

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 work of Nation building and rebuilding continues across our province. The Toolkit is a testament to the ongoing efforts of our Nations to substantively move beyond the *Indian Act* and build strong and appropriate governance for our communities based on implementing our inherent rights that will see our peoples and communities thrive into the future. 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*) are available for download on our BCAFN website at www.bcafn.ca. All the hard copies have been given out.

The second edition of the *Governance Report* is anticipated for release in Summer 2014 at our BCAFN Annual General Meeting. The second edition will include new analysis, First Nations laws, by-laws and agreements. As we did the first time around, we rely on the experience and expertise of our Nations and First Nations organizations to help us pull together this important resource and we will be calling on your assistance again. 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

In order to move forward with implementing our inherent governance rights and transitioning away from the *Indian Act* in a coordinated and structured way and with the support of our citizens, we need Canada to enact broad self-government recognition legislation. Without such legislation, and in the absence of a court case rendering the *Indian Act* ultra vires, of no force or effect, the *Indian Act* will continue to apply. We are continuing to press for such legislation by developing our own solutions and looking for political support from our allies in parliament. Such legislation, though difficult to draft given the complexities of decolonization, has been recommended by the Penner Committee on Self-government and the Royal Commission on Aboriginal Peoples. Our ongoing work to develop legislation is not going to be easy given a reluctance on the part the government to make such a bold move and, to be brutally honest, the fear amongst our own Nations about how best to move beyond the *Indian Act*, despite knowing that we must if we are to truly rebuild.

As a champion for recognition legislation, the BCAFN will continue and is committed to engaging in the fulsome and coordinated dialogue that is necessary with the Chiefs across Canada to make the legislation a reality. As I discuss in more detail later in this report, the continued work of the Senior Oversight Committee (SOC) on Comprehensive Claims is of course very much connected to the larger project of Nation rebuilding and governance reform. The work underway at SOC to inform the development of a new federal “Reconciliation Framework” to guide all federal departments, negotiators and other officials tasked with reconciling with our Nations aligns well with the need for recognition legislation. While recognition legislation would be one mechanism, or another ‘tool’ or ‘option’, to support the transition from the *Indian Act*, and would answer the question of how we transition, it does not answer how we actually govern and our laws. Achieving appropriate self-government recognition legislation is one component of the strategy that is needed to support our Nations moving away from governance under the *Indian Act*. The most critical work remains 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 and develop our own laws and our own local policies.

The beauty of recognition legislation is that your Nation will not have to convince Canada to 'negotiate' self-government with you. Consequently, no need for you to waste energy, time and money, or to have to employ a barrage of lawyers and consultants to do so. Rather, you will be able to employ your time and resources more strategically on what are the real and far more difficult negotiations back home between and amongst your citizens as to what self-government will look like on the ground (i.e., essentially the 'social contract' for the governance of our Nations after the *Indian Act* is gone) and what rules/laws will apply in your Nation; the real work of Nation rebuilding.

If you are interested in getting more involved in this initiative and see your Nation as one that would use this legislation if it were in place, and if you have not already done so, please give me a call.

Federal Government's Legislative Agenda

Notwithstanding our objections and concerns, Canada continues forward with its own legislative agenda for our peoples. On October 16, 2013, a new session of parliament commenced with a Speech from the Throne. With the prorogation of parliament earlier this fall, all government bills that had not received Royal Assent before prorogation were dropped from the order paper. However, on October 21, 2013 a motion was approved by the House enabling, during the next 30 sitting days, that a bill from the previous session of parliament could be reintroduced as it existed at the time of prorogation for reinstatement at the last stage completed. Several of these government bills with potential impacts for our Nations have now been reintroduced as new bills. Below is a brief summary of these pieces of legislation, as well as those private member bills that, in accordance with regular procedure of the House, continue at the last stage fully completed in the House of Commons. 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-9: First Nations Elections Act: Bill C-9 was introduced in the House of Commons on October 29, 2013 and pursuant to the Order made by the House of Commons on October 21, 2013, the Bill was automatically deemed approved at all stages completed in the previous session (previously Bill S-6 in the 1st Session of the 41st Parliament). As a result, Bill C-9 is now at the Standing Committee on Aboriginal Affairs and Northern Development for study. As I have reported in previous quarterly reports on Bill S-6, Bill C-9 is opt-in legislation for First Nations who conduct their elections under the *Indian Act* and, among other changes, would extend the election term from two to four years. It is my contention that as this bill deals with core governance and institutions (election of our governing bodies) there can be no doubt that even on the most narrow reading of the law that this bill deals with an aspect of the inherent right of self-government and that no court could ever find that control of 'elections' did not meet the test for proving a right. Where a Nation so chooses to use this act, then the right is not abrogated, rather it is empowered. However, where the government may intend to use the act

to require a Nation to come under it, then this is far more problematic both legally and politically.

This bill's potential infringement on the inherent right is of concern in section 3(b) and (c) where the Minister can order a First Nation which currently conducts its elections outside of the *Indian Act* under a custom election code to come under the provisions of the FNEA. This order can be issued where the Minister is either satisfied that "a protracted leadership dispute has significantly compromised governance of that First Nation" or where "the Governor in Council has set aside an election of the Chief and councillors of that First Nation under section 79 of the *Indian Act* on a report of the Minister that there was corrupt practice in connection with that election." We have made our concerns known to Canada both in presentations to committee and in letters.

As the AFN executive lead on First Nations Governance nationally, I will continue to take the opportunity at House of Commons Committees to remind Canada that the inherent right of self-government is protected under section 35 of the *Constitution Act, 1982*. Core governance, and particularly the selection of the governing body, is an integral aspect of the inherent right. Federal legislation, therefore, needs to recognize a First Nation's choice to establish its rules for selecting its governing body.

Bill C-428: Indian Act Amendment and Replacement Act: Bill C-428 is a private member's bill developed by Conservative MP Rob Clarke and is now supported by the government. Bill C-428 was automatically reinstated from the previous session of parliament with the opening of the new session on October 16, 2013. Bill C-428 was debated at report stage on October 25, 2013 and on November 18, 2013. During the previous session, Bill C-428 completed study by the Standing Committee on Aboriginal Affairs and Northern Development and was reported back to the House of Commons with amendments.

The bill is really quite simplistic and for me highlights just how limited people's knowledge is of what is actually required to effectively govern our lands and what 'strong and appropriate' governance really looks like. It also highlights to me how dangerous it is when people tinker around the edges of our future with limited experience and policy insight. Some of the most egregious aspects of this bill were thankfully changed at Committee as a result of First Nations interventions, including our own. For example, the ridiculous requirement for the publication in a local newspaper of the full text of any bylaw/law made by a First Nation was changed. Could you imagine a local paper having to publish 50 plus pages of a complete and complex First Nation's law? The notice of law would be longer than the paper itself. Other changes include 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.

What is good about the bill, and despite the fact that without the amendments it had the potential to have set us back in actually practically implementing self-government, is that it does set out in the preamble a commitment to develop new legislation to replace the *Indian Act* and to continue work in "exploring creative options for the development of this new legislation in collaboration with the First Nations that have demonstrated an interest in this work." Of course we want and support this. Also, Bill C-428 would establish a requirement for

the Minister to report annually on efforts to replace sections of the *Indian Act* with modern amendments or legislation. While this is a step, what we really want is more than just reporting but rather evidence of the political will to actually do what is needed. Talk is cheap. My full presentation during the last session of parliament to committee on Bill C-428 is available on our BCAFN website at www.bcafn.ca.

First Nation Financial Transparency Act: As you know, Bill C-27: *First Nation Financial Transparency Act* received Royal Assent on March 27, 2013. Now law, this act legislates certain requirements that *Indian Act* bands will have to comply with starting in 2014. This legislation is essentially the Conservatives' answer to their base that "Indian's will be held accountable for monies given to them" which is politically justified by suggesting they passed this legislation for the benefit of our citizens, suggesting our citizens are in need of protection from the chiefs and councils they elect. Of course financial accountability is only one aspect of an accountability and transparency framework in any modern polity and how our governments, in our case, are accountable to our citizens; a fundamental issue that we all address back home as we rebuild our Nations. Canada's over simplistic and targeted legislation does little to support our broader efforts of Nation rebuilding where accountability and transparency are a part of that agenda. The legislation, though, creates some new administrative requirements and challenges for our communities that you need to be aware of and prepare for, including the treatment of business income. These should be understood and discussed with your accountants.

