



BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

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BCAFN 10th ANNUAL GENERAL MEETING
River Rock Casino Resort— Richmond, BC
June 26-27, 2013

Resolution 01/2013

SUBJECT: APPROVAL OF AUDIT

MOVED BY: CHIEF WAYNE CHRISTIAN, SPLATSIN FIRST NATION

SECONDED BY: CHIEF BRUCE UNDERWOOD, PAUQUACHIN FIRST NATION

DECISION: CARRIED BY CONSENSUS

WHEREAS:

- A. DeVisser Gray LLP is the auditor for the BC Assembly of First Nations and has prepared and presented an auditor report for the 2012-2013 fiscal year to the Chiefs in Assembly.

THEREFORE BE IT RESOLVED THAT:

1. The audit report for the 2012-2013 fiscal year is hereby adopted as presented by the Chiefs in Assembly.

Certified copy of a resolution adopted on the 27th day of June, 2013, Richmond, BC


Jody Wilson-Raybould, BC Regional Chief



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BCAFN 10th ANNUAL GENERAL MEETING
River Rock Casino Resort — Richmond, BC
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Resolution 02/2013

SUBJECT: APPOINTMENT OF AN AUDITOR

MOVED BY: CHIEF JOHN SMITH, TLOWITSIS FIRST NATION

SECONDED BY: GRAND CHIEF JOE HALL, PROXY FOR YAKWEAKWIOOSE FIRST NATION

DECISION: CARRIED BY CONSENSUS

WHEREAS:

- A. Article X, Section 2 of the BC Assembly of First Nations' Bylaws requires the members to appoint an auditor to hold office until the auditor is re-elected or a successor is elected at the next annual general meeting; and
- B. Cameron Dong of DeVisser Gray LLP was the auditor for the BC Assembly of First Nations during the 2012-2013 fiscal year.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly hereby appoint DeVisser Gray LLP as the auditor for the BC Assembly of First Nations to hold office until the auditor is re-elected or a successor is elected at the next annual general meeting.

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BCAFN 10th ANNUAL GENERAL MEETING
River Rock Casino Resort — Richmond, BC
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Resolution 03/2013

SUBJECT: OMNIBUS RESOLUTION TO ADOPT SIXTEEN RESOLUTIONS

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS

WHEREAS:

- A. Upon review of the draft resolutions, it was determined that many of the resolutions were resolutions that the BC Assembly of First Nations (BCAFN) Chiefs in Assembly could support via an omnibus resolution; and,
- B. There are a number of outstanding First Nations Leadership Council resolutions that have been passed by the First Nations Summit and/or the Union of BC Indian Chiefs which the BCAFN Chiefs in Assembly wish to adopt and ratify.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly hereby adopt the following resolutions:

- Resolution 3(a): Support for the Assembly of First Nations' Application For Intervenor Status—*William* Aboriginal Title Appeal;
- Resolution 3(b): Support for Protection of the Rights and Title Inherited by First Nations in Areas of Overlapping Claims and Shared Territory;
- Resolution 3(c): Support for the Establishment of a Dispute Resolution Mechanism for Overlapping Claims and Shared Territory Issues;
- Resolution 3(d): Support for First Nations Leadership Council Entering into a Declaration & Protocol of Recognition, Support, Cooperation and Coordination with the Native Courtworker and Counselling Association of British Columbia;

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- Resolution 3(e): Support for First Nations Leadership Council Entering into a Declaration & Protocol of Recognition, Support, Cooperation and Coordination with the First Nations Fisheries Council;
- Resolution 3(f): Support for First Nations Leadership Council Entering into a Declaration & Protocol of Recognition, Support, Cooperation and Coordination with the First Nations Social Development Society;
- Resolution 3(g): Support for the Indian Studies Support Program;
- Resolution 3(h): Support for the Inter Tribal Health Authority (First Nations House of Healing) to Continue Indian Residential Healing Programs for Indian Residential School Survivors and Their Families;
- Resolution 3(i): Support for the First Nations Agricultural Lending Association;
- Resolution 3(j): Support for the First Nations Child and Family Wellness Council's Continued Advocacy in Implementing the Enhanced Prevention Focused Approach;
- Resolution 3(k): Bilateral Enhanced Prevention Focused Approach Arrangements Between First Nations (Not Affiliated with Delegated Agencies) and Aboriginal Affairs and Northern Development Canada (AANDC);
- Resolution 3(l): Support for Doig River First Nation;
- Resolution 3(m): Support for the Final Report and Continued Work of the BC First Nations Consultation and Accommodation Working Group;
- Resolution 3(n): BC Government Incremental Ore Revenue Sharing Policy;
- Resolution 3(o): Support for Kitselas First Nation in the Judicial Review of the Specific Claims Tribunal Decision; and
- Resolution 3(p): Support for the BCAFN to Engage Immediately with Premier Christy Clark and the New BC Cabinet.

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Resolution 03(a)/2013

SUBJECT: SUPPORT FOR ASSEMBLY OF FIRST NATIONS APPLICATION FOR INTERVENOR STATUS—WILLIAM ABORIGINAL TITLE APPEAL

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. The Tsilhqot'in are appealing the British Columbia Court of Appeal's decision in *Roger William, on his own behalf and on behalf of all other members of the Xenigwet'in First Nations Government and on behalf of all other members of the Tsilhqot'in Nation v. Her Majesty the Queen in Right of the Province of British Columbia, The Regional Manager of the Cariboo Forest Region and The Attorney General of Canada*, Supreme Court of Canada Court File No. 34986;
- B. The British Columbia Court of Appeal decided that Aboriginal Title must be proven on a site-specific basis. An Aboriginal Title site may be defined by a particular occupancy of the land (e.g. village sites, enclosed or cultivated fields) or on the basis that definite tracts of land were the subject of intensive use (specific hunting, fishing, gathering, or spiritual sites). In all cases, however, Aboriginal Title can only be proven over a definite tract of land the boundaries of which are reasonably capable of definition;
- C. Article 26(2) of the United Nations Declaration on the Rights of Indigenous Peoples states that "Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired"; and
- D. The British Columbia Court of Appeal decision is contrary to the fundamental principles of the common law going back as far as the Royal Proclamation of 1763; it is contrary to the Constitution and to the Court's jurisprudence interpreting section 35; it is contrary to international law and the framework for the human rights of Indigenous peoples endorsed by Canada, and it would not support honourable negotiations.

