

BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS



REGIONAL CHIEF'S QUARTERLY REPORT

March 1, 2012

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ATTACHMENT – BC Proposed Solutions and Desired Outcomes Document

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 – A Guide to Nation Building: To help advance First Nations’ governance and in accordance with our Building on OUR Success action plan, BCAFN has developed a “Governance Toolkit” that is practical and relevant, drawing on the experience of First Nations in BC and best practices in governance. The Toolkit is designed to be used by leaders (policy makers), staff and citizens to assist in the development of your critical path in achieving your Nation’s governance objectives.

Part 1 - *The Governance Report*: The *Governance Report* was launched in June 2011 at the BCAFN Special Chiefs' Assembly and is available on our website. The Report is in four sections which cover: 1) Options for Governance Reform; 2) Core Institutions of Governance; 3) Powers (Jurisdictions) of the First Nation; and 4) Financing First Nations' Governance. BCAFN will be holding a regional Governance Dialogue Session on March 13, 2012 at the Vancouver Island Conference Centre in Nanaimo to discuss, share and explore options for governance reform. A notice has been distributed to all First Nations, further details and the registration form are now available on our website www.bcafn.ca. We are working on hosting additional regional sessions over the next number of months leading up to the BCAFN Annual General Assembly in June 2012.

Part 2 – *The Governance Self-Assessment*: The *Governance Self-Assessment* is in two modules and has been developed to assist communities in assessing the current effectiveness of the governing body, the progress in building/re-building the institutions of governance and identifying and assessing any gaps in your administrative/organizational structures. We continue to refine Part 2 through Pilot Projects and are working on the development of a web-based version that can be accessed by all Nations that are interested in undertaking a self-assessment. The BCAFN and Accreditation Canada have agreed to work jointly on furthering the development of the Assessment including software development, and are working on entering into a Memorandum of Understanding in this regard.

Part 3 - *A Guide to Community Engagement*: The Community Engagement piece continues to be developed with the principle of assisting Nations in managing change within their community and bringing the discussion of good governance to their Citizens. It is important that we ensure our citizens are engaged and supported as they will ultimately be directing change within our communities.

Parts 2 and 3 of the Toolkit will be released at our BCAFN Assembly in June 2012. BCAFN is committed to ensuring all First Nations' communities in BC have the opportunity to re-establish strong and appropriate governance and to benefit from recognition of Aboriginal title and rights. Governance must start at the community level and be based on each Nation's vision, leadership and culture. To help build capacity in First Nations' communities, the BCAFN will be developing a Facilitator's/Implementation Guide to assist 'Community Champions' (community facilitators) to work through the Governance Toolkit, specifically with respect to *The Governance Report*.

If you do not have copy of the Governance Report, copies can be downloaded off of our website. We still have hard copies. If your community would like another copy, please contact our offices. An updated second edition will be forthcoming in 2012, resources and time permitting.

Regional Initiative to consider Governance Recognition Legislation: In accordance with the direction of the Chiefs in Assembly and building on our Action Plan, the BCAFN is working to develop federal First Nations' Governance Recognition Legislation. I mentioned the need for this work in my comments at the Crown First Nations Gathering held in Ottawa this January. This is an exciting initiative that if we are successful with will put into our hands a practical tool to support governance reform that many of our communities have said they could use and need.

As we continue to work with communities on governance initiatives, it is becoming clear that there is a growing momentum towards moving away from the *Indian Act*. Seventy percent of our First Nations in BC are engaged in some form of governance reform. As this process of decolonization continues there is a need to support the fundamental and local community development work that is needed. Once a Nation has begun this process they often look to restructure their government and administration to make it more accountable to their citizens, with new rules respecting the selecting and operation of their governing bodies and how laws and decisions are made. When a Nation is ready to undertake governance reform it often looks at re-building its governance institutions and structures through the development of a community constitution.

Today, however, there is no effective or simple mechanism for a First Nation to get out from under the core governance provisions of the *Indian Act*. A community would have to engage in self-government negotiations with the Crown, seek a court declaration of its inherent right to govern or simply proceed and hope that the legality of the community's constitution is not successfully challenged – either by their own citizens or by others that are subject to it. When our communities 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), they should be free to do so and without negotiations with Canada as these matters are internal to each of our Nations.

Federal governance recognition legislation could fill a gap and facilitate the foundational and transitional work communities want to undertake as a 'first step' to self-government and assuming broader powers (jurisdictions). With respect to core governance, at a minimum federal governance legislation would remove the federal government as 'gatekeeper' to governance reform and the interminable negotiations that often take years to conclude, assuming a Nation can actually sit down at a negotiating table with Canada.

The absence of a simple and efficient way for a First Nation to remove the application of all or part of the *Indian Act* is impairing our ability to build strong and appropriate government and move forward in implementing our rights. Not only would this legislation 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.

Any governance recognition legislation must, obviously, be opt-in when a First Nation is ready, willing and able and has developed its own community constitution. Similar legislation has been introduced in the past in the Senate sponsored by Aboriginal senators [the last being legislation Bill S-216 in the 39th Parliament] and we are working with partners to jointly draft a new Bill that could potentially be introduced in the next number of months. For its part through my office, the BCAFN will continue to connect with a group of peers in mid-march to look more closely at what this legislation might look like. If you would like to be involved in this process and are not already, please feel free to contact me. At our Legal/Political Strategy session in Westbank on March 28 and 29, 2012, we will bring more detailed information to our leadership on this initiative for discussion. There is, of course, no guarantee that the government will support our Bill, as previous iterations have not made it into law; however, with our collective efforts and your support we hope that it will. Governance recognition legislation was recommended by the Royal Commission and in the Penner Report and is long overdue.

First Nations-Crown Relations: Joint Action Plan and Crown-First Nations Gathering: On January 24, 2012, in Ottawa First Nations' Chiefs from across the country, youth, elders and representatives of the Crown – the Governor General, the Prime Minister and members of the Cabinet – met at a Crown-First Nations Gathering to discuss re-setting of the relationship between First Nations and the federal government and to build on the Joint Action Plan agreed to by the National Chief and Minister Duncan last year. It was great to see so many of our BC chiefs in attendance and that we were able to get our delegation into the main plenary room with a few extras. For my part, if we have other such gatherings I am going to insist that a venue be found so all our chiefs from across Canada can attend if they want, so that no one is left out.

