

*Building
Sustainable First Nation Communities
In British Columbia: Toward a Collaborative
Agenda*

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By

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1. Introduction

Over the past two years, a cumulative wave of public engagement, judicial, political and policy-setting developments has rolled across this country, this province, and First Nations throughout. The pace and range of events has been remarkable: in April 2004, the Canada-Aboriginal Peoples Roundtable, followed by six Sectoral Follow-up Sessions held throughout the country; in November 2004, two landmark decisions of the Supreme Court of Canada in *Haida Nation* and *Taku River Tlingit*;¹ in March 2005, the formation of the B.C. First Nations Leadership Council (Leadership Council) and its entry into discussions with the Province of British Columbia, leading to the release of *The New Relationship*² as their joint vision document; in May 2005, a Policy Retreat attended by the Prime Minister, members of the federal Cabinet Committee on Aboriginal Affairs, and the leaders of five National Aboriginal Organizations, resulting in the signing of *A First Nations – Federal Crown Political Accord on the Recognition and Implementation of First Nation Governments*³ (the Political Accord); and in November 2005, the Kelowna First Ministers Meeting, resulting in the signing of the *Transformative Change Accord*⁴ by the Leadership Council on behalf of B.C. First Nations, and by the Prime Minister of Canada and the Premier of British Columbia, on behalf of their respective governments.

While commentators make much of the differences between the various players and their perspectives, often overlooked is the harmony in their positions regarding the need to improve the economic, environmental and social conditions that prevail in most First Nation communities. The Government of British Columbia and the Leadership Council have been very clear about the strength of their commitment to work toward implementation of the principles and goals of the *Transformative Change Accord*.⁵ Indian and Northern Affairs Canada (INAC) and B.C. First Nations have worked closely together for some time through the Joint Planning and Policy Development Forum,⁶ Joint Technical Committees⁷ and Comprehensive Community Planning⁸ processes to address a broad range of economic, environmental, social, and cultural issues facing B.C. First Nation communities. In recent weeks, senior INAC BC Region officials and their provincial counterparts have embraced a number of new opportunities to join strategically in common cause, to support the building of capacity among First Nation people, and to support the building of sustainable First Nation communities in British Columbia.

Each of these developments and initiatives is grounded in a particular context, as each of their participants and proponents brings a particular perspective. Yet, when the ground they share is viewed from a distance, we suggest that a common profile emerges: “supporting the building of sustainable First Nations communities.” We further suggest that the great challenge before us lies in the transfiguration of that common profile into a unifying theme – to be addressed through a multilateral process that is truly collaborative.

How can we work together to trigger the release of the stores of energy (economic, environmental, social, and cultural) lying dormant in those communities? How can we facilitate the channelling of that energy and the mobilizing of the collaborative will to

support its realization? In summary, how can we develop a collaborative agenda for building sustainable First Nation communities in British Columbia?

The balance of this paper will be devoted to framing and addressing some key issues raised by these questions, and to making a start at some answers.

2. Background: The *Transformative Change Accord* and Its Deep Roots

The stated purpose of this agreement between the Governments of British Columbia and Canada and the Leadership Council (representing the First Nations of British Columbia) is provision of the framework for implementation of the November 24-25, 2005 Kelowna First Ministers' Agreement, *STRENGTHENING RELATIONSHIPS AND CLOSING THE GAP (CLOSING THE GAP)* in British Columbia. However, the *Transformative Change Accord's* deeper significance lies in the extent to which its progressive terms and collaborative approach derive from two prior and pivotal agreements: *A First Nations – Federal Crown Political Accord on the Recognition and Implementation of First Nations Governments (The Political Accord)* and *The New Relationship*:

The *Transformative Change Accord* expressly acknowledges its debt owed to both those documents:

“The goals in each document continue to be pursued and the understandings reached in both serve as the foundation for this tripartite accord.”⁹

The uncertainty of the current period of change is also recognized, as is the importance of establishing “effective working relationships” as the means to removing “impediments to progress”:

“The Accord acknowledges and respects established and evolving jurisdictional and fiduciary relationships and responsibilities, and will be implemented in a manner that seeks to remove impediments to progress by establishing effective working relationships.”¹⁰

Earning policy legitimacy from the even-handedness of its guiding principles,¹¹ the *Transformative Change Accord* draws political strength from the depth and breadth of support enjoyed by both *The Political Accord* and *The New Relationship*.

