



BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road
Prince George, BC V2K 5S3
Website: www.bcafn.ca

BCAFN 17th ANNUAL GENERAL MEETING
November 17 & 18, 2020
Online via Zoom

Resolution 21/2020

SUBJECT: OMNIBUS TO ADOPT FIVE RESOLUTIONS

MOVED BY: CHIEF GORDON PLANES, T'SOUKE NATION

SECONDED BY: CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND

DECISION: ABSTENTION: CHIEF FRED ROBBINS, CHIEF DON HARRIS
CARRIED

WHEREAS:

- A. Upon review of the draft resolutions, it was determined that five (5) of the resolutions were resolutions that the BC Assembly of First Nations (BCAFN) Chiefs-in-Assembly could support via an omnibus resolution.
- B. The five (5) resolutions are mirrored resolutions from the UBCIC and FNS meetings

THEREFORE BE IT RESOLVED THAT:

- 1. The BC Assembly of First Nations Chiefs-in-Assembly hereby adopt the following resolutions:

Certified copy of a resolution adopted on the 18th day of November 2020

Terry Teegee, BC Regional Chief

Number	Resolution Title
a/2020	ADDRESSING PRIORITY CONCERNS AND NEEDS OF BC FIRST NATIONS AROUND COVID-19
b/2020	IMPLEMENTATION OF AN OLD GROWTH STRATEGY THAT PROTECTS FIRST NATIONS' WELFARE AND ENDANGERED OLD GROWTH FORESTS
c/2020	SUPPORT FOR FNLC PARTICIPATION AND MONITORING OF THE INDIGENOUS FLOOD WORKING GROUP AND THE DEVELOPMENT OF THE PROVINCIAL FLOOD RISK STRATEGY
d/2020	SUPPORT FOR FIRST NATIONS LEADERSHIP COUNCIL MOU WITH THE BC ABORIGINAL CHILDCARE SOCIETY
e/2020	SUPPORT FOR FNLC MOU WITH THE BC OFFICE OF THE HUMAN RIGHTS COMMISSIONER

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Terry Teegee, BC Regional Chief



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Resolution 21(a)/2020

SUBJECT: ADDRESSING PRIORITY CONCERNS AND NEEDS OF BC FIRST NATIONS
AROUND COVID-19

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. The COVID-19 pandemic continues to have far-reaching and disproportionate impacts on Indigenous communities in BC, creating new intersecting challenges and intensifying pre-existing barriers to Indigenous wellbeing, including those related to healthcare, substance abuse, employment, housing, justice, and gendered violence;
- B. Due to the unprecedented scale of challenges to Indigenous welfare that the pandemic has introduced, the BC Assembly of First Nations (BCAFN) assumed an active and multidisciplinary role as a participant, intermediary, and advocate in the Province's response to the public health crisis, and continues to advance, in close partnership with the Union of BC Indian Chiefs and the First Nations Summit as the First Nations Leadership Council (FNLC) and BCAFN membership, priority issues and interests on behalf of BC First Nations;
- C. The autonomous actions of First Nations to implement protocols and measures to protect their peoples must be recognized and advanced given the persistent challenges they face in accessing comprehensive and adequately funded supports, resources, and supplies;
- D. The *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:

- i. Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and restraining, housing, sanitation, health and social security; (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities; and
- E. It has been an uphill battle for Indigenous communities, particularly those that are remote, to obtain Personal Protective Equipment (PPE), adequate COVID-19 case information, widespread rapid- testing kits, culturally safe contact tracing, and proper screening methods to prevent travelers from compromising the health of their Elders and community members;
- F. First Nations businesses have been disproportionately negatively affected by COVID-19 relative to the non-Indigenous business community because of long-standing barriers, including lack of access to capital, credit, education, connectivity and colonial legislation and policies.
- G. Provincial and Federal discussions regarding COVID-19 economic recovery have not exemplified adequate engagement and co-development with First Nations. Based on BCAFN engagement regarding the BCAFN Sustainable Economic Development Strategy, several priorities have emerged including: the Green Economy, infrastructure funding, and connectivity.
- H. The disruption of the status-quo sustained by COVID-19, combined with the *BC Declaration on the Rights of Indigenous Peoples Act*, provides an opportunity for the provincial and federal governments to work with First Nations to expedite the process of economic reconciliation.

