



FOUR DIRECTIONS
MANAGEMENT SERVICES LTD.

Collaboration Model: Towards a New Multilateral Emergency Management Agreement in British Columbia

CONFIDENTIAL DRAFT – January 2024

Table of Contents

Background.....	2
Purpose of this Discussion Paper:.....	2
Current Jurisdictional Considerations	2
Summary of Collaboration Model	3
The Collaboration Model.....	5
Step 1: Establishing a Team	5
Selection Process.....	6
Capacity Building and Support	6
Step 2: Developing a Strategy/Mandates	6
Utilizing Existing Plans and Strategies	7
Integration of Priorities and Recommendations	7
Regular Review and Update	7
Step 3: Multilateral Engagement	7
Recommended Best Practices for the Collaboration.....	8
Step 4: Finalization, Conclusion, and Presentation of Outcomes.....	9
Finalize Outcomes	9
Prepare Outcomes Report.....	9
Presentation to First Nations Leadership	9
Implementation Planning and Follow-up	10
Estimated Timeline	10
Appendix A: Resolutions.....	11

Background

Purpose of this Discussion Paper:

The purpose of this discussion paper is to engage First Nations in British Columbia (BC) in exploring a shift from the current bilateral service agreement to a multilateral agreement involving Canada, the Province of BC, and First Nations. Chiefs in BC mandated the First Nations Leadership Council to carry out this work through resolutions passed at the BC Assembly of First Nations, First Nations Summit, and the Union of BC Indian Chiefs (attached in Appendix A). The objective of this paper is to present a collaboration model to Chiefs in BC for consideration, enabling First Nations, Indigenous Services Canada (ISC), and Emergency Management and Climate Readiness (EMCR) to work towards a new multilateral agreement on emergency management.

Wildfires in BC from April 1, 2021, to March 28, 2022, numbered over 1,642, burning 869 million hectares, with 181 evacuation orders, 304 evacuation alerts, a 56-day provincial state of emergency, and costs of \$565 million and estimated insurance damages of \$102 million, causing catastrophic loss to lands and critical infrastructure. Additionally, flooding in BC reached unprecedented levels in 2021, causing at least \$450 million in damage, impacting 42 First Nations communities, and resulting in mudslides, landslides, and infrastructure damage. Despite significant resource allocation, they remain insufficient and/or poorly managed to address First Nations' needs, challenges, and priorities.

Current Jurisdictional Considerations

In 2017, a 10-year bilateral Emergency Management Service Agreement was signed between Indigenous Services Canada (ISC) and the BC Government to enhance the delivery of emergency management support services to on-reserve First Nation communities in BC. This Agreement was intended to enable all First Nation communities on-reserve to receive comparable emergency management support services to municipalities and local authorities in BC.

In 2019, a tripartite Memorandum of Understanding (MOU) was signed between the First Nations Leadership Council (FNLC), Indigenous Services Canada (ISC), and the Province of British Columbia, aimed at enhancing First Nation participation in emergency management. During discussions established through this MOU, the importance of involving First Nations in decision-making and the consideration of shifting towards a multilateral model were raised. Subsequently, First Nations in BC considered and passed resolutions at each of the three organizations (BCAFN, UBCIC, FNS), mandating the FNLC to proceed in the development of a new multilateral arrangement.

As such, the FNLC, ISC and EMCR (*who constitute “the tripartite”*) are **working towards a new multilateral agreement** and will work together to have a common understanding/agreement on the next steps including:

- a. the review of the existing Emergency Management Memorandum of Understanding; and,
- b. the pathway for expanding the bilateral agreement to a new multilateral agreement.

The Federal and Provincial Governments are prepared to negotiate, and time is of the essence. Before entering into negotiations on a new multilateral agreement, the tripartite is seeking ways to increase awareness and engage with First Nations to inform the approach moving forward. Resolutions passed by Chiefs in BC directed the FNLC to bring negotiations models back for their consideration and direction¹.

With the support of ISC and EMCR, the FNLC has developed this discussion paper to ensure all parties have a common understanding and can contribute to the development of a collaboration model for First Nations' consideration. The presented collaboration model will facilitate the engagement and negotiation between First Nations in BC, Canada, and the Province of British Columbia on the new multilateral agreement.