In preparation for the Gathering the BCAFN, with input from the First Nations Leadership Council, First Nation Councils and BC leadership put together the *BC Proposed Solutions and Desired Outcomes Document* to provide the Crown with the high level priorities of First Nations in BC. Thank you to all that participated in its development and especially to those at the Health Council, Fisheries Council and the Education Council who contributed towards drafting. The Outcomes document was framed around the four pillars of the BCAFN action plan (please see attached).

The Gathering started with a ceremony reflecting and affirming the enduring relationship between First Nations and the Crown as well as confirming the heritage and future of Indigenous peoples as fundamental to Canadian reality, identity and culture. This was followed by addresses from First Nations and Crown leadership. (You can find links to Gathering videos, including the leadership addresses on our website www.bcafn.ca)

As the holder of the national AFN's First Nation Governments and Nation building portfolio, I was honoured to have been given the opportunity to address Prime Minister Harper at the Gathering. Addressing the Prime Minister and members of his cabinet provided us with the

rare public opportunity to present the issues and priorities of First Nations across the country and, of course, in BC where so many initiatives are already underway due to your leadership.

To reflect a little, I found the analogies that were used during the Gathering to describe the *Indian Act* interesting. The National Chief called the *Indian Act* a boulder to push aside. The Prime Minister likened it to a tree with deep roots that if pushed over would leave a big gaping hole. I responded by stating that we are making progress on our long-term goal of self-government and that we must make choices collectively where our Nations lead the change to uproot the '*Indian Act* tree' and knock it over, leading to full self-government. Core governance reform will get at the roots of the *Indian Act* tree and when we do the *Indian Act* tree will topple over – no gaping hole but strong and self-determining First Nations.

What we all agreed on is that *the Indian Act* needs to be replaced. Where we differ is in our beliefs about what should replace the *Indian Act* and how.

The text of my presentation and the *BC Proposed Solutions and Desired Outcomes* document can be found on our website: www.bcafn.ca.

After the morning plenary concurrent breakout sessions were held to maximize the opportunity for First Nation delegations to present their views and to dialogue with members of Cabinet, and the conservative caucus. In addition, Chiefs who were unable to make the trip to Ottawa had the opportunity to participate in the discussion during the concurrent sessions video conferencing was organized at the AANDC offices in Vancouver. Thanks to those of you who made use of this facility and provided such useful contributions to the conversation. I am pleased to say that many of our BC Chiefs participated both in Ottawa and through video conference in each of the concurrent sessions.

Concurrent session one, "Strengthening the Relationship and Enabling Opportunities," explored ways that our communities are affirming and advancing the Treaty relationship and moving beyond the *Indian Act* through enabling and supporting First Nations' governments. Those who presented spoke about ways to improve claims negotiation and implementation as well as emerging arrangements and partnerships.

During concurrent session two, "Unlocking the Potential of First Nation Economies," our Chiefs talked about advancing our economic interests through respectful partnerships and meaningful engagement, enabling community development, and strengthening the capacity of First Nations' women and men to contribute as economic leaders. Good governance and accountability were also discussed as being foundational for a transformed fiscal relationship and economic success. Addressing the existing regulatory framework and the respectful participation of First Nations in major projects and resource development partnerships were also topics of discussion.

The third concurrent session, "Realizing the Promise of First Nations Peoples" focused on the next generation; on children, youth and families. Our Chiefs talked about the importance of

improving education, skills and training for our people and about strengthening labour market participation for our men and women in all fields. Our leaders also acknowledged the important role of language and culture.

Immediately following the Gathering, an “outcome statement”, including next steps was released by the Crown and the Assembly of First Nations. Five immediate steps for action were identified. As a tangible first step, Canada and First Nations committed to work on a renewed relationship. The Government of Canada and First Nations also committed to work to develop solutions to remove barriers that hinder First Nations’ governance. While the *Indian Act* cannot be replaced overnight, through the use of existing tools and the development of new mechanisms, Canada and First Nations will work to create the conditions to enable sustainable and successful First Nations. Thirdly, the Government of Canada and First Nations committed to respect and honour the treaty relationships and advance approaches to find common ground on treaty implementation.

Education reform was also an important topic at the Gathering. The Joint Action Plan was the launch of a collaborative engagement process to make recommendations on quality K-12 education for First Nation children living on-reserve. The fourth action item was that upon a joint review of the National Panel on Education’s Report, First Nations and the Government of Canada committed to work to implement agreed-upon recommendations as quickly as practicable and to establish a process to work constructively through any areas of disagreement. The fifth and final action item identified in the Gathering’s outcome statement was the commitment that within three months Canada and First Nations would launch an economic task force, as set out in the Joint Action Plan. The task force will report back with recommendations to further unlock the economic potential of First Nations. Work has already been underway to define the scope of this task force.

To view the full Crown—First Nations Gathering Outcome Statement document, and other related materials from the Gathering please visit our website (www.bcafn.ca).

BC Joint Gathering 2012: Following the Crown First Nations Gathering, the First Nations Leadership Council, together with AANDC BC Region hosted a BC Joint Gathering in Vancouver on February 7-10, 2012. This gathering was intended to provide the opportunity for First Nation, federal and provincial representatives to discuss issues of common concern, share and improve service delivery and support to First Nation communities. The Joint Gathering was attended by over 200 Chiefs and representatives from our First Nations, who had the opportunity to meet with the Deputy Minister and the Regional Director General from AANDC as well as the Deputy Minister and Associate Deputy Ministers from MARR.

The Joint Gathering began with an evening celebration of First Nations’ culture. Those in attendance were able to meet informally and prepare for the learning and discussions that would follow. I was pleased to have spoken on the gathering’s first panel, “Big Picture Overview of the Global Economic and Social Environment.” This panel was followed by two other panel discussions, “Unlocking Potential of First Nation Economies” and “First Nations

Quality of Life.” These panel discussions were conducted in such a way that allowed space and time for discussion with and amongst our Chiefs. The day concluded with a special tribute to those affected by the devastating fire in the Burns Lake Babine Forest Products sawmill. Community members from the Lake Babine Nation addressed all those attending and spoke about the recent tragedy in their community. There was overwhelming support for them and over the course of the Joint Gathering, our First Nation representatives and government officials raised \$2,700 to support the community members affected by the explosion in January. Members of the First Nations Leadership Council have each agreed to match this donation.

