

BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS



**Proposed Solutions / Desired Outcomes
First Nations Crown Gathering
January 24, 2012**

BC Assembly of First Nations Proposed Solutions and Desired Outcomes – First Nations/Crown Gathering, January 24, 2012

First Nations are in a period of profound transition rebuilding our Nations and taking our rightful place within confederation. We are implementing our Aboriginal title and rights, including treaty rights, and reconciling with the Crown. As leaders we seek to improve the quality of life of our peoples with practicing and thriving cultures through political and social reforms supported by fair access to lands and resources and sustainable long-term economic development. Building on the principles established in the courts and as set out in the United Nations Declaration on the Rights of Indigenous Peoples, First Nations in British Columbia are engaged in numerous initiatives in support of the overall objectives. We are finding solutions and we are moving forward with them. We continue to share our successes and build on them.

The following desired outcomes from the First Nations/Crown Gathering to be held January 24, 2012 in Ottawa, are organized around the four pillars that form the basis of the BCAFN *Building on OUR Success* Action Plan. The action items under each desired outcome reflect the mandate as resolved and directed by the Chiefs through our three Provincial organizations - the British Columbia Assembly of First Nations, the Union of BC Indian Chiefs and the First Nations Summit. The action items identified for each outcome reflect actions that require Canada's involvement or support to implement and should inform any agreed to work plan or statement coming out of the First Nations/Crown Gathering and that would support the initiatives of the Chiefs of British Columbia.

1. Fair Lands and Resources

Strong & Appropriate
Governance

Fair Lands &
Resources

Improved
Education

Individual
Health

“Settlement of the land question remains fundamental to the overall success of our Nations in BC. Without adequate access to land and resources our Nations will never reach our full potential. In addition to sustaining our traditional practices, access to land and access to resources provides our capital – our equity – and therefore our ability to build our economies and support our government.” *Building on OUR Success*

1.1 Settlement of the ‘Land Question’: Based upon the honour of the Crown, good faith negotiations and recognition of Aboriginal title and rights to our lands, we seek recommitment to settling the land question in British Columbia with fair access to lands and

resources (whether through the BC treaty process or otherwise). Consistent with Supreme Court of Canada and lower court decisions and with the evolving standards in the United Nations Declaration on the Rights of Indigenous Peoples and other Human Rights instruments, a joint review of and revision to Canada's Comprehensive Claims policy and other federal policy affecting governance and access to federal regulated resources;

1.2 Implementation: Canada must take all necessary actions to support the full implementation of land claims agreements, including modern and historic treaties. Delay or problems in implementing agreements results in lost opportunities, in particular developing First Nation economies;

1.3 Revenue Sharing: Political support from the federal government that BC First Nations should share resource revenues/rents with BC through resource revenue sharing agreements and/or accommodation and benefits agreements for resources extracted from within a Nation's traditional territory. Matter to be central on proposed First Ministers' meeting;

1.4 Proposed Major Developments: There are a number of significant major industrial developments proposed within the territories of our Nations. In accordance with recent court decisions, the United Nations Declaration on the Rights of Indigenous Peoples and respecting the evolving government to government relationship, the decision to proceed with major developments must properly take into consideration the views of the governments of effected First Nations which in many cases will require consent. Mechanisms to ensure joint decision-making need to be developed;

1.5 Specific Claims and Additions to Reserve: Commitment to settlement of specific claims and to improved efficiency to the process to add lands to reserve; and,

1.6 Fish, Fisheries and Fish Habitat: The federal government to recognize a liberal and generous interpretation of the section 35 right to fish, which ensures priority access and adequate FSC fishery which includes an economic component. It is also imperative that Canada honour existing court rulings, such as those in *Gladstone* and *Ahousaht*.

2. Strong and Appropriate Governance

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“Strong and appropriate governance is necessary if our Nations are to reach our full potential and maximize our opportunities. This is a prerequisite to sustainable and long-term economic development.” *Building on OUR Success*

2.1 Core Governance Reform: The federal government to support an efficient mechanism for First Nations to govern outside of the *Indian Act* where a First Nation has developed and ratified its own constitution (would require federal recognition legislation and legislation to remove application of parts of the *Indian Act*). Such a mechanism must be available to all First Nations when ready, willing and able to proceed (opt-in). Governance arrangements would at a minimum apply to existing reserve lands but could extend to Aboriginal title lands, beyond the reserve, in the future. Current mechanisms are limited, time-consuming and inefficient and provide no realistic prospect for all First Nations to govern outside of the *Indian Act* in a reasonable period of time and this is proving to be a serious impediment to social and economic development;

2.2 Expanded Jurisdiction: Continued and enhanced support for First Nation led sectoral governance initiatives addressing particular areas of jurisdiction (e.g., land management, education, fiscal etc.) to ensure those First Nations that wish to move beyond the *Indian Act* in certain areas can do so when ready, willing and able;

2.3 Ensure Jointly-led Federal Legislative Reform: The federal government to agree not to impose governance reform and not proceed with or develop further legislation purporting to address aspects of First Nations’ governance in the absence of support from First Nations. To be legitimate policy direction must come from First Nations in implementing reforms;

2.4 Fiscal Relations: Commitment by the federal government that First Nation Governments will have access to reasonably comparable resources to provide comparable programs and services as received by other Canadians (revisit the Kelowna Accord) ;

2.5 Restructuring AANDC: Agreement to develop a plan to re-structure or replace AANDC with a federal department responsible for inter-governmental relations with First Nations and in particular to support those Nations governing outside of the *Indian Act*, either as part of comprehensive or sectoral governance reform.

2.6 On-going Political Relationship: Commitment from PMO's office for regular meetings between the Chiefs and the PM and cabinet along with follow-up meetings with each Region. Commit to work towards holding a First Ministers' Meeting to ensure support and involvement by the province's in reconciliation actions.

3. Improved Education

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"To make the most of opportunities resulting from fair land and resource settlements and true self-determination we need well educated and well trained citizens." Building on OUR Success

3.1 BC Education Initiatives: First Nations in BC have established the foundation for a comprehensive, integrated First Nations Education System that contributes to First Nations' efforts to create healthy, self-sufficient, sustainable communities. The application of Aboriginal Affairs and Northern Development Canada's policy on Own Source Revenue to BC's First Nations education jurisdiction initiative is unworkable, counter-productive and should be eliminated;

3.2 Comparable Levels of Funding: First Nations schools require comprehensive, sufficient, sustained and secure funding that is roughly equivalent to funding provided to similarly situated provincial schools and takes into consideration the unique context and needs of First Nations learners and communities;

3.3 Support for Languages and Cultural Programming: Language and culture learning must be recognized as a fundamental component of First Nations schools programming and financial support must be provided accordingly; and,

3.4 Support for First Nation Adult and Post-Secondary Learners: In order to increase participation rates and levels of success, additional policy change and financial support must be provided to First Nation adult learners and First Nations enrolled in post-secondary programs.

4. Individual Health

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“In order to take advantage of our very real opportunities arising from the settlement of land claims and self-determination we need strong families and healthy citizens.”

4.1 On-going Federal Support for BC Tripartite First Nations Health Plan: An enduring partnership with the First Nations health governance structure in BC and the successful establishment, funding and operations of a First Nations Health Authority to improve health services and outcomes for First Nations people in BCBC Health Initiatives; and,

4.2 Social Determinants: An on-going commitment to work with First Nations and First Nations organizations in BC to address social determinants of health and improve the overall health and wellness outcomes for First Nations in BC.