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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.

For more information go to:
www.woodwardandcompany.com/
www.blakes.com/english/view.asp?ID=1902

Strategic Planning Session

On Nov. 27-29, the FNLC hosted a three day strategic planning session in North Vancouver, which was attended by over 120 First Nations leaders from across British Columbia. This session was an opportunity for First Nations leaders to examine and discuss the important *Tsilhqot'in Nation v. BC* decision and to develop a unified strategy for the recognition of Aboriginal Title.

During the session, First Nations leaders issued and signed a declaration entitled "*All Our Relations*" A Declaration of the *Sovereign Indigenous Nations Of British Columbia*, affirming Aboriginal

Title to their respective traditional territories across British Columbia. The preamble states the following:

We, the Indigenous leaders of British Columbia, come together united and celebrate the victory of the Tsilhqot'in and Xeni Gwet'in peoples in securing recognition of their Aboriginal title and rights – and all those Indigenous Nations and individuals that have brought important court cases over the years resulting in significant contributions in the protection and advancement of Aboriginal title and rights, including the Nisga'a, Gitksan, Wet'suwet'in, Haida, Taku River Tlingit, Musqueam, Heiltsuk and Sto:lo - shining light on the darkness of years of Crown denial of our title and rights. After pursuing different pathways, we now come together to make this solemn Declaration out of our common desire to be unified in affirming our Aboriginal title.

**10th Anniversary of
Delgamuukw/Gisday'wa Decision**

December 11 was the 10th anniversary of the land-mark Delgamuukw/Gisday'wa decision. The decision is viewed by many to be the most significant court decision since the Calder decision in 1974. Delgamuukw/Gisday'wa greatly added to the legal groundwork for significant court rulings like *Haida*, *Taku River Tlingit* and *Tsilhqot'in*. Collectively, these judgments have made it clear that governments have an obligation to consult with First Nations when decisions related to Crown land impacts Aboriginal Title and Rights.

Satsan (Herb George) President of the National Centre for First Nations Governance stated in a release commemorating the anniversary "For far too long, the spirit in the land was not respected. Our traditions were not respected. We, as the original inhabitants of this land, were not respected. With this decision, and others like it, we have won the recognition that we rightfully deserve. And with this recognition, we can

continue to instill memories of hope and a legacy of victory into our future generations of First Nation leaders.”

For more information go to:

www.fngovernance.org/news/comme nt_satsandelg10.htm
www.grantnativelaw.com/pdf/Delgam uukw_Ten.pdf

FNLC denounces tasteless comedy routine about victims of Pickton

The FNLC joined with the families of Robert Pickton’s victims in denouncing a tasteless and inconsiderate comedy routine by Vancouver comedian Richard Lett. In a six minute video posted on YouTube, Lett performs a song about the Pickton case. During the song, Lett sings about the victims to the tune of the old and racially insensitive nursery rhyme "Ten Little Indians".

"It is shocking to think anyone would trivialize and make light the heinous crimes of William Pickton a part of a comedic routine", said Chief Judith Sayers of the First Nations Summit political executive.

BC Assembly of First Nations Regional Chief Shawn Atleo stated "Mr. Lett may try to defend his display of poor taste as social commentary, but the despicable crimes of Robert Pickton and his victims are not something to be made fun of, nor is a comedy club the kind of forum to make commentary"

"I am absolutely astounded that anyone would sink low enough to actually attempt to joke about William Pickton's depraved and horrible acts of murderous violence against women. Such callous disregard is exactly why so many women are missing in the Downtown Eastside and along the Highway of Tears" said Grand Chief Stewart Phillip, President of the Union of BC Indian Chiefs.

The FNLC calls on Mr. Lett to immediately issue an apology to the families of Pickton’s victims and

remove the offensive song from his act.

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. Fundamental 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.