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THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly:
 - a. fully support the Tsilhqot'in Nation to overturn the decision of the BC Court of Appeal (BCCA);
 - b. do not accept the judgment of the BCCA as the final statement of law on Aboriginal Title;
 - c. support the Assembly of First Nations and National Chief to continue advocating in accordance with this resolution and to provide political assistance within its means to the Plaintiff Roger William and the Tsilhqot'in Nation in applying for leave to appeal to the SCC;
 - d. endorse the decision of the Assembly of First Nations to file an application for leave to intervene in this matter, based on the Assembly of First Nations having a unique perspective to offer the court and that the Assembly of First Nations submission will be helpful to the court; and
 - e. support each First Nation in signing onto the intervention application and contribute in any way possible to support the intervention.

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Resolution 03(b)/2013

SUBJECT: SUPPORT FOR PROTECTION OF THE RIGHTS AND TITLE INHERITED BY FIRST NATIONS IN AREAS OF OVERLAPPING CLAIMS OF SHARED TERRITORIES

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. First Nations people continuously inherit language, land and family connections through bloodlines within each family;
- B. First Nations people practice a strong land tenure system, pursuant to their inherent jurisdiction and authority to make decisions over their territories;
- C. The United Nations Declaration on the Rights of Indigenous Peoples states:
Article 26: (1) Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. (2) Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. (3) States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them;
- D. First Nations people will not give up their inheritance as it is constitutionally protected and recognized under section 35(1) of the Constitution Act, 1982 which states, "The existing

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aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed”;

- E. In 1846, the time of contact chosen by the courts in BC, First Nations people met the tests of living in an organized society with laws of conduct and a land tenure system that are constitutionally protected and practiced today;
- F. The Federal and Provincial Governments and some First Nations agreed to enter into treaty negotiations based on certain understandings, including recommendations set out in the June 1991 Report of the British Columbia Task Force, which became the basis for the establishment of the BC Treaty Commission (BCTC) and the treaty negotiations process, including Recommendation 8 “First Nations resolve issues related to overlapping traditional territories among themselves”;
- G. The offers of land by the Province of British Columbia and the Government of Canada to one First Nation, in areas of overlapping claims is highly prejudicial to the inherited Title and Rights of the other First Nation not currently in the BC Treaty or at the same stage of the First Nation being offered the land;
- H. The uncertainty that arises from such offers of land in circumstances of overlapping claims is that both British Columbia and Canada lack the authority:
 - a. To offer lands in circumstances of overlapping claims between First Nations, and
 - b. To make unilateral and biased decisions regarding the Title and Rights of the affected First Nations (in a consultation process); and
- I. In order to achieve resolution of overlapping claims/shared territory issues, First Nations, whether or not they are participating in the BC treaty negotiations process, must not be subject to, or prejudiced by unauthorized offers of land by either the Province of British Columbia or Government of Canada.

THEREFORE BE IT RESOLVED THAT:

- 1. The Chiefs in Assembly declare that there is lack of authority within both the Provincial and Federal Governments to make offers of lands to one First Nation in circumstances of overlapping claims and/or shared territories;
- 2. The Chiefs in Assembly demand that both the Provincial and Federal governments disclose immediately their policies and terms of reference for the determinations of Title and Rights in provincial and federal consultation and accommodation processes on all matters, including the BC Treaty Process; and
- 3. The Chiefs in Assembly direct the BCAFN Regional Chief to work to obtain these disclosures by both governments on or before July 31, 2013.

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Resolution 03(c)/2013

SUBJECT: SUPPORT FOR ESTABLISHMENT OF A DISPUTE RESOLUTION MECHANISM FOR OVERLAPPING CLAIMS AND SHARED TERRITORY ISSUES

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. There is an urgency to resolve shared territory and/or exclusive territory issues in British Columbia between and amongst our Nations. Resolution of shared territory and/or exclusive territory issues is critically relevant to all First Nations, whether or not they have an existing, historic or modern treaty or are currently participating in treaty and/or reconciliation negotiations;
- B. Various reports have noted the importance of resolving 'overlapping claims'. In particular, the Senate Committee on Aboriginal Peoples ("Senate Committee") raised concerns regarding the lack of resources and institutional supports for First Nations in the negotiation of overlapping claims. Further, the Senate Committee noted that disputes related to overlapping claims have caused, and may continue to cause, delays impeding the conclusion of agreements with First Nations. The Senate Committee also recognized that First Nations must engage in direct mediation to address the complex issues surrounding overlapping claims;
- C. Some First Nations have been successful in resolving shared and exclusive territory issues with neighbouring First Nations and have developed protocols regarding harvesting or other issues. However, for many First Nations this issue remains unresolved. The resolution of shared and exclusive territory disputes is best accomplished by First Nations themselves and, when necessary, working with First Nations' driven dispute resolution mechanisms. It is important that any mechanism aimed at bringing about a resolution of shared or exclusive territory issues include the participation of all First Nations that may be impacted; and

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- D. In order to achieve resolution on shared or exclusive territory issues, First Nations require financial and other resources to support this work.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly declare that resolving issues of shared or exclusive territories between and amongst all our Nations is a priority in resolving the land question, including developing a framework for resource revenue sharing, reconciling our Aboriginal title with the Crown and the rebuilding our Nations, including exercising jurisdiction over our respective territories and peoples; and,
2. The Chiefs in Assembly direct the BC Assembly of First Nations to support the convening of a forum for all BC First Nations to come together to seek to develop principles, a process and a dispute resolution mechanism(s), which may include mandatory binding arbitration in negotiations, to assist First Nations in addressing and resolving shared and exclusive territory issues between and amongst themselves.

