information must be submitted to the Province through regional EMCR offices.

# When Consultation and Cooperation is Required — By Role and Phase

## Consultation and Cooperation — Mitigation and Preparation Phases

The EDMA includes more comprehensive emergency preparedness requirements for regulated entities. For government ministries, public sector agencies, local authorities and critical infrastructure owners, requirements to prepare, review and revise risk assessments and emergency management plans, and detail on what is required, will be phased as regulations are made. When these regulations are made, each of these entities will be required to consult and cooperate with the IGBs who have agreed to work with them as part of their work to prepare, review or revise these documents and take into consideration available Indigenous knowledge and the information shared during consultation and cooperation.

Local authorities must consult and cooperate with each IGB whose traditional territory or treaty area overlaps with the geographic area of the local authority's jurisdiction. Also, regional districts and municipalities must consult and cooperate with Modern Treaty Nations if their treaty settlement lands are adjacent to an area within the jurisdiction of the local authority.

The EDMA defines Modern Treaty Nations as local authorities in relation to their treaty lands. The EDMA

### **An example of positive relationship building in the preparation and mitigation phase:**

In an interior region of the province, multiple First Nations and a municipality have established a close relationship for fire services, so they leveraged that relationship and started to meet regularly to discuss emergency management. The meetings started out monthly, but later occurred more frequently when the partners saw the cross-jurisdictional impacts of significant emergency events. The meeting invitations grew to also include key partners from the surrounding regional districts, provincial ministry leads and other emergency services. The meetings focused on response, preparation, and mitigation, while also increasing fire department and EOC capacity.

There is no single decision-making authority within the group; rather, they are working towards a fire services agreement and a separate EOC resource sharing agreement. Training opportunities are shared among all participating jurisdictions to maximize participation and further build relationships. The group also works together to navigate difficult policies and processes, efficiently coordinating emergency management activities (i.e., reimbursement, grant applications and wildfire risk reduction projects). As a result, this group has collaborated successfully on preparedness and mitigation initiatives making them all more resilient and better prepared to respond to and recover from emergency events.

does not require Modern Treaty Nations to complete risk assessments or emergency management plans but will allow the minister to request that these best practices for emergency management be followed.

Indigenous knowledge, if available, must be incorporated into the risk assessment and emergency management plan. Further information on Indigenous knowledge requirements is provided in this document, and more detailed guidance and protection mechanisms are under review and development. Once regulations are in effect and regulated entities are preparing emergency management plans, all regulated entities must coordinate their plans with any plans of a Modern Treaty Nation or other IGB consulted to ensure that the plans can be implemented, and emergency measures can be taken in an integrated fashion.

The EDMA gives the minister the ability to order regulated entities to take certain measures for the purposes of mitigation or preparation. If those orders relate to either taking emergency measures or obtaining or upgrading infrastructure, facilities, equipment and related components, the minister must consult and cooperate with potentially impacted IGBs before making the order.

## Provincial Administrator

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The EDMA places requirements on the provincial administrator, the designated government administrator for the Emergency and Disaster Management Act, to prepare, maintain and implement a provincial CEMP and one or more emergency management plans. When preparing these plans, the provincial administrator must consult and cooperate with IGBs in accordance with any regulations.

Regulations may be made to require the provincial administrator to make reasonable efforts to reach agreement with IGBs regarding areas for consultation and cooperation. However, if agreements have already been reached between local authorities and IGBs, the parameters in those agreements will apply to consultation and cooperation required of the Province and no further agreements will be necessary. The requirement for the Province to seek agreement will be phased in to avoid overlap with efforts to reach agreements at the local level. This process must include each IGB that acts on behalf of First Nations or the Treaty Nation whose traditional territory or treaty area includes an area in the emergency management plan. Areas agreed upon by the provincial administrator or local authorities and the relevant IGB must be described in provincial and local authority emergency management plans.

