

## First Nations Leadership Council (FNLC)

### INFORMATION BULLETIN



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#### Provincial Election – May 12, 2009

First Nations leaders are calling on all eligible First Nations voters to exercise this important right to have their voices heard by ensuring they are registered to vote and heading to the polls on election day.

"With 203 different First Nations across the province, and many thousands of eligible voters, our numbers can make a difference in many ridings throughout BC", said Grand Chief Doug Kelly, First Nations Summit Task Group member. "I encourage our communities to familiarize themselves with the platforms of each party and their local candidates to make an informed choice for themselves and their community."

"It is our children and grandchildren who have been forced, on a daily basis, to endure the appalling conditions of poverty of our communities. Therefore, it only makes sense that our youth take every advantage to vote in the upcoming provincial election," said Grand Chief Stewart Phillip of the Union of BC Indian Chiefs. "Whoever wins the election will play a significant part in influencing important decisions concerning our economic well-being in relation to revenue sharing and shared decision-making which underscores the need for the voices of our young people to be heard."

"This year marks the 60 year anniversary of First Nations receiving the right to vote in BC thanks to the efforts of the Native Brotherhood of BC." said BC Regional Chief of the Assembly of First Nations A-in-chut (Shawn Atleo). "1949 was also the year Frank Calder became the first Aboriginal elected to the legislature. It is heartening to see three First Nations candidates in this election following the trail blazed by Calder" he added.

Troy Sebastien (Ktunaxa) is running in the Kootenay-East riding for the NDP. Marion Wright (Kwakiutl Band) is contesting the North Island riding for the BC Liberals, and Liz Logan (Dene/Fort Nelson First Nation) is the Green candidate for Peace River North. Information on the provincial election and all parties taking part can be found at the Elections BC website at [www.elections.bc.ca](http://www.elections.bc.ca).

#### Recognition and Reconciliation Legislation

As noted in the April 2009 bulletin, 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. The FNLC continues to believe that this course of action is an appropriate step 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 legislative drafting work with the Province has slowed, the FNLC has been working actively to develop a regional engagement process.

The outline of the proposed Recognition and Reconciliation legislation was discussed at the All Chiefs meeting on February 25, 2009, the Union of BC Indian Chiefs meeting on March 2, 2009 and the First Nations Summit meeting held March 4-6, 2009. The FNLC received a considerable amount of valuable feedback at those sessions and through subsequent meetings and correspondence with First Nations.

Following the discussions and resolutions at the assemblies, the FNLC requests and invites further First Nations input and direction on this important initiative at each stage of the process. Regional sessions will therefore be held over the next

three months to seek advice and direction from First Nations on the key issues of “indigenous nations” and “comprehensive agreements”. These issues are important, as one of the FNLC’s main objectives is to establish a framework for the negotiation of comprehensive agreements that fully implement BC’s commitment to recognition of Aboriginal title and rights in the legislation.

**In particular, the FNLC would like advice on:**

- Who should the BC government negotiate comprehensive agreements with?
- What should be the elements of comprehensive agreements? In particular, what provisions should be included with respect to shared-decision making and revenue and benefit sharing?
- What should be the role of an indigenous nations commission?

The FNLC will be presenting a number of options and considerations for review in relation to each of these questions. The advice provided by First Nations during these regional sessions will be used to inform the further development of the legislative proposal. Following the regional sessions, the FNLC intends to bring the legislative proposal to an All Chiefs meeting for review by the Chiefs.

Six sessions will be held, the dates of which are as follows:

- 1) Central Interior & Central Coast - May 28, Prince George Conference Centre
- 2) Southern Interior/Okanagan/Kootenay - June 16 & 17, St. Eugene Mission Resort, Cranbrook
- 3) Northwest - June 24 & 25 Terrace, Location TBC
- 4) Vancouver Island - July 8 & 9 Campbell River, Location TBC
- 5) Lower Mainland/Sunshine Coast/Fraser Valley - July 15 & 16 Vancouver, Location TBC
- 6) Northeast - July 29 & 30 Fort St. John, Location TBC

## **BC First Nations Fisheries Council**

As reported in the April 2009 bulletin, the First Nations Fisheries Council will soon be moving to a new structure. It will be accepting appointments for new council members from the 14 geographic areas in B.C. which were recently approved at the 2009 Fisheries Assembly, and approved by resolution at the Union of B.C. Indian Chiefs and First Nation Summit meetings. The new council structure, function, and mandate recommendations are available at [www.FNFisheriesCouncil.ca](http://www.FNFisheriesCouncil.ca).

