

FIRST NATIONS LEADERSHIP COUNCIL

September 03, 2015

[ADDRESS]

Dear [Candidate],

First Nations in BC have a unique nation-to-nation relationship with the federal government which is grounded in our Aboriginal Title, Rights and Treaty Rights. The First Nations Summit, the BC Assembly of First Nations and the Union of BC Indian Chiefs, working together as the First Nations Leadership Council (FNLC), bring forward some key concerns and questions of BC First Nations for consideration and response by federal political parties.

We closely watched the recently televised federal election leaders' debate and note that there was no significant discussion on the concerns of First Nations. First Nations in BC have tried for years to engage collaboratively on a number of matters to bridge the differences in socio-economic standards between First Nations citizens and other British Columbians and Canadians, reconcile Aboriginal Title and Rights and establish a new relationship based on mutual respect and recognition.

First Nations are committed to changing the course of First Nation-Crown relations in BC in a way that empowers our Nations and results in real, concrete change to our children, families, and communities. First Nations' socio-economic successes will benefit all Canadians.

The 2015 federal election represents a significant opportunity to address this gap. Recognizing this opportunity First Nation leaders across the country are actively engaging First Nations people, encouraging and aiding their efforts to participate in the upcoming federal election. The Assembly of First Nations has pointed out that if Indigenous voters turn out en masse in October, they could significantly influence the results in as many as 51 federal ridings, 11 of which are in the province of British Columbia.

The FNLC is preparing a 2015 Election package to be disseminated to all 203 BC First Nations. To inform First Nation voters, we are posing a series of questions to federal parties on issues of keen interest to First Nation voters. The questions, along with the responses we receive, will be included in the 2015 Election package for BC First Nations. The package will also include basic voting information and the various parties' platforms on First Nation issues.



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Following are questions relating to First Nations' concerns:

1. Reconciliation, Recognition and Affirmation:

- a. The groundbreaking *Tsilhqot'in* decision, which reaffirmed the existence of First Nation Title in Canada, reinforced the need for a reconstituted consent-based Crown-First Nations relationship, one which needs to address Aboriginal Title and Rights in a real and meaningful way. This relationship needs to be based on the conclusion, negotiation and implementation of Treaties and other agreements. ***In light of the adoption of the United Nations Declaration on the Rights of Indigenous Peoples and the recent release of 94 Calls to Action by the Truth and Reconciliation Commission (TRC), how does your party plan to work to transform the current relationship between First Nations and the Government of Canada in the implementation, negotiation and conclusion of Treaties and other agreements?***
- b. Prior to European contact, the formation of Canada, and the creation of the *Indian Act*, First Nations were organized according to their own political and legal values and systems. The impact of the *Indian Act* and the *Canadian Citizenship Act* has created a number of issues and questions regarding the reconciliation of First Nations citizenship, a Nation-to-Nation relationship with Canada, and Treaty relationships to the Crown and Canadian citizenship. Currently AANDC maintains the control of the Indian Register and will not review nor comment on a proposed or amended code. When taken into consideration such colonial policies as the Indian Residential School system, the 60s Scoop, and Bill C-31, this actively infringes on First Nations jurisdiction and right to determine their own membership, especially when confronted with cutback budgets. Effectively AANDC's policies not only limit First Nations control over who may be permitted citizenship, but they also impact First Nation citizens' choice of life partners, thus infringing upon a basic human right. ***How will your party account for these infringements and what amendments will you make to First Nation Citizenship and Status legislation?***
- c. The Truth and Reconciliation Commission's (TRC) executive summary, released in June 2015, contains almost 400 pages that describe the damning history of the Canadian Indian residential school system, the lasting intergenerational effects of this institutionalized and culturally genocidal policy, and 94 recommendations for healing the relationship between aboriginal and non-aboriginal people. ***Following the release of the 94 Calls to action by the Truth and Reconciliation Commission, how will your party implement the recommendations of the TRC in restructuring Canada's approach to reconciliation?***

