

BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS



REGIONAL CHIEF'S QUARTERLY REPORT

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PART ONE: BUILDING ON OUR SUCCESS – IMPLEMENTING THE PLAN

On November 27th, 2012, the BCAFN held its Annual General Meeting including elections for Regional Chief, members of the Board of Directors and the Women's Council Representative. I am honoured to have been re-elected Regional Chief for a second term and that our Chiefs have re-confirmed with such strength the work of the BCAFN and the *Building on OUR Success* Action Plan. I want to recognize and commend the other candidates Shana Manson, and Marjorie McRae for running in the BCAFN election for Regional Chief. The full results of the election are found at the end of this Report.

That our AGM was attended by 162 of our 203 First Nations and that just under 80% voted in favour of continuing with the *Building on OUR Success* plan sends a powerful message to other regions of the AFN and to Canada and the Province of BC. It shows we are strong and unified in our resolve and multi-pronged approach to implement our Aboriginal title and rights, including treaty rights, and that BC First Nations have been developing our own solutions and will continue to support each other in this work.

In 2009, I ran for Regional Chief on a platform consisting of four key and interrelated areas. I believed then, and still believe now, that success in these areas was critical to meeting our shared objective of improving the quality of life of our people and ensuring we have practising and thriving cultures. In 2012, I ran again on an updated version of this platform.

- 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.

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 in Three Parts: Over the last three years, the BCAFN has developed the *Governance Toolkit: A Guide to Nation Building* which is in three parts. The final part of the Toolkit was launched at our BCAFN Special Chiefs’ Assembly on November 26th, 2012.

Part 2 – The Governance Self-Assessment: Part 2 of the Toolkit is a *Governance Self-Assessment* which was developed in two modules, designed to aid our Nations in evaluating (1) the effectiveness of their institutions of governance, and (2) the effectiveness of their administration. A governance self-assessment is an important exercise that any Nation can undertake in order to identify what is working well or is not working well, where the institutional framework may be deficient, and where there are perhaps opportunities to strengthen institutions of governance and of the powers of government in order to meet the overall governance goals of a Nation. The BCAFN and Accreditation Canada signed a memorandum of understanding this year around the development of Part 2, and the work is continuing to further develop the Self-Assessment and make it ever more accessible for all Nations who would want to undertake an assessment. As I mentioned above, the Self-Assessment was launched at our Special Chiefs’ Assembly this November in Vancouver and since then the BCAFN has received many requests for more information and the possibility of the BCAFN helping to facilitate a governance self-assessment with First Nations across BC. If you would like more information about the Governance Self-Assessment and how it may be used in your community, please do not hesitate to contact me directly at regionalchief@bcafn.ca, or our BCAFN office: 604-922-7733.

I am so pleased that so many of our Nations and citizens are finding the Toolkit to be a valuable asset in their own work. The Toolkit draws upon the collective experiences of BC First Nations and best practices in governance, and was developed to assist our Nations in navigating their way out from under the *Indian Act* (moving through the post-colonial door) at their own pace and based upon their own priorities. All three parts of the Toolkit are now available online at www.bcafn.ca for download in full or in part.

Self-Government Recognition Act: Over the past year, and as discussed at the Special Chiefs’ Assemblies held in Westbank on March 28-29, 2012 and in Vancouver on June 28-29, 2012, we have been working with our friends in the Senate to develop self-government recognition legislation – not a new idea but an idea whose time has come. I am pleased to say that on November 1st, 2012, private member’s Bill S-212 *An Act providing for the recognition of self-*

governing First Nations of Canada was introduced by Senator Gerry St. Germain just days before his retirement. The Bill provides an option for moving beyond the Indian Act and stands out in contrast to the government's legislative agenda for us. An agenda we were so critical of at the Crown-First Nations Gathering held last January in Ottawa and at which time we told the Prime Minister we had, and would continue to develop, our own solutions.

Bill S-212 provides a mechanism for a First Nation to become legally recognized as 'self-governing' under its own constitution. Where, at their choice, a First Nation, or group of First Nations, develops its own constitution as part of a self-government proposal that has been ratified by its citizens, Canada is required legally to recognize that Nation or Nations as self-governing. Following recognition, Canada would be required to enter into inter-governmental negotiations with respect to that Nation's law-making powers and a new fiscal relationship.

Bill S-212 will no doubt generate much needed dialogue and debate around the importance of reconciliation and for First Nations to be recognized as self-governing based on our inherent right to self-government and as required in the United Nations Declaration on the Rights of Indigenous Peoples. However, we must be cautious and recognize that developing such legislation is no small undertaking and is fundamentally about returning to the original Nation-to-Nation relationship between our peoples and the Crown. As such, Bill S-212 should in no way be considered anywhere near to existing in its final form.

Much work is still required to ensure that Bill S-212 fully satisfies the needs of our Nations and the Bill will need to be studied and debated thoroughly by First Nations across Canada, not just by those of us in BC, and amended as required. We should also be under no illusion that the federal government will actually support Bill S-212 as it is obviously not a government sponsored bill. I expect there will also be opposition from some First Nations across Canada. Nevertheless, I truly believe Bill S-212 is a step in the right direction and something BC First Nations can be proud to have been leading.

Regardless of whether or not an amended Bill S-212 ultimately becomes law in this or a future Parliament, it stands out today as an alternative to the federal government's neo-colonial legislative agenda for our peoples that tinkers around the edges of the *Indian Act* and designs our post-*Indian Act* governance for us. Discussion on Bill S-212 is also timely as Canada looks to consolidate its negotiating tables and only continue to negotiate self-government (whether a part of land claims or not) with those Nations that, as a pre-condition, agree to Canada's negotiating positions; an untenable, and maybe even illegal, situation which essentially places Canada as the 'gatekeeper' to our liberation from governance under the *Indian Act*. Under Bill S-212 the decision to be recognized as self-governing is made by the First Nation and when so made, Canada is required to act accordingly.

We will be looking in the New Year to collect feedback on Bill S-212. If your Nation is interested in obtaining more information or participating in the further development and progress of Bill S-212 please contact me directly at regionalchief@bcfn.ca or 604-922-7733.

Federal Legislative Agenda: As I have reported previously, like many of you, I am very concerned that the federal legislative agenda continues to push forward new laws and regulations for us based on the current government’s “we know best” attitude. Our communities are frustrated as evidenced by the recent “Idle No More” movement. More so than just protests we have continued to work tirelessly in all areas, developing First Nation-led solutions in the areas of governance, education, health, fisheries, and lands and resources. Collectively this work is all about taking back control of the agenda and over the decision-making that impacts our communities. It is about saying “no” to the current legislative agenda by answering with real solutions and which respects the hard but necessary work of Nation building and rebuilding. The following provides a brief overview of the current status of the federal government’s legislative agenda.

Bill C-10: Safe Streets and Communities Act: As previously noted, Bill C-10 Safe Streets and Communities Act received Royal Assent on March 13th 2012. The full Act came into force on November 20th, 2012. The omnibus crime bill introduces, among many other punitive measures, minimum sentencing regulation for young offenders. The primary concern is that the bill does not address the underlying social factors for the already alarming over representation of our people, especially our young people, in the justice system. Our citizens and communities require healing and the fear that many of our leaders have is that these punitive measures will unduly underscore the rehabilitation that is currently underway in our communities. Recently, the Quebec Bar Association has announced its plan to contest the constitutionality of the minimum sentencing regulations within the bill. The Quebec Bar Association represents over 24,000 lawyers.

