



**Union of
British Columbia
Indian Chiefs**

Vancouver Office:
500 - 342 Water Street,
Vancouver, BC V6B 1B6
Tel: 604-684-0231, Fax: 604-684-5726
Toll Free: 1-800-793-9701
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**

507 - 100 Park Royal South
West Vancouver, BC V7T 1A2
Tel: 604-922-7733, Fax: 604-922-7433
www.bcafn.ca

First Nations Leadership Council (FNLC)

INFORMATION BULLETIN

Recognition

The Government of British Columbia has decided to delay introducing the Recognition and Reconciliation Act in the Legislature until after the May 12th provincial election. We believe this course of action is an appropriate step to take as it will ensure that our communities and all British Columbians are better aware, appreciate and understand the importance of this legislation which will allow us to share in the many benefits and revenues from the resources our lands and waters provide.

While we as First Nations have been actively engaged in consultation with our own communities and with members of the business community, this pause will give all parties more time to address any outstanding questions while also gaining a stronger understanding of the legislation.

This is an historic step forward for our people. It represents the culmination of generations of struggle, fought by our Elders and ancestors since the day that James Douglas unilaterally declared, 150 years ago, that "all the lands in British Columbia, and all the Mines and Minerals therein, belong to the Crown in fee".

This legislation cannot change the past, but it can create a better future. It will allow us to move away from consistent and institutionalized denial of our rights to full recognition of those rights in law. It means that never again will our elders be dragged into courtrooms to prove our existence or strength of claim. It means that precious time and resources can be dedicated to the real task at hand – creating true independence in our territories and true partnerships between First Nations and all British Columbians. It will better equip all First Nations in our collective struggle against poverty and for a vastly improved quality of life.

As one chapter of our history closes, another one opens. The opportunity before us is significant. We must create a new path for us to move forward together. We must take a leading role on the kinds of activities that take place on our lands and how we can proceed to create lasting, respectful relationships with government and industry that benefit us all.

We know that our title and rights, inherited from our ancestors, are indisputable. We also know that we are all here to stay. In the days ahead, we can make this historic goal a reality. We encourage all Chiefs and Councils to reach out to your respective communities and consider resolutions of your own to show support for the legislation.

The FNLC is preparing a detailed community bulletin to be distributed in the coming weeks, and we are working to identify dates for another All-Chiefs' Forum. In addition we are working with legal counsel appointed by First Nations to move this issue forward.

BC First Nations Fisheries Council

The First Nations Fisheries Council held the 2009 Fisheries Assembly in Nanaimo on February 25 & 26. A diverse group of leaders, elders, technicians, and community members passionate about fish who came out to provide important input into the dialogue on the future mandate, structure, and function of the Council. The focus of the two-day meeting was to set the direction for the future of the Fisheries Council, and a set of recommendations were approved at the Assembly by consensus. The recommendations were also passed by resolution at the Union of B.C. Indian Chiefs and the First Nations Summit meetings following the Assembly.

The following new mandate was supported:

The First Nations Fisheries Council works with and on behalf of B.C. First Nations to protect and reconcile First Nations rights and title as they relate to fisheries and the health and protection of aquatic resources. The Council will achieve this mandate by working to:

- *Advance and protect First Nations title and rights related to fisheries and aquatic resources, including priority access for food, cultural and economic purposes;*
- *Support First Nations to build and maintain capacity related to fishing, planning, policy, law, management, and decision-making at a variety of scales (local, regional, national, international); and*
- *Facilitate discussions related to the development of a British Columbia-wide First Nations-based collaborative management framework that recognizes and respects First Nations jurisdiction, management authority and responsibilities.*

The proposed new structure of the Council includes:

Membership – which will meet in an annual Assembly to which each of B.C.'s 203 First Nations will appoint delegates.

Executive – which will be comprised of representatives which will be selected by the First Nations in each of 14 Regions in B.C., through whatever means they deem appropriate, and with the support and assistance of the Fisheries Council in making their appointments. This will result in a coastal and interior caucus.

Directors – which will include 6 people appointed from and by the Executive. These will include two (2) co-chairs (one from the Coast and one from the Interior) and four (4) Directors with portfolio (two from the Coast and two from the Interior).

