



## BC ASSEMBLY OF FIRST NATIONS

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**BCAFN SPECIAL CHIEFS ASSEMBLY**  
**March 9-10, 2023**  
**Hybrid - In person & online via Zoom**

**Resolution 10/2023**

**SUBJECT: SUPPORT FOR THE DEVELOPMENT OF A DISCUSSION PAPER RELATED TO THE EMERGENCY MANAGEMENT SERVICE AGREEMENT**

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**MOVED BY: CHIEF HARVEY MCLEOD, UPPER NICOLA BAND**

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**SECONDED BY: CHIEF LYNDA PRICE, ULKATCHO FIRST NATION**

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**DECISION: CARRIED**

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### **WHEREAS:**

- A. First Nations must be full and equal partners in all aspects of emergency management decision-making, and all phases of emergency management implementation in their territories, as recommended in "Trail By Fire: Nadleh Whut'en and the Shovel Lake Fire Report", the Tsilhqot'in Nation's report "The Fires Awakened Us (Nagwedižk'an Gwaneš Gangu Chinidžed Ganexwilagh)" and the Abbott-Chapman report;
- B. on November 28, 2019, the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) received Royal Assent in the British Columbia Legislature, making the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) applicable to the laws of British Columbia;
- C. in October 2018, the Province of British Columbia became the first Canadian province to adopt the United Nations 2015-2030 *Sendai Framework for Disaster Reduction* (Sendai Framework) as the guiding approach for disaster risk reduction. The Sendai Framework states that natural disasters are exacerbated by climate change and are increasing in

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frequency and intensity, and outlines a set of practical recommendations to build a culture of safety and resilience at all levels of government and across society regarding hazard and disaster risk reduction;

D. on March 30, 2022, the Province of British Columbia released its first 5-year Declaration Act action plan, outlining 89 specific actions the provincial government will take toward meeting the objectives of the UN Declaration. Action 1.10 commits to the co-development with First Nations in British Columbia of modernized emergency management legislation to replace the current *Emergency Program Act*;

E. the 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 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. On Nov 13, 2009, the FNLC and the First Nations Emergency Services Society of BC (FNESS) entered into a Declaration and Protocol Agreement of recognition, support, cooperation and coordination. In support of the FNLC mandate, FNESS works collaboratively to improve conditions for First Nations. FNESS is incorporated under the BC Societies Act and is governed by First Nations Directors. FNESS has a mandate to support First Nations in developing and sustaining safer and healthier communities through delivery of programs and services focused upon Emergency Management, Forest Fuel Management, and (structural) Fire Services;

G. Indigenous Services Canada (ISC) works collaboratively to support high-quality services and improve quality of life for Indigenous peoples, with emphasis on five priority areas: health; education; children and families; infrastructure; and economic prosperity. ISC's Emergency Management Assistance Program (EMAP) is the federal authority that provides funding and reimbursement of eligible expenditures related to all-hazards emergencies (i.e., floods, wildfires, earthquakes, tsunamis, etc.) that threaten the health, safety or assets of First Nations on-reserve. The department also works to facilitate the path to self-determination in all sectors;

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- H. Emergency Management British Columbia (EMBC) is the lead coordinating agency on behalf of the provincial government for all emergency management activities in British Columbia. EMBC provides executive coordination, strategic planning, multi-agency facilitation and strives to develop effective working relationships in an increasingly complex emergency management environment. EMBC works with local authorities, First Nations, local and federal governments, industry, non-government organizations and volunteers to support the emergency management phases of mitigation, preparedness, response and recovery. EMBC also engages provincial, national and international partners to enhance the collective emergency capabilities of the Province;
- I. in April 2019, the FNLC, Canada (represented by ISC), and BC (represented by Public Safety and Solicitor General, Emergency Management BC, and BC Wildfire Service) signed a Tripartite Memorandum of Understanding (EM MOU) to Improve Emergency Management Services for BC First Nations, outlining a relationship as full and equal partners to establish a collaborative and constructive working relationship through a joint high-level dialogue process that focuses on a mutually developed agenda and Tripartite Emergency Management Working Group (TEMWG);
- J. As a result of the MOU, and the TEMWG discussions since 2019, both BC and Canada have expressed interest in expanding the existing 10-year bi-lateral Emergency Management Agreement that exists between ISC and EMBC. This bi-lateral agreement has seen EMBC receive \$29.6 million from ISC for support for First Nations emergency management. First Nations have repeatedly expressed concerns about the lack of transparency, efficacy and appropriateness of the federal government providing resourcing for First Nations supports to the province of BC;
- K. The BCAFN is not mandated by the Chiefs-in-Assembly to negotiate a bi-lateral agreement for emergency management. However, the BCAFN is seeking support from the Chiefs-in-Assembly, to explore options and determine how best to improve emergency management service delivery for First Nations in BC, based on best-practices, Sendai Framework, UN Declaration on the Rights of Indigenous Peoples, inherent and treaty rights; and
- L. The BCAFN proposes to work with the Union of BC Indian Chiefs and First Nations Summit to develop a Discussion Paper for the BCAFN Chiefs-in-Assembly to consider in fall 2023, which will provide further information for the BCAFN Chiefs-in-Assembly to consider how to improve emergency management service delivery in BC.

**THEREFORE BE IT RESOLVED THAT:**

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1. the BCAFN Chiefs-in-Assembly direct the Regional Chief to work with the Union of BC Indian Chiefs and First Nations Summit, as the First Nations Leadership Council (FNLC) to develop an Emergency Management Service Agreement Discussion Paper (Discussion Paper) by Fall 2023, for the Chiefs-in-Assembly to review and discuss during the fall assemblies;
2. the BCAFN Chiefs-in-Assembly direct the Regional Chief and BCAFN staff to ensure the Discussion Paper is consistent with:
  - i. Sendai Framework (2015-2030)
  - ii. BC First Nations Climate Strategy and Action Plan (2022)
  - iii. Section 35, inherent and treaty rights
  - iv. Inclusion of First Nations rights holders
  - v. Related initiatives by First Nations related to emergency management; and
3. the BCAFN Chiefs-in-Assembly direct the Regional Chief to work with the FNLC to advocate Canada and BC, to secure the resourcing and terms for options for new emergency management services agreement to be presented to the BCAFN Chiefs-in-Assembly by Spring 2024.

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