

# BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS



## REGIONAL CHIEF'S QUARTERLY REPORT

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## PART ONE: BUILDING ON OUR SUCCESS – IMPLEMENTING THE PLAN

Our focus at the British Columbia Assembly of First Nations (BCAFN) continues with implementation of the *Building on OUR Success* platform. Our Action Plan is moving forward to empower, connect and support our Nations as we strategize and work together to achieve our goals of self-determination within our individual communities. The four key and interrelated areas of the Action Plan are:

1. **Strong and Appropriate Governance** in order to take advantage of our opportunities in implementing our Aboriginal title and rights, including treaty rights, and grow our economies by providing stable and sound governance that is transparent and accountable to our Citizens;
2. **Fair Land and Resource Settlements** to ensure our peoples and our governments have access to the resources required to support our societies including both our traditional and modern economies;
3. **Improved Education** to ensure our Citizens are able to make informed decisions about change as well as participate in our growing economies and our governments; and,
4. **Individual Health** to address the colonial health legacies to ensure our Citizens are strong and can actually benefit from and enjoy their title and rights.

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 partnerships 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.”*** *Building on OUR Success*

**BCAFN Governance Toolkit:** This June at our BCAFN Special Chiefs’ Assembly and AGM we were pleased to launch the BCAFN Governance Toolkit: A Guide to Nation Building, and Part One of the Toolkit - The Governance Report. Building on the momentum of the launch we continue to hold dialogue sessions with our Nations and their administrations to discuss, share and explore options for governance reform, our Nations’ governance priorities and what we can do at the BCAFN to support our communities’ local efforts as well as facilitate governance self-assessments. If your Nation is interested in starting or continuing to have governance discussions in your community please contact the BCAFN office. We continue to encourage

each Nation to tell their stories, share their successes and engage in dialogue between and among one another. The Toolkit is available electronically on the BCAFN website, [www.bcafn.ca](http://www.bcafn.ca).

Approximately 70 percent of our First Nations in BC are involved in some form of governance reform, reflecting the strength of our leadership and the acknowledgment that strong and appropriate governance is necessary for long term social and economic success and the re-building of our Nations. However, not all of the practical and legal tools are in place to support this vision for governance reform.

As a result of visiting communities and working with and listening to our leaders, it is clear that our vision of self-determination continues to be hampered and impaired by the *Indian Act*. We see this in the fact that many First Nations in BC at some point in time have either talked about or started to develop a Constitution to govern their community but have had challenges in completing or implementing it. These challenges relate directly back to the *Indian Act* and the inadequacy of that act to reflect our reality, our laws and the relationship we have with the Federal Government.

Many of our communities simply want to take back control and re-build their institutions of governance starting with developing a legally enforceable constitution in accordance with the principles set out in the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP). The absence of a simple and efficient way for a First Nation to remove the application of all or part of the *Indian Act* when that Nation is ready to self-govern is impairing our ability to build strong and appropriate government and move forward in implementing our rights.

In order to implement the UNDRIP and specifically Article 3 that addresses self-determination, many of our Chiefs feel that a specific approach to affirm and recognize First Nation governments is needed. This would be based on the ratification of First Nation Constitutions by First Nations and would remove the application of all or parts of the *Indian Act* for those First Nations. This is, of course, not a new idea and has been recommended before, not least by the Royal Commission on Aboriginal Peoples. In fact, over the years, a number of Bills have actually been introduced in either the House or in the Senate. So while not a new idea, it is an idea I would submit whose time has finally come. To this end and based on the direction from our Chiefs in BC, our Region is advancing a regional initiative to consider governance recognition legislation applicable to BC First Nations that at their option would be able to develop their own constitution and move out from under the most egregious sections of the *Indian Act* advancing their self-determination and affirming their governments. We feel this is an important step in advancing both our rights and our economic interests. Not only would this greatly improve governance on-reserve, it would also help us to advance our efforts to secure fair access to lands and resources within our un-ceded Aboriginal title lands off-reserve, where for the most part there are no treaties.

**AFN Portfolio - First Nation Governments and Nation Building:** As the co-chair of the national AFN's First Nation Governments and Nation building portfolio, I continue to participate in national governance related activities including implementing and further developing the National approach set out in "Pursuing First Nation Self-Determination: Realizing Our Rights and Responsibilities" that was adopted at this year AGA in Moncton.