The particular issues upon which the parties agreed “... to undertake immediate actions” are set out in point form (TCA Immediate Action Areas):

“To improve relationships by: ...

To close the gap in education by: ...

To close the gap in housing and infrastructure by: ...

To close the gap in health by: ...

To close the gap in economic opportunities by: ...”¹²

3. Government of B.C. and First Nations Leadership Council Perspectives on the *Transformative Change Accord*

Following the Reading of the current federal Budget, Premier Campbell expressed the intention of the Government of British Columbia to proceed with implementation of *CLOSING THE GAP* and the *Transformative Change Accord* in a prepared statement to the provincial Legislature:

“...We stand firm on the commitment we made in Kelowna and to the Transformative Change Accord. And we will stand up strongly to ensure both of those documents are honoured in British Columbia.

We cannot stand passively by and let this product of unprecedented consensus and collaboration wither and die for lack of Crown commitment. This government will work with the federal government to achieve the goals set out in Kelowna. We will work with the Leadership Council and Aboriginal people on- and off-reserve to ensure that the Crown's commitment to closing the gaps is met – one way or another.”¹³

That position was strongly endorsed by the Leadership Council:

“The BC First Nations Leadership Council joined with Premier Gordon Campbell and the BC Government today in calling on Prime Minister Stephen Harper to live up to the financial commitments contained in the Kelowna Accord in order to address the critical socio-economic and infrastructure gaps suffered by First Nations. The First Nations Leadership Council members were present in the BC Legislature today when a Special Statement on the New Relationship with Aboriginal People was tabled by Premier Campbell. The statement reaffirmed the BC Government's commitment to the implementation of the *Kelowna Accord* and *BC Transformative Change Accord*. The statement also calls on the federal government to make available the long term financial resources necessary to uphold the honour of the Crown in addressing the disparate socio-economic conditions faced by First Nations ...”¹⁴

4. Favouring a ‘Low Voltage’ and Results-based Approach

While the continuing investment of political capital in *CLOSING THE GAP* and the *Transformative Change Accord* by the Government of British Columbia and the First Nations Leadership Council is certainly principled and coherent, we suggest that greater progress toward community sustainability may be achieved in the near term through a more elastic and less politically charged approach. Such an approach would involve iteratively building consensus around specific sectoral initiatives, directed at achieving tangible results that are community-based and time-sensitive (ideally, deliverable in the current fiscal year).

5. Sustainable Community Perspectives – Transcending Stereotypes and Applying Fresh Insights

A major strength of framing the range of challenges facing B.C.’s First Nations (and those situated elsewhere in Canada) as issues of “building sustainable communities” lies in the resultant transcending of race-based language and stereotypes. Another strength flows from that perspective shift: the discussion becomes more creative, opening new avenues of inquiry and investigation that can yield valuable insights from other contexts. *From Restless Communities to Resilient Places: Building a Stronger Future for All Canadians*,¹⁵ the recently released Final Report of the External Advisory Committee on Cities and Communities, provides a compelling and current example.

Established by the federal government in February, 2004 and chaired by the Honourable Mike Harcourt, the Committee was charged with:

- developing a long-term vision on the role that cities and communities should play in sustaining Canada's quality of life
- providing advice on development of federal policies concerning cities and communities
- enriching the discussion of policy options by providing regional and issue-specific expertise, and
- advising the government on how best to engage provincial, territorial and Aboriginal governments on major issues affecting Canada's cities and communities.¹⁶

It is instructive to note the relevance of a summary of the Committee’s key findings to First Nation communities and their sustainable development:

- government policy choices made at all levels and scales play out in places, with often unintended and unrecognized consequences
- our cities and communities are diverse places and require individual responses to challenges and opportunities
- our urban centres and rural areas share an interdependence