The Regions recommended are designed to be flexible, to meet a

number of objectives as outlined in the "Mandate, Structure, and Function" discussion paper (available on the FNFC website www.FNFisheriesCouncil.ca), and to support the movement to a Nation approach. The 14 regions which the group supported are: *North Coast, Haida Gwaii, Central Coast, Northern Vancouver Island, South-East Vancouver Island, West Vancouver Island, Lower Mainland/Lower Fraser, Fraser Valley, Mid-Fraser East, Mid-Fraser West, Upper Fraser, Upper Skeena, Transboundary-Yukon, and Transboundary-Columbia*. The Council is now asking First Nations to provide feedback to the Council as to which First Nations are included in these Regions and to cooperatively develop a process for recommending a Council Member appointment. The Council is also working with communities and First Nations Fisheries organizations to develop an implementation plan for the new Council structure that meets the needs of communities. A complete report of the Assembly is available on the Fisheries Council website.

A March Communique from the Council is available on the website at www.FNFisheriesCouncil.ca. For more information please contact Executive Director Brenda McCorquodale at Brenda@FNFisheriesCouncil.ca or (778) 835-2496.

Human Resources

The Fisheries Council has recently hired two new staff. Myrah Baptiste has joined the Council as a Policy Analyst, and Aimee Arseneault is now working as a Communications Coordinator. A warm welcome is extended to these new employees, and thanks to all of those who applied for the positions.

Frank Paul Inquiry

On March 12, 2009, Commissioner William Davies released his interim report into the circumstances surrounding Frank Paul's death over a decade ago. The report, entitled '*Alone and Cold*' validates the concerns expressed by Mr. Paul's family and friends who have pushed

for a public inquiry into his tragic death for many years. It sheds light on serious systemic flaws within the municipal police system and is highly critical of the present practice where police investigate police when there is a police-related death. The Commissioner has commented that nothing short of a wholesale restructuring of police investigations will suffice and recommends the establishment of a civilian-based body to investigate police-related deaths. The Commissioner also calls for civilian-operated sobering centre, an enhanced civilian-based detoxification centre and permanent housing for chronic alcoholics.

Following the release of the interim report, the FNLC sent an open letter to Premier Campbell, the Attorney General, the Minister of Public Safety and Solicitor General and the Minister of Aboriginal Relations and Reconciliation expressing full support for the recommendations and urging the BC government to move swiftly to implement them and requested a meeting to discuss further. The FNLC also sent a letter to Commissioner Davies thanking him for his excellent and courageous work.

The report from the Frank Paul Inquiry can be found at the website www.frankpaulinquiry.ca.

Open Letter to the Province in regards to the Frank Paul Inquiry.

March 19, 2009

Premier Gordon Campbell
Government of British Columbia

Honourable Wally Oppal
Attorney General

Honourable John van Dongen
Minister of Public Safety and Solicitor
General

Honourable Michael de Jong
Minister of Aboriginal Relations and
Reconciliation

Dear Sirs,

The BC Assembly of First Nations,

First Nations Summit and the Union of BC Indian Chiefs welcome the release of the interim report, *Alone and Cold* by Commissioner Davies. The insightful findings and recommendations in his report raise many critical issues and concerns regarding municipal policing in British Columbia. While it is deeply regrettable that it has taken the loss of Frank Paul's life to have these issues brought to the forefront, we express our sincere desire and collective commitment that the report will lead to change. We fully support the recommendations and urge the BC government to move swiftly to implement them.

We wish to acknowledge Commissioner Davies and his staff for the courage and integrity they have shown. We are greatly encouraged by the opportunities to move forward as identified in the report's recommendations.

The report validates the concerns expressed by Mr. Paul's family who have pushed for years for a public inquiry into his tragic death. There can be no question that the system failed Mr. Paul. The Vancouver Police Department failed to safeguard his life, services for the homeless were severely lacking and most significantly, the police investigations were fundamentally flawed. Moreover, the decision not to lay any criminal charges regarding Mr. Paul's death highlights the critical need for far-reaching changes, especially if Aboriginal people and the public are to ever regain a level of confidence in policing in BC.

The report has shed light on serious systemic flaws within the municipal police system and states that these flaws are grounded in conflict of interest. The present practice where police investigate police when there is a police-related death must not and cannot continue.

The need for a complete overhaul of the police system is, in our view, without question. We agree with the Commissioner's comment that nothing short of a wholesale restructuring of police investigations will suffice. We therefore welcome

and fully support the recommendation to establish a civilian-based body to investigate police-related deaths. We understand that the Davies Report focused only on municipal policing in BC. We urge the BC government to consider the expansion of the mandate of a civilian-based body to include the Royal Canadian Mounted Police and that this be a priority item for the preliminary negotiations for the renewal of BC government's contract with the RCMP.