Beginning next year, First Nation Chiefs and Councillors will be required to disclose their salaries and expenses publically if not already doing so (most are). This will include income derived from band owned businesses as well as from your government revenues. Our First Nations communities, defined as *Indian bands* under the *Indian Act*, will be required to disclose salaries and expenses for the 2013-2014 fiscal year, which begins April 1, 2013 and will have 120 days following the end of the financial year to publish their audited consolidated financial statements and schedules of remuneration. Because not every First Nation has a website, the legislation allows that a community may request that another organization, such as a First Nation organization, post the information online. Our Nations can also meet the compliance requirements by asking AANDC to post their audited consolidated financial statements and a schedule of remuneration and expenses on their behalf. AANDC provides more information about compliance with the new legislation on its website at <http://www.aadnc-aandc.gc.ca/eng/1322055921752/1322056591514>.

Family Homes on Reserves and Matrimonial Interests or Rights Act: On June 19, 2013, Bill S-2 received Royal Assent. An Order in Council is now required to bring the act into force. Once the coming into force date has been established, Canada has committed to provide notice to all First Nation communities in Canada. This bill deals with what happens on-reserve to family property when there is a marriage breakdown; basically who get to own or live in the family home. This is a complicated area of law that involves family law, land law and child welfare law.

Essentially, as a result of the bill, our citizens living on-reserves will feel the impact of this legislation in one of two ways: 1) the act provides a mechanism for First Nations to enact their own matrimonial real property laws; or, 2) the act will put in place provisional federal rules regarding matrimonial real property, until an individual Nation decides to establish its own

laws. The act provides for a 12-month transition period intended to enable First Nations to enact their own laws before the provisional federal rules apply. Each of our Nations must now decide if they are going to develop their own matrimonial property law or rely of the government's default law. It is my contention that we should all try to enact our own laws as soon as possible – with the goal of being 'self-governing' in this area and in defiance of the federal government designing our laws for us. In my own community, we are developing our own law and this work is being done under our authority under the *First Nations Land Management Act*. To help all our Nations "fill the legislative gap" if they so desire, and before the federal default rules kick in, we need to share and work together.

To assist with the implementation of the act, Canada has created the Centre of Excellence for Matrimonial Real Property. Canada has stated the intention that this Centre will "operate at arm's length from the Government of Canada to support First Nations in developing their own matrimonial real property laws, effectively implement the provisional federal rules once in force, and provide assistance with creating alternative dispute resolution mechanisms." According to Canada, the new Centre will also focus on ensuring information gets to First Nations citizens, communities and organizations to improve understanding and to implement the legislation. The Centre of Excellence for Matrimonial Real Property became operational on November 20, 2013. More information about the new Centre of Excellence can be found on their website at www.coemrp.ca.

As this bill, now law, will impact not only our First Nations governments and communities, but also on provincial governments, the Province of BC began reaching out to the First Nations Leadership Council (FNLC) earlier this year to discuss and explore the impacts of this new federal legislation on First Nations and the province. In particular, the province is concerned that this new legislation will create two-tiered protection orders on-reserve that are convoluted and less effective than protection orders under the *Family Law Act*. We will continue to meet with the province on this issue and I will continue to keep you updated as more information becomes available.

Safe Drinking Water for First Nations Act: On November 1, 2013, the *Safe Drinking Water for First Nations Act* came into force. As the name implies, this act is intended to ensure we have safe drinking water on-reserve. Something, of course, no one would disagree with. However, it is not clear if the act will actually accomplish this. Having safe drinking water in any jurisdiction is a combination of having clear law (appropriate water quality standards, governance arrangements and ways to enforce the law) as well as the resources to actually carry out the requirements of the law. Unfortunately, this act with respect to governance 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 approved by Canada. It is not clear if this system will actually work and be suitably accountable to those that actually have to drink the water on-reserve. We shall see. Further, there is also no guarantee of resources to support the implementation of the standards.

The way the act is being implemented is through the development of standards for each region to be set out in separate federal regulations. In the preamble of the act, Canada does commit to working with First Nations to develop these federal regulations and standards, based on the

needs of each region. Some regions are therefore working with Canada to develop these regulations to ensure their interests can be met (to the best that they can in light of the fact that the overall framework under the act has already been decided). I believe this is a course of action our region should consider as well. Canada has publicly stated that the creation of regulations will take time and that implementation will occur over a number of years. During this time, the expectation is that Canada and First Nations will work to bring drinking water and wastewater infrastructure monitoring activities and capacity to the level required under new federal regulations. In some regions, the government of Canada has taken first steps to engage with First Nations in development of regulations. The AANDC BC Region has indicated their desire to do so in BC as well, and I will continue to keep you updated and to look to our leadership for guidance in terms of how this work should proceed.

Collectively, the legislation recently having passed into law, and those bills currently before the House of Commons and Senate, make it clear that Canada's own legislative agenda, if unchallenged, will continue to impact First Nations' jurisdiction and impose governance structures on our communities based on federal policy direction. I continue to be committed to working with the National Chief and others to advocate for our Nation building agenda in House and Senate committees and as new or continuing legislative initiatives make their way through parliament. I hope that our Chiefs and other leaders in BC will also continue to take forward our growing experience and expertise in BC to Ottawa to present at various committees and panels.

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

A “Perfect Storm”; and the Need for a Federal Reconciliation Framework

Over the past year, many of our leaders have reflected on the significance of this time by using the expression of a ‘perfect storm’ – a rare combination of circumstances that can aggravate a situation drastically – an actual phenomenon that happens to occur in such a confluence, resulting in an event of unusual magnitude that comes around to create an environment for change. Indeed, I believe we are in such a period now in respect to “fair access to land and resources” and settling the ‘land question’. We need to continue to plan and be strategic in order to navigate through the storm and come out of it stronger and healthier.

A coalescence of circumstances is truly occurring. Across Canada, Aboriginal title and rights have been crystalizing on the ground, supported by decisions of our domestic courts here in Canada. Internationally, pressure is mounting through the work of the United Nations and international judicial bodies. Provincial and federal governments are hell bent to exploit natural

resources at a faster and greater rate than ever before and are focused and poised for a major energy boom. At the same time, the legal reality that requires the Crown to consider our title and rights, including treaty rights, with the concomitant responsibility to consult and accommodate when required puts the plans for the new 'gold rush' into question. Under Harper's leadership, Canada has not been shy to express its concern that opportunities for "billions of dollars" of development could be lost to Canada if timely settlements cannot be reached with our Nations. With the possibility of the first Aboriginal title declaration being granted by the Supreme Court of Canada in *William*, the need for true reconciliation has never been greater. From the perspective of our Nations, clarity exists in terms of what constitutes good faith negotiations and the honour of the Crown. And the obstacles, of course, do not end there. Our Nations are challenged to address 20 years of a flawed and failing BC treaty process, and the impacts on many of our communities as a result of this reality. In BC, the provincial Crown is also trying to find their own balance – in terms of the economy and the environment, as evidenced through their 5 conditions for the acceptance of heavy oil pipeline development in BC. Back home in most of our communities, our Nations are in some way actively engaged in governance reform and our Nations are becoming empowered, moving beyond the political rhetoric, and are fully engaging in a period of true Nation rebuilding. We have broad citizen engagement and increased public awareness in Canada through movements like Idle No More that keep all our feet to the fire.

Our Nations are working individually and collectively to navigate the storm. It is in this complex web that all of us as leaders are challenged to find answers and move forward with solutions that will benefit our citizens and communities into the future. We cannot afford to sit out the storm, but instead we look to embrace the opportunities as they manifest and seize upon them. We need to continue to develop and hold up our solutions, face the challenges, and steer the ship.

Federal Comprehensive Claims Policy and the Senior Oversight Committee (CCP SOC): Since 1973 and the first modern title case in *Calder*, where the possibility that Aboriginal title still existed in Canada, the federal government has adopted policies to negotiate "comprehensive land claims" by way of modern treaty making. A compilation of Canada's publicly available "comprehensive claims policy" (CCP) documents has been assembled by our office and remains available on the BCAFN website at <http://bcafn.ca/files/2013-05-BCAFN-SDS.php>. The CCP has not been substantially changed since 1986, save for some minor updates in 1993, and certainly does not reflect the development in the law, including principles of reconciliation as set out by the Courts.

Canada's policy is widely criticized by First Nations and is not consistent with the law. As a result of the Idle No More protests and the ensuing meeting on January 11, 2013 between our leaders and the Prime Minister, 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.

As an outcome of the January 11 meeting with the PM, a Senior Oversight Committee on Comprehensive Claims (CCP SOC) was created. The CCP SOC was tasked with review of Canada's current approach to settling the land question and with providing recommendations to the Prime Minister on reform of Canada's CCP.

