

BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS



REGIONAL CHIEF'S QUARTERLY REPORT

November/December 2010

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PART ONE: BUILDING ON OUR SUCCESS – IMPLEMENTING THE PLAN

NOTE TO READER

This report, as with my previous quarterly reports, focuses on actions and activities that we are undertaking at the British Columbia Assembly of First Nations (BCAFN) to facilitate implementation of the four key and interrelated areas set out in the “*Building on OUR Success*” platform. These are:

- (1) strong and appropriate governance,
- (2) fair lands and resource settlements,
- (3) improved education, and
- (4) individual health.

The vision is that our Action Plan must empower, connect and support our Nations as each Nation implements its Aboriginal title and rights, including treaty rights, with the ultimate objective to make the lives of our people better. Building on our priorities and developing a strategy to move beyond the *Indian Act* and create healthier and stronger communities, we are actively engaging in a number of initiatives and looking for partnership and support. We are in an exciting period of Nation building or Nation re-building and it has started from the ground up.

1. Strong and Appropriate Governance

“Strong and appropriate governance is necessary if our Nations are to reach our full potential and maximize our opportunities. This is a prerequisite to sustainable and long-term economic development.”

BCAFN Governance Tool: The BCAFN has completed the first draft of the “First Nations’ Governance Community Engagement and Self-Assessment Tool” (the ‘Tool’) and we continue to build partnerships to ensure the Tool is as all-encompassing and comprehensive as we can make it before it is piloted in the New Year.

The Tool includes a number of modules each designed to assist communities to develop their own critical path to achieve their governance objectives including:

- assessing the current effectiveness of the governing body and progress in building/re-building institutions of governance;
- identifying and assessing any gaps in their administrative/organizational structures;
- considering the range of powers/jurisdiction of the First Nations’ government; and,
- managing change and engaging the community.

The Tool also includes a resource guide that considers:

- programs, options and initiatives currently available to assist First Nations to advance governance beyond the *Indian Act*, including any requirements for participation in those initiatives;

- funding currently available to First Nations for capacity development and negotiation support; and,
- the range of jurisdictions and authorities available to First Nations through existing programs, policies and initiatives.

We have recognized and identified a number of communities interested in piloting the Tool in the New Year and if your community is interested in participating please contact our office.

In addition, the BCAFN will be holding a *Building on OUR Success* Assembly in Vancouver in the New Year along with continued Dialogue Sessions across British Columbia. Through the Dialogue Sessions and at the Assembly we will continue discussions on the status of the Governance Tool and seek important feedback from our communities which will continue to shape and refine the Tool. We are also continuing to pursue potential partnerships with other organizations that have an interest in collaborating with our respective community development and capacity tools, such as the Aboriginal Financial Officers Association and the BC Treaty Commission. All BC communities will have access to the Tool free of charge after the pilot work and peer reviews have been completed which is projected for release in the winter of 2011. We are very excited at the BCAFN about the progress of the Governance Tool and its potential to assist interested First Nations in developing their own critical path to increased self-government.

Province-wide First Nation Councils: Over the past number of years a number of province-wide ‘Councils’ have been established to address a range of sectoral issues. These Councils were established under a number of authorities and are addressing various aspects of governance and receive their mandates through the BCAFN, the First Nations Summit (FNS) and the Union of British Columbia Indian Chiefs (UBCIC), all of whom are accountable to, and receive direction from, the Nations in BC. These Councils include the First Nations’ Health Council, the First Nations’ Fisheries Council, the First Nations’ Energy and Mining Council, the First Nations’ Forestry Council and the First Nations’ Technology Council among others. These Councils were established to provide technical support and assistance to our individual Nations in advancing their governance agenda and their Aboriginal rights and title, including treaty rights, and to work to improve the socio-economic conditions of Indigenous peoples and communities.

The First Nations’ Task Force established in August of 2009 has completed its work and put forward their recommendations that the Chiefs approve Terms of Reference and an Accountability Framework which seeks to promote unity and formalize the responsibility of the First Nations’ Leadership Council (FNLC), First Nation Councils, working groups and committees and partner organizations in BC to Nations in BC, and is rooted in the First Nations Leadership Council Terms of Reference. The Accountability Framework sets out scope and applicability principles and tools and procedures for the FNLC, Councils, working groups and committees and partner organizations, as well as guidelines for conflict of interest, dispute resolution, and recall. I do not believe it was ever the intention that the Councils were to act as governing bodies and exercise jurisdiction over the areas that they are responsible for working in. While these Councils perform a very important function in bringing leaders and communities together

around common issues in a particular area and to focus on priorities and issues of the day they are not governing bodies. They are, in my mind, more akin to a committee that undertakes research, explores issues and develops approaches and positions to the issues that affect our communities in their area of expertise; e.g. fisheries, mines, etc... They also provide an important outreach function to engage with our individual Nations on their sectoral interests.

