

**Union of BC Municipalities
Submission on the *Declaration on
the Rights of Indigenous Peoples
Act* Draft Action Plan**

July 30, 2021

Background

The Union of British Columbia Municipalities (UBCM) represents 100% of the local governments in BC, and has advocated for policy and programs that support its membership's needs since 1905. We are a policy-based organization, guided by member positions established through resolutions at our annual convention. UBCM membership consists of 161 Municipalities, 28 Regional Districts and 8 First Nations. UBCM has been active in supporting work towards reconciliation and relationship building with First Nations and urban Indigenous peoples & recognizes that it has a role in the ongoing reconciliation journey.

UBCM membership has long voiced their support for UNDRIP, including through resolution 2015-B106 calling on the Province and Federal Government to respond to the Truth and Reconciliation recommendations, and through resolutions referencing and supporting work towards specific elements of UNDRIP (2018-B149, 2018-B150). Local governments have also continued to make substantial strides in working towards reconciliation at the local level, in part through supports such as the Community to Community Forum Program. UBCM strongly supports the goals identified in the action plan, addressing self-determination and inherent right of self-government, title and rights of Indigenous peoples, ending Indigenous-specific racism and discrimination, and social, cultural and economic well-being of Indigenous peoples.

Partners in Reconciliation

As recognized in our MOU on engagement with the Province, local governments have longstanding interests in working towards lasting and meaningful reconciliation with Indigenous Peoples. We are pleased to see the inclusion of action 1.13 in the plan, "Support inclusive regional governance by advancing Indigenous participation in regional district boards" which follows directly from UBCM resolutions 2018-B150 and OF1. UBCM looks forward to working with the Province and engaging with its membership towards advancing this initiative.

UBCM also acknowledges and appreciates the immense value of funding programs that have supported relationship building and work towards reconciliation, including notably the Community to Community Forum Program, and the Urban Communities Partnering for Reconciliation Program. Given the success of these programs, the strong interest of local governments in advancing reconciliation, and the limited capacity amongst many First Nations and local governments to engage, our membership has continued to push for further supports for First Nation - local government engagement both broadly (2009-B143, 2012-B32, 2018-B23) and on specific issues (2018-B44, 2020-EB12). UBCM

would encourage the Province to give further consideration to such requests to support reconciliation at the local level as it works towards implementation of the *Declaration Act*.

Engagement with Local Governments

UBCM recognizes that the relationship between Indigenous governments and the Province is central to implementation of the *Declaration Act* and thus the action plan. In making this submission, we would simply note that many of the actions identified in the action plan are also likely to have bearing on local government jurisdiction, or may otherwise benefit from local collaboration. These actions include:

- **1.13** Support inclusive regional governance by advancing Indigenous participation in regional district boards. (*Ministry of Municipal Affairs*)
- **2.9** Engage with Indigenous partners on issues related to conservation and biodiversity in B.C. including the protection of species at risk. (*Ministry of Environment and Climate Change Strategy*)
- **2.10** Lead work with the federal government to develop new strategies to protect and revitalize B.C.'s wild salmon populations, including the development and implementation of a cohesive B.C. Wild Pacific Salmon Strategy. (*Ministry of Agriculture, Food and Fisheries*)
- **2.11** Reform forest policy in consultation with First Nations to ensure shared prosperity while protecting the environment. (*Ministry of Forests, Lands, Natural Resource Operations and Rural Development*)
- **3.12** Develop and implement comprehensive policing reforms to address widespread concerns about systemic biases and racism within policing, including updating the *Police Act* to reflect today's challenges and needs, implementing updated Provincial Policing Standards, contributing to the modernization of the federal First Nations Policing Program, and enhancing community-based prevention programming for at-risk individuals. (Ministry of Public Safety and Solicitor General, Ministry of Attorney General)
- **4.16** Create a provincial urban Indigenous advisory table to address priorities identified by urban Indigenous communities that represent the interests of Elders, youth, women and persons with disabilities. (*Ministry of Indigenous Relations and Reconciliation*)
- **4.17** Undertake a cross-government review of provincial supports and services for Indigenous peoples in urban settings and develop a plan that will provide greater collaboration and coordination to meet needs. (Ministry of Indigenous Relations and Reconciliation)

UBCM therefore requests that the Province provide meaningful opportunities for local government engagement as these actions are implemented, recognizing that the best

way to craft effective policy is to ensure that local communities are engaged and working together.

We note that our members have consistently called for collaboration and information sharing on initiatives that may have bearing on local government jurisdiction, including via resolution 2019-A4 that seeks “a clear delineation of the responsibilities of local governments in relation to the implementation” of processes related to UNDRIP. This is in turn reflected in our MOU with the Province on engagement on First Nations negotiations and other Indigenous initiatives that we look forward to renewing at our upcoming September 2021 Convention.

