

First Nations Leadership Council

INFORMATION BULLETIN



Union of British Columbia Indian Chiefs

Vancouver Office:
500 - 342 Water Street,
Vancouver, BC V6B 1B6
Tel: 604-684-0231, Fax: 604-684-5726
www.ubcic.bc.ca



FIRST NATIONS SUMMIT

1200 - 100 Park Royal South
West Vancouver, BC V7T 1A2
Tel: 604-926-9903, Fax: 604-926-9923
Toll Free: 1-866-990-9939
www.fns.bc.ca



British Columbia Assembly of First Nations

605 - 100 Park Royal South
West Vancouver, BC V7T 1A2
Tel: 604-922-7733
Fax: 604-922-7433
www.bcagn.ca

Introduction

This is the second First Nations Leadership Council Information Bulletin to all First Nations in BC.

Although these bulletins were originally expected to be distributed on a quarterly basis, the demand for information from First Nations is high, and we will therefore be distributing these information updates on the 15th of each month.

If you have feedback on this bulletin, or any other issue, please send comments to the addresses on the left.

New Federal Government

Since the last information bulletin, there has been a change in government. The First Nations Leadership Council has been working to secure and hold meetings with all new Cabinet Ministers, as well as with members of the opposition parties. Items for discussion with these individuals include, among others:

- Follow-up to the First Ministers' Meeting on Aboriginal Issues, and implementation of the \$5.1 billion in funding allocated in the areas of: health; education; relationships and accountability; housing and infrastructure; and economic opportunities
- Implementation of the *Transformative Change Accord* signed between BC First Nations, the Prime Minister and the Premier

- Joint review and renewal processes for claims, treaty implementation and self-government policies and treaty negotiations mandates
- Improvements in First Nations socio-economic conditions in education, health, housing and infrastructure, and economic opportunities; and
- Development of the implementation strategy by December, 2006
- A just resolution of the Land Question, for First Nations both within and outside BC treaty negotiations
- Honouring of the Residential Schools Agreement-in-Principle
- Support for the *New Relationship* between the Province of British Columbia and BC First Nations

INSIDE...

Page 2

- New Relationship
- \$100 Million NR Trust
- C&A Framework
- Litigation Strategy
- FRO

Page 3

- Transformative Change Accord
- Mountain Pine Beetle
- Regional Authorities
- Provincial Throne Speech and Budget

Page 4

- Draft Declaration of Rights of the World's Indigenous Peoples
- Highway of Tears Investigations

New Relationship

The First Nations Leadership Council and provincial Deputy Ministers have agreed to dedicate a week out of each of the next four months to meet and work to advance the New Relationship. Topics currently being discussed include: \$100 million New Relationship Trust; Mountain Pine Beetle; a Communications Protocol; Litigation Strategy; the *Transformative Change Accord*; consultation and accommodation; Crown litigation strategy; processes for collaborative policy development and renewal; regional Aboriginal authorities; and others. More detail about some of these discussions is provided below, and regular updates will be provided through these monthly bulletins.

\$100 Million New Relationship Trust

In the September 14, 2005 Budget Update, the Province of British Columbia announced a new \$100 million First Nations New Relationship Trust to assist First Nations in their efforts to build their own direct capacity to participate in the New Relationship.

The legislation required to move the funds out of the BC Government and into a separate entity (legislated corporation) is expected to be introduced into the Legislature in March.

Should the legislation pass, we anticipate that the first Board of Directors will include representation from the Leadership Council (3); Leadership Council appointees (2); and provincial appointees (2). In the first months, the first Board of Directors will likely be required to:

- Select the financial institution to receive the allocation
- Gather input from BC First Nations (as mandated by Chiefs at the BC Regional Chiefs' Special Assembly)
- Develop a 3-year strategic plan and outcome measures
- Prepare fund policies and procedures, including subsequent Director selection criteria, investment policy, operating policies and procedures, etc.
- Publish the strategic plan, including access criteria and process, based on consultations with First Nations

Once this strategic plan is in place, it is expected that the Trust will commence operations, which will also include financial audits and annual reports. The Trust's Board of Directors will work to have the Trust in operation as soon as possible.

The First Nations Leadership Council will continue to provide updates on developments regarding the Trust.

Consultation and Accommodation Framework

The First Nations Leadership Council and BC have agreed to discuss a process for developing a consultation and accommodation framework to be consistent with the New Relationship. More information will be provided in future bulletins.

Litigation Strategy

The Crown (provincial and federal) consistently advance defences in litigation on

Aboriginal issues that are premised on the denial of First Nations as Peoples and denial of their inherent Aboriginal title and rights and, in some cases, their treaty rights. This is inconsistent with recent political accords, including the New Relationship, which is premised on the recognition of Aboriginal title and rights.

There are approximately 40 current court cases in BC involving Aboriginal title, rights and treaty rights. The BC Government has committed to review its approach to litigation, in particular the defences advanced by the provincial Crown to find more respectful approaches that are not premised on denial of First Nations and their rights, and that are consistent with the New Relationship.

The First Nations Leadership Council and BC may establish a technical table to discuss high-level legislative and policy issues with respect to this matter.

Forest and Range Opportunities

Changes to the Forest and Range Agreement template that was being used by BC was identified as a high priority under the New Relationship. Late last year, the province and the First Nations Leadership Council came to an agreement on a sample Forest and Range Opportunities agreement (FRO). This document was provided to First Nations through the member organizations of the Leadership Council.