Bill C- 27: First Nation Financial Transparency Act: Bill C-27 was introduced in the House of Commons on November 23, 2011 and is called an Act to “enhance the financial accountability and transparency of First Nations.” Bill C-27 is now at second reading in the Senate. If passed, there will be a legal requirement for Chiefs and Councils to disclose their organizational salaries and expenses on their public website. Of course we do not oppose transparent and accountable practices; however, it is important that we take responsibility for designing our own and more comprehensive systems of political and financial accountability and to acknowledge the existing processes that many of our Nations have and continue to practice to inform their citizens. Additionally, the Bill goes too far with respect to the public disclosure of the business income of our communities and puts too much power in the hands of the Minister. On October 17, 2012 I was able to present to the Standing Committee on Aboriginal Affairs regarding Bill C-27 during which I highlighted some concerns and the successes that many of our Nations are having in regards to transparency and accountability policies. The transcripts for the presentation are available at the National AFN website, www.afn.ca.

Bill C-45: Jobs and Growth Act: The ‘budget’ bill was introduced on October 18, 2012, and is the second omnibus bill to implement further provisions of the March 29, 2012 budget. Like the first omnibus Bill, C-45 is far more than just about implementing the budget as it makes substantial amendments to numerous pieces of federal legislation and is being used as a way to advance the government’s pre-development agenda for Canada. Bill C-45 passed 3rd reading in the House of Commons on December 5, 2012, and was introduced in the Senate on December 6, 2012. The bill contains amendments to the *Indian Act* regarding land designation which

eliminates the need for a double majority in a community voting on a land designation, changing this to a simple majority and eliminates the need for the Governor in Council to approve this vote – thereby changing this to an approval by the Band Council and the Minister. The bill amends the definition of “Aboriginal Fishery” introduced in Bill C-38 to: “means that fish is harvested by an Aboriginal organization or any of its members for the purpose of using the fish as food, for social or ceremonial purposes or for purposes set out in a land claims agreement entered into with the Aboriginal organization”. The bill also includes technical changes to the *Canadian Environmental Assessment Act, 2012*, that was introduced in Bill C-38, and amends the *Navigable Waters Protection Act* and the *Canada Labour Code*. We continue to look for opportunities in partnership with our National Chief to express our First Nations’ opposition to the inclusion of amendments to other legislation (including the *Indian Act*) in omnibus budget legislation, including legislation ratified under the previous omnibus Bill C-38.

First Nations in BC and in Canada have not had the opportunity for engagement in the development of this legislation, and as such the bill is more evidence of Canada’s disregard to Crown obligations for consultation and accommodation. I will continue to update you as our joint efforts with First Nations’ leadership across the country continue.

Bill S-2: Family Homes on Reserves and Matrimonial Interests or Rights Act: Matrimonial Real Property (MRP) and land management is a matter of First Nation jurisdiction and our Nations have repeatedly called on the government to work with us on an approach to ensure First Nation citizens’ get access to justice. Bill S-2 was introduced in the Fall of 2011. The bill completed a review by the Senate Standing Committee on Human Rights, 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 MRP. The bill is currently scheduled to continue 2nd reading in the House in mid-December, 2012. While some changes to previous versions of the bill have occurred, notably removal of the verification officer, removal of the voting threshold for ratification and addition of a 12-month transition period, the bill is largely view as being insufficient in providing 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 National AFN is encouraging First Nations to continue work with our citizens to enact our own laws or codes in this area in advance of this bill coming into force and have developed a template for First Nations MRP law which is available to support this work. Many of our Nations already have MRP laws in place. For more information see the AFN website (www.afn.ca).

Bill S-6: First Nations Elections Act: Under this bill, First Nations can opt-into the new elections regime proposed under the bill. In some instances, a First Nation may be brought under the new elections regime by ministerial order. First Nations, under certain conditions, may also choose to opt-out of the legislation by adopting a community election code. As the AFN’s National portfolio holder for First Nations’ Governance, I presented to the Standing Senate Committee on Aboriginal Peoples on February 28th, 2012, to speak to this bill. My presentation to the Senate Committee can be found on our website (www.bcafn.ca). I argued that the Minister should not be given the authority under this act to bring First Nations under the new elections regime. On May 4th, 2012, Bill S-6 was introduced in the House of Commons at 1st Reading. Among the changes proposed in the bill is the extension of the terms of office for

chiefs and councils and the possibility for common election days among several First Nations. There have been no changes to the movement of this bill since my last Quarterly Report.

Bill S-8: Safe Drinking Water for First Nations Legislation: On June 19th, 2012, Bill S-8 was introduced in the House of Commons at First Reading. The bill was introduced in the last Parliament as Bill S-11 and, following representations made by First Nations, some changes were made to the present bill, including a commitment in the preamble for First Nation input into the development of any regulations under the proposed Act. As I have noted in previous Quarterly Reports, one of the main concerns raised by us has been that the bill would create regulations regarding First Nations' drinking water, without providing First Nations with the financial capacity to comply with these strict regulations. While there has been some support for the changes to the bill by Nations in Alberta and the Atlantic, consensus remains that investments are required to support capacity development for First Nations in this area. This bill is about water governance and we are adamant that the decision-making authority of our First Nations' governments must be respected, and therefore that our First Nations be directly involved in the development of associated regulations relating to water governance on our lands. The bill is currently undergoing 2nd reading in the House of Commons.

Bill S-207: Act to Amend the Interpretation Act (Non-Derogation of Aboriginal and Treaty Rights): Bill S-207 was introduced by Senator Charlie Watt. The intent of the bill is to propose an amendment to the *Interpretation Act* which stipulates the following: "No enactment shall be construed so as to abrogate or derogate from the aboriginal and treaty rights of the aboriginal peoples of Canada that are recognized and affirmed by section 35 of the Constitution Act, 1982." Bill S-207 is currently being reviewed by the Standing Senate Committee on Legal and Constitutional Affairs.

Other Legislation:

Private Members' Bill C-428: An Act to Amend the Indian Act (publication of by-laws) and to Provide for its Replacement: This private members' bill was sponsored by Rob Clarke, MP for Desnethé--Missinippi--Churchill River, Saskatchewan. The Bill received first reading on June 4th, 2012, and underwent debates at 2nd reading on October 18, 2012, and November 28, 2012. Bill C-428 passed 2nd reading on December 5, 2012, and has been referred for study to the Standing Committee on Aboriginal Affairs and Northern Development. This Bill is not very long and makes a few amendments to the *Indian Act* and would require the Minister of Indian and Northern Affairs to report yearly to the Aboriginal Affairs committee on the work undertaken by his or her department in collaboration with First Nations' organizations and other interested parties to develop new legislation to replace the *Indian Act*. While the federal government did not lead the development of this proposed legislation or initially support it, the government has now indicated that it supports 'in principle' the bill.

We will continue to monitor the progress of this bill and analyze the potential impacts. As I have noted, Bill C-428 is in no way connected to BCAFN's work on proposed First Nations' self-government recognition legislation and Bill S-212.

Crown-First Nations Gathering: Further to the Crown – First Nations Gathering Outcome Statement last January, the Government of Canada and the Assembly of First Nations launched a Joint Action Plan. A “Report Card” is to be released no later than January 24th, 2013, on the progress of the following Actions.

1. Renewed Relationship
2. Removing Barriers To First Nations Governance
3. Advancing Claims Resolution And Treaty Implementation
4. Education Reform
5. Capitalizing On Economic Development

It is important, I believe, that we continue to work to create our own BCAFN Regional Perspectives Report Card as well. Accordingly, the BCAFN will be working with our regional colleagues and organizations that have been involved in activities falling under the five action items to generate a draft report for circulation to BC First Nations prior to the release of the CFNG report.