Recognizing that implementation of the *Declaration Act* is an all of government initiative, UBCM has also requested that the Province:

- Develop a notification mechanism to ensure early consultation and clarity of communication with local governments of agreements or policy that may have bearing on their jurisdiction, and
- Communicate the need to engage with local governments across ministries and agencies.

Concluding Remarks

Local governments have longstanding policy and ongoing interests in supporting UNDRIP and working towards reconciliation with First Nations and Indigenous peoples. UBCM looks forward to working with the Province to support reconciliation at a local level and to support opportunities for meaningful engagement with local governments as the *Declaration Act* is implemented. As a critical first step, we strongly encourage the Province to provide clarity to local governments on a delineation of their responsibilities in relation to the implementation of the *Declaration Act*. UBCM would be pleased to work with the Province to communicate such guidance to local governments, through webinar(s) or other means. In conclusion, we wish to thank the Province for the opportunity to provide this submission on behalf of our membership.

Attachment – Relevant UBCM Resolutions

2009-B143 Strategic Engagement Agreements

WHEREAS local governments are encouraged and required to consult with First Nations on land use decisions;

AND WHEREAS the Province has initiated Strategic Engagement Agreements with First Nations groups regarding resource support for undertaking consultations between provincial ministries and First Nations:

THEREFORE BE IT RESOLVED that the provincial government be lobbied to include local government within the Strategic Engagement Agreements with First Nations groups and that capacity funding under the agreements include referrals from local governments.

2012-B32 Strategic Engagement Agreements

WHEREAS local governments are encouraged to consult with First Nations on land use decisions;

AND WHEREAS the Province has initiated Strategic Engagement Agreements with First Nations groups regarding resource support for undertaking consultations between provincial ministries and First Nations:

THEREFORE BE IT RESOLVED that the provincial government be lobbied to include local government within the Strategic Engagement Agreements with First Nations groups and that capacity funding under the agreements include referrals from local governments.

2015-B106 Action on Truth and Reconciliation Commission Recommendations

Whereas the Truth and Reconciliation Commission (TRC) was created as part of the settlement agreement between the federal government, the churches and survivor parties to the Indian Residential Schools Class Action Settlement Agreement to determine the truth about Canada's Indian residential schools and establish a reconciliation process;

And whereas over the course of the last six years, the TRC researched official records and visited communities across Canada to hear from thousands of residential school survivors and their families about the impacts of residential schools and colonization;

And whereas the findings of these investigations are summarized in the TRC's Final Report, released June 2, 2015, and include 94 recommendations for action by all levels of government;

And whereas the City of Vancouver was the first city in Canada to establish a Year of Reconciliation, starting on National Aboriginal Day, 2013, prompting similar action from other Canadian cities representing millions of Canadians;

And whereas at the end of the Year of Reconciliation, City Council committed to create a City of Reconciliation to find a new pathway forward that is forged in truth and justice, respect and partnership with our First Nation and Aboriginal communities;

And whereas the TRC has put a call to action to government stating "that knowing the truth about what happened in residential schools in and of itself does not necessarily lead to reconciliation" and many of the recommendations in the TRC final report are actionable by the City and our local government partners:

Therefore be it resolved that the Union of British Columbia Municipalities and Federation of Canadian Municipalities urge the governments of British Columbia and Canada respectively, to undertake a review of the recommendations and provide a response to the Truth and Reconciliation Commission on how they intend to move forward no later than December 31, 2015.

2018-B23 Development of Ongoing Provincial Funding Programs for First Nations Reconciliation and Relationship Building Efforts

Whereas current provincial programs offer some financial assistance to advance reconciliation and relationship building efforts, they generally support "one off" events as opposed to more systemic and sustained engagement efforts;

And whereas funding under such provincial programs is far less than the actual cost of convening multi-party collaborative processes, resulting in the contribution of funding by local governments;

And whereas funding under such provincial programs is not stable, on-going funding and results in large amounts of staff time to apply for these programs:

Therefore be it resolved that the Province of British Columbia develop stable, ongoing funding programs with systemic, inclusive, and collaborative approaches to assist with First Nations reconciliation and relationship building efforts.

2018-B44 Resourcing Collaborative Planning on Provincial Crown Land

Whereas cumulative development pressures and conflicts on provincial Crown land continue to escalate in a context of outdated land use management plans, most of which have not been updated for approximately 15 or more years;

And whereas the provincial government has recently stated its intent to modernize land-use planning and sustainable management of BC ecosystems in collaboration with stakeholders:

Therefore be it resolved that the Ministry of Forests, Lands, Natural Resource Operations and Rural Development be urged to take a leadership role and immediately provide sufficient funding and resources to enable effective, community-based, collaborative land use planning for Crown land which includes First Nations, local governments, provincial government agencies, industry sectors, interest groups, and local residents.