Pursuant to this agreement, changes were made by the provincial Cabinet that caused some concerns for First Nations, including a Union of BC Indian

Chiefs resolution stating that its constituents could not support the FRO in its current form, and suggesting changes. These changes will be discussed with BC in the near future, and we hope that the FRO can be finalized shortly.

Transformative Change Accord

The new federal government's position on the *Transformative Change Accord* is unclear. BC and the First Nations Leadership Council are currently developing a "business case" document to present to Canada, to encourage their active participation in implementing the *Accord*.

In the meantime, BC and the First Nations Leadership Council are identifying projects that can be immediately implemented under the *Accord* as well as discussing options for an inclusive process for creating the *Accord* implementation strategy due by December 2006. Options include encouraging technical advice from First Nations organizations and community workers, and holding a broad province-wide forum to develop a framework for the implementation strategy.

Mountain Pine Beetle

The BC First Nations Interim Mountain Pine Beetle Working Group and BC are drafting the components and rationale for a request to Canada for mountain pine beetle funding, to be completed within the next month. A Protocol between BC and the First Nations Leadership Council to guide their relationship in responding to the Mountain Pine Beetle has been tabled with the Minister of Forests and Range, and will be signed shortly.

Regional Aboriginal Authorities

The provincial government had hoped to pass legislation this spring to create Regional Aboriginal Authorities for Child and Family Development services. However, the timelines were too short to allow for appropriate and thorough consultations with First Nations, and to ensure that the legislation is fully consistent with the New Relationship.

Children and Families is high on the list of First Nations Leadership Council priorities. BC has also indicated that regional Aboriginal Authorities is a priority item for them in the coming year. The First Nations Leadership Council and BC Deputy Ministers will be discussing the development of a renewed joint process for moving this initiative forward on an expedited basis, to be informed and led by First Nations.

Federal officials, for the first time, attended the most recent Joint Aboriginal Management Committee (JAMC) meeting held on February 17. The JAMC will discuss what Canada's role may be in this initiative (including potential opportunities under the *Transformative Change Accord*).

Provincial Throne Speech and Budget

The Speech from the Throne delivered on February 14, 2006 outlined the direction of the provincial government for this year, and identified a number of priorities relevant to BC First Nations, including:

- regionalization of Aboriginal child and family service delivery

- modernization of provincial curriculum to give students a better understanding of Aboriginal heritage and culture
- creation of new incentives to help Aboriginal students complete high school
- establishment of an Aboriginal internship program to provide learning opportunities in the public service
- recruiting of qualified Aboriginal people in the public sector
- providing new options for housing.

The speech also described new courts for communities and First Nations, stating that the provincial government will work with Aboriginal leaders to examine the potential for correctional facilities that better meet Aboriginal cultural needs.

On February 21, 2006, the Hon. Carole Taylor, Minister of Finance, delivered the government's budget. Highlights include:

- \$100 million to enhance the child protection system
- \$31 million over three years in additional support to implement five regional Aboriginal child and family development service authorities
- \$17 million over two years for computer access, technology and training for First Nations

- \$30 million to support Coastal First Nations conservation and economic development opportunities

Draft Declaration on the Rights of the World's Indigenous Peoples

Since 1984, a Declaration on the Rights of the World's Indigenous Peoples has been in development by a United Nations Working Group. The Declaration is a human rights instrument that will set the standard of the relationship that **should** exist between Indigenous nations and peoples with countries. Its 59 paragraphs address the historic injustice and continuing discrimination of Indigenous peoples rights to language, education, self-government, cultural expression, lands, resources, and treaty rights.

The Declaration is now in the final stages of drafting, and could be debated by the Commission on Human Rights this spring. Eventually, if it passes through the Commission, it will be passed by the United Nations General Assembly as a standard to be followed by all countries in the United Nations when dealing with Indigenous nations and communities. It therefore has the potential of holding countries accountable for historic and ongoing violations of Indigenous peoples' human rights, including the violation of treaties, expropriation of lands and resources, and the abuse of sacred sites. If passed, it could provide Indigenous peoples with a new tool – redress through the United Nations – to ensure their rights are protected.

Grand Chief Edward John has been attending the sessions of

the Working Group on behalf of the Assembly of First Nations, and reporting on progress to the First Nations Leadership Council. The Leadership Council would like to organize a conference or forum to discuss the Declaration and its implications, as well as other international issues, once the Declaration has been adopted by the United Nations.

Highway of Tears (Highway 16) Investigations

The First Nations Leadership Council has been concerned with the ongoing murders and disappearances of young women – mainly Aboriginal – along the Highway of Tears. The First Nations Leadership Council drafted a letter to the RCMP, calling for a more coordinated approach to the investigations. A press release on the same issue was also issued by the First Nations Leadership Council. We are pleased that the RCMP has decided to create a task force to deal with these tragedies.

A working group met in Prince George on Wednesday March 1 to discuss and strategize ways to improve public education and safety, and get answers for those families directly affected by these murders and disappearances. The First Nations Leadership Council participated on this working group and will continue to offer support in any way possible.

Calendar of Events

- **March 7-9:** First Nations Summit quarterly meeting; Squamish First Nation Recreation Centre, North Vancouver
- **March 10:** Fourth First Nations Summit/UBCM Community to Community Forum designed to build effective relationships between local governments and First Nations through dialogue; Renaissance Vancouver Harbour Side Hotel, Vancouver
- **March 31:** First Citizens Forum; Morris J. Wosk Centre, Vancouver
- **April 19-20:** Mountain Pine Beetle Forum; Prince George
- **June 7-8:** UBCIC Chiefs Council meeting; Vancouver
- **June:** BCAFN Annual General Meeting; location to be determined