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Resolution 03(d)/2013

**SUBJECT: SUPPORT FOR FIRST NATIONS LEADERSHIP COUNCIL ENTERING INTO A
DECLARATION & PROTOCOL OF RECOGNITION, SUPPORT, COOPERATION AND
COORDINATION WITH THE NATIVE COURTWORKER AND COUNSELLING
ASSOCIATION OF BRITISH COLUMBIA**

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. The First Nations Leadership Council (FNLC) wishes to unite and cooperate with First Nations and First Nations/Aboriginal organizations with mandates in British Columbia to coordinate political and technical strengths toward the objectives of unity and advancing First Nations inherent, inalienable right of self-determination, Aboriginal Title and Rights, and Treaty Rights, and improving the socio-economic conditions of Indigenous Peoples;
- B. The United Nations Declaration on the Rights of Indigenous Peoples sets out in Article 5 that "Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State";
- C. The FNLC developed a draft template Declaration & Protocol of Recognition, Support, Cooperation and Coordination, to be entered into by the FNLC and First Nation/Aboriginal organizations with mandates in British Columbia to achieve this objective and this draft template was endorsed by the First Nations Summit Resolution #0906.08, UBCIC Resolution no. 2007-22 and the BC Assembly of First Nations Resolution 10/2007;

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- D. The FNLC updated the draft template Declaration & Protocol of Recognition, Support, Cooperation and Coordination to reflect its 2010 Terms of Reference and Accountability Framework, and to allow for the optional inclusion of a Procedural Appendix; and,
- E. The FNLC and the Native Courtworker and Counselling Association of British Columbia wish to enter into a Declaration & Protocol of Recognition, Support, Cooperation and Coordination.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly support the attached Declaration & Protocol of Recognition, Support, Cooperation and Coordination agreement being entered into by the BCAFN, as a member of the First Nations Leadership Council (FNLC), with the Native Courtworker and Counselling Association of British Columbia;
2. The Chiefs in Assembly direct the BCAFN to work with the other members of the FNLC to execute a Declaration & Protocol of Recognition, Support, Cooperation and Coordination with the Native Courtworker and Counselling Association of British Columbia; and,
3. The Chiefs in Assembly direct the BCAFN to work with other members of the FNLC and the Native Courtworker and Counselling Association of British Columbia to provide regular reports to the BCAFN Chiefs in Assembly.

Supporting Documents:

- Draft Declaration & Protocol of Recognition, Support, Cooperation and Coordination between FNLC and the Native Courtworker and Counselling Association of British Columbia
-

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Resolution 03(e)/2013

**SUBJECT: SUPPORT FOR FIRST NATIONS LEADERSHIP COUNCIL ENTERING INTO A
DECLARATION & PROTOCOL OF RECOGNITION, SUPPORT, COOPERATION AND
COORDINATION WITH THE FIRST NATIONS FISHERIES COUNCIL**

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. The First Nations Leadership Council (FNLC) wishes to unite and cooperate with First Nations and First Nations/Aboriginal organizations with mandates in British Columbia to coordinate political and technical strengths toward the objectives of unity and advancing First Nations inherent, inalienable right of self-determination, Aboriginal Title and Rights, and Treaty Rights, and improving the socio-economic conditions of Indigenous Peoples;
- B. The United Nations Declaration on the Rights of Indigenous Peoples sets out in Article 5 that "Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State";
- C. The FNLC developed a draft template Declaration & Protocol of Recognition, Support, Cooperation and Coordination, to be entered into by the FNLC and First Nation/Aboriginal organizations with mandates in British Columbia to achieve this objective and this draft template was endorsed by the First Nations Summit Resolution #0906.08, UBCIC Resolution no. 2007-22 and the BC Assembly of First Nations Resolution 10/2007;

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- D. The FNLC updated the draft template Declaration & Protocol of Recognition, Support, Cooperation and Coordination to reflect its 2010 Terms of Reference and Accountability Framework, and to allow for the optional inclusion of a Procedural Appendix; and,
- E. The FNLC and the First Nations Fisheries Council wish to enter into a Declaration & Protocol of Recognition, Support, Cooperation and Coordination.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly support the attached Declaration & Protocol of Recognition, Support, Cooperation and Coordination agreement being entered into by the BCAFN, as a member of the First Nations Leadership Council (FNLC), with the First Nations Fisheries Council;
2. The Chiefs in Assembly direct the BCAFN to work with the other members of the FNLC to execute a Declaration & Protocol of Recognition, Support, Cooperation and Coordination with the First Nations Fisheries Council; and,
3. The Chiefs in Assembly direct the BCAFN to work with other members of the FNLC and the First Nations Fisheries Council to provide regular reports to the BCAFN Chiefs in Assembly.

Supporting Documents:

- Draft Declaration & Protocol of Recognition, Support, Cooperation and Coordination between FNLC and FNFC
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Resolution 03(f)/2013

**SUBJECT: SUPPORT FOR FIRST NATIONS LEADERSHIP COUNCIL ENTERING INTO A
DECLARATION & PROTOCOL OF RECOGNITION, SUPPORT, COOPERATION AND
COORDINATION WITH THE FIRST NATIONS SOCIAL DEVELOPMENT SOCIETY**

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. The First Nations Leadership Council (FNLC) wishes to unite and cooperate with First Nations and First Nations/Aboriginal organizations with mandates in British Columbia to coordinate political and technical strengths toward the objectives of unity and advancing First Nations inherent, inalienable right of self-determination, Aboriginal Title and Rights, and Treaty Rights, and improving the socio-economic conditions of Indigenous Peoples;
- B. The United Nations Declaration on the Rights of Indigenous Peoples sets out in Article 5 that "Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State";
- C. The FNLC developed a draft template Declaration & Protocol of Recognition, Support, Cooperation and Coordination, to be entered into by the FNLC and First Nation/Aboriginal organizations with mandates in British Columbia to achieve this objective and this draft template was endorsed by the First Nations Summit Resolution #0906.08, UBCIC Resolution no. 2007-22 and the BC Assembly of First Nations Resolution 10/2007;

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- D. The FNLC updated the draft template Declaration & Protocol of Recognition, Support, Cooperation and Coordination to reflect its 2010 Terms of Reference and Accountability Framework, and to allow for the optional inclusion of a Procedural Appendix; and,
- E. The FNLC and the First Nations Social Development Society wish to enter into a Declaration & Protocol of Recognition, Support, Cooperation and Coordination.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly support the attached Declaration & Protocol of Recognition, Support, Cooperation and Coordination agreement being entered into by the BCAFN, as a member of the First Nations Leadership Council (FNLC), with the First Nations Social Development Society;
2. The Chiefs in Assembly direct the BCAFN to work with the other members of the FNLC to execute a Declaration & Protocol of Recognition, Support, Cooperation and Coordination with the First Nations Social Development Society; and,
3. The Chiefs in Assembly direct the BCAFN to work with other members of the FNLC and the First Nations Social Development Society to provide regular reports to the BCAFN Chiefs in Assembly.