Over the next two days, concurrent dialogue sessions were held to discuss opportunities and challenges that currently exist over a range of important topics to our First Nation communities, including, Additions to Reserve, legislation, emergency management, education, water strategies, AANDC service standards, the treaty process in BC, environmental management, housing, economic development, land management, and fire protection strategies. On the third day of the gathering, those attending also had the opportunity to hear from our National Chief, Shawn A-in-chut Atleo.

We heard from many participants that relationship building between First Nations and governments requires stronger communication. Government officials had the opportunity to share realities and restrictions with their work inside government (e.g., how budget cycles work, their timelines, some of the high level direction they receive). First Nations shared both big picture and Nation-specific issues, highlighting both the differences that exist between First Nations in BC and also the similarities. Success, we heard, depends on open and direct communication and ongoing participation. While individual transactions can go well or go bad, it is strong relationships that will carry us forward. We also heard that jurisdictional impediments and challenges create opportunities to partner with government and with each other.

Another key issue was regarding the tension and challenges associated with the *Indian Act*. In many sessions, First Nation community leaders talked about the work they are undertaking to move away from the *Indian Act*. It is critical to support our communities wherever we are along the continuum, whether we are still operating under the *Indian Act* or newly emerged out from under it.

First Nations across BC share many common issues. We continue to work together to share and address our needs, and encourage governments to see our perspectives. While as leaders we meet with our political counterparts both federally and provincially, we also, in this period of transition, need to meet with senior government officials as we did at this Gathering. While technically working for the Crown, individuals who work for the federal and provincial governments are also, in many respects, working for us and should listen, as they do to their own political masters, to our political direction.

Until our Nation’s re- emerge fully from our colonial past and so long as we are still governed and administered through the institutions of Canada, we must ensure that our interests are

understood and acted upon by senior officials. Senior officials need to take into consideration our views as the political representatives for our people. Sometimes the lines of authority and the responsibilities can become blurred. Decolonization is never pretty. Some of the tension felt at the BC Gathering in this regard, while unfortunate, means we are, in fact, making progress. Our relationship with the BC Region and AANDC is stronger for it. We simply need to work together. The policies that guide our Nation re-building and the direction taken by us, Canada and the province must be sound and well considered. The job of the AANDC and MARR must be to support, and where necessary, facilitate this transition.

National Justice Forum: From February 21-23, 2012 the Assembly of First Nations held a National Justice Forum in Vancouver, BC and I was honoured to represent BC First Nations in my welcoming address to those attending. The Forum was an opportunity for national and regional First Nations organizations, frontline justice workers, First Nation community leaders and other government representatives to come together with the goal of further developing a National Aboriginal Justice Strategy and to engage in dialogue on these important issues. I believe firmly that how our peoples relate to the Canadian system of justice is critical, particularly during this time of Nation building or rebuilding.

Beginning with a special ceremony on the first day, the Forum honoured the families of murdered and missing First Nations women and reminded all those attending of our connectedness and of the importance of the work being undertaken across the country in the field of justice. The forum was also an opportunity to discuss the potential impact of Bill C-10 (Safe Streets & Communities Act) on our peoples and communities and created the opportunity for those attending to engage with the Correctional Service of Canada (CSC) to review trends in corrections, as well as opportunities to partner within the existing systems. First Nations policing and First Nations emergency preparedness were also topics explored. On the final day we heard updates on the Indian Residential Schools Settlement Agreement as well as an update on the potential Day Scholar/Day School class action. Of particular note, I would like to thank Chief Gary Feschuk and Chief Shane Gottfriedson for their updates on the important work they have been involved in together to protect and to seek justice for their members who were Day Scholars or Day Students attending residential schools.

Before the Forum closed, we heard from the chair and commissioners of the Truth and Reconciliation Commission (TRC), one of the biggest expressions of healing currently underway across this country. The TRC is a critical step in working to put behind us the residential school experience. Our citizens as individuals are recovering from their colonial past, but so too, collectively, are our societies. Justice and governance reform are a part of the healing process.

On February 24, 2012, the TRC released its Interim Report, which provides 20 recommendations in five key areas: the operation of the commission, education, support for survivors, reconciliation and commemoration. The report is available on the TRC website at www.trc.ca.

Parliamentary Update:

Bill C-10: Safe Streets and Communities Act: *Bill C-10* has passed 3rd reading in the House of Commons and is currently at 2nd reading in the Senate. The omnibus legislation combines nine bills from the previous parliament and includes changes to the *Youth Criminal Justice Act* and the requirement of mandatory minimum sentences for drug offences. Under the bill, additional sentencing and removal of ability to use conditional sentences (consistent with the *Gladue* principles) will have significant impacts on First Nation offenders. From my own experience as a former prosecutor at the Vancouver Main Street Criminal Courthouse, I believe, like many others, that this Bill is regressive and will hurt our people. I firmly believe that this Bill is not in keeping with how modern western liberal democracies are dealing with sentencing and that Canada is taking a step back. This should concern us all. The overall intent to use expensive and punitive jail measures will disproportionately impact our First Nation population of both adult and youth offenders and does not address underlying issues that lead to offences being committed. Our people are overrepresented in the justice system, and this Bill will likely make this issue worse rather than better. The AFN has sent a letter and written submission to the Minister of Justice and the National Chief and AFN legal counsel have presented before the Senate Committee. For more background on this issue please see our website.

Bill S-2: Family Homes on Reserves and Matrimonial Interests or Rights Act: The Senate Standing Committee on Human Rights completed a review of *Bill S-2* on November 28, 2011. The report of the Committee was tabled on November 29, 2011 with two amendments and observations on the importance of ensuring First Nations have the needed support and capacity to create their own laws on Matrimonial Real Property. The Bill passed 3rd reading of the Senate on December 1, 2011 and was introduced at 1st reading in the House of Commons on December 8, 2011. A coordinated strategy for working with MPs and the House of Commons on this Bill is underway at the AFN.

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 our citizens access to justice. Some changes to previous versions of the Bill have resulted – notably, the removal of the verification officer, removal of the voting threshold for ratification and the addition of a 12-month transition period. During this transition period a Nation can develop its own matrimonial property law, and thereby not be subject to the default rules in the proposed Act that will come into force after the transition period.

The AFN continues to take the position that 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 continues to urge 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.