- our systems of governance need to change to enable our cities and communities to make well-informed choices, to respond to challenges and to achieve their potential domestically and internationally
- cities and communities are burdened with significant infrastructure deficits that are impeding their sustainability
- community cohesion is a key to long-term success
- local, integrated sustainable planning is a fundamental tool required to guide the future of our communities
- our communities must embrace sustainability by integrating its four dimensions: economic, environmental, social and cultural, and
- creativity and innovation are together an overarching element that will propel our cities and communities to success.¹⁷

6. Building Sustainable First Nation Communities: Toward a Collaborative Agenda

We now return to consider the questions set out in our Introduction. The following discussion is intended to ‘set the table’ for further dialogue between INAC, other federal departments and agencies, the Government of British Columbia, and the Leadership Council (the Players) regarding the development of a collaborative agenda for building sustainable First Nation communities in B.C. – not to presume to set the actual agenda. Our purpose here is to identify keys to an open and positive tone for that dialogue.

a) How can we work together to trigger the release of the stores of energy (economic, environmental, social, and cultural) lying dormant in First Nation communities?

Three key concepts are inclusiveness, vision-sharing, and capacity-building: the first as to the dialogue process itself; the second and third as to its focus.

i) Inclusiveness

Historically, federal, provincial, and First Nation agendas have tended to run in parallel at best, and quite often at cross purposes. Recent collaborative progress can be maintained only if all three jurisdictions commit to sharing a dialogue process that is inclusive and on-going. A useful analogy or model might be INAC’s own Joint Forum – reconstituted as a truly multilateral dialogue process.¹⁸

ii) Vision-sharing

Defining a vision and committing to executing it has a unifying influence on any group. As Grand Chief Ed John once said, “People will work for a vision if they see themselves in it. And all the more, if they helped to create that

vision.”¹⁹ The solidarity effect will be magnified if the commitment extends to collaborative decision-making and governance.²⁰

Earlier we advocated a ‘low voltage’ and results-based approach, “iteratively building consensus around specific sectoral initiatives.” That suggestion still stands in terms of tactics. Here, our focus is wider: relationship-building and strategy-setting. Articulating a shared vision for improving the future of B.C.’s First Nation communities is a vital aspect of building and maintaining an effectively collaborative working relationship between INAC, the Province, and the Leadership Council. Each already has a strategic plan for serving its particular constituency and related issues. Each already has endorsed one or more statement of vision.

The current challenge is to develop a vision that is broad enough to include all the Players, tangible enough to be meaningful, and flexible enough to be embraced by British Columbia’s diverse First Nation communities.

iii) Capacity-building

It is common ground that the ultimate key to unlocking the potential of First Nation communities lies in enhancing the skills and supporting the aspirations of their citizens. Many of INAC’s programs are directed at human capacity issues; as is British Columbia’s \$100 million New Relationship Trust Fund. Recent discussions between senior INAC officials and their provincial counterparts have already identified First Nation capacity-building as an important policy area for heightened collaborative effort. It remains to ensure that such capacity-focused collaboration is an integral element of any agenda for supporting the building of sustainable First Nation communities.

b) How can we help to mobilize the collaborative will so vital to execution of the theme of building sustainable First Nation communities?

Two primary keys must be noted: staying on ground that is both widely travelled and highly regarded; and pursuing effective communications.

i) Staying on safe and high ground

It is evident that the current political climate requires an approach that is measured and inclusive. Language that evokes division or historical difference, however unintentionally, will jeopardize any initiative so expressed. Accordingly, we submit that broadest support will be best earned through steadily contributing to consensus around specific sectoral initiatives,

directed at achieving tangible results that are community-based and time-sensitive (ideally, deliverable in the current fiscal year).

