



## RELATIONSHIP PROTOCOL

Between

**BC ASSEMBLY OF FIRST NATIONS,**

**FIRST NATIONS SUMMIT,**

**UNION OF BC INDIAN CHIEFS**

Collectively referred to as the **FIRST NATIONS LEADERSHIP COUNCIL** and

HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, as represented  
by the Minister of Water, Land and Resource Stewardship

(the “**Minister**”)

### WHEREAS

- A. The First Nations Leadership Council (FNLC) is a collaborative working relationship between the political executives of the BC Assembly of First Nations (BCAFN), the First Nations Summit (FNS) and the Union of BC Indian Chiefs (UBCIC) and reports to and takes direction from their respective Chiefs assemblies in British Columbia. The FNLC is not a title or rights or treaty rights holder and cannot engage in processes to establish and provide free, prior, and informed consent on behalf of individual First Nations. Engagement by the Province with the FNLC as contemplated by this Relationship Protocol does not in any way fulfil, replace, or displace the Province’s obligations to consult and cooperate with First Nations title and rights holders.
- B. The provincial government enacted the *Declaration on the Rights of Indigenous Peoples Act* (“Declaration Act”) to contribute to implementing the *United Nations Declaration on the Rights of Indigenous Peoples* (“UN Declaration”), and has in place the *Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples*, respecting and promoting the inherent rights of Indigenous peoples, and is committed to upholding its constitutional obligations in relation to Aboriginal rights and treaty rights recognized and affirmed by section 35 of the *Constitution Act, 1982*.

- C. The Ministry of Water, Land and Resource Stewardship (Ministry) has a mandate for the effective development of water, land and marine use policy and planning, as well as biodiversity and ecosystem health, including species at risk policy and program management. The Ministry's mandate includes developing a new vision for water, land and resource management with First Nations that includes government-to-government decision-making as part of reconciliation with Indigenous Peoples in B.C. In addition, the Ministry will direct work across natural resource ministries to develop solutions to sector-wide challenges and to advance dedicated sector-wide policy, including managing for cumulative effects, improving permitting and authorizations, as well as providing dedicated secretariat support for effective governance of the natural resource sector.
- C. The purposes of the *Declaration Act* are to affirm the application of the UN Declaration to the laws of British Columbia, to contribute to the implementation of the UN Declaration, and to support the affirmation of, and develop relationships with Indigenous governing bodies.
- D. The *Declaration Act* provides that "in consultation and cooperation with the Indigenous peoples in British Columbia, the government must take all measures necessary to ensure the laws of British Columbia are consistent with the [the UN Declaration]." The Ministry is committed to working in consultation and cooperation with the First Nations Leadership Council (FNLC) and with First Nations as it participates in processes and measures to ensure provincial laws, for which WLRS is responsible, are consistent with the UN Declaration.
- E. First Nations' leadership has mandated the FNLC through resolutions of the Chiefs in Assembly at the BCAFN, FNS and UBCIC, to provide policy support and facilitate First Nations' efforts in relation to water, land and resource stewardship in ways that protect and sustain the environment forever while enhancing the social, cultural, economic, and political well-being of First Nations in British Columbia.
- F. In 2021, the Ministry of Indigenous Relations and Reconciliation led the establishment of a dedicated Declaration Act Secretariat (DAS), an independent office that coordinates and assists cross-government to ensure provincial laws align with the UN Declaration.
- G. The Parties are committed to upholding Indigenous rights and achieving reconciliation for the benefit of all generations in the province, now and in the future and, through the Relationship Protocol, acknowledge that this vision requires a new path forward. This includes new ways of working together, supported by structures that develop and strengthen ongoing collaborative relationships at all levels.
- H. The Parties wish to enter this Relationship Protocol to set out the ways they will work together to review and engage on legislation, policies, programs, and practices, and on other issues of mutual interest, ensuring a distinctions-based approach.

- I. The Parties acknowledge this new path forward will be founded on the principles of collaborative relationship building, shared respect, mutual trust, and accountability.

**NOW THEREFORE**, the parties agree as follows:

## **1. PURPOSE**

1.1 The purpose of this Relationship Protocol is to establish and implement a collaborative and constructive relationship and supporting structures between the Parties to engage in dialogue and work on issues and initiatives in the areas of water, land and resource stewardship in British Columbia, in a manner that is complementary to and supportive of the work to implement:

- a) the bilateral Commitment Document (2015) between the Province and FNLC, including the:
  - i. *Joint Agenda: implementing the Commitment Document – Shared Vision, Guiding Principles, Goals and Objectives (2018)*; and
  - ii. *Joint Agenda: Implementing the Commitment Document – Concrete Actions: Transforming Laws, Policies, Processes and Structures (2018)*, and
- b) the Declaration Act, including:
  - i. the Province’s obligations to take all measures necessary to ensure provincial laws are consistent with the UN Declaration;
  - ii. the Declaration Act Action Plan; and
  - iii. opportunities to advance and enable agreements, including those described in sections 6 and 7 of the Declaration Act.

## **2. PRINCIPLES**

2.1 The Parties agree to implement this Relationship Protocol guided by the principled framework for reconciliation available in:

- a) the UN Declaration;
- b) section 35 of the *Constitution Act, 1982*;
- c) the *Declaration Act*; and
- d) *Draft Principles Respecting the Province of British Columbia’s Relationship with Indigenous Peoples*.