Summary of Collaboration Model

The presented collaboration model aims to address the issue of insufficient and poorly managed resources in addressing the impacts of emergency events in BC, particularly wildfires and flooding, which significantly affect First Nations communities. The current jurisdictional considerations involve a bilateral Emergency Management Service Agreement between ISC and EMCR, as well as a tripartite Memorandum of Understanding between the FNLC, ISC, and the Province of BC.

Multilateral discussions between First Nations, Canada, and the Province of BC will be led by an appointed team. Regular meetings and discussions will address key issues and seek agreements, while ongoing communication with First Nations communities will provide updates on the progress and allow for meaningful input.

The model places importance on finalizing and concluding the new multilateral agreement successfully, with a comprehensive report prepared on the outcomes, within the timeframe required. The resulting options and outcomes will be presented to First Nations leadership for endorsement, fostering discussions and seeking consensus.

By implementing this model, it is expected that the emergency management agreement will be enhanced to better address the challenges posed by emergency events. The model strives to empower and amplify the voices of First Nations, ensuring that their needs, concerns, and aspirations are at the forefront of the multilateral process and resulting agreement(s).

¹ Resolutions attached.

In order to uphold the self-determination of each Nation, the model will work towards a high-level overarching rights-based framework that will both create an increased minimum standard of emergency management funding for First Nations in BC, as well as establish the framework for Nations to enter into negotiations with BC and Canada on their own respective emergency management funding, in whatever governance structure they want. For some Nations, this may take place at an individual Band level, for others this may take place in partnership with other Nations or at an Indigenous Governing Body level. Essentially, the model itself will not be imposed unilaterally on Nations, it will be a framework to use for Nations to draw down on in their own negotiations, while at the same time creating a new and improved minimum standard for a multilateral agreement that will be available to Nations who do not currently have capacity to negotiate a subsequent agreement.

While working on the collaboration model, we will simultaneously work with Canada and BC on interim steps to take to ensure that the bilateral agreement that is still in place is improved.

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The Collaboration Model

Step 1: Establishing a Team

To ensure nimble, efficient, and effective multilateral discussions, a dedicated team that represents the interests of all First Nations in BC is required. This team will need to consist of knowledgeable individuals who have a deep understanding of emergency management, climate change, First Nations title and rights, negotiations, and multilateral processes. The team will need to be diverse and inclusive, representing various regions, cultural backgrounds, and expertise as they will be tasked with engaging with ISC and EMCR towards creating a new multilateral agreement on emergency management. In this endeavour, the team would benefit from the support of neutral third-party facilitation to aid in the process.

As described above, the team will be mandated through resolution, and will be negotiating a high-level multilateral agreement, which will provide the space for Nations to subsequently negotiate and enter into a tripartite agreement with BC and Canada themselves. This will ensure that Nations ultimately exercise self-determination regarding emergency management funding arrangements that directly impact them.

To establish a team for, we have two potential options for consideration. In both options, Chiefs in BC will provide a mandate through resolutions to be passed at the BCAFN, FNS and UBCIC.

- **Option 1: Collaborative FNLC Representatives**
 - In this model, the team should be composed of individuals from the FNLC organizations including appointed leaders and technical experts who possess the necessary expertise, knowledge, and experience to effectively represent the interests of First Nations in BC. These representatives would work together to create the negotiation strategy (set parameters of meetings, timeline, etc.), gather critical input from stakeholders, and engage in multilateral discussions with Canada and BC. This option ensures that the negotiation process remains inclusive, accountable, and representative of First Nations communities' interests.
- **Option 2: Specialized Chief Negotiator**
 - As an alternative approach, we could consider hiring a Chief Negotiator who specializes in emergency management and negotiation fields. This Chief Negotiator would be appointed to work alongside the FNLC Leadership and technical staff and will provide valuable insights and enhance the effectiveness of the negotiation process.

