

BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS



REGIONAL CHIEF'S QUARTERLY REPORT

June 2010

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BC Regional Chief's Quarterly Report - June 2010

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INTRODUCTION

This report, as with my previous quarterly reports, will focus on actions and activities that we are undertaking to facilitate implementation of the key and interrelated areas set out in *“Building on OUR success”*: (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 your 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 and it has started from the ground up.

MOVING FORWARD TOGETHER – LAYING THE FOUNDATION

Building on OUR Success Action Plan and Dialogue Sessions with First Nations’ Leaders The British Columbia Assembly of First Nations (BCAFN) has developed an Action Plan to implement the platform set out in *“Building on OUR Success”*. Everyone’s collective input will be the key to successful implementation of this plan. To ensure that the interests and objectives of as many communities as possible are reflected in the implementation plan and to identify issues of top priority among communities and throughout the various regions in BC, we will continue to improve upon the plan through holding Dialogue Sessions with First Nations’ Leaders. We will also bring the plan forward at the BCAFN annual general assembly for discussion and input, which will be held on June 25, 2010.

Dialogue Sessions have so far been held at Prince George, Nanaimo, Westbank, Terrace, Cranbrook and with Treaty 8 First Nations on April 6, 9, 12, 16 and May 7, and 28, 2010 respectively. Every effort will be made to host Dialogue Sessions in other regions prior to the June assembly and throughout the summer of 2010.

The action plan will be revised to reflect input obtained through regional sessions and the revised plan will be sent to First Nations for their review upon completion of the Dialogue Sessions set for the summer of 2010.

Information Sharing/Webpage If we are to make progress in advancing our title and rights and improving social and economic conditions for our peoples it is vitally important for us to share information among First Nations regarding our successes, lessons learned and various federal, provincial, industry/corporate and First Nations’ initiatives. In furtherance of this objective, the BCAFN began work on updating our webpage in the spring of 2010. In the course of doing so, we learned that the BCAFN is operating on an outdated program, which cannot handle the volume of information that we wish to share with First Nations on the webpage. Thus, we are now working on developing an entirely new webpage.

Many of the features of our current webpage will be retained on the new webpage, including general information about the BCAFN, copies of resolutions passed at BCAFN assemblies and copies of press releases, communiqués and other BCAFN publications.

In addition to this existing information, our new webpage will contain information about federal and provincial policy initiatives being undertaken by the national Assembly of First Nations and other provincial/territorial organizations to advance our Aboriginal title and rights, including treaty rights. We will also report on progress in implementing the *Building on OUR Success* Action Plan on the webpage in the four key areas of strong and appropriate governance, fair land and resources settlements, education and individual health.

We also hope to share information about leading practices and successes among First Nations in achieving strong and appropriate governance, fair land and resource settlements and improving education and health outcomes for our peoples. We're counting on you to share information with us about your successes to help us achieve our goal of ensuring that relevant information about leading practices and innovative approaches to addressing governance, lands and resources, education and individual health are readily accessible by First Nations.

The switch from merely updating our web page to developing an entirely new web page has inevitably delayed completion of upgrades to the BCAFN's web page. We hope to have the new web page completed by the fall of 2010 and we'll keep you posted on progress in achieving this goal.

BUILDING ON OUR SUCCESS – IMPLEMENTING THE PLAN

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.”

First Nations' Governance Tool: Community Engagement and Self-Assessment The BCAFN is developing a “First Nations' Governance Community Engagement and Self Assessment Tool”. At our Dialogue Sessions we heard from many communities that are looking forward to using the governance tool as a way to help begin, or continue and focus, discussion in their community about how to implement the inherent right of self-government and to navigate their way out of governance under the *Indian Act* and rebuild their own institutions of governance with appropriate jurisdiction; to develop their own ‘exit strategy’ to achieve this objective. The tool is being developed to assist communities to:

- measure and assess their progress in building/rebuilding their institutions of governance and identifying the types of jurisdiction they need;
- assess and identify gaps in their organizational structures; and,

- develop a critical path to achieve their governance objectives.

The tool will also include a report that looks at:

- 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.

A similar assessment tool has been developed by the Alberta Chapter of the Aboriginal Financial Officers Association (AFOA) which can be looked at and made use of to get an idea of what we are developing and which provides a mechanism to begin a self-assessment of your governance and administrative practices as a band. The tool the BCAFN is developing will contain a number of similar features but organised somewhat differently. It will be designed for multiple audiences within the community (political leaders, staff, community members, third parties etc.) but more importantly it will be tailored to BC and is intended to assist communities in implementing the inherent right of self-government and planning for the transition away from *Indian Act* governance rather than focussing on trying to improve and make governance work under the *Indian Act*. It will also consider the options available to our communities in making the transition to governance beyond the *Indian Act* that are somewhat unique in BC given our un-extinguished title and rights.