As we are advancing our rights and having success in building our governments the relationship of our Nations to these bodies becomes even more important. The stakes are getting higher as we come closer to achieving our vision of implementing and benefitting from the inherent right of self-government. In this time of Nation building or re-building there is much local empowerment that needs to occur and our governance-related Councils have an important and critical role to play. We must, however, continue to be mindful of any attempts to empower these bodies at the expense of our individual Nations. And while our Nations may agree to governing institutions that aggregate their jurisdiction into regional bodies, this must be done with open eyes formally and presumably after a Nation has gone through its own local and community-based process of Nation building or re-building. Unintentionally circumventing the Nation building process in favour of establishing regional or national governance structures would be both legally and politically problematic.

I strongly support the collective work of the First Nations' Task Force which has recognized these concerns and has proposed mechanisms to ensure that the FNLC and the other Councils, working groups and committees established through the political organization of the BCAFN, the FNS and the UBCIC are accountable to the Nations they serve. This is very important because the provincial and federal governments favour approaches to aggregating emerging First Nation government at a regional or national level due to economies of scale and simplicity of dealing with the complex issues our peoples are facing in this period of transition. For Chiefs that may not be familiar with the activities of the various Councils and other bodies established through the three provincial PTOs please see the regularly issued *Information Bulletins* located on each of our respective websites [www.bcafn.ca, www.fns.bc.ca, and www.ubcic.bc.ca]. The reports from the respective Councils and other bodies are collected, consolidated and produced to inform our Chiefs and communities in British Columbia.

Assembly of First Nations – Assemblies & Portfolio Area - First Nation Governments: I continue to co-chair the national AFN's First Nations' Governance portfolio along with George Stanley, the Regional Chief from Alberta. This portfolio includes: citizenship and Nation building; justice and dispute resolution; comprehensive claims review/negotiations; specific claims/ATR; and, urban strategy.

This year's fall 2010 AFN Planning and Dialogue Forum, which was held in Montreal, Quebec on November 8-9, 2010, was on Governance. The forum was entitled *Nation Building & Rebuilding – supporting First Nations' Government Capacity*. It was an opportunity for First Nations' leaders to share experiences and explore opportunities in governance and to discuss ways the AFN can assist First Nations in achieving their objectives around Nation building or re-building. Thank you to all the Chiefs and delegates from BC who attended. The presentations and break-

out sessions gave First Nations already engaged in different aspects of Nation building the opportunity to share and open up important dialogue about how we can work together and advance the rate and pace of change in a number of areas. The following questions were posed to participants:

1. In your experience what has been the most important resource required for Nation building?
2. What are the key steps / activities necessary for Nation building?
3. In your experience, what resources were most important to the success of your endeavours?
4. What is the appropriate role for other governments and/or private sector in supporting Nation building?
5. What is the role of the federal government in resolving disputes?

Building on the presenters and the participants' experiences and insight we heard how First Nation governments can be best supported in exercising jurisdiction in key areas of governance such as law-making; institution building; land and resource management; public administration & community engagement; and fiscal management and intergovernmental relationships.

We are continuing to seek your ideas about the day-to-day tools and support required by First Nations. Please take some time to think about the questions above and let us know the steps and tools needed to assist your Nation to move to where you want to be. A summary of the proceedings of the National Policy Forum can be found on the AFN website. If you were not able to participate you can still provide input. I encourage you to share your thoughts and experiences through the online questionnaire at www.afn.ca which is designed to capture your thoughts on the key resources, activities and roles that are required in Nation building. At the AFN we are looking to host another national planning and dialogue forum in the winter of 2011. We will also, where appropriate, incorporate these views into the Governance Tool we are developing regionally.

Current Sectoral Governance Initiatives: While Nation building or rebuilding remains our collective focus there are a number of governance related initiatives ongoing across BC and Canada. New initiatives, and ones that have already been signed and are being implemented, are being considered in the Resource Guide to the Governance Tool. It is important when looking at the various initiatives to distinguish between which of these are First Nation led and in some cases are regional or national in scope establishing governance beyond the *Indian Act* province-wide or Canada-wide and those cases where they are led by the government of Canada, either as part of Indian and Northern Affairs Canada's policy agenda or a result of legal decisions. In some cases Bills may be introduced in Parliament as Private Members Bills, sometimes with support of First Nations and sometimes without it. There are also governance initiatives that are provincial with provincial legislation in areas involving provincial jurisdiction. Regardless, it is important that as leaders we are all aware of the various initiatives and their implications and the options available to our Nations in relation to individual Nation building or re-building activities.

First Nations' Led Initiatives:

Land Management: The proposed initiative to establish an optional system establishing 'fee simple' land interests on reserves with a new national land registry to be created through an overarching national land management structure has been well debated. It was discussed at our Montreal AFN Planning and Dialogue forum. The debate centers on the relative merits of 'privatizing' reserve lands. This debate is complex but essentially is around what are the appropriate ways to manage reserve lands including if and how to create private interests in land on our reserves and how best to register those interests while balancing the need for economic development with the policy considerations of preserving the community nature of our reserves. It also raises questions about the role of national governance structures for First Nations.