**AFN National Forum on First Nation Citizenship:** On November 15 – 16, 2011, in Enoch, Alberta, the AFN held the National Forum on First Nation Citizenship: "Our People, Our Nations: Planning for the Future". The Forum brought together First Nations' leadership, youth, technicians and other participants to dialogue and share best practices on First Nations' citizenship.

The objectives of this forum were to:

- Support communities to have their own discussion on citizenship;
- Provide support to First Nation governments through sharing experiences, examples and models for assuming jurisdiction over citizenship, including legislation and dispute resolution;
- Foster and support dialogue on identity, Nationhood and planning for the next "seven generations", through facilitated discussion, and visual arts and performances;
- Examine approaches to equitable funding and appropriate protocols between First Nations and other governments; and,
- Develop recommendations for future action at the national level to facilitate and support First Nation governments moving forward on citizenship issues.

The Forum was interesting in that it incorporated artistic expression with panel discussions and workshops to explore our Nations' varied notions of what citizenship means. The Forum was, I think, a great success and the AFN produced a Toolkit for all participants entitled: *Facilitating Community Dialogue on First Nation Citizenship*. The Toolkit includes a guide to engage communities on a discussion about citizenship and is on our BCAFN website.

The BCAFN is looking to continue the conversations on citizenship in our Region and building on and supporting the forums already held by the UBCIC and the FN Summit. The BCAFN Forum on Citizenship for Chiefs and Chiefs' representatives was held on November 29, 2011, at the River Rock Resort and Casino in Richmond, BC. Feedback from this session will be compiled into a report which we will distribute to all BC First Nations in the New Year. Meeting materials will be made available on our website.

**First Nations-Crown Relations: Joint Action Plan and First Nations-Crown Gathering:** This past year the National Chief and the Minister of Aboriginal Affairs and Northern Development Canada agreed to a Joint Action Plan. As one of the principal suggestions of how to advance overall national advocacy and momentum in support of First Nation governments, the concept of a First Nations-Crown Gathering developed, similar to the meetings that President Obama regularly holds with Tribal Leaders in the United States. Throughout the fall / winter of 2010-2011, in correspondence and meetings between National Chief Atleo and Prime Minister

Harper, the opportunity to explore a Gathering between the Government of Canada and First Nation leadership emerged. These discussions established shared interest to advance and strengthen the relationship between First Nations and the Crown on the basis of the original relationships and specific commitments and progress required. The Gathering would represent the next step in affirming the shift away from approaches of paternalism and dependency towards mutual understanding, responsibility and support as originally intended. This gathering would represent the first meeting for Prime Minister Stephen Harper with First Nations leadership and will be designed with three specific goals: (1) renewing and affirming the relationship; (2) marking progress being achieved on key, agreed upon topic areas (education, treaty, improving negotiations and policy reform, advancing First Nation governments and economic development); and, (3) setting a future agenda through open dialogue and reflecting mutual interests.

The Gathering will affirm respect for First Nation treaty and inherent rights, and will focus on specific economic and social interests that require attention and advancement confirming an open and ongoing dialogue of mutual support, recognition and focused results. Assembly of First Nations is coordinating the gathering for the end of January 2012, all First Nation leaders will be invited once the dates have been confirmed.

***Parliamentary Update:*** Presentations: During November, the AFN made four presentations to Parliamentary Committees in Ottawa.

On November 1, 2011, I was pleased to accompany National Chief Shawn A-in-chut Atleo to present at the House of Commons Standing Committee on Aboriginal Affairs and Northern Development on the AFN priorities as directed by the Chiefs. Our presentation outlined some of the broad principles needed to be followed in order to transform the relationship between Canada and First Nations and urged the Committee to find ways to work collaboratively with our Nations in support of their interests, with specific and tangible items for committee study and action. I also spoke to the need for the national assembly and the parliament to determine how to support the individual autonomy and decision-making authority of our communities to ensure that the priorities and the building of governments for our communities are supported in a fundamental way.

On November 1<sup>st</sup> at the same time the National Chief and I were presenting to the Aboriginal Affairs Committee, AFN Chief Executive Officer Richard Jock was presenting to the House of Commons Standing Committee on Finance regarding the AFN's pre-budget submission. Through this submission the AFN makes the case for the level of funding our peoples need and for what purposes.

