

FIRST NATIONS LEADERSHIP COUNCIL

March 14, 2017

Address

Dear XX,

First Nations in BC have inherent Aboriginal title, rights and treaty rights, and therefore a unique, constitutional government-to-government relationship with the provincial government.

The First Nations Summit, the BC Assembly of First Nations and the Union of BC Indian Chiefs are the three provincial level First Nations advocacy organizations in BC. Working collaboratively together under the auspices of the First Nations Leadership Council (FNLC), our organizations bring forward some key issues and questions of BC First Nations for consideration and response by each of the provincial political parties.

First Nations in BC have made many attempts over the years to engage collaboratively with the Province of British Columbia on a number of matters, in order to bridge the differences in socio-economic standards between First Nations citizens and other British Columbians and Canadians, reconcile the prior existence of Aboriginal societies with the assertion of Crown sovereignty, and to establish a new relationship with the Crown based on mutual respect and recognition.

First Nations remain committed to changing the course of First Nation-Crown relations in BC in a way that empowers our Nations and results in real, concrete change to our children, families, and communities. First Nations' socio-economic successes will benefit all Canadians.

As with every such election, the 2017 provincial election represents a significant opportunity to address these matters. Recognizing this, First Nation leaders across the province are actively engaging First Nations people, encouraging and aiding their efforts to participate in the upcoming provincial election.

The FNLC is preparing a 2017 BC Election package to be shared with all BC First Nations. To inform First Nation voters, we are posing a series of questions to federal parties on issues of keen interest to First Nation voters. The questions, along with the responses we receive, will be included in the 2017 Election package for BC First Nations. The package will also include basic voting information and the various parties' platforms on First Nation issues.

Following are questions relating to First Nations' key issues, interests and concerns:

1. Reconciliation, Recognition and Affirmation:

- a. The historic *Tsilhqot'in* decision, which made the first declaration of Aboriginal title in Canada and set out implications of that title – along with the Final Report and Calls to Action by the Truth and



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Reconciliation Commission - underscores yet again the need for a substantially reconstituted First Nations-Crown relationship in BC. This relationship needs to be based on the existence of inherent Aboriginal title, rights and treaty rights, be aimed at the constitutional imperative of reconciliation, and reflect both case law, as well as the standards set out in the *United Nations Declaration on the Rights of Indigenous Peoples*, including the principle of free, prior and informed consent, which Canada has endorsed as a country. The relationship must be formed in such a manner as to bring about the negotiation, conclusion and implementation of treaties, agreements and other constructive arrangements.

In light of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by Canada, and the 94 Calls to Action by the Truth and Reconciliation Commission (TRC), how does your party plan to work to transform the current relationship between First Nations, the Government of Canada, and the Province of BC, in the implementation, negotiation and conclusion of treaties, agreement and other constructive arrangements?

- b. The TRC's Executive Summary and Final Report (2015) contain thousands of pages that describe the destructive history and legacy of the Canadian Indian residential school system, the lasting intergenerational effects of this institutionalized and culturally genocidal policy, and 94 progressive recommendations for healing the relationship between Aboriginal and non-Aboriginal people.

Following the release of the 94 Calls to action by the Truth and Reconciliation Commission, how will your party implement the recommendations of the TRC in restructuring BC's approach to reconciliation?

2. Education

- a. The Aboriginal Post-Secondary Education and Training Policy Framework (2012) sets out an action plan for systemic change across the post-secondary system to ensure the success of Aboriginal learners. The Framework recognizes the important role of Aboriginal-controlled institutes and community based delivery and yet these institutes continue to struggle with the very limited access to proposal-based resources and no core funding at all. In the Framework, the Province commits to "work with the Federal Government to explore mechanisms to mutually support Aboriginal institutes."

If elected, would your party fully implement the Policy Framework and in particular, how would you ensure that

Aboriginal-controlled institutes have the funding required to meet the needs of their students and communities?

- b. The Truth and Reconciliation Commission (TRC) calls on provincial governments to establish senior-level positions at the assistant deputy minister level or higher dedicated to Aboriginal content in education. Having an Aboriginal voice at a senior level in the Ministry of Education will ensure that the TRC and Auditor General's recommendations for Aboriginal education are at the forefront when decisions are being made.

If elected, will you ensure that a senior-level position dedicated to Aboriginal content in education is established?

