

BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS



REGIONAL CHIEF'S QUARTERLY REPORT TO THE CHIEFS OF BC

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PART ONE: BUILDING ON OUR SUCCESS – IMPLEMENTING THE PLAN

The focus of the British Columbia Assembly of First Nations (BCAFN) continues to be implementation of the *Building on OUR Success* platform (updated 2012) and consisting of four key and interrelated areas. These 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 Access to Land and Resources** 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.

With respect to the four key areas, the following remains the basis for the Nation building/re-building Action Plan at the BCAFN:

1. **Understand and identify** the specific priorities for each of our Nations.
2. **Assist** each Nation in charting their own critical path in order to be able to benefit from opportunities, capitalize on success and ensure that the doors are open to move forward with their specific priorities.
3. **Support and facilitate** each Nation in developing and maintaining strong and open relationships with Ottawa and Victoria to ensure that they can advance their own issues directly with the Crown.
4. **Develop and implement** a province-wide participation and communication strategy to maintain networks between Nations and ensure that no single community is left out or behind.

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: The Governance Toolkit: A Guide to Nation Building is the product of BCAFN’s work over the last three years with First Nations leadership and communities across BC that have shown incredible commitment to the work of Nation building and rebuilding. All three parts of the Toolkit (*Part 1—The Governance Report, Part 2—The Governance Self-Assessment and Part 3—A Guide to Community Engagement: Navigating Our Way Through the Post-Colonial Door*) remain available on our BCAFN website at www.bcafn.ca, where they can be downloaded.

Work continues on producing a second edition of the *Governance Report*. It was my hope to release this second edition this November. However, the release of the second edition has been postponed due to the work our office has been undertaking in relation to comprehensive claims policy reform and the Senior Oversight Committee (please see below). This has pushed out our timeline to deliver the updated Governance Report until June, 2014 at our Annual General Meeting. The second edition will include new analysis, First Nations laws, by-laws and agreements. Our office continues to call on the experience and expertise of our Nations to help us in this important work. Please do not hesitate to contact me if you have questions about the Toolkit, or ideas about how the content can be made stronger based on the experiences of your own Nation.

Self-Government Recognition Legislation: As mentioned in my last quarterly report, Bill S-212: *An Act Providing for the Recognition of Self-governing First Nations of Canada* dropped from the Senate Order Paper in March of this year. Conceptually, however, the approach taken in Bill S-212 to provide a mechanism for *Indian Act* bands, or groups of bands through aggregation, to transition out from under the *Indian Act* continues to be supported by the BCAFN and we continue with our work to explore options that would facilitate the recognition of our appropriate institutions of governance and the smooth transition from any existing structures that are superseded (BCAFN Resolution 04/2011). Specifically, we continue to dialogue with First Nations in BC on the development of self-government recognition legislation, with the intention that a revised public senate bill will be introduced in the future.

At the BCAFN Strategic Dialogue Session on May 9-10, 2013, we were able to hear from many of you regarding Bill S-212, and the potential for recognition legislation more generally. Overwhelmingly, we heard messages of support, and some advice regarding possible revisions to the existing legislation and efforts to see recognition legislation successfully move through the Senate and House. This discussion was picked up at the BCAFN Annual General Meeting on June 26-27, 2013, and I appreciate the feedback that I received from our leadership at these meetings and through my conversations and correspondence with our Chiefs in BC. A second Strategic Dialogue Session is being planned for this fall, and I look forward to continuing our discussions and updating you in person at this session.

As a champion for recognition legislation, the BCAFN is committed to engaging in a more fulsome and coordinated dialogue with our Chiefs in BC and across Canada as this work continues. As the national portfolio holder for First Nations’ Governance at the Assembly of First Nations (AFN), I had the opportunity to update Chiefs in attendance from across Canada at the AFN Special Chiefs’ Assembly in Whitehorse in July. Any First Nations self-government

recognition legislation will be national in scope and as such broad dialogue with First Nations across Canada is required.

As I have stated previously, it is critical that development and drafting of self-government recognition legislation be led by First Nations. We began to chart this path at the BCAFN, when we brought together a group of leaders, lawyers, former senior federal bureaucrats, and academics to work on drafting instructions for Bill S-212 in 2012. While I remain adamant that this work continue to be led by First Nations, the need for Canada's involvement (albeit in a limited capacity) should be acknowledged. Many of the important matters addressed in any self-government recognition legislation, including fiscal arrangements with Canada and First Nations' powers/jurisdiction, will necessarily require a robust review by both First Nations across the country and the Government of Canada in order for self-government recognition legislation to pass successfully into law, and most importantly to have the desired positive impacts for our First Nation communities in Canada.

Of course, as I have stated before, securing appropriate self-government recognition legislation is only one aspect of the work that is needed to support our Nations moving away from governance under the *Indian Act*. The most challenging but ultimately rewarding work is back home in each of our communities, as we develop our own constitutions, and as we build citizen confidence in moving to a post *Indian Act* system of governance. While self-government recognition legislation will provide an option and be a powerful tool for our communities, it will not diminish the need for the heavy-lifting back home. For more information about what work has been done already, please visit our website at www.bcafn.ca or contact me directly. This remains a priority, and I would be pleased to hear from those with ideas for the work moving forward.

First Nation Land Management (FNLM) Regime: On September 19, 2013, the Government of Canada, the First Nations Lands Advisory Board, and the First Nations Land Management Resource Centre together announced that 28 more First Nations were added as signatories to the Framework Agreement on First Nation Land Management. As Chief Robert Louie reported, "In 1996 there were only 14 signatories to the Framework Agreement." With the announcement this month, the total number of signatories reaches 110. Signatories to the FNLM regime are taking advantage of one tool available to our communities to begin moving away from the 34 land-related provisions of the *Indian Act* and to assume greater control over our lands and resources. I would like to extend congratulations to the 28 First Nations who were added as signatories, thus signally their commitment to undertake the work to develop their own land codes and take on this jurisdiction. In BC, the new signatories include: ?akisq'nuk, Chawathil, Homalco, Katzie, K'omoks, Lower Nicola, Malahat, Metlakatla, Nak'azdli and Tahltan, as well as one aggregated group of BC First Nation communities – Cheam, Scowlitz and Soowahlie.

Prorogation of Parliament and the Federal Legislative Agenda: On September 13, 2013 parliament was officially prorogued. When parliament is prorogued, all government bills that did not receive Royal Assent before prorogation cease to exist or are dropped from the order paper. Government bills can be picked up again this October during the new session, however, to do so the bills would need to be reintroduced as new bills and this action agreed to by the

House. Private members bills are treated differently in the case of prorogation of parliament and these bills will automatically be reinstated in the new October session. The Prime Minister has indicated his intention to have a new Throne Speech in the fall, on October 16, 2013, at which time the new parliamentary session would commence.

Though prorogation of parliament impacts on government bills that did not receive Royal Assent before parliament adjourned on June 19, 2013, there was a noted push by Prime Minister Harper and his government to have a number of bills receive Royal Assent before parliament's adjournment in June. Bills impacting on First Nations directly that passed into law since my last quarterly report include: Bill S-2, Bill S-8, and Bill C-62. Below is a brief summary of these pieces of legislation, as well as those private members bills that will automatically be reintroduced during the next session of parliament and those government bills that may be reintroduced with a motion from the House. I will continue to provide updates on these and other federal legislative initiatives as more information becomes available. The national AFN also provides weekly parliamentary updates that are available at www.afn.ca.

Bill C-62: An Act to Give Effect to the Yale First Nation Final Agreement and to Make Consequential Amendments to Other Acts: This bill moved quickly through the House and Senate in June, passing third reading of the House on June 6, 2013, and third reading of the Senate on June 18, 2013. On June 19, 2013 the bill received Royal Assent and thus passed into law. Yale First Nation's traditional territory and 217 hectares of reserve land is located within the Fraser Valley Regional District north of Hope. Bill C-62 gives effect to the Yale First Nation Final Agreement. It also makes consequential amendments to other Acts.

Bill C-428: An Act to Amend the Indian Act (publication of by-laws) and to Provide for its Replacement: This bill completed study by the Standing Committee on Aboriginal Affairs and Northern Development in May 2013 and was reported back to the House of Commons with amendments. The amendments eliminated some of the most egregious and poorly considered sections, including the removal of the bill's repeal of sections related to wills and estates in the *Indian Act*, as well as removal of the repeal of First Nations' authority for by-laws restricting intoxicants. Also, the requirement that all First Nations bylaws, in their entirety, be printed in a local newspaper has been reconsidered. The proposed amendments to the bill are reflective of the testimony of myself, and others, who appeared before committee, but I maintain that they do not go far enough, nor do they reflect the recognition of First Nations' inherent right to self-government. My full presentation to committee on Bill C-428 is available on our BCAFN website at www.bcafn.ca. With the prorogation of parliament, it is anticipated that this private members bill would be automatically reintroduced in the new session.