Bill S-6: First Nations Elections Act: Introduced in the Senate on December 6, 2011, *Bill S-6* completed 2nd reading and was referred to the Standing Senate Committee on Aboriginal Peoples on February 2, 2012. As the AFN's National portfolio holder for First Nations' Governance and on behalf of the BCAFN, I presented to the Standing Senate Committee on Aboriginal Peoples on February 28, 2012 to speak to this Bill. My presentation to the Senate Committee can be found on our website, www.bcafn.ca.

Bill S-6 provides opt-in legislation for First Nations who conduct their elections under the *Indian Act*. The Bill proposes to extend the election term from two to four years and provides the following: provisions consideration for common election dates; defined qualifications for candidates for chief and clear rules around the nomination process; clearly defined offences and penalties that will deter questionable election activities; and, the Minister is not involved in election appeals. Under the proposed Bill, elections can be contested in a court and it sets out offences and penalties in relation to the election of a chief or councilor. The Bill includes provisions for the Minister to order a First Nation under the Act, including one that conducts custom elections in the event of a protracted leadership dispute. Additionally, the Bill includes opt-out provisions for First Nations to transition to custom codes. The proposed legislation results from initiatives of the Atlantic Policy Congress of First Nation Chiefs and the Assembly of Manitoba Chiefs.

Safe Drinking Water for First Nations Legislation: In my November 2011 Quarterly Report, I noted that 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 safe drinking water legislation is re-introduced. Amended legislation is expected to be introduced in the Senate the last week of February or first week of March, 2012.

I continue to express our First Nations' concerns that any proposed legislation must not compromise our Nation's Aboriginal title and rights, 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. We also need to have our own strong and appropriate governance with respect to water management and administration. We will keep you posted on any further developments.

Bill C-27: First Nations Financial Transparency Act: This Bill was introduced in the House by Minister Duncan on November 23, 2011 and will 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. There is no further update on the progress of this Bill at this time.


First Nations are committed to the principles of accountability and transparency to our citizens. *Resolution 50-2010*, passed at the Special Chiefs' Assembly in Gatineau, Quebec in December 2010 confirms this commitment. Most First Nations in BC have already addressed these issues in their own laws and policies as directed by their citizens/members. While there is no question that disclosure of wages is an important aspect of accountability, it is, as we all know, only one aspect of a political accountability framework. I continue to believe that a more comprehensive approach will only be realized when we move away from the *Indian Act* and re-establish our own 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. In my November report, I described how 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. We continue to argue that any provincial legislative amendment cannot compromise the already established duty to consult and accommodate with First Nations and this issue is being addressed by the First Nations Energy and Mining Council.

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

BCAFN SCA Legal/Political Strategy Session: Further to the British Columbia All Chiefs' Task Force (ACTF) Proceeding Report from December 2010, the BCAFN will be holding a two-day Special Chiefs' Assembly: Legal/Political Strategy Session to develop an updated strategy taking into consideration legal and other political developments since the initial strategy was developed at Westbank in 2008. Co-hosted by Westbank First Nation, the session will take

place on March 28-29, 2012 at the Sensisysten Community Centre - 1920 Quail Lane - Westbank, BC.

This Special Chiefs' Assembly will bring BC First Nations chiefs and proxies together to review recent Aboriginal title and rights court decisions and to discuss and to debate the merits of different approaches to litigation, including class action suits to addressing infringements of Aboriginal title and rights. We will consider local, regional, national and international approaches in an effort to share our experiences in BC and beyond and develop strategies regarding the most effective way to use the domestic and international legal systems to achieve greater recognition of title and rights. The legal/political strategy will be considered in light of, and complimentary to, other strategies our Nations are undertaking [political negotiations (treaty and non-treaty), exercise of rights, etc.].

Please visit our website at www.bcafn.ca for further details and registration information.

Mines or other Resource updates - Northern Gateway Project: The Enbridge Northern Gateway Project continues to be an important leadership challenge for many of our Nations. The Government of Canada's Joint Review Panel has been formed to conduct a review of the proposed Enbridge Northern Gateway Project and many of our communities and leaders have made it a priority to take part in the Panel's BC hearings. Other communities have opted not to participate. Hearings have already been hosted in Kitimat Village, Terrace, Smithers, Burns Lake, Prince George, Fort St. James, Bella Bella, and Prince Rupert. Additional sessions are planned in Masset, Queen Charlotte City, and Courtenay with the possibility of more hearings to be announced. The Joint Review Panel expects to complete its planned consultation work in April 2012. Based on the Panel's projected schedule, the Panel anticipates releasing the Environmental Assessment report in the fall of 2013 and its final decision on the project around the end of 2013.

I think it is fair to say the Gateway pipeline is the biggest single land and resource issue facing our Nations, Canada and BC. The stakes are huge and everyone is watching. The government of Canada has already shown its hand and has declared that the project is in the national interest and wants the project to go ahead. Many of our leaders have said "no it will not". Labels such as 'radical' are being bantered about in an attempt to discredit legitimate opposition to the pipeline, which only serves to inflame an already potentially explosive situation.

I commend our leaders for their continued commitment to working to ensure our lands are protected for future generations and that our Nations have access to the opportunities for economic and social development that result when Nations have access to land and resources, whether through benefits agreements or other arrangements. The Gateway project is clearly going to be one of the most controversial and divisive public policy issues facing Canada and First Nations and one that we will all be watching very closely.

BC Treaty Process updates: In October 2011, in Sliammon Village, Tla'amin Nation had a signing ceremony. Tla'amin members will vote in June on a final agreement with the governments of Canada and British Columbia. According to the BC Treaty Commission, the treaty will make Tla'amin Nation the largest landowner in the Powell River region. Currently, there are 60 First Nations, including 110 Indian Act bands, in various stages of the BC treaty process, some more active than the many.

In my November Quarterly Report I discussed the BC Treaty Commission's serious concern that there has not been a sufficient return on investment in the BC Treaty Process. The Commission has identified the need for a recommitment from the governments of Canada, BC and First Nations. This recommitment would include the promotion of interim measures agreements which will allow for earlier economic benefits to First Nations, support to First Nations in addressing overlap issues and governance capacity building requirements. To press for treaty completion, BC treaty commissioners have appeared before both the Standing Senate Committee on Aboriginal Peoples and the House of Commons Standing Committee on Aboriginal Peoples.