On November 2, 2011, National Chief Atleo and Nova Scotia/Newfoundland Regional Chief Morley Googoo presented to the Senate Standing Committee on Aboriginal Affairs as final witnesses on this committee's study of First Nations' Education. The presentation reinforced recommendations that our Nations need and deserve a guarantee of quality, culturally relevant education, and that First Nation education systems need to be supported and enabled.

On Monday, November 22, 2011, I was a witness before the Senate Standing Committee on Human Rights on Bill S-2, The Family Homes on Reserves and Matrimonial Interests or Rights Act (see below). While positive changes have been made to the previous iteration of this Bill, Bill S-4 from the last parliament, there remain issues with the approach taken in the Bill and the provisional rules that will apply to the division of matrimonial property on-reserve until such time as a First Nation makes its own law under the proposed Act. There is no question that we need to address issues of matrimonial property on-reserve, and indeed a number of our Nations already are; the real question is what is the best way to empower our Nations and whether it is appropriate, however well intentioned, for Canada to continue making rules that govern us.

*C-10: Safe Streets and Communities Act:* On September 20, 2011, the government introduced the Safe Streets and Communities Act. Bill C-10 is an omnibus crime bill that would amend the State Immunity Act, the Criminal Code, the Controlled Drugs and Substances Act, the Corrections and Conditional Release Act, the Youth Criminal Justice Act, the Immigration and Refugee Protection Act, and other Acts.

Parts of this Bill are problematic for First Nations. First Nations people are already over-represented in the justice system, and this Bill will likely make this issue worse rather than better. Under this Bill, sentences will likely be longer and people will face prison time for minor offences. The Bill undermines the principles set out in the Gladue decision, where judges are encouraged to take the specific history of a First Nation's person into account when sentencing.

The Bill is currently going through clause-by-clause review by the House of Commons Standing Committee on Justice and Human Rights. The AFN requested an appearance before the Justice Committee and were denied. The AFN will be submitting a brief to the Justice Committee to be considered while they review Bill C-10. This brief along with a letter highlighting the main points of concern will be sent to Minister and others. As a former prosecutor in the Downtown eastside I can say with experience that this Bill is regressive and will hurt our people. It is certainly not in keeping with how modern western liberal democracies are dealing with sentencing and First Nations are not the only ones speaking out against the Bill.

*S-2: Family Homes on Reserves and Matrimonial Interests or Rights Act:* This Bill, introduced in the Senate on September 28, 2011, has passed second reading and has been referred to the Senate Standing Committee on Human Rights. This is the fourth time that this proposed legislation has been introduced and the government is moving ahead with it at a quick pace.

The Bill seeks to address a gap in governance on-reserve with respect to the division of matrimonial property on marriage breakdown and the granting of possession in the family home in other circumstances. The Bill is before the Human Rights Committee and it is viewed as a Bill that protects the rights of Indigenous women. The Bill provides for First Nations' law-making authority in this area and if and until a First Nation makes a law imposes provisional

rules that would apply. This iteration of the proposed legislation has undergone some significant changes, namely:

- Removal of the need for a verification officer to verify a First Nations law made under the proposed Act;
- Removal of the requirement for a double-majority voting threshold for ratification of a First Nation's matrimonial property law; and,
- The addition of a 12 month transition period before the provisional rules come into effect.

Matrimonial Real Property and land management is a matter of First Nation jurisdiction and First Nations have repeatedly called on the government to work with us on an approach that will truly ensure First Nation citizens' access to justice. In the AFN's opinion this proposed legislation does not provide the necessary tools and capacity to access justice or to address underlying issues, such as housing shortages, family violence and the need for community-based dispute resolution mechanisms. The AFN is urging First Nation governments to work with their citizens to enact their own laws or codes in this area in advance of this legislation and the provisional rules coming into force.

*Safe Drinking Water for First Nations Legislation:* In my September Quarterly Report, I noted that Minister Duncan has informed us that the federal government plans to re-introduce safe drinking water legislation before the end of this calendar year. We have been working with the national AFN office and other organizations across the country to ensure that the government enters into meaningful consultation with our individual First Nations before any such legislation is re-introduced.