Bill S-2: Family Homes on Reserves and Matrimonial Interests or Rights Act: Since my last quarterly report, Bill S-2 has passed into law. On June 11, 2013, the bill passed third reading and on June 19, 2013, on the last day the House sat before adjourning, the bill received Royal Assent. As many of you are very aware, Canada's intention to enact legislation in the area of matrimonial property is not new. While many of our leaders have agreed there is a legal gap in the *Indian Act* that needs to be filled when it comes to matrimonial real property (MRP) law, we have also consistently argued that this gap be filled by our First Nation governments, not Canada. The national AFN has and continues to encourage First Nations to work with our

citizens to enact our own laws or codes in this area in advance of this bill coming into force. For more information see the national AFN website (www.afn.ca) and also the relevant section on the BCAFN Governance Toolkit on matrimonial property at www.bcafn.ca/toolkit. As this bill, now law, will impact not only on First Nations governments and communities, but also on provincial governments, the Province of BC has reached out to the First Nations Leadership Council to discuss and explore the impacts of this new federal legislation on First Nations and the province. I will continue to keep you updated as more information becomes available.

Bill S-6: First Nations Elections Act: On June 17, 2013, Bill S-6 passed second reading in the House of Commons and was referred to committee. As this is a government bill, it died on the order paper with a prorogation of parliament. Committees also lose their power to transact business during a prorogation. However, it is possible that this bill would be reinstated in the next session, and that the work of committee to review this bill could be revived. As I have reported in previous quarterly reports, Bill S-6 is opt-in legislation for First Nations who conduct their elections under the *Indian Act*, and would extend the election term from two to four years, among other changes. The AFN has recognized and echoed in Committee the concerns that have been expressed about provisions in the bill that empower the Minister of AANDC to order a First Nation under the Act, including one that conducts custom elections, in the event of a dispute or where an election has been overturned by the Governor-in-Council.

Bill S-8: Safe Drinking Water for First Nations Legislation: In June, Bill S-8 was quickly ushered through third readings of both the House and Senate and the bill received Royal Assent on the final day the House sat, June 19, 2013. As I have reported earlier, Bill S-8 does not recognize First Nations jurisdiction over the purveying of water on-reserve, but rather sets up an administrative regime under the jurisdiction of Canada based on standards to be developed by Canada. The bill also establishes that federal regulations may incorporate, by reference, provincial regulations. The intention with this legislation is arguably good, safe drinking water on-reserve, but the execution is lacking. First Nations leadership across Canada have and continue to express concerns over how expensive this law will be to effectively implement and the lack of commitment from Canada to ensure resources to do so.

Through the passing of bills such as Bill S-2, Bill S-8, and others earlier this year such as Bill C-27: *First Nation Financial Transparency Act*, which received Royal Assent on March 27, 2013, it remains clear that Canada's own legislative agenda, if unchallenged, will continue to impede First Nations' jurisdiction and impose governance structures on our communities based on federal policy direction. As the holder of the First Nations Governance portfolio with the AFN National Executive, I will work with the National Chief and others when the new session of parliament commences in October to advocate for our Nation building agenda in House and Senate committees and as new or continuing legislative initiatives make their way through Parliament. Thank you to our Chiefs and other leaders in BC who have likewise taken forward our growing experience and expertise in BC to Ottawa to present at various committees and panels.

Joint Gathering - AANDC BC Region Engagement: Last year, many of our Chiefs and leadership were able to participate alongside administrators at the 2012 Joint Gathering, co-hosted by AANDC BC Region and the First Nations Leadership Council. A Report from Joint Gathering 2012

can be found at: <http://www.aadnc-2082721aandc.gc.ca/eng/1368551887583>. Based on your feedback and feedback from AANDC, I am pleased to announce that Joint Gathering 2013 is being planned for October 15-17, 2013 in Vancouver. More details, including a draft agenda can be found at: <http://www.foabc.org/events/joint-gathering-2013>. As was the case last year, one Chief or alternate council representative and one band administrator (or alternate staff representative) are invited to attend from each First Nation community and there will be travel subsidies to assist in the costs of travelling to this gathering. More information about the meeting will be posted on our website at www.bcafn.ca as it becomes available.

Engagement with the Province: After the successful re-election of her party, Premier Clark named her new cabinet on June 7, 2013 and announced that John Rustad, MLA for Nechako Lakes, would be the new Minister of Aboriginal Relations and Reconciliation. On June 27, 2013, Minister Rustad attended our BCAFN AGM and spoke briefly to our leadership about the high level direction of the new government, and more specifically about some of the priorities and ministerial objectives identified by the Premier for the Ministry of Aboriginal Relations and Reconciliation (MARR). Minister Rustad's mandate letter from the Premier is available online at http://www.gov.bc.ca/premier/cabinet_ministers/. High level initiatives identified by the Premier for completion by MARR over the coming years are identified in this letter, and include:

- *Continue to work with BC First Nations to secure long term treaties that provide economic benefit and security for all British Columbians;*
- *Work with BC First Nations that are impacted by natural gas extraction, pipelines or LNG facilities to ensure they are provided with the ability to participate in this generational opportunity;*
- *Work with BC First Nations that are in the area of a new proposed refinery to ensure they are provided with the opportunity to participate in and benefit from this economic opportunity;*
- *Implement our commitment in Strong Economy, Secure Tomorrow to secure another 10 new non-treaty benefit agreements over the next two years and showcase the economic and social results of these agreements to encourage further First Nation participation;*
- *Work with BC First Nations to ensure they participate in the Standing Offer Program by BC Hydro through the First Nations Clean Energy Business Fund; and,*
- *Work with the Minister of Jobs, Tourism and Skills Training to increase the number of First Nations people participating in our apprenticeship and skills training programs to ensure economic prosperity includes First Nations members.*

At the BCAFN AGM in June, 2013, BCAFN Resolution 3(p)/2013, titled, "Support for the BCAFN to Engage Immediately with Premier Christy Clark and the New BC Cabinet" was passed unanimously by the Chiefs-in-Assembly. This resolution directs the Regional Chief to secure the political will and the financial resources to carry out an early joint BCAFN-Provincial meeting between BC Premier Christy Clark, the BC Cabinet, and First Nations leaders in the Province to dialogue on issues relating to Aboriginal title and rights, including treaty rights, and to begin to set a joint agenda for change in BC. The potential for a meeting between the BC Cabinet and First Nations leadership in BC as well as setting a process for continued engagement were the

primary topics for discussion at meetings between the FNLC and the Premier and Minister Rustad earlier this month. The FNLC is preparing a letter to follow up on this initial meeting with the Premier and Minister Rustad and I hope to be able to report again in the near future on a commitment from the Province to a BC Cabinet and First Nations leadership meeting among other substantive issues.

Of course, a number of other high level issues continue to be priorities for the FNLC in our meetings with the provincial Ministers and senior bureaucrats, and efforts continue to ensure that the Province understands the issues and concerns for our communities and works directly with BC First Nations as the proper rights and title holders. Major pipeline and resource development projects in BC, the province's work to modernize provincial legislation, the Murdered and Missing Women Commission of Inquiry, and changes to provincial environmental assessment operations are examples of other areas where the FNLC continues to advocate for First Nations' involvement. I have included more detailed updates on some of these areas later in the report.

On September 10, 2013, the BC government announced that there will be no fall sitting of the BC Legislative Assembly. The Premier and members of her cabinet have suggested that this has been decided in order that the Liberal government can continue preparations for a robust Spring 2014 legislative session. I will continue to provide updates on these matters as information becomes available.

2. Fair Access to 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

Towards a Reconciliation Policy Framework for Canada: Over the years, Canada has adopted policies to negotiate settlements, including negotiating modern treaties that seek to address un-extinguished Aboriginal title and rights. These policies are collectively referred to as the “comprehensive claims policy” (CCP). A compilation of Canada’s publicly available CCP policy documents has been assembled by our office and is available on the BCAFN website at <http://bcafn.ca/files/2013-05-BCAFN-SDS.php>.

Canada’s policy has been widely criticized by First Nations and is out of step with the law. The need for fundamental change to Canada’s CCP was a position taken forward to the First Nations-Crown Gathering in 2012, and later to the January 11, 2013 meeting with the Prime Minister. At the January 11, 2013 meeting, CCP reform was expressed as a matter of critical concern as Action Item #2 of the AFN Consensus Document:

Facilitating fair, expeditious resolution of land claims through reforming the comprehensive claims policy based on recognition and affirmation of inherent rights rather than extinguishment.

It has become clear that simply revising existing CCP documents will not produce the sufficient change that First Nations in BC and across Canada have been demanding, and thus our efforts have turned more broadly towards creation of a reconciliation policy framework for Canada.