Supporting Documents:

- Draft Declaration & Protocol of Recognition, Support, Cooperation and Coordination between FNLC and FNSDS
-

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Resolution 03(g)/2013

SUBJECT: SUPPORT FOR INDIAN STUDIES SUPPORT PROGRAM

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. The Indian Studies Support Program (ISSP) provides financial assistance to First Nations post-secondary institutions for the design and delivery of college or university level courses for First Nation and Inuit students, including research and development of First Nation and Inuit education;
- B. For more than two decades, the ISSP in the BC Region has been successfully implemented collaboratively through AANDC BC Region and a Committee made up of regional representatives nominated by First Nations throughout BC. Together, the ISSP Committee and AANDC BC Region have worked diligently to implement the BC ISSP in an effective and fully accountable manner;
- C. The BC Region ISSP Committee is committed to the following objectives:
 - a. To promote access to quality First Nation Post-Secondary learning programs;
 - b. To encourage the preservation and maintenance of First Nation languages and cultures;
 - c. To support and encourage the development of accredited First Nation post-secondary programs;
 - d. To encourage First Nations people in the development of economic and social self-reliance through education and capacity building;
 - e. To secure consistent funding for external evaluations of programs funded by ISSP; and
 - f. To promote First Nations institutional and community capacity;

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- D. In spite of the serious deficiencies in funding availability, the ISSP Committee in BC Region has designed a transparent annual proposal process that provides an opportunity for all First Nations communities and post-secondary institutes to apply for funding through rigorous program and financial reporting procedures;
- E. In March 2013, Aboriginal Affairs and Northern Development Canada (AANDC) unilaterally announced that, starting this fiscal year (2013-2014), the Indian Studies Support Program (ISSP) funding will now be allocated through AANDC Headquarters (HQ) rather than through AANDC Regional Offices, and that the ISSP Committee is dissolved;
- F. The ISSP proposal review process in BC has already been completed for the 2013/2014 school year, with the full understanding and approval of AANDC BC Region. A re-review of applications by a national committee according to different guidelines at this time is highly detrimental and unfair to BC First Nations communities and institutes that have already devoted scarce resources to submit proposals in response to the AANDC-approved guidelines and timelines established in the BC Region;
- G. First Nations are working to build an integrated post-secondary system in BC and ISSP recipients in BC have for many years partnered with public post-secondary institutions to deliver programs. AANDC's unilateral changes part way through the process puts these and future partnerships in jeopardy; and
- H. AANDC must consult in a meaningful way with the BC First Nations, including the First Nations Education Steering Committee, the Indigenous Adult and Higher Learning Association, and the BC ISSP Committee, regarding the broader changes announced by AANDC.

THEREFORE BE IT RESOLVED THAT:

1. That Chiefs in Assembly call on Aboriginal Affairs and Northern Development Canada (AANDC) to:
 - a. maintain and support the 2013-2014 Indian Studies Support Program (ISS) guidelines for British Columbia First Nations;
 - b. support the British Columbia 2013-2014 ISSP allocation process, including the adjudication and recommendations for allocation decisions; and
 - c. rescind its decision to centralize ISSP in AANDC headquarters and return the ISSP decision making and funding to a BC First Nation organization to administer on behalf of BC First;
2. The Chiefs in Assembly support organizations like FNEESC, IAHLA, and BC ISSP Committee in calling on AANDC to ensure funding allocations to First Nations controlled community education programs and Indigenous Adult and Higher Learning Association Institutes in the Province of British Columbia.

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Resolution 3(h)/2013

SUBJECT: SUPPORT FOR INTER TRIBAL HEALTH AUTHORITY (FIRST NATIONS HOUSE OF HEALING) TO CONTINUE INDIAN RESIDENTIAL HEALING PROGRAMS FOR INDIAN RESIDENTIAL SCHOOL SURVIVORS AND THEIR FAMILIES

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. The Indian Residential Schools Settlement Agreement (IRSSA) is a legally binding agreement approved in nine court jurisdictions that was meant to be a fair, just and comprehensive resolution to the Indian Residential School (IRS) legacy;
- B. The IRSSA includes a provision that former IRS survivors and their families have right to mental health and emotional support services before, during and after the Common Experience Payment (CEP); Independent Assessment Process (IAP); Truth & Reconciliation and Commemoration activities;
- C. Article 8 (2) of the United Nations *Declaration on the Rights of Indigenous Peoples* states that:
“States shall provide effective mechanisms for prevention of, and redress for; (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; and (d) Any form of forced assimilation or integration;”
(A/RES/61/295 - Online copy: <http://www.un.org/esa/socdev/unpfii/en/drip.html>).
- D. Due to higher than anticipated applications into the IAP, adjudication of these claims is expected to extend to 2015;
- E. There is a need for Indian Residential healing programs for Indian Residential School Survivors and their families as long as the IAP continues;

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- F. Due to the delays of the Truth & Reconciliation Commission (TRC), the TRC is seeking an extension to their mandate to at least 2015 in order to meet the obligations of the IRSSA;
- G. Inter Tribal Health Authority (ITHA) exists to support its Member First Nations by enhancing the quality of life and well being of their people and families through community development, professional consultation and direct health services; and
- H. Since 2000 the ITHA has run a project, the First Nations House of Healing (FNHH), which has been funded by the Aboriginal Healing Foundation. Under this project the ITHA runs "Strength Through Healing" sessions, which are designed for adults to address the trauma of Indian Residential School; However, funding for this project is scheduled to cease. As of December 2013, the ITHA will no longer be in a position to offer this FNHH program without adequate funding.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly support efforts to ensure that former Indian Residential School (IRS) students have access to culturally appropriate and qualified treatment services and programs, such as those offered by the First Nations House of Healing (FNHH); and
2. The Chiefs in Assembly direct the BC Assembly of First Nations to write a letter of support to both Health Canada and the First Nations Health Authority, urging them to provide funds for the continuation of FNHH programs and services.