The BCAFN, the AFN, and other First Nations organizations around the country met with senior AANDC officials on August 10, 2011 and voiced our concerns with the proposed legislation as it read then. A follow-up meeting occurred via video conference on September 26, 2011 with the new Assistant Deputy Minister of AANDC, Ron Hallman. At these meetings, we expressed our First Nations' concerns that this legislation must not compromise our Nation's Aboriginal rights and title, including treaty rights, and that our Nations need assurance that resources will be available and provided to our communities to bring water systems on reserve in line with the standards set out in any regulations that might accompany safe drinking water legislation.

**Accountability Legislation:** We expect that the government will be reintroducing legislation dealing with chief and council accountability in the near future. We will keep you posted on these developments in the regular AFN parliamentary updates provided by the national office.

*C-27: An Act to Enhance the Financial Accountability and Transparency of First Nations:* This Bill was introduced in the House by Minister Duncan on November 23, 2011 and would require First Nations to prepare and publicly disclose audited consolidated financial statements and schedules for remuneration paid to Chiefs and Councillors. The Bill also allows the Minister to publish these documents on the AANDC website. The Bill provides that failure to disclose this information would result in penalties which could result in the withholding of contribution funds or termination of an agreement.



First Nations have already committed to the principles of accountability and transparency to our citizens through Resolution 50-2010, passed at the Special Chiefs' Assembly in Gatineau, Quebec in December 2010. Most First Nations in BC have addressed these issues in their own laws and policies. While there is no question that disclosure of wages is an important aspect of accountability, it is, however, only one aspect of a political accountability framework. Issues of accountability are primarily between our citizens and our leadership and a more comprehensive approach will only be realized when we move away from the *Indian Act* and re-establish strong and appropriate governance where primary accountability is between our citizens and their governments, not between our governments and Canada.

### Provincial Legislation:


Bill 19-2011: Miscellaneous Statutes Amendment Act (No. 3), 2011: This Bill was introduced in the Legislature on November 14, 2011 and amends a number of Acts including the *Mines Act*, R.S.B.C. 1996, c. 293. This Bill allows the Lieutenant Governor in Council to exempt a person or class of persons or a ministry of the government from the requirement under the Act to obtain a permit before starting any work in, on or about a mine.

Presumably, this legislation was introduced in order to make it easier for mining companies and the ministry to begin work on a mine project without having to first submit a plan "outlining the details of the proposed work and a program for the conservation of cultural heritage resources and for the protection and reclamation of the land, watercourses and cultural heritage resources affected by the mine".

Any provincial legislative amendment cannot compromise the already established duty to consult and accommodate.

## 2. Fair Lands and Resources

Strong & Appropriate  
Governance  


Fair Lands &  
Resources  


Improved  
Education  


Individual  
Health  


***"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."*** *Building on OUR Success*

***Hul'qumi'num Treaty Group:*** On Friday, Oct 28, 2011, I was honoured to join the delegation that attended the Hul'qumi'num Treaty Group's (HTG) hearing before the Inter-American Commission on Human Rights Commission, part of the Organization of American States (OAS) in

Washington D.C. This was the first case before the Inter-American Commission on Human Rights (IACHR) that has been heard regarding the violation of Indigenous land rights within Canada. The HTG in their well-argued submissions charged that Canada continues to fail in securing, recognizing and safeguarding the property rights of the Hul'qumi'num Indigenous peoples within their ancestral lands. The hearing was webcast and a direct link is available on our website. A decision is expected as early as Spring 2012.

**Taseko Mines:** In an unprecedented move the Canadian Environmental Assessment Agency (CEAA) and the Minister of Environment announced on November 7, 2011 that despite the failure of the first proposal, the so called "New Prosperity Mine" project will undergo a second environmental assessment. The Tsilhqot'in National Government is not surprisingly frustrated and very concerned. At the AFN AGA in July, the Chiefs in Assembly passed Resolution 29-2011 renewing the 2010 pledge to help defend their lands against this project and cautioning the federal government against approving this project.