Federal Comprehensive Claims Policy and the Senior Oversight Committee (CC SOC): Since the January 11, 2013 meeting with Prime Minister Harper, two Senior Oversight Committees (SOC) have been established – one dealing with treaty implementation and the other dealing with Canada’s Comprehensive Claims Policy. Regional Chief Ghislain Picard from Quebec and myself are the AFN executive members responsible for the CCP SOC. The CCP SOC has now met five times and a Terms of Reference has been developed, which was distributed at the AFN Annual General Assembly in Whitehorse in July and again through my recent email update to BC Chiefs on September 4, 2013. If you have not received a copy of the Terms of Reference, please contact me directly.

The CCP SOC Terms of Reference confirms our ability to have discussions with Canada around developing a broad reconciliation framework based upon recognition of title and rights. This framework would extend beyond the existing comprehensive claims policy and provide for a range of options for all our Nations to engage in reconciliation with the Crown. Under the Terms of Reference, the BC Region, along with Quebec and possibly other regions, has the ability to have two political representatives at the SOC. I am pleased that Grand Chief Stewart Phillip (UBCIC), and one representative from the First Nations Summit (FNS) Task Group have been able to participate in meetings to date and have agreed to sit as permanent members of the SOC. Other members of the SOC include representatives from the Prime Minister’s office (PMO), the office of the Privy Council (PCO), the Office of the Minister of AANDC and the AANDC bureaucracy.

The relationship between the PMO, the PCO, the Minister’s office and the bureaucracy create an interesting dynamic at the CCP SOC. It is, of course, not the role of the SOC to negotiate actual reconciliation; First Nations are responsible for their own reconciliation. Accordingly, the First Nations representatives at the CCP SOC have been proceeding on the basis that we are assisting Canada to frame out its new approach to reconciliation with our Nations.

The CCP SOC, in accordance with its Terms of Reference, has also established a Technical Working Group (TWG) to support the work of the SOC. Robert Morales, Bev Clifton-Percival and Tim Raybould are participating as BC representatives on the TWG and I anticipate there will be other technical sub-working groups established as this initiative proceeds. My hope, as the work progresses, is that if we need to call upon yourself or your technicians to support this work that you will be able to assist. The experience we have in our communities in BC is broadly recognized and held in high esteem and I view my role at the CCP SOC, in large part, as helping to ensure we leverage this experience.

As a basis for discussion amongst ourselves at the recent BCAFN Strategic Dialogue Session in May 2013, and with Canada at the CCP SOC, the BCAFN developed a discussion paper entitled *Reconsidering Canada's Comprehensive Claims Policy: A New Approach Based on Recognition and Reconciliation*. This paper has been revised a number of times, including a rigorous review following input from leaders at the BCAFN Strategic Dialogue Session. The discussion paper remains a working document and we continue to actively seek feedback. The assemblies and meetings between and among us have and continue to inform this important work, and I am grateful for the support of other First Nations leaders at the UBCIC, FNS and beyond who have helped to create the space for the difficult but important dialogue around the discussion paper and CCP policy broadly.

While we are proceeding with Canada in good faith, I am under no illusion that our efforts at CCP SOC will necessarily achieve in the short term all that we want to achieve through this process. Indeed, many of you and our past leaders have been working to get Canada to revise its approach to resolving the land question for years. However, in respect of the enormous effort and commitment to change by those who have come before us, I continue to advocate that we will not give up trying or risk being blamed by the government for not showing up.

Nevertheless, there are reasons to be optimistic in terms of the direction at CCP SOC. We have, for example, already confirmed that there is space for alternatives to negotiating comprehensive final agreements under a new policy framework that SOC will propose. For our province, this means that there would be alternatives to support reconciliation for those Nations that cannot find satisfaction through the BC Treaty Process; either because they cannot reach a final agreement with Canada and BC or they were never party to the process in the first place. Equally important, for those Nations that are currently a part of the BC Treaty Process, there is no intention to diminish your ability to negotiate with Canada. Our expectation is that Canada will make specific changes to federal policy and/or federal mandates to address, among other things, matters raised at the Common Table and those which are proving hard to resolve at individual treaty tables.

As this work continues, I will continue to update you on our progress. I hope to be able to send to you a draft outline of what a new federal reconciliation framework might look like based on recognition – a product that would ideally be reviewed with your team and any comments sent to me directly at regionalchief@bcfn.ca. We also plan to hold another BCAFN Dialogue Session this fall, as well as a session at the BCAFN Special Chiefs' Assembly in November, and to continue to engage with the AFN ad hoc working group on comprehensive claims. Nationally, this work will be brought to the AFN Special Chiefs' Assembly in Ottawa this December.

As always, if you have any questions, concerns or advice, let me know. Please feel free to give me a call or send me an email.

Treaty Implementation on the National Stage:

Treaty Implementation Senior Oversight Committee: As I reported in earlier quarterly reports, in addition to establishing a high level mechanism to deal with Comprehensive Claims Policy, the Prime Minister agreed at the January 11, 2013 meeting with First Nation leaders, to create a

senior oversight committee for Action Item #1—Treaty Implementation (TI SOC). As many of you heard from the AFN executive lead on this file, Saskatchewan Regional Chief Perry Bellegarde, at our BCAFN Strategic Dialogue Session in May, the TI SOC has unfortunately not met since it was created but work continues to align the interests of all Treaty Nations.

On June 18, 2013, the AFN organized a working session on Treaty, designed to examine a number of considerations so that engagement between Treaty leadership and the government of Canada could begin. Treaty leadership from BC were invited. In order to help facilitate discussion at this meeting, the following questions were offered during the roundtable portion of the agenda:

1. *What process best meets what Treaty Nations seek for advancing implementation? How will/would Treaty First Nations choose to organize nationally for Treaty implementation: i.e., Chiefs Task Force on Treaty Implementation, technical coordinating committee or others?*
2. *How should the Crown be organized for Treaty implementation on a Treaty by Treaty basis i.e. changes to the machinery of government, Treaty Commissions, federal mandate and structure, Senior Oversight Committee?*
3. *How can the Prime Minister's commitment for a High Level Mechanism be moved forward?*
4. *What do you want the AFN to do?*

Discussion at this June meeting resulted in a number of outcomes or next steps being identified. One of these next steps was that a letter be sent by Treaty leadership to the Prime Minister to clarify the commitment from the January 11, 2013 meeting, the mandate, role and structure of the government's proposed TI SOC. Participants at this meeting expressed their desire to regroup after the AFN AGA and the Treaties 1-11 Gathering. On September 4, 2013, the AFN coordinated a second working session on treaty implementation in Ottawa. The purpose of this meeting was to discuss the response from the Prime Minister regarding the federally proposed TI SOC and to begin shaping an action plan. As work progresses in relation to Treaty implementation on the national stage, I will continue to keep you updated.

Major Resource and Energy Infrastructure Development: Last year we saw a significant focus from the Canadian Government on legislative shifts centred on resource development and management – particularly with respect to pipelines and mining. Bill C-38 and Bill C-45, which are now law, amended, repealed, replaced or established dozens of laws, including replacement of the entire *Canadian Environmental Assessment Act* and changes to the *Fisheries Act*, *Navigable Waters Protection Act* and *Species at Risk Act*. According to the government, these legislative changes were required in order to create a “one project, one review” environmental assessment and regulatory regime as set out in the government's *Resource Development (RRD) Plan*, announced in April, 2012 in advance of the omnibus legislation. Canada continues to move forward with its *RRD Plan*. Examples of other work underway in relation to the *RRD Plan* include: related regulatory development; trade missions to Asia-Pacific and European countries to market Canadian energy; and, the instatement of a federal representative reporting to the Prime Minister on West Coast Energy Infrastructure Projects which I talk about in more detail below.

Indeed, federal Ministers continue to instruct Canadians that there are “hundreds of major resource projects, worth \$650 billion” in Canada that must be taken advantage of in order for Canada to become a “major player in global energy markets.” Natural Resource Canada Minister, Joe Oliver has stated that if the five major liquefied natural gas (LNG) projects proposed in BC were to go forward, they could generate more than \$1 trillion for the Canadian economy over the next 30 years. This kind of talk has gripped Canadians and placed many of our Nations and indeed many of you in the middle of a national debate around resource development.

This month, the Government of Canada has reintroduced with vigor its “responsible resource development” slogan and branding. I believe most of us continue to see this as an effort on the part of the government to build support from Canadians and more confidence among their electorate for the aggressive economic development agenda. I also see this choice of branding as a reaction to the strong voices of our leadership and communities who have countered the actions of Canada and consistently argued that development cannot be at any cost. In a September 18, 2013, official Government of Canada press release Minister Oliver stated that, “The Government of Canada will continue work with all stakeholders, including provincial and territorial governments and Aboriginal groups, to balance economic, social and environmental considerations in the development of Canada’s energy resources.” It is of course critically important that we work together to hold Canada to account for this commitment and to push Canada beyond what it may consider the minimum legal standards for consultation and accommodation. Many of you, acting to protect your traditional territories and the future economic security of your communities, are demanding that “responsible” resource development be more than just a political slogan and it is my intent to support you in any way I can to deliver this message to Canada.

