

May 7, 2017

First Nations Summit  
Suite 1200 - 100 Park Royal South  
West Vancouver, B.C. V7T 1A2

Dear Grand Chief John, Mr. Phillips, and Ms. Casimer,

Thank you for your correspondence dated May 2, 2017. I am pleased to have the opportunity to respond to your questions and share our platform commitments with you.

The B.C. Green Party is committed to fundamentally resetting the relationship between Indigenous peoples and the provincial government. We also recognize that there is an urgent need to address the unjust economic and social conditions faced by many Indigenous people and communities.

I am humbled by the work of Indigenous leaders across B.C.. You are facing some of the most difficult challenges in our society, and you have largely been under-resourced and ignored by successive provincial and federal governments. As a party, the B.C. Greens have much more work to do to build relationships with Indigenous communities. We will engage with Indigenous people as partners, working together to build a positive and collaborative relationship.

Our platform proposes several ideas for building a new relationship between Indigenous people and the provincial government. I would like to emphasize that these are ideas on which we seek to continue dialogue and consultation; we will not impose our plans on Indigenous communities but instead will seek to move forward together as partners. In this letter I will keep my response focussed on your questions; we have put forward further ideas in our platform, which can be viewed here: [http://www.bcgreens.ca/indigenous\\_relations](http://www.bcgreens.ca/indigenous_relations).

The B.C. Green Party is committed to respecting court decisions and to working towards the resolution of Aboriginal rights and title issues. The B.C. Green Party agrees that First Nations Crown treaty negotiations in B.C. must continue to be a “made-in-B.C.” process to reflect the unique requirements and interests of First Nations in this province. A B.C. Green government would collaborate with First Nations and the federal government to renew and re-invigorate the treaty process. Ultimately, we believe that the treaty process will be much more successful once a respectful, collaborative relationship is established with First Nations.

We commit to adopting and implementing, without reservation, the UN *Declaration on the Rights of Indigenous Peoples*. This includes working collaboratively with Indigenous peoples, consistent with the requirements outlined in the 46 articles of the UN *Declaration* and the

Outcome Document of the World Conference on Indigenous Peoples to implement the UN *Declaration*. A B.C. Green government will carry out a review of laws and policies related to Indigenous peoples, and would develop a plan, in cooperation with the First Nations Leadership Council, to implement all relevant recommendations of the Truth and Reconciliation Commission.

We acknowledge Indigenous peoples' inherent rights and title. We recognize First Nations as equals in land management and will establish a co-management stewardship model with Indigenous people for the development of provincial resources. This will include a review of regional resource management structures in cooperation with the First Nations Leadership Council, to incorporate First Nations effectively into decision-making, and funding to train First Nations people in resource management trades and professions. We acknowledge that Indigenous systems of governance are essential to the regulation of our lands and resources in B.C.. We will seek to collaborate with First Nations to build economic, environmental and social opportunities and commercial partnerships in our natural resource sectors.

I commit to you that a B.C. Green Government will be guided by the principles of justice and recognition of the rights of Indigenous peoples in each step towards full reconciliation of Indigenous and non-Indigenous peoples in B.C.. If elected, I look forward to an early bilateral meeting as a first step toward establishing a respectful working relationship with Indigenous peoples in full partnership.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew Weaver', written in a cursive style.

Andrew Weaver  
Leader, B.C. Green Party

# First Nations Summit

May 2, 2017

Dr. Andrew Weaver  
Leader of Green Party of BC  
Parliament Buildings  
Victoria, BC V8V 1X4  
E:Mail: [leader@bcgreens.ca](mailto:leader@bcgreens.ca); [Andrew.Weaver.MLA@leg.bc.ca](mailto:Andrew.Weaver.MLA@leg.bc.ca)

## RE: TREATY NEGOTIATIONS IN BRITISH COLUMBIA

Dear Dr. Weaver,

As you can appreciate, First Nations across British Columbia are carefully watching the 2017 provincial leadership race with great interest and concern as to who will form the next government. First Nations in BC have specific priorities, including those who participate in treaty negotiations.