CCP reform is clearly part of what is required for Canada to chart its own course through this "perfect storm" with our respective Nations. However, it is clear that simply revising existing CCP documents will not produce the sufficient change that First Nations in BC and across Canada have been demanding. What we really need is to move the federal policy away from one premised on our Nations making a 'claim' to something we 'own' or have rights over, to a policy setting out a framework for true 'recognition and reconciliation' and not just through modern treaty-making. In this regard, the very premise and foundation of Canada's approach to resolving the land question in its CCP is wrong. Our efforts, therefore, have remained focused more broadly towards getting the government to develop a new Reconciliation Policy Framework for Canada. This shift in thinking is reflected throughout the BCAFN Discussion Paper *Reconsidering Canada's Comprehensive Claims Policy: A New Approach Based on Recognition and Reconciliation*. This Discussion Paper has provided the basis for the dialogue amongst us over the past eight months and has been revised as a result of that dialogue. The Discussion Paper was also shared with Canada at the CCP SOC meeting in April, 2013, initially to mixed reception.

The CCP SOC has been very active over the last few months. Regional Chief Ghislain Picard from Quebec and myself are the AFN executive members responsible for the CCP SOC. The CCP SOC has now met 8 times. As you know, on this file in particular I have endeavoured to keep you updated, through both the regular updates at our BCAFN meetings and those of the Union of BC Indian Chiefs (UBCIC) and First Nations Summit (FNS), and also through personal emails. My most recent email update to you was sent on November 19, 2013. If you have not received this email, please contact me directly and let me know your correct email address.

Included in my last email update to you earlier this month were two important documents. The first document was developed internally by Canada and is entitled, *Consolidated Guide to the Government of Canada's Approach to Modern Treaty Negotiations* ("Federal Consolidated Guide"). This document was prepared by Canada and was in response to the *BCAFN Discussion Paper*. The federal Consolidated Guide is not a product of the CCP SOC, but rather sets out the state of federal policy as of Spring 2013 and before the CCP SOC began its work. The second document is a draft document resulting from the work of the CCP SOC and is entitled, "Principles respecting the recognition and reconciliation of section 35 rights" ("Principles Statement"). This second document includes a context statement and a transmittal memo from myself. While the principles may seem obvious to us and perhaps not 'new', the truth is this is very new for many people within the federal system because right now these principles cannot be found in any one place or worse, are not reflected in any federal document or policy statement at all; including, not being reflected in the existing CCP and by virtue of that fact not underpinning the negotiation of modern treaties through the BC treaty-making process. In fact, the principles contained in this second document are in some cases, arguably, contrary to the legal positions Canada is taking in court against us when challenging the scope and extent of our rights. This unfortunate fact has been evidenced as recently as this last month in Canada's

argument put before the Supreme Court of Canada in the *William* case. So, from our perspective at the CCP SOC table, for Canada to put these principles into one document, even if not exactly the desired language we would use, is a significant step forward.

The current government did make a commitment to continuing this work in the Speech from the Throne on October 16, 2013. Although it was not necessarily a strong commitment and was buried in the speech, Canada did commit to continue the dialogue on CCP. Whether or not we continue to participate in this process will be our choice, based upon whether we believe substantive progress towards our goals can be achieved. The Principles Statement has yet to be approved by Canada and is subject to change and revisions. Ultimately while the principles are a federal document, we do, of course, have an opportunity to suggest additions if any fundamental principles are missing and to impact significantly on what this document will look like. In this regard please provide your feedback to me.

From our perspective, while the “Principles Statement” is important, it is in itself not the objective. It is our desire that the principles would inform the development of the new federal Reconciliation Framework to guide all federal departments, negotiators and other officials tasked with reconciling with our Nations, ensuring coordination of federal policy in support of a number of reconciliation options. This would be the dramatic shift in federal policy that we are looking for and government wide. Reconciliation options under the new framework could include: comprehensive final agreements; less than comprehensive final agreements; as well as other cooperative agreements and constructive arrangements such as those relating to self-government, health, education, natural resource development, fish, water, and so on. And where reconciliation is not just focussed through the lens of settling so called ‘comprehensive claims’. For our Nations here in BC, the Reconciliation Framework being proposed would ideally result in changes to federal mandates to support the conclusion of negotiations under the BC treaty process as well as alternatives to support reconciliation for those Nations that cannot find satisfaction through the BC treaty process or have never been a part of that process and never will.

Of course, it is not just BC that is interested in this work. Reconciliation must be available to all our Nations where Aboriginal title has not be addressed; and there are still many parts of Canada where this is the case. In fact, all our Nations, whether they have a treaty or not, need to reconcile. On this note and on the invitation of Regional Chief Ghislain Picard, I was very pleased to present to the Quebec and Labrador Chiefs at the AFNQL meeting in Akwesasne on October 24, 2013. I am also grateful for the support of the FNLC and the 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 at the CCP SOC table, we are also conscious that our efforts at CCP SOC may not achieve in the short term all that we want to achieve through this process. Engaging in this work, and reviewing the numerous studies and reports that our leadership have been engaged with in the past is a constant reminder that our past leaders have been working to convince Canada to revise its approach to resolving the land question for years. In respect of the enormous effort and commitment to change by those who have come before us, we continue to come to the CCP SOC table and to explore opportunities to work with Canada to achieve positive change for our communities. I am not prepared, as I have stated

before, to risk us being blamed by the government for not showing up. However, I will not waste my limited time. We will assess where we are next month, the likelihood of the principles being adopted, and, more importantly, whether we have solid agreement with Canada that the broader government-wide Reconciliation Framework will be developed and go from there.

Nationally, this work will be brought to the AFN Special Chiefs' Assembly in Gatineau, QC this December. In the CCP SOC terms of reference, Canada and the AFN committed to a mandate for the CCP SOC which expires in early December 2013, and Canada has indicated a desire to continue this work jointly. In fact although made in passing and characterized as 'continued dialogue', Canada did reference this work in the Speech from the Throne this October. While this is a positive marker, what we really want is commitment and action, not more dialogue. The AFN Special Chiefs' Assembly will be an opportunity to discuss continuing our mandate to do this work. 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

In addition to establishing a high level mechanism to deal with CCP, the Prime Minister did agree also at the January 11, 2013 meeting with First Nation leaders, to create a senior oversight committee for Action Item #1—Treaty Implementation (TI SOC). The AFN executive leads on this file are Saskatchewan Regional Chief Perry Bellegarde and Alberta Regional Chief Cameron Alexis.

The AFN has held three meetings or working sessions this year with Treaty leadership on implementation. 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. 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. Most recently, on October 29-30, 2013, the AFN hosted a Working Session on Treaties with Treaty Chiefs and also with government officials from the Prime Minister's Office, the Privy Council Office and AANDC. At these October meetings, the representatives and Chiefs present committed to going back into their respective Treaty regions to discuss the process as well as the draft of a terms of reference for TI SOC. The AFN is hosting another working session on Treaties on November 29, 2013 to amend the draft terms of reference based on feedback and the Treaty Chiefs Working Group will then subsequently table this with officials from the government of Canada. The AFN and AANDC have also committed to undertake an analysis to identify potential challenges and barriers from the First Nation and government of Canada perspective. A roll up report is being planned for the AFN Special Chiefs' Assembly this December in Gatineau, QC. As work progresses in relation to Treaty implementation on the national stage, I will continue to keep you updated. There is obviously a link between this work and the work of the CCP SOC and the need to develop a broader Reconciliation Framework within Canada. BC has an important role to play here as well as we have Douglas Treaties, numbered treaties as well as modern treaties, even though most of the Province has no treaty at all. For more information, you can contact Nathan Wright at the AFN at: nwright@afn.ca.

Additions to Reserve

Canada's existing policy with respect to Additions to Reserves (ATR) was written and implemented on an assumption that it was not in the interests of Canada to create any more reserves and that additions to reserve should only be permitted in limited circumstances; typically to satisfy a legal obligation or agreement. The policy reflected a misplaced belief that having reserves is a bad thing. Like most of you, I have always maintained that there is nothing wrong with having reserves as contemplated under section 91(24) of the *Constitution Act* but that one of the problems with reserves has been they are too small and governed inappropriately under the *Indian Act*, and, in particular, with respect to land management. As part of our ongoing reconciliation efforts with Canada, we need more reserve lands so that our land base is viable and our economies strong. Most Canadians probably do not even realize how small our reserve land base really is. To put it in perspective, the total reserve land base in Canada amounts to half the size of the Navajo reservation in the United States, which is about the size of Vancouver Island.

Following criticisms from the Auditor General over the delays in adding land to reserves under the old ATR policy and in response to calls from First Nations to improve Canada's ATR policy, a Joint Working Group comprised of technicians from the AFN and from Canada was formed in 2009. This Joint Working Group was tasked with looking at ways to accelerate and improve the ATR process, including potentially rewriting the existing policy. After more than three years of joint work, Canada released a new draft policy on July 26, 2013. The period for public review and comments ended on October 31, 2013. While not perfect, the new policy is much better than the old policy. The policy clarifies the types of categories for new reserve creation and now clearly includes reserves for economic development purposes, recognizing that we need an adequate land base to establish an economy and create jobs.