THEREFORE BE IT RESOLVED THAT:

- A. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to work with like-minded organizations to continue advancing the needs and requests of First Nations, and to urge the provincial and federal governments to rectify any inequities in their efforts to aid and support First Nation communities during the pandemic;
- B. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to seek resourcing and partnerships to continue to advocate for First Nations economic development priorities and needs, while advancing the BCAFN Sustainable Economic Development Strategy in order to ensure the socio-economic conditions of First Nations in BC improve.



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Resolution 21(b)/2020

SUBJECT: **IMPLEMENTATION OF AN OLD GROWTH STRATEGY THAT PROTECTS FIRST NATIONS' WELFARE AND ENDANGERED OLD GROWTH FORESTS**

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Indigenous peoples sustain vital cultural and spiritual relationships with the environment and have derived their livelihoods, way of life, health, and well-being from the care and stewardship of their lands and waters since time immemorial;
- B. old-growth forests are considered “heritage habitats” with ancient trees, some up to 2,000 years old, that not only play an integral ecological role in the biodiversity and health of BC ecosystems, but possess incalculable cultural value and significance for First Nations who use old-growth yellow and red cedar for traditional purposes, such as clothing and regalia, canoes, totem poles, and long houses;
- C. logging has reduced the grandest stands within the ancient temperate rainforest in BC to [less than 3% of its original size](#) and despite Vancouver Island’s old-growth forests approaching extinction, the government agency BC Timber Sales (BCTS) and private corporations are responsible for the logging of irreplaceable swathes of ancient trees, including those in Nuu-chah-nulth territories and the Nahmint Valley in Hupacasath and Tseshaht First Nations territories;
- D. the United Nations Declaration on the Rights of Indigenous Peoples, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:

- i. 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.
 - ii. 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. 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.
 - iii. 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.
 - iv. Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resource; and
- E. around 4/5ths of old-growth logging done on Crown land is attributed to private companies who are encroaching into increasingly controversial and endangered areas of ancient forests that hold irreplaceable cultural value for Indigenous Nations and, rather than being destroyed in the short-term, could be left standing to accrue long-term value as part of a diverse economy;
- F. although the provincial government claims 55% of old-growth forests on Crown land in B.C.'s coastal region are protected from logging, the majority of the protection extends over the Great Bear Rainforest and fails to protect much of the old-growth on Vancouver Island where there are several private companies which — combined with BCTS logging — are clearcutting about 10,000 hectares of old-growth a year, or more than 30 soccer fields per day;
- G. logging in the Nahmint Valley has led to the felling of some of the largest and oldest trees in the province, and after the Ancient Forest Alliance submitted a complaint in 2018 to the compliance and enforcement branch at B.C.'s Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD), two subsequent [investigations](#) revealed that the BCTS was violating old-growth management plans and protection rules, as well as Vancouver Island's official [Land Use Plan](#) which designates the Nahmint Valley as a Special Management Zone with a critical mass of old-growth that needs to be retained;
- H. it is deeply concerning that despite making recommendations that the BCTS should put a hold on future harvesting tenures and be prevented from legalizing new old-growth management areas until they address ongoing overcutting, the senior compliance and enforcement specialist conducting the internal investigation of BCTS was told to close his investigation and that the government would not charge the agency;