Whenever a local authority reaches agreement with an IGB concerning areas for consultation and cooperation, the details of that agreement must be shared with the Province. While the relevant areas and IGBs must be described in provincial and local authority emergency management plans, how agreement on these matters is resolved will not be prescribed. However, best practice is to confirm agreement in writing.

## Consultation and Cooperation — Response and Recovery

### The Province

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The Minister of EMCR must consult and cooperate with IGBs if the Minister intends to recommend a regulation, and during declared states of provincial emergency or recovery, before making orders related to actions described in the [EDMA response and recovery powers](#). If the minister intends to make an order and that order will affect an area or the people in an area described in an emergency management plan, they must consult and cooperate with the potentially impacted IGB specified in the plan or agreement. If the order will affect an area, or the people in an area that includes Nisga'a lands or treaty lands, the minister must give notice of the intended action and must not take the action without the consent of the relevant Modern Treaty Nation. In both instances, this includes consideration of comments received from a Modern Treaty Nation or other IGB.

Within five business days of the Province exercising a response or recovery power under the legislation, the minister must provide a report to the Speaker of the Legislative Assembly. Further, if consultation and cooperation was required in relation to the power exercised, but due to an imminent risk of loss of life or risk of injury to individuals or animals, or risk of significant loss or damage to property, the Province exercised the power without consulting relevant IGBs, the report must provide reasons for that decision.

Within 120 days of the expiry or cancellation of a state of provincial emergency or provincial recovery period, the provincial administrator must prepare a report describing the nature of the emergency and the response or recovery powers exercised. Within five business days of receiving the report, the minister must provide a copy to the Speaker of the Legislative Assembly.

The EDMA defines Modern Treaty Nations as local authorities in relation to their treaty lands. However, sections of the EDMA that give the minister the ability to order a local authority to take certain actions, approve extensions of local states of emergency or cancel local emergency orders will not apply.

### **An example of positive relationship building during the response phase:**

In 2017 and 2018 a municipality and a First Nation within EMCR's Central Region Office hosted evacuees impacted by wildfires and floods. However, the two communities had limited coordination and communication with each other. During a debrief, the communities identified that improved coordination was needed.

Learning from their past experiences, during the 2021 wildfire season when asked to be host communities again, the same municipality and First Nation alongside the regional district and EMCR senior leadership met at the beginning of the event to coordinate their emergency response and evacuee care efforts. Those meetings continued for the duration of wildfire season. Following the wildfire season, the group continued to meet on a bi-weekly basis and began to focus on preparedness and mitigation for future events. The parties developed a terms of reference for their meetings which outlined best practices and helped ensure the forum provided space for open communication.

Though no formal agreement is in place, the relationships built around this table supported all jurisdictions in more effective emergency management.

## **Local Authorities**

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During the response and recovery phases, consultation, and cooperation with IGBs is required when a municipality or regional district plans to use certain powers available under the Act. Municipalities and regional districts must also consult and cooperate when issuing alerts that evacuations of an area may be required, or when permitting evacuated people to return to evacuated areas. For additional information on these powers and when consultation and cooperation is required, reference the EDMA response and recovery powers.

If an action would affect an area that is within modern treaty lands, the local authority must notify and obtain the consent of the Modern Treaty Nation before exercising any response or recovery power for which consultation and cooperation is required. This includes consideration for any comments received from the Modern Treaty Nations.

If the head of a local authority believes that consultation and cooperation requirements cannot be met prior to exercising a response power due to an imminent risk of loss of life or risk of injury to individuals or animals, or risk of significant loss or damage to property, the response power may be exercised, and the local authority must instead engage and cooperate with IGBs after the power is exercised, as soon as reasonably practicable. Note that this exception is not available for the exercise of recovery powers. If consultation and cooperation are not met before a relevant response power was exercised, a report from the local authority must summarize the reasons for why the requirements could not be met in their post-event report.