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BCAFN 10th ANNUAL GENERAL MEETING
River Rock Casino Resort—Richmond, BC
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Resolution 3(i)/2013

SUBJECT: SUPPORT FOR THE FIRST NATIONS AGRICULTURAL LENDING ASSOCIATION

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. First Nations farmers in British Columbia (BC) need access to financing on terms other than those traditionally provided by the financial services industry. Governments of BC and Canada need to partner with First Nations to provide alternative financing options and business support in the area of agriculture;
- B. The First Nations Agricultural Lending Association (FNALA) is an Aboriginal Capital Corporation (ACC), created in 1988, with the exclusive mandate to provide financing for agriculture and/or agriculturally related projects on and off reserve, to individuals who are Status, Non-Status, Métis and Inuit, in the Province of BC. FNALA is the only ACC in BC that specializes in agriculture and its one of five provincial organizations still in existence across Canada providing loans in agriculture;
- C. FNALA is governed by a First Nations Board of Directors, who themselves are members of First Nations communities in BC and FNALA provides financial assistance to the First Nations agricultural sector in BC through various avenues including, but not limited to, loans, mortgages, chattel mortgages and loans, lines of credit, administration of programs and grants, and assisting clients in establishing credit; and,
- D. In addition to financing agricultural and agri-food operations for Aboriginal clientele, FNALA is also involved in core activities which are designed to increase the impact of agricultural financial operations: Increasing association lending activities by general promotion to Aboriginal people about agriculture and its economic and social opportunities, and fostering and encouraging the overall economic and social well-being of Aboriginal agriculture in BC. FNALA is currently the

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only private career training institute in BC exclusively focused on agricultural training services to Aboriginal and non-Aboriginal students.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly recognize that the First Nations Agricultural Lending Association (FNALA) is governed by a First Nations Board of Directors, and fully supports the continued work of FNALA in its efforts towards providing financial assistance to the First Nations agricultural sector in British Columbia (BC);
2. The Chiefs in Assembly recognize FNALA's mandate to promote the importance and economic potential of agriculture—including areas of agri-business to First Nations people in BC, increase the capital base available to First Nations agricultural communities in BC, encourage responsible and economically sound farm management that remains consistent with traditional spiritual and cultural values (i.e., environmental sustainability) and the needs of families and communities, encourage First Nations youth to consider agriculture as an economically viable career opportunity, and encourage the development of production and business skills in BC First Nations agricultural communities;
3. The Chiefs in Assembly direct the Regional Chief to communicate support for this resolution by sending a letter to the Minister of Aboriginal Affairs and Northern Development Canada (AANDC) advocating for full recognition of FNALA as the lead First Nations agricultural lending authority in BC that is well positioned through its provincial and national acknowledgement as an innovator and economic leader in the agricultural sector; and
4. The Chiefs in Assembly direct the Regional Chief to urge the federal and provincial governments to work cooperatively with, and provide funding for First Nations people and communities in BC administered by FNALA to develop coordinated province-wide agricultural financial assistance to the First Nations agricultural sector in BC.

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BCAFN 10th ANNUAL GENERAL MEETING
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Resolution 3(j)/2013

**SUBJECT: SUPPORT FOR THE FIRST NATIONS CHILD AND FAMILY WELLNESS COUNCIL'S
CONTINUED ADVOCACY IN IMPLEMENTING THE ENHANCED PREVENTION
FOCUSED APPROACH**

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples states:

Article 18: Indigenous peoples have the right to participate in decision-making matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions; and

Article 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities;

- B. The First Nations Child and Family Wellness Council (FNCFWC) is working in alignment with Nations and communities to support BC First Nations continued control over their children and families by advancing the Indigenous Child at the Centre Action Plan (ICCAP) — a 46 point plan to support all First Nations in British Columbia to achieve their objectives for child and family wellness;
- C. The FNCFWC's role is supported and strengthened by the partnership outlined in the Declaration & Protocol of Recognition, Support, Cooperation and Coordination, which was signed between the First Nations Leadership Council (FNLC) [BC Assembly of First Nations, First Nations Summit, and the Union of BC Indian Chiefs] and the FNCFWC. The Declaration & Protocol commits all

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parties to work together in a cooperative manner to support First Nations child and family wellness, including that:

- a) First Nations and Aboriginal organizations with mandates in BC must coordinate their political and technical strengths toward the objectives of the Declaration and advancing Aboriginal Title and Rights, and Treaty Rights, and improving the socio-economic conditions of First Nations people and communities in British Columbia; and
 - b) The FNCFWC and the FNLC identify communication processes exchange information, and streamline efforts;
- D. At the Indigenous Child at the Centre Forums IV and V, First Nations leadership emphasized that First Nations in BC require seats at any provincial/federal table where First Nations children are being discussed;
- E. FNS Resolution #1210.10 and UBCIC Resolution 2010-60 affirm the First Nations Summit, the Union of BC Indian Chiefs, the BC Assembly of First Nations and the FNCFWC will collectively advocate for the Enhanced Prevention Focused Approach funding flowing to BC and that all BC First Nations are eligible to receive prevention funding;
- F. In June 2012 and October 2012, the FNCFWC met with Aboriginal Affairs and Northern Development Canada (AANDC) to advocate for the implementation of the Enhanced Prevention Focused Approach in BC and for prevention funding to be accessible by all 203 First Nations;
- G. In January 2013, the FNCFWC was allowed by AANDC to participate in tripartite discussion on the implementation of the Enhanced Prevention Focused Approach for British Columbia, based on AANDC's acknowledgment that eighty four (84) First Nations are not being represented by a Delegated Authority. Other participants at the meeting included the First Nations Directors Forum (Directors Forum) and the Ministry of Children and Family Development (MCFD);
- H. Further implementation of the Enhanced Prevention Focused Approach will involve an advisory Tripartite Table comprised of three (3) representatives from the Directors Forum, 3 from AANDC, 3 from MCFD, and 3 representing First Nations Leadership; and
- I. The FNCFWC seeks support from First Nations leadership to advocate throughout the Tripartite Table discussions. In particular, the FNCFWC seeks to address:
- a) Enhanced Prevention Focused Approach funding accessible to all 203 First Nations;
 - b) Representation and involvement of leadership of First Nations without Delegated Authority in the implementation of the Enhanced Prevention Focused Approach;
 - c) Enhanced Prevention Focused Approach funding implemented by 2014/2015 or sooner;
 - d) Enhanced Prevention Focused Approach funding equal or greater to what other provinces receive; and
 - e) Enhanced Prevention Focused Approach funding reflective of community requirements, i.e. primary, secondary and tertiary prevention models.

