



Ministry of
Aboriginal Relations
and Reconciliation

2009/10–2011/12
Service Plan

February 2009



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Message from the Minister and Accountability Statement



I am pleased to deliver the Service Plan for the Ministry of Aboriginal Relations and Reconciliation. This plan describes the practical and measurable actions the Ministry will undertake over the next three fiscal years to further the New Relationship with First Nations and Métis. This relationship will continue as it began — based on principles of mutual respect, recognition and reconciliation. The Ministry will continue to advise and support government agencies and organizations on initiatives to help close the social and economic gaps between Aboriginal citizens and other British Columbians by 2015.

We are achieving unprecedented success in all areas of the treaty process with ratified Final Agreements with seven First Nations and are working towards implementation of B.C.'s first modern day urban treaty with the Tsawwassen First Nation. In November, the Province and the Tla-o-qui-aht First Nations signed B.C.'s first Incremental Treaty Agreement (ITA). Committed to in the Throne Speech, ITAs advance treaty benefits earlier in the process and build relationships based on trust. Treaties are a formal expression of reconciliation and serve as a positive tool for building capacity and stimulating community economies. By establishing certainty over land ownership and resource management, treaties encourage investment and create new opportunities. All British Columbians benefit as First Nations establish new businesses, create jobs and participate more fully in the provincial economy.

In addition to work at the treaty table, we continue to engage with First Nations across the province to achieve land and resource agreements and to look for innovative ways to ensure that the negotiation process maintains momentum.

The Public Service Agency's Aboriginal Youth Internship Program is one of an array of measures which will allow us to continue our commitment to expanding employment and education opportunities for Aboriginal youth. Over the coming year we will work with Aboriginal entrepreneurs to support and encourage their valuable contribution to the provincial economy. With the highly successful 2008 North American Indigenous Games complete, we look forward to the 2010 Olympic and Paralympic Games and the opportunities they will provide to support economic development and showcase Aboriginal culture.

The Ministry of Aboriginal Relations and Reconciliation 2009/10 – 2011/12 Service Plan was prepared under my direction in accordance with the *Budget Transparency and Accountability Act*. I am accountable for the basis on which the plan has been prepared. All material fiscal assumptions and policy decisions as of February 11, 2009 have been considered in preparing this plan, and I am accountable for achieving its specific objectives.



Honourable Michael de Jong
Minister of Aboriginal Relations and Reconciliation
February 11, 2009

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Purpose of the Ministry

The Ministry of Aboriginal Relations and Reconciliation is the centre of excellence for innovative approaches to Aboriginal policy and the Province's representative for all treaty negotiations. Accordingly, the Ministry plays a vital role in leading the way forward in the New Relationship. The Ministry provides strategic advice across government and identifies opportunities to facilitate the removal of barriers to stimulate positive outcomes for Aboriginal peoples.

The New Relationship is a government priority. As the government's lead on the New Relationship, the Ministry is focusing its efforts in three key strategic areas:

- closing the socio-economic gaps between Aboriginal people and other British Columbians;
- building respectful relationships with Aboriginal peoples; and
- reconciliation of Aboriginal rights and title through treaties and other lasting agreements.

The Ministry supports achievement of these goals by recommending innovative policies and initiatives to government. The Ministry promotes creative and integrated cross government work that brings together Aboriginal partners with representatives from other ministries and Crown agencies, federal and local government and other sectors around Aboriginal initiatives. The Ministry does not direct the activities of other ministries or Crown agencies but instead builds and maintains relationships to achieve success on issues of shared interest.

The Ministry has collaboratively achieved a number of accomplishments toward closing the socio-economic gaps and building respectful relationships with Aboriginal partners. Negotiations are ongoing throughout the province to conclude treaties and other lasting agreements.

Working with its partners the Ministry makes appointments to the BC Treaty Commission (BCTC), First Peoples' Advisory Committee, First Peoples' Heritage, Language and Culture Council, Native Economic Development Advisory Board and New Relationship Trust Board.

A list of statutes that fall under the responsibility of the Ministry can be found at:
www.leg.bc.ca/procs/allacts/arr.htm.