I was pleased to have been able to present the lunchtime keynote address on issues of land reform at the recent Indigenous Bar Association's AGA held in Vancouver on October 21, 2010. A copy of my presentation can be found on the BCAFN website. During my presentation I highlighted the fact that today there are, in fact, already a wide spectrum of options for First Nations, should a community wish to address land reform, management or governance over their reserve lands including creating private interest on-reserve. These range from delegated authority under the *Indian Act* - where the First Nation becomes the agent of the Minister; to sectoral self-government – including where the First Nation asserts its own decision-making authority over reserve lands and resources under the Framework Agreement on First Nations Land Management where there are approximately 60 communities who have signed the Framework Agreement on First Nations Land Management to opt-out of the land administration provisions of the *Indian Act* and the *First Nations Commercial and Industrial Development Act* which allows First Nations to establish fee simple on some or all of their reserve lands for economic development purposes and register them provincially (being led by Squamish First Nation and which I reported on in some detail within my last Quarterly Report) - to full self-government like Westbank First Nation or under modern treaties such as with Tsawwassen and Nisga'a. In some of these examples land is held under section 91(24) of the *Constitution Act* and in other cases under section 92 and/or section 35.

We can learn from all these experiences and we must stress the importance of a community going through its own process to determine its own land tenure system considering a range of issues that include its historical systems of tenure and those tenures that may have existed extra-legally to the *Indian Act* among others. First Nations need to know the options and the implications of their choices with regard to re-establishing governance including land management particularly at this time when there are so many options out there and perhaps new options being considered. The BCAFN supports unequivocally the right of our Nations to determine their own future and choose their own options for land reform. The question of land reform is one aspect of appropriate governance and the BCAFN Governance Tool will assist communities in analyzing the policy considerations and in making decisions about appropriate land tenure systems given their circumstances and differing perspectives.

Government of Canada Initiatives:

C-3: *Gender Equity in Indian Registration Act*: Bill C-3 was introduced on March 11, 2010 to respond to the *Mclvor* decision. Bill C-3 passed third reading in the House of Commons by unanimous vote on Monday, November 22, 2010; was introduced at first reading in the Senate on November 23, 2010; and had debates at second reading on November 25, 2010. The Bill has been referred to the Senate Committee on Human Rights which started hearings on Monday November 29, 2010. On behalf of the Assembly of First Nations I will be presenting to the Senate Committee on December 6, 2010. If you would like to present, please contact Adam Thompson, Committee Clerk at 613-990-6160 or by email: rights-droits@sen.parl.gc.ca. The deadline for Canada to respond to the BCCA decision in *Mclvor* is January 31, 2011 at which point the section 6(1)(a) and 6(1)(c) of the *Indian Act* will no longer valid. Please see the September Quarterly Report for more details on Bill C-3.

On a separate but related note, Sharon Mclvor announced on November 12, 2010 that she will file a complaint against Canada at the United Nations. Sharon stated that "Canada continues to discriminate against Aboriginal women and their descendants in the determination of eligibility for registration as an Indian. Versions of the *Indian Act*, going back to the 19th century, have given preference to male Indians as transmitters of status, and to descendants of male Indians. Despite amendments made to the *Indian Act* when the Charter came into effect in 1985, Aboriginal women are still not treated equally as transmitters of status, and many thousands of descendants of Aboriginal women are denied status as a result."

S-4: *Matrimonial Real Property Act*: This Act has passed through the Senate and was introduced in the House of Commons on September 22, 2010. Please see my previous Quarterly Reports for more detail on Bill S-4.

S-11: *Safe Drinking Water for First Nations Act*: This Act was introduced in the Senate on May 26, 2010 and would establish the basis for regulations to be developed regarding First Nation's drinking water. Bill S-11 continued debate at second reading on November 17, 2010 and remains at this stage. Canada has requested input on this Bill and wants to engage with BC First Nations on developing BC specific Regulations. As this whole question of safe drinking water is tied up in questions of jurisdiction, standard setting and capacity, BC First Nations will need to consider carefully how they engage in this process, which at best, can only be seen as an interim step to these issues being resolved in the context of true Nation building or rebuilding.

***Private Members' Bills*:** In addition to government sponsored bills there are a number of private members' bills that are before Parliament and which, if the ever became law, could affect our interests. The likelihood of private members Bills making it through the parliamentary process and becoming law is usually very low. Some Bills that may be of interest include:

C-249: *An Act to ensure that appropriate health care services are provided to First Nations children in a timely manner*: This Bill was introduced in the previous session of Parliament. It

seeks to implement Jordan's principle that health care services being provided to a First Nations child whose ordinary residence is on-reserve, will be provided in a timely manner.

C-304: *An Act to ensure secure, adequate, accessible and affordable housing for Canadians:*

This Bill was also introduced in the previous session of Parliament. The Bill requires the Minister responsible for CMHC to consult with Provincial Ministers responsible for municipal affairs and housing and with representatives of municipalities, Aboriginal communities, non-profit and private sector housing providers and civil society organizations in order to establish a national affordable housing strategy. Debates on this Bill at the report stage occurred on October 20, 2010 and the Bill has now been dropped to the bottom of the order paper.

