FIRST NATIONS SUMMIT

FIRST NATIONS SUMMIT STATEMENT ON THE TREATY NEGOTIATION PROCESS & OTHER ISSUES

PRESENTED TO PREMIER CAMPBELL & MEMBERS OF THE BRITISH COLUMBIA CABINET

September 16, 2002

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INTRODUCTION

This important meeting of the First Nations Summit Chiefs, the Premier and the British Columbia Cabinet is an opportunity to develop a **viable working relationship** between the British Columbia Government and First Nations to resolve the land question. For the last decade, we as First Nations have urged British Columbia and Canada to work with us to address the challenges we face – challenges such as providing clear and comprehensive mandates to government negotiators. We have proposed and continue to propose changes to the negotiation process so we can proceed in good faith as the courts have urged and as was our hope when we entered the process in the early 1990s. Both First Nations and the courts have repeatedly advanced the themes of **reconciliation**, **good faith**, **accommodation**, **respect** and **recognition**. These must be the cornerstones of our new relationship and the basis for finding fair and workable solutions.

The Superior Courts of this province and country have grown impatient with the ongoing strategy of denial and intransigence on the part of governments. Governments need to recognize and acknowledge in their legislation, policies and mandates that there has been significant development in the law regarding Aboriginal rights and title, and treaty rights. We can begin with the immediate challenge of determining jointly how we will implement the legal duties and responsibilities imposed by the courts.

The British Columbia Court of Appeal, in the recent *Taku River Tlingit* and *Council of the Haida Nation* cases, decided that the Crown and industry have a legally enforceable duty to consult with and accommodate the legal interests of Aboriginal peoples.

These decisions provide guidance for the creation of practical and dynamic co-management regimes where First Nations are fully involved in and benefit from decisions regarding lands and resources in their traditional territories. This accommodation must include (but not be limited to) revenue sharing, jobs, contracting, compensation and other similar measures. We believe these types of measures will avoid more costly and time-consuming litigation and support the economic and social development initiatives First Nations and this province need.

In developing this new approach, we must shift the focus to **political solutions** and away from a bureaucratic approach. The current process has been effectively mired in bureaucracy and mandates designed to preserve the status quo. The evidence of this conclusion is the lack of progress we have seen over the last ten years.

Premier, you and your Cabinet need to engage directly in this process. We believe you should make the same proactive commitment to the treaty negotiations process, and other First Nations issues, as you do to the discussions on softwood lumber.

For a number of years now, the United Nations, based on its Human Development Index, determined that Canada was among the best places to live. But, using the UN's Human Development Index approach, the Department of Indian Affairs Research and Analysis Directorate determined that First Nations people living on reserves in Canada rank the equivalent of 63rd. This status quo cannot be maintained. For our people, the cost of doing nothing is enormous.

Following the Vancouver/Whistler Olympic bid and the United Nations' recent report on racism, British Columbia increasingly finds itself in the international spotlight. On August 23, 2002, the United Nations' Committee on the Elimination of Racial Discrimination released a report, which reviewed the extent to which various signatories to the International Convention on the Elimination of all Forms of Racism are meeting their obligations. With respect to Canada, this report states:

> **The Committee views with concern the direct connection between Aboriginal economic marginalisation and the ongoing dispossession of Aboriginal people from their land…**

We urge British Columbia to work with First Nations to change this and reverse the effects of over a century of denial, marginalization, dispossession and racism.

In the balance of this statement, we provide some of our analysis and propose solutions to address matters relating to the treaty negotiation process and issues to improve the day-to-day social and economic conditions of our people.

TREATY NEGOTIATION PROCESS

Almost ten years ago, we participated in the signing of the British Columbia Treaty Commission Agreement and entered the treaty negotiation process with a great deal of enthusiasm and optimism. Since then, we have participated in negotiations with integrity and in good faith, but have encountered negotiators with limited and narrow mandates intent on preserving the status quo.

Governments have consistently refused to address issues such as compensation and interim measures. Especially in the wake of British Columbia's referendum, our people increasingly question governments' commitment and ability to reach agreements that offer fair and long-term resolution.

Modern treaties must reflect fundamental principles, such as reconciliation and the recognition of Aboriginal title and rights, as well as the resolution of certainty, compensation and self-government.