National Action Strategy: On December 4-6, in Gatineau, QC, the Assembly of First Nations held their Special Chiefs’ Assembly (SCA). The theme of this Assembly was “The Unfulfilled Promise of Section 35” and the discussion, planning, and direct action that occurred over the three days were aimed at building a unified plan together with our leadership from coast to coast to coast. On December 4th, during the SCA, I joined other AFN executive members, the National Chief, and leadership and supporters from across Canada on Parliament Hill to send a message that we are not happy with Canada’s treatment of our issues or our people. We stood together in solidarity, and while Members of Parliament debated Bill C-45 just steps away inside the House of Commons, we offered a different message about the federal legislative agenda to elected parliamentarians and to all Canadians.

During the AFN SCA in Gatineau, a special session was held to continue work on developing a Canada wide strategy of community mobilization and direct action. Our legal and political environment is continually shifting, evident through new federal legislation, decisions of the courts, and the incredible advancements made by our Nations on the ground. As part of the National Action Strategy, the BCAFN has shared our regional Legal/Political Strategy Paper with the national executive and we will continue to coordinate the update and incorporation of the strategy in the coming months and throughout the New Year.

I will continue to update you on this strategy in the coming weeks and months. For more information about specific legislation, please do not hesitate to contact our office. The National AFN also provides parliamentary updates that are available at www.afn.ca.

BC Fiscal Relations Working Group: One of the most important commitments at the Crown-First Nations Gathering was the acknowledgment by the federal government that First Nations require a new “fiscal relationship” with Canada. Following the direction of the Chiefs, and as mandated by Resolution 06b/2011, the BC First Nations’ Fiscal Relations Working Group (FRWG) has been re-established. The focus of the FRWG to date has been on issues of “own-source revenue” and responding to Canada’s desire at “harmonization” of financial transfer

agreements for self-governing First Nations. On November 8th, 2012, the BCAFN invited several First Nations to a meeting with Director General Perry Billingsley, AANDC, hosted by Tsawwassen First Nation. This meeting provided the opportunity for our Nations to present perspectives on the current status of Canada's Fiscal Harmonization Initiative and the implications of poorly conceived own-source revenue policies. Again we presented our perspectives and solutions. The BCAFN will continue to assist in coordinating the follow up to the Tsawwassen session, which includes the possibility of a joint table and approaching AANDC with a BC First Nation's proposal to promote better dialogue in our diverse region. If your Nation is interested in being added to the distribution list for this FRWG or if you would like more information please contact me directly at regionalchief@bcfn.ca or 604-922-7733.

Aboriginal Affairs and Northern Development Canada (AANDC)—Funding Announcements Impacting B.C. First Nations Representative Organizations and Tribal Councils: As I previously reported, on September 4th, 2012, AANDC announced a change to the manner in which Aboriginal Representative Organizations (AROs) and Tribal Councils across the country will be funded. Based on analysis of the information that has been made available by AANDC, the funding cuts to all regional First Nations organizations between 2012 and 2015 are projected to amount to over \$11.2 million or 16.3%. As well, AANDC has announced reductions in the funds available to AROs for proposal-based projects. In the case of Tribal Councils, a revised funding formula will be in place by April 1st, 2014. The new funding formula for Tribal Councils will impact our Nations differently.

The new AANDC funding policy introduced by the federal government is disturbing, particularly given the commitments made by the federal government coming out of the Crown-First Nations Gathering. On November 27th, 2012 at the BCAFN Annual General Meeting Resolution 05/2012, *"Opposition to new AANDC funding formulas impacting on Aboriginal Representative Organizations and Tribal Councils"* was passed by the Chiefs in Assembly. At the AFN SCA, on December 6th, 2012, a similar resolution, resolution number 36-2012, was brought forward by our BC leadership and received the support of First Nations' leadership across Canada. The Leadership Council and the Assembly of First Nations executive committee will continue to work with our National Chief, and most importantly our Nations, to develop a united strategy to address these cuts. I was pleased to be able to attend a press conference with the Nuu-chah-nulth leadership on November 15th, 2012 in Port Alberni to draw attention to this issue.

I will continue to update you on this important work as more information becomes available. The recently revived Fiscal Relations Working Group will, among other issues, continue to reinforce the need for stable, predictable funding levels for our First Nations organizations and communities. I discuss this work later in my report.

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

Enbridge Northern Gateway Pipeline and Major Development Projects:

In BC, there are numerous major resource development projects proposed (e.g., Enbridge Northern Gateway Pipeline project, Prosperity Mines, the Site C Dam, Shale Gas extraction, the Kinder Morgan pipeline, etc). Based on the legal requirements for consultation and accommodation and the need to recognize and address our Aboriginal title and rights, including treaty rights, these projects should not occur without First Nation consent.

Whether or not to support development challenges our Nations and citizens to define what we mean by “sustainable” development and what types of development are acceptable. The vast majority of our Nations have emphatically and very clearly said “no” to the major development projects proposed for BC. With respect to the proposed Northern Gateway Pipeline, and despite the suggestions from Enbridge that a number of BC First Nations support the project, there has yet to be a BC First Nation that has signaled its clear support for the project. The Yinka Dene Alliance and the Coastal First Nations, among others, and supported by our leadership, remain resolved to ensure the project will not proceed. And all indications are that it will likely not proceed as, increasingly, alternatives to the pipeline are discussed. Vancouver Mayor Gregor Robertson proclaimed December 13th as “Save the Fraser Declaration Day” in Vancouver. I stood with Mayor Robertson, the National Chief, my Leadership Council colleagues, and the Yinka Dene Alliance in opposition to the Enbridge Northern Gateway Pipeline and to support the Save the Fraser Declaration as more of our Nations and partners sign on to this important declaration banning tar sands pipelines and tankers from entering British Columbia.

On July 23rd, 2012 the BC Government released its technical position paper, “Requirements for British Columbia to Consider Support for Heavy Oil Pipelines” which outlined 5 criteria that the BC Government required before considering projects, like Enbridge. These criteria are:

- Successful completion of the environmental review process. In the case of Enbridge, that would mean a recommendation by the National Energy Board Joint Review Panel that the project proceed;

- World-leading marine oil spill response, prevention and recovery systems for B.C.'s coastline and ocean to manage and mitigate the risks and costs of heavy oil pipelines and shipments;
- World-leading practices for land oil spill prevention, response and recovery systems to manage and mitigate the risks and costs of heavy oil pipelines;
- Legal requirements regarding Aboriginal and treaty rights are addressed and First Nations are provided with the opportunities, information and resources necessary to participate in and benefit from a heavy oil project; and,
- British Columbia receives a fair share of the fiscal and economic benefits of a proposed heavy oil project that reflects the level, degree and nature of the risk borne by the province, the environment and taxpayers.

To date the provincial focus has been on a fair share of the fiscal and economic benefits of proposed heavy oil projects through the Province. Technical initiatives have begun to discuss how to address the other four criteria. The fear that many of our Nations' governments and citizens have is that it is not a matter of "if" there will be a spill, but "when". Prevention and response for all land based and marine spills, extending beyond pipeline related emergencies to chemical spills, overturned tanker trucks, and oil-tank leaks, is an important part of community planning that increasingly all our Nations must undertake.

The Northern Gateway Joint Review Panel continues its hearings and began conducting hearings in Prince Rupert this December. The focus of the current hearings is on maritime-spill prevention, response and mitigation, and environmental effects associated with the proposed marine terminal. Community hearings in Victoria, Vancouver and Kelowna are scheduled from January 4 - February 1, 2013. A final report is expected in December 2013.

