



BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

507 – 100 Park Royal
West Vancouver, BC V7T 1A2
Telephone: 604-922-7733
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Website: www.bcafn.ca

BCAFN 11th ANNUAL GENERAL MEETING
Sheraton Wall Centre — Vancouver, BC
September 9-10, 2014

Resolution 01/2014

SUBJECT: TRANSITION OF REGIONAL CHIEF JODY WILSON-RAYBOULD

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF BRUCE UNDERWOOD, PAUQUACHIN FIRST NATION

DECISION: CARRIED BY CONSENSUS

WHEREAS:

- A. On July 31, 2014, Jody Wilson-Raybould, Regional Chief of the BC Assembly of First Nations (BCAFN), was officially acclaimed as the Liberal Party of Canada candidate for the federal election currently scheduled for October 19, 2015 for the new federal riding of Vancouver Granville;
- B. The BCAFN Bylaws do not prohibit a Regional Chief from running for political office outside of the BCAFN and this scenario is addressed in the BCAFN Governance Manual which directs that the Regional Chief take a leave of absence throughout the official campaign period, which begins on the date that the Regional Chief files his or her nomination papers for the election with the electoral officer;
- C. The BCAFN Board of Directors unanimously supports the Regional Chief's decision to become a candidate in the 2015 federal election and has passed a resolution of the Board indicating their support for the Regional Chief continuing in her role as the political lead of the organization until the official campaign period begins or until the Board and the Regional Chief mutually agree to a process of transition leading into the 2015 federal election that is both appropriate and respectful; and,
- D. Regional Chief Jody Wilson-Raybould's current term ends December 31, 2015, with an election to be held in November, 2015.

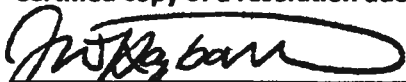
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Jody Wilson-Raybould, BC Regional Chief

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly have full confidence that Regional Chief Jody Wilson-Raybould can undertake her responsibilities as Regional Chief while at the same time being a federal Liberal candidate in the 2015 general election and further recognize the important and ongoing work of the BCAFN under the leadership of Regional Chief Jody Wilson-Raybould;
2. The Chiefs in Assembly acknowledge that the Regional Chief and the BCAFN Board of Directors are developing a transition plan for Regional Chief Jody Wilson-Raybould leading up to the 2015 federal election;
3. The Chiefs in Assembly support the development of this transition plan and direct that the plan shall ensure:
 - a. regular and frequent meetings of the BCAFN Board of Directors over the next several months to discuss and address any real or potential conflicts or political implications that may arise during the transition period;
 - b. at a time to be determined by the BCAFN Board of Directors and the Regional Chief, Regional Chief Jody Wilson-Raybould will step back from her role as the political lead of the BCAFN at which time an Acting Regional Chief will be appointed by the Regional Chief, with the support of the Board, from within the Board of Directors to act as the primary political, financial and administrative lead of the BCAFN until the next election for Regional Chief; and,
 - c. through the transition, and after the appointment of an Acting Regional Chief, Jody Wilson-Raybould commits to continue to be involved with the BCAFN in an advisory capacity and at the direction of the Acting Regional Chief working with the Board of Directors until such time that the Board of Directors and Jody Wilson-Raybould mutually agree that her advisory role is complete, and in any case no later than after the date the writ is dropped for the 2015 federal election in accordance with the Bylaws of the BCAFN; and,
4. The Chiefs in Assembly direct that the BCAFN 12th Annual General Meeting will take place in June or July of 2015, in Vancouver, BC, at which time an election will be held for Regional Chief.

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Jody Wilson-Raybould, BC Regional Chief



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BCAFN 11th Annual General Meeting
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Resolution 02/2014

SUBJECT: APPROVAL OF AUDIT

MOVED BY: CHIEF JUSTA MONK, TL'AZT'EN NATION

SECONDED BY: CHIEF MICHAEL LEBOURDAIS, WHISPERING PINES CLINTON BAND

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 2013-2014 fiscal year to the Chiefs in Assembly.

THEREFORE BE IT RESOLVED THAT:

1. The audit report for the 2013-2014 fiscal year is hereby adopted as presented by the Chiefs in Assembly.

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Jody Wilson-Raybould, BC Regional Chief

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**BCAFN 11th Annual General Meeting
Sheraton Wall Centre – Vancouver, BC
September 9-10, 2014**

Resolution 03/2014

SUBJECT: APPOINTMENT OF AN AUDITOR

Moved by: DEB FOXCROFT, PROXY FOR EHATTESAHT FIRST NATION

Seconded by: CHIEF LUCINDA PHILLIPS, LIL'WAT 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 2013-2014 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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Jody Wilson-Raybould, BC Regional Chief



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BCAFN 11th ANNUAL GENERAL MEETING
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Resolution 04/2014

SUBJECT: OMNIBUS RESOLUTION TO ADOPT FOUR RESOLUTIONS

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF SIDNEY DOUGLAS, CHEAM INDIAN BAND

DECISION: CARRIED BY CONSENSUS

WHEREAS:

- A. Upon review of the draft resolutions, it was determined that four of the resolutions were resolutions that the BC Assembly of First Nations (BCAFN) Chiefs-in-Assembly could support via an omnibus resolution.