- I. the current landscape of old-growth logging has been exacerbated by years of the BC government fostering an economic dependence on old-growth for First Nations communities by arranging agreements for revenue-sharing, employment, joint ventures, and tenures in old growth timber in contentious areas for First Nation bands who face limited economic opportunities as a result of years of colonialism and racism;
- J. the provincial government has allowed BCTS and logging companies to over-harvest old growth and to operate with no accountability and repercussions for their infractions and compliance issues, allowing low enforcement standards to jeopardize salmon-bearing streams and other wildlife habitat already under duress from the climate crisis, forest fires, and carbon emissions linked to intensive development and logging;
- K. a conservation financing model similar to the one administered by Coast Funds in the Great Bear Rainforest can be applied to Vancouver Island in order to permanently finance First Nations stewardship, sustainable economic development, and the conservation of old growth;
- L. the First Nations Forestry Council (FNFC) has a mandate that includes advocating on forestry matters on behalf of BC First Nations, and by BCAFN Resolution 2012-01(b) "Support for First Nations Leadership Council entering into a Declaration & Protocol of Recognition, Support, Cooperation and Coordination with the First Nations Forestry Council" and BCAFN Resolution 2016-05 "Continued Support for First Nations Forestry Council and Engagement with the Province of BC Regarding a Forestry Range Revenue Sharing and Tenure Solution," BCAFN has consistently supported the work of the FNFC;
- M. the FNFC has worked to develop and implement a BC First Nations Forest Strategy that will allow for increased revenue sharing, shared decision-making, and the meaningful involvement of BC First Nations as full partners in the forest sector, and by BCAFN Resolution 2019-26 the Chiefs-in-Assembly fully supported the draft [BC First Nations Forest Strategy and Implementation Plan](#), which provides a supportive framework for increasing the role of First Nations in the management and protection of old-growth forests;
- N. the BC government must consult with and learn from First Nations land and forestry plans and practices, and work in partnership with First Nations to develop sustainable timber harvesting policies that support the UN Declaration, the BC First Nations Forestry Strategy, and First Nations' need to retain sufficient old-growth for spiritual and cultural purposes;
- O. logging now threatens the Fairy Creek watershed near Port Renfrew, the last unlogged old-growth valley on south Vancouver Island, and activists and land defenders have set up road blockades in August 2020 to prevent clear-cutting from destroying the local environment;
- P. an Old Growth Review Panel appointed by the B.C. government in 2019 was to provide a report and draft [recommendations](#) for a new approach to old-growth management in the spring of 2020 following a public engagement process, but the province did not

meaningfully consult with First Nations, including the First Nations Forestry Council who had requested to be a part of the review panel;

- Q. on April 30, 2020, the Old Growth Review Panel presented its report to the Province which concluded that years of mismanagement and the inconsistent application of previous old-growth and conservation plans have led to the current old forest challenges, and included 14 recommendations to guide a four-phased process to develop and implement an old growth strategy that consists of immediate, near-term, mid-term, and long-term actions;
- R. after significant delay, the Province finally released the old growth report and recommendations to the public on September 11, 2020, alongside the announcement of the deferral of old-growth logging within more than 350,000 hectares and the protection of up to 1,500 giant trees;
- S. although the report and the Province's renewed commitment to old growth are promising steps, there are still many concerns, including how BC is continuing with plans to log old growth and critical caribou habitat in the Argonaut Valley north of Revelstoke, and how the logging deferral still leaves almost half of the province's old growth unprotected, does not include vulnerable areas such as the Fairy Creek area, and leaves the most at-risk and contentious areas for First Nations to log while privileging industrial forest corporations; and
- T. although decisions regarding old-growth are a Title and Rights subject, the government has enabled a dangerous and irresponsible system that deprives Indigenous Nations of their consent and leaves the most contentious and at-risk areas for logging: their consent is only honored and recognized when it is given to protect old-growth, but it is never sought and respected by the government when it comes to the destruction of old-growth.

THEREFORE BE IT RESOLVED THAT:

- 1. the BCAFN Chiefs-in-Assembly fully support the First Nations and allies who are protesting the negligent logging and clear-cutting practices enabled by the BC government that have undermined First Nations Title and Rights and pushed Vancouver Island's old-growth forests to the brink of collapse;
- 2. the BCAFN Chiefs-in-Assembly fully support the Old Growth Strategic Review Panel's report and recommendations that are vital to creating a new, sustainable old growth strategy, and call upon the provincial government to take immediate and sustained action to ensure that the report's recommendations are carried out, with First Nations included and consulted every step of the way;
- 3. the BCAFN Chiefs-in-Assembly call upon the BC government to provide more details on its plan to shift logging deferrals to permanent protection, and working in partnership with impacted First Nations, to engage in discussions on expanding these deferrals to include all

threatened old-growth forests, including areas like the Walbran Valley, Nahmint, Fairy Creek, Tsitika Valley, Mt. Elphinstone, Argonaut Creek.