C-358: *An Act to provide a compensation plan for First Nations veterans comparable to the one offered to other war veterans:*

This Bill was introduced in the previous session of Parliament and would require the preparation and presentation to Parliament of a compensation plan to give First Nations' veterans equitable treatment and recognition; to include the offer of a land grant equivalent to that given to other veterans, compensation for the delay in providing equal treatment, the foundation of a scholarship in honour of First Nations' veterans and a formal apology from the Government of Canada to First Nations' people. It would also require an appropriate war memorial on or near Parliament Hill.

C-465: *An Act respecting a National Hunting, Trapping and Fishing Heritage Day:* This Bill was introduced on March 3, 2010 and has just completed committee review. It would designate the 23rd day of September as "National Hunting, Trapping and Fishing Heritage Day" and includes the statement "Whereas the Aboriginal peoples of Canada have practiced and been sustained by traditional hunting, trapping and fishing activities for food and for ceremonial and commercial purposes since time immemorial."

C-503: *An Act to amend the Department of Justice Act and make consequential amendments to another Act (aboriginal or treaty rights):* This Bill was introduced on March 29, 2010 but has not progressed past first reading. It seeks to amend the *Department of Justice Act* and the *Statutory Instruments Act* to require that all federal bills and regulations be examined to determine whether or not they abrogate or derogate from existing Aboriginal or treaty rights as recognized in section 35 of the *Constitution Act, 1982*.

C-575: *First Nations Financial Transparency Act:* This Bill which has created considerable media attention was introduced on October 1, 2010 and would require that salary, travel, honoraria and all expenses paid to First Nations' Chiefs and Councilors through Federal funds be published. In the event that these amounts are not disclosed, the Act would empower the Minister of Indian and Northern Affairs to provide this information. The AFN is working to counter underlying myths associated with this Bill and support the development of true reciprocal accountability mechanisms and that this aspect of accountability is one aspect of a developing accountability framework for our governments where accountability is principally to our Members and not the government of Canada. Accountability is an aspect of a much broader question about re-establishing our own institutions of government and redefining our

relationship with the Crown and with our own communities. National Chief Atleo has spoken with MP Kelly Block, the proponent, and suggested that a working group be established to ensure informed dialogue with First Nations on accountability. There has not been any follow-up on this to-date. It will be interesting to see where Bill C-575 is kept on the order paper.

C-593: An Act respecting a National Strategy for Suicide Prevention: This Bill was introduced Friday, November 5, 2010 and would require Canada to develop a national strategy for suicide prevention in consultation with Ministers responsible for the delivery of health services in each province and territory and national representative organizations of the First Nations, Inuit and Métis people.

Canadian Human Rights Act: After June 19th 2011, First Nation's governments operating under the *Indian Act* will be subject to discrimination complaints filed under the *Canadian Human Rights Act* (CHRA). The AFN, as directed by Chiefs-in-Assembly, has conducted ten regional dialogue sessions to obtain input from First Nations on the potential impact of the repeal of Section 67 of the CHRA and has now finalized a draft report entitled, "Assessing the Readiness of First Nations Communities for the Repeal of Section 67 of the *Canadian Human Rights Act*". Among the findings in the draft report are that (1) awareness of the repeal of section 67 and the CHRA is low; (2) communities have various levels of existing capacity to create and review policies to ensure compliance with the CHRA and First Nations human rights principles; and, (3) approximately 1,700 public buildings and 21,000 band owned houses are estimated to require accessibility improvements, according to a preliminary readiness assessment of community infrastructure. Further the report addresses the extent of the preparation, capacity and fiscal and human resources that will be required in order for First Nations' communities and organizations to comply with the CHRA. The AFN has distributed a survey to each First Nation to assess the capacity needs of our communities in order to be able to respond appropriately to the application of the CHRA. A copy of this questionnaire can be found on the BCAFN or AFN websites. Please take the time to fill it out. We intend to use the responses to petition Canada to provide additional resources for our communities to be in a position to address the application of the CHRA.

2. Fair Lands and Resources Settlements

"Settlement of the land question remains fundamental to the overall success of our Nations in BC. Without adequate access to land and resources our Nations will never reach our full potential. In addition to sustaining our traditional practices, access to land and access to resources provides our capital – our equity – and therefore our ability to build our economies and support our government."

BC First Nations' Task Force / BCAFN – All Chiefs' Assembly: The All-Chiefs' Assembly will be held on November 30th 2010 to December 1st, 2010. The First Nations' Task Force (FNTF) has completed its work and made recommendations for assisting in setting the priority issues that First Nations wish to address with BC and Canada over the coming year. The FNTF has also

prepared a revised Mandate Statement and Terms of Reference in conjunction with the FNLC and an Accountability Framework which seeks to promote unity and formalize the responsibility of the FNLC, First Nation Councils, working groups and committees and partner organizations in BC to Nations in BC, and is rooted in the FNLC Terms of Reference. The Accountability Framework sets out scope and applicability principles and tools and procedures for the FNLC, Councils, working groups and committees and partner organizations, as well as guidelines for conflict of interest, dispute resolution, and recall. The report and recommendations of the FNTF seek to guide the future work of the FNLC and its collaboration with the various councils, working groups committees and partner organizations in BC with the ultimate objective to improve the lives of Nations in BC and support our people. The purpose of the BCAFN - All Chiefs' Assembly is to provide a forum for First Nations to consider the final report and recommendations of the FNTF and endorse the FNLC Terms of Reference and Accountability Framework. The hosting of a fall All Chiefs' Assembly is supported by the FNS, UBCIC and the BCAFN.