In addition, we urge the BC government to pay particular attention to the report commissioned by Commissioner Davies titled *The Most Vulnerable of the Vulnerable: Aboriginal Chronic Alcoholics in the Downtown East Side*. We commend and fully support Commissioner Davies' call for a civilian-operated sobering centre, an enhanced civilian-based detoxification centre and permanent housing for chronic alcoholics.

The BC government must not lose sight of the fact that the process is not yet complete - several critical matters remain outstanding.

Firstly, it is now clear that the conduct of the officers involved was "marked by indifference, callousness, and failure to care" and that "the VPD investigation into the circumstances of Frank Paul's death was methodically flawed". In light of the report's findings, we call for the Criminal Justice Branch to now reassess whether criminal charges are warranted. It is our view that those responsible for Mr. Paul's death must be charged. This goes to the heart of our justice system – those tasked with enforcing the law cannot be seen to be above it.

Secondly, there is the issue of compensation for Mr. Paul's family who have had to endure a lengthy and painful campaign to see justice served, quite apart from the loss they have suffered.

Thirdly, the BC Court of Appeal has yet to issue its ruling on whether the prosecutors involved in the decision

not to lay charges in the death of Mr. Paul can be compelled to testify at the inquiry. We have been deeply disappointed by the decision of the Criminal Justice Branch to challenge Commissioner Davies' jurisdiction – it not only obstructs the course of justice, it prolongs the process and delays the conclusion of this matter for the family and friends of Mr. Paul who deserve closure and answers. We urge the Attorney General to act with integrity and respect and withdraw his objection.

Sincerely, First Nations Leadership Council

Children & Families

On March 30, 2009, the FNLC and the Province of BC signed a "Recognition and Reconciliation Protocol on First Nations Children, Youth and Families". The Protocol commits the Parties to establish a common vision for child, youth and family wellness in BC, establishes the principles upon which the Parties will continue to work together, and includes a framework to support First Nations communities to exercise jurisdiction and responsibility for their children, youth and families. Over the next six months, a workplan will be jointly developed for the implementation of the Protocol. The interim First Nations Child and Family Wellness Council (IFNCFWC) will take the lead on work under the Protocol. Please see our websites for a copy of the Protocol.

The terms of reference for the IFNCFWC were adopted at the February and March BCAFN, FNS and UBCIC meetings. The IFNCFWC will continue with its organizational development work through engaging with First Nations on a permanent structure for the Council. It will also continue with its work to finalize the *Indigenous Child at the Centre Action Plan* and deal with the following other immediate priorities:

1. In light of the stunning number of First Nations Children in care, to stop the apprehension of First Nations children and to

- ensure the return of children to their Nations.
2. To address the federal directive 20-1, which clearly underfunds child intervention services.
 3. To work with federal and provincial governments to implement Jordan's Principle.
 4. To work with provincial and federal governments and with BC First Nations leaders to develop a child welfare system that is First Nations driven, that respects the diversity of cultures and languages, and that provides a comprehensive framework in which to move forward.

The IFNCFWC will report to the assemblies of the BCAFN, FNS, and UBCIC, and will continue to update First Nations via regular communiqués. A new communiqué will be issued in the next two weeks. All relevant materials the IFNCFWC have been posted to the following website:

<http://www.informationbc.ca/child2/>

Technology

The 5th Annual FNTC-ICT Summit was held Feb 19-22. Of the 369 attendees, over 75% were representing First Nations communities. The theme, Collaboration – Communities/Tools/Culture provided a venue where people could come together to share and to participate in some hands-on learning. Check the FNTC website for presentations and products from the Conference. FNTC is moving forward on another collaboration project – the First Nations Shared Information Service has secured funding from GeoConnections Canada, ILBM, INAC, and New Relationship Trust to begin work to implement their Strategy and Action Plan for Cultural, Land and Marine Resource Information Management. The goal is to work together to develop tools, policies, systems and procedures and a capacity plan that can be leveraged for the benefit of all BC

communities and, in particular, that work being done by leading communities can be leveraged for communities that are just starting to think about information management and how it can be used to support community development. FNTC is also working with the First Nations Social Development Society and other members of the Active Measures Working Group to acquire a social system that can be shared with communities so that this tool can support Band Social Development Workers and Education workers.