Strategic Context

The Ministry of Aboriginal Relations and Reconciliation operates in a complex environment. British Columbia is home to over one-third of the 600+ First Nations in Canada, comprising the most culturally and linguistically diverse groups of Aboriginal peoples in the country. There are nearly 200,000 people in British Columbia¹ who identify themselves as First Nation, Métis or Inuit and the fastest growing demographic province-wide is Aboriginal youth.

For over a century, government policies exacted a tragic toll on Aboriginal communities and families, doing great harm to indigenous cultures and leaving a legacy of mistrust. This has resulted in higher levels of poverty, chronic disease, children in care, unemployment and high school dropout rates. Efforts to diminish these consequences, to improve quality of life and better access to social and economic opportunities, have been ongoing. Government's unwavering commitment to its new relationship with Aboriginal peoples has resulted in significant progress in 2008/09.

The federal government's apology on June 11, 2008 to all those negatively affected by the misguided policies of residential schools is an additional step toward reconciliation. The Province of British Columbia is working with Aboriginal leaders and Canada to fulfill the implicit promise of the National Apology and to support Aboriginal people on their journey toward healing.

Positive and enduring relationships must be built on trust, mutual respect and recognition of the constitutional rights of Aboriginal people. Reconciling Aboriginal and treaty rights through negotiations represents an important step forward from a history of confrontation, litigation and failure to bridge differences with Aboriginal peoples.

Closing the socio-economic gap

The *Transformative Change Accord* signed by Canada, the Province and the First Nations Leadership Council is a tripartite commitment to work together to close the socio-economic gaps between First Nations people and other British Columbians. This accord is being implemented to achieve progress in: improved Crown-Aboriginal relationships; education; housing and infrastructure; health; and economic opportunities. The *Métis Nation Relationship Accord* between the Province and the Métis Nation British Columbia makes similar commitments to achieving progress in key socio-economic areas and also acknowledges the influence on the province's history of Métis people as a distinct people with their own language, culture and traditions.

Since 2005, significant work has been undertaken to implement early actions as well as to jointly develop the important foundational action plans and strategies that provide the shared vision and direction for transformative change in each focus area. These plans and strategies now form the springboard for further action that will more directly impact communities and individuals. For example, the tripartite First Nations Health Plan, signed in June 2007, is being implemented; the education jurisdiction agreements are being implemented as well as the \$65 million Aboriginal Post-Secondary Education Strategy; a 10-year Aboriginal Housing Action Plan is nearing completion and

¹ 2006 Census

work has begun to implement the tripartite First Nations Housing Memorandum of Understanding; work is underway to connect all 203 First Nations communities across BC to broadband capability; and more. The ministry has responded to the provincial commitment to report on progress and released the report “New Relationships with Aboriginal Peoples and Communities in B.C.” which provides many more examples of actions to date. The ministry also continues to work with ministries and Aboriginal partners to improve our ability to collect and report on social and economic indicators over time. The New Relationship approach to working together with First Nations, Métis and urban Aboriginal people and organizations is becoming a new standard across government.

Building a New Relationship

The ministry’s active partnership with the First Nations Leadership Council has facilitated priority-setting on a wide range of issues including the development of frameworks and tools to assist in the implementation of the New Relationship. This partnership has enabled renewed focus on issues such as consultation and accommodation, revenue and benefit sharing, and shared decision-making.

The ministry continues to build strong relationships with First Nations, Aboriginal organizations and Métis Nation British Columbia. In particular, the Common Table process, whereby 64 First Nations, Canada and the Province worked together to identify ways to advance treaty negotiations, has yielded positive results. The parties reached consensus on some common ground principles and generated a list of areas to explore further to help expedite treaty negotiations.

A key relationship that promises to help achieve success for the Vancouver 2010 Olympic and Paralympic Games is with the Lil’wat, Musqueam, Squamish and Tsleil-Waututh First Nations – known collectively as the Four Host First Nations. Agreements are in place that acknowledge the critical importance of the support and participation of these First Nations and define economic, cultural, sport and capacity-building benefits and legacies for the Four Host First Nations. In addition, the International Olympic Committee has recognized the Four Host First Nations as official partners – a first in Olympic and Paralympic history.