With respect to spills, for its part, on November 28th, 2012, the provincial Minister of Environment held a press conference to introduce BC's approach to terrestrial land spills. The press release outlined BC's plan to hold face-to-face stakeholder consultations beginning in January with industry leaders in the oil, gas, chemical and transport sectors. First Nations, local governments, and environmental non-government organizations have been invited to participate only by written submissions. The paper setting out BC's approach to land spills can be accessed online at www.env.gov.bc.ca/epd/codes/spr_eep/response.htm.

Canada—China Agreement: On September 26th, 2012, the Canada-China Foreign Investment Promotion and Protection Agreement (FIPPA) was tabled in the House of Commons. FIPPA is a bi-lateral agreement that is intended to protect and promote foreign investment. FIPPA includes protection from discriminatory expropriation of lands which encompasses any loss, voluntary or involuntary, of use of property. If an investment is devalued, the investor has the right to judicial review by a private tribunal. In the case that a ruling favors foreign investors, Canada would be required to provide financial remuneration. There are a number of uncertainties and concerns around these measures and the implementation of the agreement as a whole. Unfortunately First Nations can only participate as third parties with respect to affected property.

First Nations were not consulted on FIPPA despite the impacts that this agreement can have on our Aboriginal rights and title, including treaty rights. Our rights are not defined within the agreement. Our Nations require consultation on matters relating to our lands and rights whether it concern activities domestically or internationally. It is important to note that some First Nations, like the Maa-Nulth, have negotiated agreements which require the Crown to consult with them if the Crown enters an international obligation which may impact their treaty rights. This is a standard that should be upheld and respected.

At the AFN Special Chiefs' Assembly in Gatineau on December 4-6, 2012, Resolution 37-2012 *International Trade Agreements and Indigenous Rights* was passed by the Chiefs in Assembly. The AFN has outlined First Nations concerns in a letter to the Prime Minister as well as the Chinese Government officials and continues to develop a legal analysis of the potential impacts of international trade agreements to the duty to consult and accommodate. Unfortunately, FIPPA was not open to debate and is expected to be passed by Order in Council. The AFN is currently seeking to confirm if the agreement has been ratified.

Court Action: After 125 years of litigation and especially over the past forty years since the *Calder* case (the landmark Nisga'a title and rights case), the Canadian courts are close to determining what they understand as the scope and extent of Aboriginal title. As leaders we must recognize and prepare for the fact that the final chapter in legal recognition of our Aboriginal title and rights is being written by our domestic courts. The last in the long line of seminal title cases, *William*, is soon to be heading to the Supreme Court of Canada.

William v. British Columbia, 2012 BCCA 285: On June 26, 2012, the BC Court of Appeal released their decision in *William v. British Columbia*, and concluded with respect to Aboriginal title, that title is more limited in scope than understood by the trial judge and is not broadly throughout the whole territory but rather is limited to areas of more intensive use (e.g., village sites, salt licks, fishing rocks, farm lands). Neither the trial judge, nor the Court of Appeal, granted a declaration of title over any territory arguing the evidence did not allow them to determine exactly where it is. The Tsilhqot'in have filed an application for leave to appeal to the Supreme Court of Canada and, in accordance with the BCAFN's legal/political strategy, and at the request of the Tsilhqot'in, I prepared an affidavit in support of the application for leave.

There is no question that this case will have an impact on all our Nations. It will, in all likelihood, clarify the test for proving title, its scope and its extent. At the AFN Special Chiefs' Assembly on December 4-6, the Chiefs in Assembly passed Resolution 74-2012 which called for the rejection of the BC Court of Appeal decision in *William* and called on Canada and BC to "respect and recognize the legitimacy of Indigenous laws, governance and systems of land use and occupation." The resolution supports the AFN intervening when the Court of Appeal's decision in *William* proceeds to the Supreme Court of Canada. The BCAFN and BC First Nations are behind the Tsilhqot'in National Government as they continue to assert their Aboriginal title and rights to their territory.

AFN Comprehensive Claims Policy (CCP) Working Group: It has been almost a year since the Crown-First Nations Gathering where the Government of Canada, in the outcomes statement, committed to move forward on comprehensive claims. The CCP Working Group is very

concerned with Canada's lack of engagement since the Gathering and the fact that there have been no tangible outcomes despite the commitment date of January 24th, 2013.

On November 20-21, 2012 the AFN hosted a meeting of the CCP Working Group in Vancouver. The CCP Working Group is developing a Comprehensive Claims Working Group Implementation Plan outlining a six has point strategy:

- Litigation (e.g. *William* appeal to SCC);
- communication and public education;
- political / negotiation / pre-litigation;
- policy development;
- assertive action / exercise of rights, and
- international initiatives.

At the Vancouver meeting the Working Group also discussed Canada's new "results-based" approach to negotiations. In a letter dated December 6th, 2012, the Minister Duncan wrote to the National Chief following up on a meeting they had on November 26. In his letter, Minister Duncan expressed to the National Chief that it is not the government's intention to proceed unilaterally and that they are committed to working jointly with the Assembly of First Nations and rights-holding First Nations to examine the possible improvements to negotiating treaties and self-government agreements. The letter also suggests that this work focus on the issues of certainty, fiscal arrangements, overlaps and recognition. The Minister suggests setting up a working group to consider the policy jointly. While this seems like positive momentum moving forward, it is yet to be seen whether the government is serious about working in partnership with First Nations.

AFN Chiefs' Committee on Claims (CCoC): Following my re-election, I am pleased to remain the Chair of the national AFN Chiefs' Committee on Claims (CCoC). The CCoC has held two meeting this fall.

Additions to Reserve (ATR): The Joint Working Group (JWG) continues to work on reforming Canada's ATR policy including: creating a new ATR category for positive "Tribunal Decisions" to re-acquire or replace lands, expanding the approach to "Community Additions" to ensure proposals are considered on their merits, placing an onus on Canada to justify non-approval, and the collapse of "New Reserve / Other" category into "Legal Obligations" creating a more transparent policy and process (e.g., 'landless' band ATRs have rarely been successful).

The JWG will also be examining the potential for legislative changes that would assist in making the ATR process more efficient and transparent.

In November 2012, the Standing Senate Committee on Aboriginal Peoples released a very good report entitled "Additions to Reserve: Expediting the Process". This report includes the following recommendation:

That the Department of Aboriginal Affairs and Northern Development Canada, in collaboration with First Nations through the Joint Working Group, develop and table an action plan before the

Committee by 31 March 2013 that establishes clear targets and timelines for implementing agreed upon measures to improve the existing ATR process, and clearly identifies and provides options for resolving areas within the ATR process causing the greatest delays, including legislative or policy options relating to:

- *Pre-reserve designations and/or recognition of interests for lands identified by First Nations for conversion to reserve status;*
- *Support mechanisms, including dispute resolution assistance, to First Nations in their negotiations with municipalities and third parties;*
- *Identifying best practices and implementing measures to prevent predatory pricing strategies of third-party landowners on the sale of privately held land to First Nations; and*
- *Streamlining the procedural requirements in relation to the federal ATR policy, including implementing recommendations from the OAG on improving management systems.*

A copy of the full report can be found on the parliamentary website.

Development of the revised/new policy and any legislation that may be required will begin in 2013, and I will continue to report back on the progress made with Canada at the Joint Working Group.