**BC Treaty Process:** With their 20<sup>th</sup> anniversary and the release of this year's annual report, the BCTC expressed serious concerns that there has not been a sufficient return on investment in the BC Treaty Process. Chief Commissioner Sophie Pierre's comments that if there is not progress they should shut the process down clearly made people stand up and take note and were widely reported in the press. The BCTC has identified the need for a recommitment from the governments of Canada, BC and First Nations to set priorities on moving agreements forward and to complete treaties in British Columbia. This recommitment would include the promotion of interim measures agreements which will allow for earlier economic benefits to First Nations, support to First Nation in addressing overlap issues and governance capacity building requirements. Clearly new mandates are needed and it will be interesting to see what recommendations Minister Duncan's special representative, Jim Lorney, who has been looking into these issues will make.

**BC's New Approach to Doing Business with First Nations:** As Aboriginal title and rights continue to crystallize on the ground in our province it is not surprising that BC Premier Christy Clark is rightfully worried that the BC treaty-making process is not working and taking too long. Many of us feel the same way. It is also no secret that the BC government is banking on an ambitious and unprecedented level of investment in major and in many cases controversial natural resource development projects over the coming years (e.g., the Site C Dam on the Peace River, Enbridge's Gateway pipeline, Prosperity Mine and other proposed new mines, two new Liquid Natural Gas plants, etc.); a level of investment that we have not seen for over a generation and certainly not since Aboriginal title and rights, including treaty rights, have been confirmed in the courts. Today, unlike in the past, it is considerably less likely that any major development project located within the traditional territories of any one of our Nations in BC will be able to proceed without that Nations' free, prior and informed consent.

It appears that faced with the legal reality the BC government has shifted away from treaty-making instead focussing on striking economic development deals with our Nations who are willing to do business. While it is certainly positive that the province wants to deal and many of

our communities are taking advantage of the new climate of cooperation, this cannot be taken as a justification for proceeding with those major development projects planned in BC where there is no consensus to do so. While our Nations are not against development on principle we are certainly not in favour of development where such development comes at an unacceptable cost to the environment and threatens our way of life.

Furthermore, simply doing business with the willing cannot be a substitute for resolution of the land question with the many. The current inability to reach fair and meaningful settlements with the majority of our Nations in BC through treaties or otherwise should not be a reason to step back from the broader objectives of reconciliation and the need to find ways to settle the “land question”. In fact, it is a reason to intensify our efforts. We need to fix the process of settling land claims in BC whether through treaty negotiations or otherwise.

***AFN Chiefs’ Committee on Claims (Specific Claims and Additions to Reserves):*** The national AFN Chiefs’ Committee on Claims continues to address the following initiatives:

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.

**Comprehensive Claims Policy Reform:** Further to the national Resolution 10-2010 on Comprehensive Claims Policy Reform and the Joint Action Plan commitment to improve this process, AFN has been engaged with a Working Group to develop a workplan that could be advanced jointly with Canada to reform this out-dated and ineffective policy. AFN has been working to host a series of 3 regional meetings to receive input on the kinds of issues that should inform our input as part of a joint workplan with Canada. The first regional meeting took place in North Vancouver on October 26 with a high level of interest and a full day of discussion. Another meeting took place in Moncton, NB, on November 21 with support from the Atlantic Policy Congress, and a final meeting on November 24 as a part of an Assembly of First Nations of Quebec and Labrador (AFNQL) meeting Ottawa. A report will be developed based on the input from these three meetings, which will form the basis of a resolution that will be brought to this year’s Special Chiefs Assembly in Ottawa on December 6-8, 2011.

**Additions to Reserve (ATR):** Reforming the Additions to Reserve (ATR) process is another area of work between AFN and Canada. A new interim ATR policy will be released by Canada shortly; it establishes a fourth category of ATR resulting from Tribunal awards. Discussions are also underway to complete a more thorough renovation of the ATR policy. The BC regional dialogue forum was held in Kelowna, BC on November 15-17, 2011 with respect to additions to reserve. At this session the National Aboriginal Land Managers Association provided an ATR training workshop to the over 35 participants. I would like to encourage all BC First Nations to provide their perspective on the ATR policy within the BC Region. BCAFN has posted both an ATR Survey and ATR Detailed Feedback Form on our website [www.bcafn.ca](http://www.bcafn.ca) to assist in

collecting the important input required from our Chiefs and Technicians throughout the province of British Columbia.