Canada’s Special Federal Representative on West Coast Energy Infrastructure – An Update: On June 27, 2013, Doug Eyford, the Government of Canada’s Special Federal Representative on West Coast Energy Infrastructure attended our BCAFN AGM and provided those in attendance with a brief update. He then entertained questions regarding his work. Shortly thereafter, on July 5, 2013, Mr. Eyford submitted his interim report to the Prime Minister. I have heard from many of you who have taken advantage of opportunities to meet with Mr. Eyford and share your experiences and concerns. I have been adamant in my own discussions with Mr. Eyford that economic benefits through job creation and resource revenue sharing must not come at the expense of the environmental health of our Nations’ territories. Unfortunately, at this time Mr. Eyford does not have approval from the Prime Minister’s office for this interim report to be made public. We have also been told that the final report will not be made public and, since it is “advice to the Prime Minister”, it would be inaccessible even through Access to Information requests. That said, I would expect, and given the level of interest of Minister’s and Deputy Minister’s to meet with First Nations in BC, that the interim report speaks to the need for the government of Canada to rethink its current approach to consultation and accommodation with First Nations – that Canada has not done a good enough job in this regard, particularly here in BC and that it recommends that Canada look for improved models and practices of engagement among our Nations. Ultimately, accommodating our Nations can only occur with recognition of our rights followed by reconciliation with the Crown and this was one of the key messages I

have emphasized in my meetings or conversations with Mr. Eyford. Though at present the interim report has not been made available to our Nations, I am hopeful that we can continue to pressure the Prime Minister's office to make this preliminary report available to our leadership and I will continue to keep you updated on the status of the interim report as this work progresses.

First Nations Leadership Council Meeting with Federal Deputy Ministers, September 24, 2013:

On September 24, 2013, the First Nations Leadership Council (FNLC) met with Deputy Ministers from across the government of Canada, including the Departments of Natural Resources, Fisheries and Oceans, Transport, Environment, Western Economic Diversification, Employment and Social Development, and Aboriginal Affairs and Northern Development to discuss Canada's *RRD Plan* and natural resource development more broadly. The language in the letter of invitation to attend this meeting suggested that it was called in large part as a response to the interim report of Mr. Eyford. The letter stated that the purpose of the meeting was for the Deputy Ministers to "better understand issues and priorities of [First Nation] communities in respect of proposed or future resource and infrastructure development opportunities" and "how to build common ground and pursue shared opportunities and interests." The letter also clearly said that Canada did not consider this meeting to be "consultation".

Together with my FNLC colleagues, we used this unprecedented opportunity to articulate our message that accommodating our Nations can only occur with recognition of our rights followed by reconciliation with the Crown. I also spoke to the incredible amount of work ongoing in many of our Nations to build and rebuild governance, to strengthen our decision-making abilities and our own capacity to tackle the hugely challenging questions facing our leadership including resource and infrastructure development in our traditional territories. I tried to provide some context to the issues of Nation building based on our BCAFN Action Plan. To be quite honest, I think many of the officials were quite overwhelmed by the scope of the issues and their complexity and how you cannot really separate the question of resource development from the broader issues facing our respective Nations – e.g., settling the land question and supporting strong and appropriate governance among our Nations.

The senior officials present at this meeting indicated that other meetings had already occurred or were being planned directly between themselves and First Nations leadership, as well as other First Nations organizations. There is a need for these discussions to continue and I will keep you updated as more information becomes available about future meetings, and also as to any outcomes or actions flowing from these meetings. Thank you to all you who were in contact with me directly or with my office regarding this meeting. Please do not hesitate to continue to contact me directly with any questions or concerns about this meeting or in relation to resource and infrastructure development and the specific interests or concerns of your Nation. I continue to maintain that we have great strength in our collective experience here in BC and look for any opportunity to learn from you about the activities of your Nations.

In many ways, Canada is now also a victim of its failed policies towards our peoples – our title and rights have crystalized on the ground during this time of major resource development within Canada and Canada is thus in a position where it must deal with the proper Aboriginal title holder in each area where a resource development project is proposed. Ultimately, some

projects will be supported by the proper title holders and others will not – a reflection of the different visions and interests that our First Nations across the country hold. Good faith negotiations where the honour of the Crown is upheld remain paramount if Canada is committed to reconciliation. Land and resource issues are an important component of rebuilding our Nations, however, there is a need for the federal government to look at a broader reconciliation framework with respect to our Nations which tackles all the tough issues (the land question, strong and appropriate governance, education, fiscal relations, language and culture, etc.). Perhaps the incentive of \$650 billion in resource and industrial projects in this country will cause the government of Canada to commit to do so.

Liquefied Natural Gas Development and BC's Development Agenda: In BC, of course, the Province's own resource development agenda, as set out in the *BC Jobs Plan* and the 2012 *Mineral Exploration and Mining Strategy: Seizing Global Demand*, largely coincides with the federal government's resource development agenda. During 2013, and particularly since the re-election of Christy Clark and the BC Liberals, we have seen BC's focus on resource development intensify. The provincial government has made liquefied natural gas one of the cornerstones of the BC government's agenda for this current term of government. The premier's focus on the economy and LNG was highlighted in the BC Throne Speech and in the creation of the new Ministry of Natural Gas Development. Included in the identified priorities of the new Ministry of Natural Gas Development, and as set out in the new Minister's mandate letter from the premier, the Minister is called upon to "*Secure pipeline corridors with First Nations along proposed natural gas pipeline routes.*"

BC's current agenda, like the federal approach, focuses heavily on streamlining regulatory approvals to both reduce backlog and fast track permitting for resource development projects. In response to federal legislative changes, BC's Environmental Assessment Office took the step of entering into a Memorandum of Understanding with Canada's Environmental Assessment Agency earlier this year on the Substitution of Environmental Assessments with the Canadian Environmental Assessment Agency. As per this new MOU, the province's Environmental Assessment Office will now conduct the environmental assessment for specific projects, including the procedural aspects of Aboriginal consultation.

Last summer, under considerable pressure from Alberta, Canada, our Nations and BC citizens to respond to the Enbridge pipeline proposal, Premier Clark also announced the Province's *Requirements for British Columbia to Consider Support for Heavy Oil Pipelines*, a document which included five conditions, one of which was that, "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 the Northern Gateway Project."

As one of the cornerstones of the BC government's agenda for this current term, LNG continues to receive the attention of our citizens and indeed all British Columbians. LNG refers to natural gas that is often extracted through the ground via a process of drilling referred to as "fracking" and cooled into liquid form for transportation. Many of our Nations have spoken and continue to speak out about the negative environmental impacts of fracking practices in their traditional territory. Nonetheless, the political will on the part of the current BC government for speedy development of the LNG industry in BC is unprecedented.

The proposed development of LNG infrastructure in BC is set to occur very quickly, which the province has suggested is in response to demand from markets in the Asia-Pacific. The BC government has projected that construction will begin on this infrastructure in 2016/17. A number of large scale proposals are under review to build export terminals on the coast of BC, many of which are linked through proposed pipeline routes to transport LNG from natural gas fields. As conversations continue, and as more information becomes available I will continue to update you.

Enbridge Northern Gateway Pipeline Proposal: The Enbridge Northern Gateway Project Joint Review Panel (JRP) has concluded the oral final arguments which took place in Terrace B.C. from June 17-20 and 24, 2013. The JRP heard presentations from a number of parties including, but not limited to, the province of BC, representatives of several of our Nations, environmental organizations, and the project proponents. For a comprehensive list of the speakers and for full transcripts, please see <http://gatewaypanel.review-examen.gc.ca/clf-nsi/hm-eng.html>.

Of note, the Province, in its final oral argument, reiterated its position that it will not support the Enbridge Northern Gateway pipeline without a guarantee that the five conditions outlined in the document *Requirements for British Columbia to Consider Support for Heavy Oil Pipelines*, are met. We will continue to ensure that this condition is a key part of any consideration the province of BC has with respect to the Enbridge Northern Gateway Pipeline.

The conclusion of the final oral arguments represents the completion of the final stage of hearings for the JRP. The Panel has now, therefore, begun to deliberate and prepare its recommendations for the final report. The final report will be submitted to the federal government and made available to the public by December 31, 2013. Under the new *Canadian Environmental Assessment Act 2012*, in particular s. 52 of the Act, federal Cabinet and Ministers have broadened decision making authority, ensuring Canada, not regulators, have the ultimate authority over whether a project will proceed. Section 52(2) reads, "If the decision maker decides that the designated project is likely to cause significant adverse environmental effects referred to in subsection 5(1) or (2), the decision maker must refer to the Governor in Council the matter of whether those effects are justified in the circumstances." We eagerly await the JRP's final report recommendations, and Canada's response to the report recommendations given the new legislation, and we will look to provide you with opportunities to discuss this work when it is available.