THEREFORE BE IT RESOLVED THAT:

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

- Resolution 4(a): Improving Education Outcomes for First Nations Learners in Public Schools;
- Resolution 4(b): First Nations Child and Family Services in British Columbia;
- Resolution 4(c): Support for the Formation of a BC Aboriginal Justice Council; and,
- Resolution 4(d): Support for the Tsilhqot'in Nation by Coordinating Assistance in Engagement and Implementation of the Tsilhqot'in Nation Judgment.

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Jody Wilson-Raybould, BC Regional Chief



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BCAFN 11th Annual General Meeting
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Resolution 04(a)/2014

SUBJECT: IMPROVING EDUCATION OUTCOMES FOR FIRST NATIONS LEARNERS IN PUBLIC SCHOOLS

Moved by: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF SIDNEY DOUGLAS, CHEAM INDIAN BAND

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 04/2014

WHEREAS:

- A. The First Nations Education Steering Committee (FNEC) and the British Columbia (BC) Ministry of Education both helped to establish the BC Aboriginal Education Partners Group, which brings together a range of education organizations and government agencies relevant to the K-12 education system with the goal of improving the success of Aboriginal students in BC;
- B. FNEC and the Province of BC signed the 2012 Tripartite Education Framework Agreement (TEFA), which recognizes that the parties have developed a collaborative partnership on educational initiatives, and commits the parties to work together to close gaps in educational outcomes between First Nations and non-First Nations students;
- C. The positive relationship between First Nations and the BC Ministry of Education is reflected in the steady increase in graduation rates for Aboriginal students attending provincial public schools in BC, which is now at 60% – among the highest in the country;
- D. FNEC and the BC Ministry of Education have jointly recognized the need for and have made a commitment to work toward continued improvements in outcomes for First Nations students;

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E. The BC Ministry of Education has shared considerable data on Aboriginal student achievement rates, including the following:

- There remains a persistent gap in graduation rates for Aboriginal students (60% versus 86% for non-Aboriginal students);
- There is an alarmingly low graduation rate of 41% for children in care, and particularly a 30% graduation rate for Aboriginal male children in care;
- 30% of School Leaving Certificates, which are not recognized for direct entry into post-secondary education, are awarded to Aboriginal students;
- Ministry of Education requirements stipulate that students who receive School Completion Certificates should have an Individual Education Plan in place. However, in 2012/13, Aboriginal students made up 27% of students who graduated with a School Completion Certificate without a designated special need, contrary to Ministry of Education instructions;
- In 2012/2013, 38% of students in Alternate Education were Aboriginal. In that year, the completion rate for Aboriginal students who had at some point attended Alternate Education was 22.9%; and,
- Limited numbers of Aboriginal students are taking advantage of the Ministry's Education Guarantee, which provides tuition-free courses to graduated adults who are upgrading their high school education;

F. The BC Ministry of Education's Accountability Framework is intended to make school boards and district superintendents responsible for improvements in student achievement, including improvements in Aboriginal student outcomes like those described above. The Framework involves a reporting cycle consisting of three key components: District Achievement Contracts (formerly "Accountability Contracts"), District Superintendent's Reports on Student Achievement, and School Plans; and,

G. FNEESC has conducted a review of the Ministry of Education's Accountability Framework Policy, which resulted in 18 recommendations for how the Framework might be improved in order to address the needs of Aboriginal learners (see attached list of recommendations).

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly fully support continued joint efforts by FNEESC and the BC Ministry of Education to review and enhance the accountability framework for the benefit of First Nation learners attending provincial public schools, including jointly advancing the recommendations highlighted through the FNEESC sponsored review of the BC Education Accountability Framework. This work is to involve the development and implementation of measures aimed at raising student outcomes, including, in particular:

- The continued gap in graduation rates between Aboriginal and non-Aboriginal learners;

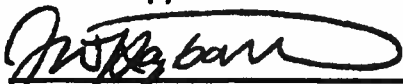
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Jody Wilson-Raybould, BC Regional Chief

- The over-representation of Aboriginal students in special education categories;
- The disproportionate number of Aboriginal students receiving School Leaving Certificates, including Aboriginal students who have not been designated as having special needs, contrary to Ministry instructions;
- The extremely low graduation rate for alternate education programs and the over-representation of Aboriginal students in them;
- The critically low success rates of Aboriginal students in care; and,
- The needs of Aboriginal adult students, including enrolment of graduated adult Aboriginal students in courses funded through the Ministry's Education Guarantee.

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BCAFN 11th Annual General Meeting
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Resolution 04(b)/2014

SUBJECT: FIRST NATIONS CHILD AND FAMILY SERVICES IN BRITISH COLUMBIA

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF SIDNEY DOUGLAS, CHEAM INDIAN BAND

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 04/2014

WHEREAS:

- A. The Ministry of Children and Family Development (MCFD) continues to make decisions affecting the lives of First Nations children and families without consulting with First Nations and without responding to numerous requests for dialogue and information sharing;
- B. MCFD has a fiduciary duty to consult with First Nations prior to making decisions;
- C. The current MCFD program for funding community based programming, known as Aboriginal Service Innovations (ASI), is a one-year program that does not allow for cultural practices to be included as part of service delivery; and,
- D. The Province of British Columbia is dependent on revenues from resources that are contained within First Nations traditional territories but provides First Nations with few opportunities for input on the use of those resource revenues.