This renovation may lead to the development of national legislation on ATR to streamline and formalize a process that has long frustrated First Nations seeking to acquire more reserve land. To this end, AFN coordinated a series of six Regional Dialogue Forums this year to gather input on changes that are required with respect to Canada's policy. AFN also has plans to carry out a series of 7 ATR case studies prior to the end of the fiscal year to inform its work moving forward. Further reporting on these and other issues will continue in coordination with the Chiefs Committee on Claims.

**Specific Claims:** It has now been more than 3 years since the Specific Claims Tribunal Act (SCTA) came into force, which has meant that a significant number of First Nations with Specific Claims now have access to the Specific Claims Tribunal (jointly established by the AFN and Canada). The Specific Claims Tribunal officially opened its doors in June 2011 and is now receiving applications for the resolution of Specific Claims (seven claims filed to date). The Tribunal is an independent body that adjudicates specific claims up to \$150M where a negotiated settlement could not be reached. It currently has three full-time judges, and three further judges were added to their roster late last year (but have yet to be appointed to the Tribunal). The Tribunal has begun to hold case management hearings with claims from Saskatchewan and BC. These hearings represent the first substantive work of the Tribunal and are likely to garner increasing attention in coming months. Concerns have been expressed about the Federal Government unilaterally providing final offers to First Nations in negotiations. Efforts to examine whether this has been the case are underway, and are likely to form part of the 5-year policy review that Canada will conduct next year on its Specific Claims Action Plan (Justice at Last). The 5-year review will likely also focus on a wide variety of other issues, including the lack of progress in defining a process for specific claims valued over \$150M and access to alternative dispute resolution. The Specific Claims Tribunal (SCT) can be followed on [www.sct-trp.ca](http://www.sct-trp.ca).

***Litigation:*** Outside of negotiations, progress is still being made on the legal front which continues to inform our discussion with the Crown in support of our aspirations for fair access to land and resource with strong and appropriate governance. Domestically, we are awaiting the BC Court of Appeal decision in the Tsilhqot'in case (William); the most recent in the line of comprehensive title and rights cases based on claims to un-extinguished Aboriginal title. The Okanagan Indian Band's logging case in Wilson will be proceeding having overcome provincial objections with the province having to defend how it acquired title to the lands and resources in question. As discussed above, on the international front, this past October, the six Hul'qumi'num Nations from Vancouver Island went before the Inter-American Commission on Human Rights, part of the Organization of American States, in Washington DC, arguing that the federal Crown by allowing the granting of private property rights over their traditional lands has infringed their Indigenous human rights. Their case was accepted and heard based on the Commission previously finding that there was no effective domestic remedy in Canada to resolve their claims, either through the courts or the BC treaty-making process. Also of note,

was the recent Halalt First Nation decision, where the Nation was able to stop an adjacent town from accessing the water in an aquifer located under its reserve lands.

Legal Strategy Session: The BCAFN will be co-hosting a legal strategy session with the Westbank First Nation tentatively set for February 16-17, 2012 to review on-going cases, approaches and strategies and share our experiences. The intention being to build on the legal strategy sessions held previously at Westbank and through the recommendations of the All Chiefs' Task Force Report.

**The Cohen Commission:** The "Cohen Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River" was established on November 5, 2009 with the appointment of the Honourable Bruce Cohen as Commissioner ([www.cohencommission.ca](http://www.cohencommission.ca)). Under its Terms of Reference, the Commission has been holding hearings to investigate and report on the decline of sockeye salmon in the Fraser River. Based on its findings, the Commission will make recommendations for improving the future sustainability of the sockeye salmon fishery in the Fraser River, including, as required, any changes to the policies, practices and procedures of the Department of Fisheries and Oceans in relation to the management of the Fraser River sockeye salmon fishery. The Commission's final report must be submitted on or before June 30, 2012 and the results of this inquiry will be of great importance to our Nations.

The work of the Commission has in recent weeks been overshadowed by the discovery that two wild sockeye smolts from Rivers Inlet tested positive for a strain of Infectious Salmon Anaemia Virus (ISA). Less than two weeks later, the New York Times reported that the ISA virus was found in a dead Coho salmon in the Fraser River. While the Commission heard final oral submissions on November 4-10, 2011, it has now decided to convene a further two-day hearing in mid-December to consider the new information about the possible presence of the ISA virus in BC and to ensure it is on the record. The Commission has also extended the deadline for accepting public submissions due to the new information on disease testing. Submissions will be accepted until the last date of the additional hearings in December 2011. The possibility that the ISA virus has infected wild Pacific salmon stocks is, of course, incredibly detrimental to our Nations. We will be monitoring this issue very closely and working with the other members of the First Nation Leadership Council and First Nations' Fisheries Council to ensure that this matter is dealt with thoroughly and quickly.