Following the referendum, we called on you to return to good faith negotiations and focus on achieving real progress and results at each treaty table. A large part of the reason why the negotiation process has not achieved its objectives is that governments lost sight of the original framework for negotiations set out in the 1991 British Columbia Claims Task Force Report. As we have seen in sessions with your officials, virtually all of the "new" ideas being put forward by government to "fix" the treaty negotiation process were contemplated in the Task Force Report. For the last few months, we have engaged with your officials in working group discussions, referred to as the "streams process". With a view to improving the treaty negotiation process, these exploratory discussions address the following issues:

- Stream 1: funding issues, building treaties incrementally, tripartite assessments, tripartite workplans and time-outs;

- Stream 2: revenue-sharing and co-management; and

- Stream 3: certainty, governance and compensation (land status and First Nations constitutions will be discussed at a later date).

The main problem facing treaty negotiations today is that governments choose not to follow the Report and instead adopt unnecessarily narrow mandates and strategies. What is needed is a shift in the governments' approach away from rigid attempts to fit First Nations into the status quo. **We believe the Task Force Report and emerging case law together provide a solid framework for treaty negotiations.**

Reconciliation of Aboriginal Title and Rights with the Crown

Delgamuukw confirmed that First Nations in British Columbia have **existing Aboriginal title**, a legal interest in land and a right to the land itself on an equal legal footing with Crown title. Since 1997, we have focused our attention on ensuring that the treaty negotiation process fully implements this important decision.

There is uncertainty in this province over tenure and rising levels of uncertainty within the investment community. All tenures granted by the Crown are impacted

and their validity is questioned by the courts. Industry, the investment community and the international marketplace are growing impatient with this uncertainty and lack of a stable investment and development climate. This must be addressed. **Where First Nations' legal interests are met, the certainty and stability that the governments seek will emerge.**

In the search for certainty, the concepts of extinguishment and surrender cannot be a requirement. According to the United Nations' Committee on the Elimination of Racism, Canada has provided its assurance that it "would not longer require a reference to extinguishment in any land claims agreements". Canada and British Columbia must do away with more than just words. It is important for both governments to abandon and renounce their colonial policies of seeking certainty through the extinguishment or surrender of Aboriginal title and rights. Certainty can be achieved through the recognition and affirmation of Aboriginal title, rights and authority and the reconciliation of these with Crown title and authority. Reconciliation is an ongoing process.

It is equally important to acknowledge that First Nations' rights to their territories have been completely ignored by governments since colonial times. Not only did the colonial governments disregard First Nations' ownership and occupation of their lands, they prevented First Nations people from having access to lands, while giving away these same lands to settlers for free. Under the government's land pre-emption policy, any male British Subject could occupy 320 acres of "Crown land" and then apply for legal title to it. First Nations and Chinese people were excluded. This lack of recognition and denial continues today as lands and resources in First Nations' territories continue to be alienated.

Implementation of Consultation & Accommodation Requirement

The Supreme Court of Canada has made it clear that, as First Nations, we have to be involved in decisions that affect us. As the Court said in *Delgamuukw*, "there is always the duty of consultation." This consultation must, at a minimum, be in good faith with the intention of substantially addressing our concerns and accommodating our interests, including cultural and economic ones. The courts have recently confirmed that third parties, such as industry and developers who have been granted tenures by the Crown, have a separate, but similar legal obligation to consult and accommodate our interests. The courts have made it clear that this obligation arises **prior** to First Nations proving their rights. Aboriginal rights, including Aboriginal title, exist. We know and firmly believe it. Each First Nation can, if necessary, prove a prima facie case. We do not think this is necessary.

The Court of Appeal in its original decision in the *Council of the Haida Nation* case stated:

> … The consultation must take place before the infringement. But where there are fiduciary duties of the Crown to Indian peoples it is my opinion that the obligation to consult is a free standing enforceable legal and equitable duty. It is not enough to say that the contemplated infringement is justified by economic forces and will be certain to be justified even if there is no consultation.

With respect to industry, Mr. Justice Lambert stated, in the rehearing of the *Council of the Haida Nation* case:

> It is my opinion that Weyerhaeuser had and has legally enforceable duties to the Haida people to consult with them in good faith and to endeavour to seek workable accommodations…
>
> The work must be carried out with minimum infringement of the preferred way of the Haida people to exercise their aboriginal title and aboriginal rights. Compensation for damage to Haida title or rights should become a subject for negotiation. There are other justification standards but, above all, there must be effective consultation and bona fide efforts to seek accommodation…

There must be an immediate implementation of these cases.