THEREFORE BE IT RESOLVED THAT:

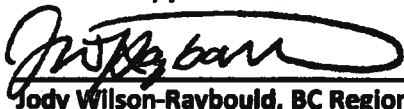
1. The Chiefs in Assembly direct the BC Assembly of First Nations (BCAFN) to work in conjunction with the Union of BC Indian Chiefs (UBCIC) and the First Nations Summit (FNS) to make First Nations jurisdiction over child and family services a priority issue during the remainder of the 2014/15 fiscal year;

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2. That the Chiefs in Assembly direct the BCAFN to work in conjunction with the UBCIC and FNS to demand a meeting with the provincial Ministry of Children and Family Development (MCFD) Minister and Deputy-Minister as soon as possible in order to discuss issues including:
 - a. First Nations jurisdiction over child and family services;
 - b. long-term plans and sustained, multi-year funding for First Nations children and family programs that are community-driven and culturally appropriate, including jurisdiction;
 - c. the implementation of recommendations from the Representative for Children and Youth's office and quarterly updates on the progress of implementing those recommendations, and the time frame for implementing changes and consulting with First Nations;
 - d. quarterly progress reports on all MCFD service stream areas where First Nations children and families are affected; and,
 - e. the progress on or existence of an Aboriginal advocacy plan;
3. The Chiefs in Assembly direct the BCAFN to work with the UBCIC and FNS, to invite the Minister for MCFD to attend future gatherings to provide updates;
4. The Chiefs in Assembly direct the BCAFN to work in conjunction with the UBCIC and FNS, to support efforts to bring the crisis in Aboriginal child welfare to the public's attention, including participating in press conferences and public demonstrations and activities; and,
5. The Chiefs in Assembly support the creation of an ad hoc Chiefs' working committee, with three members appointed from each region, which will examine the current landscape for First Nations child and family services across BC and prepare a report within six months and provide possible next steps.

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Resolution 04(c)/2014

SUBJECT: SUPPORT FOR THE FORMATION OF A BC ABORIGINAL JUSTICE COUNCIL

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF SIDNEY DOUGLAS, CHEAM INDIAN BAND

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 04/2014

WHEREAS:

- A. Aboriginal justice issues have historically been mishandled, understated and ignored by the province of BC;
- B. The BC Assembly of First Nations Chiefs in Assembly passed BCAFN Resolution 08/2007 which endorses and supports the implementation of the BC First Nations Justice Action Plan, which called for the formation of a BC First Nation Justice Council, and BCAFN Resolution 09/2007 which supports the "concept of a representative and inclusive BC First Nations Justice Council to address province-wide matters, with respect to the issues of First Nations justice";
- C. The BC Assembly of First Nations Chiefs in Assembly passed BCAFN Resolution 03(d)/2013 which endorses and supports the *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* between the BC Assembly of First Nations, as part of the First Nations Leadership Council, with the Native Courtworker and Counselling Association of British Columbia;
- D. The *United Nations Declaration on the Rights of Indigenous Peoples* states:
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.

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Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination”; and

E. The Native Courtworker and Counselling Association of BC developed the *Social Justice Policy Platform and Strategic Plan* in Richmond in 2013 that included the following commitments:

1. Address the absence of Native Courtworkers in family court process and the impact that has on the numbers of Aboriginal children in care of the government. (more than at the height of the residential schools);
2. Achieve funding support to address magnitude of issues and continued statistics of incarceration of Aboriginal people;
3. Seek support from BC First Nation leadership to address disproportionate Aboriginal incarceration rates;
4. Hold the Ministry of Justice responsible for direction of incarceration reform, there needs to be a greater call of Aboriginal leadership to hold Ministry of Justice to task- calling for fundamental change in system;
5. Create an Aboriginal Justice Council as a Multi Agency leadership initiative that convenes regularly, prioritizes actions – which utilizes the NCCABC strategy plan as vehicle; and
6. Call for required resources and fundamental change because of continuing children in care rates and incarceration rates.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly reaffirm their support of a BC Aboriginal Justice Council and direct the Regional Chief and BC Assembly of First Nations staff to work with the Native Courtworker and Counselling Association of British Columbia, the Union of BC Indian Chiefs, and the First Nations Summit towards establishing the BC Aboriginal Justice Council as outlined in the BC First Nations Justice Action Plan and:
 - a. appoint an interim technical team to provide support to the BC Aboriginal Justice Council, and
 - b. work with the Union of BC Indian Chiefs and First Nations Summit to advocate for federal and provincial funding for the BC Aboriginal Justice Council.

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BCAFN 11th Annual General Meeting
Sheraton Wall Centre – Vancouver, BC
September 9-10, 2014

Resolution 04(d)/2014

SUBJECT: SUPPORT FOR THE TSIHQOT'IN NATION BY COORDINATING ASSISTANCE IN
ENGAGEMENT AND IMPLEMENTATION OF THE TSIHQOT'IN NATION JUDGMENT

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF SIDNEY DOUGLAS, CHEAM INDIAN BAND

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 04/2014

WHEREAS:

- A. The Tsilhqot'in Nation, building on the efforts of the Nisga'a Nation, the Gitksan, the Wet'suwet'en, the Haida Nation and many other First Nations in British Columbia, asserted its Aboriginal title and rights in the Canadian court system, seeking long overdue recognition of these rights and the protection of critically important lands in the heart of its traditional territory;
- B. On June 26, 2014, in the historic *Tsilhqot'in Nation* judgment, in a unanimous judgment, the Supreme Court of Canada granted Aboriginal title for the first time in Canadian history, in the homeland of the Tsilhqot'in people;
- C. The *Tsilhqot'in Nation* judgment marks a watershed in the history of British Columbia and Canada, as it sweeps aside the discriminatory justifications and arguments advanced by the Crown and accepted by the B.C. Court of Appeal to deny Indigenous rights of ownership and instead recognizes that Indigenous peoples are the lawful owners and stewards of the homelands that have sustained them for generations, with the rights to decide our futures, to govern our territories, and to manage and benefit from our lands;
- D. The *Tsilhqot'in Nation* judgment confirms that the *status quo* is not acceptable, and that the federal and provincial governments have a positive legal duty to negotiate in good faith to resolve land claims, based on reconciliation and not on competing interests;
- E. The Supreme Court of Canada, in *Tsilhqot'in Nation*, encouraged government and industry to seek the consent of First Nations to develop on our traditional lands, and in so doing the Court has pointed to a

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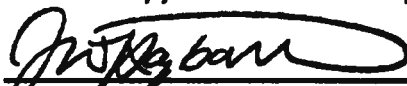
path of reconciliation with the potential to unlock economic, social and cultural benefits for all British Columbians;

- F. This is an important step towards the full recognition of Article 26(2) of the *United Nations Declaration on the Rights of Indigenous Peoples*, which provides 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 the requirement under Article 32(1) of "free and informed consent prior to the approval of any project affecting [our] lands or territories and other resources";
- G. In part, the *Tsilhqot'in Nation* judgment was made possible by our unity, standing together, with the united support of the Assembly of First Nations, Union of BC Indian Chiefs, the First Nations Summit, as well as individual First Nations and non-Aboriginal supporters across British Columbia and Canada; and,
- H. In the same manner, it is only through a united and sustained effort, standing together, that the full potential of this judgment of the Supreme Court of Canada will be realized, and we can begin a new path towards true recognition and reconciliation of our rights, interests and goals as Aboriginal peoples.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly fully support the efforts of the Tsilhqot'in Nation to implement their traditional laws, practices and values within the Title Area and Tsilhqot'in territory;
2. The Chiefs in Assembly direct the BCAFN Regional Chief to monitor the progress of the Tsilhqot'in Nation's engagement with the provincial and federal governments, and to support the Tsilhqot'in Nation in holding both governments accountable for fully implementing Aboriginal title, resolving outstanding land claims in good faith, and adopting new and innovative measures to achieve just and lasting reconciliation for the Tsilhqot'in people, and all First Nations; and,
3. The Chiefs in Assembly direct the BCAFN Regional Chief to coordinate political, legal, communication and technical support with the Tsilhqot'in National Government to assist the Tsilhqot'in Nation in its engagement with the provincial and federal governments.

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BCAFN 11th Annual General Meeting
Sheraton Wall Centre – Vancouver, BC
September 9-10, 2014

Special Resolution 01/2014

SUBJECT: SPECIAL RESOLUTION TO AMEND THE BCAFN CONSTITUTION AND BYLAWS

MOVED BY: CHIEF LUCINDA PHILLIPS, LIL'WAT NATION

SECONDED BY: KEN WATTS, PROXY FOR TOQUAHT FIRST NATION

DECISION: CARRIED BY CONSENSUS

WHEREAS:

- A. After a number of concerns were raised by members of the BC Assembly of First Nations (BCAFN) Board of Directors, BCAFN members, electoral officers and staff regarding the wording, confusing language and operational challenges in our BCAFN Constitution and Bylaws, the BCAFN Board of Directors began a process of reviewing the BCAFN Constitution and Bylaws;
- B. The BCAFN Board of Directors engaged a lawyer to review the BCAFN Constitution and Bylaws and the BCAFN Governance Manual. This legal review confirmed that the Constitution and Bylaws were outdated and contained a number of logistical challenges. Legal counsel made recommendations to the Board regarding changes to these documents in order to better reflect the BCAFN's purposes in the Constitution and to bring more clarity to the Bylaws;
- C. The BCAFN Board of Directors participated in a working session amongst themselves to discuss their concerns with the BCAFN Constitution and Bylaws, to consider the recommendations from legal counsel, and to ultimately bring forth some changes to the Chiefs in Assembly for their consideration;
- D. The BCAFN Board of Directors presented their proposed changes to the BCAFN Constitution and Bylaws to the Chiefs in Assembly at the BCAFN Special Chiefs' Assembly on November 26, 2013, for their consideration and requested feedback on those proposed changes; and,

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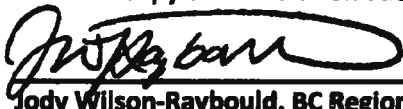
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- E. The BCAFN Board of Directors took the feedback received on their proposed changes to the BCAFN Constitution and Bylaws and reviewed the documents again to produce final proposed changes to present to the Chiefs in Assembly for adoption by special resolution.

THEREFORE BE IT RESOLVED THAT:

1. As a Special Resolution, the Society known as the British Columbia Assembly of First Nations amends its Constitution and Bylaws to better reflect the mandate, practices and direction of the British Columbia Assembly of First Nations as set out in the tracked changes copy of the BCAFN Constitution and Bylaws attached to this Special Resolution.

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BCAFN 11th Special Chiefs' Assembly
The Westin Bayshore – Vancouver, BC
November 25-26, 2014

Resolution 05/2014

SUBJECT: OMNIBUS RESOLUTION TO ADOPT SIX RESOLUTIONS

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND

DECISION: CARRIED BY CONSENSUS

WHEREAS:

- A. Upon review of the draft resolutions, it was determined that six of the resolutions were resolutions that the BC Assembly of First Nations (BCAFN) Chiefs in Assembly could support via an omnibus resolution.