### 3. Improved Education

Strong & Appropriate  
Governance  


Fair Lands &  
Resources  


Improved  
Education  


Individual  
Health  


***"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."*** Building on OUR Success

**National Panel on First Nations' K-12 Education:** Last year in December the national AFN office and Minister John Duncan announced that a National Panel on First Nations' K-12 Education would be jointly appointed by the AFN and AANDC. The Panel is now concluding research and regional sessions that will lead to recommendations on the development of options, including legislation, to improve elementary and secondary education outcomes for First Nation children who live on-reserve. The National Panel visited British Columbia on September 26, 2011. The First Nations Education Steering Committee (FNESEC) and the First Nations Schools Association (FNSA) participated in this process and made substantial submissions to the panel. The First Nations Leadership Council also prepared a written submission for the panel to be incorporated into their review.

**British Columbia's New Education Plan:** On October 28, 2011, the provincial government launched the "BC Education Plan". FNESEC has informed the Minister of Education George Abbott, that any new Education Plan must pay specific attention to the needs of First Nations students and families. I was pleased to have had the opportunity to participate in a meeting hosted by Minister Abbott and other community leaders to discuss what it means to have an "educated citizen". It was a very productive session and I am hopeful that this Education Plan will help to support First Nations' students attending off-reserve schools.

#### 4. Individual Health

Strong & Appropriate  
Governance  


Fair Lands &  
Resources  


Improved  
Education  


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:** On October 13, 2011, the BC First Nations' Health Council and our Nations signed an historic BC Tripartite Framework Agreement on Health Governance with Canada and BC, to cement the process of transferring health administration from Canada to our First Nations. Governing and administering health care is a challenge for any government and will be for our own. It is, nevertheless, a challenge that our Nations are embracing with a renewed sense of optimism and pride that we can make a difference to the quality of health care provided to our peoples. In support of this initiative our Nations continue to work on an appropriate governance framework for health and are establishing a regional governance structure that is community-driven and Nation based.

**National Health Forum:** On November 7-9, 2011, an AFN national health forum, "Taking Action to Move Forward" was held in Ottawa. The National Health Forum brought together over 200 First Nation Health Directors, Technicians, First Nations Health Experts and First Nations Leadership in both plenary and workshop sessions. The forum was led by the Chiefs Committee on Health (CCOH) and guided by their Leadership Action Plan (LAP). The vision of this LAP is to

have a First Nations controlled and sustainable health system that adopts a holistic and culturally appropriate approach. At the forum the First Nations leadership identified eight priority areas:

1. Jurisdictional Equity and Structural Change;
2. Governance and Self Determination;
3. Sustainability in First Nations Health;
4. Integrated Primary and Continuing Care;
5. Health Human Resources;
6. Public Health Infrastructure;
7. Holistic Healing and Wellness; and,
8. Information and Research Governance.

***Murdered and Missing Women Inquiry:*** The Missing Women Commission of Inquiry started evidentiary hearings in Vancouver on October 11<sup>th</sup>, 2011. The purpose of the Commission, which is being headed up by former BC Attorney General, Wally Oppal, is to inquire into and report on the conduct of the murdered and missing women investigations surrounding the Pickton case. As set out in my previous quarterly report there was great expectation that the Inquiry would shed light on why and how so many women, many of whom are First Nations, go missing or are murdered. Unfortunately, many of the organizations and groups that had hoped to participate in the Inquiry were forced to withdraw citing the limitations of the Inquiry itself and an imbalance and inequity in legal resources available. This included the AFN. Thankfully, however, a BC First Nation's perspective was and is being advanced at the Inquiry by the First Nations Summit as well as by the families of the missing and murdered women. We sincerely hope that there will be strong recommendations coming out of this Inquiry and that they will be implemented. The Inquiry will resume hearings on November 21, 2011. Hearing details can be found at [www.missingwomeninquiry.ca](http://www.missingwomeninquiry.ca).