These three categories are: 1) legal obligations and agreements (removes the restrictive category of "New Reserve/Other" in the former ATR policy); 2) community additions (this expressly includes reserves for economic purposes and culturally significant sites); and 3) specific claims tribunal decisions. Importantly, the same criteria to assess proposed additions will be used for each category. Under the old policy, there were different conditions for each category. This means proposals will be based on their merit, not their category which should result in more reserves being created under category 2 (the broadest category).

The new ATR policy also introduces a formalized proposal-based process where a First Nation submits both a band council resolution and a proposal with enough information contained within it to enable AANDC to make an early decision on whether it supports the addition. This early decision would be demonstrated via a letter of support indicating Canada's commitment to work with the First Nation towards completing their proposal through the development of a joint workplan that clearly defines roles, responsibilities and timelines. This change should result in a more efficient use of resources, transparency and service standards, and most importantly create a certainty in purpose to creating the new reserve.

Interestingly, although there are still requirements in the new policy for First Nations to address issues with neighbouring local governments, there has been criticism of the new policy from a number of outspoken mayors and other politicians in our Province. They are essentially saying

that the new process will make it too easy for new reserves to be created and will take away their ability to influence the decision on whether to make a new reserve or not. Of course, local government have never had a veto in the ATR process, but in many ways the inefficiencies and lack of transparency in the old policy worked in the favour of those that did not think there should be any more reserves in the first place. It is important that Canada not be swayed by the municipal fear mongering and move quickly to approve the new policy.

The AFN/Canada Joint Working Group will be reconvening soon to review comments received on the new policy. AANDC is still projecting to have the new policy operational by March 2014 and we need to hold them to this date. There will be a period of transition from the old policy to the new one leading up to March 2014. First Nations that already have ATRs in the current process can choose to stay under the old policy or opt into the new one.

As we continue to push Canada to adopt a new Reconciliation Framework to guide federal conduct, it is policies such as the ATR policy, which will fall under that framework that will become increasingly important tools in the reconciliation “toolbox” – particularly as it provides an option for adding land to our land base outside of comprehensive treaty negotiations. It is essential for our Nation building and rebuilding agenda that all our Nations have a more efficient means to expand their recognized land base in order to support economic development and community development initiatives.

Major Resource and Energy Infrastructure Development

With the “perfect storm” brewing, there is a considerable fear from many of our Nations that major resource and energy infrastructure development could, on one hand, have profound and lasting negative impacts on our territories and the environment. On the other hand, where an opportunity has been identified and the impact or footprint on the environment and our territories of the particular development is deemed “acceptable” to our citizens, many of our communities do not want to miss the opportunity. Our leadership, increasingly, are seeking a balance based on the priorities and needs of their Nations. As we seek out this balance, I am encouraged that we have great leverage – we have leverage to ensure our rights and interests are respected and properly addressed. In this respect, the conversations and ongoing work at CCP SOC are directly connected to the challenges associated with major natural resource and energy infrastructure development, *Canada’s Responsible Resource Development Plan*, the work of Doug Eyford (Special Representative on West Coast Energy Infrastructure), and BC’s aggressive agenda in relation to Liquefied Natural Gas (LNG) development in the province as discussed below.

Canada’s Responsible Resource Development (RRD) Plan: From the current federal government we have seen a focus on legislative shifts centred on resource development and management. 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’s RRD Plan, these legislative changes were necessary to create a “one project, one review” environmental assessment and regulatory regime. Canada continues to move forward with its RRD Plan, as evidenced in the October 16, 2013 Speech from the Throne. While I continue to believe, as I think many do, that the “responsible resource development”

slogan and branding is an effort on the part of the government to build support among Canadians for the aggressive economic development agenda, I also feel that the RRD Plan and associated branding are a reaction to the growing voices of our Nations and leadership and indeed many Canadians who have challenged the actions of Canada and maintain that development cannot be at any cost.

Over the past few months, as have many of you, I have met with various federal ministers, deputy ministers, and others, who have traveled to BC in support of the RRD Plan. Federal representatives are trying to make some sense out of what is going on with respect to Aboriginal title and rights in our region and raising questions about how to ensure First Nations' involvement in the Plan. As I alluded to above in the discussion regarding CCP SOC, it has become clear to me that Canada has relied far too heavily on failing processes and outdated mandates to resolve the land question and undertake with us the complex task of decolonization; and, now a victim of its own failed policy, there is a need and an opportunity for Canada to realign its policy objectives with respect to our issues and subsequently engage with our Nations. This opportunity has to be grasped if the RRD Plan has any chance of moving forward with minimal controversy and conflict. Canada needs to rethink its engagement with First Nations around Aboriginal title and rights, including how it develops partnerships so that our Nations can be a part of and benefit from truly responsible and sustainable resource development. Canada needs to acknowledge the important linkages between our Nations' overall efforts at Nation rebuilding, the development of the proposed federal Reconciliation Framework (as discussed earlier in this report), and sustainable resource development.

Canada's Special Federal Representative on West Coast Energy Infrastructure: As you know, with respect to the west coast and in support of Canada's RRD Plan, the Prime Minister appointed Doug Eyford as federal special representative on west coast energy infrastructure. Since my last report, I have had the opportunity to speak with Mr. Eyford several times. Mr. Eyford has now tabled an interim report with the Prime Minister and has met with a number of First Nations organizations and communities, as well as individual First Nations people. The expectation is that he will be tabling a final report with the Prime Minister by the end of November, 2013. I have been made aware that Mr. Eyford has been contemplating recommending to the Prime Minister the establishment of a senior tri-partite working group on energy projects. I have expressed my interest in hearing more about the defined purpose for the proposed working group, and in particular how its mandate would necessarily align with the work of CCP SOC and the efforts currently underway to develop a broad Reconciliation Framework, as part of the ongoing Nation building and rebuilding efforts of our communities.

In meeting with Mr. Eyford it was not clear to me what efforts Canada has made, if any, to ensure a relationship exists between the national work of the CCP SOC, the overall project of Nation rebuilding being undertaken by our Nations, and Mr. Eyford's own work in relation to west coast energy infrastructure. I am concerned by the apparent lack of coordination between Mr. Eyford's mandated work and that of CCP SOC and I have communicated this concern to Mr. Eyford and to the Minister for Natural Resources Canada, Joe Oliver, amongst others. I have stressed how the limited and restricted mechanisms to reconcile and lack of coordination between those mechanisms, mean federal officials cannot actually reconcile with our Nations even where Canada wants to do so. It is breaking open the toolbox for reconciliation that we

are seeking to accomplish through the work of the CCP SOC. This is critical when contemplating any future reconciliation agreements or constructive arrangements between our Nations and Canada (and in most cases BC) with respect to natural resource and energy infrastructure development projects.

While unfortunately, it does not appear that Mr. Eyford's final report to the Prime Minister will be made available publicly or to our leadership, I will continue to keep you updated as any new information becomes available.

Meeting with Minister Joe Oliver, Natural Resources Canada (NRCAN), October 11, 2013: In September, the 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. On October 11, 2013, I had the opportunity to meet with Minister Joe Oliver, NRCAN, in Vancouver to continue this discussion.

If Canada is serious about reconciliation, cabinet needs to take tangible steps to work horizontally to set direction and improve cross-government understanding of what type of agreements might be reached with concurrence from all ministries that are affected. This is best achieved through a new federal Reconciliation Framework. This was the main message I conveyed to Minister Oliver, whose department has been charged with aiding the government of Canada in navigating through the "perfect storm" and issues of Aboriginal rights and title as they are impacting on potential resource and energy infrastructure development. I used the opportunity with Minister Oliver to make the case that reconciliation needs to be more aggressively pursued, at a high level, and beyond the current AANDC model of inter-departmental steering committees.

Liquefied Natural Gas Development in BC and the Province's Development Agenda: As set out in the *BC Jobs Plan* and the *2012 Mineral Exploration and Mining Strategy: Seizing Global Demand*, the Province's own development agenda largely coincides with that of the federal government. In particular, the Christy Clark government has identified liquefied natural gas as one of the cornerstones of the government's agenda, a priority reinforced earlier this year through the BC Throne Speech and with the creation of the new Ministry of Natural Gas Development. This fall, we have continued to see BC's focus on resource development intensify.