THEREFORE BE IT RESOLVED THAT:

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

- Resolution 05(a): Support for Revisions and Continual Updates to the BCAFN Legal/Political Strategy;
- Resolution 05(b): B.C.'s Skills for Jobs Blueprint and Proposed Changes to the Provincial Public Education and Training System;
- Resolution 05(c): Support for an Extension to the Deadline for Residential School Common Experience Payment (CEP) Recipients Person Education Credits;
- Resolution 05(d): Call for Inquiry into the Babine Forest Products Ltd. Sawmill Explosion;
- Resolution 05(e): Endorsement of BC Aboriginal Justice Council Draft Terms of Reference; and,

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Jody Wilson-Raybould, BC Regional Chief

Resolution 05(f):

**Continued Engagement Between the Province of BC and
First Nations on a Forest Range Revenue Sharing and
Tenure Solution.**

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BCAFN 11th Special Chiefs' Assembly
The Westin Bayshore – Vancouver, BC
November 25-26, 2014

Resolution 05(a)/2014

SUBJECT: SUPPORT FOR REVISIONS AND CONTINUAL UPDATES TO THE BCAFN LEGAL/POLITICAL STRATEGY

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 05/2014

WHEREAS:

- A. On June 26, 2014, the first declaration of Aboriginal title was issued by the Supreme Court of Canada. The *Tsilhqot'in* decision forever changes the legal landscape in Canada and requires all levels of government to reconsider their approaches to reconciliation and in particular with respect to the scope and extent of the land base over which First Nations have title and rights;
- B. Chiefs and First Nations leaders, their legal counsel and staff should be aware of important legal actions and other developments underway at any given time involving or impacting First Nations' interests in BC, including title and rights litigation in BC and elsewhere in Canada, as well as recent court decisions and the potential impact of on-going legal proceedings or precedents;
- C. In recognition of the need to develop a collective legal and political strategy, in the May 2010 report of the First Nations All-Chiefs' Task Force, the Task Force recommended a legal strategy be developed building on the work previously undertaken at Westbank First Nation in 2008;
- D. The 2010 recommendations from the All-Chiefs' Task Force were endorsed by resolutions from the First Nations Summit, the Union of BC Indian Chiefs and specifically by the BC Assembly of First Nations (BCAFN) through resolution 06(f)/2011;
- E. The *BCAFN Legal/Political Strategy* has been drafted following recommendations of the All-Chiefs' Task Force and with the guidance received through the BCAFN Special Chiefs' Assemblies;

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- F. In March 2012, the BCAFN co-hosted a Special Chiefs' Assembly: Legal Political Strategy Session in Westbank, BC and at this strategy session, a draft BCAFN Legal/Political strategy was provided to the Chiefs in Assembly for discussion, with the objective of further updating and revising the strategy based on the feedback from Chiefs;
- G. In September 2014 the BCAFN presented an updated BCAFN Legal/Political strategy to the Chiefs in Assembly for feedback and discussion, and as part of the preparation for the BC Cabinet and First Nations Leaders Gathering on September 11, 2014 in Vancouver;
- H. The current *BCAFN Legal/Political Strategy* has been revised several times due to the changing legal and political landscape and to reflect the feedback received from BC Chiefs at meetings of the BCAFN; and,
- I. The *BCAFN Legal/Political Strategy* recognizes that First Nations in BC are undertaking the fundamental work of Nation building or re-building and re-establishing their deep and essential connections with their territory, governance over lands and resources, and ensuring their economy, culture, and way of life. Reflecting this understanding, the *BCAFN Legal/Political Strategy* identifies goals and actions to support and assist First Nations to:
- Share information about efforts to advance title and rights, including treaty rights;
 - Develop co-ordinated communications strategies;
 - Advance strategic litigation in an efficient and cost effective manner;
 - Advance efforts to implement and exercise jurisdiction;
 - Ensure that negotiations processes and mandates between First Nations and the Crown or third parties are appropriate for advancing recognition and implementation of Aboriginal title and rights, including treaty rights, and are fair, impartial and conducted in good faith; and,
 - Ensure that Crown policies and legislation respect Aboriginal title and rights, including treaty rights.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly direct the BC Assembly of First Nations and the Regional Chief to work to continually update the *BCAFN Legal/Political Strategy* through the guidance of BC Chiefs, and based on the changing legal and political landscape include the recent *Tsilhqot'in* decision; and,
2. The Chiefs in Assembly direct the BC Assembly of First Nations and the Regional Chief to include the *BCAFN Legal/Political Strategy* document in strategic discussions with the First Nations Leadership Council.