It is absolutely clear that First Nations need to be integrally involved in the implementation of the consultation and accommodation obligation. Governments and industry cannot unilaterally determine when and how they will consult with us and accommodate our interests. That has been tried before and has not worked.

The Province needs to work with First Nations to establish workable, government-wide approaches and guidelines and, to assist industry in coming to terms with this obligation, we propose that a forum be held between industry and First Nations.

Finally, we propose a wide-scale public education initiative to explain and implement this legal obligation.

Governance

The 1991 British Columbia Claims Task Force Report stated that "First Nation government, often referred to as self-government, will be an essential component of a new relationship".

First Nations have pre-existing inherent rights, responsibility and authority to govern within their territories and to exercise authority over their citizens wherever they are. This **inherent right of self-government exists** and is

protected under section 35 of the *Constitution Act, 1982*. This authority is not dependent on agreements we may reach with other governments.

In 1992, the Government of British Columbia accepted the existence of Aboriginal title and rights, including the inherent right of self-government. British Columbia agreed, along with Canada and First Nations, to address governance, land and resources and other issues. One party cannot unilaterally change this agreed upon approach. No legislation or referendum can extinguish Aboriginal title or rights, including the inherent right of self-government. We do not agree with or accept British Columbia's delegated, municipal-style model of self-government.

Recognizing the inherent right of self-government, British Columbia must engage in the **formal recognition** and **implementation** of this inherent right. The First Nations Summit Chiefs have adopted a set of "Governance Principles" to guide discussions on this issue (attached).

Fiscal Relations

Fiscal relations will be an integral component of treaties. As noted earlier, the standard of living in First Nations communities is far below the Canadian average and impacts on the fiscal position of all governments. An improved fiscal relationship that encourages economic growth will improve the fiscal position of all orders of government by increasing revenues and reducing the costs associated with poverty. First Nations want a fiscal relationship that enables them to provide programs and infrastructure at the same standard as prevail elsewhere in the province. This fiscal relationship must ensure other governments live up to their responsibilities towards First Nations. British Columbia shares an interest with First Nations in ensuring that the federal government does not off-load its responsibilities without making provisions for adequate funding.

An improved fiscal relationship must provide First Nations with tax room, fiscal certainty, and more decision-making power. Right now First Nations are being offered some tax room in treaty negotiations, but there is no certainty that this is secure and there is little transfer of decision-making power. This is not significantly different from the current fiscal relationship that results in the high cost of doing business, discourages economic growth and continues the underdevelopment in our communities.

A tripartite fiscal relations working group is analyzing and developing fiscal relations options that meet all of the parties' needs. In the meantime, governments should not be pressuring First Nations to adopt current fiscal relations models.

A first step towards moving forward is for the First Nations Summit Task Group to meet with the Premier and the Minister of Finance to discuss First Nations' approach to the issue of fiscal relations.

Compensation

Despite the strong legal foundation for First Nations' entitlement to compensation when their Aboriginal title or rights are unjustifiably infringed, British Columbia and Canada have continuously refused to negotiate compensation. We do not see this as negotiating in good faith. The recent referendum calls for compensation to third parties. **If compensation is good enough for third parties, surely it should be good enough for First Nations.** The British Columbia Court of Appeal recently stated that compensation should become a subject of negotiation.

We acknowledge that British Columbia has recently indicated it is prepared to "explore" a number of issues it previously refused to discuss, including compensation. We are encouraged by this new willingness to address this critical issue and look forward to it being included at each negotiation table.

Interim Measures

The 1991 British Columbia Claims Task Force recommended:

> 16. The parties negotiate interim measures agreements before or during the treaty negotiations when an interest is being affected which could undermine the process.

Interim measures agreements are required to address the **continued alienation** of land and resources by governments and third parties. These agreements are an effective and appropriate means to alleviate the continued threat to negotiations and to accommodate First Nations' interests.

First Nations were hopeful that the tripartite "Statement on Interim Measures for Treaty Negotiations in British Columbia", agreed to by the Principals on April 28, 2000 (attached), would lead to meaningful interim measures agreements at each treaty table. So far, this has not been the case and the limited range of interim measures opportunities available to First Nations is far from satisfactory.