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THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly support the First Nations Child and Family Wellness Council's efforts to continue:
 - a) Advocating for the implementation of the Enhanced Prevention Focused Approach in BC that includes First Nations, BC, and Canada;
 - b) Advocating for the involvement of First Nations leadership in the implementation of the Enhanced Prevention Focused Approach; and
 - c) Disseminating all related information to all Nations and communities;
2. The Chiefs in Assembly direct the First Nations Child and Family Wellness Council to report back to the Assembly with progress updates regarding any Enhanced Prevention Focused Approach funding flowing to BC First Nations.

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BCAFN 10th ANNUAL GENERAL MEETING
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Resolution 3(k)/2013

**SUBJECT: BILATERAL ENHANCED PREVENTION FOCUSED APPROACH ARRANGEMENTS
BETWEEN FIRST NATIONS (NOT AFFILIATED WITH DELEGATED AGENCIES) AND
ABORIGINAL AFFAIRS AND NORTHERN DEVELOPMENT CANADA (AANDC)**

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. The First Nation Child and Family Wellness Council (FNCFWC) is working in alignment with Nations and communities to support BC First Nations' continued control over their children and families by advancing the Indigenous Child at the Centre Action Plan (ICCAP), a 46 point plan to support all First Nations in British Columbia to achieve their objectives for child and family wellness, as mandated by BC Assembly of First Nations Resolution #09(e)/2009;
- B. The FNCFWC's role is supported and strengthened by the partnership outlined in the 2012 *Declaration & Protocol of Recognition, Support, Cooperation and Coordination*, which was signed between the First Nations Leadership Council (FNLC) (a cooperative working relationship between the BC Assembly of First Nations (BCAFN), First Nations Summit (FNS), and the Union of BC Indian Chiefs (UBCIC)) and the FNCFWC. The *Declaration & Protocol* commits all parties to work together in a cooperative manner to support First Nations child and family wellness, including that:
 1. First Nations and Aboriginal organizations with mandates in BC must coordinate their political and technical strengths toward the objectives of the *Declaration & Protocol* and advancing Aboriginal Title and Rights, and Treaty Rights, and improving the socio-economic conditions of First Nations people and communities in British Columbia; and
 2. The FNCFWC and the FNLC identify communication processes, exchange information, and streamline efforts;

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C. The *United Nations Declaration on the Rights of Indigenous Peoples* states:

Article 18: Indigenous peoples have the right to participate in decision-making matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions;

Article 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities;

- D. Aboriginal Affairs and Northern Development Canada (AANDC) is proposing a tripartite process to develop (First Nations, First Nations Delegated Aboriginal Agencies, AANDC, and the Ministry of Children and Family Development [MCFD]) the Enhanced Prevention Focused Approach Framework, which will guide the implementation of the EPFA;
- E. In January 2013, the FNCFWC was invited by AANDC to observe tripartite discussions on the development process for the EPFA, based on AANDC's acknowledgement that eighty-four First Nations were not being represented by a Delegated Authority. Other participants at the meeting included the Directors Forum and MCFD;
- F. In January 2013, an implementation structure was developed for the EPFA to include a Tripartite Steering Committee comprised of:
- a) 3 representatives from the Directors Forum;
 - b) 3 from AANDC;
 - c) 3 from MCFD;
 - d) 3 representing First Nations Leadership. It should be noted that these 3 seats are designated for leaders of First Nations who are not represented by Delegated Authorities; and
 - e) a Technical Working Group to support the implementation of the EPFA;
- G. AANDC hosted a Leadership Meeting on March 14-15, 2013 in Vancouver to provide general information on the EPFA. The proceedings included discussion around:
- 1. The EPFA;
 - 2. What the EPFA looks like in other provinces;
 - 3. Evaluations of the EPFA in other provinces; and

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4. Propose implementation structure for EPFA (Tripartite Steering Committee and Technical Working Group).
-
- H. At the AANDC hosted Leadership Meeting the Chiefs in Attendance directed the FNCFWC to host a subsequent meeting to invite the eighty-four First Nations to further discuss the EPFA;
 - I. At the meeting hosted by the FNCFWC on April 15, 2013, in Richmond, BC the Chiefs unanimously decided:
 1. Not to participate in the AANDC-tabled tripartite process to implement the EPFA; the Chiefs also did not appoint a representative by virtue of this position;
 2. Each First Nation not affiliated with a Delegated Agency requires a direct fiscal relationship with AANDC and the EPFA would be a program within the funding arrangement; and
 3. To direct the FNCFWC to participate at the technical level in advocacy and information sharing; and
 - J. The Chiefs of the First Nations in attendance directed the FNCFWC to seek action from the FNS, UBCIC, and the BCAFN to:
 1. Urge the federal government to develop direct fiscal arrangements with the 84 First Nations not affiliated with a Delegated Agency and that EPFA will be contained within those funding arrangements; and
 2. Urge the federal government to remove the provincial government, specifically MCFD, from the EPFA process, with the 84 First Nations not affiliated with a Delegated Agency, altogether.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly urge the federal government to:
 - a. develop direct fiscal arrangements with the 84 First Nations not affiliated with a Delegated Agency and that the Enhanced Prevention Focused Approach (EPFA) will be contained within those funding arrangements; and
 - b. completely remove the provincial government, specifically the Ministry of Children and Family Development (MCFD), from the EPFA process, with the 84 First Nations not affiliated with a Delegated Agency; and,
2. The Chiefs in Assembly:
 - a. request that the First Nation Child and Family Wellness Council (FNCFWC) disseminate all related information to First Nations and communities;

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- b. support efforts of the FNCFWC to continue advocating for the 84 First Nations not affiliated with a Delegated Agency throughout the EPFA process; and
- c. request the FNCFWC to report back to the Chiefs in Assembly on any progress regarding implementation of the EPFA.