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BCAFN 11th Special Chiefs' Assembly
The Westin Bayshore – Vancouver, BC
November 25-26, 2014

Resolution 05(b)/2014

SUBJECT: B.C.'S SKILLS FOR JOBS BLUEPRINT AND PROPOSED CHANGES TO THE PROVINCIAL PUBLIC EDUCATION AND TRAINING SYSTEM

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 05/2014

WHEREAS:

- A. The government of BC has indicated that a "re-engineering" of the provincial public education and training system is needed to support what it describes generally as BC's growing economy. The government of BC has specifically identified the need to refocus education and training heavily on jobs related to the oil and gas extraction industry, and in particular on liquefied natural gas (LNG);
- B. *B.C.'s Skills for Jobs Blueprint: Re-engineering Education and Training* (the "Blueprint") details what the Premier describes in her opening message as "a more targeted focus on training for high-demand jobs." The Blueprint is aimed at meeting the specific challenges associated with the development of the LNG industry in BC;
- C. The How Are We Doing? Report on Aboriginal outcomes shows that Aboriginal students are less likely to graduate with the skills and prerequisites needed to pursue a broad range of opportunities;
- D. Census data shows that Aboriginal people are well-represented in trades, and underrepresented in professional and academic professions, yet the Blueprint heavily emphasizes trades and strategies for increasing Aboriginal students' participation in trades;
- E. First Nations in BC are concerned that the Province's public education and training system and proposed changes to this system, as described most recently in the Blueprint, will continue to result in:

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- i. Further exasperation of the gaps that exist within First Nations communities for trained members for all sectors in our communities, such as health, education, community development, and Aboriginal and treaty rights;
 - ii. Further limits on First Nation youth and people to careers focused on non-renewable resource industries; and,
 - iii. Streaming First Nation youth into a field that may not reflect their own goals, abilities, and aspirations;
- F. The United Nations has recently released a study on climate change which details how citizens and Nations must change our dependency on non-renewable fossil fuels to prevent drastic climatic change for our future generations;
- G. The Province of British Columbia's changes to the provincial public education system, which equates to increased focus on the economics of non-renewable resources, does not reflect an understanding or appreciation of what is required to build a sustainable economy that respects the vulnerability and long term health of our environment;
- H. There are provisions in existing agreements (*Tripartite Education Framework Agreement, Jurisdiction Framework Agreement*) that call for the Province of BC to meaningfully engage with First Nations early and ongoing;
- I. Consultation with First Nations in education must be consistent with the United Nations Declaration on the Rights of Indigenous Peoples and the principles of Free, Prior, and Informed Consent; and,
- J. There is an immediate need for the Province of BC to consult with First Nations in British Columbia on the evaluation and effectiveness of the provincial public education and training system to better meet the needs of First Nations communities in British Columbia and all British Columbians, for the present and the future.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly direct the BCAFN Regional Chief, working with the Union of BC Indian Chiefs Executive and the First Nations Summit Task Group, to immediately communicate to the Government of BC that the Chiefs in Assembly:
 - a. Do not agree with the re-profiling of the provincial public education and training system to focus on the non-renewable resource sector at the expense of other sectors; and
 - b. Call on the on the BC lead Ministries (Jobs, Skills Training and Tourism, Education and Advanced Education) to immediately engage with the First Nations Education Steering Committee and First Nation Leadership Council on the appropriate implementation of the *Blueprint* to benefit

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First Nations people and communities in BC, and to align with and complement existing processes and agreements in BC on education.

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BCAFN 11th Special Chiefs' Assembly
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Resolution 05(c)/2014

SUBJECT: SUPPORT FOR AN EXTENSION TO THE DEADLINE FOR RESIDENTIAL SCHOOL COMMON EXPERIENCE PAYMENT (CEP) RECIPIENTS PERSONAL EDUCATION CREDITS

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 05/2014

WHEREAS:

- A. Many First Nations Residential School Survivors struggle with physical, mental, spiritual and emotional issues day-to-day due to the outcomes of the Residential School era in Canada;
- B. On May 8, 2006, Canada and the Assembly of First Nations entered into the Indian Residential Schools Settlement Agreement;
- C. Implementation of the Indian Residential School Settlement Agreement began on September 19, 2007;
- D. The roll-out of Personal Education Credits was only announced in January 2014 with the expectation that all applications must be received by October 31, 2014 and personal credits redeemed by December 1, 2014 at eligible educational entities;
- E. Many Common Experience Payment Recipients have not applied for this funding and more time, as well as resources within communities to help survivors fill out the paperwork and also provide the emotional support, is required, as this phase of the Indian Residential School Settlement Agreement is bringing up a lot of emotions for survivors;
- F. The official website for the Personal Education Credits states:
 - i. The Indian Residential Schools Settlement Agreement stipulates that once all Common

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Experience Payments (CEP) have been made, if more than \$40 million remains in the Trust Fund, the funds are to be made available to CEP Recipients, upon application, in the form of non-cash Personal Credits of up to \$3,000 each for educational purposes;

- ii. CEP Recipients will be able to choose to transfer their Personal Credits to certain Family Members as defined in the Indian Residential Schools Settlement Agreement and the Terms and Conditions;
- iii. Terms and Conditions for Personal Credits have been developed by Canada and the Assembly of First Nations and by Canada and Inuit Representatives to determine which Education Entities and Groups and which Educational Programs and Services are eligible; and,
- iv. Once the Personal Credits have been distributed, any amount remaining in the Trust Fund on January 1, 2015 is to be paid to the National Indian Brotherhood Trust Fund and the Inuvialuit Education Foundation to be used for educational programs;

G. The United Nations Declaration on the Rights of Indigenous Peoples sets out:

Article 7(2): Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group; and,

Article 8(2): 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; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration;

- H. The Nuu-chah-nulth Tribal Council voted unanimously on October 1, 2014 during their AGM to seek an extension from the Government of Canada on the Personal Education Credit deadlines and to provide resources to regions in order to support this work for Residential School Survivors;
- I. On November 19, 2014, an Order by the Supreme Court of British Columbia allows applicants to submit their Personal Credits Acknowledgement and Personal Credit Redemption Forms for processing until a final decision is made by the Courts;
- J. The Court Order authorizes Crawford Class Action Services (which is administering the personal credits on behalf of the Government of Canada) to keep accepting and processing applications and redemption forms; and,
- K. A final decision by the Government of Canada on whether to extend the deadline for submission of Personal Credits Acknowledgement and Personal Credit Redemption Forms has not yet been reached.