AFN Exercising and Implementing Our Rights - "First Nations ~ Crown Relations":

Comprehensive Claims and Aboriginal Title and Rights Working Group: BC leaders continue to play a significant role in the national AFN Comprehensive Claims and Aboriginal Title and Rights working group (part of the portfolio of Aboriginal Title and Rights and Treaty implementation). In BC we have the diversity of historical, modern and non-treaty First Nations, and it is important for us all to understand how our title and rights are connected and how individual agreements are being implemented throughout the Province. At the AFN 2010 AGA a resolution was passed to support the continued work of this Working Group in developing a work plan around Comprehensive Claims Policy Reform.

AFN Chiefs' Committee on Claims: The BCAFN's representatives on the AFN Chiefs' Committee on Claims are Chief Fabian Alexis, Okanagan Indian Band and Leona Sparrow, Musqueam First Nation. The national AFN Chiefs' Committee on Claims (CCoCs) is currently addressing the following initiatives through the balance of this fiscal year: (1) Discussions with respect to claims processing and funding; (2) Discussions about the provision of mediation services; (3) Engagement with the Specific Claims Tribunal of Canada; (4) Confirming a framework for the 5-year review; and (5) Scoping relating to claims excluded by the monetary cap or other provisions of the legislation.

Specific Claims: The primary focus to date of the CCoCs has been on engagement with the Specific Claims Tribunal and its draft Rules of Practice and Procedure (first released in June 2010). Along with 10 other First Nations and organizations, the AFN commented on the draft Rules and has since helped to coordinate advocacy efforts in this regard with the Tribunal. A meeting was held with the Tribunal in early October to discuss and review all the comments and feedback. The Tribunal was very receptive to the comments and feedback and it is expected that the final Rules of Procedure will be in place by the end of 2010, and it anticipates that the registry will be open for formal filing of claims by March 31, 2011. The Tribunal judges' terms expired on November 27, 2010, but all have volunteered for extended terms (although

appointments are ultimately up to the cabinet). The Tribunal is expected to begin to hear cases early in the next fiscal year.

Support for First Nations with claims over \$150M also remains a part of the AFN's advocacy efforts. These claimants do not have access to the Tribunal and, therefore, can have significant difficulties in advancing their claims in a manner that treats them fairly or impartially. As such, the AFN, in consultation with the CCoCs, is planning to commence a scoping exercise with Canada, as well as engagement with the House Standing Committee on Aboriginal Affairs which is expected to conduct a study involving these large claims sometime this winter. It is expected that a resolution relating to these claims will be brought to the Chiefs-in-Assembly at this year's AFN Special Chiefs' Assembly.

Additions to Reserve: Reforming the Additions to Reserve (ATR) process is an issue identified as part of the work that began to take place in 2007, and is identified as a specific area of activity in the Political Agreement of 2007. There is no statutory authority under the *Indian Act* or any other federal legislation to set aside land as a reserve. The act of adding land to existing reserves or creating a new reserve is an exercise of the Royal Prerogative through an Order in Council (OIC).

Following extensive discussion with Canada on the nature and content of an ATR policy reform exercise, a detailed joint work plan is being developed for consideration by the Minister of Indian Affairs and the National Chief. Subject to ongoing engagement with the CCoCs, it is anticipated that extensive discussion on this initiative will take place through the next fiscal year. This will include confirmation of a revised Interim Policy on Additions to Reserve on the part of Canada, as well as extensive research and engagement with First Nations regionally on the part of the AFN. The ultimate objective in this regard will emphasize the creation of a faster and more effective process to implement ATRs across Canada.

Prosperity Mines – Tsilhqot'in National Government – Northern Secwepemc – Teztan Biny (Fish Lake): I think it is safe to say that I can speak on behalf of all First Nations and our political organizations in welcoming the federal government's decision not to allow Taseko Mines to build their proposed Prosperity Mining Project at Tetzan Biny (Fish Lake), in no small way due to the tireless efforts of the Tsilhqot'in National Government, the Northern Secwepemc and their peoples. It is encouraging that the federal government took the necessary time to review the conclusions of the report of the Federal Review Panel and accepted its findings. First Nations are not, on principle, opposed to mining or economic development but not when the negative impacts far outweigh the potential gain as was the case with Fish Lake. There are, of course, now a number of examples of successful engagement between industry and First Nations that are creating jobs and providing sustainable opportunity well into the future. With the decision around Fish Lake now having been made I hope there will be an opportunity for the Tsilhqot'in, as for all our Nations, to engage in genuine dialogue and partnerships that will respect rights and maximize sustainable economic and resource development.

