



First Nations
**FINANCIAL
MANAGEMENT
BOARD**

**CONSEIL
DE GESTION
FINANCIÈRE** des
Premières Nations

September 15, 2021

Hon. Murray Rankin
Minister
Indigenous Relations and Reconciliation
Submitted via email to: declaration@gov.bc.ca

RE: The draft action plan to meet the objectives of the United Nations Declaration on the Rights of Indigenous Peoples

Minister Rankin,

I write this letter to supplement the First Nations Financial Management Board's submission on the Government of British Columbia's Action Plan for the Declaration of the Rights of Indigenous Peoples Act. As previously stated, FMB is pleased to provide its feedback and recognizes the extensive efforts by the BC government to include and consult with Indigenous Peoples. **The focus of this letter is to provide input into the interaction between municipalities and Indigenous communities which was not a part of our initial submission.** To be clear, for the purposes of this letter will define municipality to mean "municipality, regional district, Islands Trust, or other delegated local governance body, as the issues raised may occur in First Nations' interactions with any local governance body.

At a recent discussion of the Executive Committee of FMB's Board of Directors on the organization's submission to BC, several Board members raised that BC's DRIPA Action Plan lacked sufficient content on municipal issues. This is reflected by the fact that Action 1.13, "Support inclusive regional governance by advancing Indigenous participation in regional district boards", is the only municipal specific recommendation in the Action Plan. Having only one, rather limited step on municipal issues is not sufficient to address the reconciliation challenges that are faced between Indigenous Peoples and BC Municipalities.

Training

Several FMB Staff and Board Members have held leadership positions in their communities and in their experiences significant actions are needed to improve relationships with surrounding municipalities. To start with in most municipalities senior staff and elected officials do not appear to believe that they are responsible for reconciliation. They see reconciliation as a responsibility of the province and the federal government. **As a starting point FMB recommends the Action Plan include the requirement that elected officials and senior management for BC Municipalities take mandatory educational programming on reconciliation and their responsibilities towards it.**



The training should be more than just a two-hour snapshot. It must be in-depth, multi-day, ongoing, and comprehensive. It is especially important that senior leadership be taught to empathize and to challenge their own cognitive dissonance about Indigenous peoples from years of colonial education. Leadership must consider how to develop their own municipality-specific framework for reconciliation.

Dispute resolution

One of the major issues for municipalities to address in reconciliation is to learn how to be inclusive, understanding, and cooperative in addressing the needs of Indigenous communities as they intersect with municipalities. Examples of this include enabling utilities hook ups to new or expanded developments in Indigenous communities, connecting roadways or other transportation networks to Indigenous communities, and placing the goals of Indigenous communities at least on equal footing as to the priority municipalities appear to place on the aims of local developers. To be blunt, too often it appears Indigenous communities are viewed as an inconvenience and their status is viewed as second class.

The BC government should be aware that it is common practice across the province, with Indigenous communities being told to delay their developments as highly profitable developments are pushed ahead on neighbouring lands. Developments are often stifled by neighbouring municipalities refusing to make reasonable accommodations such as allowing roadways to connect at logical locations. The purpose of this submission is not to point a finger at specific municipalities, but rather to illustrate a systemic problem. Such behavior by municipalities is the antithesis of reconciliation.

It is FMB's profound hope that with improved education and understanding that municipalities will be much more reasonable in their dealings with local Indigenous communities. However, hope alone is rarely a sufficient plan of action. **FMB recommends that the province develop for Indigenous Communities and Municipalities a dispute resolution framework.** This framework would outline the recommended steps both sides should take to attempt to reach agreement and ensure that all parties are aware of their rights and responsibilities.

Unfortunately, it is unlikely that all disputes will be resolved by mutually satisfactory agreements between all parties. **Therefore, FMB recommends that BC establish an independent, binding, dispute resolution tribunal for disputes between municipalities and Indigenous communities.** The tribunal should have three members one of whom is an expert in municipal governance, another of whom is an expert in Indigenous communities and is nominated to the panel by an Indigenous organization, and third member will be agreed upon by the other two members of the tribunal. Over time this tribunal should be able to develop both a high level of expertise and decision-making precedence that can help inform and improve the dispute resolution framework.

Disposition of Municipal Lands

It is common practice for municipalities across the province to have inventories of surplus lands that they intend to dispose of through fee simple sale. **As part of the principle of free, prior, and informed consent, whenever a municipality intends to sell land that was part of the traditional territory of a First Nation, that First Nation should be given the right of first refusal to purchase that land.**



Additions of Lands to Reserves and Urban Reserves

For the purposes of both governance and economic development, First Nations will often want to add lands that they have acquired through fee simple sale either to the reserve lands or as a part of an urban reserve. Such additions to reserves are of broad benefit to the province, they simplify taxation issues, provide clearer governance, and can improve First Nations economic development. Yet often BC municipalities do not support such additions and the federal government has show a great reluctance to make such additions without municipal government support. **The province should work with Indigenous communities, municipalities, and the federal government to streamline the process of making additions to reserve and encourage municipalities to be more supportive of these additions.**

Procurement

Indigenous Peoples and communities across BC have taken major steps forward in recent years in increasing their ability to participate in the economy. There are now a variety of Indigenous businesses across the province that can provide high quality services in a wide variety of areas including such common place municipal activities such as construction, land maintenance and snow plowing. **The province should require municipalities to set targets for the percentage of their contracts that are sourced to Indigenous businesses.**

Such procurement targets already exist at the federal level as well as New Zealand and Canada. The province should research the practices in these jurisdictions to help ensure BC municipalities can have an effective Indigenous procurement policy.

A provincial summit

This supplemental submission by FMB was only able to touch on a few of the more pressing issues between BC municipalities and Indigenous communities. It is clear that there is much work to do, and more dialogue is needed. **FMB recommends that the BC government organize a province wide summit on these issues to advance the dialogue and to develop further additions to the DRIPA Action Plan.**

Conclusion

I thank the BC government again for the consideration that it has shown both to this supplemental submission on municipal issues and our initial submission earlier this month on the DRIPA Action Plan. We welcome further dialogue on the issues we have raised. Reconciliation will necessarily require a willingness to share power and a new level of comfort with First Nations building and accumulating wealth. We believe these submissions help advance discussions on the practical steps that can be taken to achieve this.



First Nations
**FINANCIAL
MANAGEMENT
BOARD**

**CONSEIL
DE GESTION
FINANCIÈRE** des
Premières Nations

Sincerely,

FIRST NATIONS FINANCIAL MANAGEMENT BOARD

Per:

Geordie Hungerford

Geordie Hungerford, CFA, CAIA, MBA, LLB
CEO