Ultimately, the chosen option will be based on First Nations' preferences and alignment with the collaboration model outlined in the discussion paper. Both options aim to ensure that First

Nations' voices are effectively represented, and the team leading the discussions with Canada and BC is well-equipped to advance towards a new multilateral emergency management agreement in British Columbia that upholds First Nations self-determination.

Selection Process

Based on the decision of which option is chosen for how the team should be comprised and led, to establish the team, consider the following steps:

- a. **Initial Appointments:** Representatives from the respective FNLC organizations to appoint the identified leads for this work through resolution in the spring of 2024.
- b. **Appointment and Mandate:** Once endorsed by First Nations, formally appointed team members will be provided a clear mandate that outlines their roles, responsibilities, and authority.

Capacity Building and Support

To enhance the effectiveness of the negotiation team, they will be provided necessary capacity-building opportunities and support, including:

- a. **Technical Support:** Access to neutral-third party facilitators, subject-matter experts, legal advisors, and technical support as needed. This can assist the negotiation team in developing evidence-based proposals and navigating complex legal and policy frameworks.
- b. **Administrative Support:** Allocate resources to support the negotiation team's administrative needs, such as travel arrangements, meeting logistics, document management, and communication tools.
- c. **Communication Channels:** Establish regular communication channels between the negotiation team and the FNLC, First Nations communities, and relevant stakeholders. This ensures transparency, facilitates information sharing, and strengthens the team's accountability.

Step 2: Developing a Strategy/Mandates

The strategy/mandates will be developed in alignment with key documents including related resolutions passed by the BCAFN, FNS and UBCIC; the BC First Nations Climate Strategy and Action Plan (2022); the recently endorsed Action Plan for Disaster Risk Reduction by First Nations in BC 2023-2030; and other pertinent reports which were developed based upon extensive community and leadership engagement. The team can build upon the priorities and recommendations outlined in these plans to guide their approach.

Utilizing Existing Plans and Strategies

Begin the development of the strategy by thoroughly reviewing the BC First Nations Climate Strategy and Action Plan (2022), the Action Plan for Disaster Risk Reduction by First Nations in BC 2023-2030, and other keystone documents (e.g., Abbott-Chapman Report; “Trial by Fire: Nadleh Whut’en and the Shovel Lake Fire Report”; the Tsilhqot’in report “The Fires Awakened Us (Nagwedižk’an Gwaneš Gangu Chinidžed Ganexwilagh; and the 2022 Report of the Auditor General of Canada to the Parliament of Canada “Emergency Management in First Nations Communities—Indigenous Services Canada”). These documents have been developed based on extensive community and leadership engagement, critically identified research, and reflect the priorities and aspirations of First Nations in British Columbia. Identify key recommendations, objectives, and strategies outlined in these documents that are relevant to emergency management services.

Integration of Priorities and Recommendations

Incorporate the priorities and recommendations from these keystone documents into the strategy/mandates. Ensure that the interests being sought through a new multilateral agreement are aligned with the goals and aspirations outlined in these plans. This will strengthen the team's position and reinforce the community engagement and leadership consultation that has informed these plans.

Regular Review and Update

Continuously review and update the strategy based on the evolving needs, priorities, and circumstances of First Nations in British Columbia. This ongoing review process will allow for adjustments and refinements as necessary to effectively address emergent challenges and opportunities.

By developing a strategy that aligns with related resolutions, the BC First Nations Climate Strategy and Action Plan (2022), the Action Plan for Disaster Risk Reduction by First Nations in BC 2023-2030, and other critical reports, the team can ensure that their proposals and positions are firmly rooted in the community-driven plans and reflect the priorities and aspirations of First Nations in BC. This approach will enhance the effectiveness and legitimacy of the multilateral process, leading to a more inclusive and impactful multilateral emergency management for First Nations in BC.

Step 3: Multilateral Engagement

Engaging with Canada and the Province of BC requires a strategic approach to ensure effective communication, collaboration, and progress in the collaboration process. When engaging in multilateral discussions, it is recommended that neutral, third-party facilitation lead the parties through the process.