On a separate but related note we continue to stand behind the Tsilhqot'in National Government and the Xenigwet'in as they resume their important Aboriginal title case as it makes its way through the appellate courts. I was pleased to attend at the court house with the Tsilhqot'in peoples when their appeal began on November 15th, 2010 in Vancouver. In addition to this court case there are a number of other Aboriginal title and rights cases making their way through the courts. The Ahousaht Indian Band and Nation fishing case appeal starts on December 6th, 2010.

3. Improved Education

"To make the most of opportunities resulting from fair land and resource settlements and true self-determination we need well educated and well trained citizens."

BCAFN & the First Nations Education Steering Committee: The First Nations Education Steering Committee (FNESC) continues to address a range of education issues in BC. We are building upon the work of the FNESC as we move forward with implementation of the education objectives of the *"Building on OUR Success"* Action Plan. The AFN's "First Nation Control of First Nation Education report" is being acted upon as part of a plan to directly address critical education needs facing First Nation communities. The report is available on FNESC's webpage. In addition to the ongoing work in BC and at the AFN with regards to education, education remains a central issue being addressed by the Aboriginal Affairs Working Group (AAWG) as part of their work through the Council of the Federation. The AAWG has identified the importance of discussing and identifying, where possible, education targets (high school graduation rates, number of university students etc.) for our Citizens. The BCAFN and the FNESC will continue to work closely with the national AFN on this important initiative.

Proposed Bill: First Nations Education Funding (New Section of IA #114(3)): This Bill has not been introduced yet. It was developed as a result of a meeting between the National Chief, representatives of the Chiefs' Committee on Education and the Bloc Quebecois (BQ), and would require new regulations to be enacted under the *Indian Act*, in respect to the provision of adequate funding for First Nations' education. We will keep you posted as to its progress.

BC Aboriginal Child Care Society 13th Annual Provincial Training Conference & Child Care Awards: The BC Aboriginal Child Care Society held its 13th Annual Provincial Training Conference – *Healthy Children, Healthy Communities: Mind, Body & Spirit* on November 18 – 20, 2010. The Society stated that the theme of the conference this year was chosen to recognise and honour the interconnectedness of our children and our communities, and of the holistic nature of Indigenous concepts of health and well-being. I had the pleasure of handing out the Aboriginal Child Care Recognition Awards for 2010 which honour and recognise early childhood educators or caregivers who deserve special recognition for their contributions to the care and well-being of young Aboriginal children in BC. This year's awards were given to: (1) Susie Lulua and Selena Myers of the Charlene Williams Xenigwet'in Daycare and Immersion Centre, Nemiah Valley, BC; (2) Charlene Duncan, an Aboriginal Supported Child Development

Consultant, Hazelton, BC; and, (3) Pam Moore, Early Childhood Education Team Lead, Comox, BC. Recognizing the success of these individuals and organizations is important as we work to improve the quality of life of our children in our communities.

4. Individual Health

“In order to take advantage of our very real opportunities arising from the settlement of land claims and self-determination we need strong families and healthy citizens.”

Kingcome Flooding / visit: Dzawada’enuxw First Nation of Kingcome Inlet on the Central Coast was overcome by record breaking flooding on Saturday, September 25, 2010 which had a devastating effect on the community. Community members had to be emergency-evacuated to neighbouring and other communities, having to leave their possessions behind. While the majority of people have now moved back, and are currently living in over-crowded homes to facilitate this, there remains considerable work to rebuild and the need for resources is high. Almost all of the buildings in the community (homes and community buildings) have varying degrees of water damage. I had the opportunity to visit the community on October 12 along with Minister John Duncan, the National Chief and other First Nations’ leaders to see the devastation first hand. During this visit, the Minister committed to doing whatever was necessary to get the community back up on its feet. Now, two months later, the community is facing an arduous clean up with incidents of mould and water-logged floors, walls and furniture. The BCAFN would like to let the people of the Dzawada’enuxw First Nation know that our thoughts continue to be with them. We would also like to recognize the generosity of neighbouring communities such as the Namgis for taking in the people of Dzawada’enuxw First Nation.

A Kingcome Flood relief fund has been established by Dzawada'enuxw First Nation. Those wishing to make financial contributions can do so through inter-bank/credit union transfer to: Kingcome Relief Fund, Coastal Community Credit Union Account # 726917.

IndigenACTION: *IndigenACTION* is an initiative focused on improving and enhancing opportunities for First Nations through sport, fitness and partnerships. Under the leadership of Olympian Waneeck Horn Miller, the AFN and the AFN Youth Council are facilitating the development of a national strategy to further support and stabilize new and existing initiatives and organizations supporting young Indigenous athletes and improve fitness and wellbeing in our communities. Through three regional roundtables *IndigenACTION* will seek to gather voices and coordinate efforts to identify opportunities, common goals and objectives. The objective of the roundtables is to outreach to national Aboriginal sport and health organizations, government bodies and grassroots Indigenous peoples. They want feedback from athletes, sports institutions, organizations, and the private and public sectors to identify opportunities to improve and enhance existing resources for Indigenous youth in sport, while promoting active and healthy lifestyles at the community level. The first roundtable will be in Vancouver, BC

towards the end of January/early February, 2011. Please look out for the notices and we hope your community will be able to participate.