Specific Claims: Following the *Justice at Last* announcement in 2007, the CCoC has provided oversight and advocacy with respect to commitments made by Canada in that announcement. Other aspects of Canada's conduct that have fallen short of the mark with respect to processing Specific Claims include arbitrary application of minimum standards, partial offers, de facto rejections and punitive timelines.

The Claims community has expressed deep dissatisfaction about Canada's conduct over the past several years. The AFN is planning to host a Specific Claims gathering in February 2013 to bring various practitioners and First Nations together for a review of what is and has been happening and to develop input for the 5-year legislative review. We will continue to update you as more information becomes available.

First Nation Land Management: I would like to extend congratulations to Wei Wai Kum First Nation on the passing of their land code on November 24th 2012. Wei Wai Kum members voted 72% in favour – With 276 total eligible voters (of possible 541), 198 voted "Yes" to accepting their Land Code and Individual Agreement with Canada. More recently, on December 3rd Musqueam Indian Band also approved their land code by ratification vote – Congratulations Musqueam. The results saw 471 (of 827 possible voters) total eligible voters casting their ballots and 271 voting in favour – a 58% approval rating. For both Wei Wai Kum and Musqueam, this now means they both have complete control over their reserve Lands and are governing their lands outside of the Indian Act. They join the other 24 First Nations in BC with their own land codes.

National Fisheries Strategy Development—AFN Special Chiefs’ Assembly: On December 5th, during the AFN’s Special Chiefs’ Assembly held in Gatineau, Quebec, a National Fisheries Strategy Development session was held. Members of the AFN Environmental Stewardship Unit led the discussion, and I was pleased to see so many of BC leaders present to continue to elevate our concerns around fisheries at the National level. Canada’s legislative agenda as discussed above, threatens the health and vitality of our wild fish stocks and presents considerable questions and challenges to First Nations in the area of fisheries. The fisheries strategy session at the AFN SCA was a good opportunity to continue discussions around a national strategy.

Led by our BC delegation a large number of resolutions relating to fisheries (ten) were put forward and adopted at the AFN SCA. They highlight the concerns and opportunities that exist in fisheries and dealt with: implementation of Supreme Court of Canada decisions dealing with fisheries; opposition to unilateral changes to fisheries management by Canada; fisheries habitat protection; the definition of “Aboriginal Fisheries”; implementation of the Cohen Commission Report recommendations; international collaboration on fisheries; establishment of regular meetings with the Minister of Fisheries and Oceans, and; support for fisheries research. These fisheries resolutions passed in an omnibus support resolution.

On October 2-4, 2012, the second National Aboriginal Fisheries Forum (NAFF II) was held in Nanaimo. The focus of NAFF II was on economic development and, in particular, on the following themes: marketing, attracting investment, access to capital, training, and aquaculture. Three hundred people attended and the feedback regarding the discussion was overwhelmingly positive.

Cohen Commission Update: On October 31, 2012, the Honourable Bruce I. Cohen, Commissioner of the Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River, released his long-awaited report. The comprehensive and 1,200 page Report sets out 75 recommendations with concrete timelines for implementation. The recommendations demonstrate that Commissioner Cohen expects the government to be more accountable and transparent in the management of wild salmon. The Report emphasized the importance of fish habitat and habitat protection, and the importance of stock assessment and ecosystem based management in the management of wild sockeye salmon. Commissioner Cohen agreed with the concerns raised by the First Nations Coalition around the recent changes to the *Fisheries Act and Canadian Environmental Assessment Act*, which shifts DFO’s focus away from the importance of fish habitat, biodiversity and ecosystem based management.

In a key recommendation in the Report regarding aquaculture, Commissioner Cohen recommended that research needs to be undertaken prior to further expansion of the aquaculture industry. He also suggested that the mandate for promoting the aquaculture industry should be moved from DFO to another executive branch of government because it conflicts with DFO’s mandate to conserve wild salmon. Finally, the Report urges the federal government to implement the Wild Salmon Policy, which acknowledges that First Nations have rights and responsibilities in the management of salmon in our traditional territories.

Reaction to the Report has been positive. I will continue to work with the First Nations Fisheries Council to ensure that the federal government takes these recommendations seriously and works to implement them for the protection of the wild salmon stocks in our territories. The full Report can be found on the Cohen Commission's website at: <http://www.cohencommission.ca/en/FinalReport>

International Activities: As noted in previous Quarterly Reports, our Nations are continuing to utilize and engage with the international community to advance our Indigenous rights. Much of the increased and positive activity can be attributed to a revitalization of this approach stemming from the adoption of the United Nations Declaration on the Rights of Indigenous People (UNDRIP). The implementation of the UNDRIP is an on-going process as we continue to seek ways to collaboratively redesign our First Nations-Crown relationship based on the minimum standards.

At the AFN Special Chiefs' Assembly in Gatineau on December 4-6, the Chiefs in Assembly highlighted the upcoming United Nations *World Conference on Indigenous People* (WCIP) set to occur in New York in September 2014. Resolution 62-2012: *World Conference on Indigenous Peoples* called for the AFN to begin preparation and coordination to ensure that our Nations can participate and advocate for action-oriented outcomes in regards to implementing UNDRIP. The Chiefs in Assembly also endorsed a resolution calling for International Collaboration on Fisheries which directs the AFN to partner with organizations like the National Congress of American Indians to convene an international indigenous forum to share best practices relating to fisheries. As both of these forums develop, I look forward to supporting BC Nations in the coordination of our ideas and voices.

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

Proposed Legislation on First Nations Education: On October 1-3, 2012, the Chiefs in Assembly gathered in Gatineau, Quebec for the AFN Special Chiefs' Assembly on Education. Delegates from British Columbia presented a strong vision for the future with well thought-through solutions for improving the education of our First Nations' learners. The First Nations Education Steering Committee (FNESC) presented on the education system that we have developed in British Columbia and demonstrated how BC Nations are leaders in this area. On the last day of the Assembly, the Chiefs of Ontario brought forward a motion to reject federal legislation over First Nations education. The BC Caucus felt that a motion of this importance should be brought in front of the Chiefs in Assembly at the AFN Special Chiefs' Assembly in December because there was low attendance of Chiefs and proxies at the Assembly on Education. At the request of

our BC Caucus, I made this request of the Assembly and it was rejected by the mover of the motion. The BC Caucus ultimately decided to abstain from voting on this motion.

At our BCAFN Annual General Meeting on November 27, 2012 in Vancouver, Resolution 04/2012: *Proposed National First Nations Education Legislation* was passed by our Chiefs in Assembly. This resolution calls upon the Government of Canada to fulfill its legal duties of consultation and accommodation to First Nations with an appropriate time frame in which to properly engage First Nations, and commit, should First Nations and the government jointly agree that legislation is necessary, to any national legislation being jointly drafted and developed with First Nations. The Resolution calls on the government to commit to respecting and supporting the diversity of First Nations within and among regions and reflect in any legislation a First Nations' right to opt-in or opt-out. The Resolution also calls on the government to commit that any new national legislation regarding First Nations education will not interfere with, affect or displace the Tripartite Education Framework Agreement in BC and will not abrogate or derogate the *First Nations Jurisdiction over Education in British Columbia Act* or the *First Nations Education Act* and that these acts will be paramount to any national legislation. In addition to the Resolution, FNESC and First Nation Schools Association (FNSA) have sent letters to Minister of AANDC requesting the above-mentioned assurances.

At the AFN's Special Chiefs' Assembly in Gatineau, QC, on December 4-6, 2012, the discussion around First Nations' education continued and a number of resolutions were brought forth for consideration by the Chiefs in Assembly. The consensus was that any federal government led legislation dealing with education cannot be undertaken unilaterally, cannot undermine the regional processes and agreements that exist in regions such as ours, or affect treaty rights.