We write to seek clarity from you as Leader of the Green Party of BC in regard to specific commitments you are prepared to make in order to elevate Indigenous issues, in particular made-in-BC Treaty Negotiations, as a top priority within a Green Party government agenda. We are mindful that advance voting has already begun and general voting day is Tuesday May 9, but strongly believe that should you form the next provincial government, your response to this letter will undoubtedly inform and set the tone for our future relationship.

To provide you with pertinent background, the First Nations Summit is one of the three Principals to the made-in-BC treaty negotiation process (along with Canada and British Columbia) and operates as an actions and solutions oriented First Nations-driven organization. Approximately 150 First Nations participate in First Nations Summit assemblies and bring forward, discuss and provide political direction on issues of common concern.

The First Nations Summit's original mandate is to advance discussions with the Governments of Canada and BC to support First Nations in conducting their own direct treaty negotiations with Canada and BC. The foundation for the First Nations Summit's mandate arises from:

- the tripartite 1991 BC Claims Task Force Report jointly developed by the First Nations, Canada and BC,
- the 1992 agreement to set up the BC Treaty Commission as the independent body to "facilitate" treaty negotiations, and
- subsequent federal and provincial legislation and the First Nations Summit Chiefs resolutions.

In carrying out its mandate, the First Nations Summit does not participate as a negotiating party at any First Nations specific negotiations. Over time and through the collective decisions by First Nations Chiefs and leaders, as directed by resolutions, the First Nations Summit has been instructed to take a leadership and advocacy role on the full range of issues of concern to First Nations, including negotiations and implementation issues of treaties, agreements and other constructive arrangements and day-to-day social and economic issues which affect First Nations.

A critical element of the First Nations Summit's work includes identification of concrete steps to overcome treaty negotiation barriers. In First Nations-Crown treaty negotiations we are facing a number of process and substantive issues that pose significant challenges in negotiations, which must be overcome in order to reach treaties, agreements and other constructive arrangements. The First Nations Summit acknowledges British Columbia's previous participation in key initiatives in regard to treaty negotiations in BC but notes that BC's actions and positions on a number of key issues have given rise to additional challenges and barriers to a positive Indigenous-Crown relationship. In particular, BC's commitment to made-in-BC treaty negotiations has been inconsistent.

Without hesitation, the First Nations Summit supports the decision of any First Nation to focus on and enter into alternative agreements and other constructive arrangements to advance the interests and priorities of their respective nations. However, supporting First Nations in achieving full, comprehensive and constitutionally protected treaties remains the First Nations Summit's objective, consistent with the mandate provided by the First Nations Summit Chiefs in Assembly.

We are of the mind that addressing process and substantive negotiation issues and barriers must be undertaken in the context of the 1991 BC Claims Task Force Report, implementation of the Truth and Reconciliation Commission's (TRC) Calls to Action, and the United Nations *Declaration on the Rights of Indigenous Peoples* (UN Declaration). Further, such efforts must also be informed by the current state of relevant case law. For example, the Supreme Court of Canada's decision in *Tsilhqot'in Nation* has provided instructive and significant clarity in regard to Aboriginal title and rights. On this basis, First Nations leadership in BC developed the "Four Principles" of recognition and reconciliation on September 11, 2014.

More specifically, we draw attention to fundamental statements and findings of the Supreme Court of Canada in *Haida Nation v. British Columbia (Minister of Forests)*, [2004] (paras 19-20) which must serve as a foundation for a newly elected provincial government's approach to treaty negotiations:

"Treaties serve to reconcile pre-existing Aboriginal sovereignty with assumed Crown sovereignty."

"The honour of the Crown also infuses the processes of treaty making and treaty interpretation. In making and applying treaties, the Crown must act with honour and integrity, avoiding even the appearance of sharp dealing."