Building on Our Strength: Without a doubt, the political environment and agenda of the Crown continue to present challenging questions to our leadership and communities around balancing impacts to our territories with opportunities to build our economies. The decisions on if, how, and to what degree we engage with industry, and how we build capacity to navigate through these questions, remains a central focus for many of you and your communities. Unfortunately, the debate has been polarized throughout most of Canada with little room for a balanced or robust discussion with First Nations on the challenges we face in charting a future for our communities and our traditional territories.

In meeting and discussing with many of you, I believe our First Nations leadership and citizens understand better than most that "responsible resource development" in Canada has to be more than a political slogan for the Crown. Many of our communities know too well that an

over-emphasis on a resource economy is costly and we cannot ignore those Nations with much to lose. When a First Nation assesses the benefit and the cost of resource development in its territory and makes its decision, that decision, as the proper rights and title holder should be respected.

I continue to look for ways to support our Nations during this time and above all to ensure proper reflection of Aboriginal title and rights, including treaty rights, is included as BC and Canada look set to make decisions with respect to major resource and energy infrastructure development. On October 9-10, 2013 a First Nations Natural Gas Summit will be hosted in Prince George to share information, look at comparative examples for similar energy infrastructure, and discuss the risks and opportunities that come from natural gas projects. Minister Oliver has been confirmed on the agenda for this summit. The summit is being coordinated by the Carrier Sekani Tribal Council in partnership with First Nations across, what is referred to as, the “BC Energy Corridor.” All First Nations and First Nations leadership are invited to participate. For more information please contact the project manager Rena Zatorski at zatorski@hotmail.com. This is, of course, only one example of an opportunity for our Nations to share their perspectives and knowledge.

As always, the sharing of information and expertise between and among our Nations is extremely valuable and I hope that we can continue to leverage the strength of our combined experience as leaders and communities in BC when faced with these serious questions impacting on the future of our people. Thank you to those who have contacted me and our office to discuss these matters in more detail. If you have ideas about how we can better organize and come together to explore specific questions around major resource development in our communities please contact me directly. I continue to report on these issues in my quarterly reports, all of which are available on our website at www.bcafn.ca.

William v. British Columbia, 2012 BCCA 285: The Tsilhqot’in were granted leave from the Supreme Court of Canada to appeal the BC Court of Appeal’s decision in *William v. British Columbia*. The BC Court of Appeal’s decision in this case concluded, with respect to Aboriginal title, that title is not throughout the whole territory of Xeni Gwet’in, but limited to areas of more intensive use historically such as village sites, fishing rocks, salt licks, farm lands, etc. I was pleased to have representatives of the Tsilhqot’in report to our Chiefs-in-Assembly at our BCAFN AGM this past June and to the Chiefs and delegates across the country at the Assembly of First Nations (AFN) AGA in Whitehorse, YT, on July 16, 2013.

This is a very significant case and the latest in a long line of historic Aboriginal rights and title cases that will affect Nations across the province and across the country. Given that this case has such potential for wide-spread impact, the AFN executive passed a motion to apply to intervene in this case. The AFN has retained legal counsel, led by Joseph Arvay of Arvay Finlay, and I am pleased to report that the AFN’s application for leave to intervene in this case was granted on July 30, 2013, along with the applications from a number of other interveners. Since May, AFN staff and legal counsel have been participating in meetings and conference calls with other potential interveners, who are supportive of the Tsilhqot’in. This coordination has allowed our respective lawyers to coordinate arguments and discuss ideas; all of which has led to the development of stronger arguments in support of the Tsilhqot’in.

The AFN factum (a written argument for the Supreme Court Justices to read and consider prior to the hearing) was submitted to the Supreme Court of Canada earlier this week. After considering the factums/written arguments of the parties and interveners, the court will make a decision within the next month on requests to present oral arguments by interveners at the November 7, 2013 hearing in Ottawa.

BCAFN has been actively supporting our AFN intervention and our activity/involvement in this case is being guided by the BCAFN legal and political strategy as adopted by the Chiefs-in-Assembly last year at our Special Chiefs' Assembly on June 29, 2012. The BCAFN is also assisting the Tsilhqot'in and the AFN in communicating the importance of this case to First Nations citizens across Canada and to the general public. The AFN is engaging with universities and other organizations to hold discussion forums on these very important Aboriginal rights and title issues. Our office has connected with the Tsilhqot'in to assist in the fundraising campaign that they have undertaken called: *Indigenous Land Title Express: Tsilhqot'in Journey for Justice*. The purpose of this *Indigenous Land Title Express* is to send 26 people, including the Elders who testified at trial, by bus from Tsilhqot'in territory to attend the hearing at the Supreme Court of Canada in Ottawa. Their goal is to raise just over \$83,000. For more information please contact Sherry Stump at: sherrystump@tsilhqotin.ca or 250-392-3918. I will be in Ottawa to support the Tsilhqot'in people at the hearing on November 7 and hope some of you can make it too.

Fisheries: Fish, fisheries and fish management continue to be an area of interest and concern for our Nations all across BC, and an area where complicated issues relating to rights and title, and overlapping jurisdiction confront our leadership and other governments. In regards to food, social and ceremonial fisheries (FSC), salmon returns on the Fraser River were lower than expected in most cases this year and in particular for sockeye. However, some Pink runs were exceptionally large. In addition to number being down, otherwise harvestable runs were subject to a management adjustment due to warm river temperatures. Combined, this led to very limited harvest opportunities for many of our First Nations' FSC fisheries in the 2013 season which is going to cause much hardship for many of our citizens who have less fish than they need. For some of our communities, selective fishing was allowed in some areas of the watershed. However, conservation concerns also led to closures to fisheries that did impact on many of our Nations. In the face of this adversity, I have been moved to hear that in some cases, where First Nations have greater access to fish, these communities have been able to help out others with less. Thank you to those that have helped.

With respect to our collective effort to impact fish management plans and ensure our collective interests in the BC fisheries is maintained we have the First Nations Fisheries Council (FNFC). The FNFC continues to work at strengthening the governance of their council in order to support the work of our Nations. Through the *2007 BC First Nations Fisheries Action Plan*, BC First Nations directed the FNFC to support, protect, reconcile, and advance First Nations title and rights as they relate to fisheries and the health and protection of aquatic resources. The priorities of the FNFC remain to develop effective governance mechanisms, form collaborative relationships among First Nations organizations, and work together to build a cohesive voice on fisheries matters. Of course, this work is not easy. Since my last quarterly report in early June, a number of key activities have been initiated or continued by the FNFC, including, but not limited to:

- Work to complete a 5-year progress report on the BC First Nations Fisheries Action Plan (2007);
- FNFC engagement and reporting to PTO's and the signing of charters with additional First Nation Fisheries organizations;
- The "Water For Fish" Initiative – engaging BC First Nations in water-dialogue to facilitate knowledge-sharing and engagement in water governance, water policy and water management activities;
- Work to create a process for our Nations to have on-going Tier 1 and Tier 2 dialogue on finfish, shellfish and freshwater aquaculture management; and,
- Work in relation to a strategic response to federal legislative changes impacting on fish, fisheries and fish management.

The FNFC, in accordance with the protocol and declaration of cooperation that exists with the FNLC, also helped to organize a meeting this month between the Department of Fisheries and Oceans Canada (DFO) and the FNLC. As a valuable technical support to the FNLC on fisheries, the FNFC have been working with the FNLC to secure an MOU between the FNLC and DFO which I am pleased to announce was signed on September 25, 2013. For updated information about the activities of the FNFC, please see their website at www.fnfisheriescouncil.ca. The FNFC Fall Assembly has been set for November 13-15, 2013, at Squiala First Nation, Chilliwack, BC, and as always this meeting will provide the council with the opportunity to hear from many of you directly.

Nationally, AFN Environmental Stewardship Unit, remains active in the area of fisheries and will be holding a Tier 1 *Fisheries Act* Protection Policy Meeting, October 1-3, 2013 in Toronto. Please consult the AFN website at www.afn.ca for updated information about this meeting.

First Nations' Water Strategy: The FNLC held a one-day BC First Nations' Right to Water Workshop at Musqueam First Nation on World Water Day in March of this year. The meeting was an opportunity for our leadership to talk about current water issues for BC First Nations, and also to review and discuss the Draft BC First Nations Water Rights Strategy. The FNLC continues to revise the strategy document and I look forward to being able to continue discussions around the revised strategy paper. If you have questions about the draft strategy document or have further input please contact Alyssa Melnyk at our office (Alyssa.Melnyk@bcfn.ca). This work is particularly relevant given the provincial government's stated intention to complete consultations on their proposed *Water Sustainability Act* and to pass this legislation as committed to in "Strong Economy, Secure Tomorrow." Recent meetings between Environment Ministry officials and FNLC staff have indicated that this legislation would potentially be introduced early next year. In a letter dated September 20, 2013, the Ministry of Environment responded to the FNLC's request to engage early and meaningfully with First Nations on the proposed legislative changes, and indicated their desire to engage with the FNLC on a draft legislative proposal for a new *Water Sustainability Act*. I will continue to keep you updated.