The Fisheries Council continues to work with Fisheries and Oceans Canada to finalize a commitment to action and associated work plan. It has also been active in a range of areas including:

- advocating on many important fisheries issues, including urging federal and provincial governments to include First Nations in current discussions taking place with respect to the jurisdiction for managing aquaculture;
- engaging with Fisheries and Oceans Canada on significant concerns associated with the current management approach in the early timed Chinook fishery with respect to DFO’s approach limited food fisheries under the auspices of telling First Nations that they are required to “share the burden” of conservation restrictions with user groups.
- urging DFO to work collaboratively with First Nations to address concerns with the Pacific Integrated Commercial Fisheries Initiative, and to improve the management of the First Nations commercial fisheries access component of the program.

The Fisheries Council has also recently established itself as a Society, and has moved from the BCAFN offices in West Vancouver to offices in Port Hardy, B.C. The new contact information for the Fisheries Council is as follows:

First Nations Fisheries Council  
P.O. Box 2606  
#209 – 99 Tsakis Way  
Port Hardy B.C., V0N 2P0  
E-mail: [info@FNFisheriesCouncil.ca](mailto:info@FNFisheriesCouncil.ca)  
Tel: 250 902-8380

If local communities are holding fish-related celebrations, the Fisheries Council has some materials that can be used as prizes and small giveaways. Please contact them for more information.

## **BC First Nations Forestry Council**

The First Nations Forestry Council has been quick to adapt to the federal government’s budget decision to abandon its mountain pine beetle (MPB) pledge. After being forewarned this might happen, the board moved ahead with developing new proposals based on the funding priorities the government was expected to outline in its new fiscal plan.

The Forestry Council had fought hard to get the federal government to honor its MPB pledge by transferring \$100 million a year to the province so our communities could receive the 20% (\$20 million) a year that BC had committed to share.

The Forestry Council is now fighting to get funding out of new government economic recovery programmes – in particular, the new \$1-billion, two-year Community Adjustment Fund. It is pleased to report that their project proposal for \$20 million a year for three years to address the MPB disaster in our communities has received the personal approval and support of the Minister of Natural Resources, Hon Lisa Raitt. At the minister’s direction, the Forestry Council has submitted this to Western Economic Diversification and Minister Raitt has promised to take an interest in its progress.

The Forestry Council is also pursuing federal funding through the \$120 million Transformative Technologies Fund, to be administered through FP Innovations to help small and medium sized businesses develop new projects, markets and products.

It is also working to take advantage of some of the \$1.4 billion in Aboriginal-specific funds, which include programmes for housing and other infrastructure, which could generate opportunities for First Nations timber and wood products.

Projects being pursued include the First Nations Forest Sector Development Program, which would help communities develop wood and non-timber resources and pursue environment restoration projects. This plan includes a proposal to supply First Nations wood and wood products for First Nations housing programmes. It is also actively pursuing funding for the banding and marketing plan.

At the provincial level, the Forestry Council is working on a number of fronts:

- **Funding:** Efforts are underway to build on the limited renewed core funding that has been promised, and to obtain renewed funding for ongoing forestry-related programmes;
- **Advocating for action on the recommendations of the Premier's Roundtable on Forestry report:** This report was issued in March and includes recommendations regarding entrenching First Nations tenure in law, extending tenure sizes and lease terms, and replacing community per capita revenue sharing with fee income based on all harvesting done on First Nations lands. These stem from the Forestry Council's detailed submissions to the Roundtable, the hard work of First Nations representatives on this group – Dave Porter and Chief Lynda Price – and meetings with ministers and the Premier. Minister of Forests and Range, Pat Bell spoke in support of these recommendations when they were released. The Forestry Council is now awaiting the outcome of the current BC election and the opportunity to establish acceptable details and to implement these measures as quickly as possible.

