



May 17, 2021

Ref. 51899

Grand Chief Stewart Phillip
Chief Don Tom
Kukpi7 Judy Wilson
Union of BC Indian Chiefs
401-312 Main Street
Vancouver BC V6A 2T2

Via email to: president@ubcic.bc.ca; chief@tsartlip.com; judy@ubcic.bc.ca

Dear Grand Chief Stewart Phillip, Chief Don Tom, and Kukpi7 Judy Wilson:

Thank you for your letter of March 30, 2021, regarding equitable engagement with Indigenous Nations in British Columbia (B.C.), and for our subsequent meeting on April 7, 2021.

In your letters and in our discussion, we discussed your concerns about perceptions that B.C. is not taking an equitable approach to engagement with Indigenous Nations on work to address legislative and administrative measures to align with the United Nations Declaration on the Rights of Indigenous Peoples. In particular, you expressed the concern that Treaty Nations are being prioritized for such engagement. During our meeting I provided context for my view on treaty as part of reconciliation.

As the Supreme Court of Canada describes in the Haida Nation decision: “Treaties serve to reconcile pre-existing Aboriginal sovereignty with assumed Crown sovereignty...” (paragraph 20). Treaties are recognized in section 35 of the Constitution Act, 1982, as are Indigenous rights, including title, and can provide constitutional recognition to the relationships and rights embodied in a treaty.

I believe we share these understandings and I recognize that your objection to my characterization of treaty is connected to your long-standing and very clear concerns with the B.C. Treaty process. I am fully aware of these concerns and am happy to discuss them in future meetings. The Treaty process itself is simply a mechanism by which the Province and Canada can work with Indigenous Nations to achieve treaties.

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During our meeting I spoke to approaches to reconciliation outside the B.C. Treaty process that the Province is engaged in with Indigenous Nations. Among the examples I mentioned were engagements with the Lake Babine Nation, Heiltsuk Nation, Wet'suwet'en, and Carrier Sekani Tribal Council. In these engagements, and in all our relations with Indigenous Nations, B.C. is committed to affecting the recognition and implementation of Indigenous title and rights, and meeting the minimum standards of the United Nations Declaration on the Rights of Indigenous Peoples.

It is my intention as Minister to work to advance reconciliation with all Indigenous Nations in the province. I have heard your concerns, as did my predecessor, and I am confident that our government is changing its approaches to reconciliation in ways that create better opportunities for us to work with the member Nations of the Union of British Columbia Indian Chiefs (UBCIC) towards common goals. With regard to your specific request for equitable engagement with B.C. First Nations on policy and legislative matters, I agree, and that is the approach we shall take.

As for our specific work together, I would like us to re-engage in the work to develop further mechanisms, principles, and processes that may support and inform negotiations between the Province and Indigenous Nations, including UBCIC member Nations, outside of the B.C. Treaty process.

Finally, I was heartened to hear about your desire to revitalize the Indigenous Commission concept called for in the Concrete Actions. I propose that we task our respective technical representatives to develop options and that the concept be a priority topic for our regularly scheduled Joint Core Political Table. I look forward to discussing this topic with the other First Nations Leadership Council representatives at our next meeting.

Thank you again for your letters and our discussion.

Sincerely,



Murray Rankin, QC
Minister of Indigenous Relations and Reconciliation

CC: Trish Balcaen, Assistant Deputy Minister
Ministry of Indigenous Relations and Reconciliation

Andrea Glickman, Policy Director
Union of BC Indian Chiefs