We are targeting to present a working draft of the First Nations' Governance Community Engagement and Self Assessment Tool as part of the Action Plan that will be tabled in a special assembly of the BCAFN to be held in early October 2010. The BCAFN will continue to discuss this tool with potential partners so once its initial development is complete every Nation that so desires can use the tool and connect with other Nations.

AFN - First Nations Governance Portfolio Regional Chief George Stanley of Alberta and I continue to be assigned the national First Nations' Governance portfolio. This portfolio is responsible for the following areas: citizenship and nation building; justice and dispute resolution; comprehensive claims review/negotiations; specific claims/ATR; and urban strategy. It is an important portfolio for BC given our governance and other initiatives that are on-going and our unique experiences in addressing the 'land question'.

AFN Strategic Plan Nationally the AFN Executive is developing a Strategic Plan. The objectives of the Plan are:

1. A consolidated, unified AFN that is efficient and accountable - necessitated by the AFN's previous financial position and required for maximum effectiveness based on sustainability;
2. Clear focus on strategic priorities and planning;

3. Bridging divisions and being inclusive through new media to reach youth, re-situated priority on First Nations, enhanced role for Regional Chiefs and clear linkages to Treaty and PTO leadership and improving resolution processes and opportunity for dialogue; and,
4. Clear Advocacy purposes for AFN as set out in the AFN Charter, strengthened communications and Parliamentary liaison to support all First Nations' advocacy efforts including key messaging and maximizing media opportunities.

Aboriginal Affairs Working Group (AAWG) One initiative that is supported very strongly by our National Chief and executive is the AAWG which consists of the Aboriginal Affairs Ministers from each province, the federal Minister of Indian Affairs and representatives of the national Aboriginal political organizations. I attended the AAWG on our behalf with the National Chief and other regional chiefs in Toronto on April 28, 2010 and raised the governance initiatives that are being undertaken by the BC Assembly of First Nations.

The AAWG meeting in Toronto provided an important opportunity for First Nation, Inuit and Métis national leaders to meet with their provincial/territorial counterparts to discuss progress that is being made with respect to education, economic development and violence against Aboriginal women and girls. The communiqué that was generated from this meeting provides important guidance with respect to our collective preparation for the upcoming meeting of the Council of the Federation (to be attended by all the Premiers and the Prime Minister) this August, 2010.

As the Council of the Federation meeting will soon be upon us, the national AFN office has proposed a discussion with Minister Abbott in order to ensure that preparations for upcoming meetings are as fulsome as possible and to identify real progress on the 'next steps' that were jointly identified at the AAWG. These commitments involve gathering baseline data, confirming promising practices and pointing to future initiatives that are important to BC.

With reference to education, the AAWG identified the importance of discussing and identifying, where possible, education targets (high school graduation rates, number of university students etc). While there is clear recognition that there are limits to what can be achieved in a short period of time, the attendees felt it would be very useful to begin this dialogue and to determine a way forward by identifying common priorities with targets to which we may jointly aspire in the future.

A meeting with Minister Abbott, our National Chief and I is being proposed as soon as possible to jointly review the next steps from the AAWG meeting, explore governance opportunities and to identify any opportunities that could usefully be advanced at the Council of the Federation meeting in August.

United Nations Permanent Forum - Special Event Panel at the Ninth Session of the United Nations Permanent Forum on Indigenous Issues The United Nations Declaration on the Rights of Indigenous Peoples looks closer to being adopted by Canada, the US and New Zealand. A

number of announcements were made at or around the ninth session of the UN Permanent Forum on Indigenous Issues which I attended on behalf of the BCAFN. I had the pleasure of attending the presentation made by the Hul'qumi'num Treaty Group on their case currently before the Inter American Commission on Human Rights with respect to the inability of the Nation to find justice in Canada on their land rights given that all their lands have been transferred to third parties in fee simple or in other rights. On April 22, 2010, I also had the opportunity to present on behalf of the BCAFN at a session on Canada's Federal Framework for Aboriginal Economic Development at which I spoke about: "Opportunities, Empowerment and the Role of Government".

It was interesting to see how the UN and the Permanent Forum operates. I was reminded and struck by the fact that while it is important that we must always advance our interests on the international stage it is equally or more important that we undertake the community development work at home to translate rights into actual benefits on the ground; to actually improve the lives of our people. How we translate the fruits of advocacy into social change with tangible results so our peoples can benefit from their title and rights is increasingly becoming our new challenge and our opportunity.

