



BC ASSEMBLY OF FIRST NATIONS

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

BCAFN ANNUAL GENERAL MEETING
September 21, 22, & 23, 2022
Hybrid - In person & online via Zoom

Resolution 23/2022

SUBJECT: FIRST NATIONS HEALTH GOVERNANCE REVIEW

MOVED BY: KUKPI7 JUDY WILSON, NESKONLITH INDIAN BAND

SECONDED BY: KUKPI7 DOUG THOMAS, SPLATSIN

DECISION: CARRIED

WHEREAS:

- A. First Nations have an undeniable sovereign responsibility and mandate to ensure the health, safety, and well-being of their members;
- B. in spring, 2021, Chiefs and delegates at the respective meetings of the Union of BC Indian Chiefs (UBCIC), BC Assembly of First Nations (BCAFN), and the First Nations Summit (FNS) unanimously passed resolutions mandating a First Nations Health Governance Structure Renewal (UBCIC 2021-14; BCAFN 02/2021; FNS #0621.11). These resolutions recognized the need for increased transparency and accountability within First Nations health and called for an arms-length review of health governance structure;
- C. the First Nations Health Governance Structure Renewal Committee (Committee) was created in 2021 and mandated to: 1) oversee a comprehensive engagement process among the Chiefs to review the First Nations health governance structure's mandate and performance and alignment with the 7 directives and make decisions regarding necessary structural changes and potential legislation in light of the *Declaration on the Rights of*

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Indigenous Peoples Act 2) Carry out its work in a timely fashion, supporting a renewed mandate and structure to be agreed-upon by First Nations in BC and including co-developing legislation as described in section 9.1 of the Tripartite Health Framework Agreement, prior to renewal of the First Nations Health Authority's (FNHA) Canada Funding Agreement 3) Communicate progress on health governance renewal with all First Nations in B.C. in a public and transparent way.

- D. essential documents required from the FNHA and First Nations Health Council have not been provided to the Committee to carry out its work and the Ministry of Health has informally denied the funding application for the review however has agree to meet to discuss this work;
- E. 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:

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.

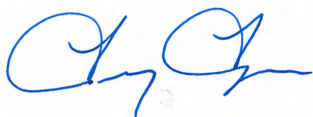
Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their *free, prior, and informed consent* before adopting and implementing legislative or administrative measures that may affect them.

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 retraining, housing, sanitation, health and social security;

Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.

- F. the FNHA has been mandated to work with B.C. First Nations, government partners and others to improve health outcomes for BC First Nations people through several health agreements, including the Transformative Change Accord: First Nations Health Plan (2006), Tripartite First Nations Health Plan (2007), and the Tripartite Agreement on First Nations Health Governance (2011);

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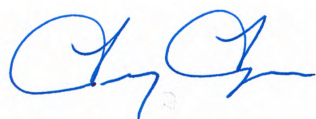
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- G. the December 2020 *In Plain Sight* report into anti-Indigenous racism in BC's health care system described a set of issues in Finding #10 related to the need for the First Nations Health Plans and structures to be renewed and strengthened, and made Recommendation #6 calling for an engagement process with BC First Nations to establish expectations, the concept of legislation, and changes to the First Nations health governance structure to align with the standards of the UN Declaration and utilize the tools available under the *Declaration on the Rights of Indigenous Peoples Act*; and
- H. FNHA receives its funding for community health services, health benefits and other activities through the Canada Funding Agreement, a 10-year agreement which expires on March 31, 2023. The Tripartite Data Quality & Sharing Agreement, which is critical for First Nations data sovereignty, also expires in April 2023.

THEREFORE BE IT RESOLVED THAT:

1. the BCAFN Chiefs-in-Assembly request that the First Nations Health Authority (FNHA) and First Nations Health Council (FNHC) cooperate in an arms-length health governance review and does not enter into any further agreements, including a renewed Canada Funding Agreement or the Tripartite Data Quality & Sharing Agreement, on behalf of First Nations prior to the external review of FNHA's governance structure and mandate by Title and Rights Holders;
2. the BCAFN Chiefs-in-Assembly call on the Minister of Health to engage and cooperate with the Health Governance Structure Renewal Committee (Committee) and the First Nations Leadership Council, who are mandated by Title and Rights Holders, and provide a formal, detailed response to the application for funding; and
3. the BCAFN Chiefs-in-Assembly direct the Regional Chief, working with the Union of BC Indian Chiefs and the First Nations Summit as the First Nations Leadership Council, to find funding for the Committee to hold a province-wide virtual meeting with Title and Rights Holders to discuss and provide feedback on the current health governance structure.

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