There has been much talk and anticipation about Minister Duncan's Special Representative Jim Lornie's report on the BC treaty process. While a summary of this report has been made available to the Principals, we collectively are looking to have the complete report made available to all our Nations for their consideration and review.

On February 8, 2012, Ministry of Aboriginal Relations and Reconciliation Minister Mary Polak testified before the Senate Committee on Aboriginal Peoples in Ottawa regarding the BC Treaty Process. The Minister focused much of her discussion on the ways that the BC government has tried to reinvigorate treaty negotiations by pursuing incremental agreements with First Nations to build momentum in advance of treaty. The Minister suggested that pre treaty agreements were designed to be incremental, not an alternative to treaty, and a building block towards a full treaty.

Working with the First Nations Leadership Council, I will continue to encourage Canada and BC to open the doors to establishing meaningful negotiating tables with our Nations that desire such tables. While treaty negotiations in many Nations are looking to resolve the land question, it is certainly not the way all Nations see the world unfolding; either for Nations that have not been able to achieve a treaty they can live with under the BC treaty-making process or those that chose not participate in the first place. We will continue to support multiple options to resolve the land question, without the requirement to go through one process of negotiations or another.

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). In December 2011, the Commission held three additional days of evidentiary hearings in Vancouver to put forth new information about recent testing for the Infectious Salmon Anemia virus in BC on the

Commission's record. Evidential hearing have now concluded and the Commission will be working to produce a final report, which the commission has suggested should be available by June 30, 2012.

The Commission report is expected to 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 Fisheries and Oceans Canada in relation to the management of the Fraser River sockeye salmon fishery.

For our First Nations that are at the agreement in principle stage of Treaty negotiation, the federal government has deferred the negotiation of fisheries to the final agreement stage and presumably until the Commission makes its final report.

Clearly, the results of this inquiry will be of great importance to our Nations. The health and vitality of our salmon fisheries is, of course, incredibly important to our Nations. We will continue to monitor this issue and to work with the other members of the First Nation Leadership Council and First Nations' Fisheries Council to ensure that this matter is dealt with thoroughly. For more information regarding the participation of our First Nations in the work of the Commission see the website of the First Nations' Fisheries Council (<http://fnfisheriescouncil.ca>).

BC's New Approach to Doing Business with First Nations: In September of 2011, BC Premier Christy Clark released the "Canada Starts Here: The BC Jobs Plan." This plan, which promised to improve the relationships between Aboriginal communities, industry and government and to help implement practical measures for economic development, through a new Aboriginal Business and Investment Council, continues to be a focus for the Premier. In December 2011, the Premier appointed Chief Ellis Ross, of the Haisla Nation, to chair the new Council.

The BC government continues to focus on striking economic development deals with our Nations who are willing to do business. I continue to see it as a positive indicator that the province wants to deal, and many of our communities continue to take advantage of the climate of cooperation. However, these agreements are not justification for proceeding with major development projects planned in BC where there is no consensus to do so. While our Nations are not against development on principle, we have an important role to ensure that development does not come at an unacceptable cost to our lands or our way of life.

AFN Chiefs' Committee on Claims (Specific Claims and Additions to Reserves): As the Co-Chair of the national Chiefs' Committee on Claims, I would like to thank our BC First Nations for providing their perspectives on the following important 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.

Additions to Reserve: As mentioned in past Quarterly Reports, the AFN/AANDC Joint Working Group held Regional ATR Dialogue Forums across Canada as part of their review of policy, process and legislative options to improve the conversion of land to reserve status. In particular, the BC regional forum took place on November 17, 2011 in Kelowna, BC. The *Additions to Reserve: Regional Dialogue Forums Roll-up Report* is currently being finalized by the AFN. This report includes the feedback received from the participants that spoke about improvements to AANDC's ATR policy, the *Indian Act* and the need for First Nations to manage their own lands. The report includes twenty-six recommendations that are meant to be addressed at a joint technical table with Canada. We will be providing a copy of the report to each of the BC region's participants. If you were not able to attend and would like to receive this report, please contact our office and we will send you a copy. The AFN members of the working group will continue to report to and receive direction from the Chiefs Committee on Claims and the Chiefs-in-Assembly as this work proceeds.

Specific Claims: In preparation for Canada's 5-year policy review, the AFN held one of the Specific Claims Think Tank sessions in Vancouver, BC at the Westin Bayshore Hotel on February 24, 2012. The session included background on the 5-year review and analysis of current activities under Canada's Justice at Last policy. Presentations were given by Clo Ostrove of Mandell Pinder on "The First Nation Legal Perspective from BC" and Justice Harry Slade on "The Specific Claims Tribunal of Canada". The AFN will continue to coordinate First Nations input into the Specific Claims Tribunal Act from First Nations across Canada. We encourage all BC First Nations to provide your valuable feedback, please contact our offices for materials and further information. There is another Think Tank session planned for March 15, 2012, in Ottawa. More information about this session can be found at the AFN website (www.afn.ca).

Comprehensive Claims Policy Reform: At the Crown-First Nations Gathering in January the AFN tabled the Aboriginal Title & Rights and Comprehensive Claims Policy Reform paper. This paper outlines the inability of the current policy to achieve reconciliation between the pre-existing Aboriginal title of First Nations and the de facto sovereignty of the Crown which causes continued economic and legal uncertainty for First Nations and Canada. It also highlights the need to update Canada's policy framework to reflect current national/international standards in a practical and timely manner. The AFN proposed that the following actions be achieved by July 2012: 1) Convene a senior table with three representatives each from AFN and Canada to oversee reform discussions; 2) Establish a joint working group to set-out issues for a proposed joint framework for policy reform; 3) Based on confirmation of a joint framework, develop recommendations for policy reform for presentation to the senior table; and 4) Confirmation of reform proposal by AFN and Canada.

The AFN will continue to push this issue through the Crown First Nations Gathering Outcomes Statement: "*Section 3 – Advancing Claims Resolution and Treaty Implementation: The Government of Canada and First Nations commit to respect and honour our treaty relationship*"

and advance approaches to find common ground on Treaty implementation. The parties also commit to ensuring federal negotiation policies reflect the principles of recognition and affirmation mandated by Section 35 of the Constitution Act, 1982 and advance certainty, expeditious resolution, and self-sufficiency.” The AFN has prepared the draft *Comprehensive Claims Policy Reform – Regional Discussion Forum Roll-up Report*, if you would like to review and provide comments please contact our offices.