On December 11, 2012, the government of Canada released a discussion guide on "*Developing a First Nation Education Act*". This guide outlines the components that could be covered in this proposed legislation and accompanying regulations. The Discussion Guide states that a First Nations Education Act would provide a framework by:

1. Establishing mandatory standards for all First Nation schools including:
 - Attendance and structure requirements similar to provincial requirements;
 - A recognized high school diploma;
 - Education support services that lead to better student outcomes; and
 - School success plans and reporting to the community;
2. Supporting options for educational governance structures including:
 - Where a school exists, the school be operated as an independent school on reserve (community-operated) while delivering all required services;
 - The authority to operate a First Nation school could be delegated to a First Nation Education Authority; and

- The First Nation could enter into an agreement with a provincial school board either to operate the First Nation school on reserve, or students who live on reserve could attend off-reserve schools operated by the provincial school board;
3. Providing mechanisms for stable, predictable and sustainable funding; and
 4. Establishing accountability requirements for First Nations education authorities and community-operated schools to allow First Nations and the Government to monitor school performance and to ensure that investments in education support stronger educational outcomes for First Nation students.

Compliance with these accountability requirements and educational standards in the Act would be monitored through regular reporting and annual inspections.

The federal government has said that this new legislation would not apply to self-governing First Nations that have adopted laws related to education. There was no indication in the document as to whether or not the legislation will interfere with or trump the Tripartite Education Framework Agreement that we have here in British Columbia.

The government has now set out its plan for a consultation process in respect of the education initiative. This consists of two stages. The first stage consists of regional consultation sessions in seven cities across the country (in Vancouver, this is currently scheduled for the week of February 18, 2012) and feedback through the AANDC website including email, regular mail and an online submission box. The second stage will involve the government of Canada sharing a draft of the proposed legislation with First Nations and key stakeholders and “considering comments in the finalization of the draft legislation.” There is no indication that those First Nations or organizations that wish to have input into the drafting policy and process will be afforded that opportunity.

The *Developing A First Nation Education Act: Discussion Guide* can be found on the AANDC website at, http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-/HQ-EDU/STAGING/texte-text/edu_dfnea_guide_1355149831546_eng.pdf.

First Nations must have a central voice in the development and drafting of any legislation regarding First Nations education and significant engagement must be undertaken with First Nations across the country. The framework in this discussion guide appears to suggest that the proposed legislation could result in a huge step backwards with regard to First Nations’ education in British Columbia. The Tripartite Education Framework Agreement sets BC First Nations apart as leaders in the area of First Nations’ education. There is no sense from the discussion guide that this legislation will be opt-in, that it will in no way interfere with or displace the Tripartite Education Framework Agreement, or that the *First Nations Jurisdiction over Education in British Columbia Act* and the *First Nations Education Act* will be paramount to any national legislation. In fact, the principles and approaches set out in the Discussion Guide are in direct contradiction to the First Nation-controlled, community-based model embedded in the BC First Nation Education System. These principles are paternalistic and ignore the differences and distinctness among First Nations across the country.

The Government's plans for consultation are equally as disturbing. We have made it abundantly clear that consultation on any proposed legislation on First Nations' education needs to start at the very beginning of development and a framework, like that outlined in the discussion guide, must be jointly developed by the Government and First Nations. The Discussion Guide was developed unilaterally by Canada despite the Government's commitment at the Crown-First Nations Gathering to "work constructively through any areas of disagreement" regarding First Nations education. I will work with the National Chief and FNEC and FNSA to lobby the federal government to ensure that First Nations are consulted and are partners in the development, design and drafting of this legislation. We have made great strides in BC on First Nations education and we will not be forced to regress.

BC Education Initiative: Notwithstanding the flurry of activity on education at the national level, as mentioned in previous Quarterly Reports, the First Nation Education Steering Committee (FNEC) and BC First Nations, through the Education Jurisdiction Main Table, continue to negotiate funding with AANDC to support the exercise of First Nation jurisdiction over education in accordance with the BC Education initiative objectives. This work continues to be frustrated by federal approaches to First Nations' "own source revenues" (OSR) with Canada insisting it must offset federal transfers for education with OSR before funding is agreed to and jurisdiction over education can be exercised. We continue to address this issue within the broader context of the BCAFN Fiscal Relations Working Group as discussed above. The BC Education initiative has incredible promise and it is very disappointing that OSR preconditions are standing in the way of progress on a First Nation initiative that can bring substantive change to our communities in supporting their education objectives.

BC Tripartite Education Framework Agreement (TEFA): As I have reported previously, the Tripartite Education Framework Agreement (TEFA) funding structure came into effect on September 1st, 2012. To support communities with the transition, FNEC, the First Nations Schools Association (FNSA), and the Indigenous Adult and Higher Learning Association (IAHLA) have developed a number of resources. One such resource is the TEFA E-Bulletin available at www.fnesc.ca and www.fnsa.ca. FNEC hosted Regional Sessions across BC from September to December 2012. These community meetings were intended to provide updates on the work of FNEC, FNSA, and IAHLA, provincial and federal updates, and opportunities for First Nations to receive support in designing the implementation of the TEFA. For more information please visit www.fnesc.ca.

On November 22-24th, 2012, FNEC co-hosted the 18th Annual Provincial Conference on Aboriginal Education: *Reconciliation through Education* in Vancouver. I was pleased to be invited to attend the dinner celebration on the evening of November 22, 2012, where many past and present leaders in education were honoured and we all celebrated the 20th anniversary of FNEC. The conference was very well-attended and a keynote speech from Justice Murray Sinclair, Chair of the Truth and Reconciliation Commission, brought much-needed attention to the issue of curriculum change and the inclusion of First Nations' history in the public school system.

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 Authority and First Nations Health Council: In previous Quarterly Reports, I have discussed the significance of the creation of the First Nations Health Authority (FNHA). The creation of the FNHA represents the hard work and determination of so many of our people to create the first province-wide authority of its kind in Canada through the BC Tripartite Framework Agreement on First Nations Health Governance. Work of the FNHA continues in order to facilitate a smooth transition in the transfer of programs, services, and funding from First Nations Inuit Health—BC Region, into First Nations control. Assuming that terms of funding can be agreed, the Health Authority will ultimately be responsible for designing and allocating resources to future health care programs for our people; many in the areas of individual health described above. I believe this will be the largest delegation of administrative authority to a First Nations’ organization in Canada’s history. The completion of the transfer will not take place unless as First Nations we are working together.

In order to facilitate the transition, the Framework Agreement commits all parties to creating a health partnership accord as well as a package of sub-agreements outlining the legalities and logistics of the transfer of people, assets, funding, and records from Health Canada to the FNHA. As noted in my last report, in 2011-2012, First Nations in each of the 5 regions initiated Partnership Accords with their respective Regional Health Authorities. Partnership Accords were concluded in the Fraser, North, Vancouver Island, and Vancouver Coastal regions. Most recently on November 14th the Interior region completed its Partnership Accord which will set out regional specific priorities for the Interior region. It is important to note the complexity and significance of finalizing the sub-agreements in ensuring the smooth transition and uninterrupted and continued health benefits for our citizens. The FNHA has concluded that more time is necessary; therefore, the originally projected sub-agreement completion date of April 1st has been moved to July 2nd, 2013. More information on the status of the implementation is available through the *Transition Update* from the FNHC and FNHA at www.fnhc.ca.