There must be some real protection for First Nations' interests and benefits during the negotiation process. First Nations' own land use plans (e.g. Kitasoo First Nation and Squamish Nation) must be recognized and respected by British Columbia. Key lands and resources that may form part of a treaty settlement must be protected.

Interim measures agreements will: be important building blocks in negotiating and implementing treaties; minimize both economic and structural dislocation in the post-treaty world; allow economic development to occur on terms acceptable to all parties; and enable First Nations to develop their capacity.

The "Protocol Respecting the Government-to-Government Relationship", originally signed by the British Columbia Government and the First Nations Summit in 1993 and renewed in 1996 and 2000, provides a helpful framework that could allow the British Columbia Government and First Nations to work together on interim measures and other issues. It needs to be renewed before it expires in 2003.

Good Faith Negotiations

Successful negotiations depend on British Columbia's and Canada's sincere commitment to negotiate in good faith, to implement their recognition of the government-to-government relationship and to honour both the recommendations of the Task Force and the process agreed upon by the parties. British Columbia and Canada must also commit the necessary resources to ensure their participation enables negotiations to proceed at a pace necessary to conclude agreements at all negotiation tables. Recent threats made by British Columbia and Canada to disengage from negotiations at certain tables are contributing to the instability and lack of productivity of the treaty negotiation process.

The referendum was a significant set back on the road to reconciliation. Any attempt to unilaterally restrict what could be negotiated in the negotiation process and to limit how First Nations constitutionally-protected legal rights could be exercised is a violation of the duty to negotiate in good faith.

British Columbia Government Mandates

Government mandates are inconsistent with the direction established by the courts. For many First Nations, government positions and mandates promote litigation because they feel they have no reasonable likelihood of reaching a negotiated treaty.

We note that British Columbia recently introduced a measure of flexibility through its new instructions to negotiators. However, negotiators need to be given clear instructions to negotiate agreements that are based on the recognition, not denial, of Aboriginal title and rights. As well, government negotiators continually advise our negotiators they need to "bring along" other provincial Ministries and their officials. A process must be established to ensure that government negotiators and line departments work together to prevent this from continuing.

British Columbia has also recently agreed to discuss the issues of revenue sharing, co-management and compensation in treaty negotiations. British Columbia should immediately introduce these key issues at all negotiation tables. One way to begin is to include these topics in the existing framework agreements.

Funding for Negotiations

When it comes to supporting First Nations' participation, British Columbia's efforts have been minimal – providing 8% of the total amount of negotiation support funding. First Nations receive 80% of their funding to support negotiations in the form of loans from the federal government. The remaining 20% comes in the form of contributions that are 40% funded by British Columbia and 60% funded by Canada.

To date, First Nations have borrowed in excess of $177 million. This has become one of the greatest obstacles to progress. The federal and provincial governments need to address this issue. Because of the lack of mandates, federal and provincial elections, the referendum and government foot-dragging in negotiations, loans that have accumulated to date should be converted to contributions and funding from now on should be only in the form of contributions. The recent British Columbia Court of Appeal decision in the *Xeni Gwet'in* case supports the principle that governments must fund First Nations' efforts to secure their rights.

Most of the existing loans come due in 2006. As well, interest on the accumulated debt begins to run on advances made after Agreements in Principle are reached. This becomes a disincentive to concluding such agreements. The governments must amend the agreements that flow funding to First Nations to address these issues.

British Columbia Treaty Commission

The central role of the Treaty Commission is to "facilitate" the negotiation of treaties. It means more than "chairing" and "monitoring" negotiations. To be more effective, the Treaty Commission needs to examine the full scope of its facilitation mandate.

The British Columbia Treaty Commission Agreement calls for a review of the effectiveness of the Treaty Commission at least every three years. This review needs to be done, as it is long overdue.

DAY-TO-DAY SOCIAL & ECONOMIC ISSUES

Some of the day-to-day issues that need to be addressed include poverty, education, child and family services, health and economic development. The focus of negotiations on these issues should be on developing the tools that promote a true **inter-governmental relationship** and raising the social and economic standards of First Nations people. Capacity building initiatives are critical to ongoing social and economic improvement. Referrals by government and industry cannot be fully or properly addressed without adequate resources and sufficient capacity levels.

First Nations are extremely concerned about the British Columbia Government's current active cost cutting agenda. Provincial initiatives are having a large impact on our people both in our communities and in the urban areas.