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: The National Panel on First Nations’ K-12 Education jointly established by the AFN and Canada released its Final Report on February 8, 2012. The Final Report is entitled ‘Nurturing the Spirit of First Nation Students’. This Report concludes a national process of engagement sessions in eight regions, including roundtable meetings, visits to First Nation schools and communities, and key meetings with First Nation education experts. Participants included parents, teachers, students, elders, leaders and school administrators. The engagement process concluded with a national roundtable on November 22, 2012, held in Ottawa.

The Final Report outlines three principles for reform and five recommendations that the Panel considered to be essential to improving education outcomes for First Nation students. The key principles outlined in the report include:

1. Putting children at the center of First Nation education reform;
2. Founding the reform on Canadian political reconciliation; and
3. Sharing accountability for First Nation education reform.

The Final Report outlines the structural elements of a strong First Nation education system that set the foundation and framework for the necessary school-based programs to ensure an education that meets the needs of First Nation students. These structural elements are:

1. A child-centered federal *First Nation Education Act* that outlines the roles and responsibilities of each partner in the system and establishes and protects the First Nation child’s right to a quality education;
2. Education services and supports for schools, educators and students provided by national and regional organizations that are designed and delivered by First Nations;
3. Strong partnerships and mutual accountability between First Nation and provincial schools and education organizations; and

4. Statutory funding that is needs-based, predictable and sustainable; accountability for the use of funds for education purposes and the achievement of successful outcomes for First Nation students must be tied to this new approach to funding.

Based on this framework, the Panel made the following five recommendations:

1. Co-create a Child-Centered federal *First Nation Education Act*;
2. Create a National Commission for First Nation Education to support education reform and improvement;
3. Facilitate and support the creation of a First Nation education system through the development of regional First Nation Education Organizations (FNEO) to provide support and services for First Nation schools and First Nation Students;
4. Ensure adequate funding to support a First Nation education system that meets the needs of First Nation learners, First Nation communities and Canada as a whole; and
5. Establish an accountability and reporting framework to assess improvement in First Nation Education.

These recommendations are elaborated upon in the Final Report. The Panel has stated that they believe that education reform must be based on the principle of reconciliation and insist that First Nations become equal partners in the design and development of a modern education system. The Final Report can be found at: www.firstnationeducation.ca.

The recommendations of the National Panel are seen as complementary to the work on education already well under way in BC through the BC Education initiative. Indeed our system is being looked at as a model Nation-wide.

BC Tripartite Education Framework Agreement: On January 27, 2012, Minister John Duncan (for Canada), Minister George Abbott, (the education minister for British Columbia), and Tyrone McNeil, President of the First Nations Education Steering Committee (for FNEC) signed the Tripartite Education Framework Agreement. The term of the Tripartite Education Framework Agreement is for five years and:

- recognizes the BC First Nations education system;
- formalizes the education partnerships of the Government of Canada, Province of BC and FNEC;
- funds First Nation schools in British Columbia in the same way as similarly sized and situated provincial schools; and
- commits \$15 million annually in additional support for First Nations schools and second level services to be provided by FNEC.

The current education funding model (the Interim Band Operated Funding Formula) ends on March 31, 2012, there are two options available for First Nations:

1. Band Operated Funding Formula
2. New Approach

First Nations who choose not to opt-in to the New Approach will be funded through the national Band Operated Funding Formula. Those First Nations that choose to opt-in to the New Approach, must do so by passing a Band Council Resolution and return it to AANDC by March 15, 2012.

The benefits to the new funding model under the Tripartite Education Framework Agreement include:

- \$15 million overall in additional and ongoing funding for the BC First Nations education system;
- all elements of the provincial operating grants manual, and is indexed to the provincial formula;
- reduction in the requirements for proposal writing and the reporting burden;
- increased spending flexibility; and
- providing the benefits of economies of scale.

For most First Nations, the New Approach will result in an increase of funding. For some, however, the allocations under the new formula are less than the current allocations. To minimize these impacts, AANDC BC Region has committed to either protecting all current K-12 allocations for full funding for three years, or for five years at a graduated rate.

It should be noted, the Tripartite Agreement does not address the issue of jurisdiction. FNEC continues to negotiate funding with AANDC to support the exercise of First Nation jurisdiction over education in accordance with the BC Education initiative objectives, but unfortunately the issue of AANDC's Own Source Revenue (OSR) policy continues to be a major hurdle.

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: 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.

The Health Council, along with Chiefs, health directors, community members, and interim First Nations Health Authority staff held a regional caucus session in Nanaimo, on February 1-2, 2012. The main focus of the session was the launch of the 'Navigating the Currents of Change: Managing the Transition to a New First Nations Health Governance Structure' workbook that

looks to gather input to inform next steps and the future makeup of a permanent First Nations Health Authority in BC.

Today, governing and administering health care is a significant challenge for any government and I think we all appreciate that this will be the case for our governments. I am encouraged that this is a challenge our Nations continue to embrace with a sense of optimism and pride. We are having success in this area and we must commend those who are working so hard to ensure that our Nations will have a regional governance structure for health that is community-driven and Nation based.

Murdered and Missing Women Inquiry: On February 13, 2012, a “Rally against Sham Provincial Missing Women’s Inquiry” was held in downtown Vancouver. Family and friends of missing and murdered women from the Downtown Eastside shared their outrage about how so many beautiful people could have been taken without appropriate action from the authorities. Each of these women have families; each of them have friends; and these women deserve justice.

I was pleased to join hundreds of people on Valentine’s Day in the 21st Annual Women’s Memorial March in Vancouver’s downtown eastside to commemorate and support the families of missing and murdered women. We united to ensure that their silenced voices are heard; that the faces of the invisible are visible – so that others may not fall victim to the same tragedy of a system that ignores or treats differently those in society that are its most vulnerable.

The Murdered and Missing Women Commission of Inquiry – the so called “Pickton Inquiry” – continues despite the fact that Aboriginal and Downtown Eastside advocacy groups are not taking part. Our questions about why so many women and girls went missing or were murdered – and why so many continue to go missing – still need to be answered so that we can put an end to the systemic problems within our justice system.

