



**Memorandum of Understanding
on
Local Government Participation
in the
New Relationship
with
First Nations in BC**

Background

- Negotiated in 1993 to give local government a seat at the table
- Protocol signed in 1994 setting out framework for implementing MOU
- Protocol signed in 2000 to cover Interim Measures including TRMs
- MOU revised in 2003 to reflect changes to treaty process

Background

- BC & FN Leadership Council signed New Relationship document in 2005
- LMTAC sought role for local government in non-treaty negotiations
- MOU identified as mechanism
- LMTAC worked through UBCM
- Signed at UBCM convention Sept 22

Sections

- MOU supersedes previous MOU & protocols
- Defines the parties
- *Whereas* clauses set out context
- *Therefore* defines renewed commitment to consult and exchange information
- MOU covers matters relating to land, resources and economic development impacting local government jurisdiction

Sections

- Defines topics based on potential to impact local government jurisdiction
- Sets out principles governing consultation & information sharing
- Defines types of agreements covered by MOU
 - other agreements
 - non-treaty related to land, resources & economic development

Consultation Principles

- Flexibility for LG to identify and represent their interests
- Early notice to LG
- Early information to LG and reasonable time for LG to advise BC

Consultation Principles

- Due consideration of LG interests
- Response from BC on how LG advice was used
- Regular information exchange

Approach

- Recognize evolution of treaty process
- Broaden to include non-treaty
- Provide clarity

Challenges

- Trilateral treaty negotiations vs. bilateral New Relationship agreements
- Process vs. no process
- MARR lead in treaty vs. other ministries leading New Relationship agreements
- Broad nature of New Relationship agreements – beyond land and resources

Treaty Negotiations

- LG representative is member of provincial team led by chief negotiator
- LG decides how to organize
- Funding for stages 4 & 5
- Role in treaty implementation to be determined prior to effective date
- Confidentiality rules to be respected

Non-treaty agreements

- BC will initiate contact when
 - subject is land, resources, economic development
 - outcome affects LG's jurisdiction, operations or provision of services
- Every situation different
- BC will share information and consult
- BC and LG determine level of LG involvement

Examples

- Kamloops: Rayleigh Correctional Camp
 - consultation and accommodation agreement
- Merritt: Gateway Tourism Centre
 - economic development initiative
- Tofino: ITA with Tla-o-qui-aht FN

Communications

- Ongoing opportunities between Minister and LMTAC / UBCM
 - BC reporting out on developments, progress and new approaches
 - LG advice through LMTAC policy papers and discussions on issues