Changes to Environmental Assessment Processes: Federal legislative changes last year to the *Canadian Environmental Assessment Act* are now impacting on our communities and, in fact, all communities across Canada, and all levels of government. Earlier this year, the BC

Environmental Assessment Office (EAO) entered into a Memorandum of Understanding (MOU) on the Substitution of Environmental Assessments with Canada’s Environmental Assessment Agency (EAA). The province has stated that, “under the memorandum, the [BC] Environmental Assessment Office will conduct the environmental assessment for specific projects, including the procedural aspects of Aboriginal consultation. Federal departments will contribute their expertise.” For a more complete description of this MOU, you can go to BC’s EAO office website at <http://www.eao.gov.bc.ca/>.

In August of this year, the BC EAO also announced the release of a new policy document, *Guideline for the Selection of Valued Components and Assessment of Potential Effects* (*Guideline*). A factsheet provided by the province provides a quick overview of the *Guideline* and is available online at: http://www.eao.gov.bc.ca/VC_Guidelines.html. These changes to environmental assessment policy and process in BC are important given the political will that has been demonstrated by the current federal and provincial governments to engage in large scale development in BC. The FNLC continues to raise these issues at meetings with provincial and federal leadership. Thank you to those of you who have been in touch with our office directly to keep us updated on the specific impacts your communities are experiencing on the ground.

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

Federal First Nations Education Legislation: The federal government is developing legislation that would replace those sections of the *Indian Act* dealing with the education of our children and replace it with new rules, processes and standards. To date, the proposed federal legislation on First Nations education has raised more questions than support from our Nations here in BC. The concern vocalized by our leadership of course does not stem from any disagreement with the underlying principle that First Nations’ students deserve access to a high standard of education. In fact, in BC, the commitment to improved education is evident through current initiatives led by the First Nations Education Steering Committee (FNESC) and First Nations Schools Association (FNSA). Through the leadership of these organizations we have made much headway towards achieving higher educational outcomes based on First Nation’s led-solutions. One such example is the historic Tri-partite Education Agreement (TEFA) which commits to increased funding at comparable levels to other BC schools. While graduation rates are growing there is still much work to be done and much potential within our existing processes.

In BC, we have developed our own solutions to First Nations control over First Nations education, solutions that are working and need to be supported. Any new federal legislation concerning the education of our children must be developed in partnership with First Nations, be well considered, and ensure above all else that the interests of the child are paramount. Any society that allows another society to educate its children and abdicates its responsibility does a disservice to its own future. We cannot allow this to happen to our peoples.

On July 12, 2013, AANDC released a document entitled, “Developing a First Nations Education Act: A Blueprint for Legislation” (the “Blueprint”). The Blueprint provided an indication of the structure of the proposed legislation but did not respond to fundamental concerns raised by FNEC and FNSA through numerous communications and during the meetings held with select First Nations hosted by AANDC on March 8, 2013. The timeframe and extent of the consultation process was, in the eyes of many people, not adequate. With the release of the Blueprint, FNEC and FNSA continue to urge the federal government to provide assurance that national legislation will not impede TEFA and reiterate the recommendations brought forward by our Nations such as the need for legislation to reflect the principle of Aboriginal right to self-government, which includes education, and recognize First Nations’ control over First Nations education. Clarity will also be required regarding issues such as needs-based funding and funding for language, culture, and technology.

On Thursday, September 19, the FNLC and the National Chief joined FNEC and FNSA at a meeting with AANDC officials and Minister Valcourt. This meeting provided an opportunity to raise with the Minister our concern that we have not heard back from Canada on the feedback and proactive recommendations on the Blueprint that have been provided. It was reiterated to the Minister that any legislation concerning the education of our children should be developed in partnership with First Nations to ensure that we are not erasing the progress that we have worked so hard to achieve here in BC. The well-being of our children is paramount and this must be first-and-foremost in our minds and in the minds of the government. The federal government has not involved First Nations in the drafting process of this legislation. However, the Minister assured us that the feedback we have provided has been considered in the drafting of the legislation. We will need to see the legislation to determine whether or not this commitment from Minister Valcourt is actualized, which may or may not be before it is introduced into Parliament. If the legislation is not to our satisfaction, we will seek amendments. If it is not amended to our satisfaction, we may be forced to take other steps to ensure our interests are protected. In my opinion, if any power of First Nation government is an aspect of the inherent right of self-government and protected by section 35 of the *Constitution Act*, then it is jurisdiction over the education of our children. The government ought to be cautious as this legislation may be found to be ultra-virus if we have not been involved in its development and if it is imposed and prescriptive.

Further opportunities for First Nations leadership to discuss and strategize around federal First Nations education legislation will be available in the future. We will also need to continue to meet with the Minister and his officials to ensure our voices heard and our concerns addressed. As our National Chief has stated, “First Nations have been clear about the actions required on First Nations education: First Nations demand that any proposed legislation will enable and

empower First Nation solutions, will include a commitment to fair, stable and needs-based funding including for language, culture and technology”.

For up to date information continue to consult the FNEsc website at www.fnesc.ca and the AFN website at www.afn.ca. Analysis on the Blueprint is also available at www.fnesc.ca and www.fnsa.ca. I would like to thank FNEsc for providing an update on the Blueprint to our leadership at the AFN AGA on July 16-18, 2013, in Whitehorse and for their continued leadership.

The Indian Studies Support Program: The Indian Studies Support Program (ISSP) provides funding to post-secondary institutions for the design and delivery of college or university level courses for First Nation and Inuit Students, including research and development of First Nations and Inuit education. The ISSP plays a critical role in ensuring culturally appropriate high level courses for university students. To date the proposal process for ISSP has been coordinated through AANDC’s BC Regional Office and has involved the designation of an annual allocation of \$2.2 million. In March of 2013, AANDC announced that the responsibility for the ISSP program, which includes the proposal process and funding allocation, would be moved to AANDC Headquarters starting this fiscal year.

Unfortunately, this could cause unwarranted interruption in the review of project proposals which have already been accepted for fiscal year 2013/2014 based on pre-existing regional guidelines. A key concern is that an additional review of proposals based on different guidelines may cause detrimental impact to project proponents.

BCAFN Resolution 03 (g)/2013, passed at our AGM in Richmond, BC on June 27, 2013 highlights the call for the continued management of the ISSP by the AANDC BC Office and the importance that at minimum regional processes are respected and First Nations curriculum is not negatively impacted by centralization. The BCAFN will continue to monitor this issue and will work with organizations like FNEsc and FNSA to ensure that regional approaches and processes are respected.

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.”

BC First Nations Health Care Delivery: A historic milestone will be achieved this year in BC as operations of the First Nations and Inuit Health, BC Region, are transferred to the First Nations Health Authority (FNHA) on October 1, 2013. At our BCAFN AGM in June, we heard an update from First Nations Health Council Chair Grand Chief Doug Kelly and the First Nations Health Authority Chair Lydia Hwitsum regarding this work. As I have repeatedly stated in my quarterly

reports, while there is no doubt we have the potential to deliver a more efficient and culturally appropriate service than Health Canada, we also have the responsibility to make sure that the resources will be there to provide the programs and services our people expect and deserve. As First Nations communities, we are not immune to the continual rise of health costs and managing the health operations for our peoples will not be an easy task. Pressure continues to ensure that our governance framework and administration is in place and appropriate. For more detailed information about the work ongoing to deliver on our First Nations' shared vision to delivery our own services, please visit the First Nation Health Council (FNHC) website at www.fnhc.ca, or contact them directly. The First Nations Health Authority (FNHA), in accordance with the BC Tripartite Framework Agreement on First Nations Health Governance, has also made public its annual Interim Health Plan, which is available online at <http://www.fnha.ca/about/news-and-events/news/a-year-in-transition-2013-2014-interim-health-plan-overview>.

In 2013, the FNHA published a guidebook for First Nations in BC, "2013 Guidebook: Building Blocks for Transformation", which discusses concepts and ideas in four key areas: Reciprocal Accountability Planning and Evaluation Cycle, Data Governance, and Supporting Sustainability. The stated desire of the FNHA is that the 2013 Guidebook will provide a framework for continued discussion around the challenging work ahead.

The FNHC's annual "Gathering Wisdom for a Shared Journey" is scheduled for October 22-24, 2013, at the Hyatt Regency in Vancouver. Past forums have been attended by Chiefs, health practitioners and leaders, government officials and many of the key decision makers in BC First Nations health. The gathering is an important opportunity for our leadership in BC to come together and build on the strengths and achievements to date and to talk about the challenges.

