

BC TREATY COMMISSION

Presentation by

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Introduction

I am happy to be here in Winnipeg again – I was a CPR dining car waiter stationed here for eight years. I am especially pleased to be talking about one of my favourite topics – Comprehensive Community Planning for a prosperous economy, healthy environment, social wellbeing and a creative, innovative culture.

As a former mayor of Vancouver and Premier of British Columbia I believe I can safely say that Comprehensive Community Planning is essential to good intergovernmental relationships.

I am especially proud of the Greater Vancouver Regional District Liveable Region Strategy, which we recognized under the Growth Strategies Act in the mid-90's when I was Premier.

I am also extremely proud of 2002-2003 cities^{PLUS} (or Cities Planning for Long-term Urban Sustainability) of which I was vice-chair: Lloyd Axworthy, a long-time Winnipegger, was the chair.

cities^{PLUS} developed the 100 year sustainability plan for Vancouver in a project that involved 500 experts and participants from 30 cities across Canada. This two-year long exercise, culminated in our Team Canada being awarded the Grand Prix at the international Sustainable Urban Systems Design competition of the International Gas Union in Tokyo, Japan in June 2003, winning over eight other finalists from Japan, China, India, the U.S., Europe, Russia and South America.

Since the win, the cities^{PLUS} legacies continue to live on through a number of activities and initiatives coordinated by the original partners – the Greater Vancouver Regional District, University of British Columbia and International Centre for Sustainable Cities.

As a direct result of all of these experiences, I am chairing the Prime Minister's External Advisory Committee on Cities and Communities. We are currently completing our wrap-up report to Prime Minister Harper for submission in April which addresses the long-term vision and financing of Canada's cities and communities and the role of the national government.

And I am in my second term – and third year – as the federally appointed commissioner for the BC Treaty Commission. So, I've had some experience with First Nations as they are currently constituted with no treaties in place.

I believe I can safely say, with some confidence, that Comprehensive Community Planning processes can create better conditions for treaty negotiations and contribute to better intergovernmental relations.

Our Role

First, I will provide a little background on the Treaty Commission and the treaty process, which were established in 1992 by agreement of Canada, British Columbia and the First Nations Summit.

I was a signatory to that agreement for BC along with my Aboriginal Affairs Minister Andrew Petter. For Canada, it was Prime Minister Brian Mulroney and Indian and Northern Affairs Minister Tom Siddon, and for the First Nations Summit, Chief Joe Mathias, Grand Chief Edward John, Sophie Pierre, Miles Richardson and Tom Sampson.

The parties are guided by that agreement and by the 19 recommendations of the BC Claims Task Force, the blueprint for this made-in-BC treaty process.

The overall objective of treaty making is to build a new relationship among First Nations, Canada, and BC based on mutual respect, trust and understanding through political negotiations.

We believe those 19 Task Force recommendations remain the cornerstone of the treaty process. Adherence to them is essential to effective negotiations and the achievement of fair and honourable final agreements. One task we take seriously is monitoring adherence to these recommendations.

One of the recommendations was that a six-stage treaty process be established as the means by which negotiations could be advanced and fair and durable treaties achieved.

Another recommendation was that a Treaty Commission be established as “keeper of the process.” The treaty process is open to all First Nations and the other two parties, Canada and BC, are obliged to commence negotiations as soon as the First Nations are ready.

We, at the Treaty Commission, have three complementary roles: facilitation, funding and public information.

We spend much of our time and resources on facilitation to move negotiations forward at treaty tables. Facilitation by the Commission can take many forms — it can involve the parties at individual tables; or the Principals, that is Canada, BC and the First Nations Summit; or First Nations and other players, such as local governments; or differing First Nations actors, and so on. And it embraces everything from structured facilitation, proactive chairing, back channel diplomacy, to engagement with political leaders.

We allocate negotiation support funding so that First Nations can negotiate on a more secure footing with the governments of Canada and BC.

As the independent voice of treaty making we provide information across BC using a variety of communications tools.

We don't take our marching orders from any one of the Principals. New or altered instructions must come from all

three Principals acting together. Our accountability is to all three Principals.

The First Nation Summit members elect two commissioners and the federal and provincial governments each appoint one commissioner. The chief commissioner is appointed to a three-year term by agreement of the three Principals.

The current chief commissioner is Steven Point, a provincial court judge, grand chief and prominent member of the Sto:lo First Nation.