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BCAFN 10th ANNUAL GENERAL MEETING
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Resolution 3(I)/2013

SUBJECT: SUPPORT FOR DOIG RIVER FIRST NATION

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. Doig River First Nation and the Blueberry River First Nations are the successor First Nations to the Fort St. John Beaver Band, which became a signatory to Treaty 8 in 1900;
- B. Treaty 8 entitles each signatory First Nation to 128 acres of reserve land per person;
- C. The Crown failed to provide the Fort St. John Beaver Band with adequate reserve land pursuant to the Treaty terms and, as such, breached its Treaty obligations;
- D. The Crown has a lawful obligation to right this wrong and provide a fair settlement of the outstanding Treaty Land Entitlement Claim to the Fort St. John Beaver Band's two successor First Nations, Doig River First Nation and Blueberry River First Nations;
- E. Doig River First Nation submitted its Treaty Land Entitlement Specific Claim to Specific Claims Branch, Indian and Northern Affairs Canada in June 1999. On September 9, 2004, Canada accepted that it owed a lawful obligation and agreed to enter negotiations;
- F. Since 2005, Doig River First Nation has been engaged in Treaty Land Entitlement negotiations with the Government of Canada, the Government of British Columbia, and Blueberry River First Nations;
- G. The Treaty Land Entitlement negotiations have yet to be resolved. There have been delays as Canada worked through internal issues and due to funding cuts. Further, although the parties recognize that there is important work to be done in the coming year to resolve land and

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compensation issues, the Government of Canada has sharply reduced loan funding available to support the First Nations in the work they need to do to ensure that the negotiated agreement is fair; and

- H. The Government of British Columbia does not, and has not to-date, provided negotiation funding of any sort to assist the First Nations in doing the internal work needed to ensure a fair deal, acceptable to all parties, is reached.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly support Doig River First Nation's request to the Governments of Canada and British Columbia to move the Treaty Land Entitlement negotiations forward in a timely manner; and
2. The Chiefs in Assembly support Doig River First Nation's request to the Governments of Canada and British Columbia to provide sufficient loan funding and/or funding grants to support a fair negotiation of the outstanding Treaty Land Entitlement.

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Resolution 3(m)/2013

SUBJECT: SUPPORT FOR THE FINAL REPORT AND CONTINUED WORK OF THE BC FIRST NATIONS CONSULTATION AND ACCOMODATION WORKING GROUP

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. First Nations have always, and continue to hold, Aboriginal Title to the lands and resources within their respective territories. The Supreme Court of Canada has also confirmed that Aboriginal Title has an “inescapable economic component”, and Title-holders have the right to the exclusive use and occupation of the land and to choose the uses to which the land is put;
- B. The court rulings in Haida and Taku require the provincial and federal government to fulfill their duties to act honourably toward all First Nations through meaningful consultation and accommodation, and through good faith negotiations aimed at reconciliation of Aboriginal sovereignty, title and asserted Crown sovereignty;
- C. The United Nations Declaration on the Rights of Indigenous Peoples affirms Indigenous rights to own, use, develop and control lands and resources, and requires States to give legal recognition and protection to these rights, through, inter alia, obtaining Indigenous peoples’ “free, prior and informed consent” before adopting legislative or administrative measures affecting Indigenous peoples and before approving any project affecting their lands and resources;
- D. The legal duty to consult and accommodate First Nations for infringements to unextinguished Aboriginal Title and Rights, and Treaty Rights, is a burden on asserted Crown title. Consultation is only an interim step in the process of reconciliation;
- E. In 2011, the UBCIC, First Nations Summit, and BC Assembly of First Nations, collectively formed the BC First Nations Consultation and Accommodation Working Group (“Working Group”), as

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mandated through respective resolutions including BC Assembly of First Nations resolution 01(d)/2012;

- F. The Working Group developed Terms of Reference and a workplan, and secured funding to complete the work as mandated through resolution;
- G. The Working Group hired contractors to carry out research in six areas (international law, economic policy, First Nations law, common law, provincial policy, and federal policy), and created a final draft report for presentation to the Chiefs, with each of the research pieces appended to it except for the First Nations policy piece, which requires input from First Nations; and
- H. The UBCIC Chiefs Council passed resolution #2013-03 and the First Nations Summit passed resolution #0313.09 that support and endorse the Report on Key Findings of the BC First Nations Consultation and Accommodation Working Group "Advancing an Indigenous Framework for Consultation and Accommodation in BC". The Working Group has been directed to seek support from the BC Assembly of First Nations, and then to produce and circulate a final version to all First Nations in BC.

THEREFORE BE IT RESOLVED THAT:

- 1. The Chiefs in Assembly support and endorse the Report on Key Findings of the BC First Nations Consultation and Accommodation Working Group "Advancing an Indigenous Framework for Consultation and Accommodation in BC" and direct the Working Group to produce and circulate a final version to all First Nations in BC;
- 2. The Chiefs in Assembly direct the Working Group to develop a proposal to present to First Nations leadership in BC with respect to possible further steps for this work; and
- 3. The Chiefs in Assembly direct the BC Assembly of First Nations to work with the Union of BC Indian Chiefs and the First Nations Summit to secure a separate source of funding to support possible further steps proposed by the Working Group to First Nations Leadership in BC.

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BCAFN 10th ANNUAL GENERAL MEETING
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Resolution 3(n)/2013

SUBJECT: BC GOVERNMENT INCREMENTAL ORE REVENUE SHARING POLICY

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. In 2005, the Province and the First Nations Leadership Council committed to the New Relationship Vision Statement which includes the goal:

To achieve First Nations self-determination through the exercise of their aboriginal title including realizing the economic component of aboriginal title; and exercising their jurisdiction over the use of the land and resources through their own structures;

- B. In 2005, the Province, the FNLC, and the Federal Government entered into the Transformative Change Accord which sets out:

The purpose of this Accord is to bring together the Government of British Columbia, First Nations and the Government of Canada to achieve the goals of closing the social and economic gap between First Nations and other British Columbians over the next 10 years, of reconciling aboriginal rights and title with those of the Crown, and of establishing a new relationship based upon mutual respect and recognition. The Accord acknowledges and respects established and evolving jurisdictional and fiduciary relationships and responsibilities and will be implemented in a manner that seeks to remove impediments to progress by establishing effective working relationships;

- C. The United Nations Declaration on the Rights of Indigenous Peoples sets out that States must take effective measures to ensure continuing improvement of Indigenous peoples economic and social conditions (Article 21); Indigenous peoples have the right to determine priorities and strategies for exercising their right to development (Article 23); and Indigenous peoples have the right to redress, including compensation for the lands, territories and resources which they have

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traditionally owned and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent (Article 28); and

- D. The Province has agreed to share the full amount of mining revenue tax from new mines with First Nations through Economic Community Development Agreements, but the Province appears to be taking a fixed, take-it-or-leave-it position with some First Nations in BC on mining revenue sharing agreements for existing mines (i.e. expansions), such that they are willing to share only a portion of mining tax revenue that the Province attributes to the expansion activities - this portion the province calls the "incremental ore".