The Tripartite Education First Nations Jurisdiction Framework Agreement (Framework Agreement) and the British Columbia-First Nation Education Agreement, both signed on July 5, 2006, illustrate success recently achieved through this low-voltage, results-based approach. The Framework Agreement fulfils a 2003 commitment between the Governments of Canada and B.C. "... to work towards a framework for jurisdiction over the education of First Nations children who attend band schools",²¹ setting the stage for the BC-FN Education Agreement to define tangible commitments regarding curriculum development, accreditation, and a consultative approach to a range of specified issues.²²

ii) Pursuing effective communications

It should be noted that the North Vancouver signing of the Framework Agreement and the British Columbia-First Nation Education Agreement generated significant and positive media coverage in local, provincial and national media. We suggest that such coverage both reflects and reinforces strong public support for collaborative measures directed at tangible progress toward building sustainable First Nation communities, and toward closing the gaps identified in the *Transformative Change Accord*. Such media and public support should be referenced as a platform for implementation of other sectoral initiatives directed at community sustainability issues.

c) How can we make optimal, positive use of that energy and collaborative will to support the building of sustainable First Nation communities?

Two fundamental keys can be readily identified: first, cultivating synergies among current investments; second, developing a short list of 'community sustainability' initiatives for partnership by the Players.

i) Cultivating synergies among current investments

Significant federal spending is already directed at *Transformative Change Accord* objectives in B.C. (about \$437 million in fiscal 2005-2006).²³ The Government of British Columbia has already launched a number of New Relationship initiatives,²⁴ the most significant being the New Relationship Fund: a \$100 million trust fund to underwrite long term capacity-building for B.C. First Nations.

The point here is not to glorify past achievement. Rather, we seek to signal the fact that INAC²⁵ and the other Players hold significant opportunities for

advancing the sustainability of B.C.'s First Nation communities – through leverage and synergy. High priority should be placed on convening multilateral discussions that are focused on identifying suitable areas for partnership and other linkages in the deployment of current resources.

- ii) Developing a short list of 'community sustainability' initiatives for partnership and promotion

As such areas of opportunity for partnership and other linkages are identified,²⁶ the next step should be selection of a small number of initiatives (current or planned) for partnership and communication.²⁷ It is important that the review and selection processes be truly multilateral and open among the federal, provincial, and First Nation jurisdictions, if the Players' full and mutual commitment is to be realized.

7. Conclusion: The Perfect Wave – Ride It or ...

On November 18, 2004 the Supreme Court of Canada handed down its unanimous decisions in the companion cases of *Haida Nation* and *Taku River Tlingit*.²⁸ In so doing, the Court laid the groundwork for a remarkable series of political breakthroughs, and raised the expectations of First Nation communities and their leaders throughout British Columbia and across the country. More recent events have dampened those expectations, while raising political tensions.

Much hangs in the balance as we address the opportunities and challenges of forming a collaborative agenda for building sustainable First Nation communities. The perfect wave of potential change has crested and is rolling.

8. Endnotes

¹ *Haida Nation v. British Columbia*, 2004 SCC 73; *Taku River Tlingit First Nation v. British Columbia*, 2004 SCC74.

² <http://www.gov.bc.ca/arr> Downloaded March 10, 2005

³ *A First Nations – Federal Crown Political Accord on the Recognition and Implementation of First Nation Governments*, May 31, 2005. Copies of all of the Accords and a Backgrounder briefing document can be found by following the links at: www.aboriginalroundtable.ca

⁴ Governments of Canada and British Columbia and the Leadership Council (representing the First Nations of British Columbia), *Transformative Change Accord*, November 25, 2005, 1

http://www.gov.bc.ca/arr/down/transformative_change_accord.pdf Last accessed April 30, 2006.

⁵ <http://theyee.ca/Views/2006/05/05/NoExcuses/> (May 5, 2006); and

First Nations Summit, News Release, May 4, 2006

http://www.fns.bc.ca/pdf/PR_FNLCre2006FedBudget.pdf

⁶ http://www.ainc-inac.gc.ca/bc/whho/wkptsh/jppdf/jppdf_e.html

⁷ http://www.ainc-inac.gc.ca/bc/whho/wkptsh/jppdf/anfor/2005/acc/bkg_e.html

⁸ http://www.ainc-inac.gc.ca/bc/proser/fna/ccp/ccp_e.html

⁹ Governments of Canada and British Columbia and the Leadership Council (representing the First Nations of British Columbia), *Transformative Change Accord*, Ibid, 1-2