Recommended Best Practices for the Collaboration

Key elements of the multilateral collaboration will include having to:

- a. **Establish a Positive and Respectful Relationship:** Foster a constructive and respectful working relationship with the representatives from Canada and the Province of BC. Utilizing a neutral facilitator will help to emphasize the importance of mutual understanding, trust, and collaboration throughout the process and create an environment that encourages open dialogue, active listening, and the sharing of perspectives.
- b. **Clearly Define Roles and Responsibilities:** Clarify the roles, responsibilities, and mandates of each party, including the First Nations, Canada, and the Province of BC. Ensure that there is a shared understanding of the decision-making process, authority levels, and areas of expertise. Identify key points of contact and establish clear communication channels for efficient information sharing and coordination.
- c. **Collaborate on an Agenda and Ground Rules:** Collaboratively develop an agenda for multilateral sessions to ensure that all parties have an opportunity to address their priorities and concerns. Agree on ground rules, including meeting procedures, speaking order, time allocations, and conflict resolution mechanisms. Strive for fairness, inclusivity, and a balanced approach in the multilateral process.
- d. **Prepare and Share Information:** Provide relevant background information, data, and analysis to support informed decision-making. Share research, reports, and other resources that contribute to a comprehensive understanding of emergency management service delivery and the needs of First Nations communities. Neutral facilitator(s) to encourage the parties to reciprocate by sharing information and perspectives from their respective organizations.
- e. **Engage in Active Listening and Effective Communication:** Encourage active listening among all parties to promote a deeper understanding of each other's positions, concerns, and interests. Use clear and concise language to communicate ideas, proposals, and expectations. Seek clarification when needed and ensure that all parties have an opportunity to express their viewpoints.
- f. **Build Consensus and Explore Win-Win Solutions:** Foster a collaborative mindset and seek common ground to build consensus on critical issues. Identify shared interests and explore creative solutions that meet the needs of all parties. Be open to compromises and alternative approaches that address the diverse perspectives and priorities of the parties.
- g. **Maintain Momentum and Proactive Engagement:** Proactively engage with the representatives from Canada and the Province of BC to maintain momentum and progress. Regularly communicate updates, proposals, and progress to keep all parties informed and engaged. Schedule regular multilateral sessions and adhere to agreed-upon timelines to demonstrate commitment and professionalism.

- h. **Maintain Flexibility and Adaptability:** Recognize that multilateral discussions can evolve and that priorities may shift over time. Remain flexible and adaptable to changing circumstances or emerging issues. Be open to revisiting and adjusting objectives and strategies based on new information or developments.
- i. **Record and Document Agreements:** Keep thorough records of agreements, decisions, and commitments made during the process. Ensure that all parties have a shared understanding of the agreed-upon terms and commitments. Document any unresolved issues or outstanding matters for future consideration.

By following these best practices, the team, with the support of neutral, third-party facilitation can lead effective engagement with the representatives selected by Canada and the Province of BC, fostering a collaborative and productive negotiation process towards establishing a multilateral emergency management agreement.

Step 4: Finalization, Conclusion, and Presentation of Outcomes

By following Step 3, this plan ensures that the outcomes from the multilateral discussions will be finalized, documented, and presented to First Nations leadership for consideration, endorsement, and subsequent implementation in a timely manner.

Finalize Outcomes

Conduct thorough reviews and revisions of all proposed agreements, provisions, and key documents. Ensure that the outcomes from the multilateral discussions align with the interests, priorities, and rights of First Nations in British Columbia. Seek legal and technical advice, if necessary, to validate the outcomes. Address any remaining outstanding issues or concerns.

Prepare Outcomes Report

Compile a comprehensive report detailing the outcomes, agreements, provisions, and key decisions. Include a summary of the process, key milestones, and challenges encountered. Provide a clear and concise overview of how the outcomes meet the needs and aspirations of First Nations communities.

Presentation to First Nations Leadership

Schedule a meeting or assembly with First Nations Chiefs, leaders, and representatives to present the outcomes report. Facilitate a discussion to allow for questions, clarifications, and deliberations on the outcomes. Address any concerns or issues raised by the leadership regarding the outcomes. Seek consensus and endorsement from the First Nations leadership on the outcomes through resolution at each of the BCAFN, FNS and UBCIC assemblies. If approved, prepare a final version of the outcomes report, incorporating the feedback and decisions from the First Nations leadership, and share the finalized report with all relevant parties, including Canada and the Province of British Columbia.