### **An example of positive relationship building during the recovery phase:**

The Atmospheric River Event in 2021 created a situation where response and recovery efforts worked in conjunction. In the Southwest Provincial Regional Emergency Operations Centre (PREOC), First Nations' liaisons coordinated the initial response and resources for communities that had been impacted. Soon after, the provincial recovery team was connected to the impacted First Nations. Consultation and cooperation with Chief and Council was the first step in establishing a decision matrix that included Indigenous Knowledge Keepers and cultural safety. There was a lack of capacity within communities, so a Community Recovery Manager position was created to organize support efforts. Under the direction of the designated Community Recovery Manager, Indigenous Services Canada (ISC), First Nations' Emergency Services Society (FNESS), First Nations Health Authority (FNHA) and private sector representatives were brought in to provide consultation and technical expertise. The coordinated effort, led by First Nations, supported their vision for improved resiliency and prevention of future catastrophic events.



# Cultural Safety in Emergency Management



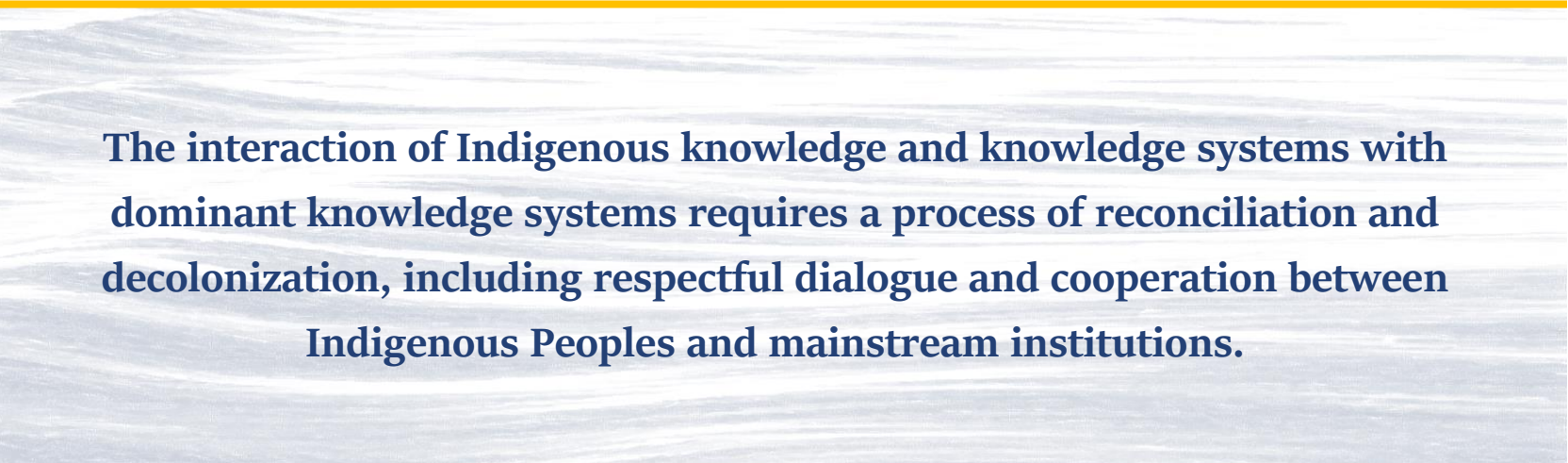
Cultural safety is an outcome based on respectful engagement that recognizes and strives to address power imbalances inherent in emergency management. Culturally safe environments are free of racism and discrimination.

Under the EDMA, once regulations are made, there will be new requirements to incorporate cultural safety practices and mitigate intersectional disadvantage in emergency management. The preparation of risk assessments must identify the groups that may experience intersectional disadvantage and the additional risks they might encounter, and emergency management plans must promote cultural safety and include actions to mitigate identified risks.