Concluding treaties and lasting agreements

British Columbia remains committed to the negotiation of treaties as a full and formal expression of reconciliation and to the respectful relationships with existing treaty First Nations. Treaties clarify and specify how Aboriginal rights will be expressed in the context of modern Canadian society. They set out who has treaty rights, what those rights mean and what obligations fall on governments in implementing treaties. Treaties also give First Nations better tools to develop their governance, lands and resources. British Columbia is moving forward toward treaty implementation with Tsawwassen and Maa-nulth First Nations. In addition, the Province has reached an understanding with the Yale First Nation regarding the elements of a final agreement and is moving a number of First Nations towards the penultimate stage in the BCTC process. British Columbia has also finalized the first Incremental Treaty Agreement (ITA) in the province with the Tla-o-qui-aht First Nation and hopes to achieve additional ITAs with other First Nations. ITAs represent a valuable way for making progress with First Nations in situations where achieving a final agreement is not yet possible.

The Province is committed to working with Canada and the First Nations Summit on a treaty revitalization process to identify and examine issues that may be impeding treaty negotiations and to improve the treaty process to support further progress in negotiations.

A number of lasting agreements were concluded this year, representing an investment in the future of all British Columbians. Agreements with the Seton Lake Indian Band, Gitwangak Band Council, Metlakatla Band and Lax Kw'alaams Indian Band to settle the last of B.C.'s cut-off claims disputes dating back over 90 years, have moved British Columbia forward on the path to lasting reconciliation. Likewise, the Kwadacha First Nation's overwhelming ratification of a final agreement with BC Hydro and the Province resolves historic damages from the creation and operation of the W.A.C. Bennett Dam and Williston Reservoir and builds opportunities for community economic and cultural development for future generations. British Columbia has also finalized an economic benefits agreement with the Blueberry River First Nations, and is moving to finalize similar agreements with other Treaty 8 First Nations, that will create stability for the development of oil, gas and other resources in the northeast of the province.

Goals, Objectives, Strategies and Performance Measures

The Ministry of Aboriginal Relations and Reconciliation's goals, objectives, strategies and performance measures serve as the framework that defines what the Ministry intends to achieve during the life of its service plan, and the means for gauging and reporting on performance with respect to its stated goals and objectives. The performance measures play an important role in driving accountability and transparency by communicating the Ministry's priorities and accomplishments to the public, legislators and stakeholders.

Targets for the Ministry's performance measures are generated by considering historical trends associated with the measures and determining reasonable performance expectations during the period covered by this service plan.

The baselines for key performance indicators are predicated on available data from a variety of sources and the availability of complete data sets varies from key indicator to key indicator.

The goals of the Ministry will be met by focusing the majority of its efforts in three areas:

- closing socio-economic gaps between Aboriginal people and other British Columbians;
- building respectful relationships with Aboriginal peoples; and
- concluding treaties and other lasting agreements.

In addition to these goals, the Ministry is also actively engaged in meeting government's goal of reducing greenhouse gas (GHG) emissions to be part of a carbon neutral public sector by 2010. The Ministry has begun immediate steps to reduce its corporate carbon footprint through reductions in travel, more efficient energy use in its office space, enhanced recycling and composting, and other operational and procedural changes that will generate climate change benefits. In addition, the Ministry has committed to measuring and reducing GHG emissions associated with all Ministry operations and programs in order to achieve government targets and to working with First Nations and other ministries to advance government's green agenda.

Goal 1: Improved social and economic outcomes for Aboriginal peoples.

The *Transformative Change Accord* and *Métis Nation Relationship Accord* set out goals for closing the significant differences that exist between Aboriginal people and other British Columbians on important social and economic indicators. These gaps developed over decades and will not be closed immediately. As a result, key performance indicators may see modest substantive reportable progress on an annual basis over the next three years; nonetheless the target is to close the gap by 2015.

Objective 1.1: Progress on actions in the *Transformative Change Accord* and the *Métis Nation Relationship Accord* associated with closing the socio-economic gaps.

