

Building Relationships

between First Nations governments and local governments

Speaking Notes for **Jim Abram**
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to

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Self Government: Options and Opportunities



**BC Treaty
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Good afternoon everyone. I have to say it's an incredible pleasure to be here today, but I also have to say it's extremely intimidating to sit amidst such a powerful group of speakers, such a distinguished crowd and such a fantastic building.

I also want to say that it's always so humbling for me to listen to First Nations people when I come to gatherings like this and each person comes forward, and they introduce themselves, and they speak in their native tongue and they thank the hosting nation.

They talk about their elders and their sense of being and their sense of place and the sense of time that they deal with. We, as white society, really don't have any of that, so it's very humbling and it makes me very envious that we don't have it. I just wanted to mention that.

So before I begin, with a bit of context — a quotation: “The treaty process should not be about what the federal or provincial governments are willing to grant First Nations through negotiation, but treaties should be a negotiation of what First Nations are willing to share with the rest of us.”

Anyone here know who said that, except you, Dan? I did. It was at a meeting of the First Nations Summit in Cranbrook last year and I just had to tell you that this is what I believe in my heart and this is my personal feeling.

It has not in any way hindered me in building relationships — working relationships with all levels of government, whether they be local First Nations, federal or provincial. If anything, it's enhanced it. So I wanted to put that into context.

In preparing the notes for this conference it occurred to me that the question that was probably going to be on everyone's mind when it comes to thinking about local governments and aboriginal self government might be: *do local governments really matter?* The short answer to this question in my view is yes, of course they matter. It was very difficult in preparing these notes to use the terms throughout 'local government' and 'First Nations government'. Throughout my comments I use these terms, but in reality, no matter what constitutional recognition exists or does not exist, both are actually a form of local government as opposed to being based in Ottawa or based in Victoria.

I want to thank Sophie for her comments, her very subtle comments about imposition of local government on First Nations — the delegated municipal model. I want to be real clear, I'm not in any way, shape or form suggesting that the local government model should be imposed on First Nations government. I wouldn't wish our problems on anyone.

We have our problems, we have our solutions, but we're continually working on it, it's evolving. I was quite disappointed to see that one of the eight questions that ended up in the referendum that I don't agree with had to do with the imposition of a local government model on First Nations. That didn't come from us. So, I'll just say, before I go any further, that there was this very conservative, conventional poet, singer from back in the 1960's by the name of Bob Dylan, and he once said “If you cut your hair short, all that hair grows inward and strangles your brain.” Well, I just got my hair cut and I'm going to fall back on that excuse as necessary throughout the day if I say anything too outrageous. So there you go.

So self government is not only about autonomy, but it's also about connections. It's as much about self determination as it is about the formation of effective government-to-government relationships. Relationships with local governments will be important to First Nations for successful economic and community development.

In my remarks today, in keeping with the conference theme, which I don't think has changed since we started, I want to talk about the opportunities and the options with respect to First Nations local government relationships. I'll start by explaining why I think First Nations and local governments have much in common, perhaps now more than ever. Next I'll provide concrete examples of the type of work being done now to build relationships. I also want to touch on the challenging issues faced by First Nations and local governments in their working relationships and suggest some next steps for moving forward.

Despite all the differences in history and in culture, I believe First Nations governments and local governments have a lot in common; both provide needed and wanted services, economic opportunity and good governance for the communities they serve. Further, both are experiencing change in the form of a move toward greater autonomy.

Just as an aside, historically, neither of our governments — First Nations or local government — have been acknowledged by the feds or the province in the past, so we really have a common thread there.



For First Nations this move toward greater autonomy is happening through a variety of initiatives: trilateral, bilateral self government negotiations and legislative change initiatives like the *First Nations Land Management Act*. For local governments in BC this change is happening through a broadening of their powers provided by legislation. We have seen several years of legislative reform for local governments, culminating in the provincial government's proposed Community Charter, which is said to be a completely new piece of legislation governing municipalities. I can say that because I'm sitting on the Community Charter Council, it's getting frustrating after however many months it's been, we still haven't got it out there yet.

Anyway, under the Charter, municipalities will have broad, all encompassing powers to provide services to regulate and define spheres of jurisdiction and they will have natural person powers. This is the theory anyway, we'll see what happens when it finally gets out.

Part of this empowering vision for communities and the governments involves a new relationship with the provincial government based on open and regular government-to-government dialogue on issues that affect the public, both locally and provincially.

A draft of the Charter will be released shortly by the provincial government for public comment. The idea is for it to become law later this year. So I want to stress two points.

First, local governments and First Nations governments are experiencing change in a move toward more independent and autonomous forms of government. Second, this fundamental increase in powers drives both the need and the opportunity to create more robust intergovernmental relationships between neighbouring First Nations and local governments.

Through the 1990's, and continuing today, many First Nations local governments have taken up this challenge of improving the working relationships. In a moment I'm going to talk about a few specific cases as an illustration of the opportunities and the options that are out there. UBCM, that's the Union of BC Municipalities, has actively promoted and supported relationship building between local governments and First Nations through a number of initiatives, including a protocol agreement with the First Nations Summit, and a Memorandum of Understanding (MOU) with the Department of Indian Affairs, and co-sponsorship of the community-to-community forum program.

It's been a real pleasure for me to be part of those, all three of those actually, with many of my colleagues in this room.