- 2. AANDC Budget and adequate Resourcing for First Nations:** Over the past five years Aboriginal Affairs and Northern Development Canada (AANDC) has not expended its entire budget, and instead has held back more than a billion dollars in funding and plans to cut another billion by 2017/2018. Given the high rates of poverty in many First Nations communities this is entirely illogical and simply unacceptable. ***How will your party ensure that Aboriginal people have access to adequate funding, and if elected will you ensure that AANDC has an adequate budget that reflects First Nations needs and priorities?***

3. Fisheries:

- a. Evidence in the recent Nuu-chah-nulth Fisheries Infringement Justification trial confirmed that the federal Conservative Cabinet placed a limit on the total amount of fish that will be available to First Nations in BC through any means of acquisition (Food, Social & Ceremonial Communal Licences, PICFI, ATP, BC Treaty process, litigation, etc.). By capping the First Nations share, the “endpoint” number protects the lower priority recreational and commercial access to fish. This Cabinet “endpoint directive” is contrary to the principle of the Honour of the Crown, and contrary to Canadian jurisprudence and case law regarding the obligation to consult with First Nations where there is the potential to infringe on S. 35 (1) Constitutionally protected Aboriginal Rights. ***What is your party’s position on the Cabinet decision to cap Aboriginal access to fish, a staple of many First Nations diets, cultures and ways of life?***
- b. On October 31st, 2012, after 18 months of testimony and over \$26 million, the Cohen Commission’s Final Report “*The Uncertain Future of the Fraser River Sockeye*” was released. The Report was heralded as a blueprint for salmon conservation, providing 75 recommendations to Government. ***How will your party ensure that the 75 recommendations of the Cohen Report will be implemented and acted upon to ensure the preservation of BC’s salmon runs?***

4. **Environmental Stewardship:** For many years First Nations in British Columbia have sought to become fully involved in structuring, participating, and decision-making in environmental reviews. Yet provincial and federal governments still marginalize First Nations to stakeholder status in these reviews and strategically underfund their participation so they cannot actively participate. ***How will your party ensure that First Nations participation and engagement in environmental reviews is at a government-to-government level and is sufficiently resourced?***

5. **National First Nations Equity Fund:** In December 2013 the federal government released Douglas Eyford’s report titled *Forging Partnerships Building Relationships: Aboriginal Canadians and Energy Development*. A recommendation in the 2013 Eyford report states: “Canada should ensure that federal programs address the need for capital and other financial support for Aboriginal businesses participating in opportunities related to major projects.” It has been suggested that a National First Nations equity fund be created to address this recommendation. ***How will your party implement this recommendation?***

6. **Justice:** The justice system, as it currently exists in BC, often results in the systemic, cultural discrimination of First Nations. The system does not recognize that differences in culture, values, language and traditions directly impact the experience and treatment of First Nations in the justice system, including in court appearances, defense case reasoning, choosing pleas of defense, confronting accusers, and showing emotion in court – the system assumes that punishment equally affects all persons regardless of background or culture. There are many reports illustrating that

First Nations people are disproportionately represented at all levels of the criminal justice system. For instance, Aboriginal people account for approximately 3% of Canada's population (Statistics Canada, 2001), yet account for approximately 18% of the population incarcerated in federal correctional facilities (Trevethan, S., Tremblay, S., & Carter, J. 2000). In BC, 20% of the prisoner population consists of Aboriginal peoples (Juristat-Statistics Canada). **How will your party challenge approaches that contribute to the growing overrepresentation of Aboriginal men and women in incarceration?**