The Premier has identified that one of the priorities of the new Minister of Natural Gas Development will be to "*Secure pipeline corridors with First Nations along proposed natural gas pipeline routes.*" Our Nations along the proposed pipeline corridors are, of course, not standing idly by. On October 9-10, 2013, in Prince George in Lheidli T'enneh territory, a BC First Nations Liquid Natural Gas Summit was held. Hosted by the Carrier Sekani Tribal Council, the Summit brought together leaders from First Nations impacted by the proposed LNG supply chain to talk about both the risks and benefits and, importantly, how to engage their communities in joint decision making. This LNG Summit also brought together the provincial and federal governments, natural gas project proponents, as well as energy specialists. I was pleased to join

my FNLC colleagues at the LNG Summit to hear from our leadership and to offer some reflections in terms of how our Nations may work together to garner strength, learn from each other, and build on our successes. Outcomes from the LNG Summit include the First Nations Declaration: “First Nations Declaration to work together on Natural Gas Projects.” More information about the LNG Summit is available online at <http://fnlngstrategy.ca/>.

Discussions at the LNG Summit highlighted again the importance of addressing the outstanding land question and the development of a broader Reconciliation Framework, and the significant strains on our communities due to existing and deficient Crown policies – both federal and provincial. The discussions also highlighted the importance to have cooperation for projects that cross through a number of our Nations’ territories. We need to continue to work together, share information, and, as much as we can and I know we will, work collectively. In particular, there is opportunity for us to work collectively on our approaches with industry and, where agreements are desired, on how to maximize those agreements to our benefit. To put it crudely, where we decide to be part of a project, assuming our concerns are addressed, that the terms of agreements are transformative and not simply “beads and trinkets”.

In this respect, I am pleased to hear that Fort Nelson First Nation has already begun planning for a similar Summit in their territories to occur in early Spring, 2014. I will continue to provide information about this, and other opportunities for our leadership to engage, as information becomes available. It is entirely reasonable for our Nations to demand significant benefits in relation to the impact on our territories where we are not opposed to such development on other grounds (environmental, cultural, traditional economy etc.). Opportunities for equity investment and sharing in resource rents are possible and not just a few percentage points off provincial revenues but rather a meaningful share.

Enbridge Northern Gateway Pipeline Proposal and the New Prosperity Mine: The Enbridge Northern Gateway Project Joint Review Panel (JRP) final report will be submitted to the federal government and made available to the public by December 31, 2013. The release of this report is highly anticipated by many, and is one of those circumstances I referenced earlier which could aggravate an already tense situation, feeding the “perfect storm.” Under the new *Canadian Environmental Assessment Act 2012*, in particular s. 52 of the act, the federal Cabinet and Ministers have broadened authority. This broadened authority ensures that the politicians, not regulators, have the ultimate authority over whether a project, such as Enbridge Northern Gateway, 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.” Therefore, we await the JRP’s final report recommendations, and most critically, Canada’s response to the report recommendations given the new legislation. A comprehensive list of the speakers and full transcripts of the Enbridge Northern Gateway Project JRP are available online at <http://gatewaypanel.review-examen.gc.ca/clf-nsi/hm-eng.html>.

As many of you are aware, last year Premier Clark announced the Province’s *Requirements for British Columbia to Consider Support for Heavy Oil Pipelines*, 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.” BC, in its final oral argument before the JRP this summer, reiterated its position that it will not support the Enbridge Northern Gateway pipeline without a guarantee that the five conditions outlined in the aforementioned document will be met. On November 5, 2013, Premier Clark, and Alberta’s Premier, Alison Redford, announced a renewed willingness for the two provinces to work together and in particular for Alberta to consider the five conditions outlined by the province of BC. This recent announcement by the two Premiers has led to speculation and of course heightened interest in what might be said in the JRP report in December.

On October 31, 2013, a Federal Review Panel did report on another project of potentially great impact to First Nations in BC. The Federal Review Panel in the case of the Prosperity Mine Project concluded that the project would result in significant adverse environmental and cultural effects on the traditional territory of the Tsilhqot’in Nation. As many of you are aware, the New Prosperity Mine is a project proposed by Taseko Mines Ltd. in Tsilhqot’in territory. The final report of the review panel was reflective of many of the Tsilhqot’in’s long-standing concerns about the project. The final report of the Federal Review Panel in the New Prosperity Mine Project clearly concluded that the project would destroy the environment and, in so doing, would continue the ongoing erosion of the Tsilhqot’in and Secwepemc peoples’ way of life. However, as with the Enbridge Northern Gateway Project report due later this year, the government of Canada, and in this case Minister Aglukkaq, ultimately has the discretion to make the final decision on the project. The decision for the federal government in this case should be clear. The New Prosperity Mine Project should not proceed.

The Enbridge Northern Gateway Pipeline Proposal and the New Prosperity Mine Project Proposal challenge the Government of Canada and all of us to consider what is the appropriate balance between the need for economic development to sustain a modern economy and the need to protect our environment in order to sustain the natural world, including our peoples’ traditional way of life. In answering this question, we will have to find ways to reconcile differing perspectives and this will require a more robust and principled discussion by all Canadians about the future of this country as both an exploiter of natural resources and one that promises environmental sustainability and respect for Indigenous rights, including Treaty rights.

William v. British Columbia

On November 7, 2013, I was honoured to be present at the *William v. British Columbia* hearing at the Supreme Court of Canada in Ottawa. Earlier that week, I was pleased to be able to meet the “Title and Rights Express” caravan carrying the Tsilhqot’in and other leaders across the country to Ottawa as they visited communities along the way to raise awareness about the case. On the morning of the hearing, I joined Tsilhqot’in elders, Chiefs, intervenors, First Nation leadership, and supporters in a rally on the steps of Canada’s Supreme Court prior to the start of the hearing. We were met by a drum from the local First Nation who drummed and sang for the Tsilhqot’in. Myself, along with national and First Nations leadership, were asked to give a few words of support and encouragement at the rally. Chief Roger William spoke to the gathered crowd and we were awed by his positive outlook and thoughtful words as we entered the Court.

William is the latest in the string of cases to seek a declaration of Aboriginal title from the courts. It follows on from *Calder* in 1973 – brought forward by the Nisga’a – where the Court held that Aboriginal title existed but split on whether it continued to exist, and *Delgamuukw* in 1997 – brought forward by the Gitksan – where the Court, while not being able to grant a declaration, found that Aboriginal title existed. This could very possibly be the first case where the Supreme Court of Canada makes a declaration of Aboriginal title

The November 7 hearing was heard by the eight sitting Supreme Court of Canada justices (the eligibility of the ninth, Justice Nadon is currently being considered by the Court). Tsilhqot’in lawyers outlined their case and made strong arguments as to why the trial judge’s finding of fact – that the Tsilhqot’in had Aboriginal title to their lands - should be re-instated and a declaration of Aboriginal title should be made. Following submissions by the Tsilhqot’in, lawyers for the intervenors in support of the Tsilhqot’in each made ten minute oral submissions. These intervenors included: the Assembly of First Nations; the Indigenous Bar Association of Canada; the First Nations Summit; Te’mexw Treaty Association; Gitxaala Nation; Chilko Resorts and Community Association and Council of Canadians; Coalition of the Union of BC Indian Chiefs and Okanagan Nation Alliance, et al.; Amnesty International and Canadian Friends Service Committee; and the Hul’qumi’num Treaty Group. Additional intervenors made written submissions only and include Gitanyow Hereditary Chiefs of Gwass Hlaam, et al.; Office of the Wet’suwet’en Chiefs; Council of the Haida Nation; and Tsawout First Nation, et al. The interventions had been coordinated in advance and represented an impressive showing.

The Province of BC, the respondent, made its submissions next and was faced with a number of thoughtful and difficult questions from the Court. To those of us present, it was quite noticeable that the judges appeared unconvinced that the BC Court of Appeal’s theory that Aboriginal title should be reduced to small spots or “postage stamps” should be upheld. When the province tried to convince the court that the appeal court judge had properly applied the test for proving title as set out in *Marshall*, the court quickly suggested back that it looked more like it had not and, in fact, the trial judge had got it right. When questioned deeper, BC’s lawyer even challenged the court that the appeal judge knew better than they did which not surprisingly did not go down all that well with Chief Justice McLaughlin who helped pen the *Marshall* decision. Seeing the direction of the court, the Government of Canada, as the second respondent, was also confronted with some tough questions from the bench but unlike BC was more prepared and changed some of their arguments on the fly.

As an example of some of the questioning which was very encouraging, was a question from Justice Moldaver, where he suggested that the Aboriginal perspective needed to be taken into account. He asked, “It seems to be me that we are not including in this the very important part which is the Aboriginal approach, the Aboriginal interest. We can’t, seems to me, look at this like it is land that has been deeded to someone and maybe there is 1000 acres deeded and whether you only go over your property once or 3 months out of the year, it’s all yours. Why don’t we look at this from the Aboriginal point of view which is the trial judge effectively, after listening to mounds and mounds of evidence, concluded that this was their land. This was their home. This was where they lived; this is where they fished; this is where they hunted. They did it on a regular consistent basis. They did it on an exclusive basis and they kept people out. This

was their life; this was their livelihood; this was their land. What is wrong with looking at it that way?”