First Nations' Citizenship, the Mclvor Case and Bill C-3 On March 11, 2010, the Government of Canada introduced Bill C-3, *Gender Equity in Indian Registration Act*. Under Bill C-3, the eligible grandchildren of women who lost status as a result of marrying non-Indian men will become entitled to registration as status Indians in accordance with the *Indian Act*. This legislation was introduced in response to a ruling by the BC Court of Appeal in the *Mclvor* case, which involved a challenge to the *Indian Act* by Sharon Mclvor and her son Jacob Grismer on the basis that the *Act* treats the descendants of Indian women and Indian men differently. The BC Court of Appeal ruled that sections 6(1)(a) and (c) of the *Indian Act*, which denied Indian status to the grandchildren of Indian women who lost their status as a result of marrying non-Indian men were of no force and effect. The Court gave the Government until April 6, 2010, to rectify the discrimination and amend the offending provisions, a deadline which was extended upon application by Canada until July 5, 2010.

While Bill C-3 will end aspects of the ongoing discrimination that is overdue, long-term solutions do not lie in further tinkering with the *Indian Act*. Our Nations have an inherent right to determine who is and who is not a Citizen of our Nations in accordance with our own laws, customs and traditions. This is fundamental to self-government. The real and ultimate solution to addressing ongoing discrimination in the *Indian Act* lies in the full recognition of First Nations' jurisdiction over our own citizenship. Minister Strahl has announced that he intends to engage in dialogue with First Nations to address First Nations' jurisdiction over citizenship. The BCAFN will facilitate dialogue on this important issue, which strikes at the heart of our identities, so that First Nations are prepared for dialogue with Canada but more importantly among ourselves on this most important issue.

On Thursday, April 15, 2010 on behalf of the AFN, I gave evidence before the Standing Committee on Aboriginal Affairs and Northern Development in regards to Bill C-3. Transcripts

of proceeding can be found on the Parliament of Canada website. I explained in Committee as I indicated in a BCAFN press release and in my previous quarterly reports that the BCAFN supports Sharon McIvor and that the “AFN supports the amendments to the *Indian Act* as discrimination – any discrimination – is not acceptable”. While Bill C-3 will end aspects of the ongoing discrimination that is overdue it does not go far enough to end all gender discrimination under the *Indian Act*. Most of the First Nations’ witnesses, including the AFN, asked that the Bill be amended to end the rest of the discrimination in the *Indian Act* and the opposition parties tried to get them in but the Speaker ruled them out of order.

First Nation organisations and individuals are petitioning the government to amend the Bill and are asking for the changes proposed to Bill C-3 at Committee. On the positive side let’s remember that Bill C-3 will mean the potential problems for BC with sections 6(1) (a) and 6(1) (c) of the *Indian Act* being of no force and affect after July 5th will be averted. Also that across Canada an additional 45,000 plus persons may apply to register. Our people are our greatest resource in this period of nation building/re-building. As one chief put it, “human capital is the strength of our Nations.” We will, of course, continue to fight to ensure adequate resources for these potential new registrants and also for the broader ‘citizenship’ process where we determine who are our people are in accordance with the principles of self-identification enshrined in the United Nations Declaration of Indigenous Rights. To give expression to the UN Declaration, at some point we need to determine who our own people are, our own Citizens, and not have to rely on federal laws to do it for us.

Matrimonial Real Property Provincial laws relating to the division of matrimonial real property upon divorce do not apply on reserve lands to ‘Indians’. Nor are there any federal laws that set out the entitlement of spouses to the family home upon separation or divorce. While First Nations have laws governing the division of property upon separation or divorce, First Nations jurisdiction over this matter is not for the majority of our Nations recognized by the federal government or by provincial governments.

On March 31, 2010 the government introduced into the Senate a Bill S-4 to regulate the division of real property on reserves upon marital breakdown. The Bill is entitled *An Act respecting family homes situated on First Nations reserves and matrimonial interests or rights in or to structure and lands situated on those reserves*. The Bill underwent second reading in the Senate on May 5, 2010 and has been referred to the Senate Standing Committee on Human Rights.

The AFN’s mandate on this matter is set out in AFN Resolution No. 26/2008, which calls for the recognition and implementation of First Nations jurisdiction over matrimonial real property on First Nations’ lands. Resolution 26/2008 also calls on the federal government to withdraw the draft legislation, consult with First Nations whose Aboriginal and Treaty Rights will be adversely impacted by the draft legislation and establish an alternative process and approach to addressing this issue.