First Nations Health Council—Data Governance Initiative: The FNHC continues to work to develop a BC First Nations Data Governance Initiative and related partnerships with federal and provincial government departments. The intention is to develop a plan on how BC First Nations' data and information could be governed and managed, and to map out an approach to achieve several main deliverables:

- a) First Nation ownership, control, access and possession principles;
- b) skill and capacity training;
- c) data policy templates;
- d) records management; and
- e) procurement strategy for technology.

Overall, the vision is to see governments (federal, provincial and First Nations) have timely access to quality data to plan and account for investments in First Nations well-being. Existing information management systems do not meet this need and the FNHC has said that this initiative is critical. Good information and information management is of course key to good governance, something that we have highlighted at the BCAFN through our work on the BCAFN Governance Toolkit and in particular, Part 2 of the Governance Toolkit, *the Governance Self-Assessment*. Health governance is no exception and the efforts of the FNHC on this initiative are key to the success of the larger project of improved First Nations health governance.

Violence Against Aboriginal Women and Girls: The FNLC, the National Chief and the AFN Executive continue to press the federal government to call a national inquiry on violence against Indigenous women and girls. Despite the growing awareness of the issue, including recent support from Canada’s provincial leadership (see below), the federal government continues to maintain that it does not see a National Inquiry as being an effective means of addressing the issue.

At the AFN’s 2013 Annual General Assembly in Whitehorse, YT, in July, Resolution no. 04/2013, “Advancing a National Action Plan to End Violence Against Indigenous Women and Girls,” was carried by consensus. The resolution, which was moved and seconded by our BC leadership, called on the Chiefs-in-Assembly to:

1. *Re-affirm their personal commitment to take all action needed to ensure the safety and security of all First Nation citizens, in particular women and girls, wherever they reside, and oppose and eradicate all forms of violence in the community, including lateral violence, sexual harassment, and disrespectful language.*
2. *Respect and honour the traditional role of women as life givers and keepers of our people.*
3. *Commit to raising awareness of the high levels of violence against Indigenous women and girls and support the efforts of the families of murdered and missing women as they seek to ensure their mothers, sisters, daughters and friends are not forgotten, including supporting their efforts to have a dedicated national symposium.*
4. *Call upon all governments to commit to action, as outlined in the Draft National Action Plan to End Violence Against Indigenous Women and Girls, including calling a National Public Commission of Inquiry.*

On July 24, 2013, on the heels of the AFN AGA, many First Nations Chiefs and leaders from BC and across Canada, including our National Chief, along with other Aboriginal leadership, met with Canada’s Premiers ahead of the two day Council of the Federation meeting in Niagara-on-the-Lake, Ontario later that week. At this meeting, leaders from Canada’s provinces and territories offered their support for the call for a national public inquiry into missing and murdered Indigenous women and girls in Canada.

National Truth and Reconciliation Commission National Event in Vancouver: September 16-22, 2013 was Reconciliation Week in British Columbia. A number of events took place during the week to support reconciliation. The Truth and Reconciliation Commission’s national event “A New Way Forward” took place September 18-21, 2013 at the PNE Fairgrounds in Vancouver. Each TRC national event was dedicated to one of the seven sacred teachings – love, respect, courage, honesty, wisdom, humility and truth. The theme of the Vancouver event was “honesty”. During the four days, survivors, First Nations citizens, and the general public were invited to witness and celebrate the resilience of Aboriginal cultures, as well as learn about the history of residential schools in Canada. The events included: statement gathering, witnessing survivor statements, traditional ceremonies, cultural performances, survivor gatherings, an education day for local schools, films, special panel speakers, etc.

Reconciliation Canada also organized a number of cultural events that flanked the TRC National Event. On September 16, there was the lighting the fire of reconciliation, which took place at 8:00 a.m. at Ambleside Beach in West Vancouver. At this ceremony, a sacred fire was lit to symbolize the beginning of Reconciliation Week and the welcoming of the canoes, the ancestors, and people to the traditional territory of the Coast Salish peoples.

On Tuesday, September 17, there was an all Nations canoe gathering at False Creek in downtown Vancouver. For this event, paddlers in traditional canoes, along with other people-powered crafts, began at Kits Point and paddled to Olympic Village in a welcome ceremony to Coast Salish territory.

On Sunday, September 22 the final event of Reconciliation Week took place: “The Walk for Reconciliation: A New Way Forward”. This event featured a 4km walk from Queen Elizabeth Theatre Plaza (in downtown Vancouver) to Creekside Park. This walk brought together people of all ages and cultures in huge numbers (the organisers estimated it to be 70,000 people) to walk a path together in a shared commitment to move towards reconciliation. I was encouraged to see so many of you and our citizens in Vancouver on this day to take part in this moving and transformative event despite the torrential rain. In many ways quite appropriate - the tears of the rain washing away the sins of the past in support of moving forward through reconciliation.

For me, the words of Rev Dr. Bernice King, the daughter of the late Dr. Martin Luther King who gave an amazing and impassioned speech, were very empowering and continue to reverberate. She told us that, "we must all learn to live together as brothers and sisters, or we will all perish as fools" and that, “economic emancipation must come to First Nations – economic empowerment must be part of the way forward.” Reminiscent of what her father had said before, Dr. King reminded the wet crowd that, “human progress is not inevitable – it requires sacrifice and persistent effort.” She concluded by reminding us all that this is no day to pay lip-service to the process – that “scars of ignorance, deprivation and poverty harms all people” – instead there is a need for life-service to reconciliation and this new way forward will take the vigorous and positive action of everyone from every corner.

I would like to acknowledge the hard work, dedication and passion of our BCAFN Elder Hereditary Chief Robert Joseph – our ambassador of reconciliation. The Reconciliation Canada events began with his vision of a new way forward for all Canadians together. This was truly a transformative time for us all and I would like to thank him and the entire Reconciliation Canada team for their hard work and dedication in delivering on this vision. For more information on these events and on the legacy plans, please visit the Reconciliation Canada website at: www.reconciliationcanada.ca/events.

United Nations' Special Rapporteur on the Rights of Indigenous Peoples, James Anaya in Canada: International pressure to address Canada’s treatment of Aboriginal people, including a focus on murdered and missing Aboriginal women and girls in Canada, continues. In this regard, the United Nations' Special Rapporteur on the Rights of Indigenous Peoples, James Anaya has confirmed he will visit Canada from October 7-15, 2013 and be in British Columbia on October 10. The Office of the Special Rapporteur is still in the early stages of planning for this visit. Given

the pressure for Mr. Anaya to visit many regions of Canada, he will only be spending 1 day in BC. As his plans are confirmed, I will continue to update you. Please also refer to our BCAFN website for up to date information at www.bcafn.ca.

Special Committee on Violence Against Indigenous Women: Although a full blown inquiry into murdered and missing women and girls has not been called Canada has set up a special parliamentary committee on violence against Indigenous women and held two meetings in June before Parliament adjourned. At these meetings, the committee began its study of violence against indigenous women, and heard from witnesses. Minutes from the proceedings are available on the Parliament of Canada website at www.parl.gc.ca/HousePublications/. This committee has been described as having the mandate to conduct hearings on the critical matter of missing and murdered Indigenous women and girls in Canada and to propose solutions to address the root causes of violence against Indigenous women across the country. The prorogation of Parliament this month meant the dissolution of all existing committee work, including this committee. On September 20, 2013, the AFN together with the Native Women's Association of Canada and Amnesty International sent an open letter to the Prime Minister calling on the government to fully restore this committee and empower the committee to continue its work when Parliament resumes. When the new Parliament begins in October, and assuming the committee is empowered to continue its work, the AFN will provide transcripts and highlights of these meetings as they become available.

PART TWO: RELATED ACTIVITIES

BCAFN Annual General Meeting, June 26-27, 2013: On June 26-27, 2013, the BCAFN held our Annual General Meeting (AGM) at the River Rock Resort in Richmond and I would like to thank all of you who were able to attend and participate in the discussions. On the first day of the AGM I was pleased that our National Chief, Shawn A-in-chut Atleo, was also able to attend and provide an update on events and issues happening nationally. On day one, we also engaged in dialogue around the ongoing work to review and reform Canada's Comprehensive Claims Policy, including a panel discussion continuing the discussions from the May 2013 Strategic Dialogue Session on the topic of Shared/Overlapping Territories. These are nuanced and difficult issues that present challenges for our communities and for policy makers locally and nationally, and it was great we had such a good level of participation and engagement in this discussion. Feedback from this panel discussion has indeed helped to inform the work of the Senior Oversight Committee on Comprehensive Claims Policy.