As commissioners we do not represent the Principals who appoint us but act independently. Decisions require the support of one appointee of each of the Principals and our decisions are made by consensus.

Our authority is generally restricted to process issues. We can make recommendations on options for addressing issues but we cannot compel the Principals or parties to act.

However, we will often step in to resolve a dispute at the invitation of one party. At various times we've been critical of each of the Principals, for example over the resources and readiness of the parties to negotiate effectively.

However, mandate issues have most often been at the heart of our criticisms of the governments of Canada and British Columbia in our efforts to remove obstacles to progress.

Public reporting has assisted the Treaty Commission in bringing attention to those obstacles and for encouraging progress.

So, that's our role: facilitation, funding and public information.

Comprehensive community planning

From our vantage point at the Treaty Commission, we see there is more interest in comprehensive community planning... more interest than there was even a year ago.

Your conference agenda reflects this growing interest.

The fall and winter calendar reflects a growing realization that First Nations must prepare for the changes that are coming.

Planning must be addressed early, if we are going to be successful in treaty negotiations. This is a huge task for First Nations – to plan for and integrate a prosperous economy, healthy environment, social well being, and a creative and thriving culture – the four dimensions of sustainability.

Treaties will bring significant changes to current land management practices. There will be change in governance authorities as Indian Act bands make the transition to self governing First Nations. This may require new and different structures of government as the band and tribal councils set up in the 1970's and 80's for service delivery many not be suitable for self government.

Intergovernmental relationships will have to be addressed, especially where communities are in close proximity.

At the most recent First Nations Summit meeting, First Nations told us that planning is being done with limited financial and human resources.

Treaty Related Measures funding has provided some First Nations with funding for governance work and for intergovernmental relations.

Treaties provide implementation dollars that are intended to help First Nations make the transition from Indian Act band to self governing First Nation. But, First Nations tell us the money comes too late in the treaty process to assist with Comprehensive Community Planning.

Other potential sources of funding include the \$62.5 million from the "New Deal for Cities and Communities" and the \$25 million available from the Rural Municipal Infrastructure Fund.

Whether the source is these funds or a special fund for planning, there needs to secure funding for comprehensive community planning. And there may be a better way to consolidate and use existing planning dollars in BC.

So, this is an issue that is before Indian Affairs.

The Treaty Commission has a duty in Stage 2 of the treaty process to determine the readiness of the parties to negotiate.

We should also be looking at the parties' readiness in Stage 6 to implement a treaty. We need to ask: Does the First Nation have a plan for governance, the necessary

government structures and people with the capacity to govern?

As First Nations move closer to agreements, planning is more crucial.

As I said earlier, comprehensive community planning processes can create better conditions for treaty negotiations and contribute to better intergovernmental relations.

With that in mind, the Treaty Commission has initiated a pilot project on intergovernmental community planning.

We believe this project will help First Nations and their neighbouring local and regional governments make the transition to a post-treaty world.

Sliammon First Nation, in the advanced stages of treaty negotiations, the community of Powell River and the regional district are the participants.

The four-phase project comprises:

- development of a Sliammon community plan
- comparison of Sliammon and local and regional plans

- amendment of plans; and
- plan implementation and monitoring.

The project partners will compile a list of intergovernmental interests and shared responsibilities.

They will present their recommendations in a best practices guidebook for use by other First Nations and their neighbouring governments.

The Treaty Commission hopes its efforts in raising awareness of the need for comprehensive planning and in supporting the Sliammon pilot project will be a catalyst for many more planning processes across the province.

Let me reiterate that the parties' should be ready in Stage 6 to implement a treaty. Is there a plan, the structure and people to make it happen?

As well, we are encouraged by the pilot project that Indian Affairs has initiated in British Columbia, which currently supports five First Nations in Comprehensive Community Planning.

We hope that one day a Comprehensive Community Planning process will replace the five-year Physical Development Plan that Indian Affairs currently requires of all First Nations.

The Physical Development Plan is of limited use to a First Nation, as it is restricted to infrastructure planning; is not community based; and has a short time horizon.

We have been observing the various planning initiatives to determine where the Treaty Commission can best use its scarce resources for the benefit of First Nations in treaty negotiations.

As I said earlier, there is more interest in comprehensive community planning... more interest than there was even a year ago. So, we are pleased with the progress that has been made, but realize we have a ways to go.

Thank you.