4. the BCAFN Chiefs-in-Assembly direct the Regional Chief and BCAFN staff to work with other like-minded organizations to urge the provincial and federal governments to provide dedicated funding for First Nations Indigenous Protected and Conserved Areas (IPCAs) and First Nations land use plans, as well as financial support for First Nations communities to manage and steward IPCAs, purchase and protect private lands with old-growth, and pursue conservation-based businesses and economies, including cultural and eco-tourism businesses, clean energy, and second-growth forestry;
5. the BCAFN Chiefs-in-Assembly urge the Ministry of FLNRORD to consult and engage with First Nation communities and organizations, including the First Nations Forestry Council and the First Nations Leadership Council, to develop and implement a renewed old-growth strategy that entrenches Indigenous consent into its processes; is aligned with the principles of the UN Declaration, the Old Growth Strategic Review recommendations, and the BC First Nations Forestry Strategy; is supported by strong enforcement and compliance standards; and is intended to support sustainable old-growth cultural harvesting as an important First Nations livelihood and source of culture.



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Resolution 21(c)/2020

SUBJECT: **SUPPORT FOR FNLC PARTICIPATION AND MONITORING OF THE
INDIGENOUS FLOOD WORKING GROUP AND THE DEVELOPMENT OF
THE PROVINCIAL FLOOD RISK STRATEGY**

MOVED BY: **CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND**

SECONDED BY:

DECISION:

WHEREAS:

- A. Indigenous peoples sustain vital cultural and spiritual relationships with the environment and have derived their livelihoods, ways of life, health, and well-being from the care and stewardship of their lands and waters since time immemorial;
- B. The climate emergency contributes to elevating environmental risks that disproportionately affect Indigenous communities, such as flooding due to increased severity of downpours, more rapid snowmelt, shifts in seasonal temperature and precipitation regimes, and sea level rise;
- C. In July 2019, the AFN Chiefs-in Assembly passed Resolution no. 05/19 declaring a First Nations Climate Emergency, recognizing that climate change constitutes a state of emergency for our lands, water, animals and peoples;
- D. In October 2016, the BCAFN Chiefs-in-Assembly passed Resolution no. 31/2016 directing the Regional Chief to call on the Government of Canada to ensure that plans and actions to address climate change be guided by Indigenous Peoples' knowledge and be collaboratively developed with Indigenous Peoples;

- E. In March 2019, the BCAFN Chiefs-in Assembly passed Resolution no. 04/2019 supporting BCAFN's participation in ongoing engagement on climate change with the government of Canada and the Province;
- F. The Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) is developing a provincial Flood Risk Strategy with the collaboration of an Indigenous Flood Working Group to contribute Indigenous perspectives and knowledge to the vision, principles, and outcomes of the Flood Risk Strategy;
- G. The United Nations Declaration on the Rights of Indigenous Peoples, which the governments of Canada and BC have adopted without qualification, and which BC has committed to implement through the *B.C. Declaration on the Rights of Indigenous Peoples Act*, states:
 - a. Article 18: Indigenous peoples have the right to participate in decision-making in 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.
 - b. 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;
- H. FLNRORD submitted an invitation to First Nations and First Nations organizations calling for Elected and Hereditary Leaders, Elders, Knowledge Holders, staff, and youth to participate in the Indigenous Flood Working Group; and.
- I. The BC Assembly of First Nations, the Union of British Columbia Indian Chiefs and the First Nations Summit (FNS), working together as the First Nations Leadership Council, has proposed that a technical representative of the FNLC participate in the Indigenous Flood Working Group.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to work with the Union of British Columbia Indian Chiefs and the First Nations Summit as the First Nations Leadership Council (FNLC), to identify a FNLC technical representative to participate in the Indigenous Flood Working Group;
2. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff working with the Union of British Columbia Indian Chiefs and the First Nations Summit as the FNLC, to monitor the development of the provincial Flood Risk Strategy to ensure that input from the Indigenous Flood Working Group and the flood risks posed to Indigenous communities are reflected in the final strategy, and that the Province of British Columbia acts upon the strategy promptly and in a way that is respectful of Indigenous Rights, Title and Treaty Rights.