On February 21, 2012, Commissioner Oppal announced a process change to the Inquiry and revealed that the Inquiry will begin hearing from some of the remaining witnesses in panel form. Commissioner Oppal will invite input from panels of witnesses representing different interest groups, including the families of the victims, the Downtown Eastside Community, Aboriginal women's groups, civic interests and police forces. Many of these groups have expressed concern regarding this process change.

Four reports by the Missing and Murdered Women Inquiry are now available on the Commission website. These reports are: “Standing Together and Moving Forward: Report on the Pre-Hearing Conference in Prince George and the Northern Community Forums”; “Policy Discussion Report: Police Protection of Vulnerable and Marginalized Women”; “Downtown Eastside Consultation Program Report”; and “Municipal Policing in the Lower Mainland District of British Columbia.” Further hearing details can be found at www.missingwomeninquiry.ca. Those who wish to can continue to offer their written submissions to the Commission until April 15, 2012.

As I mentioned in my earlier discussion of the National Justice Forum, I was honoured to join many of our leaders and community members at a special ceremony at the AFN's National Justice Conference on February 21, 2012 to further honour the families of Murdered and Missing Women from the Downtown Eastside. This ceremony was led by the Squamish Nation. The Conference provided a venue and opportunity for First Nations to work towards the development of a National Justice Strategy and action plan to end violence against Indigenous women.

PART TWO: OTHER RELATED ACTIVITIES

John T. Williams Memorial Pole Raising: On February 26, 2012, the John T. Williams Totem Pole was raised in a traditional ceremony at the Seattle Center, Seattle WA in celebration of the late John T. Williams' birthday. A First Nations woodcarver, John T. Williams was shot and killed by a Seattle police officer in 2010 in a shooting that was later declared unjustified by a review board. Dan Smith (FNS), Grand Chief Stewart Phillip (UBCIC) along with his wife Joan, and my husband, Tim Raybould and I were honoured to join President Cliff Atleo, Sr of the Nuu-chah-nulth Tribal Council and Chief Councillor Jack Thompson of the Ditidaht Nation on this significant day. From all accounts, we were pleased to be a part of this important ceremony that was described by Mr. Williams' family and other organizers as the start of a healing process between First Nations and police in Seattle.

Gitxsan Women's Day / International Mother Language Day: February 21, 2012 was International Mother Language Day, this worldwide observance promotes awareness of linguistic and cultural diversity and multilingualism. Also on this day, the Gitxsan Women come together to celebrate their unity and culture by hold their annual celebration of the Hl'daxgyethl Haanak. These and like events are so important and it is good that we continue to support those occasions where we can share our Nations' respective and distinct cultures with each other and the world.

The First Nations-China: Transforming Relationships strategy: In my last Quarterly Report, I discussed how our Nations are becoming increasingly more engaged in trade with China. In early February, Prime Minister Harper led a trade mission to China to conclude negotiations on a Foreign Investment Promotion and Protection Agreement with China. Many of us were troubled at the absence of our leadership on this trade mission. The response of our leaders across the country has been to renew their own commitment to work to protect our inherent rights and treaty rights, and also to build on the success of our First Nations.

We will continue to update you on the work of our leadership, including the National Chief, Regional Chiefs, the First Nations Summit, the Union of BC Indian Chiefs, New Relationship Trust, and the First Nation Energy and Mining Council as they seek to build a stronger relationship with China and, in particular, to promote understanding of title and rights issues in BC and the opportunities for trade with BC First Nations.

PART THREE: BC ASSEMBLY OF FIRST NATIONS' OPERATIONS

BCAFN Elder Representative:

Chief Robert Joseph Kwakwaka'wakw elder is the Regional Chief's Elder Advisor

BCAFN Youth Council:

Josh August Gottfriedson	Tk'emlups te Secwepemc	maleyouth@bcfn.ca
Erralyn Thomas	Snuneymuxw First Nation	femaleyouth@bcfn.ca

BCAFN Board of Directors:

Chief Cheryl Casimer	St Mary's Band
Chief Maureen Chapman	Skawahlook First Nation
Chief Nelson Leon	Adams Lake Indian Band
Chief Les Sam	Tseshaht First Nation

We would like to thank former Chief Lydia Hwitsum of the Cowichan Tribes for her contributions to BCAFN over her term as Women's Council representative and Director on the BCAFN Board of Directors. These vacant positions will be up for re-election at the June 2012 session.

BCAFN Staff: We would like to thank Stephanie Martin, Scheduler/Finance Clerk and wish her the best in her future endeavours. I am also pleased to welcome Alyssa Melnyk, Policy Advisor, and Whitney Morrison, Executive Assistant, to the BCAFN team.

Courtney Daws	Director of Operations	courtney.daws@bcfn.ca
Angie Derrickson	Policy Analyst	angie.derrickson@bcfn.ca
Alyssa Melnyk	Policy Advisor	alyssa.melnyk@bcfn.ca
Cheryl Wadhams	Receptionist	reception@bcfn.ca
Whitney Morrison	Executive Assistant	executive.assistant@bcfn.ca
	Finance	finance@bcfn.ca

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.bcfan.ca). We 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@bcfn.ca.

NOTICES

March 5-7, 2012

AFN – National Water Conference

Marriot Edmonton at River Cree Resort
Edmonton, Alberta

March 13, 2012

BCAFN Governance Dialogue Session

Vancouver Island Conference Centre
Nanaimo, BC

March 15, 2012

AFN – Specific Claims Think Tank

Delta Hotel & Suites
Ottawa, ON

March 28-29, 2012

BCAFN Special Chiefs' Assembly: Legal/Political Strategy Session

co-hosted by Westbank First Nation
Sensisyusten Community Centre
Westbank, BC

June 25-27, 2012

BCAFN – Special Chiefs' Assembly

River Rock Casino Resort
Vancouver, BC

July 17-19, 2012

AFN – 2012 Annual General Assembly

Metro Convention Centre
Toronto, ON

Up to date information can be accessed on our website: www.bcafn.ca.

BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS



**Proposed Solutions / Desired Outcomes
First Nations Crown Gathering
January 24, 2012**

BC Assembly of First Nations Proposed Solutions and Desired Outcomes – First Nations/Crown Gathering, January 24, 2012

First Nations are in a period of profound transition rebuilding our Nations and taking our rightful place within confederation. We are implementing our Aboriginal title and rights, including treaty rights, and reconciling with the Crown. As leaders we seek to improve the quality of life of our peoples with practicing and thriving cultures through political and social reforms supported by fair access to lands and resources and sustainable long-term economic development. Building on the principles established in the courts and as set out in the United Nations Declaration on the Rights of Indigenous Peoples, First Nations in British Columbia are engaged in numerous initiatives in support of the overall objectives. We are finding solutions and we are moving forward with them. We continue to share our successes and build on them.

The following desired outcomes from the First Nations/Crown Gathering to be held January 24, 2012 in Ottawa, are organized around the four pillars that form the basis of the BCAFN *Building on OUR Success* Action Plan. The action items under each desired outcome reflect the mandate as resolved and directed by the Chiefs through our three Provincial organizations - the British Columbia Assembly of First Nations, the Union of BC Indian Chiefs and the First Nations Summit. The action items identified for each outcome reflect actions that require Canada's involvement or support to implement and should inform any agreed to work plan or statement coming out of the First Nations/Crown Gathering and that would support the initiatives of the Chiefs of British Columbia.

1. 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

1.1 Settlement of the ‘Land Question’: Based upon the honour of the Crown, good faith negotiations and recognition of Aboriginal title and rights to our lands, we seek recommitment to settling the land question in British Columbia with fair access to lands and

resources (whether through the BC treaty process or otherwise). Consistent with Supreme Court of Canada and lower court decisions and with the evolving standards in the United Nations Declaration on the Rights of Indigenous Peoples and other Human Rights instruments, a joint review of and revision to Canada's Comprehensive Claims policy and other federal policy affecting governance and access to federal regulated resources;

1.2 Implementation: Canada must take all necessary actions to support the full implementation of land claims agreements, including modern and historic treaties. Delay or problems in implementing agreements results in lost opportunities, in particular developing First Nation economies;

1.3 Revenue Sharing: Political support from the federal government that BC First Nations should share resource revenues/rents with BC through resource revenue sharing agreements and/or accommodation and benefits agreements for resources extracted from within a Nation's traditional territory. Matter to be central on proposed First Ministers' meeting;

1.4 Proposed Major Developments: There are a number of significant major industrial developments proposed within the territories of our Nations. In accordance with recent court decisions, the United Nations Declaration on the Rights of Indigenous Peoples and respecting the evolving government to government relationship, the decision to proceed with major developments must properly take into consideration the views of the governments of effected First Nations which in many cases will require consent. Mechanisms to ensure joint decision-making need to be developed;

1.5 Specific Claims and Additions to Reserve: Commitment to settlement of specific claims and to improved efficiency to the process to add lands to reserve; and,

1.6 Fish, Fisheries and Fish Habitat: The federal government to recognize a liberal and generous interpretation of the section 35 right to fish, which ensures priority access and adequate FSC fishery which includes an economic component. It is also imperative that Canada honour existing court rulings, such as those in *Gladstone* and *Ahousaht*.

2. 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*

2.1 Core Governance Reform: The federal government to support an efficient mechanism for First Nations to govern outside of the *Indian Act* where a First Nation has developed and ratified its own constitution (would require federal recognition legislation and legislation to remove application of parts of the *Indian Act*). Such a mechanism must be available to all First Nations when ready, willing and able to proceed (opt-in). Governance arrangements would at a minimum apply to existing reserve lands but could extend to Aboriginal title lands, beyond the reserve, in the future. Current mechanisms are limited, time-consuming and inefficient and provide no realistic prospect for all First Nations to govern outside of the *Indian Act* in a reasonable period of time and this is proving to be a serious impediment to social and economic development;

2.2 Expanded Jurisdiction: Continued and enhanced support for First Nation led sectoral governance initiatives addressing particular areas of jurisdiction (e.g., land management, education, fiscal etc.) to ensure those First Nations that wish to move beyond the *Indian Act* in certain areas can do so when ready, willing and able;

2.3 Ensure Jointly-led Federal Legislative Reform: The federal government to agree not to impose governance reform and not proceed with or develop further legislation purporting to address aspects of First Nations’ governance in the absence of support from First Nations. To be legitimate policy direction must come from First Nations in implementing reforms;

2.4 Fiscal Relations: Commitment by the federal government that First Nation Governments will have access to reasonably comparable resources to provide comparable programs and services as received by other Canadians (revisit the Kelowna Accord) ;

2.5 Restructuring AANDC: Agreement to develop a plan to re-structure or replace AANDC with a federal department responsible for inter-governmental relations with First Nations and in particular to support those Nations governing outside of the *Indian Act*, either as part of comprehensive or sectoral governance reform.

2.6 On-going Political Relationship: Commitment from PMO's office for regular meetings between the Chiefs and the PM and cabinet along with follow-up meetings with each Region. Commit to work towards holding a First Ministers' Meeting to ensure support and involvement by the province's in reconciliation actions.

3. Improved Education

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Improved
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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

3.1 BC Education Initiatives: First Nations in BC have established the foundation for a comprehensive, integrated First Nations Education System that contributes to First Nations' efforts to create healthy, self-sufficient, sustainable communities. The application of Aboriginal Affairs and Northern Development Canada's policy on Own Source Revenue to BC's First Nations education jurisdiction initiative is unworkable, counter-productive and should be eliminated;

3.2 Comparable Levels of Funding: First Nations schools require comprehensive, sufficient, sustained and secure funding that is roughly equivalent to funding provided to similarly situated provincial schools and takes into consideration the unique context and needs of First Nations learners and communities;

3.3 Support for Languages and Cultural Programming: Language and culture learning must be recognized as a fundamental component of First Nations schools programming and financial support must be provided accordingly; and,

3.4 Support for First Nation Adult and Post-Secondary Learners: In order to increase participation rates and levels of success, additional policy change and financial support must be provided to First Nation adult learners and First Nations enrolled in post-secondary programs.

4. Individual Health

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“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.”

4.1 On-going Federal Support for BC Tripartite First Nations Health Plan: An enduring partnership with the First Nations health governance structure in BC and the successful establishment, funding and operations of a First Nations Health Authority to improve health services and outcomes for First Nations people in BCBC Health Initiatives; and,

4.2 Social Determinants: An on-going commitment to work with First Nations and First Nations organizations in BC to address social determinants of health and improve the overall health and wellness outcomes for First Nations in BC.