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THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly commend the Supreme Court of British Columbia for the order granting interim relief which will allow former students of Indian residential schools to submit their applications for personal credits for education programs until a final decision is made on a deadline extension;
2. The Chiefs in Assembly fully support the Nuu-chah-nulth Tribal Council and the Assembly of First Nations in their continued pursuit to seek an extension to the Personal Education Credits for Residential School Common Experience Payment(CEP) Recipients; and,
3. The Chiefs in Assembly direct the BCAFN Regional Chief and staff to continue to work with the Assembly of First Nations, First Nations Summit and the Union of BC Indian Chiefs to seek an extension to the Personal Education Credits initiative.

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**BCAFN 11th Special Chiefs' Assembly
The Westin Bayshore – Vancouver, BC
November 25-26, 2014**

Resolution 05(d)/2014

SUBJECT: CALL FOR INQUIRY INTO THE BABINE FOREST PRODUCTS LTD. SAWMILL EXPLOSION

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 05/2014

WHEREAS:

- A. On January 20, 2012, two men from local First Nations communities, Robert Luggi Jr., 45, and Carl Charlie, 42, lost their lives and another 20 workers were injured in an explosion and fire at the Babine Forest Products Ltd. sawmill in Burns Lake, BC;
- B. On January 10, 2014, the Criminal Justice Branch (CJB) released its decision to not approve charges in relation to the explosion, fire, deaths and injuries. The decision was made due to major errors made by WorkSafe BC in the conduct of its investigation of the explosion and resultant fire. Specifically, the errors related to Charter warnings and search warrants;
- C. The decision by the CJB raises many serious questions about the conduct of the WorkSafe BC investigation. As a result of this failure in the investigation, there is now a deep and serious lack of confidence in the ability of WorkSafe BC to properly and fully discharge its obligations and mandate;
- D. The communities, the injured and the families who lost loved ones deserve answers to the many questions arising from this tragedy and subsequent WorkSafe BC investigation. It is imperative that all the shortcomings in the investigation by WorkSafeBC be identified and explained. It is important that all avenues be pursued to ensure that persons and the corporate entity responsible are held accountable;
- E. On January 16, 2014 Premier Clark announced her instructions to her Deputy Minister, John Dyble, to review WorkSafe BC's investigation and CJB's decision not to pursue criminal charges in relation to the incident. Deputy Minister Dyble's review concluded that WorkSafeBC paid "insufficient attention" to

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important legal precedents regarding the proper gathering of evidence for prosecutions. He also set out recommendations, including improved communication, training, and legal advice during investigations, and regular information meetings;

- F. As a part of this review, Deputy Minister John Dyble retained Lawyer Len Doust to provide an opinion on a very specific issue relating to whether or not a public inquiry could reconsider the decision by crown counsel to not approve the regulatory charges for prosecution. Mr. Doust's opinion letter of February 6, 2014 concluded:

"I can confirm, as you have indicated in your document, that there is very clear case law confirming that a decision of crown counsel to approve or not approve charges is not a proper subject for review in a public inquiry;"

As a result, the BC government has wrongly decided that a public inquiry into the Burns Lake sawmill explosion, resulting in two deaths and twenty injuries, is not necessary;

- G. The families of victims have continued to call for an independent public inquiry into the circumstances and events that led to the sawmill explosion, fire and investigation as a means of revealing the truth as to what happened on January 20, 2012 in Burns Lake;
- H. On March 6, 2014, the families of victims were in attendance in the Legislature of British Columbia, when Adrian Dix, Leader of the Opposition, reiterated the call for an independent inquiry under the *Public Inquiry Act* as an essential avenue to deliver accountability and justice and to ensure that necessary change occurs for worker safety in British Columbia. Premier Clark rejected the call for an inquiry based on legal advice that an inquiry will not provide any different answers than the ones we have now; and,
- I. The failures of the investigation by WorkSafeBC, the decision by the CJB not to proceed with charges based on these failures, and the Province's decision not to launch an independent inquiry has only added to the hurt and loss of the community and families who are waiting for answers and for justice.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly fully support the call for an independent inquiry under the *Public Inquiry Act* into the January 20, 2012 explosion and fire at the Babine Forest Products Ltd. sawmill in Burns Lake, BC in order to:
 - Bring about the full disclosure of the record of facts;
 - Determine legal and policy procedures necessary to ensure both accountability and prevention of future similar incidents; and
 - Bring closure to the families of the victims and the community of Burns Lake that they rightfully deserve.