While the respondents and the interveners supporting the respondents, echoing the sentiments of the BC Court of Appeal, expressed concern that a declaration of Aboriginal title would upset the apple cart, so to speak, these concerns were clearly well challenged. In my opinion, the attempt made by the Court of Appeal to essentially conflate in its decision the question of what is the extent of the proven title lands with a need to balance the interests of all Canadians and the possible need to infringe or otherwise impair rights so proven, which resulted in the “small spots” conclusion, was the real error of the Court of Appeal. They are separate issues; the size and extent of the title lands proven and the process to infringe if necessary.

For me, what was the most telling during the SCC hearing was how the Court seemed to be moving from the question of the scope and extent of Aboriginal title lands and past the question of whether title had been proven, to the next big question that needs to be answered if Aboriginal title is declared. That is, “What laws are going to govern the title lands so proved?” This is a very real and pragmatic question, given our current period of Nation rebuilding. The answer is, of course, that the laws that will govern will be a combination of our Indigenous laws, federal laws and provincial laws and that in a period of transition these will need to be reconciled. In the transition period, Canada will have an increased role to play due to its responsibilities under section 91(24) of the *Constitution Act*, and until we deal with the anachronism of the *Indian Act* among other governance related issues. The proposed self-government recognition legislation, as discussed above, could be one such way to facilitate the transition after a title declaration has been given and ensure certainty with respect to governance over those Aboriginal title lands.

There are many examples where reconciliation is working on the ground and a declaration of title, in fact, is likely what will be needed in order to stimulate the federal and provincial government to finally engage in reconciliation negotiations to resolve the land question with all our Nations and on a sound footing. The larger project of Nation building and rebuilding is well underway in our communities across BC, and the efforts at CCP SOC, as I have described earlier, to develop a federal Reconciliation Framework, reflect the incredible amount of work that has already been completed, the successes our communities have already had in terms of exercising jurisdiction and the inherent right to self-government. They demonstrate that there are real and tangible First Nations examples of successful plans on how to proceed after a declaration of title is made. The sky will certainly not fall.

BCAFN has actively supported our AFN intervention and our activity and involvement in this case has been 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. I was pleased to have been a part of our legal discussions and would like to thank the members of the AFN’s legal team for their contributions and in particular Mr. Joe Arvay, QC, for making our arguments so clearly at the hearing. The decision of the Supreme Court of Canada will probably take six months to a year to be delivered.

Fisheries

Fish, fisheries and fish management remains an area where issues relating to rights and title, and overlapping jurisdiction confront our leadership and other governments. With so much on the line, it is not surprising that fisheries is an area where we continue to see encouraging developments in terms of the ability of our Nations to come together and leverage the capacity and technical expertise that we do have to strengthen governance processes and decision making in regards to fish, fisheries and fish management.

In BC, the First Nations Fisheries Council (FNFC) continues to work at strengthening the governance of their council in order to support the work of our Nations. Over the last few years, and now in accordance with the protocol and declaration of cooperation that exists with the FNLC, the FNFC has been working with the FNLC at the regional level to secure an MOU between the FNLC and DFO. I am pleased to announce the MOU was signed on September 25, 2013. Fisheries issues are many and diverse at the community level, and they are the reason that the FNLC, working together with the FNFC, pursued this MOU. The FNLC does not, of course, speak for individual First Nations, who are the proper rights and title holders, but we did see a need and an opportunity to try to assist in establishing an improved and regularized process for political engagement with DFO. Now that we have a signed MOU, the challenge will be to truly make operational this agreement so that it can have positive impacts for our Nations. In this respect, I will be working with my colleagues on the FNLC, and with the FNFC to move forward and our efforts will only be strengthened with feedback from our Chiefs and leaders across this province. I know that I am not alone when I say, we invite feedback about how this high level political MOU may be useful in addressing some of the specific concerns our communities have. A first meeting with the Minister for DFO since the signing of the MOU is planned for the end of November, 2013, and I look forward to being able to report out to you again as this work progresses. This is particularly important with changes to the federal *Fisheries Act* coming into force later this month.

The FNFC Fall Assembly was held November 13-15, 2013, at Squiala First Nation and I was honoured to be asked to present keynote remarks at this Assembly. The theme of this year's FNFC Assembly – *Capitalizing on our Collective Knowledge: Getting to a Good Place in a Good Way* – encouraged solution oriented discussion, and focused largely on developing appropriate systems of governance, management and building partnerships among ourselves. A key component of the FNFC's Strategic Plan has been to work with First Nations' organizations and our individual Nations to leverage the existing capacity and expertise in our communities with respect to fish. To this end the FNFC "charters" have evolved to become an important component of the FNFC plan to establish improved working relationships among our Nations. I was grateful for the opportunity to be present and act as witness to the most recent charter signing on November 14, 2013.

The charters, of course, do not eliminate difficult conversations or disagreement among our Nations, but they do help to ensure that the difficult conversations happen in a "good way" and hopefully enhance our ability to learn from one another. These conversations are, after all, part of the hard work of "capitalizing on our existing knowledge," or as I like to term it "Building on OUR Success", and ultimately these conversations and the commitment to work collectively, despite differences, are how we will be able to move forward with our broader Nation building

agenda. For updated information about the activities of the FNFC, please see their website at www.fnfisheriescouncil.ca. More information about the provisions in the *Fisheries Act* that will be coming into force later this month can be found on Canada Gazette's website at <http://www.gazette.gc.ca/rp-pr/p2/2013/2013-11-06/html/si-tr116-eng.php>.

Water

BC First Nations' Water Strategy: On World Water Day in March of this year, the FNLC held a one-day BC First Nations' Right to Water Workshop. The meeting was intended as 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. Following this meeting and based on feedback from our leadership across BC, the FNLC has worked to revise the strategy document. I look forward to discussions on the revised document. If you have questions about the draft strategy document or have further input please contact Alyssa Melnyk at our office (Alyssa.Melnyk@bcafn.ca). This high level strategy document, I believe, 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" in the upcoming Spring session. I speak to the proposed provincial legislation below.

BC's Water Sustainability Act for British Columbia Legislative Proposal: On November 12, 2013, the FNLC met with the BC Minister for Environment, Mary Polak, to discuss, among other issues, "BC's Water Sustainability Act for British Columbia Legislative Proposal". At this meeting, Minister Polak confirmed that new water legislation will be introduced early during the upcoming 2014 Spring legislative session. The BCAFN, UBCIC and FNS are each conducting a legal review of the legislative proposal for submission in advance of the December 2, 2013, deadline that has been set by the province. The BCAFN will make a formal submission to the province on this legislation and is looking to coordinate with the FNLC to do so. All BC First Nations also received an invitation to provide comment or a formal submission on the proposal before December 2, 2013. We will be providing a copy of our BCAFN legal review to all Chiefs. As always, I look forward to comments and discussion from our leadership.

Changes to Environmental Assessment Processes –An Update: At the meeting between the FNLC and Minister Polak that I referred to above, we requested updated information from the Minister in relation to BC's Environmental Assessment Office and the changes that have been underway since the federal amendments to the *Canadian Environmental Assessment Act* came into force. Earlier this year, the BC Environmental Assessment Office (EAO) entered into a Memorandum of Understanding on the Substitution of Environmental Assessments with Canada's Environmental Assessment Agency (EAA) and 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/>. Minister Polak has committed to work with the FNLC to plan for a joint briefing in regards to changes to environmental assessment in BC and specifically in regards to the MOU; a meeting that she herself said she would attend. This work is really all tied to our efforts to coordinate federal policy with respect to reconciling with our Nations and developing an overarching

Reconciliation Framework and is yet another example of how silos have been created with respect to our issues; in this case environmental assessment.

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

There is no disagreement with Canada that First Nations’ students deserve access to a high standard of education. The question is what will work and how do we get there?

To be frank, educational outcomes are still far too low in our schools on-reserve and for our kids attending public schools generally. Our communities still rank among the lowest in terms of both achievements and attendance, and this is not acceptable. In addressing poor achievement levels, we are challenged to combat the continued colonial legacy, including inappropriate *Indian Act* governance, as well as insufficient and in some cases unpredictable funding. It is a combination of all of these factors, and more, that results in poor education outcomes for our children. We all agree we have to do something about this as leaders and, politics aside, this is about creating the best education systems to support our kids. Of course, our leadership and citizens have been working to do something about it. In BC, we have been working for over twenty years through the First Nations Education Steering Committee (FNESC) and have our own unique BC education initiative supported by both federal and provincial legislation.