Implementation Planning and Follow-up

Develop an implementation plan for the outcomes, outlining the steps, responsibilities, and timelines for executing a new multilateral agreement. Establish systems for ongoing communication, monitoring, and evaluation of the implementation process. Coordinate with relevant government agencies, organizations, and stakeholders to ensure the effective implementation of the outcomes. Provide regular updates to First Nations communities on the progress and outcomes of the implementation efforts.

Estimated Timeline

Phase 1: November 2023 – February 2024

- To establish a framework of shared principles and priorities that will guide negotiations to shift from the current bilateral funding model to a multilateral one involving Canada, the Province of BC, and First Nations.

Phase II: February 2024 – April 2024

- To secure mandates for negotiation and identify the negotiation teams/process.

Phase III: April 2024 – June 2024:

- To negotiate the multilateral agreement for emergency management in BC.

Phase IV: July - August 2024:

- To finalize the multilateral agreement.

First Nations Summit

RESOLUTION #0622.08

SUBJECT: SUPPORT FOR FIRST NATIONS INVOLVEMENT IN NEGOTIATIONS ON NEW TRIPARTITE AGREEMENT FOR EMERGENCY MANAGEMENT SERVICES FUNDING

WHEREAS:

- A. The impacts of climate change will continue to exacerbate emergency events in BC, including wildfires, damaging storms, atmospheric rivers and floods, droughts and landslides.
- B. Wildfires in BC numbered over 1,642 from April 1, 2021 to March 28, 2022, with 869 million hectares burned, 181 evacuation orders, 304 evacuation alerts, a 56-day provincial state of emergency, and millions of dollars of costs (\$565 million) and estimated insurance damages (\$102 million) as a result of catastrophic loss to lands and critical infrastructure.
- C. Flooding in BC reached unprecedented levels in 2021, with extreme rainstorms caused by atmospheric river events hitting several regions of the province and resulting in mudslides, landslides, and catastrophic flooding causing damage to infrastructure, roads, bridges and homes in and around First Nations communities in BC, with parts of BC being completely submerged in water causing at least \$450 million in damage with as many as 42 First Nations communities impacted.
- D. Significant resources, financial, natural, and human, were expended during both wildfire and flooding crises; however, these resources were insufficient and/or poorly managed and allocated to address First Nations' needs, challenges and priorities.
- E. The *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:

Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

- F. The First Nations Summit, working with the Union of BC Indian Chiefs (UBCIC) and the BC Assembly of First Nations (BCAFN) as the First Nations Leadership Council (FNL) entered into a tripartite memorandum of understanding (the MOU) in 2019 with the Government of Canada (represented by Indigenous Services Canada (ISC)), and the government of British Columbia (represented by Emergency

PAGE TWO

RESOLUTION #0622.08

**SUBJECT: SUPPORT FOR FIRST NATIONS INVOLVEMENT IN NEGOTIATIONS ON NEW
TRIPARTITE AGREEMENT FOR EMERGENCY MANAGEMENT SERVICES
FUNDING**

Management BC (EMBC) and BC Wildfire Service (BCWS)) for the purpose of working collectively to advance meaningful recognition and enhanced capacity of First Nations within all pillars of emergency management (i.e., preparedness, mitigation, response, and recovery).