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly call on the Provincial Government to change its current policy of sharing only a portion of mining tax revenue that the Province attributes to expansion activities ("incremental ore"), with First Nations affected by existing mining projects; and
2. The Chiefs in Assembly direct the BC Assembly of First Nations to work with the First Nations Summit and the Union of BC Indian Chiefs, as the First Nations Leadership Council, and with the BC First Nations Energy and Mining Council and other like-minded organizations, to strongly advocate for a change of the provincial policy of only offering revenue sharing of incremental ore from mining projects undergoing an expansion, to a policy that sees the revenue sharing of all the ore processed/produced from mine expansion projects.

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BCAFN 10th ANNUAL GENERAL MEETING
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Resolution 3(o)/2013

SUBJECT: SUPPORT FOR KITSELAS FIRST NATION IN THE JUDICIAL REVIEW OF THE SPECIFIC CLAIMS TRIBUNAL DECISION

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. On October 16, 2008, the Kitselas First Nation filed a specific claim with the Minister of Aboriginal Affairs and Northern Development Canada regarding its unreserved (10 acre) village site adjacent to Kitselas Indian Reserve No. 1 ("Specific Claim");
- B. On October 21, 2009, Canada rejected the Specific Claim for negotiation, and on September 29, 2011, the Kitselas First Nation filed its rejected Specific Claim with the Specific Claims Tribunal ("Tribunal");
- C. In the interest of Crown-First Nations reconciliation, the Tribunal was established by the *Specific Claims Tribunal Act* as an independent body mandated to make binding decisions to resolve specific claims in a timely manner where claims are rejected for negotiation or where negotiations fail;
- D. In February 2013, the Tribunal found that Canada had a fiduciary duty to ensure the village site was allotted as a reserve in 1891 and the Kitselas First Nation successfully established at the Tribunal that Canada breached the legal obligations of the Crown;
- E. On March 22, 2013, Canada challenged the Tribunal's decision at the Federal Court of Appeal by applying for judicial review of the Tribunal's decision;
- F. The Kitselas First Nation will receive no financial support from Canada for their necessary participation in this judicial review;

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Jody Wilson-Raybould, BC Regional Chief

- G. The outcome of this judicial review will profoundly impact all First Nations in British Columbia, and the prospects for a meaningful and lasting reconciliation with the Crown since the Federal Court's decision in this judicial review will be binding on the Tribunal in its consideration of all future specific claims by First Nations. If Canada is able to minimize its responsibilities as a fiduciary, it will succeed in limiting the scope and level of redress and compensation it owes First Nations with specific claims across Canada;
- H. Canada is entirely and unequivocally undermining the stated objectives of resolving specific claims in an impartial, fair and timely manner to promote meaningful reconciliation between First Nations and the Crown by challenging the legislated authority of the Tribunal to determine questions of law and fact and make binding decisions in accordance with principles of justice; and
- I. The *United Nations Declaration on the Rights of Indigenous Peoples* affirms:

Article 8(2): States shall provide effective mechanisms for prevention of, and redress for... (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

Article 28(1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which then have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent;

Article 26(2) Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly fully support the Kitselas First Nation in its efforts to reach a fair, just and timely resolution of its Specific Claim;
2. The Chiefs in Assembly recognize the extreme importance of this proceeding in setting a precedent in the law and defining the authority and relevance of the Tribunal; and
3. The Chiefs in Assembly fully support the Union of BC Indian Chiefs and its partners in their application to intervene in the judicial review of the Tribunal's decision in the Kitselas Specific Claim.

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BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

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BCAFN 10th ANNUAL GENERAL MEETING
River Rock Casino Resort — Richmond, BC
June 26-27, 2013

Resolution 3(p)/2013

SUBJECT: SUPPORT FOR THE BCAFN TO ENGAGE IMMEDIATELY WITH PREMIER CHRISTY CLARK AND THE NEW BC CABINET

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLLOOK FIRST NATION

SECONDED BY: SHANA MANSON, PROXY FOR LYACKSON FIRST NATION

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 03/2013

WHEREAS:

- A. On May 14, 2013, the provincial election in BC resulted in Premier Christy Clark and the BC Liberal Party returning to office;
- B. During the BC Throne Speech, June 26, 2013, the government of BC signalled that under the Clark government, work would continue to “secure non-treaty economic benefit agreements with First Nations.” The government further committed to “finalizing long-term treaties and partnerships, including additional revenue-sharing agreements, to seize economic development opportunities, particularly in the area of liquefied natural gas...”;
- C. As the Clark government begins a new four year mandate, an opportunity exists for First Nations in BC to influence the new government, and to partner with the government to make change for First Nations in British Columbia and, in doing so, to make positive changes for all British Columbians;
- D. The BCAFN *Building on OUR Success* Action Plan focuses on four interrelated pillars: Strong and Appropriate Governance, Access to Fair Lands and Resources, Improved Education, and Individual Health. As the newly elected BC government builds their agenda, it will be important for the BCAFN and BC First Nations to work together to ensure that the priorities of our BC First Nations continue to be brought forward;
- E. The BCAFN has, in the past, and continues to seek high-level of engagement with the BC government, in order to strategically address key issues relating to First Nations quality of life,

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resource issues, and economic issues and to create opportunities and space for the Crown to meet directly with BC First Nations, as the rights and title holders; and

- F. High-level political engagement, is identified in the BCAFN Legal/Political Strategy (BCAFN Resolution 01(e)/2012) as key to our collective success as BC First Nations, and will be important in order to set a joint agenda for change in BC with the province over the new government's four year mandate.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly direct the Regional Chief to secure financial resources in order to carry out an early joint BCAFN-Provincial meeting between BC Premier Christy Clark, the BC Cabinet and First Nations leaders in the Province to dialogue on issues relating to Aboriginal title and rights, including treaty rights, and to begin to set a joint agenda for change in BC.

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Jedy Wilson-Raybould, BC Regional Chief