Murdered and Missing Women: After much lobbying and political pressure on the provincial government, the Province of BC announced that it would hold a public inquiry into the Pickton murders and on September 28, 2010 appointed former BC Attorney General Wally Oppal to head up the inquiry as the commissioner. While the inquiry is officially *The Missing Women Commission of Inquiry* the terms of reference for the inquiry indicated that it will not be looking into the broader issues of murdered and missing women across the province but rather “the hearing commission will consider the police investigations conducted between Jan. 23, 1997 and Feb. 5, 2002 into women reported missing from Vancouver’s Downtown Eastside. It will also review the January 1988 decision by the Ministry of Attorney General’s criminal justice branch to stay charges against Robert Pickton for the assault of a Downtown Eastside sex trade worker”.

While the BCAFN welcomed the inquiry, there is growing concern over the appointment of Mr. Oppal as commissioner and whether the inquiry can be impartial given that Mr. Oppal was the Attorney General for the provincial government when many of the decisions about the Pickton case were made. The Union of BC Indian Chiefs is pressing this point and has recently filed a conflict of interest complaint to the Law Society of British Columbia (which the LSBC has stated is out of its hands given that Mr. Oppal is no longer a practicing lawyer). While we support the BC Missing Women Commission of Inquiry, something that the families and friends of Robert Pickton’s victims have wanted for some time, more still needs to be done to address the broader question of missing and murdered Aboriginal women generally and we will, as I set out in my previous Quarterly Report, continue to press the government to take action in this regard. Collectively we all need to ensure that there is full inclusion of First Nations and First Nations women in the public inquiry. We must work together to learn from the mistakes that were clearly made to ensure that our people, particularly our most vulnerable are safe and respected.

Truth and Reconciliation Commission: A public Education Initiative on the Truth and Reconciliation Commission (TRC) on Indian Residential Schools in Canada was held on October 26, 2010 at the Chief Joe Mathias Center on the Squamish reserve in North Vancouver. I was honoured to have been asked to begin the dialogue at this session that was attended by the TRC Commissioners as well as various Church and First Nations’ leaders and, of course, many Residential School survivors. The initiative focussed on a number of issues including: the need for healing and reconciliation and what that means; the Churches’ acts of reconciliation with First Nations peoples, and; family reconciliation among others. These initiatives provide an excellent opportunity for collaboration between parties to the Indian Residential School Settlement Agreement and to begin coordination for a successful national event on the TRC. Healing is a critical part of individual health for many of our people who are dealing with the trauma and legacy of the colonial system. We look forward to this National event which will be held in BC, likely in the fall of 2011.

Canadian Red Cross Society (CRCS): CRCS has been assisting First Nations throughout this past year in dealing with the aftermath of natural disasters including the fires in the BC interior and the flooding within BC. Training has also been conducted in various other program areas. Further to the May 2007 MOU between AFN & CRCS addressing coordination, collaboration and capacity building within emergency services agencies, a resolution was passed at the AFN Special Chiefs Assembly in December of 2009 addressing the need to support and implement the national comprehensive injury prevention strategy throughout the country. The resolution also identifies the need for regional statistical information to support funding for injury prevention initiatives and a comprehensive strategy that is being carried out by the First Nations' Regional Injury Prevention working group. This work requires resources to be allocated at the community, regional and national level.

It is crucial that our people are prepared if and when crisis occurs. To learn more about the CRCS please contact TELAXTEN (Paul R. Sam), Aboriginal Community Development Coordinator, BC, 1(800)661-9055 Ext. 3506, Paul.Sam@redcross.ca or www.redcross.ca

PART TWO: RELATED ACTIVITIES

Canada's Endorsement of UNDRIP: On November 12, 2010 the Government of Canada finally endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The UNDRIP sets out international standards that are fundamental to ensuring the survival of our Nations and peoples and Indigenous Nations and peoples around the world. We need to continue to work to ensure its principles are reflected in Canadian law and policy as we re-build our Nations within Canada. This is just the beginning; the real work is translating these hard fought-for rights into practical benefits on the ground in our communities. We must collectively ensure that our communities have the resources and the tools they need so that they can prosper, with our peoples enjoying an improved standard of living with practicing and thriving cultures.

"Quality of Life" Table: The next Quality of Life table meeting is being held on December 14, 2010 in Ottawa and will be attended by executives of the BCAFN, the FNS and the UBCIC and representatives from INAC. The objective of the Quality of Life Table, as set out in previous Quarterly Reports, is to provide a forum for strategic-level discussions of issues of concern to First Nations, First Nations' organizations and INAC in the BC Region. The upcoming meeting will include group updates and continued discussion on the draft Terms of Reference.