- c. The Truth and Reconciliation Commission's calls to action call on governments to make age-appropriate curriculum on residential schools, Treaties, and Aboriginal peoples' historical and contemporary contributions to Canada a mandatory education requirement for Kindergarten to Grade Twelve students.

Will your party support the inclusion of a mandatory First Peoples focused course or bundle of credits as part of the graduation program?

- d. In November 2016, BC Teachers won a Supreme Court of Canada decision to immediately restore clauses deleted from the teacher's contracts dealing with class size, the number of special needs students who can be in a class and the number of specialist teachers required in schools. Aboriginal students make up 19.4% of the designated special needs population in BC and this ruling is an opportunity to attract and retain more Aboriginal teachers and professionals in the BC public education system.

What is your party's position on this issue and if elected, how would you ensure that more Aboriginal teachers are trained and hired into the system?

3. Fisheries and Aquaculture

- a. We have observed significant changes in government approaches to engaging with First Nations as governments become more and more focused on economic growth, at the cost of infringing Aboriginal rights and reducing environmental protections. For these reasons, it is crucial, now more than ever, that BC First Nations and the Province work together to protect the lands, waters and resources that we hold dear.

If elected, how will your party work with BC First Nations and appropriate agencies to ensure that provincial legislation (Water Sustainability Act, Wildlife Act, etc.) respects First Nations' rights, including their inherent jurisdiction and authority for governance of their lands, waters and resources?

- b. One needs only to look at BC First Nations' oral and physical history, art, songs and ceremonies to understand that fisheries and aquatic resources are deeply integral to the nutritional, social, economic and cultural well-being of our communities.

If elected, what specific processes or programs would you develop in order to ensure your government is able to collaborate effectively with First Nation communities and organizations on policy development and the management of freshwater fisheries (including steelhead), with particular regard to habitat protection, resident species hatcheries and fish stocking activities for recreational purposes, and tenures for marine aquaculture sites?

- c. Today, we are seeing unprecedented pressures on wild fish stocks and habitats. Competing fisheries interests, such as the commercial and recreational sectors, as well as cumulative impacts from industrial development and extractive resource activities, have impinged on our inherent right to access and manage our resources.

If elected, how will your party use rentals and fees generated through surface and groundwater licensing to specifically fund freshwater conservation and protection, including using a portion of these revenues to support First Nations to engage in freshwater planning and governance initiatives over freshwater in their territories?

- d. On October 31st, 2012, after 18 months of testimony and over \$26 million, the Cohen Commission's Final Report "*The Uncertain Future of the Fraser River Sockeye*" was released. The Report was heralded as a blueprint for salmon conservation, providing 75 recommendations to Government.

How will your party ensure that the 75 recommendations of the Cohen Report will be implemented and acted upon to ensure the preservation of BC's salmon runs?

4. Forest Resources

- a. First Nations' have existing inherent Aboriginal rights, including title, with respect to the lands and resources throughout the province, which include the right to access, use and benefit from these resources. Transformation in the forest sector requires much needed capital investments in new manufacturing. However, investments are difficult to attract with the increasing uncertainty of the impact of First Nations title and rights in regards to land and resource disputes.

If elected, how will your party fully embrace and support First Nation ownership and participation in, and benefits from, the forest sector and the forest resources of their traditional territories?

- b. The allowable annual cut in the forest sector is in decline due to economic, environmental and biological factors. First Nations communities have expressed clear interest in participation in the forest sector through timber harvesting activities and have been seeking sustainable harvest opportunities that provide meaningful economic returns. However, access to forest resources have been hampered by diminishing harvest levels and current licensee obligations. A new form of forest tenure system, the First Nations Woodlands License, was developed to support longer term area based tenure, though the implementation of these tenures have been limited and restricted due to the previously mentioned issues.

If elected, how will your party balance the decreasing allowable annual harvest levels while accommodating participation of timber harvesting opportunities for First Nations?

5. Energy and Mines

- a. BC has an antiquated mineral tenure system that is more than 100 years old. This system grants mineral exploration rights to private companies. These rights often come in conflict with First Nations' inherent title and rights. Ten years ago, BC exacerbated the issues by allowing mineral explorers to stake mineral claims online. Now anyone in the world with a computer and a credit card can stake a claim on First Nations land in BC. In the Yukon, the Ross River Dene Council legally challenged and won a case that effectively requires companies to consult prior to staking.