- G. The First Nations Summit Chiefs in Assembly passed Resolution #0619.17 “Support for Tripartite MOU between the First Nations Leadership Council, Indigenous Services Canada, and Emergency Management BC/BC Wildfire Service” endorsing the tripartite Memorandum of Understanding (MOU) between the UBCIC, BCAFN and FNS, working together as the FNLC, the Government of Canada (represented by ISC), and the Government of British Columbia (represented by EMBC and BCWS) that was signed on April 27, 2019, and also called upon the federal and provincial governments to provide permanent, reliable, and appropriate funding directly to First Nations communities to prepare for, respond to and mitigate impacts resulting from wildfires and other emergencies; and called upon the federal and provincial governments to provide permanent, reliable, and appropriate funding for the FNLC, First Nations Emergency Services Society of BC, and other like-minded organizations to work together to provide various supports to First Nations communities, and be full and equal partners in the MOU.
- H. Canada, represented by ISC and British Columbia, represented by EMBC & BCWS, have in place a ten-year bilateral service agreement signed in 2017 providing for the delivery of services meant to “improve emergency management in First Nation communities and begin to negotiate service agreements with the provinces and territories to ensure First Nations received service equivalent to municipalities” (the Bilateral Agreement).
- I. ISC and EMBC & BCWS sent a letter to the FNLC dated March 24th, 2022 expressing their intent to open discussions, and negotiations, regarding the Bilateral Agreement and include First Nations in a new relationship that implements the UN Declaration and respects First Nations’ jurisdiction and inherent right of self-government, and with the recognition that First Nations require resources, infrastructure and enhanced capacity in order to advance the practice of emergency management in a manner that supports and reinforces their own governance, institutions and decision-making authority.
- J. First Nations must be supported by ensuring adequate financial and technical resources are in place to respond to climate change impacts and for First Nations-developed mitigation and adaptive measures (e.g. monitoring, impact assessments).

THEREFORE, BE IT RESOLVED:

- 1. That the First Nations Summit Chiefs in Assembly call upon the federal and provincial governments to commit to working in partnership with First Nations to address all phases of emergency management issues, and to:
 - a. provide permanent, reliable, and appropriate funding directly to First Nations communities to prepare for, respond to and mitigate impacts resulting from wildfires and other emergencies, and

PAGE THREE

RESOLUTION #0622.08

**SUBJECT: SUPPORT FOR FIRST NATIONS INVOLVEMENT IN NEGOTIATIONS ON NEW
TRIPARTITE AGREEMENT FOR EMERGENCY MANAGEMENT SERVICES
FUNDING**

- b. provide permanent, reliable, and appropriate funding for the First Nations Summit (FNS), the Union of BC Indian Chiefs (UBCIC) and the BC Assembly of First Nations (BCAFN) working together as the First Nations Leadership Council (FNLC), First Nations Emergency Services Society of BC, and other like-minded organizations to work together to provide various supports to First Nations communities.
2. That the First Nations Summit Chiefs in Assembly direct the First Nations Summit Political Executive to request that all funding allocations submitted by First Nations for all emergencies be immediately finalized and reimbursed by Emergency Management BC.
3. That the First Nations Summit Chiefs in Assembly support Canada and British Columbia expanding the Bilateral Agreement to a new trilateral agreement with First Nations in BC, for the purposes of ensuring satisfactory, effective and equitable funding and resourcing within the four pillars of emergency management in First Nation communities and to be full and equal partners in the new tripartite agreement.
4. That the First Nations Summit Chiefs in Assembly direct the First Nations Summit Political Executive, working with the BCAFN and UBCIC, to engage with First Nations in BC, resources permitting, to support First Nations in building negotiation approaches and models for engaging in negotiation with Canada and British Columbia on the new tripartite agreement.
5. That the First Nations Summit Chiefs in Assembly direct the First Nations Summit Political Executive to report back to the First Nations Summit Chiefs in Assembly with updates on negotiation approaches and models.

MOVED BY: Chief Maureen Chapman, Sq'ewá:lxw First Nation
SECONDED BY: Chief Dalton Silver, Semá:th First Nation
DATED: June 16, 2022

Passed by consensus.

ENDORSED BY:



Cheryl Casimer



Robert Phillips



Hugh Braker

OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 2ND - JUNE 3RD, 2022

MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2022-22

RE: First Nations Involvement in Negotiations on New Tripartite Agreement for Emergency Management Services Funding

WHEREAS the impacts of climate change will continue to exacerbate emergency events in BC, including sudden and unprecedented wildfires, damaging storms, atmospheric rivers and floods, droughts and landslides.