The community-to-community forum program was developed in 1996 with the First Nations Summit and has been very successful in sparking dialogue between neighbours. Like this conference we're at today, the idea was to get community leaders together in a room to discuss shared interests and opportunities for action on common issues.

I'll take it that since imitation is a sincerest form of flattery, I think it's great that the BCTC followed suit with this forum over the last few years.

To date, funding for the community-to-community forums has been provided for more than 30 of the regional meetings between First Nations and local government elected leaders around the province. In addition, UBCM and the First Nations Summit are planning our third province-wide forum for July 11, 2002 right here in Vancouver.

At the previous two province-wide forums we featured speakers from local governments and First Nations who had a story to tell about their relationship and how working together on issues like economic development, servicing and capacity building had actually benefited their communities.

At the 2001 community-to-community forum, we featured the Campbell River First Nation and the Campbell River Municipality. It's been mentioned before, but I'll get into it a little further. The speakers then explained to us how the Discovery Harbour development which included a new marina and a successful shopping centre required their working relationship to grow and change and it continues to do that today. It's been expanding, evolving more and more opportunities have presented themselves and they've seized the moment and gone for those opportunities.

Among the benefits and the opportunities on their working together on this development was dispelling some of the myths about development on reserve lands. The hurdles and challenges they listed included the servicing arrangements that had to be negotiated, the design and access issues involved with the development, and the time commitment that was required.



One of the most valuable things the Campbell River Indian Band and the Campbell River municipality told us was about the lessons that they learned from their experience. In order to promote business ventures that bring economic benefits to communities, they felt both lenders and future tenants needed to see working relationships —and formal agreements — between governing First Nations and neighbouring jurisdictions. So those folks really want to see people working together and know that it's a good relationship before coming into the community.

This is just one of the many examples of First Nations and local government learning to work together in new ways. You'll notice that economic development was the driver or the motivation in this case. The benefits to First Nations and local governments from economic development initiatives means that this is an area where relationship building often succeeds, and it may be why we focus on it as often as we do.

So what then are some of the challenges for local government and First Nations relationships? Well, for local governments, what I am going to say might come as any surprise. Increasing self-government powers for First Nations comes with intentions to improve economic opportunities — often through development on First Nations lands. That spells a need for land-use coordination between neighbours.

These three words can be at the root of much tension between local government and First Nations. A typical scenario is this: a local government fears development on First Nations lands because it may be incompatible with their own existing plans and beyond their capacity to provide for needed servicing. The First Nations in this case may fear that what local governments really want is control over the use of their lands.

In both cases, the fear is usually spurred by the fact that in many cases there is no established framework for sharing information, let alone consultation on the land-use planning. In cases where we have heard of local governments and First Nations overcoming these challenges, there is a framework for addressing land-use coordination issues — through an agreement such as a protocol or an MOU or a servicing contract or other means.

The Galagher Canyon master agreement negotiated between the Westbank First Nation, the Central Okanagan Regional District, the City of Kelowna and two water districts is another good example. The fact that there was so many parties working together, was quite an accomplishment. This agreement provided a high level of certainty on the use of the lands that were added to the Westbank First Nations reserve lands. The lessons learned by the parties, which they described at our 2001 conference were these. I'll just read them quickly.

First, good intergovernmental relationships are needed now — we cannot wait for the conclusion of treaties. MOUs are a good start in this direction. Time and patience are required to get the desired agreement, a common thread there with Campbell River's experience. Do not negotiate through the media. Understand each other's constraints and through good will individuals can make a difference.

So I think the next steps needed for local governments and First Nations to move forward together are to find creative solutions to these challenges. What we've learned over the past few years relationship building between local governments and First Nations is that there is still a lot of work to be done. The work needs to focus on opening up the range of options, tools and approaches available for First Nations and local governments to forge effective working relationships. I think the UBCM, with the First Nations Summit, can continue to do this. And, I think individual local governments with their First Nations neighbours will continue to do this.

A lot of work still needs to be done on developing options and approaches for resolving disputes. In other words, ways and means of addressing differences between communities as they arise. Although I haven't focused on it in this talk, I would note that we are only beginning to understand how the treaty process needs to play a role in defining relationships between First Nations and local governments. Hopefully it will be a positive way.

So in conclusion, I would like to say how positive I am about the future of First Nations relationships with local government. I'm confident that we have the creativity to find solutions to the most difficult challenges faced, like those in Nanaimo and other places. We have so much to gain. The benefits from effective working relationships are significant. They bring with them an environment where options flourish, allowing people to capitalize on opportunities of all kinds that will benefit their communities as a whole. They provide a way of addressing their differences when needed.



We're looking to each other as neighbours and realizing that we as local governments, 'local governments' are what will really matter in the future. We are still the ones closest to our communities and no other level of government will ever know them like we do.

I'm so incredibly excited to live in a time when neighbours are starting to work together, when our two different cultures are starting to build a bit of trust between each other. When we finally live up to our moral obligation to recognize British Columbia's First Nations as being first, and when we will live in harmony out from under the oppressive thumbs of what we have traditionally referred to as our senior governments.

I look forward to existing local governments and emerging First Nations governments working together in harmony with the earth that supports us to serve our respective communities to the best of our ability.

I'd like to thank all of you for the opportunity to speak to you today. There's a lot that I haven't said, and I really hope that the dialogue will continue, so thank you very much.