While we have been struggling to get past issues of own source revenue offsets for federal funding to support our initiative, and have had implementation issues, nationally the federal government has continued to develop new First Nations education legislation intended to replace those sections of the *Indian Act* dealing with the education of our children and replace it with new rules, processes and standards. After much anticipation, the actual legislative proposal, *Working Together for First Nation Students: A Proposal for a Bill on First Nation Education*, was released by Canada on October 22, 2013. To view Canada’s official legislative proposal you can go to FNESC’s website at www.fnesc.ca.

Having read the proposed act closely, there is no question that there are serious issues with the proposed act. It would appear the drafting instructions were provided by people with limited hands on experience in designing modern education systems in a First Nations’ context. This is not surprising given AANDC is not a Ministry of Education and has limited resources. The proposal has already been widely criticized by First Nations and other groups, including some provincial education bodies. With respect to BC, while the act does provide a ‘carve out’ for our BC Education initiative, which is a good thing, the new rules would still apply to our Nations

until a community assumes jurisdiction and makes their own law. The exception is for self-governing First Nations, which are exempted from the act entirely.

On November 19, 2013, FNEESC and the First Nations Schools Association (FNSA) held a one-day meeting about the proposed First Nations education legislation among BC First Nations to discuss its potential impact on the BC First Nations education system, and to plan a collective BC First Nations response to the proposal. This meeting highlighted that our Nations in BC are united in our resolve. We have a special situation in BC and we need to protect it. We have to ensure our 'carve out' for the BC initiative is clearer and stronger than as currently set out in the proposed legislation and to use this opportunity to ensure that the implementation issues we have with respect to our initiative are resolved. In short, any proposed federal education legislation must preserve our BC education system and ensure adequate, equitable and stable funding for our schools, including support for languages and culture. To this end, the FNLC will work to set up a meeting with Minister Valcourt to present, and restate, BC First Nations' solutions. More resources regarding the FNEESC's work on the federal legislative proposal are available on their website at www.fnesc.ca/national-legislation.

From a longer term perspective, education is one of the areas of jurisdiction that would be properly addressed in the proposed self-government recognition legislation and its treatment in such legislation would be quite different than that proposed by Canada. It would not be prescriptive or limiting as to the actual education solutions. These are matters of design that, in accordance with the empowering provisions in the recognition legislation, would be worked out by our Nations as part of our transition to self-government. Self-government recognition legislation would allow and enable FNEESC and FNSA to evolve as necessary and for our self-governing Nations to aggregate and to work together where appropriate.

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

As our Nations continue the difficult work of moving away from self-administration to self-government, there are discussions around what degree of jurisdiction or authority our Nations should or want to exercise with respect to health and also how to organize to do so. These, of course, are conversations that the First Nations Health Authority (FNHA), the First Nations Health Council (FNHC) and our communities are fully engaged in. The FNHC held its annual "Gathering Wisdom for a Shared Journey" on October 22-24, 2013, at the Hyatt Regency in Vancouver. I was pleased to attend, along with Chiefs, health practitioners and leaders, government officials and many of the key decision makers in BC First Nations health to both celebrate the achievements to date and discuss the challenges ahead.

In terms of our achievements in BC, an historic milestone was reached on October 1, 2013 as operations of the First Nations and Inuit Health, BC Region, were transferred to the FNHA. This is a huge achievement and while currently limited to administrative control, if our Nations so choose, could conceivably lead to more fulsome jurisdiction over health in the future. As I have repeatedly stated in my quarterly reports, we now all have, collectively, the responsibility to make sure that the resources will be there and properly managed to provide the programs and services our people expect and deserve. In this respect, we must ensure that our governance framework for the administration of the transfer is strong and appropriate. Our First Nations are, of course, not immune to the continual rise of health care costs and managing the health operations for our peoples will not be an easy task. One of the challenges before the new FNHA, as it is for any health authority, is that there are never enough resources to do what you want or think you need to. However, opportunities also exist. With the creation of our new FNHA there is now an opportunity to be creative, particularly in the area of incorporating more traditional practices. We will not be able to do everything all at once, and new programming will, I am told, be phased in over time and in the initial years of operation there will be little change to actual on the ground programs and services. This is the time for visioning and transition.

For more detailed information about the work ongoing you can visit the FNHC website at www.fnhc.ca, or contact them directly. The 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>.

Aboriginal Nurses Association of Canada (ANAC), National Forum, November 9, 2013: On November 9, 2013, I was pleased to provide an opening keynote address at ANAC's 2013 National Forum in Vancouver. ANAC is one of the oldest Aboriginal professional associations in Canada, going back to 1975. In 2010, as some of you may be aware, the national AFN and ANAC signed a partnership agreement to work together on mutually supportive initiatives as part of a First Nations Health Action Plan. The high level objectives of this agreement included: strengthening the FN Health Human Resource strategy, with special attention to recruitment and retention of First Nations; enhancing the ability of non-First Nation nurses to work with FN patients and communities; and, providing First Nations health care professionals with an opportunity to address under-representation and other concerns within the nursing practice.

This meeting with ANAC was a good reminder that the opportunities in front of our communities cannot be fully realized unless we provide the right programs and services to our citizens and prioritize supporting healthy citizens. I look forward to future engagement with ANAC, and of course with FNHC and FNHA as our work to exercise increased jurisdiction in the area of health continues.

Violence Against Aboriginal Women and Girls

The FNLC, the National Chief and the AFN Executive, the Native Women's Association of Canada, amongst many others continue to pressure the federal government to establish a national inquiry on violence against Aboriginal women and girls. The federal government continues to maintain that it does not see a national inquiry as being an effective means of

addressing these issues. Canada did, however, in the last session of parliament, establish a special parliamentary committee on violence against Indigenous women and the committee has conducted limited hearings.

On a more optimistic note, there is growing awareness of the issues, including recent expressions of support and ongoing work from Canada's provincial leadership. On November 14, 2013, the provincial and territorial Ministers for Justice and Public Safety released a draft "Justice Framework to Address Violence Against Aboriginal Women and Girls". A commitment was made by this group that efforts will be made to ensure provincial and territorial frameworks are complementary and that there is not a duplication of efforts. In some cases, provincial and territorial leadership and initiatives have been instrumental in raising awareness and adding to momentum in the call for a national public commission of inquiry on missing and murdered Aboriginal women. There will be an update and discussion at the upcoming AFN Special Chiefs' Assembly in Gatineau, QC, on this work and the work that AFN has been engaged with nationally. Updates are also provided on the AFN website at www.afn.ca.

National Truth and Reconciliation Commission (TRC)

On November 14, 2013, AANDC Minister, Bernard Valcourt announced that the Government of Canada would work with the TRC and the parties to the residential schools settlement to provide the TRC with a one year extension to its mandate. According to Canada, this extension would enable the Commission to prepare its final report. The mandate of the TRC has therefore been extended to June 30, 2015.

Children and Families

In Canada, November 20 is celebrated as National Child Day in recognition of the UN Declaration on the Rights of the Child (UNDRC) and the UN Convention on the Rights of the Child (UNCRC). This day, which commemorates Canada's adoption of the UNCRC, a document which sets out basic human rights for children and youth, serves to remind us all of the work still required to ensure First Nations children in this country are thriving and have the same opportunities for success as all Canadian children.

Report of the BC Representative for Children and Youth, Mary Ellen Turpel-Lafond: On November 6, 2013, the BC Representative for Children and Youth, Mary Ellen Turpel-Lafond, released a damning report, entitled *When Talk Trumped Service: A Decade of Lost Opportunity for Aboriginal Children and Youth in B.C.* This report, submitted to the BC Legislative Assembly, was mandated through Section 20 of the *Representative for Children and Youth Act*. Her report basically says that despite the province spending over \$66 million over the last ten years on Aboriginal organizations there have been very few results or improvements for the investment made. Her report makes a number of critical observations around the policy landscape that impacts our children and youth. She notes the "fractured accountabilities" that exist in terms of federal government, provincial government, and delegated agencies, and in some cases implicated our own organizations. The executive summary for the report makes the following note in regards to the role of Aboriginal organizations broadly:

The role of Aboriginal organizations – especially political organizations – has also been central, as they have entered into high-level agreements and have been willing

participants in this public policy failure. Whether this is because they have been so overburdened by many agendas (treaty-making, resource development, and other sectors of activity), or if they believe that they are actually making progress, the Representative is unsure. Certainly they must recognize that self-government jurisdiction over children being exercised by small non-profit organizations or entities is not consistent with their own positions on a range of issues, such as representational capacity.

The report makes a number of sobering and important conclusions in regards to the quality and in some cases lack of service to our kids, who are among some of the most vulnerable children and youth in the province. While she is critical, the report is also solutions focused in terms of offering some suggestions to move forward.