Housing and Infrastructure

On March 24-26, 2009, a province-wide First Nations On-Reserve Housing Forum was held in Vancouver, BC and attended by over 250 delegates. This Forum was in follow-up to the First Nations Housing Memorandum of Understanding signed on May 21, 2008 by the FNLC, Province of BC and the Government of Canada. Work has now begun to review all of the feedback provided at the Forum, which will be rolled into a proceedings report to be issued in April 2009. This feedback will also be used by the FNLC, CMHC, and INAC to develop a BC First Nations On-Reserve Housing Action Plan. The province hosted a series of regional engagement sessions on off-reserve Aboriginal housing across the province. Based on the findings of this engagement, the FNLC, other Aboriginal organizations, and the Province of BC are working to develop the off-reserve Aboriginal housing plan. Please visit our websites for all materials relating to the First Nations On-Reserve Housing Forum.

BC First Nations Energy and Mining Council

At the recent assemblies of the BC AFN, UBCIC, and FNS the Chiefs in Assembly passed resolutions to include the First Nations Mining Action Plan (developed at the First Nations Mining Summit in Prince George in October 2008) under this First Nations Energy Council

portfolio. Due to this evolution the organization will now be called the First Nations Energy and Mining Council.

The constitution and bylaws are now in place and an office space will soon be shared with the First Nations Forestry Council at the Park Royal building in West Vancouver.

A closer working relationship is emerging among the resource councils and evidence was seen as a co-operation protocol was signed among the Fisheries/Forestry/Energy-Mining Councils and witnessed by the First Nations Leadership Council at the Assembly of First Nations Regional Chiefs assembly in Nanaimo on February 24th, 2009. The protocol will bring the councils together where there is common ground, enabling them to share information, resources and strategies to achieve their respective goals.

First Nations Health Council

Gathering Wisdom for a Shared Journey (GWIII)

The 3rd Annual Gathering Wisdom for a Shared Journey forum will be held May 19-21st at the Marriott Pinnacle Hotel in Vancouver. The annual forum provides a venue for tripartite partners to gather feedback and input from communities and provide updates on the plans implementation. FNHC has added a third day to this year's forum to allow for focussed Health Governance discussions.

Gathering Wisdom III Program

Day 1 – Health Governance
Day 2 – Tripartite Health Actions
Day 3 – Health Directors

Travel and accommodations will be covered for two members per First Nations community and Tribal Council, and one community hub representative. To register please visit: www.fnhc.ca

Past forum summary reports are available at http://www.fnhc.ca/index.php/news/gathering_wisdom/

First Nations Health Society Board Appointment

On April 1st, 2009 the First Nations Health Society was incorporated as the operational arm of the FNHC. The FNHS Board selection process was completed by FNHC members on March 20th. The BoD selection process happened in two phases. In phase one, four directors Chris Dennis, Pierre Leduc, Marilyn Rook, and John Scherebnyj were selected from a pool of 43 applicants. In the second phase a targeted approach was taken to recruit BC First Nations applicants. Ruth Williams (High Bar First Nation), Matt Pasco (Oregon Jack Creek Band), and Carol Anne Hilton (Hesquiaht First Nation) were the successful candidates appointed in phase two.

Governance Caucuses

The First Nations Interim Health Governance Committee (Committee) scheduled Regional Caucus Sessions with a majority of BC First Nations Leadership in the regions of the North, Interior, Fraser, Vancouver Coastal, and Vancouver Island between October 2008 and March 2009 to determine members for the Committee, to establish caucuses, and to discuss the opportunity to develop a health governing structure. The Committee members within each region will create a working relationship with each caucus and each caucus will create a reporting relationship with BC First Nation communities. These important links will assist the Committee to develop, ratify and implement a health governance structure that is comprehensive and resilient.

The First Nations Leadership Council

The FNLC is a political working relationship between the political executives of the BCAFN, FNS and UBCIC:

- ? BCAFN Regional Chief A-in-chut, Shawn Atleo;
- ? FNS Task Group Grand Chief Edward John, Grand Chief Doug Kelly, Dan Smith

- ? UBCIC President Grand Chief Stewart Phillip, Vice-President Chief Robert Shintah, Chief Lynda Price

The FNLC, through the *Leadership Accord*, 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.

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. 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 20, 2007 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.

Calendar of Events

- ? **May 19-21:** Gathering Wisdom for a Shared Journey Forum (Vancouver)
- ? **June 3-4:** UBCIC Chiefs' Council (Vancouver)
- ? **June 10-12:** FNS Meeting (Chief Joe Mathias Centre)