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Resolution 21(d)/2020

SUBJECT: SUPPORT FOR FIRST NATIONS LEADERSHIP COUNCIL MOU WITH THE BC
ABORIGINAL CHILDCARE SOCIETY

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. First Nations peoples have always maintained jurisdiction over the care their children, which includes the care, teachings and responsibility of children in early learning and childcare settings;
- B. By Resolution 14/2017, the BCAFN Chiefs-in-Assembly mandated the BC Aboriginal Child Care Society (BCACCS) as the regional lead in the development of an Indigenous Early Learning and Childcare framework and strategy, and directed the Regional Chief to provide the political support required in the implementation of a regional strategy;
- C. The United Nations Declaration on the Rights of Indigenous Peoples, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:
 - i. Article 13(1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons; and
 - ii. Article 14(1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. (2) Indigenous individuals, particularly children, have the right to all levels and forms

of education of the State without discrimination. (3) States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language;

- D. By Resolution 04(b)/2015, the BCAFN Chiefs-in-Assembly recognized that with limited resources, the BCACCS has played a critical and essential role in First Nations Early Childhood Development and Care policy development, research, training and education and service delivery since 1996, and supported BCACCS becoming a Centre of Excellence for Aboriginal Early Childhood Development; and
- E. A draft Memorandum of Understanding between the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs, working collectively as the First Nations Leadership Council, and the BC Aboriginal Childcare Society has been developed to establish a renewed process for dialogue and cooperation;

THEREFORE BE IT RESOLVED THAT:

- 1. The BCAFN Chiefs-in-Assembly fully support the Regional Chief to sign the attached draft Memorandum of Understanding between the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs, working collectively as the First Nations Leadership Council, and the BC Aboriginal Childcare Society; and
- 2. The BCAFN Chiefs-in-Assembly direct the Regional Chief, working with the First Nations Summit and the Union of BC Indian Chiefs as the First Nations Leadership Council, and the BC Aboriginal Childcare Society to provide regular reports to the BCAFN Chiefs-in-Assembly on the ongoing collaborative objectives and efforts as identified in the attached Memorandum of Understanding.



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Resolution 21(e)/2020

SUBJECT: SUPPORT FOR FNLC MOU WITH THE BC OFFICE OF THE HUMAN RIGHTS
COMMISSIONER

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Systemic racism, discrimination, and human rights abuses and violations continue to endanger the welfare, safety, and health of First Nations in the province;
- B. The *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:
 - I. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, the exercise of their rights, in particular that based on their indigenous origin or identity.
 - II. Article 15(1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information. (2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding, and good relations among indigenous peoples and all other segments of society;

- C. The BC Assembly of First Nations, the UBCIC, and the First Nations Summit, and the BC Assembly of First Nations, working together as the First Nations Leadership Council, were mandated through resolutions at their respective assemblies to co-develop and promote provincial legislation to implement the UN Declaration, including its strong principles around justice, reconciliation, and protecting Indigenous and human rights; and
- D. A draft Protocol between the First Nations Leadership Council and the BC Office of the Human Rights Commissioner has been developed to establish a process for joint dialogue, action, and cooperation on promoting Indigenous human rights and addressing the root causes of discrimination and inequality that endanger the dignity and welfare of Indigenous peoples in BC.

THEREFORE BE IT RESOLVED THAT:

- 1. The BCAFN Chiefs-in-Assembly support the BCAFN Regional Chief to sign the attached draft Protocol between the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs, working collectively as the First Nations Leadership Council, and the BC Office of the Human Rights Commissioner; and
- 2. The BCAFN Chiefs-in-Assembly direct the Regional Chief, working with the First Nations Summit and the BC Assembly of First Nations as the First Nations Leadership Council, and the BC Office of the Human Rights Commissioner to provide regular reports to the BCAFN Chiefs-in-Assembly on the ongoing collaborative objectives and efforts as identified in the attached Protocol.