## Key Elements of Cultural Safety

- ➔ Learning about the history, culture, demographics, governance and territory of the First Nation you are partnering with shows respect and will enhance relationships between regulated entities and First Nations by fostering a deeper understanding of the cultural context for doing business.
- ➔ Risk assessments must include the assessment of the potential consequences for persons or property, or for objects or sites of heritage value. If an emergency occurs, give special consideration to:
  - individuals who may experience intersectional disadvantage
  - vulnerable individuals, animals, places, or things

- ➔ Emergency management plans must include measures to promote cultural safety and measures to mitigate any adverse effects of an emergency on individuals who may experience intersectional disadvantage, and vulnerable individuals, animals, places, or things.
- ➔ Regulated entities need to be sensitive to environmental factors such as the types of structures in which people reside or work, and other considerations like age, disability, socioeconomic status or susceptibility to discrimination in relation to factors like racialized status, gender identity or sexual orientation.
- ➔ The following is recommended:
  - Prioritize relationship building, practice open listening and curiosity and engage respectfully.
  - Seek regular and proactive feedback from partners and those receiving emergency services.
  - Remember that cultural safety is defined by those receiving services, not those providing the service.
  - Plan for systemic increases in cultural competencies and cultural intelligence within the organization.
- ➔ More guidance is coming soon. Please subscribe to the [Modernized emergency management legislation](#) website.



**The interaction of Indigenous knowledge and knowledge systems with dominant knowledge systems requires a process of reconciliation and decolonization, including respectful dialogue and cooperation between Indigenous Peoples and mainstream institutions.**

# Indigenous Knowledge in Emergency Management

For the purposes of emergency management in the Province, “Indigenous knowledge” was intentionally left undefined in the EDMA to allow room for interpretation. Indigenous Peoples, including First Nations, Inuit and Métis Peoples, have developed effective ways to protect and support their people and communities, and emergency managers can incorporate these methods into the planning and risk assessment processes.

In the Canadian context, Indigenous knowledge refers to the traditional ways of knowing, beliefs, values, laws and practices of Indigenous Peoples in Canada, including First Nations, Inuit and Métis Peoples. This knowledge has been developed and transmitted over generations through storytelling, cultural practices and spiritual beliefs. Indigenous knowledge encompasses various topics, including land-based knowledge such as natural resource management, agriculture, health and healing, the environment, as well as social and cultural traditions. It is based on a deep understanding of the relationships between humans and the natural world, as well as scientific and evidence-based approaches, and is rooted in a holistic and interconnected worldview.

DRIPA represents a historic shift by “recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper

management of the environment.” There is growing recognition in emergency management of the importance of Indigenous knowledge. For example, as noted above, the Sendai Framework calls for a people-centred approach and to use Indigenous knowledge to complement scientific knowledge in disaster risk assessments.

The interaction of Indigenous knowledge and knowledge systems with dominant knowledge systems requires a process of reconciliation and decolonization, including respectful dialogue and cooperation between Indigenous Peoples and mainstream institutions. This can help acknowledge the value of Indigenous knowledge and ensure that it is protected and respected into the future.<sup>1</sup>

In the context of the EDMA, Indigenous knowledge is land-based and refers to the traditional ways of knowing, beliefs, values, laws and practices of First Nations who have traditional territory in B.C. and does not include Inuit and Métis. Métis and Inuit Peoples are Indigenous Peoples in Canada and also have Indigenous knowledge, but they do not have traditional territory in B.C. For example, from a disaster management perspective, First Nations’ Indigenous knowledge of the land-based, geographic features, access, limitations of critical infrastructure, location of safe zones and community demographics in their traditional territory are

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<sup>1</sup>Rep’rep’skan (Morris Prosser) and Janna Wale

relevant to the safety of all. Indigenous knowledge holders often combine teachings passed down from ancestors with information acquired through their own experiences on the land, to provide wisdom and guidance for wellness and resilience during response and recovery.