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Resolution 05(e)/2014

SUBJECT: ENDORSEMENT OF BC ABORIGINAL JUSTICE COUNCIL DRAFT TERMS OF REFERENCE

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 05/2014

WHEREAS:

- A. Aboriginal people are over represented in the criminal justice system and ensuring equitable access to safety, justice, and preventative and rehabilitative services is a key priority for First Nations communities;
- B. On May 14-16, 2007, the Union of BC Indian Chiefs (UBCIC), BC Assembly of First Nations, and First Nations Summit (FNS), working together as the First Nations Leadership Council (FNLC) held the BC First Nations Justice Forum. BCAFN Resolution 08/2007 endorses and supports the implementation of the BC First Nations Justice Action Plan, which called for the formation of a BC First Nation Justice Council, and BCAFN Resolution 09/2007 supports the "concept of a representative and inclusive BC First Nations Justice Council to address province-wide matters, with respect to the issues of First Nations justice";
- C. The BC Assembly of First Nations Chiefs in Assembly passed BCAFN Resolution 03(d)/2013 which endorses and supports the *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* between the BC Assembly of First Nations, as a part of the First Nations Leadership Council, with the Native Courtworker and Counselling Association of British Columbia (NCCABC);
- D. In 2013, The NCCABC developed the Social Justice Policy Platform and Strategic Plan, which includes a commitment to create a BC Aboriginal Justice Council. In October 2013, the NCCABC also created the *"Better Outcomes for Aboriginal People and the Justice System: An NCCABC Strategy Framework to Reduce the Overrepresentation of Aboriginal Children, Youth and Adults in the Child Protection and*

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Criminal Justice System in BC". Both documents form the need and basis for the NCCABC's work to establish a BC Aboriginal Justice Council;

- E. The BC Assembly of First Nations Chiefs in Assembly passed BCAFN Resolution 04(c)/2014 *Support for the Formation of a BC Aboriginal Justice Council* which directs the Regional Chief to work with the NCCABC, and members of the FNLC, to establish a BC Aboriginal Justice Council and to appoint an interim technical team to provide support to the BC Aboriginal Justice Council;
- F. The interim technical team, composed of technical staff from the BCAFN, UBCIC, FNS, and NCCABC, developed the BC Aboriginal Justice Council draft Terms of Reference (attached); and,
- G. The draft Terms of Reference outlines a process for the interim technical team to support the appointment of members to the BC Aboriginal Justice Council. If endorsed, the BCAFN, UBCIC, FNS, and NCCABC will begin a process for identifying members, develop a workplan, and seek funding and resources to support the BC Aboriginal Justice Council.

THEREFORE BE IT RESOLVED THAT:

- 1. The Chiefs in Assembly hereby endorse the attached draft Terms of Reference for the BC Aboriginal Justice Council;
- 2. The Chiefs in Assembly direct the BCAFN Regional Chief to:
 - a. Appoint members to the BC Aboriginal Justice Council as per the draft Terms of Reference; and,
 - b. Work with the First Nations Summit, Union of BC Indian Chiefs, and Native Courtworkers and Counselling Association of BC to develop a draft BC Aboriginal Justice Council Workplan, and seek funds and resources to support the work of the BC Aboriginal Justice Council.

ATTACHMENT:

- BC Aboriginal Justice Council Draft Terms of Reference- Working Draft V.3

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**BCAFN 11th Special Chiefs' Assembly
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Resolution 05(f)/2014

SUBJECT: CONTINUED ENGAGEMENT BETWEEN THE PROVINCE OF BC AND FIRST NATIONS ON A FOREST AND RANGE REVENUE SHARING AND TENURE SOLUTION

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND

DECISION: CARRIED BY CONSENSUS AS PART OF OMNIBUS RESOLUTION 05/2014

WHEREAS:

- A. In 2002, the Province of British Columbia embarked on a forestry revenue sharing process called Forest and Range Agreements. A per capita sharing of \$500/per person was unilaterally imposed and the forest licenses were economically unviable;
- B. In 2009, the Province undertook a Forestry Roundtable to discuss and make recommendations for changes to the forest sector. These recommendations included input from First Nations. The Province responded to a few of the First Nations recommendations (and ignored others) and then publicly announced they came to a solution with First Nations;
- C. In 2010, the Province unilaterally developed a new forestry agreement process and template to be used with First Nations called Forest and Range Consultation and Revenue Sharing Agreements (FCRSA). The Province decided to share stumpage revenues based upon a percentage of wood harvested within the First Nations territories. In most cases, the amount of resource revenue sharing was reduced from the original formula of \$500 per person;
- D. In 2012 the bi-partisan Special Committee on Timber Supply made recommendations on how the provincial government could take action to enhance mid-term timber supply. One of the

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recommendations of this committee was to pursue the concept of converting existing volume-based tenures to area-based tenures;

- E. On April 1, 2014, the provincial government initiated a public engagement process to explore area-based tenures further. Limited public engagement sessions were held in BC in order to prepare a final report with 35 recommendations for government to consider should a decision be made by the province to proceed specifically with amendments to the *Forest Act* that would enable the conversion of some volume based forest tenures to area-based forest tenures;
- F. In August, 2014, the province announced that they would not be proceeding in the immediate term with legislative changes that would enable forest licence conversions in fall 2014 or spring 2015. The province purported to have made this decision to allow for the more fulsome discussion of any proposed changes and in light of the recent Supreme Court of Canada *Tsilhqot'in* decision;
- G. At present this more fulsome discussion between First Nations in BC and the province has not occurred; and,
- H. The provincial government approach to forestry policy and agreements with First Nations has never been consistent with the common law.

THEREFORE BE IT RESOLVED THAT:

- 1. The Chiefs in Assembly continue to reject unilaterally developed forestry resource revenue and tenure sharing allocation by the Province of British Columbia;
- 2. The Chiefs in Assembly direct the BCAFN and the BC Regional Chief to work with the First Nations Forestry Council to:
 - a) Continue to engage BC in developing new forms of forestry tenure and revenue sharing, including; and,
 - b) Work to convene a strategy session for First Nation tenure holders in January 2015.

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