2.2 While the Province acknowledges that aspects of implementing the UN Declaration and the Declaration Act require consultation and cooperation with Indigenous Peoples broadly, in taking a distinctions-based approach, the Province recognizes that First Nations have unique territorial rights to water, land and resources in BC.

- 2.2 For clarity, this Relationship Protocol does not fulfil any obligations of the Province under the Declaration Act and the Parties will discuss how their collaboration under this Relationship Protocol may support the provincial government’s work to implement the Declaration Act, including potential linkages to the work of the Secretariat.

### **3. STRUCTURES**

- 3.1 The Parties hereby establish the following structures to support implementation of this Relationship Protocol:

a) Political Table: the FNLC and the Minister of WLRS will meet twice per year, or more often as needed, to provide strategic direction and resolve any issues and impediments to progressing commitments and the relationship described in this Protocol; and

b) Technical Working Group: a Technical Working Group comprised of the FNLC political/legal staff and WLRS senior officials, will carry out the direction of the Political Table, including the development and implementation of a work plan described in section 4, and report back to the Political Table.

### **4. WORK PLAN AND REPORTING**

- 4.1 The Parties will develop a workplan to address priorities, direction, and areas of focus, pursuant to section 2.2 of this protocol
- 4.2 The work plan will be developed and implemented by the Technical Working Group described in 3.1 (b) and adopted and reported upon at Political Table meetings described in 3.1 (a).
- 4.4 The Parties will jointly develop communications related to the workplan and associated activities as required.

### **5. OTHER AGREEMENTS**

- 5.1 The Parties acknowledge that they may enter into other agreements or memoranda of understanding pursuant to and/or in connection with the purposes of this Relationship Protocol including, but not limited to, agreements in respect of cooperation relating to the work of WLRS.

### **6. COMMUNICATION AND CONFIDENTIALITY**

- 6.1 The Parties acknowledge they may have entered into confidentiality agreements with each other and those confidentiality agreements may govern confidentiality with respect to this Relationship Protocol.

- 6.2 Where either Party wishes to share confidential information with the other Party, they will identify whether confidentiality agreements under section 6.1 govern that confidentiality or if any additional agreements are required.
- 6.3 Further to section 6.2, the Province acknowledges and agrees that it is responsible for identifying appropriate agreements to preserve the confidentiality of confidential information, and for arranging for the execution of such agreements by relevant persons carrying out work in relation to this Relationship Protocol.
- 6.4 The Parties acknowledge and agree that the disclosure by the Province of any information pursuant to this Protocol, including but not limited to the confidential information, is subject to applicable laws and that nothing in this Relationship Protocol will require the Province to disclose or otherwise share any information with the FNLC where such disclosure or sharing is prohibited by law.
- 6.5 The Province acknowledges the FNLC's mandate and responsibility to report to and take direction from First Nations leadership and will support the FNLC to develop information and materials accordingly.
- 6.7 The Parties will provide one another with advance notice and an opportunity to discuss any planned public statements or communications to be made by the Party about the implementation of the Relationship Protocol, engagements being carried out under the annual work plan and the policy or initiatives subject to engagements in the annual work plan, before making any such statements in public. The Parties recognize the ongoing need for public and First Nations discourse on matters subject to engagement. The Parties also acknowledge this commitment to advance notice and discussion about planned public statements may enhance the effectiveness of communications and the working relationship among them.

## **7. FUNDING**

- 7.1 The Province agrees to support the capacity required to implement the Relationship Protocol, its workplan and the associated activities.

## **8. GENERAL**

- 8.1 For greater certainty, neither the existence of this Relationship Protocol nor the work carried out under it:
- a) fulfils, replaces, affects or limits any obligation of the Province to consult and cooperate **and seek consent** directly with First Nations **as title and rights holders**;
  - b) limits the ability of the Province to engage with other Indigenous organizations, including in relation to implementation of the Declaration Act; or

c) replaces, limits or interferes with any discussions, negotiations or work between the Province and any First Nation(s).

8.4 This Relationship Protocol may be entered into by each Party signing a separate copy, including a photocopy or electronic copy, and delivering it to the other Party by electronic means of transmission.

**9. AMENDMENT/TERMINATION**

9.1 This Relationship Protocol will take effect on the last date it is signed by all the Parties. The Parties may agree in writing to amend this Relationship Protocol.

9.2 This Relationship Protocol will remain in effect unless terminated in writing by either Party with three months notice.

IN WITNESS WHEREOF THE PARTIES HAVE EXECUTED THIS RELATIONSHIP PROTOCOL AS OF THE DATE SHOWN BELOW

**SIGNED ON BEHALF OF HIS MAJESTY THE KING IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA**, as represented by the Minister of Water, Land and Resource Stewardship

\_\_\_\_\_  
The Hon. Nathan Cullen

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Date

**SIGNED ON BEHALF OF THE BC ASSEMBLY OF FIRST NATIONS**, as represented by the Regional Chief

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**SIGNED ON BEHALF OF THE FIRST NATIONS SUMMIT**, as represented by the FNS Political Executive

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**ON BEHALF OF THE UNION OF BC INDIAN CHIEFS**, as represented by the UBCIC Executive

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