¹⁰ Supra, 2

¹¹ Supra, 2. These principles resonate strongly with the grounding principles laid out in *The Political Accord*. For discussion, please see:

McIntosh, William K., *British Columbia's Joint Forum Process: A Historical Review*, Report to INAC, BC Region, Directorate of Strategic Planning and Communications, April 30, 2006, pages 64-68

¹² Ibid, 3-5

¹³ <http://theyee.ca/Views/2006/05/05/NoExcuses/> (May 5, 2006)

¹⁴ First Nations Summit, News Release, May 4, 2006

http://www.fns.bc.ca/pdf/PR_FNLCre2006FedBudget.pdf

¹⁵ Government of Canada, *From Restless Communities to Resilient Places: Building A Stronger Future For All Canadians*, Final Report of the External Advisory Committee on Cities and Communities, June 2006

http://www.infrastructure.gc.ca/eaccc-ccevc/rep-rap/index_e.shtml Last accessed July 22, 2006.

¹⁶ Supra, Preface, 1

¹⁷ Supra, 3

¹⁸ For discussion, see:

McIntosh, William K., *British Columbia's Joint Forum Process: A Historical Review*, Ibid, 94-95

¹⁹ Blaney, Jack, *Collaborative Governance for River Basin Management*, Georgia Basin/Puget Sound Research Conference Proceedings, 2003, 3

²⁰ The Fraser Basin Council and its collaborative governance model is a good example. Formed in 1997 as a non-profit organization, the Council manages the world's most productive salmon-producing river system. Covering one-quarter of B.C.'s land mass and home to nearly 3 million people, the Basin produces 80 per cent of the province's economic output. Founding Chair, Iona Campagnola, described the Council's core challenge: "Our pursuit of sustainability is not challenged by our technical capacity, but by our capacity to work together effectively toward common goals."

Supra, 2

"The Council makes decisions by consensus, which requires members to learn not only the facts on any issue, but also how different experiences, feelings, and values interpret the same set of "facts." Members learn to make decisions based on shared values and a commitment to find an acceptable, workable solution. Furthermore, the Council was deliberately designed to have no formal authority. Rather, it was created on the assumption that a different, potent, and sustainable kind of governance emerges when diverse interests coalesce around core values, when consensus and joint action are chosen over confrontation and inaction."

Supra, 2

²¹ Governments of Canada and British Columbia, and First Nations Education Steering Committee, NEWS RELEASE, *HISTORIC AGREEMENT TO IMPROVE FIRST NATIONS EDUCATION*, July 5, 2005 (2006OTP0116-000905)

²² Government of British Columbia and First Nations Education Steering Committee, NEWS RELEASE, *B.C. AND FIRST NATIONS SIGN EDUCATION AGREEMENT*, July 5, 2005 (2006OTP0116-000907)

²³ According to a preliminary assessment by BC Region's Strategic Planning and Communications Directorate, completed in May 2006.

Harivel, Colin, Acting Manager of Strategic Planning and Communications, INAC BC Region, Interview, July 12, 2006

²⁴ http://www.gov.bc.ca/arr/popt/new_relationship_trust.htm Last accessed April 29, 2006.

²⁵ Sometimes overlooked in the focus on forward funding and devolution is the scale of INAC's current spending in British Columbia, and the extent to which that spending is already administered through B.C. First Nations for on-reserve programming. For example, "In 2004/2005, the BC Region managed a total of \$682.6 million in transfers to First Nations and to pay internal operations. Approximately \$651.3 million, or 95.6 per cent, was transferred to BC First Nations for on-reserve programs."

INAC, British Columbia Region, *Report on Program Spending 2004/2005*, 1

²⁶ Recent federal-provincial discussions have already identified "Comprehensive Community Planning" as such an area of opportunity. For briefing on those discussions and their implications, please contact: Patrick Kelly, Director of Strategic Planning and Communications, INAC, British Columbia Region

²⁷ This strategic issue links with the "mobilization of political will" and "media engagement" issues discussed at pages 7-8.

²⁸ Ibid