As the AFN portfolio holder on matrimonial real property, I appeared before the Senate Standing Committee on Human Rights on May 31, 2010 to deliver the AFN's submissions on the proposed legislation. Consistent with the mandate set out in AFN Resolution No. 26/2008, we called on the federal government to recognize and implement First Nations' jurisdiction over matrimonial real property on First Nations' lands and to do so in the context of the wider governance issues associated with matrimonial property (e.g. lands, wills and estates, family relations, divorce etc.) and establish an alternative process and approach to addressing this issue. We expressed concern over the provisional rules that will apply to the division of property until, and if, a First Nation enacts a law over matrimonial property pursuant to the delegated law making powers in the Bill. In the event that the Bill does pass without significant amendment we asked the Committee to view this as an interim arrangement only until our jurisdiction as First Nations is exercisable as part of more comprehensive governance arrangements with Canada and that the Bill would not solve all the issues around matrimonial property. In fact, it could, unintentionally, confuse them more. The full text of the minutes from the hearing can be found on the Senate Committee website.

As was stated in committee, it is clearly important that we find solutions to the matrimonial property rights issues on-reserves. It is even more important that we get it right, as failure to do so will only result in the imposition of further hardship on First Nations' families and communities. Without attention to implementation and supporting safe and strong communities' legislative reform in itself can not significantly improve the lives of our families. What is required is support for First Nations to develop their own laws as part of a broader process of rebuilding our Nations from the ground up – in a manner that clearly respects First Nations' jurisdiction.

Whether or not there is the political appetite by the federal government and First Nations to support a comprehensive self-government initiative is the question we all have to ask. In fact, it has been a question for quite some time which is why I presume the Minister continues to focus on specific governance issues such as matrimonial property rights and clean water in the absence of an agreed upon and more comprehensive process leading to true self-government for all First Nations.

Jurisdiction and Management of Water and Wastewater As of March 2010, 114 First Nations' communities across Canada were under drinking water advisories and 49 First Nations water systems were classified as "high risk." While there is clearly an urgent need for the development of standards to ensure the safety of drinking water in First Nations' communities, provincial regulations do not apply on First Nations' lands. Nor are there federal standards in place to protect the safety of drinking water on reserve lands. Some of our communities have adopted their own standards. Many have not.

First Nations have constitutionally protected Aboriginal and Treaty water rights. However, there is presently no comprehensive legislative or policy framework within Canada that provides for the recognition and implementation of First Nations' jurisdiction over drinking and wastewater on First Nations' lands.

On May 26, 2010 Bill S-11 was introduced to regulate drinking water and wastewater on reserve lands. The Bill is entitled *An Act respecting the safety of drinking water on first nation lands*. The Bill underwent first reading on May 26, 2010.

There are many ways that the proposed legislation could be strengthened to recognize our rights and interests with the same objective of regulating the safety of drinking water and wastewater on reserve lands. Firstly, the proposed Bill should provide for the recognition and implementation of First Nations' jurisdiction over drinking and wastewater on First Nations' lands and facilitate the exercise of jurisdiction in the area by our Nations.

A second issue identified in the proposed legislation is its inability to provide for the safety and protection of drinking water from the source to the tap, as source water is often located on lands that are under provincial jurisdiction. As the Government of British Columbia is also presently modernizing its water legislation, this would be an opportune time for dialogue among the federal government, the Government of British Columbia and BC First Nations regarding the protection of source water for First Nations' communities.

Thirdly, section 4(3) of proposed Bill authorizes the referential incorporation of provincial regulations relating to the safety of drinking water into federal legislation, thereby making these provincial regulations applicable to reserve lands. There is no intention at this point to establish national standards for reserves or that First Nations' jurisdiction to set our own standards would be recognized. Moreover, the legislation authorizes the Minister to enter into agreement with a province to administer and enforce any regulations made pursuant to the draft Bill. In our opinion some of these provisions may not be consistent with the constitutional protection afforded to First Nations' water rights pursuant to section 35(1) of the *Constitution Act, 1982*.

Fourthly, the draft legislation has been introduced prior to completion of a national audit that is being undertaken by INAC to assess the capacity and needs for clean drinking water in First Nations' communities. Without an understanding of the existing infrastructure and current and future capacity and needs of First Nations, it will be difficult, if not impossible, to realize the goal of ensuring the safety of drinking water to First Nations' communities.

How we manage water needs to be addressed in the context of self-government and nation building. This Act as with Bill S-4 should, if they pass, only be seen as interim until First Nations' self-government has been re-established in practice. Unlike some other federal legislation which was initiated and then developed and drafted in partnership with First Nations, this Act, like Bill S-4, was initiated and developed by Canada as part of a federal legislative agenda. This is yet another indication of why it is so important that we undertake the necessary governance preparation work in our communities to be able to assume our responsibilities and benefit from our rights; in this case over water.

Once the Bill is referred to Committee, the AFN will likely be making submissions to the Committee on Bill S-11. Depending on the status of the legislation by June 25, 2010, the BCAFN

may also be seeking a mandate from the Chiefs in Assembly at the BCAFN Annual General Assembly to take action to address the proposed legislation.