## BC First Nations Energy and Mining Council

On May 1, 2009, the First Nations Energy and Mining Council Society was officially incorporated. Their office is now shared with the BC First Nations Forestry Council in West Vancouver and their contact information is as follows:

First Nations Energy and Mining Council  
615.100 Park Royal South  
West Vancouver BC V7T 1A2  
Tel: 604 921 4488.

The Energy and Mining Council is still in the process of seeking financial resources to fund staff to support First Nations to implement the actions outlined in the BC First Nations Energy Action Plan and the BC First Nations Mineral Exploration and Mining Action Plan.

The Energy and Mining Council is currently working on the following priorities:

- **Developing a First Nations equity proposal to assist First Nations to participate in renewable energy projects:** This proposal was developed in conjunction with the New Relationship Trust, the All Nations Trust Development Corporation and the Nuuchal-nulth Economic Development Corporation. It proposes a \$75 million fund that would utilize the services of the existing BC First Nations trusts. Meetings have occurred with the Minister of Natural Resources Canada, Hon Lisa Raitt and follow up discussions are being coordinated with Western Economic Diversification and Indian and Northern Affairs Canada.
- **Supporting the FNLC by developing recommendations on a new environmental assessment process that includes First Nations as decision makers:** Currently British Columbia and Canada are in discussions on the creation of a streamlined environmental review and First Nations are not

at the table. The Energy and Mining Council is advocating for better dialogue and making suggestions on how an environmental review process that includes shared decision making would function and be supported by all governments.

- **Engaging with the BC Bioenergy Network to support First Nations involvement in bioenergy projects:** This is being undertaken in conjunction with the First Nations Forestry Council. Established in April 2008 with a \$25 million grant from the BC government, the BC Bioenergy Network is an industry-led initiative that acts as a catalyst for deploying near-term bioenergy technologies and organizing mission-driven research for the development and demonstration of new bioenergy technologies that are environmentally sustainable for the province of BC.
- **Supporting the FNLC in their participation on the Minister's Mining Roundtable:** These policy discussions include the involvement of First Nations in the creation of a new environmental assessment process, reforming the mining free entry system (on-line mineral staking), and recommending that fish bearing, fresh water lakes are not used as tailings and waste rock impoundments.
- **Discussions with the Major Projects Management Office:** This is to ensure that First Nations are aware of this new federal office and that MPMO engages First Nations in an appropriate manner. MPMO's primary role is to provide overarching project management and accountability for major resource projects in the federal regulatory review process, and to facilitate improvements to the regulatory system for major resource projects. Further information will be provided in the coming months on the progress of these discussions.

## BC First Nations Technology Council

The First Nations Technology Council is working with the New Relationship Trust to design a web portal to improve communications and sharing of best practices. The portal will be built in phases and will include a 'library' of key documents (e.g. by-laws, policies, plans, etc) that can be used as models for communities who want to develop similar documents. The portal will have areas for 'communities of practice' where specialized groups can 'meet virtually and collaborate'; will host a job bank, a common calendar, and many other features. Phase I of the portal is scheduled to be available by the fall.

The Technology Council also recently hosted a meeting with their Cultural, Land and Marine Resource Information Advisory Group to continue work to implement the strategies identified in the Strategy and Action Plan for a First Nations Shared Cultural, Land and Marine Resource Information Service project (see [www.fntc.info](http://www.fntc.info) for the full report) The purpose is to support communities in managing their natural resources information. A recently completed Community Needs Assessment is guiding the project. Priorities identified in the survey (completed by participants from over 100 communities) include information management capacity building, negotiating bulk prices for software and hardware, developing software for use by multiple First Nations and advocating for improved data access from government and industry. The Technology Council is working with Canada and BC to secure funding to go forward with the implementation of these priorities.

## Children & Families

The Interim First Nations Child and Family Wellness Council (IFNCFWC) was established at the Indigenous Child at the Centre II Forum held on July 21 – 23, 2008. During this Forum, delegates developed and endorsed the "One Heart, One Mind Statement of Solidarity and

Cooperation" which affirmed our commitment to work together in a Nation-to-Nation and community-driven process to secure the individual and collective survival, dignity and well-being of our children. To advance these matters, the Statement also supported the establishment of an IFNCFWC which has been meeting on a monthly basis since October 2008.