Is your party committed to work with First Nations to undertake legislative reform of the current mineral tenure system, including incorporating the standard of free, prior and informed consent?

- b. Numerous First Nations in BC developed their own Indigenous Environmental Assessment process outside of the dated and

ineffective federal and provincial process. Canada has agreed to make legislative changes to the *Canadian Environmental Assessment Act*. BC has agreed only to make “enhancements” within the existing provincial legislative and policy framework. First Nations have long called for an overhaul of the provincial environmental assessment regime, and that such reform is undertaken in full partnership with First Nations.

Will your party commit to legislative and policy reform of the provincial environmental assessment process in full partnership with BC First Nations, and provide resourcing to support First Nations’ Environmental Assessment processes?

- c. Placer mining in BC causes massive environmental degradation and is not properly regulated by the government of BC.

If elected, will your party ensure the BC Mining Code applies to the placer mining industry?

- d. BC’s Indigenous Peoples live in regions of the Province most affected by climate change. BC has just recently harmonized its low-carbon energy and climate change action plan with the new federal Pan-Canadian carbon plan. The Province of BC takes in over a billion dollars in a revenue neutral carbon tax per year, the proceeds of which are given away as tax breaks and not related to climate change. First Nations do not benefit from the carbon tax.

If elected, will your party provide the necessary funds to establish a BC Indigenous Carbon Fund, an Indigenous-led organization, which would catalyze First Nations involvement in the low carbon energy economy?

6. Emergency Management

- a. Many First Nations are often underserved and lack basic infrastructural amenities, giving rise to risks of injury, death and loss of property during unforeseen emergencies, an unnecessary risk that may be easily mitigated.

If elected, how will your party ensure comparable levels of servicing for addressing (ongoing and continuing) critical foundations of Emergency Management, including structural Fire Services and Forest Fuel Management prevention/mitigation? What commitment can be adhered to for First Nations’ direct inclusion (partnership) in all agreements related to the provisions of Emergency Management, Forest Enhancement and Fuel Management & Structural Fire Services reporting, and for

First Nations Service Organizations to be formally identified in coordination, secretariat and leadership roles?

7. Children and Families

- a. Better supports are required for First Nation children and youth in care, along with stronger enforcement of policies meant to protect the vulnerable. Evidence shows that, once a person has been involved in the child welfare system in their youth, the chances are higher that they will be involved in the criminal justice system, and also that their own children will be involved in the child welfare system. Statistics show that while Aboriginal people account for 4.3% of the Canadian population, nearly 50% of the 30,000 children and youth in foster care are Aboriginal.

What will your party do to address the disproportionate number of Aboriginal children in care?

8. Violence Against Indigenous Women and Girls

- a. Many of the systemic causes of violence against Indigenous women and girls and the systems in place to respond to that violence are totally or partially within provincial and municipal government jurisdiction. In order for the federally launched inquiry to result in meaningful change for Indigenous women and girls, the federal government requires the cooperation and involvement of *all* provincial, territorial and municipal governments. Without commitment to meaningful cooperation and change from all levels of government, the success of the inquiry process will be severely hindered and the ongoing lack of coordination between levels of government will continue to put Indigenous women and girls at risk. On February 13th, 2016, Minister Bennett, Indigenous and Northern Affairs Canada, met with the Coalition on Murdered and Missing Indigenous Women and Girls and confirmed that Canada wants to have the provinces and territories fully committed to the national inquiry.

If elected will your party support the national inquiry including your formal commitment to being fully involved in the process? This would include a formalized commitment to make changes as a result of the inquiry, as well as a commitment to fund implementation and support participation of family members and impacted communities in conjunction with the government of Canada.

Thank you for your consideration and attention to the critical issue of engaging First Nations voters. As the election campaign is about to begin in earnest, we are asking for your responses to these questions to be returned by March 23, 2017, in order for your responses to be provided to all 203 First Nations communities in BC. Please reply with

either hardcopy responses or by email to Matthew Norris, Policy Analyst, Union of BC Indian Chiefs, at matthew@ubcic.bc.ca.

Yours truly,

FIRST NATIONS LEADERSHIP COUNCIL

On behalf of the FIRST NATIONS SUMMIT:

Grand Chief Edward John

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Grand Chief Stewart Phillip

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