BC Water Act Modernization As part of its *Water Act* modernization process, the provincial government as represented by the Ministry of Environment held workshops throughout the province in the fall of 2009 and spring of 2010 with various “stakeholders” to seek input on options for water management. Three ‘First Nations’ workshops were held at Nanaimo, Kamloops and Terrace between March 5 and April 21, 2010. April 30, 2010 was the deadline set by the Ministry for receiving written submissions in response to its discussion paper on modernization of the provincial *Water Act*. Legislative drafting on the *Water Act* Modernization is scheduled to occur throughout the summer and fall of 2010.

The goals of the *Water Act* modernization process are to protect stream health and aquatic environments, improve water governance arrangements, introduce more flexibility and efficiency in the water allocation system and regulate groundwater extraction and use. At their core these are good goals that if achieved will support sustainable development and the long term protection of one of our most valuable resources. The Province intends to “include roles for First Nations, industry, local communities and non-governmental organizations in planning and decision-making” as part of its plan to improve water governance arrangements. Our job is to make sure our rights and our interests as the original peoples are properly respected and addressed in this process.

First Nations have constitutionally protected water rights. Unless any proposed revisions to the *Water Act* resulting from this initiative provide for recognition of First Nations’ water rights and jurisdiction over water or for shared decision-making between the provincial government and First Nations, the draft legislation will likely infringe the constitutionally protected Aboriginal and Treaty water rights of BC First Nations. Nor is it likely that the attendance of First Nations’ representatives at three workshops will satisfy the provincial Crown’s duty to consult with First Nations regarding this legislative initiative.

On April 23, 2010 I wrote to the Honourable Barry Penner, Environment Minister to express our interests regarding the provincial government’s approach to modernization of the *Water Act*. Moreover, to facilitate the protection of Aboriginal and Treaty rights in BC, I recommended that the Government of BC engage in thorough and meaningful dialogue with all 203 First Nations in BC; undertake a legal analysis of the section 35 rights that may be adversely impacted by any proposed legislation to modernize the *Water Act*; and ensure that issues raised during the engagement process with First Nations are addressed. I also indicated these matters are a part and parcel of the broader questions around the ‘land question’ in BC and our need to have fair access to lands and resources.

AFN Canadian Human Rights Act Regional Meetings As mentioned in my previous quarterly report in March, until June 19, 2008, the Canadian Human Rights Act (CHRA) did not apply to decisions or action taken under the authority of the *Indian Act*. With the passage of Bill C-21, An Act to Amend the Canadian Human Rights Act, decisions and actions taken under authority

of the *Indian Act* by the federal government, federally regulated employers, businesses and entities that provide services to the public can all be reviewed for compliance with the CHRA. So can the content of federal legislation, such as the *Indian Act* itself.

The new law also says the CHRA will apply to decisions or actions taken by First Nations' governments pursuant to their powers under the *Indian Act*, but this will not take effect until June 19, 2011. As such, the national AFN, as directed by Chiefs-in-Assembly, conducted 10 regional dialogue sessions to obtain input from First Nations on the repeal of Section 67 of the CHRA and is now in the process of finalizing a report, *Assessing the Readiness of First Nations Communities for the Repeal of Section 67 of the Canadian Human Rights Act*, which 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. Once this Report is released we will ensure that copies are provided to each Nation.

“Quality of Life” Table A Quality of Life Table meeting was held on April 8, 2010 at INAC which was attended by the executives of the BCAFN, the FNS and the UBCIC, some First Nations' Service Organizations and representatives from INAC, including Gina Wilson, Senior Assistant Deputy Minister, Regional Operations and Jeff Loucks, Regional Director General, among others. While there are not finalized Terms of Reference for this Table the general purpose for the Quality of Life Table 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. On the April 8th agenda were the issues of Education, Child & Family Services, Transfer Payments from INAC, Community Development Continuum, Gender Equity, and Regional Realignment among others were discussed. The Parties discussed formalizing a Terms of Reference for this Table and will be meeting again on June 4, 2010 to further discuss issues of concern and, I believe, to explore opportunities in moving forward together.

AFN Chiefs Committee on Economic Development I am pleased to announce that Chief Keith Matthew, Simpcw First Nation, has been appointed as the BCAFN representative to the national AFN Chiefs' Committee on Economic Development. The Committee is taking on a number of initiatives to support economic development within our communities. With strong and appropriate governance, fair access to land and resources and healthy and well educated citizens we will continue to develop and strengthen our economies needed to adequately support our governments and our peoples into the future.

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.”