The IFNCFWC has recently released a detailed communiqué for May 2009, providing updates on the following key areas of work:

- **IFNCFWC Mandate and Membership:** The Terms of Reference for the IFNCFWC was recently endorsed by resolution of the BCAFN, FNS and UBCIC. The IFNCFWC will undertake a comprehensive regional and provincial engagement process to determine the governance structure for the IFNCFWC that will be driven by, representative of, and accountable to, First Nations.
- **Protocols and Relationships:** On March 30, 2009, the BCAFN, FNS, UBCIC and the Minister of Children and Family Development (MCFD) finalized a Protocol which 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. The IFNCFWC will take the lead on work under the Protocol on behalf of the BCAFN, FNS and UBCIC. Using existing reports, studies, the Indigenous Child at the Centre Action Plan, and direction obtained through upcoming regional and provincial engagement sessions, the IFNCFWC will now work with MCFD over the next six months to develop a detailed workplan for the implementation of the Protocol. The IFNCFWC will also continue to build

relationships and partnerships with other First Nations organizations and service providers with an interest in children and families.

- **Indigenous Child at the Centre Action Plan:** A newly revised version of the Indigenous Child at the Centre Action Plan has been developed based on feedback received from First Nations. This new version has now been posted to the following website: [www.informationbc/child2](http://www.informationbc/child2). All First Nations are encouraged to provide any further comments on this draft Action Plan before it is presented for resolutions of approval.
- **Budget:** The IFNCFWC is currently awaiting a response to a draft budget submitted to MCFD. Once received, the IFNCFWC will begin the process to secure policy and administrative support and develop the required budgets for upcoming regional and provincial engagement process.

Please visit the website [www.informationbc/child2](http://www.informationbc/child2) for copies of the detailed communiqué, the latest version of the Action Plan, and other key IFNCFWC documents.

## 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. This MoU commits the parties to develop interlinked on- and off-reserve housing strategies.

A proceedings report that sets out the feedback received at the Forum has now been finalized and distributed to all Forum participants. Please visit the websites of the BCAFN, First Nations Summit and Union of BC Indian Chiefs for all materials relating to the Forum. The FNLC, CMHC and INAC will now

take the feedback and 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.

### First Nations Health Council

#### POSTPONED Gathering Wisdom III

The First Nations Health Council has been working closely with First Nations Inuit Health and Ministry of Healthy Living and Sport to coordinate a First Nations specific response to the H1N1 influenza.

Due to the recent H1N1 outbreak, the Gathering Wisdom III forum scheduled for May 19-21<sup>st</sup> will be postponed. BC, Canada and the First Nations Health Council consider it imprudent to bring together key health leads and leadership from each community at this time.

To take key health people out of their communities at this time will leave a health human resource gap; the Tripartite Partners do not wish to put undue strain on the health human resource needs of First Nations communities. Additionally, there is the risk that the H1N1 virus could be spread among participants at the venue. Gathering so many people in one place contradicts public health advice in the case of a possible pandemic.

The Tripartite Partners do not wish to put communities in a situation of undue risk; they are committed to supporting and protecting both front line health workers and vulnerable populations.

Gathering Wisdom III is being rescheduled for fall 2009 - participants will need to re-register and forum details will be circulated as soon as they become known.

Daily updates and additional information about the H1N1 influenza are available on the First Nations Health Council website at [www.fnhc.ca](http://www.fnhc.ca)

### Calendar of Events

- **June 3-4, 2009:** UBCIC Chiefs' Council (Vancouver)
- **June 10-12, 2009:** FNS Meeting (Chief Joe Mathias Centre)
- **July 21-23, 2009** 30<sup>th</sup> Annual General Assembly & Election of a National Chief (Calgary, Alberta)

### First Nations Leadership Council

This bulletin is produced by the First Nations Leadership Council which is comprised of the political executives of the BC Assembly of First Nations, First Nations Summit and the Union of BC Indian Chiefs. It presently consists of:

- 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 and Chief Lynda Price

The First Nations Leadership Council, 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 BC.

### The 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.