Land-based Indigenous knowledge of First Nations can be applied to identify hazards and place the hazards within a culturally relevant context, explain the hazards in relation to what is at risk, monitor and evaluate ongoing activities and provide specific information about risk exposures and inform effective coping activities to reduce land-based risk. Indigenous knowledge in a broader social context can be applied to communicate information, monitor and evaluate ongoing activities and establish and maintain culturally appropriate emergency support services.

In the EDMA, once regulations are made, regulated entities will be required to incorporate Indigenous knowledge into their risk assessments and emergency management plans, where available. It's important to recognize that Indigenous knowledge is owned by the First Nation or Indigenous knowledge keeper who holds that knowledge. It is their choice to share it, and if none is shared, regulated entities may continue to develop their plans and risk assessments. It should be noted that risk assessments and emergency management plans are not static, and that if materials are being revised and Indigenous knowledge is received as part of that revision, it can be incorporated then.

If Indigenous knowledge is provided to regulated entities, the EDMA makes it clear that it must be treated as confidential and may only be disclosed:

- ➔ With the written consent of the owner of the information
- ➔ If it is already publicly available
- ➔ If necessary for performance of a power or duty under the EDMA as they relate to the purpose for which the Indigenous knowledge was provided
- ➔ For purposes of obtaining legal advice
- ➔ By order of a court. Written notice must be provided by the IGB of the people providing that knowledge. The EDMA allows for the Lieutenant Governor in Council to make regulations respecting the obtaining and incorporating of Indigenous knowledge

The sharing of Indigenous knowledge requires mutual trust to be built over time and must include an agile approach to ensure the cultural safety of systems, policies, organizations and relationships. The workload associated with ensuring emergency management plans include Indigenous knowledge must not be placed solely on First Nations. Regulated entities can start by conducting their own reviews using available resources. Additional guidance is under development.

Additional resources to provide guidance to regulated entities on the protection and incorporation of Indigenous knowledge in the planning phases of emergency management.

- [UN Words into Action Using Traditional and Indigenous Knowledges for Disaster Risk Reduction website](#)
- [B.C. Ministry Indigenous Ways of Knowing website](#)
- [Declaration Act / DRIPA website](#)
- More guidance on Indigenous knowledge is coming soon. Please subscribe to the [Modernized emergency management legislation](#) website.

## Conclusion

EMCR would like to thank the numerous partners who contributed to the development of the modernized legislation and who offered thoughtful insight and spirited discussion about how these new provisions might look in an operational context.

This guidance document is offered as a starting point, and by no means is it meant to be static or replace the advice and preferences of IGBs that might surface through the collaboration process. It is expected that with each emergency event we develop further understanding of each others' needs, expand our toolkit of wise practices and seek innovative ways to collaborate across jurisdictions thereby ultimately building safer, more inclusive emergency management programs. While EDMA is to be reviewed after five years, our intent is to review this document annually ahead of each freshet season.

We look forward to working with you and learning from your experiences so we can continue stewarding a product that facilitates the sharing of collaborative emergency management practices.

# Support Resources

Questions regarding the modernized emergency management legislation can be emailed to [ModernizeEM@gov.bc.ca](mailto:ModernizeEM@gov.bc.ca). Email your comments and questions on the Indigenous engagement requirements to: [EMCR.IndigenousPeoplesPolicy@gov.bc.ca](mailto:EMCR.IndigenousPeoplesPolicy@gov.bc.ca).

Emergency Management and Climate Readiness regional offices are available to support and serve First Nations and local authorities across B.C. Regional offices can be contacted through the following phone numbers and email addresses.