For more information go to:

www.un.org/esa/socdev/unpfii/en/declaration.html

UN Climate Change Conference

Dave Porter, member of the FNS Task Group and FNLC, attended the recent UN Climate Change Conference in Bali. He was there to deliver a report on the rapid colonization of the BC Interior by the mountain pine beetle which has thrived due to climate change and has already destroyed more than ten million hectares of old-growth pine – an area that would swallow countries like Portugal or South Korea.

During his time at the Conference, Mr. Porter spent time meeting with numerous Indigenous groups, environmental and conservation organizations and others to share information and ideas.

For more information go to:

www.un.org/climatechange/

Federal Engagement

On October 26, 2007, the FNLC met with Minister of Indian and Northern Affairs, Hon. Chuck Strahl and the Minister of Aboriginal Relations and Reconciliation Hon. Michael de Jong.

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.

For more information go to:
www.ubcic.bc.ca/News_Releases/UBCICNews09210701.htm

New Relationship Working Groups

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.

AFN strongly denounces and opposes BC Mining Industry's Kemess North campaign

The Assembly of First Nations has unanimously passed a resolution entitled, "Confronting BC Mining Industry's Kemess North Campaign" at the AFN Special Chiefs Assembly in Ottawa this week. The resolution was passed by the Chiefs in response to the BC mining industry's mail out of a letter and brochure to all BC mayors, MLA's, and MP's in November asking them to write letters to the provincial and federal governments in support of Northgate Minerals' Kemess North Mine.

Northgate Minerals' controversial Kemess North Mine project was recently rejected by a joint federal-provincial environmental assessment review panel because it was deemed not to be in the public interest, as it would result in the destruction of Amazay Lake, which is of cultural

significance to First Nations in the area.

Fisheries

A key item in the BC First Nations Fisheries Action Plan is the establishment of a BC First Nations Fisheries Council. The FNLC faxed a request for applicants to all BC bands. Having reviewed the received applicants, the FNLC appointed the following individuals to the Fisheries Council: Percy Starr (Kitasoo); Chief Allan Claxton (Tsawout First Nations); Michelle Corfield (Nuu-chah-nulth Tribal Council); Grand Chief Doug Kelly (Sto:lo Tribal Council); Howie Wright (Okanagan Nation Alliance); Chief Thomas Alexis (Tl'azt'en Nation). The first meeting of the Fisheries Council will take place in mid-January.

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 are now being held throughout the province.

Forestry

The Board of Directors of the First Nations Forestry Council has been reconfigured as follows: one appointment by the BCAFN; three by the FNS; and three by the UBCIC. The Board is composed of the following individuals: Chief David Walkem; Chief Eric Joseph; Chief Mike Retasket; Chief Bill Williams; Leonard Thomas; Harley Chingee; and Dave Porter.

The First Nations Forestry Council will hold a province-wide Forestry Forum on March 11-13, 2007 to develop a *BC First Nations Forestry Action Plan*. Please visit www.fnforestrycouncil.ca for further information.

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. The FNLC has 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. Updates on the Frank Paul inquiry can be found at the website www.frankpaulinquiry.ca.

FNLC Meeting Notes

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

- 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

- **January 23-25:** Child at the Centre Forum. Vancouver Sheraton Wall Centre.
- **February 13-15:** Chiefs Forum – Strategic Planning/Economic Development
- **February 19-21:** UN Declaration on the Rights of Indigenous People Conference
- **February 27-28:** UBCIC Chiefs Council. Vancouver, Holiday Inn and Suites Downtown
- **March 5-7:** First Nations Summit Meeting. North Vancouver, Chief Joe Mathias Centre
- **March 11-13:** BC First Nations Forestry Forum

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 changes to government policy that will benefit all BC First Nations.

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 ongoing dialogue through regular meetings to achieve the purposes of this Accord and, where possible, develop common understandings, strategies and/or positions on identified issues of mutual concern. The Parties also agree to establish working groups on identified issues. The relationship established through the *Leadership Accord* remains strong. 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 on a number of issues, these efforts are never to impede government-to-government discussions and negotiations between individual First Nations and governments.

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.