On the second day of the AGM, we heard from the new provincial Minister for Aboriginal Relations and Reconciliation, John Rustad and we had an esteemed panel of experts speak to the topic of First Nations resource revenue sharing and access to capital. The Honourable Gerry St. Germain delivered a keynote to open this panel discussion. The panel was followed by updates on the William/Tsilhqot'in Nation Case Appeal and West Coast Energy Infrastructure, both of which are spoken to earlier in my report.

At the AGM, an election was held for the BCAFN Male Youth Representative position. We had two very competent candidates for the position, both of whom impressed the Chiefs and

delegates during the All-Candidates forum. The successful candidate was Hjalmer Wenstob from Tla-o-qui-aht. I wish to congratulate both Hjalmer and Mike McKenzie for putting their names forward and I look forward to working with Hjalmer in his newly elected position. I would also like to thank our outgoing Male Youth Representative, Joshua Gottfriedson for his contributions to this position and for the commitment he demonstrated during his term. Joshua has just begun his placement with the BC Government as part of the Aboriginal Youth Internship Program. I am very proud of him and on behalf of our Board of Directors I wish him success in this and all his future endeavours.

AFN 34th Annual General Assembly, Whitehorse, YT, July 16-18, 2013: The AFN held their 2013 Annual General Assembly in Whitehorse, YT, on July 16-18, 2013. The theme for this year's meeting was "Our Nation, Our Rights, Our Future: Empowering Our Citizens to Drive Change." On the first day of the Assembly, First Nations from across Canada participated on a panel discussion, "Displacing the *Indian Act* with our Solutions – Implementing Laws and Building Capacity." Leadership from BC, the Yukon and Ontario participated on this panel and through the stories they told and the messages they delivered set the tone for the whole conference. Whether it was on issues related to education or health or governance generally, First Nations leadership from across Canada rose and spoke to the efforts ongoing in their own communities to build and rebuild their governments and Nations and move beyond the paternalistic *Indian Act* and imposed structures of governance.

Once again the BCAFN hosted BC Regional caucus sessions over the course of the AFN AGA, and as always it was great to see our leadership come together at these sessions to strategize about the work ahead and to build consensus amongst ourselves. At the first of these BC caucus sessions, we devoted time for an important discussion around the distressing research that surfaced that very week regarding historic human biomedical experimentation on malnourished Aboriginal children attending residential schools. We were all deeply upset and acted together to draft an emergency resolution for the Chiefs-in-Assembly to consider. Our resolution was brought to the floor of the AGA on July 18, 2013, and was passed unanimously. All in attendance rose from their seats in an emotional show of solidarity.

More information about the AGA, including video recordings of the plenary sessions, and all of the AFN Resolutions that were brought to the floor are available on the AFN's website at www.afn.ca.

BCAFN Regional Youth Forums: Our BCAFN Male and Female Youth representatives continue to strive to bring the BCAFN Regional Youth Forum (RYF) to communities throughout the province. The purpose and intent of the RYF is to provide First Nations youth (aged 19-29) with an opportunity to come together, share their experiences, and have open dialogue on the issues that are relevant to them. In developing a shared vision, some of the issues that the youth have highlighted include citizenship and governance, development of youth councils, community safety and health, and supporting the youth voice. To date, RYF's have taken place in the Vancouver Island Region, the Lower Mainland-Fraser Region, and most recently in the Interior Region.

The Interior Regional Youth Forum was co-hosted by the Tk'emlùps te Secwépemc and took place on June 19-20, 2013. I was honoured to be asked to attend and speak to the over thirty youth that participated. The level of dialogue and ideas and solutions being discussed was wonderful to see. On behalf of our BCAFN Youth Representatives, I would like to thank the Chiefs that participated in the Interior Regional Youth Forum and provided mentoring to the youth in attendance.

Work is currently underway to coordinate a RYF for the Northern Region, which will take place in Prince George this fall.

Consular Corps BC and International Rotary Club: Since my last quarterly report, I have had several opportunities to address an international audience and speak to the incredible successes, challenges, and opportunities currently experienced by First Nations in Canada and in particular here is BC. There is a strong and growing public interest in ways of working with and better understanding the perspectives of First Nations. Accordingly, it is important to take advantage of opportunities to discuss our realities, and also share the message that meaningful partnerships are important and can make a difference.

Consular Corps BC Meeting, June 12, 2013: On June 12, 2013, I delivered a keynote address to the Consular Corps of BC. Consular Corps BC includes representatives of approximately 80 countries and 31 of these countries are represented by career diplomats. They were interested in hearing about Idle-No-More and themes arising from the movement including the impacts of the colonial legacy in Canada and the on-going challenges of the *Indian Act*. I also provided examples of our successes in BC in overcoming our challenges and the work of our communities on the ground. I concluded with the message that as international representatives, the Consular Corps could support the rebuilding efforts of our Nations by spreading awareness within their respective countries and keeping the door open for continued dialogue between and among Indigenous peoples within their Nations and with our peoples here in Canada. For information on the Consular Corps, please see <http://www.protocol.gov.bc.ca/protocol/prgs/consular/consular.htm>.

International Rotary Club Meeting, September 19, 2013: On September 19, 2013 I had the pleasure of providing a keynote address to over 500 leading Rotarians at the “Promise of Rotary” – Institute Leadership Forum in Philadelphia. Rotary International supports the work of the nearly 730 Rotary clubs throughout Canada—service organizations that provide Canadians with opportunities to collaborate on initiatives aimed to address current social challenges, often overseas. I believe there is a particular synergy between the mandate of Rotary and the values that we hold generally as First Nations people. Namely the strong value we place in community and the commitment to serve our communities. I encouraged the Rotarians to reach out to our citizens and look to ways of working together to build community. That true progress and community development can only really occur when we develop lasting relationships and partnerships—cutting across cultural, economic and social boundaries. On this note, some within Rotary are looking for initiatives or projects their clubs can support in Canada (e.g., literacy, clean water, skills development, recreation etc.). In many cases, projects that may be similar to those they already support in the developing world but where there are needs much closer to home in our own communities.

There are already examples of such good works and positive initiatives. For example, the work of Grand Chief Steven Point, who founded a partnership called “Write to Read”, when he was Lieutenant Governor of BC with Bob Blacker, a Rotary district governor. The partnership resulted in much needed support for First Nations communities that would otherwise lack the resources for community libraries. The result was a collective effort which provided 10 of our communities with mobile buildings to host a community library fully equipped with books and computers.

If you or your community would like to reach out to a local rotary club or learn more about opportunities to get involved please visit www.rotary.org or please contact me and I would be happy to assist in making the connection.

PART THREE: BC ASSEMBLY OF FIRST NATIONS’ OPERATIONS

BCAFN Constitution, By-laws, and Governance Manual: Over the last year, it has become apparent that there are some operational challenges to our BCAFN constitution, bylaws and governance manual. It is, therefore, the intention of the BCAFN Board of Directors to bring a number of proposed amendments to our constitution, including amendments that would clarify and more accurately set out the purposes of the BCAFN, for discussion at our BCAFN Special Chiefs’ Assembly this November. Following the discussion at the SCA and after further input we receive, we will bring a complete package of amendments to our constitution for ratification by the members of the society at our AGM in Spring 2014.

BCAFN Elder Representative

Hereditary Chief Robert Joseph Kwakwaka’wakw elder and the Regional Chief’s Elder Advisor

BCAFN Women’s Representative

Chief Glenda Campbell Tzeachten First Nation

BCAFN Youth Council

Hjalmer Wenstob Tla-o-qui-aht First Nation maleyouth@bcfn.ca
Erralyn Thomas Snuneymuxw First Nation femaleyouth@bcfn.ca

BCAFN Board of Directors

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

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The BCAFN wishes to thank Ashly Frances Van Steele who was hired as our Youth Engagement Coordinator for this past summer. Ashly Frances completed her term with the BCAFN on August 30, 2013, and we wish her well in her future endeavours.

Information Sharing/Webpage: The BCAFN website continues to host the “BCAFN Governance Toolkit” where Part 1 - The Governance Report, Part 2 – The Governance Self-Assessment, and Part 3 - A Guide to Community Engagement, are accessible online along with related tools, reference documents and other resources (www.bcafn.ca). In addition the webpage includes individual profile pages for each of our Nations. 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 us by email at reception@bcafn.ca.

NOTICES

October 15-17, 2013

Joint Gathering 2013

Co-hosted by AANDC – BC Region and the FNLC

Marriott Pinnacle Hotel, Vancouver (TBC)

For more information see www.bcafn.ca

November 18-21, 2013

4th National First Nations Youth Summit

Saskatoon, Saskatchewan

For more information see www.afn.ca

November 25-26, 2013

BCAFN Special Chiefs' Assembly

Greater Vancouver Area (TBC)

For more information see www.bcafn.ca

December 10-12, 2013

AFN Special Chiefs' Assembly

Gatineau, Quebec

For more information see www.afn.ca

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