"Where treaties remain to be concluded, the honour of the Crown requires negotiations leading to a just settlement of Aboriginal claims... **Treaties serve to reconcile pre-existing Aboriginal sovereignty with assumed Crown sovereignty.**" (emphasis added)

In addition to such findings, over the past number of years there have been numerous reports, studies and initiatives aimed at improving treaty negotiations in BC. The role of Premier is very important to First Nations in British Columbia as we continue our path to negotiated treaty settlements with the governments of Canada and British Columbia. The individual elected to Office of Premier has the ability to set the tone and direction for provincial officials and representatives tasked with treaty negotiation and implementation.

As the majority of First Nations in British Columbia do not have signed treaties, we developed in conjunction with the governments of Canada and British Columbia a treaty process that would allow for negotiated settlements of long outstanding issues. We look forward to an end to the uncertainty that exists in this province and creating fair and honourable treaties with Canada and British Columbia. The most effective approach to reforming the Crown-First Nations relationship, and achieving important goals such as recognition and reconciliation is to **shift the mindset and build bridges** to a new approach for engaging with one another. In this regard, as directed by Chiefs and Leadership in BC, any provincial engagement structure, processes, agreements, or frameworks for engagement must be fully informed and directly influenced by the four foundational principles:

- Acknowledgement that all our relationships are based on recognition and implementation of the existence of Indigenous peoples' inherent title and rights, and pre-confederation, historic and modern treaties throughout British Columbia.

- Acknowledgement that Indigenous systems of governance and laws are essential to the regulation of lands and resources throughout British Columbia.
- Acknowledgement of the mutual responsibility that all of our government systems shall shift to relationships, negotiations and agreements based on recognition.
- We immediately must move to consent based decision-making and title based fiscal relations, including revenue sharing, in our relationships, negotiations and agreements.

In light of the above mentioned, we seek your response to our interests and concerns. The questions we pose to you for response include:

1. First Nations-Crown treaty negotiations in BC must continue to be a “made-in-BC” process to reflect the unique requirements and interests of First Nations in this province. Will your government commit to providing provincial representatives with comprehensive mandates, reflective of the above noted, to best support efforts to address substantive treaty negotiation challenges and barriers?
2. The First Nations Summit has consistently advocated for the full adoption and implementation of the UN *Declaration* and was present at the United Nations Permanent Forum on May 10, 2016 when representatives of the federal government announced Canada’s fully endorsement, of the UN *Declaration*, without reservation. Is your government prepared to:
  - a. Fully adopt and endorse the UN *Declaration* without reservation?
  - b. Collaboratively work with Indigenous Peoples, consistent with the requirements outlined in the 46 Articles of the UN *Declaration* and the Outcome Document of the World Conference on Indigenous Peoples to implement the UN *Declaration*?
3. Carry out a provincial review of laws and policies related to Indigenous Peoples, in light of current case law and reflective of the TRC Calls to Action, the UN *Declaration* and the Four Principles?

We encourage your government, if elected, to work closely and collaboratively with First Nations to find common ground as we move forward to address the outstanding land question in BC, seeking fully recognition of Aboriginal and Treaty rights and title. It is imperative that BC’s future engagement with First Nations be premised on substantive and comprehensive mandates which create space for constructive and real change.

Should you and your party form the next provincial government, we request an early bilateral meeting with you to brief you on the current state of treaty negotiations in BC from the First Nations perspective and encourage you to seek a meeting of the Principals of the BC treaty negotiation process (First Nations Summit, Canada, British Columbia) as a priority.

We wish you well in the coming weeks and hope that you share our commitment to ensuring that treaties are negotiated in British Columbia and Aboriginal policies developed that recognize and advance Aboriginal and Treaty rights and title.

Yours sincerely,

**FIRST NATIONS SUMMIT TASK GROUP**



Grand Chief Edward John



Robert Phillips



Cheryl Casimer

Cc. First Nations Summit Chiefs and leaders