## Emergency Management and Climate Readiness Regional Contacts

### Northwest Region

Suite 1B-3215 Eby St  
Terrace, B.C.  
V8G 2X8  
Tel: 250-615-4800  
Fax: 250-615-4817  
Email: [EMCR.NWEAdmin@gov.bc.ca](mailto:EMCR.NWEAdmin@gov.bc.ca)

### Northeast Region

3235 Westwood Drive  
Prince George, B.C.  
V2N 1S4  
Tel: 250-612-4172  
Fax: 250-612-4171  
Email: [EMCR.NEAAdmin@gov.bc.ca](mailto:EMCR.NEAAdmin@gov.bc.ca)

### Southwest Region

14292 Green Timbers Way  
Surrey, B.C.  
V3T 0J4  
Tel: 604-586-4390  
Fax: 604-586-4334  
Email: [EMCR.SWEAdmin@gov.bc.ca](mailto:EMCR.SWEAdmin@gov.bc.ca)

### Vancouver Island – Central Coast Region

Block A – Suite 200  
2261 Keating Cross Road  
Saanichton, B.C. V8M 2A5  
Tel: 250-952-5848  
Fax: 250-952-4304  
Email: [EMCR.VIRAdmin@gov.bc.ca](mailto:EMCR.VIRAdmin@gov.bc.ca)

### Central Region

Unit 45 – 450 Lansdowne St.  
Kamloops, B.C.  
V2C 1Y4  
Tel: 250-371-5240  
Fax: 250-371-5246  
Email: [EMCR.CTLAdmin@gov.bc.ca](mailto:EMCR.CTLAdmin@gov.bc.ca)

### Southeast Region

101-222 Victoria St  
Nelson, B.C.  
V1L 4K3  
Tel: 250-354-5904  
Fax: 250-354-6561  
Email: [EMCR.SEAAdmin@gov.bc.ca](mailto:EMCR.SEAAdmin@gov.bc.ca)

## Links and Resources

- [Sendai Framework for Disaster Risk Management](#)
- [Declaration on the Rights of Indigenous Peoples Act](#)
- [2022-2027 Declaration Act Action Plan](#)
- [B.C. Ministry Indigenous Ways of Knowing website](#)
- [Inclusive language and terms - Province of British Columbia](#)
- [Interim Approach to Implement the Requirements of Section 3 of the Declaration on the Rights of Indigenous Peoples Act](#)
- [Local emergency response operations - Province of British Columbia \(gov.bc.ca\)](#)
- [UBCM Community Emergency Preparedness Fund Indigenous Cultural Safety and Cultural Humility Training](#)
- [Modernized emergency management legislation - Province of British Columbia](#)



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Changes**

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Management Legislation B.C.  
webpage.





## Appendix A: Additional Key Terms Not Defined in the Emergency and Disaster Management Act

**Aboriginal Peoples** is a collective term for all Indigenous Peoples of Canada. The term carries specific legal meaning as it is used in section 35 of the Constitution Act (1982), where it means the Indian, Métis and Inuit Peoples of Canada. Section 35 recognizes and affirms the existing Aboriginal and treaty rights of the Aboriginal Peoples of Canada.

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**Anti-racism** is a practice of actively identifying, challenging, preventing, eliminating and changing the values, structures, policies, programs, practices and behaviours that perpetuate racism. It is more than just being “not racist” but involves taking action to create conditions of inclusion, equality and justice.

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**Cultural awareness** is knowing your own preferences and biases and acknowledging the commonalities and distinctions between cultures. It involves developing an understanding and respect for the way culture shapes the principles, values and world views of others.

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**Cultural competency** is about building an understanding of other cultures and developing practical skills for interacting in respectful ways with people who are different from us. Cultural competency does not require us to become experts in other cultures, but we are responsible for reducing the number of assumptions we make about people based on our biases – whether intentional or not.

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**Cultural humility** is a process of self-reflection to understand personal and systemic biases and to develop and maintain respectful processes and relationships based on mutual trust. Cultural humility involves humbly acknowledging oneself as a learner when it comes to understanding another’s experience. Cultural sensitivity grows when we start to see the influences of our own culture and acknowledge that we have biases. With cultural awareness and sensitivity comes a responsibility to act respectfully.