7. Children and Families:

- a. Better supports are required for Aboriginal children and youth in care, along with stronger enforcement of policies meant to protect the vulnerable. Evidence shows that, once a person has been involved in the child welfare system in their youth, the chances are higher that they will be involved in the criminal justice system, and also that their own children will be involved in the child welfare system. Statistics show that while Aboriginal people account for 4.3% of the Canadian population, nearly 50% of the 30,000 children and youth in foster care are Aboriginal. **What will your party do to address the disproportionate number of Aboriginal children in care?**
- b. The Enhanced Prevention Focused Approach (EPFA) funding program is a program designed to allow for a more flexible method to funding a prevention-based approach for child welfare services on-reserve. EPFA funding has not yet flowed to BC First Nations. **Will your party commit to bring Enhanced Prevention Focused Approach (EPFA) funding to BC First Nations?**

8. Violence Against Aboriginal Women and Girls: The matter of missing and murdered Aboriginal women, children and men is a critical issue in Canada. For many years First Nations have been calling for an inquiry into the underlying circumstances of the disappearances and murders. Despite the continuing and growing support for a national public commission of inquiry into violence against Indigenous women and girls, and cases of murdered and missing Aboriginal women, the Government of Canada's response to the tragedy of the missing and murdered Aboriginal women has been abysmal. **Will your party commit to call a National Inquiry into Murdered and Missing Indigenous Women and Girls in Canada in full partnership with Indigenous women and organizations, and will you follow through with actions and recommendations resultant from that inquiry?**

9. Emergency Management: Many First Nations are often underserved and lacking basic infrastructural amenities. This oversight increases the risks of injury and death during unforeseen emergencies, an unnecessary risk that may be easily mitigated. **What work will be conducted to ensure comparable levels of servicing for addressing (ongoing and continuing) critical foundations of Emergency Management, including structural Fire Services and forest fuel management prevention/mitigation on federal reserve lands? What commitment can be adhered to for First Nations' direct inclusion (partnership) in all agreements related to the provisions of Emergency Management (preparedness and response) Services?**

10. Education:

- a. In 2012, British Columbia, First Nations in BC, and Canada signed a Tripartite Education Framework Agreement (TEFA) that provided mechanisms for the three parties to work together to improve outcomes for First Nations students and introduced roughly comparable education funding. This agreement expires in 2017. **What is your party's position on regional approaches to First Nations education, and if elected will your party support the renewal of the BC agreement?**
- b. In 1996 the federal government placed a 2% cap on the Post-Secondary Student Support program (PSSSP). Due to the rising cost of post-secondary education, a dramatic increase in the population of First Nations youth, and unprecedented levels of Aboriginal youth looking to attend post-secondary institutions, when viewed as per-capita funding, the 2% cap is actually a funding cut. **What is your party's position on funding First Nations post-secondary students? If elected, how will your party ensure that funding for Aboriginal post-secondary students is enhanced and adjusted fairly to account for increased costs and population growth?**

11. Social Development:

- a. **Given the current budget surplus for AANDC and the significant funding cuts to First Nation Service Organizations and defunding of organizations such as the First Nations Social Development Society, what is your party's plan to support front line income assistance workers in BC?**
- b. The rate of on-reserve welfare for a single employable person is \$235 per month which equates to \$7 per day, or \$0.31/hr. The cycle of poverty and determination by government to hold rates of income assistance at 1994 levels violates the basic human rights of First Nations People in BC. **What is your party's plan to address the issue of low income assistance rates on-reserve?**

Thank you for your consideration and attention to the critical issue of engaging First Nations voters. As the election campaign has begun in earnest, we are asking for your responses to these questions to be returned by September 18, in order for your responses to be provided to all 203 First Nations communities in BC. Please reply with either hardcopy responses or by email to matthew@ubcic.bc.ca.

Yours truly,

FIRST NATIONS LEADERSHIP COUNCIL

On behalf of the FIRST NATIONS SUMMIT:



Grand Chief Edward John

Robert Phillips

Cheryl Casimer

On behalf of the UNION OF BC INDIAN CHIEFS:



Grand Chief Stewart Phillip

Chief Bob Chamberlin

Kukpi7 Judy Wilson

On behalf of the BC ASSEMBLY OF FIRST NATIONS:



Regional Chief Shane Gottfriedson