While other ministries and Crown agencies are directly responsible for action on key performance indicators, the Ministry plays a central role in supporting the development and implementation of action plans and providing critical information about progress on closing the gaps not only to the parties involved but also to the public. The *Transformative Change Accord* and *Métis Nation Relationship Accord* guide our work.

Strategies

- Under each priority area, we work with other ministries and Aboriginal partners.
- Support work by other ministries on closing the socio-economic gap such as: education, housing and infrastructure, health, economic development, child and family development, policing, administration of justice, corrections and safety initiatives.
- Facilitate and support collaboration among Aboriginal and First Nation organizations, all levels of government and the private sector on initiatives to close the socio-economic gaps.
- Monitor and report on activities and progress towards meeting the goals of the *Transformative Change Accord* and the *Métis Nation Relationship Accord*.
- Promote discussions on, and evaluation of, key performance indicators such as: high school completion rates; off-reserve Aboriginal households in core housing needs; life expectancy at birth; unemployment rates; and others.

Performance Measure 1: Closing the socio-economic gaps.

The Ministry of Aboriginal Relations and Reconciliation has developed a comprehensive reporting framework resulting in two annual reports: *New Relationships with Aboriginal People and Communities in B.C.* and *Measuring Outcomes*. The *New Relationships* document provides an annual report of key activities and strategies implemented across government to support progress in closing the socio-economic gaps. It also highlights current examples of how government actions are supporting positive change in the lives of Aboriginal individuals and communities. *Measuring Outcomes*, a companion document to *New Relationships with Aboriginal People and Communities in B.C.*, is a technical report that tracks progress over time in achieving societal level change in Aboriginal populations – it measures success in achieving desired outcomes. Both reports are closely aligned to plans (see "Data Sources" below) and reporting models developed by lead ministries and use the best data sources available at this time.

Performance Measure	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Progress on action items in the <i>Transformative Change Accord</i> and the <i>Métis Nation Relationship Accord</i> .	Plans in place	Progress achieved in key areas	Progress achieved in key areas	Progress achieved in key areas

Data Source: Ministry of Aboriginal Relations and Reconciliation will gather performance indicator data from a variety of sources.

The following plans are already in place:

Transformative Change Accord (2005)

Métis Nation Relationship Accord (2006)

Housing Matters Strategy (2006) with subsequent First Nations Housing MOU (2008)

Aboriginal Post Secondary Education Strategy (2007)

Transformative Change Accord First Nations Health Plan (2007)

Strong, Safe and Supported (2008)

Additionally a number of plans or strategies have been developed by Aboriginal leadership. Government works to support actions where possible. For example:

First Nations Economic Development Plan (2008)

First Nations Technology Plan (2006)

Objective 1.2: Development of culturally appropriate policies, programs and services.

Participation by our Aboriginal partners in the development and implementation of culturally appropriate policies, programs and services facilitates outcomes that help close socio-economic gaps. The Ministry works with other ministries, Crown agencies and the federal government to support the development of policies, programs and services in collaboration with Aboriginal peoples and organizations.

Strategies

- Lead and/or support the negotiation and implementation of agreements that contribute to addressing socio-economic disparities.
- Support development of policies and initiatives in partnership with Aboriginal peoples.
- Support delivery of programs and services in partnership with Aboriginal peoples.

Performance Measure 2: Collaborative policy development

Performance Measure	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Number of new provincial policies and initiatives that have been developed collaboratively with Aboriginal peoples and First Nations.	15	20	25	28

Data Source: Ministry of Aboriginal Relations and Reconciliation and ministries participating in the implementation of *Transformative Change Accord* and the *Métis Nation Relationship Accord*.

Goal 2: Respectful and constructive relationships with Aboriginal peoples.

Objective 2.1: Aboriginal peoples possess the capacity necessary to enable meaningful engagement with government.

Aboriginal peoples require tools and appropriate resources to participate in engagement activities such as negotiations, consultation frameworks and program and service delivery.

Strategies:

- Support and coordinate actions by ministries and Crown agencies related to the New Relationship.
- Support capacity development and governance enhancement for Aboriginal governments and organizations.
- Support Aboriginal language, culture and heritage initiatives.
- Support Aboriginal community and economic development.
- Coordinate and streamline consultation processes.