Ongoing meetings between the Premier and Cabinet Ministers and the First Nations Summit leadership will assist in making progress on these important issues. We also recommend you and your Ministers continue to meet with First Nations leaders locally with respect to their specific issues.

Social Assistance

The recent *Employment and Assistance Act*, which makes changes to the provincial social assistance program, negatively affects assistance to First Nations people living off reserve. DIAND has unilaterally adopted British Columbia's policies, so our people living on reserve are also feeling these changes. These changes affect access to and reduce assistance, and perpetuate the disproportionate inequity and poverty experienced by our people. This is particularly the case for our people in rural and remote communities where there are high levels of unemployment, high cost of living, little access to job and business opportunities and high dependence on social assistance.

Education

About $70 million a year is paid to British Columbia to cover tuition costs for First Nations students. Yet only 35% of our students graduate from high school compared to British Columbia's 70% average. This is not acceptable.

British Columbia needs to remain fully involved in tripartite discussions on the implementation of First Nations jurisdiction over education and must recognize that First Nations jurisdiction ranges from early childhood development to post-secondary education. In working together toward this goal, First Nations must be involved in the negotiation of Accountability Contracts and Enhancement Agreements contemplated by recent changes in the provincial education system and in the negotiation of any agreements that would transfer tuition dollars. As well, we need to redouble our efforts to eliminate systemic racism in schools.

The curriculum in British Columbia's schools must accurately and fully reflect the true history and rights of our people.

Some school districts refuse to negotiate with First Nations on education matters. In these cases, British Columbia needs to exercise its new authority to take direct action against these school boards. Recently, DIAND completely undermined about 20 years of First Nations efforts to establish local education agreements with provincial schools. The Province should not be a party to these actions of the federal government.

Post-Secondary Education

Post-secondary tuition fee increases will have a major negative impact on our students. It will result in a significant reduction in access to post-secondary education. It is counter-productive to our long-term social and economic interests.

Children and Families

Over 40% of children in care are Aboriginal. We recently made some advances in the area of child and family services. On September 9, 2002, British Columbia and 14 Aboriginal organizations signed an historical Memorandum of Understanding to work together to find ways to reduce the disproportionate number of Aboriginal children in care. This is one example of the tools First Nations and British Columbia can use to improve conditions in First Nations communities. Further discussion is required on how to address all aspects of the delivery of child and family services in First Nations communities. First Nations need to be involved in drafting inter-governmental legislation to set up Regional Aboriginal Authorities for child and family services. As well, an equitable share of the Ministry of Children and Family Development's resources will be needed for proper service delivery.

Health Care

First Nations are seriously affected by the British Columbia Government's recent cuts to health care. With high levels of poverty and marginalization, our people will be severely impacted by reduction in access to health care services. Cuts to social assistance compound this problem.

Access to Justice

Recent closure of 14 Native Community Law Offices established to provide culturally sensitive legal services to Aboriginal people, and cuts to legal aid constitute a denial of First Nations people's access to justice. Your government must engage in discussions with First Nations to determine how to ensure that First Nations people have equitable access to justice in the province.

Natural Resource Industry

First Nations must immediately become directly involved in the development of any initiatives that impact on our forest resources. British Columbia does not own 100% of the forests. British Columbia recently announced that amendments to the *Forest Act* would allow direct awards of forest tenure to First Nations. First Nations have yet to see the benefits of this initiative. We need to be directly involved in the development and implementation of these types of initiatives.

The fish-farming moratorium was recently lifted without meaningful consultation or accommodation. The same lack of consultation and accommodation is happening with respect to oil and gas development, including offshore.

Environment

Changes to the *Environmental Assessment Act* have diminished First Nations' roles in environmental assessments and run contrary to the recent decisions of the British Columbia Court of Appeal.

Order in Council 1036

There are long-standing laws and policies on land-related issues that continue to infringe on First Nations' rights. Order in Council 1036, which conveyed title to Indian reserves in the province from British Columbia to Canada, included a reservation by British Columbia of a right to resume up to one-twentieth of any reserve lands. Approximately 500 rights-of-way currently exist on reserve lands in British Columbia that are unresolved. British Columbia needs to engage in discussions with First Nations and resolve these rights-of-way issues.

