



FIRST NATIONS SUMMIT

NEWS RELEASE

***FOR IMMEDIATE RELEASE:
JUNE 1, 2011***

**An Open Letter from the First Nations Summit to Premier Clark,
Minister Penner and Minister Polak regarding BC's denial of funding
for participation in the Missing Women Commission of Inquiry**

Coast Salish Territory (Vancouver) — The First Nations Summit today released the attached open letter to Premier Christy Clark, Hon. Barry Penner, Attorney General of BC and Hon. Mary Polak, Minister of Aboriginal Relations and Reconciliation regarding the provincial government's decision to deny funding to many of the participant organizations of the Missing Women Commission of Inquiry.

The letter urges the Provincial government to reconsider their decision and to immediately allocate funding to all participants recommended by the Commission to ensure a balanced and fair process, as well as to ensure that all relevant perspectives are put forward.

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The First Nations Summit speaks on behalf of First Nations involved in treaty negotiations in British Columbia. Further background information on the Summit may be found at www.fns.bc.ca.

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FIRST NATIONS SUMMIT

May 31, 2011

Honourable Christy Clark
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Honourable Barry Penner
Ministry of Attorney General
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Honourable Mary Polak
Minister of Aboriginal Relations and Reconciliation
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Dear Premier Clark, Minister Polak and Minister Penner:

The First Nations Summit is deeply disappointed with the Attorney General's decision to not provide any funding to support participants' role in the Missing Women Commission of Inquiry process. This decision gives rise to the real possibility that some organizations may not be able to participate in the Inquiry at all, bringing into question how fair and meaningful the process will be.

The Commission clearly recognizes and has expressed how each participant will further the conduct and contribute to the fairness of the Inquiry. In some instances, the Commission indicates that this participation is "critical". As such, Commissioner Oppal has granted either full or limited standing to all those who applied for standing in the Inquiry, in recognition that each applicant has something of value to offer and contribute. Further, he has recommended that Province provide funding to 13 applicants requested financial support for their participation in the Inquiry, on the basis that the applicants each demonstrated they would otherwise not be able to participate in the hearing portion of the inquiry.

We have seen media reports where the Attorney General has stated that, "funding all of the groups would cost \$4.6 million to \$6.5 million" and that funding the families will be in the "hundreds of thousands." It is unclear how the Attorney General reached these figures. We have not received any communication from the Attorney General setting out the total amount of funding that was made available for the Inquiry, nor the basis of its decision and calculations. While the Attorney General has indicated that funding only the families would be "consistent with past practice", it does not elaborate upon or explain what this practice is. We are concerned that the Attorney General has arbitrarily reached these numbers without communicating with the applicants regarding their needs.

Further, the Attorney General's office has communicated to our counsel that the government is of the view that organizations are better situated to fund counsel without assistance from government, as well as to represent their interests and concerns to the Inquiry without counsel, than are the victims' families. Further, any participant who wishes to engage with the Inquiry without counsel can do so through the less formal process of the study commission that has been scheduled by the Commission.

This view assumes that the participant organizations have sufficient funding already available to them to support their participation in the process. This is contrary to affidavit information provided by the participants setting out their lack of sufficient funding and contrary to the Commission's recommendation that the participants each receive funding reflective of their level of participation.

We are concerned that the Attorney General appears to be taking advantage of the Commission's study mandate as a reason to not provide funding to participants, suggesting that, since the study commission now exists, the participants can now use that avenue to contribute to the Inquiry in an informal way, without legal counsel, similar to community members. This was not the Commission's purpose in seeking a study commission mandate. Rather, the Commission was trying to address community concerns about accessibility, ensuring vulnerable and marginalized individuals felt comfortable participating, and ensuring the emotional needs of the victims' families are respected and supported. The Commission is clear that the limited participants may indeed have a need or interest in participating in the hearing process and, so, may apply for leave to cross-examine witnesses.

We are also concerned that the Attorney General assumes that only the hearing portion of the Inquiry will require support funding. There are huge volumes of documents to review in order to understand and identify issues requiring solutions. This is the case regardless of whether a participant has full or limited standing and is reflected in the Commission's decision that all participants have the same access to documents. Further, resources are required to conduct analyses and to draft submissions, as anticipated in both the hearing and study portions of the Inquiry.

The First Nations Summit appreciates and supports that the families of the victims will receive funding to support their participation. Their participation will be essential to the Inquiry. Our Letter of Understanding with other First Nation participants sets out our commitment to call on the federal and provincial governments to place a high priority on the family members of missing and murdered women and provide them with sufficient funding to ensure their meaningful and respectful participation in the Inquiry.

However, organizations such as the First Nations Summit and other participants have an additional role to play. In view of the potential province-wide, and nation-wide, impacts of this Inquiry, each participant has knowledge and expertise that will be of great benefit to the Commission, and will assist in the development of recommendations that may result in changes to the rules, policies and procedures of agencies involved in the activities of law enforcement. As noted in our application for standing, the federal, provincial and territorial ministers of justice announced in fall 2010 new attention and initiatives to be focused on addressing "the disturbing numbers of murdered and missing Aboriginal women, including steps to help police better investigate these cases." The Inquiry is an opportunity to use lessons learned to inform these new initiatives through a comprehensive approach that involves a wide range of expertise, such as that brought forward by participants.

If any of the participants are unable to remain in the process, their critical input may not be received. This compromises the integrity of the process and the usefulness of its outcomes. The participants have a wealth of knowledge, experience and expertise on the range of policy and process issues that the families of the victims cannot and should

not be expected to put forward. Certainly the government and the VPD will not be in a position to bring this expertise forward.

The First Nations Summit has, since the 1990's, called for public inquiries and special investigations into the disappearance and murders of Aboriginal women in Vancouver and around the province. Many women died or went missing in the years it took for the investigation to finally lead to the sentencing of Robert Pickton. According to reports thus far, a significant factor in this was the lack of resources put toward a focused investigation.

It would be a further tragedy to allow a lack of resources to jeopardize this important and necessary process. It is alarming to us that the Attorney General would now potentially compromise this Inquiry – one so long overdue and that could conceivably lead to changes that will help prevent any such inhumanity to occur again – by not providing funding to help assist participants to contribute their knowledge and expertise, which the Commission has indicated will further the conduct and fairness of the Inquiry.

We strongly urge you to reconsider your decision and to allocate further funding to the Inquiry in order to provide funding to the participants, as recommended by the Commission, to ensure a balanced and fair process that ensures all relevant perspectives are put forward.

We look forward to the Government of British Columbia's positive response.

Sincerely,
FIRST NATIONS SUMMIT TASK GROUP



Grand Chief Edward John



Chief Douglas White III Kwulasultun



Dan Smith

- CC. National Chief Shawn A-in-chut Atleo, Assembly of First Nations
Grand Chief Stewart Phillip, President, Union of BC Indian Chiefs
Jody Wilson Raybould, Regional Chief, BC AFN
David Luggi, Tribal Chief, Carrier Sekani Tribal Council
Hugh Braker, President, Native Courtworker and Counselling Association of BC
Jeannette Corbiere Lavell, President, Native Women's Association of Canada
Wally Oppal, Commissioner, Missing Women Commission of Inquiry