Performance Measure 3: Engagement capacity.

Performance Measure	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Number of new initiatives that build the capacity of First Nations and Aboriginal organization to participate in government engagements.	5	8	9	10

Data Source: Ministry of Aboriginal Relations and Reconciliation.

Objective 2.2: Increase awareness of Aboriginal values and diversity among British Columbians.

An essential part of forging respectful relationships with Aboriginal peoples includes an increased awareness by British Columbians of Aboriginal peoples' history, culture and heritage.

Strategies:

- Build and facilitate partnerships with Aboriginal peoples.
- Support greater recognition of Aboriginal language, culture and heritage.
- Lead and support Aboriginal awareness initiatives within the public sector and British Columbia.

Performance Measure 4: Awareness of First Nations cultures.

Performance Measure	2007/08 Baseline	2009/10 Target	2010/11 Target	2011/12 Target
Percentage of people expressing positive awareness of diversity and value of First Nations cultures.	30% ¹	+1.5%	+2%	+3%

Data Source: Survey conducted by BC Stats with participation by the Ministry of Aboriginal Relations and Reconciliation.

¹ From September 2007 - September 2008, BC Stats asked two key questions of the public: "How aware are you of diverse First Nations cultures within BC?" and "First Nations have made a wide range of contributions to BC" -- What is your level of agreement?

Goal 3: Reconciliation of Aboriginal and treaty rights.

The Province is committed to the reconciliation of Aboriginal and treaty rights. Section 35 of the *Constitution Act*, 1982 entrenches Aboriginal and treaty rights into the fabric of Canada. For more than 30 years, the courts have directed government to negotiate rather than litigate the resolution of these outstanding issues. The Haida and Taku River decisions obligate the Province to consult with and, as appropriate, accommodate First Nations where government decisions or activities may adversely affect Aboriginal or treaty rights.

Objective 3.1: Conclude agreements that lead to the reconciliation of Aboriginal and treaty rights.

While final treaty agreements are the Province's preferred means of reconciling Aboriginal rights and title with the sovereignty of the Crown, other types of agreements can also contribute to reconciliation, for example, Incremental Treaty Agreements (ITAs) that provide beneficial results in the short term which can be built on over time towards final treaties. In addition, the Province has entered into consultation protocols with First Nations that already have treaties.

Strategies:

- Support agreements among First Nations, government and local governments.
- Lead and support the negotiation of agreements that contribute to reconciliation of Aboriginal and treaty rights.
- Negotiate treaties and Incremental Treaty Agreements that lead to treaty.
- Lead and support the implementation of treaties and other agreements.

Performance Measure 5: Treaties and agreements.

Performance Measure	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Number of treaties and agreements that build incremental progress towards reconciliation.	10	13	14	15

Data Source: Ministry of Aboriginal Relations and Reconciliation and other ministries and Crown agencies as appropriate (i.e., includes treaty and non-treaty process agreements).

Objective 3.2: Increase Aboriginal peoples' access to economic opportunities.

Providing more access to economic opportunities results in economic benefits for all British Columbians. Aboriginal participation in business ventures and resource development contributes to British Columbia's prosperity.

Strategies:

- Champion access to business venture and economic development opportunities through resource development agreements, benefit agreements and other strategic agreements.
- Facilitate access to training and skills development as well as support systems associated with economic development.
- Support employment initiatives in the private and public sectors.
- Support First Nations' access to land and resource tenures.

Performance Measure 6: Economic development opportunities.

Performance Measure	2008/09 Forecast	2009/10 Target	2010/11 Target	2011/12 Target
Agreements and initiatives that provide economic opportunities to Aboriginal peoples.	5	10	20	22

Data Source: Ministry of Aboriginal Relations and Reconciliation and other ministries and Crown agencies as appropriate (i.e., includes agreements that provide revenues, economic benefits and jobs to Aboriginal people).