I know that this report will be the subject of much discussion in the coming weeks and months. In this regard, the report serves as an important reminder or impetus for us to be reflective and critically examine what we are doing well or not doing as well in the area of children and family. How can we best deliver the programs and services to our children? What are the best ways we can work together, share our experiences and maximize our resources to ensure that our children are at the center?

PART TWO: RELATED ACTIVITIES

Joint Gathering - AANDC BC Region Engagement

On October 15-17, 2013, the FNLC and AANDC BC Region co-hosted the 2013 Joint Gathering at the Marriott Vancouver Pinnacle Hotel downtown. I am pleased that so many of our Chiefs and leadership were able to participate alongside administrators at what is becoming an annual gathering. Panel discussions were held on First Nations' governance and Nation building; reform of Canada's Comprehensive Claims policy and the need for a broader Reconciliation Framework, and; issues of shared territory and overlap dispute resolution. Smaller break-out sessions focused more narrowly on related policies of Canada, and work underway in communities as part of the broader project of Nation building and rebuilding. The FNLC and AANDC BC Region will be working on a summary report for this gathering and the report will be posted on our website at www.bcafn.ca when it is available.

Aboriginal Affairs Working Group (AAWG) – Winnipeg, November 18-19, 2013

On November 18-19, 2013, the AAWG met in Ottawa. The AAWG is comprised of all Aboriginal Affairs Ministers from the Provinces/Territories and the leaders of the five national Aboriginal organizations. That is the AFN, the Inuit Tapiriit Kanatami (ITK), the Métis National Council (MNC), the Congress of Aboriginal Peoples (CAP), and the Native Women's Association of Canada (NWAC). AAWG meets annually between meetings of the Council of the Federation in order to review and report progress made collaboratively at the direction of the Council. AAWG has continually reached out to the federal government in hopes they too would engage in this very high level working group. We were pleased that this year Minister Valcourt attended; marking the first time the federal government has officially participated in an AAWG meeting. Though the efforts to make progress at the AAWG are challenging given the diversity of all

parties and interests participating, this working group does present a unique opportunity and platform for First Nations to advocate for our interests.

AANDC Funding to Aboriginal Representative Organizations

On June 3, 2013, AANDC announced a new approach to project funding for Aboriginal Representative Organizations (AROs) that will take effect April 1, 2014. According to the most recent correspondence directed to our office from AANDC, starting in April 2014, approximately \$20 million will be available nationally to “support projects in areas that align with departmental priorities and yield concrete results.” AANDC has identified six theme areas under which the department will accept proposals for funding:

- 1. Improving First Nation elementary and secondary education outcomes;*
- 2. Economic development;*
- 3. Métis and non-status partnerships and policy development;*
- 4. Social program reform;*
- 5. Capacity development and accountability;*
- 6. Northern research and development and climate change programs for Aboriginal and Northern communities.*

Some additional guidance has been offered in terms of what may be considered eligible projects under these six themes. AANDC has offered assurance that funding for the delivery of programs, the management of services, claims and self-government processes or funds that flow to individual AROs through AANDC from federal departments other than AANDC will not be affected by AANDC’s new approach to project funding, and clarified that projects under other departments such as those listed above would not be included in the \$20 million.

In terms of the government processes to manage funding under this new policy, AANDC has suggested that funding allocation will be overseen by a national committee made up of AANDC Director Generals, and that the process would be transparent. As part of the effort to demonstrate transparency, AANDC has committed that a summary of projects selected for funding and the results after completion of projects would be publicly accessible on the AANDC web site. At this time, AANDC’s head office has invited the BCAFN and other AROs in the province to discuss any questions or concerns over the new policy with the Regional Director General in our area. The same invitation was issued in other regions.

Engagement with the Province of BC

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 at our BCAFN AGM this summer, and it 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.

On September 16, 2013, the FNLC met with John Rustad, Minister of Aboriginal Relations and Reconciliation (MARR). This meeting preceded our meeting a week later on September 23,

2013, with Premier Christy Clark. A primary objective at both meetings was to secure the political will and the financial resources to carry out the early joint meeting as set out in the resolution. Following our meetings with both Minister Rustad and Premier Clark, the FNLC sent a follow up letter asking again for commitment from the Province. The Premier responded, and a follow up meeting between the FNLC and the Deputy Minister to the Premier, John Dyble, is being planned to further consider our request and our engagement with the province more broadly.

There are, of course, a number of other high level issues that remain priorities for our Nations and the FNLC in our meetings with the Province, and we must all continue to work to ensure that the Province both understands the issues and concerns of our communities and works directly with each of our Nations as the proper title and rights holders. Major resource and energy infrastructure development in BC, the province's work to modernize provincial legislation and in particular the development of the *Water Sustainability Act*, the Murdered and Missing Women Commission of Inquiry, and changes to provincial environmental assessment operations as discussed above, are all examples of areas where we need to ensure First Nations' involvement and our interest respected.

AFN 4TH National Youth Summit, Saskatoon, November 18-21, 2013

On November 18-21, the AFN held the Fourth National Youth Summit in Saskatoon, SK. The Summit was hosted in Treaty 6 territory by Montreal Lake Cree Nation and the Federation of Saskatchewan Indian Nations, and from what I am told included some great discussion around the youth leader's perspectives on the way forward. Workshop topics ranged from First Nations control of First Nations education, taking action against cyber-bullying, healthy living and wellness, environmental stewardship, financial literacy, and emergency preparedness and response, among many others. One identified goal of the conference was to continue planning for a 5 year action plan. AANDC Minister Bernard Valcourt presented at the conference and answered some difficult and thoughtful questions from the youth delegates. I look forward to hearing an update on the National Youth Summit from the AFN Youth Council co-chairs at the upcoming AFN Assembly in Gatineau, QC.

United Nations Special Rapporteur on the Rights of Indigenous Peoples, James Anaya – October 10, 2013 BC Visit

On October 10, 2013, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, visited BC. While in Vancouver, the Special Rapporteur took advantage of the opportunity to meet with a number of you and other First Nations' leaders as well as First Nations organizations. I am pleased to have had the opportunity, with my fellow FNLC colleagues to meet with Dr. Anaya and speak with him about both the challenges and opportunities that exist during this period of Nation building and rebuilding in our province and across Canada. The BCAFN also made a written submission to the Special Rapporteur, a copy of which can be found on the BCAFN webpage. While the obstacles confronting First Nations are significant inside BC and Canada, and vary between and among our First Nations, the sustained and difficult work and the determination of many of our communities in BC is reason for optimism about what can be achieved and this did not go unnoticed by Dr. Anaya. The BCAFN took advantage of the opportunity to highlight for Dr. Anaya's office what First Nations in BC are actually doing in the area of Nation building or rebuilding and the many ways that we are

continuing to develop and apply First Nations' solutions to the challenges we face within our communities and in our relationship with the province and Canada. While he was here, we also acknowledged the many opportunities to strengthen partnerships with indigenous peoples from around the world, recognizing that the opportunity to build on our success and learn from other indigenous peoples need not be constrained by arbitrary modern state borders.

At the end of his visit, Dr. Anaya gave a speech in which he raised a red flag over the continued and growing distrust between First Nations and the government of Canada, eluding to the storm clouds looming. He went so far as to suggest that this state of distrust between First Nations and non-First Nations warranted declaring a national crisis. When a scholar from the outside looking in is able to discern that the current reality is not working for us, but it is also not working for government or Canadians generally, it is truly telling and speaks to the need for increasing efforts at true reconciliation.

Dr. Anaya's office is now engaged in the challenging work of producing a Country Visit Report on Canada. This report is anticipated to be released in late 2014.

PART THREE: BC ASSEMBLY OF FIRST NATIONS' OPERATIONS

BCAFN Constitution, By-laws, and Governance Manual

As reported at the BCAFN AGM in June, the BCAFN Board of Directors has been considering bringing forward amendments to the BCAFN Constitution and by-laws to better reflect the purpose of the BCAFN as a political-territorial organization. Our hard working Board of Directors has identified some areas of concern with the way that the current BCAFN Constitution and by-laws operate. The Board participated in a working session to discuss these concerns and to suggest some changes to bring before the Chiefs-in-Assembly. One of the issues that came up during the working session was around membership in the BCAFN. There has been discussion around having the BCAFN membership rules better reflect the evolving nature of self-government. We are in a time when First Nations, through various means, are reconstituting themselves post *Indian Act*, and our membership, as outlined in the BCAFN Constitution and by-laws, should reflect this important and increasingly changing reality. I look forward to the dialogue amongst us on this and other issues with respect to our organisational and governance structures.

After considering any feedback from you, the Board of Directors will bring the proposed amendments to the Constitution and by-laws to our Annual General Meeting to be held in June, 2014, where these changes would be voted on.

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 Representatives

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

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.