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First Nations Leadership Council

INFORMATION BULLETIN

Leadership Council

On March 17, 2005, the Regional Chief of the BCAFN, the Task Group of the FNS, and the political executive of the UBCIC signed the *Leadership Accord*.

The purpose of the Accord is to: affirm mutual respect; formalize a cooperative working relationship to politically represent the interests of BC First Nations and develop strategies and actions to bring about significant and substantive changes to government policy that will benefit all BC First Nations; and focus on a range of issues and initiatives of common interest or concern among BC First Nations, including consultation and accommodation, national processes, and social and economic program and service issues.

Work under the Leadership Accord is guided by the following principles:

- The Parties recognize and respect each other's respective mandate;
- The Parties will be mindful that they each represent a diversity of perspectives on issues relating to Aboriginal title, rights and interests;
- The Parties commit to work to advance the interests of First Nations in political level discussions amongst themselves and with governments;
- The Parties will represent their respective memberships in any discussions that directly involve government and industry.

Through the Accord, the Parties commit to engage in an ongoing process of dialogue through regular leadership meetings to achieve the purposes of this Accord and, where possible, develop common understandings, strategies and/or positions on identified issues of mutual concern or priority. The Parties also agree to establish working groups on identified issues

of concern or priority to advance those issues politically.

The relationship established through the *Leadership Accord* remains strong. Although some successes have been achieved (New Relationship, Transformative Change Accord, New Relationship Trust, others), much remains to be done. The mandate of the FNLC is determined only through the mandates of each of its participating organizations – the BCAFN, FNS, and UBCIC – as established via resolution of their respective memberships.

The FNLC is a political process, not a new organization. Its purpose is to generate political power through cooperation and collaboration between the existing provincial First Nations organizations. Although the FNLC works with governments to develop frameworks for issues such as shared decision-making and consultation and accommodation, these efforts are never to impede government-to-government discussions and negotiations between individual First Nations and governments.

The staff of the three participating FNLC organizations are responsible for following up on resolutions passed at their respective Chiefs' assemblies, and work together on issues where all three organizations have a mandate.

The BCAFN, FNS and UBCIC are committed to maintaining unity on matters of common concern to benefit all BC First Nations, as well as to respecting the autonomy of each organization in achieving progress on issues specific to their respective memberships.

Xeni Gwet'in Court Decision

On November 21, the Supreme Court of British Columbia handed down its decision in the case of

Tsilhqot'in v. British Columbia. Chief Roger William, on behalf of all Xeni Gwet'in and Tsilhqot'in people, brought the suit forward in 1990. In his reasons for decision, BC Supreme Court Justice Vickers found that Aboriginal title does exist in the Tsilhqot'in territory. The First Nations Leadership Council fully welcomes and champions this decision - emphasizing that the Tsilhqot'in people have aboriginal rights, including the right to trade furs to obtain a moderate livelihood, that BC's *Forest Act* does not apply within Aboriginal title lands, that BC has infringed the Aboriginal title and rights of the Tsilhqot'in people and has no justification for doing so, that Canada has unacceptably denied and avoided its constitutional responsibility to protect Aboriginal lands and rights and finally that BC has been violating Aboriginal title in an unconstitutional and therefore illegal fashion ever since it joined Canada in 1871.

UN Declaration on the Rights of Indigenous Peoples

On September 13, the United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples by an overwhelming majority of 143 in favour, 4 opposed and 11 abstentions. This Declaration, which has been in development for more than two decades, is intended to recognize the collective rights of Indigenous Peoples. Fundamental human rights which have been upheld in this Declaration include the inherent rights related to our traditional lands, territories and natural resources, our self-determination, our unqualified recognition as Peoples, our own cultures, languages and identities.

The FNLC and the AFN will be hosting a conference on February 19-21 to raise awareness about the Declaration and counter the misconceptions advanced by the Canadian government.

Federal Engagement

On October 26, 2007, the FNLC met with the Minister of Indian and

Northern Affairs, Hon. Chuck Strahl and the Minister of Aboriginal Relations and Reconciliation Hon. Michael de Jong in follow up to the August 21, 2007 meeting.