WHEREAS wildfires in BC numbered over 1,642 from April 1, 2021 to March 28, 2022, with 869 million hectares of land burned, 181 evacuation orders, 304 evacuation alerts, a 56-day provincial state of emergency, and millions of dollars of costs (\$565 million) and estimated insurance damages (\$102 million) as a result of catastrophic loss to lands and critical infrastructure;

WHEREAS flooding in BC reached unprecedented levels in 2021, with extreme rainstorms caused by atmospheric river events hitting several regions of the province and resulting in mudslides, landslides, and catastrophic flooding causing damage to infrastructure, roads, bridges and homes in and around First Nations communities, with parts of BC being completely submerged in water causing at least \$450 million in damage with as many as 42 First Nations communities impacted;

WHEREAS significant resources, financial, natural, and human, were expended during both wildfire and flooding crises; however, these resources were insufficient and/or poorly managed and allocated to address First Nations' needs, challenges and priorities;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:

Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned

2022-22

Page 1 of 3

through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them;

WHEREAS the Union of BC India Chiefs (UBCIC), working with the First Nations Summit (FNS) and the BC Assembly of First Nations (BCAFN) as the First Nations Leadership Council (FNLC) entered into a tripartite memorandum of understanding (the MOU) in 2019 with the Government of Canada (represented by Indigenous Services Canada (ISC)), and the government of British Columbia (represented by Emergency Management BC (EMBC) and BC Wildfire Service (BCWS)) for the purpose of working collectively to advance meaningful recognition and enhanced capacity of First Nations within all pillars of emergency management (i.e., preparedness, mitigation, response, and recovery);

WHEREAS by UBCIC Resolution 2018-32 “Support-in-Principle for Tripartite MOU between the FNLC, Indigenous Services Canada, and Emergency Management BC/BC Wildfire Service,” the UBCIC Chiefs Council granted a support-in-principle for entering into, and negotiating, the terms of the MOU, to negotiate “permanent, reliable, and appropriate funding for the FNLC and First Nations Emergency Services Society to be full and equal partners in [the MOU], and also for substantive and meaningful funding to support First Nations to enhance their physical and human resources and capacity”;

WHEREAS Canada, represented by ISC, and British Columbia, represented by EMBC & BCWS, have in place a ten-year bilateral service agreement signed in 2017 providing for the delivery of services meant to “improve emergency management in First Nation communities and begin to negotiate service agreements with the provinces and territories to ensure First Nations received service equivalent to municipalities” (the Bilateral Agreement);

WHEREAS ISC and EMBC & BCWS sent a letter to the FNLC dated March 24th, 2022 expressing their intent to open discussions, and negotiations, regarding the Bilateral Agreement and include First Nations in a new relationship that implements the UN Declaration and respects First Nations’ jurisdiction and inherent right of self-government, and with the recognition that First Nations require resources, infrastructure and enhanced capacity in order to advance the practice of emergency management in a manner that supports and reinforces their own governance, institutions and decision-making authority; and

WHEREAS First Nations in BC must be supported by ensuring adequate financial and technical resources are in place to respond to climate change impacts and for First Nations-developed mitigation and adaptive measures (i.e., monitoring, impact assessments), and adequate financial and technical resources are identified for First Nations to begin creating a Chiefs Committee on flood, wildfire and marine.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls on the federal and provincial governments to commit to working in partnership with First Nations in BC to address all phases of emergency management and recovery, and to provide permanent, reliable, and appropriate capacity funding for First Nations and their representative organizations to address climate change and climate-related emergencies;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to request that all funding allocations submitted by First Nations for all emergencies be immediately finalized and reimbursed by Emergency Management BC (EMBC);

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council supports Canada and British Columbia expanding the Bilateral Agreement to a new trilateral agreement with First Nations in BC, for the purposes of ensuring satisfactory, effective and equitable funding and resourcing within the four pillars of emergency management in First Nations communities by December 2022;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and First Nations Summit as the First Nations Leadership Council, to engage with First Nations in BC and provide possible negotiation models for First Nations consideration in order for First Nations to engage in negotiation with Canada and British Columbia on the new trilateral agreement; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to report back to the UBCIC Chiefs Council with a final negotiation model for consideration.

Moved: Chief Maureen Chapman, Skawahlook
Seconded: Chief Byron Louis, Okanagan Indian Band
Disposition: Carried
Date: June 2, 2022