First Nations Youth Council of BC: The BCAFN has been working to support the efforts and objectives of the First Nations Youth Council of BC (FNYCBC) and also working to build stronger relationships with First Nations youth in British Columbia. The First Nations Youth Council of BC has been working hard to identify some key youth, adult supporters and elders to help build the foundation of a provincial youth organization, specifically for BC First Nations' youth between the ages of 18-30. The overall vision for this organization is to build greater awareness of the

value of meaningful youth engagement both locally and provincially; to bring together, create and share resources to support the sustainability of youth engagement in communities; and to create relationship opportunities for youth, their adult allies and elders to come together.

The FNYCBC is also working with the Unified Aboriginal Youth Collective (UAYC) and hopes to become a signatory to their collective MOU which seeks to encourage, strengthen and demonstrate unity between First Nation and Metis youth in BC. The UAYC works collaboratively on a wide variety of issues identified by youth here in BC and have built solid relationships of collaboration and mutual reciprocity between aboriginal youth and the provincial government. In the new year, the new society will be looking for more youth, adult allies and elder support to get off the ground, so if you are interested in spreading the word when they begin their membership drive in 2011, please contact Kris Archie, Provincial Facilitator for the FNYCBC via email at fnygotvoice@gmail.com.

The FNYCBC, in partnership with the BCAFN, will be mailing out a small supply of youth engagement kits which will have an interactive workshop kit inside with information related to youth engagement, the definition of "adult ally" and the "Leaders Today Gathering" report and resource guide. If you have a youthworker, or a youth council in your community who would be willing to co-host a workshop to help in the development of the FNYCBC, please have them step forward to request a "Youth Engagement tool kit".

PART THREE: BC ASSEMBLY OF FIRST NATIONS' OPERATIONS

Information Sharing/Website: As reported in previous reports, the BCAFN is committed to information sharing among First Nations regarding our successes, lessons and various federal, provincial, industry/corporate and First Nations' initiatives. In furtherance of this objective, the BCAFN began work on updating our website in the spring of 2010 and we engaged AMGmedia Works Inc. to design and complete the new BCAFN website. I am pleased to announce that our new site will be launched on December 3, 2010 and will continue to be updated as we continue to move forward with developing our Governance Tool.

The new site contains important information about the activities of the BCAFN as well as initiatives being undertaken by our Nations and the national AFN and other provincial/territorial organizations to advance our Aboriginal title and rights, including treaty rights. The website is designed to implement the *Building on OUR Success* Action Plan based on the four key areas of (1) strong and appropriate governance, (2) fair land and resource settlements, (3) improved education and (4) individual health. The new website has also been designed with designated pages for each First Nation in BC to upload their information and tell their story. We encourage you to visit the new site (www.bcafn.ca) and provide feedback and/or information that you have to contribute and would like posted or linked.

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NOTICES

~ BCAFN - ALL CHIEFS ASSEMBLY ~

Nov. 30 – Dec. 1, 2010

Chief Joe Mathias Center (North Vancouver, BC)

The purpose of the BCAFN - All Chiefs' Assembly is to provide a forum for First Nations to consider the final report and recommendations of the First Nations' Task Force and endorse the First Nations' Leadership Council Terms of Reference and Accountability Framework. The Chiefs in attendance will be asked to consider and, if appropriate, endorse the following Resolutions-in-principal:

1. Resolution – Endorsement of First Nations' Leadership Council Terms of Reference and Accountability Framework
2. Resolution – Endorsement of Process Document for All Chiefs' Assemblies
3. Resolution – Endorsement of Recommendations from All Chiefs Task Force

The hosting of a fall 2010 All Chiefs' Assembly is supported by the First Nations Summit, Union of BC Indian Chiefs and the BC Assembly of First Nations.

~ BCAFN Governance Tool ~

Dialogue Sessions

TBD – Jan/Feb/Mar 2011

Building on OUR Success Assembly - TBD

Details to follow

~ AFN SPECIAL CHIEFS ASSEMBLY ~

Building on Our Successes – Moving from Endorsement to Action

Gatineau, Quebec – Hilton Lac Leamy – December 14-16, 2010

December 13 – Pre-Assembly Events - Special Discussion Sessions:

Indian Residential Schools, First Nation Housing, First Nation Water, First Nation Land tenure / Management, Urban Strategy and Indigenous Languages

Evening Reception with International Delegations and Embassies

December 14 – AFN SCA - Day 1

Securing our rightful place – UNDRIP, Treaty Strategy, First Nation Governance Capacity and Nation Building, Auditor General of Canada and International Delegations

December 15 – AFN SCA - Day 2

Advancing rights and responsibilities – Environment, First Nations' Water Rights and Issues Supporting First Nations' Families and Communities – Health, Education, Indigenous Languages, and Justice

December 16 – AFN SCA - Day 3

Speaker's Report, Resolutions, Aboriginal Healing Foundation, Aboriginal Financial Officers Association, First Nations Information Governance Center, Dakota Nations of Manitoba, IndigenACTION, Aboriginal Sport Circle

Assembly of First Nations' Holiday Banquet and Fundraiser ~ Hilton Lac Leamy

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Details can be found at: <http://www.afn.ca/sca2010/agenda.html>