2018-B149 Need for Equitable Recognition and Support for Urban Indigenous Communities in Policy, Programs, Funding and Consultation

Whereas the United Nations (UN) Declaration on the Rights of Indigenous Peoples recognizes rights to self-determination, language, culture, and health as well as rights connected to equity, justice and access and the Truth and Reconciliation Commission (TRC) calls to action recognize the needs of the 70 per cent of Indigenous people in British Columbia that live off reserve in urban centres, largely to pursue work, education, access to amenities, to be closer to loved ones, and to create a good life for themselves and their children;

And whereas urban Indigenous peoples are over represented across health and social inequities, yet current provincial government programs have failed to acknowledge urban Indigenous peoples in significant policies, programs and funding opportunities linked to social health determinants including poverty reduction, housing, training and education, heritage and culture, child care and health:

Therefore be it resolved that the Province recognize and treat Indigenous people equitably in provincial policies and regulation, programs and funding initiatives, and consultations that are tied to root causes of inequities and improved social determinants

of health including housing, access and connection to culture, education and training, child and family services and income generation.

2018-B150 Financing Reconciliation: Solutions for Local Communities

Whereas local governments and First Nations have inherited a problematic public service delivery regime that poorly finances on and off reserve local government service delivery;

And whereas local governments experience revenue deficits that impact shared and overlapping public service delivery to the entire local population, including First Nation populations, that are not fairly addressed through property tax requisition;

And whereas the federal government is constitutionally committed to providing “essential public services of reasonable quality to all Canadians” (*Constitution Act, 1982 s.36*), implemented in part through federal transfer payments;

Therefore be it resolved that UBCM request the Province of BC and the Government of Canada work with First Nations and local governments to explore and implement revenue solutions such as federal transfer payments, thereby supporting implementation of the Truth and Reconciliation Calls to Action and the commitments in UNDRIP;

And be it further resolved that to ensure First Nation participation in the management of said payments, UBCM request British Columbia, in consultation with First Nations, amend the *Local Government Act* accordingly.

2018-OF1 Building Understanding of Financing Reconciliation: Solutions for Local Communities

Therefore be it resolved, that UBCM work with the Central Coast Regional District and Alberni-Clayoquot Regional District to host a provincial Community to Community Forum on Resolution B150 *Financing Reconciliation: Solutions for Local Communities*, with local governments and appropriate First Nations governing bodies;

And be it further resolved that UBCM hold a three hour workshop on Resolutions B150 *Financing Reconciliation: Solutions for Local Communities* at the 2019 Annual Convention.

2019-A4 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Whereas the Province of British Columbia has announced introduction of legislation to implement United Nations Declaration on the Rights of Indigenous People (UNDRIP);

And whereas the announcement did not specify details in relation to framework and process implementation;

And whereas local governments require a clear delineation of their responsibilities where the implementation of Provincial legislation is concerned:

Therefore be it resolved that the Province of British Columbia provide clarity to local governments regarding implementation of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) processes and framework;

And be it further resolved that the Province of British Columbia provide a clear delineation of the responsibilities of local governments in relation to the implementation of these processes after full consultation with local governments, both rural and urban.

2020-EB12 Collaborative Wildfire Mitigation

Whereas local governments and First Nations have for more than ten (10) years taken leadership of wildfire risk reduction activities through accessing various provincial funding opportunities, to reduce our communities' wildfire risk including through the UBCM Strategic Wildfire Prevention Initiative, UBCM Community Resiliency Investment Program, and Forest Enhancement Society of BC;

And whereas local governments and First Nations are on the front line for community engagement through educating the public regarding wildfire risk reduction and providing concerns and input into proposed plans (e.g. Community Wildfire Protection Plans, fuel prescription or implementation); this work can take months for staff to ensure local governments are aligned with science, best practices and community context.

And whereas the Province has recently changed the delivery model for fuel treatments adjacent to communities, but the new Crown Land Wildfire Risk Reduction program has not clearly identified the role of local governments and First Nations:

Therefore be it resolved that UBCM urge the Province to commit to establish and support regional wildfire mitigation planning tables that include local governments and First Nations, provincial agencies (FLNRORD, BC Wildfire Service), licensees including Community Forests, water user groups, Fire Smart committees, and BC Parks, and other interested groups;

And be it further resolved that the regional planning tables will:

- Identify priorities for planning and implementation of wildfire risk reduction activities;
- Align funding from CRI and other sources;
- Coordinate public engagement;
- Ensure collaborative communication between all stakeholders;
- Ensure effective sharing of techniques, methods and processes between regions;
- Monitor the effectiveness of activities, and foresight and maintenance of treatments