Technology

We note the Premier's commitment to "bridge the digital divide" to First Nations communities and encourage the government to work with us and Canada to provide connection services to all of our communities and assist in technology skills development for our people.

Many of these issues require First Nations and British Columbia to jointly find solutions that will improve the socio-economic conditions of our people. It is important in our view to establish a baseline of indicators from which we can establish strategies to improve the status of our people. While many of these issues will be addressed through the implementation of treaties in the future, they are urgent matters that require the immediate attention of First Nation governments and British Columbia. A continuation of the status quo is not acceptable.

CONCLUSION

First Nations and the British Columbia Government share an interest in promoting social and economic development and equity, and the resolution of the land question. This will require a new relationship based on reconciliation, accommodation, respect and recognition. The development of this new relationship will require political commitment from all of us. **The solutions require political will and action.**

ATTACHMENTS

1. First Nations Summit's "Governance Principles" (June 2002)

2. "Statement on Interim Measures for Treaty Negotiations in British Columbia" agreed to by the Principals on April 28, 2000

FIRST NATIONS SUMMIT

RESOLUTION # 0602.06

SUBJECT: ADOPTION OF GOVERNANCE PRINCIPLES

WHEREAS

The Chief Negotiators recommend that the First Nations Summit Chiefs in Assembly adopt the governance principles set out below. These principles will underlie the negotiation positions of First Nations in the BC treaty process.

THEREFORE BE IT RESOLVED

That the First Nations Summit Chiefs in Assembly adopt the following Governance Principles as guiding principles for negotiations on governance:

Treaties or Agreements will include provisions that:

1. recognize and affirm the First Nation[1] inherent right of self-government.

2. recognize and affirm the exclusive areas of jurisdiction of First Nations.

3. recognize and affirm the areas of paramount/concurrent jurisdiction of First Nations.

4. ensure that First Nations have the jurisdiction and paramountcy of laws necessary to effectively implement the Treaty or Agreement.

5. ensure First Nations have sufficient revenue, resources and capacity to implement the Treaty or Agreement.

6. recognize and affirm that First Nations have Aboriginal rights to and economic interests in their lands and resources throughout their territories.

7. recognize, affirm and ensure the legitimate role of First Nation governments in all land and resource management and decision-making processes within or affecting their territories.

8. ensure that federal and provincial settlement legislation required to give effect to First Nation Treaties or Agreements is paramount over all other federal or provincial legislation.

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[1]The term "First Nation" is used generically in this document. The manner in which Aboriginal communities are organized for purposes of negotiating treaties varies throughout the province (e.g. Nations, Tribal Councils, First Nations).

9. ensure that First Nation laws, programs and services can apply to First Nation citizens regardless of place of residence.

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RESOLUTION # 0602.06
SUBJECT: ADOPTION OF GOVERNANCE PRINCIPLES

MOVED BY: Chief Bill Williams, Squamish Nation
SECONDED BY: Dan Smith, Hamatla Treaty Society
DATED: June 13, 2002

Passed by majority vote.

ORIGINAL RESOLUTION SIGNED BY FIRST NATIONS SUMMIT TASK GROUP; HERB GEORGE (SATSAN), LYDIA HWITSUM AND EDWARD JOHN

BRITISH COLUMBIA

Canada

FIRST NATIONS SUMMIT

April 28, 2000

A Statement on Interim Measures Principles for Treaty Negotiations in British Columbia

1. The Principals support the timely negotiation of interim measures in accordance with recommendation 16 of the British Columbia Claims Task Force Report which states that:

   > The parties negotiate interim measures agreements before or during the treaty negotiations when an interest is being affected which could undermine the process.

2. The objective of interim measures (including Treaty-Related Measures) is to support and facilitate the treaty process by, for example, building relationships / partnerships, building capacity, providing tangible benefits, resolving contentious issues, and balancing interests.

3. There are a range of options for interim measures: capacity building initiatives, economic opportunities, governance - related initiatives, and measures to protect land and resources.

4. At any time in the treaty process, where the three parties to a treaty negotiation table agree that a parcel of land is likely to form part of a treaty, the parties may agree to measures to protect that parcel.

5. The Principals acknowledge that the implementation of some interim measures may require changes in the existing policies and legislation. Canada and British Columbia are prepared to consider such changes.

6. Canada and British Columbia will ensure that line ministries / departments actively participate in interim measures negotiations as appropriate.