First Nations' Task Force The British Columbia All Chiefs' Task Force has now put forward a report prepared by GWG Consulting. While I had some concerns with the questionnaire that our communities were asked to fill out and the types of responses the questions would garner, the survey and the report confirms what I think most of us already knew; there is a lot of duplication of work going on between the three PTOs and that, while there is support for the 'Leadership Council', there is still some confusion around its role. The report prepared for the Task Force among other matters was discussed at an All Chiefs' Meeting held on May 18-20, 2010, that many of us attended.

The two primary goals of the All Chiefs' Task Force were: (1) Communicate the urgency and importance of raising awareness and recognition of Aboriginal title and rights at the provincial, national and international levels, and with the general public, and (2) strive to increase efficiency by better organizing ourselves internally as First Nations in British Columbia by working together on issues of common concern.

The purpose of the All-Chiefs' Assembly on May 18-20, 2010 was for the Task Force to provide a fulsome update to First Nations' Chiefs and leaders on their activities from August 2009-May 2010, and to present their recommendations for future action. At the All Chiefs meeting the following next steps were agreed:

- Develop and circulate proceedings report to all communities (May 2010)
- Develop this document into a work-plan and draft mandate statements and present at upcoming FNS and UBCIC meetings (June 2010) and determine issues for immediate implementation
- Send work-plan to communities (summer 2010)
- Finalize FNLC mandate and priorities (fall 2010)

We will now have an opportunity to reflect on the GWG report to the Task Force, the All Chiefs' Meeting and the *Proceedings Report: All Chiefs' Assembly* and map out a plan for the next steps.

AFN Chiefs' Committee on Claims (Specific Claims and Additions to Reserve (ATR)) The Chiefs' Committee on Claims continues to meet. The BCAFN representative on this committee is Chief Fabian Alexis, Okanagan Indian Band.

The *Specific Claims Tribunal Act* became law on June 18, 2008, and came into force on October 16, 2008. The Tribunal was formally established by legislation on October 16, 2008, but no judges were appointed until November 27, 2009, when three full-time appointments were announced: Mr. Justice Harry Slade (BC), Mr. Justice Patrick Smith, (ON) Madam Justice Joanne Mainville (QC). Mr. Justice Harry Slade was appointed Chair of the Tribunal in December 2009. While the Specific Claims Tribunal is now established, it not expected to begin to hear cases until 2011. The current focus of the Tribunal is on developing "Rules of Procedure"; some form of consultation process is probably likely. As the Regional Chief holding the portfolio for

Specific Claims we are working towards a meeting with the Tribunal in early July and as such would welcome any comments or concerns regarding this process.

INAC is no longer pursuing an Alternative Dispute Resolution (ADR) Centre and has re-oriented and sought AFN's engagement in the establishment of a "mediation" unit from within INAC itself. This critical issue will be brought to the national Assembly of First Nations' Annual General Assembly in July, 2010.

Specific Claims over \$150 million are excluded from the jurisdiction of the Tribunal. The national AFN is working to support and coordinate First Nations with claims over \$150 million consistent with the commitment made at the Policy & Planning Forum held in March 2009.

AFN Exercising and Implementing Our Rights - "First Nations ~ Crown Relations": Comprehensive Claims and Aboriginal Title and Rights Working Group In addition to my First Nations Governance portfolio as part of the National executive I have asked by Regional Chiefs' Lonechild and Picard to participate on the Comprehensive Claims and Aboriginal Title and Rights working group (part of the portfolio of Aboriginal Title and Rights and Treaty implementation) recognizing the diversity that exists in BC as a microcosm of the Country. In BC we, of course, have both historical treaties and modern treaties while most of BC is not under treaty. It is important to understand how treaties are being implemented across BC and the rest of the country (both modern and historic) and how the treaty and non-treaty issues are connected. After all every First Nation is dealing with the same federal government whether we are under treaty or not.

This is challenging work given the differences that exist between and among First Nations across Canada, yet it is important work as we seek to collectively advance First Nations and Crown Relations. To coordinate our land rights work several significant Treaty meetings took place in 2009-10, including at the Special Chiefs Assembly (Dec. 2009) and two follow-up meetings February and March 2010. At the March 2010 meeting held in Winnipeg, there were discussions around the development of a seven point plan (1. Spiritual protocols, 2. Political, 3. Legal, 4. International, 5. Economic, 6. Direct Action and 7. Social Change/Community Development) and it was agreed that these seven points would be important areas of cooperation and coordination between Treaty Nations and Aboriginal title Nations.

The Federation of Saskatchewan Indian Nations (FSIN) hosted the first pilot Treaty "roundtable" on March 29-31, 2010. The outcomes from 2009-10 suggest that work in 2010-11 focus on continuing to develop a National Strategy on Treaties through at least two further roundtables in 2010-11. The focus of these roundtables is expected to be on (1) pre-1867 Treaties and (2) post-1867 Treaties; rather than being "regionally" based. We are also pushing for a roundtable on advancing Aboriginal Title and Rights.