The parties have committed to continue to meet with future tripartite sessions having a particular focus on improving policy (i.e. Comprehensive Claims Policy, Specific Claims Policy, Inherent Right of Self-Government Policy), processes (i.e. negotiations processes), and quality of life (i.e. education, children and families, housing, etc.) issues.

New Relationship

In the New Relationship, commitments were made to a new government-to-government relationship based on respect, recognition and accommodation of aboriginal title and rights and to reconciliation of Aboriginal and Crown titles and jurisdictions. First Nations and the Province also agreed to establish processes and institutions for shared decision-making about the land and resources and for revenue and benefit sharing. The New Relationship acknowledges that aboriginal title includes the inherent right for the *community* to make decisions as to the use of the land.

On September 20th, the FNLC and the Province of BC issued a Joint Statement on the New Relationship highlighting that the Province and FNLC are undertaking work to develop frameworks and tools to assist the Province and BC First Nations to implement the New Relationship. The FNLC and Province respect First Nations autonomy and recognize that First Nations are the holders of Aboriginal Title and Rights. The purpose of the New Relationship is to bring about policy changes and set a course forward that will be of benefit to all First Nations.

The New Relationship must not be used as an excuse not to engage with First Nations directly and the policy level discussions are not intended to impede upon or displace

First Nations negotiations with the Crown. In fact, these community-level government-to-government negotiations provide valuable insights and guidance to broader discussions.

Each First Nation has the right to a government-to-government relationship with the Crown, and the authority to enter into negotiations and agreements to suit the unique circumstances of the community.

A joint FNLC-BC Recognition Working Group is tasked with the main deliverables from the New Relationship document – producing principles & mechanisms for: recognition & Honour of the Crown, consultation/accommodation, shared decision-making, revenue & benefit sharing, and other matters. This group is currently focused on Recognition legislation as the first priority.

Other working groups achieving progress under the New Relationship include the Resolutions Strategy Side Table; Telling Our Stories Committee; Crown Land Allocation Framework Working Group; Aquaculture Working Group; Working Group on First Nations Heritage Conservation and the Ecosystem Stewardship Planning Working Group.

For three days out of each month, the FNLC meets with provincial officials to set direction, review progress and have high-level discussion on progress under the New Relationship and other matters of common concern.

Fisheries

A key item in the BC First Nations Fisheries Action Plan is the establishment of a BC First Nations Fisheries Council. The FNLC was mandated, through resolution, to hold a province-wide meeting, open to all BC First Nations, to develop the First Nations Fisheries Council concept. This BC First Nations Fisheries Council Forum was held on May 29-30, hosted by Musqueam Nation. Delegates to the Forum

developed a “BC First Nations Fisheries Council Concept Paper”, which was adopted by resolution of the BCAFN, FNS and UBCIC. The FNLC then sent a call for nominations to the Fisheries Council, with a deadline of October 26, 2007. Appointments to the First Nations Fisheries Council will be made later this month.

Aquaculture Working Group

An Aquaculture Working Group has been struck to work with provincial representatives to make recommendations to Cabinet on aquaculture matters in BC, in the spirit of the New Relationship and guided by the BC First Nations Fisheries Action Plan.

Housing and Infrastructure

The FNLC is working with federal and provincial governments to develop a high-level Memorandum of Understanding on Housing and Infrastructure. This MoU will commit the Parties to work collaboratively to develop interlinked on- and off-reserve housing and infrastructure strategies.

Economic Development

The FNLC hosted a meeting in July to discuss BC First Nations economic development and human resource development. The meeting was attended by federal and provincial governments, First Nations representatives, and the business community. This group agreed to explore the signing of a Memorandum of Understanding to establish an Economic Development Partners Group – an advisory body on First Nations economic development. A small working group has been struck to develop this MoU and a framework for a province-wide BC First Nations Economic Development Strategy.