Resource Summary

Core Business Area	2008/09 Restated Estimates ¹	2009/10 Estimates	2010/11 Plan	2011/12 Plan
Operating Expenses (\$000)				
Negotiations	41,608	32,742	28,631	27,523
Aboriginal Relations	12,291	10,968	10,968	10,968
Executive and Support Services	8,326	7,295	7,265	7,238
Total	62,225	51,005	46,864	45,729
Full-time Equivalents (Direct FTEs)				
Negotiations	103	108	108	108
Aboriginal Relations	32	35	35	35
Executive and Support Services	39	34	34	34
Total	174	177	177	177
Ministry Capital Expenditures (Consolidated Revenue Fund) (\$000)				
Executive and Support Services	32	100	100	100
Other Financing Transactions (\$000)				
Disbursements				
Negotiations – Nisga’a Treaty				
Payments	1,761	1,750	1,750	1,750
Negotiations – Land Acquisition	2,700		0	0
Net Cash (Requirements)	(4,461)	(1,750)	(1,750)	(1,750)
Total Disbursements	4,461	1,750	1,750	1,750

Core Business Area	2008/09 Restated Estimates ¹	2009/10 Estimates	2010/11 Plan	2011/12 Plan
Total Net Cash Source (Requirements)	(4,461)	(1,750)	(1,750)	(1,750)

¹ The "2008/09 Restated Estimates" have been restated for comparative purposes only, in order to be consistent with the presentation of the 2009/10 *Estimates*."

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Appendix: Status Report on Treaty Negotiations

Number of First Nations involved in the BC treaty negotiations process:	106
Number of First Nations at Stage 6 (implementation planning):	6
Number of First Nations at Stage 5 (final agreement):	12
Number of First Nations at Stage 4 (agreement-in-principle):	86
Number of First Nations at Stage 3 (framework agreement):	2
Number of First Nations at Stage 2 (readiness):	4
Number of First Nations at Stage 1 (statement of intent):	0

The Office of the Auditor General has asked the Ministry to report more fully on treaty negotiations by including an overview of the issues and challenges it faces and the steps the Ministry has taken to overcome these barriers to success.

Ratification of treaties by the Tsawwassen First Nation and the five Maa-nulth First Nations clearly demonstrates that the treaty process is working. The Province ratified both of these Final Agreements, the federal government ratified the Tsawwassen agreement on June 26, 2008, and an effective date for the Tsawwassen treaty has been set for April 3, 2009. As well, the Maa-nulth Final Agreement is awaiting approval from the federal government. In the meantime, the parties will continue with implementation planning for both of these agreements.

The Province continues to negotiate treaties that reflect the diversity of First Nations. Over the next few years more Final Agreements will be concluded as well as significant progress on Agreements-in-Principle. To address concerns about slow progress, some First Nations, Canada and British Columbia may utilize Incremental Treaty Agreements and treaty related measures to help pave the way towards treaty.

In response to concerns raised by First Nations and independent external reviews, the Province, Canada and the First Nations Summit have agreed to discuss ways to improve the treaty process to support further progress in negotiations and work towards greater efficiencies and revitalization of the treaty process by identifying and examining issues that may be impeding treaty negotiations. In addition, the Ministry and Canada have taken steps to streamline internal approval processes to conclude treaties.

The Common Table, whereby 64 First Nations, Canada and the Province worked together to identify ways to advance treaty negotiations, has yielded positive results. The parties reached consensus on

some common ground principles and generated a list of areas to explore further to help expedite treaty negotiations. The Ministry also supports the BC Treaty Commission to use the full scope of its authority to advance the treaty process.

Under the treaty process, First Nations are responsible for resolving overlapping claims. At the same time, the Province has a duty to consult First Nations whose Aboriginal and treaty rights may be adversely impacted by treaties. Consequently, the Province supports consultation efforts to facilitate the expeditious resolution of overlap claims inside and outside of treaty.

Hyperlinks to Additional Information

New Relationship

www.gov.bc.ca/arr/newrelationship/down/new_relationship.pdf

Transformative Change Accord

www.gov.bc.ca/arr/social/down/transformative_change_accord.pdf

Métis Nation Relationship Accord

www.gov.bc.ca/arr/social/down/arr_metis_accord.pdf

BC Treaty Commission

www.bctreaty.net/index.php

First Peoples' Heritage, Language and Culture Council

www.fphlcc.ca/

New Relationship Trust

www.newrelationshiptrust.ca/