It is expected that a draft National Strategy on Treaties and Aboriginal Title and Rights will be tabled for discussion at the AGA in July 2010.

BC Clean Energy Act: Joint Statement In response to the proposed *BC Clean Energy Act* currently before the BC legislature, First Nations leadership in British Columbia released a Joint Statement calling for the Bill to be delayed until consultation and accommodation of First Nations title and rights occurs. At the time of the joint news release (May 19, 2010) 47 First Nations had signed the joint statement and many more are expected to show support.

BC First Nations Gaming BC First Nations Gaming Revenue Sharing Initiative's Steering Committee, Chaired by Chief Joe Hall, and on behalf of BC First Nations who have endorsed and supported their work have requested a meeting with Premier Gordon Campbell to discuss how a working agreement on gaming revenue sharing will benefit everyone in the province.

By way of background, the Steering Committee indicated in a briefing note that of the eight provinces in Canada that legalize gambling, all governments except BC share gaming revenues with First Nations, transferring over \$1 billion annually into First Nations' communities. Some provinces have agreements that blend revenue sharing monies with First Nations' casino revenues to funnel much of the profits to other First Nations in those provinces to help alleviate poverty, build stronger communities and stimulate local economies. Thousands of jobs have been created for First Nations. In most cases, according to the briefing note from the Steering Committee, provinces also offer specific First Nations' Economic Development funds to encourage partnerships and economic growth. BC does not.

As Regional Chief, in accordance with resolutions passed by the Chiefs-in-Assembly, I am supporting the Steering Committee's work and calling upon the Premier of British Columbia to meet with our Chiefs to discuss once and for all the possibility of reaching a working agreement on gaming revenue sharing. Gaming revenue sharing can be a very important source of new revenue for First Nations that will support rebuilding our Nations, our governments and our economies.

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."

First Nations Education Steering Committee BC First Nations have tasked the First Nations Education Steering Committee (FNESC) with addressing a range of education issues. As we move forward with implementation of the education objectives of the "*Building on OUR Success*" action plan, we will build upon the work of the First Nations Education Steering Committee and coordinate our efforts.

With reference to education, the AAWG, as mentioned, identified the importance of discussing and identifying, where possible, education targets (high school graduation rates, number of university students etc). We will continue to work closely with the national AFN on this important work and in preparation for the Council of the Federation meeting in August.

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.”

First Nations’ Health Council As mentioned in my previous Quarterly Report, First Nations have tasked the First Nations Health Council with responsibility for implementing the Transformative Change Accord, First Nations Health Plan, First Nations Health Plan Memorandum of Understanding and Tripartite First Nations Health Plan and the Tripartite First Nations Health Plan. This is important work that has far reaching implications for our Nations during this period of nation building.

Recently the structure of the Health Council has changed as a result of many interventions by First Nations as to its structure and mandate. Currently there is a transition to regional appointments of a new 15 member 2 year transitional Health Council which will maintain a community driven and Nation based process. Under its previous structure the Health Council was negotiating the “Basis for a Framework on Health Governance” with federal and provincial partners. As I set out in my last report I had written to the Health Council and asked for a meeting regarding the approaches taken in negotiations and specifically with regards to transfer of authority and jurisdiction. Any questions regarding how health care is provided in our communities is something that each Nation needs to consider in the context of self government. Ultimately decisions regarding healthcare will be made by each of our Nations and any shift in jurisdiction would normally require the consent of a Nation. The implications of different models for health care delivery and jurisdiction need to be well understood prior to assuming responsibility from Canada and where applicable BC. I look forward to working with the new Health Council on these important issues, ensuring we do not duplicate our work and that we coordinate our respective efforts. I also look forward to hearing from our Nations as to their approach to dealing with healthcare jurisdiction and sharing your ideas and experiences with other First Nations.

Aboriginal Child Welfare: Together with the First Nations Summit and the Union of BC Indian Chiefs Executive, the BCAFN met with Ministry of Children and Family Development (MCFD) on May 14, 2010. In attendance for MCFD were Minister Polak, Assistant Deputy Minister Lesley Du Toit and Ministerial Assistant Jonathan Barry. We discussed a number of matters in accordance with the Recognition and Reconciliation Protocol on First Nations Children, Youth, and Families and the First Nations’ Child and Family Wellness Council (“Wellness Council”). These included;

- How the MCFD must work in a collaborative way with the Wellness Council”
- How the ongoing reorganization of MCFD must directly involve the Wellness Council;
- How there is an MoU between Canada and BC on funding for First Nations children in care, the Wellness Council must be directly involved in re-negotiation of that document;

- How there must be emphasis placed on language on children in care following on the recent 'State of Languages' report, where it was shown that only 5% of indigenous children know their language. MCFD must be involved in coordinating this work.
- We also drew attention to and highlighted the inconsistencies between MCFD Service Plan Goal 4 (Aboriginal people will be supported to exercise jurisdiction in delivering child and family services) and AG-BC legal arguments in that gives no recognition or support to Aboriginal/First Nations' jurisdiction.