***National WE Day:*** On October 13, 2011, I was fortunate to have the opportunity to welcome over 18,000 youth gathered at Rogers Arena in Vancouver, BC for the 5<sup>th</sup> annual WE Day celebrations. What an event! WE Day is an initiative of "Free the Children," a non-profit founded by Marc and Greg Kielburger that empowers youth to make a difference and encourages participation and voluntarism in advancing social change. Free The Children was founded on the understanding that by awakening the spirit of activism in young people, anything is possible - injustices can be stopped, our local and global communities can be transformed for the better, and hope for the future can be sustained.

The event featured such speakers as former National Basketball Association player Shaquille O'Neal and former Soviet President Mikhail Gorbachev. Also providing her words of wisdom was our own Waneek Horn-Miller, an Olympian, a Mohawk role model and ambassador for *IndigenACTION*. All of the speakers were very inspiring. The youth were full of energy and each had to pledge to take one action locally and one internationally to help create a better world.



## PART TWO: OTHER RELATED ACTIVITIES

**The First Nations-China: Transforming Relationships strategy:** Our Nations are becoming increasingly more engaged in trade with China. For instance, Lax Kw'Alaams has now established an office in Beijing to support its very successful log exporting business. As more of our Nations have access to fair lands and resources and a desire to trade, the success of Lax Kw'Alaams will certainly be one to emulate and no doubt further trade deal with China will be made. In order to build on our success and support and encourage increased trade with China, the BC First Nations Energy and Mining Council (FNEMC) has developed a BC First Nations-China Strategy. As part of this strategy from October 21-31, 2011, a First Nation's delegation went to China to promote understanding of title and rights issues in BC and the opportunities for trade with BC First Nations. The delegation included the National Chief, representatives from the First Nations Summit, the Union of BC Indian Chiefs, New Relationship Trust, and the FNEMC. The People's Republic of China, through the Chinese People's Association for Friendship with Foreign Countries, hosted the mission and facilitated meetings with the Chinese government and businesses. The mission also included a raising of the totem pole which was gifted to the peoples of Beichuan after suffering a devastating earthquake a few years ago. A link to the totem pole raising ceremony can be found on our website.

## PART THREE: BC ASSEMBLY OF FIRST NATIONS' OPERATIONS

### **BCAFN Women's Council**

Chief Lydia Hwitsum, Cowichan Tribes

### **BCAFN Youth Council**

Josh August Gottfriedson,  
Tk'emlups te Secwepemc  
Erralyn Thomas, Snuneymuxw First Nation

### **BCAFN Board of Directors:**

Chief Cheryl Casimer, St Mary's Band  
Chief Maureen Chapman,  
Skawahlook First Nation  
Chief Lydia Hwitsum, Cowichan Tribes  
Chief Nelson Leon, Adams Lake Indian Band  
Chief Les Sam, Tseshah First Nation

### **BCAFN Staff:**

Courtney Daws, Director of Operations  
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Cheryl Wadhams, Receptionist  
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**Information Sharing/Webpage:** The BCAFN website hosts the "Governance Toolkit" where the Governance Report along with reference documents and other resources are accessible online ([www.bcafn.ca](http://www.bcafn.ca)). We will continue to work with First Nations that wish to contribute to and update their individual profile page to share information and highlight their successes with others. If you would like to provide any feedback, contribute to the site, or update your First Nation's profile, please contact [angie.derrickson@bcafn.ca](mailto:angie.derrickson@bcafn.ca).



## **NOTICES**

December 6, 7, & 8, 2011

### **Assembly of First Nations – Special Chiefs’ Assembly**

Ottawa Convention Centre

Ottawa, Ontario

\*If you are unable to attend the SCA and have yet to register a proxy but would like to do so, please feel free to contact BCAFN (604.922.7733)

February 7-10, 2012

### **BC Joint Gathering**

*BC First Nations and Government Planning and Workshop Event*

Vancouver, BC

February 16-17, 2012 (*tentative date*)

### **BCAFN Legal Strategy Forum**

Westbank, BC

February 21-23, 2012

### **AFN - National Justice Forum**

Westin Bayshore Hotel

Vancouver, BC

March 5-7, 2012

### **AFN – Water Conference**

Edmonton, Alberta

Marriot Edmonton at River Cree Resort

Up to date information can be accessed on our website: [www.bcafn.ca](http://www.bcafn.ca).