First Nations Child and Family Wellness Council (FNCFWC): I am happy to report on the signing of the *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* (“Protocol”) between the First Nations Leadership Council and the First Nations Child and Family Wellness Council (FNCFWC). The Protocol describes our intention to work together in a cooperative manner and to provide support to First Nations and one another’s efforts in order to improve the lives of First Nations’ children and families. The Chiefs in Assembly have continued to support the work of the FNCFWC in its efforts to implement “Jordan’s Principle” and in implementing a number of multi-faceted regional strategies.

In an update to the BCAFN, the FNCFWC highlighted some of the many initiatives underway since my last Quarterly Report. On October 15-16th, the FNCFWC hosted Indigenous Child at the Center Forum V (ICC V): *One Voice for our Children*, which brought together our Nations' leadership to strategize and speak to the importance of standing in solidarity when it comes to our children and families. The ICC V was followed by the fourth Indigenous caucus gathering on December 5-6 where front-line child and family technicians were able to strategize collectively under the theme "Enhance, Share, Connect". These forums were also matched with regional Leadership Dialogues to discuss issues at the local level in the North, Interior, Fraser, Vancouver Coastal, and Vancouver Island regions.

The FNCFWC is also currently working with the Minister of Children and Family Development (MCFD) to develop an inter-ministerial steering committee as well as a collaborative senior officials table comprised of leadership from FNCFWC, MCFD, Ministry of Aboriginal Relations and Reconciliation (MARR), Ministry of Justice (MoJ) and any other relevant Ministries, which will explore inter-sectorial strategies intending to reduce barriers and improve integrated services and supports for First Nation children, youth and families. This work highlights the Nation-to-Nation relationship that is required in order to put our families and children at the center. I look forward to continuing our work with the FNCFWC.

First Nation Child and Family Caring Society of Canada (FNCFCS) and the Federal Court:

In February 2007, the AFN and FNCFCS filed a complaint before the Canadian Human Rights Commission (CHRC) for its current treatment of First Nations children. The complaint details that Canada has had a longstanding pattern of providing less government funding for child welfare services to First Nations' children on-reserve than is provided to non-Aboriginal children. In October, 2008, the CHRC ordered a tribunal to determine whether or not discrimination had occurred pursuant to the *Canadian Human Rights Act*. The case will be heard before the Tribunal starting on February 25, 2013 and will run for an estimated fourteen weeks in Ottawa. For more information or to sign up as a witness please visit:

<http://www.fncaringsociety.com/fnwitness>.

Murdered and Missing Women Commission of Inquiry: The Murdered and Missing Women Commission of Inquiry, more often referred to as the "Pickton Inquiry", is expected to release its Final Report on December 17th, 2012. The Report will be released for the exclusive reading of the families of the missing and murdered women at 9:00 a.m. on December 17th. The Ministry of Justice has contacted the families of missing and murdered women and provided a reading room in Vancouver where family members can read the Report if they are in Vancouver. If families are unable to be in Vancouver in-person, the Ministry has provided an exclusive website where families may access the report at 9:00 a.m. The Ministry has also provided families with contact information for victim support workers who can provide assistance or connect them with services in their local community. A toll-free 24/7 information and support line, VictimLink, is also available at 1-800-563-0808. For those who wish to attend the reading room in Vancouver, victim services supports will also be available at that location. In addition to the reading room for families, an additional reading room will also be set up beginning at noon on December 17, 2012 for parties who had standing in the inquiry. The Ministry has asked media to delay reporting on the report until 1:00 p.m. in order to give families and other affected parties sufficient time to review the report.

As we wait for the final report, our minds turn to our overall goal of ensuring that we put an end to the systemic societal problems and the problems within our justice system with respect to the protection of our Aboriginal girls and women. Violence against Aboriginal women and girls still exists in abundance in our society and it must stop. Only last week 16 year-old CJ Morningstar Fowler from Gitanmaax was found murdered in Kamloops. And while we all offer our sincere condolences to the family and community of CJ during this painful time, it only serves as a harsh reminder that we all must do more. Far too many of our young people are dying under tragic circumstances. This matter needs to become a national priority and we call on the Prime Minister to establish a National Public Commission of Inquiry on Missing and Murdered Indigenous women and girls.

Ministry's Advisory Council on Aboriginal Women (MACAW): As many of you are aware, Wendy Grant-John chairs this important council which is comprised of ten Aboriginal women from across BC. The goals of the MACAW are to:

1. Develop and review an inventory of current programs available to Aboriginal women;
2. Identify outcomes needed to improve quality of life for Aboriginal women;
3. Develop targets to achieve the outcomes of Goal 2; and,
4. Maintain the baseline and update outcomes annually

At our BCAFN Annual General Meeting in November, the Chiefs in Assembly supported the ongoing work of the Ministry's Advisory Council on Aboriginal Women (MACAW) in our province and in particular, resolution 06h/2012: *Support for Declaration on Stopping Violence Against Aboriginal Women and Girls* was supported by our Chiefs in Assembly.

We will continue to work with MACAW and other organizations to distribute the *Declaration on Stopping Violence Against Aboriginal Women* and encourage others to sign on to this important declaration.

AFN Women's Council: I would like to take the opportunity to again thank Chief Maureen Chapman for serving as our interim AFN Women's Council representative for BC and I look forward to the perspectives and leadership that our new Women's Council representative for BC, Chief Glenda Campbell, will bring to many issues including the protection of our Aboriginal girls and women from violence.

BCAFN Regional Youth Dialogue Forum: The Summary Report on the inaugural BCAFN Regional Youth Forum, which occurred at the Vancouver Island University campus on September 22-23rd, 2012, is now available on the BCAFN website www.bcafn.ca. The Report highlights seven priority areas brought forward by the 29 youth that participated focusing on leadership development. The agenda included breakout sessions highlighting youth perspectives on issues such as Aboriginal Title and Rights, Youth Engagement with Governance, and creating Youth Councils within our Nations. Based on the feedback, the BCAFN Youth Representatives have developed a strategic direction forward and seek to continue to host Regional Youth Forums in other regions throughout the Province. The Youth Representatives are currently seeking funds and securing a location for a Regional Youth Forum in the Lower Mainland for March 2013. First Nations Leadership could participate in this engagement process by empowering their young

citizens with resources to attend and identify priority areas while inheriting political, legal, social and cultural environments. The strategic direction as well as the Summary Report was supported through Resolution 10/2012 *Support for the Strategic Direction of the BCAFN Youth Representatives by the Chiefs in Assembly at our BCAFN AGM* on November 27th, 2012. I look forward to seeing this initiative develop and to the continued support for our youth representatives in this very important work. For further updates on these youth initiatives please contact Erralyn Thomas at femaleyouth@bcfn.ca or Joshua Gottfriedson at maleyouth@bcfn.ca.

Truth and Reconciliation Commission (TRC) in BC: On September 19-21st, 2013, the Truth and Reconciliation Commission will be hosting a National Event in Vancouver (“TRC Event”). This TRC Event will bring survivors as well as members of the general public together for three-days of learning and sharing. In anticipation of the TRC Event, an executive committee made up of members of the Indian Residential Schools Survivors Society (IRSSS) and the First Nations’ Leadership Council have been working with a not-for-profit organization called Reconciliation Canada (established to lead this campaign) to organize events before and after the TRC Event seeking to enhance the experience of the TRC Event itself, including a Canoe Journey on September 18th and a Reconciliation Walk and Closing Ceremony at BC Place on September 22nd, and ensure that activity and support for our collective work of reconciliation does not end thereafter. On December 6th, 2012, at the AFN Special Chiefs’ Assembly in Gatineau, I was honoured to witness the signing of a Joint Statement of Collaboration between the Truth and Reconciliation Commission and Reconciliation Canada. This document cements the relationship between these two organizations and their commitment to work together to host an amazing event next September and beyond. I will continue to sit on the executive advisory committee with my First Nations Leadership Council colleagues and support the efforts of both Reconciliation Canada and the Truth and Reconciliation Commission.