Note As with all the provincial and national committees, tables and councils, the mandates are not to supersede the authority and jurisdiction of our individual Nations which is particularly important during this time of Nation building/rebuilding. While Nations may choose to aggregate their authority at some point at this time these bodies have not been constituted as 'governments' and have no law- making authority.

BC ASSEMBLY OF FIRST NATIONS (BCAFN) OPERATIONS

Staff: Our office consists of an A/Executive Director, an Advisor, an Executive Assistant, an Administrative Assistant and a summer intern. We also have on contract a part-time comptroller, finance clerk and bookkeeper.

Debra Hanuse, another member of the BCAFN's transition team, will remain on as our A/Executive Director until the search for the right candidate to serve as the new Director of Operations is completed. Cheryl Wadhams continues to serve as the BCAFN's Administrative Assistant.

We're very pleased to announce that Nicole Hetu has joined our team as an Advisor. Peshanquet Shognosh is serving as our Executive Assistant and Makonen Bondoc will be working with us for three months as a summer intern through the provincial government's Aboriginal Youth Internship Program.

Ping Zhang of Reid Hurst Nagy serves as our financial controller. Ada Man of Reid Hurst Nagy serves as our part-time bookkeeper and Erin Shevsky serves as our part-time finance clerk.

Any requests for the Regional Chief to attend meetings or speaking engagements should be directed to Peshanquet Shognosh at executive.assistant@bcfn.ca. Any requests for information about policy and legislative issues should be directed to Nicole Hetu at nicole.hetu@bcfn.ca. Any inquiries regarding travel claims or financial matters should be directed to Erin Shevsky at finance@bcfn.ca.

Marcia Guno, former Political Aide to the Regional Chief was part of the BCAFN's six-month transition team. Upon conclusion of our recent recruitment process, Marcia has moved on and is focusing on development of consulting business. We thank Marcia for her contribution to the BCAFN's transition team and wish her success in her future endeavours.

Notice #1:

BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS
7th ANNUAL GENERAL MEETING (AGM)

In keeping with its Society Constitution and Bylaws, the BC Assembly of First Nations (BCAFN) is giving notice to its membership of the upcoming BCAFN 7th Annual AGM

Date: June 25, 2010

Location: River Rock Casino Resort and Hotel
Whistler Ballroom 'A'
8811 River Road
Richmond, BC V6X 3P8

Time: Meeting Start time 9:00 a.m. (lunch provided)

Registration forms: Please complete and fax/email in your registration form no later than Monday June 21st, 2010

Proxy Letter: In order to make this AGM successful, we have attached our proxy template should you not be able to attend this meeting. Completed proxy forms may be faxed/emailed to our office no later than Tuesday, June 22nd, 2010. After that date, proxy holders must bring the completed proxy form to the meeting

Note on Travel and Accommodations: (attached) Travel and accommodations will NOT be provided for the BCAFN 7th AGM. If you plan to attend this important event, please make your arrangements early to avoid disappointment

Notice of Election and nomination package: Both the BCAFN Women's Council and Youth Council elections and nominations information package will be sent separately. Nomination forms must be submitted by Friday June 11, 2010

Notice of Resolutions: The deadline for submitting resolutions is 10:00 a.m. on Friday, June 11, 2010

For more information on the AGM, please contact the BCAFN office at 604-922-7733 or registration@bcfn.ca

Notice #2:

**ASSEMBLY OF FIRST NATIONS
31st Annual General Assembly (AGA)**

[Winnipeg Convention Centre](#)

375 York Avenue, Winnipeg, Manitoba

July 20-22, 2010

~ *WHERE THE NATIONS MEET* ~

International Action to Advance our Rights

Annual General Assembly 2010 Objectives:

Consistent with the AFN Charter, the Annual General Assembly will provide First Nations' Chiefs or their designated representatives a forum at which they can: (1) Maximize opportunities for exchange, dialogue and the development of consensus on fundamental issues of common interests to further the **International Year of Action**, (2) Contribute to **focused dialogue** on matters of critical importance to our Nations, including moving forward on the United Nations Declaration on the Rights of Indigenous Peoples: Treaties, Education; Citizenship; Climate Change and Economic Interests, and (3) Provide **mandate and direction** through **designated regional caucus sessions** and the resolution process.