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A **distinctions-based approach** means that the Province's work with First Nations, Métis and Inuit people will be conducted in a manner that acknowledges the specific rights, interests, priorities and concerns of each, while respecting and acknowledging these distinct Peoples with unique cultures, histories, rights, laws and governments. Indigenous Peoples' rights are recognized and affirmed in Section 35 of the Constitution Act (1982). However, not all rights are uniform or the same among or between all Indigenous Peoples. A distinctions-based approach may require that the Province's relationship and engagement with First Nations, Métis and Inuit Peoples include different approaches or actions and result in different outcomes. A distinctions-based approach also must recognize Modern Treaty Nations as distinct groups. Modern treaties are constitutionally protected agreements and represent a distinct expression of reconciliation and a solemn commitment by the parties to it. In the *Shared Priorities Framework*, B.C. committed to ensuring that the Province's relationships with Modern Treaty Nations are distinct and reflect the established rights of Modern Treaty Nations.

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**First Nation** is a term that came into common usage in the 1970s to replace the word "Indian" (an Indian Act term). Although Indian is a term used in federal legislation and in the Constitution Act (1982) it is considered by many to be outdated and offensive, and the term "First Nation" is generally preferred. Although the term First Nation is widely used, there is no single legal definition that is applicable in all contexts. Among its uses, the term "First Nations Peoples" refers to the Indian Peoples of Canada (status and non-status) and excludes Inuit and Métis. Some Indian bands have also adopted the term "First Nation" to replace the word "band" in the name of their community.

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**Métis** is the term that refers to distinctive Peoples who, in addition to their mixed Indian/Inuit and European ancestry, developed their own customs and recognizable group identity separate from their Indian or Inuit and European forebears. Métis people are Aboriginal people within the meaning of section 35 of the Constitution Act (1982) and, for the purposes of section 35 rights, a Métis community is understood as a group of Métis with distinctive collective identity, living together in the same geographic area and sharing a common way of life.

The Métis Homeland, as defined by the Métis National Council, does not extend into B.C. west of the Rocky Mountains. While Métis individuals have settled and live in B.C., there has been no court decision applicable to B.C. that has confirmed the existence of any identifiable historic Métis community or Métis homeland in B.C.

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**Treaty First Nation** is a First Nation that is a party to a final agreement; or the government, as constituted under the final agreement and constitution, of such a first nation. The term “Treaty First Nation” as defined in legislation does not include the Nisga’a Nation.

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**Modern Treaty Nation** is a First Nation in B.C. who has entered into a comprehensive final agreement (treaty) with Canada and the Province. The modern treaties are constitutionally protected and are long-term government-to-government agreements that identify, define and implement a range of rights and obligations, including in relation to emergencies. All the modern treaties came into effect in the 21st century. The first modern treaty was the Nisga’a Final Agreement, which was negotiated outside of the B.C. Treaty Commission process and has unique terms. Since then, final agreements have been entered into or are being negotiated through the process facilitated by the B.C. Treaty Commission, including the existing treaties with the Tsawwassen First Nation, Maa-nulth Nations and Tla’amin Nation. Modernized emergency management legislation recognizes the unique role of Modern Treaty Nations in respect of emergency management.

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**Historic Treaty Nation** is a First Nation who has rights under a historic treaty. In Canada, historic treaties refer to agreements between the Crown and First Nations entered into between 1701 and 1923. These are Treaty No. 8 in northeastern part of the province (1899) and the 14 Douglas Treaties on Vancouver Island (1850-1854), which included transfer of land in exchange for reserve lands, benefits and rights such as hunting and fishing. Rights under historic treaties are protected under section 35(1) of the Constitution Act (1982).

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**Treaty Lands** (sometimes called Treaty Settlement Lands) are pursuant to the terms of a modern treaty or “final agreement” and are lands that a Treaty Nation owns in fee simple and has jurisdiction over. Federal and provincial laws apply concurrently with Treaty Nation laws.

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