PART TWO: RELATED ACTIVITIES

National AFN Special Chiefs Assembly, Gatineau—December 4-6th, 2012: The AFN held its Special Chiefs’ Assembly (SCA) in Gatineau, Quebec, on December 4-6th, 2012. A large delegation of Chiefs and proxies attended this meeting and I am pleased to say that our BC Caucus was strong, united and well-represented (50 chiefs or proxies). We had, as is now the practice, the opportunity to meet as a regional caucus each of the three days of the Assembly. I particularly enjoy these sessions. This year marks the 30th anniversary of the recognition and affirmation of Aboriginal and Treaty Rights in section 35 of the Constitution Act 1982, and as such the theme of the Special Chiefs’ Assembly was: *The Unfulfilled Promise of Section 35*.

The strategy sessions at the SCA focused on key priority areas: 1) changes to the *Fisheries Act*, 2) economic partnerships, 3) Education Action Plan, 4) First Nations Water Strategy, 5) social assistance and active measures, 6) community safety and ending violence, 7) environmental stewardship and species at risk, 8) land claims and rights, 9) mental health, and 10) National First Nations Housing Strategy. The Chiefs in Assembly addressed 47 different resolutions, many

of which were moved or seconded by our BC delegation, and these resolutions are available on the AFN website.

Special Panel Discussion on “Where to Next: Beyond the Indian Act, Fulfilling the Promise of Section 35 — December 3rd, 2012: On December 3rd, I was honoured to be asked to take part in a special panel discussion: *Where to Next: Beyond the Indian Act, Fulfilling the Promise of Section 35*, which took place at Carleton University in Ottawa. This was a public event co-hosted by the AFN and the Carleton University Centre for Aboriginal Culture and Education and the School of Canadian Studies.

I shared the podium with four other distinguished panelists: Leo Baskatawang (March 4 Justice), Ovide Mercredi (Councillor, Mispawistik Cree Nation and National Spokesperson for Treaties 1 to 11), Vera Pawis Tabobondung (President, National Association of Friendship Centres), and Caitlin Tolley (Kitigan-Zibi Band Councillor and AFN National Youth Council Representative for Québec and Labrador). I was particularly interested in hearing from Leo Baskatawang. Some of you may remember him and his “March 4 Justice” campaign. Leo, an Anishinabe graduate student, walked from Vancouver to Ottawa with a copy of the *Indian Act* chained to him, to call attention to Canada’s on-going legislative agenda set out to oppress First Nations’ peoples. The dialogue on the panel was focused on how to move beyond the on-going challenges faced by First Nations as a result of the *Indian Act*. I shared with the audience the many ways in which our BC First Nations are engaged in moving beyond the *Indian Act*.

As this panel discussion was being held at a university campus, I was pleased to see a number of students in the audience including Josh Gottfriedson, our BCAFN Male Youth Representative and the co-Chair of the AFN National Youth Council. The discussion that took place and the question-and-answer period was very informative and positive. I always welcome the opportunity to talk to audiences both within BC and nationally about moving beyond the *Indian Act* and the steps that our First Nations in British Columbia are already taking to move through the post-colonial door.

Engagement with the Province: The First Nations Leadership Council are committed to continuing to work on behalf of BC First Nations to build a strong relationship with the provincial government as outlined in the *New Relationship*. On September 5th, 2012, Premier Christy Clark shuffled her provincial cabinet and Minister Ida Chong was appointed the new Minister of the Ministry of Aboriginal Relations and Reconciliation. The FNLC met with Minister Chong on October 24th and briefed her on the history behind the *New Relationship*, and used that opportunity to bring up a number of issues, and plan for an upcoming meeting with the Premier. The FNLC is currently working with the Premier’s office to try to find a date to meet in the New Year. I will report on this meeting in my next Quarterly Report.

BCAFN Special Chiefs’ Assembly & Annual General Meeting: Further to my opening comments, I would like to again thank all the Nations that assisted in piloting *Part 2 – The Governance Self-Assessment* and a special thank you to those that shared their experiences on the Rebuilding First Nations by Establishing Effective Governance and Organization Panel. I would also like to highlight that we heard a number of reports over the 2 day session. These included the National Committees, TIB-SIB Day Scholar Class Action, Fracking - Shale Gas Extraction, BC sector

Councils, Reconciliation Canada, St. Joseph's Mission (Cariboo) Residential School Commemoration, and Canadian Red Cross on Emergency Preparedness. The BCAFN 2012 AGM Report was presented and 17 Resolutions were considered by the Chiefs in Assembly and ultimately passed. Resolutions can be found on our BCAFN website.

To those Chiefs that were not able to attend the BCAFN SCA and AGM, please be advised that a copy of the *BCAFN 2012 AGM Report* and *Part 2 – The Governance Self-Assessment* are being mailed to your office. If you are interested in accessing any of the above materials please visit our website at www.bcafn.ca or contact our office at 604-922-7733.

PART THREE: BC ASSEMBLY OF FIRST NATIONS' OPERATIONS

2012 – BCAFN Election Results:

The following are the official election results from the BCAFN AGM:

Number of Registered Chiefs or Proxies - 162

Regional Chief:

Shana Manson (Lyackson First Nation):	25	
Marjorie McRae (Gitksan First Nation):	11	
Jody Wilson-Raybould (We Wai Kai Nation):	126	Elected

Board of Directors:

Chief Trish Cassidy (Qualicum First Nation):	-	Acclaimed
Chief Maureen Chapman (Skawahlook First Nation):	-	Acclaimed
Chief Russell Chipps (Scia'new First Nation):	35	
Chief Don Harris (Xa'xtsa (Douglas First Nation)):	38	
Chief Nelson Leon (Adams Lake Indian Band):	78	Elected
Tribal Chief Liz Logan (Treaty 8 Tribal Association):	90	Elected
Chief Lucinda Phillips (Lil'wat First Nation):	62	
Chief Bruce Underwood (Pauquachin First Nation):	65	Elected

Women's Council Representative:

Chief Glenda Campbell (Tzeachten First Nation):	92	Elected
Councillor Coreen Child (Kwakiutl Indian Band):	64	

BCAFN Elder Representative:

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

BCAFN Women's Representative:

Chief Glenda Campbell Tzeachten First Nation

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 Maureen Chapman Skawahlook First Nation
Chief Trish Cassidy Qualicum First Nation
Tribal Chief Liz Logan Treaty 8 Tribal Association
Chief Nelson Leon Adams Lake Indian Band
Chief Bruce Underwood Pauquachin First Nation

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Information Sharing/Webpage:

The BCAFN website hosts the "BCAFN Governance Toolkit" where *Part 1 - The Governance Report*, *Part 2 – The Governance Self-Assessment* and *Part 3 - A Guide to Community Engagement: Navigating Our Way Beyond the Post-Colonial Door*, are accessible online along with their tools, reference documents and other resources (www.bcfan.ca). Our office 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@bcfn.ca.

NOTICES

February 2013
AFN Claims Gathering
TBC

For more information see www.afn.ca

June 2013
BCAFN SCA
TBD

For more information see www.bcafn.ca

July 16-18, 2013
AFN Annual General Meeting
Whitehorse, YK

For more information see www.afn.ca

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