A draft outline of the BC First Nations Economic Development Strategy has now been completed, and BC First Nations are invited to review and discuss this draft at regional forums through the fall/winter. Chiefs, Councils and economic development

officers are encouraged to attend these important sessions in order to provide input into the development of a province-wide economic development strategy. Based on the feedback from these sessions, a more comprehensive draft will be developed and reviewed by BC First Nations at an Economic Development Forum which will be held in February 2008.

Health

The First Nations Health Council is currently developing workplans and budgets pursuant to the *Transformative Change Accord: First Nations Health Plan* and the *Tripartite First Nations Health Plan*. Priority areas for this year include: community health plans; governance structure for First Nations health in BC; mental health and addictions (including healing residential school traumas); e-health; and chronic disease management (including a First Nations ActNow program). Community engagement is also a key priority, and dialogue sessions will be held throughout the province in the fall.

Culture and Heritage

The existing *Heritage Conservation Act* and associated management regime does not adequately address the needs and interests of First Nations as it relates to their culture and heritage resources. A Joint Working Group on First Nations Heritage Conservation has been created to work with BC to a) make recommendations with respect to amendments to the *Heritage Conservation Act*, b) identify culture and heritage site management possibilities within the existing legislative regime and c) improve the protection and conservation of First Nations heritage sites, cultural property, ancient human remains and sacred and spiritual sites.

Frank Paul Inquiry

In February of 2007, the Solicitor General of British Columbia announced that there would be a full public inquiry relating to the death of Frank Paul in December of 1998. Mr.

Paul, a First Nations man of Mik'maq descent, died of hypothermia in an alley in the downtown eastside of Vancouver after being released there by a member of the Vancouver Police Department.

Since the announcement of this inquiry, the First Nations Leadership Council has been in constant contact with both the Solicitor General and Attorney General of BC. At these meetings, the FNLC lobbied to have both the family of Frank Paul and the FNLC to be granted participant status during the proceedings of the inquiry. The FNLC has since been granted participant status and will be actively involved in the inquiry until its conclusion.

The Frank Paul inquiry began on November 13, 2007 and is expected to run well into 2008. The final report and recommendations are to be presented to the Attorney General no later than May 31, 2008. The FNLC and their staff will continue to be actively involved during the proceedings and will attend the inquiry as frequently as possible. Updates on the Frank Paul inquiry can be found at the website www.frankpaulinquiry.ca.

UBCIC ELECTIONS

On November 21, UBCIC Chiefs in Council re-elected Chief Robert Shintah for his third term as Vice-President of the UBCIC. Chief Lynda Price was elected to serve as Secretary-Treasurer of the UBCIC. Both will serve a three-year term on the UBCIC Executive and be active members on the First Nations Leadership Council.

FNLC Meeting Notes

At the recommendation of First Nations, this section of the information bulletin is to describe FNLC discussion and meetings.

- The FNLC is planning a “Child at the Centre” forum for sometime in January or February, 2008 to address Early Childhood Development and Children and Families issues.

- The First Nations Forestry Council will hold a province-wide Forestry Forum on March 11-13, 2007.
- FNLC met with UN Special Rapporteur on Adequate Housing on Oct. 16th to present a formal written submission on the pressing housing issues facing our communities.
- FNLC has developed a template Declaration / Protocol to sign with First Nations organizations to improve coordination and collaboration on all matters
- FNLC participating in Cabinet Committee on Climate Change.

Calendar of Events

- **November 26-29:** First Nations Leadership Strategic Planning Session
- **January or February:** Child at the Centre Forum
- **February 19-21:** UN Declaration on the Rights of Indigenous People Conference

The First Nations Leadership Council is comprised of the political executives of the BC Assembly of First Nations, First Nations Summit, and the Union of BC Indian Chiefs:

- *BC Assembly of First Nations Regional Chief A-in-chut, Shawn Atleo;*
- *First Nations Summit Task Group members Grand Chief Edward John, Chief Judith Sayers, Dave Porter;*
- *Union of BC Indian Chiefs President Grand Chief Stewart Phillip, Vice-President Chief Robert Shintah; Chief Lynda Price*

The Council works together to politically represent the interests of First Nations in BC and develop strategies and actions to bring about significant and substantive changes to government policy that will benefit all First Nations in British Columbia.