

Fraser Valley Treaty Advisory Committee

First Nations Media Monitor - Excerpts

March 6, 2009

Summary of news events reported on First Nations, Aboriginal communities, and rights & title issues.
This report can also be found on the FVTAC website at the following link:

<http://www.fvrd.com/AboutUs/FVTAC/Pages/Reports.aspx>

AROUND THE PROVINCE

First Nations Leaders Consider Proposed Act

B.C.'s top First Nations leaders recently gathered for a special assembly to debate the principles in a draft discussion paper on the proposed Recognition and Reconciliation Act that would formally recognize Aboriginals in British Columbia as original inhabitants with their own laws, government, territories and title to land. The Union of B.C. Indian Chiefs, First Nations Summit (FNS), and the B.C. Assembly of First Nations voted in favour of working on the new legislation and plan talks with government to draft details. The province and Aboriginal leaders have been working since November to bring the law forward with the goal of reversing a 150-year-old Crown policy and reconstituting the existing 203 bands in B.C. into 30 indigenous governments, based on history and geography. Premier Gordon Campbell pledged to try and bring the act forward before the May 12 elections and Aboriginal Relations Minister Mike de Jong is expected to take it to parliament this month. The four-page draft document is the result of several meetings between six people including top First Nations leaders, such as FNS Grand Chief Ed John and the Premier's deputy minister Jessica McDonald. Recognition of Aboriginal rights and title would mean that the federal and provincial governments could no longer make legal arguments based on the denial of the existence of a First Nation.

(Globe and Mail, February 17 and 26; Times Colonist, March 6)

B.C. First Nations Receive Housing Funding

British Columbia's First Nations communities are receiving \$50-million from the federal government to build or improve on-reserve housing. Sto:lo Grand Chief Doug Kelly is calling for a housing action plan to set out priorities and expectations as determined by First Nations. Indian and Northern Affairs Minister Chuck Strahl met with First Nations leaders following the funding announcement and the parties agreed to work on a joint housing plan. The provincial government will be asked to participate and Premier Gordon Campbell has already promised the province will play a role by training First Nations people in building and maintaining their homes and by ensuring water, sewer and power systems are linked to reserves. The funding stems from a memorandum of understanding (MOU) between the First Nations Leadership Council and the provincial and federal governments signed last spring and comes from the \$400-million set aside in the federal budget for on reserve housing over the next two years. A housing forum has been tentatively set for the end of March, said Kelly, who also notes that part of the on reserve housing problem is the lack of economic development capacity by many bands. The National Aboriginal Economic Development Board is urging the federal government to shift spending priorities from social programs to economic development. The board is currently working with Ottawa on a new framework to coordinate steps in supporting this initiative.

(Times Colonist, February 19; Chilliwack Progress, February 20)

Band and Province Negotiations Failing

The provincial government has gone back to the B.C. Court of Appeal requesting they allow the appeal of a lower court decision to proceed. The decision recognized the Aboriginal rights and title of the Tsilhqot'in Xeni Gwet'in band to a large portion of their claimed traditional territory. In the November 2007 ruling, the B.C. Supreme Court Justice David Vickers stated that a procedural flaw prevented him from making a declaration of Aboriginal title, but

urged the parties to negotiate a settlement. Both parties agreed to suspend the appeal process to do so, but have been unable to resolve the issue after a year of negotiations. Band lawyers have asked the appeals court to maintain the suspension to allow for more time to negotiate and is seeking the appointment of a mediator.

(Globe and Mail, February 26)

TREATIES

In-SHUCK-ch Treaty Needs Catch-Up Housing

Chiefs of the In-SHUCK-ch Nation say treaty talks may stall if the federal government does not allow funding for “catch-up” housing on reserves. The In-SHUCK-ch need a larger on reserve population to qualify for additional funding, but can’t bring in more band members until there is more housing, said chief negotiator Gerard Peters. The In-SHUCK-ch communities, Skatin, Samahquam and Douglas, live primarily without electricity in remote locations accessed only by a single unpaved logging road that is unreliable for medical emergencies. The chiefs are also seeking water tenures from B.C. and the province has already committed to road improvements, but the funding isn’t available until after a treaty is reached. Indian Affairs Minister Chuck Strahl said there are ways that housing issues can be worked out at the treaty table. The In-SHUCK-ch chiefs requested a meeting with Strahl, but he said he would not meet to discuss the matter, as housing is an issue “normally left to treaty negotiators to work through.” The In-SHUCK-ch treaty agreement is close to being settled, but the chiefs state they “cannot afford to conclude treaty until we have Canada’s commitment” for catch-up housing.

(Chilliwack Progress, February 13 and 24)

FORESTS

Forest Program Funds First Nations Research

The Forest Investment Account Forest Science Program will receive \$12.5-million in provincial funding for research surrounding improved timber growth practices, response to impacts of climate change, and maximizing benefits from B.C.’s forest resources. The program will fund 216 new and ongoing projects including many from First Nations organizations, who were involved in the selection and review of research topics and proposals. The Forest Science Program and the British Columbia First Nations Forestry Council recently signed a communications and collaboration protocol agreement, which harmonizes First Nations interests with the program. Funding will also go toward amalgamating existing information on indigenous traditional knowledge, and Aboriginal values and land uses in forest management.

(Supply Post, February 28)

Huu-ay-aht Sign Timber Licence

Chief Robert Dennis, of the Huu-ay-aht First Nation (HFN), announced the release of the band’s economic stimulus plan during the recent signing of a non-renewable timber harvesting licence with the B.C. Ministry of Forests and Range. The licence provides a harvest of 17,000 cubic metres of Crown timber, which Dennis said would be market-logged, with all of the Crown land wood going to local mills. The province has also invited HFN to apply for a second licence of the same size. As outlined in their stimulus plan, the Huu-ay-aht also have privately-held timberlands that they may option to use for exporting second-growth Douglas fir. The plan also includes improvements and upgrades to the Bamfield Road, partnerships with the Village of Bamfield and the Bamfield Marine Sciences Centre for the creation of a waste-treatment system, and the expansion of broadband access to education and skills training.

(Alberni Valley Times, February 20)

LOCAL GOVERNMENT

Tseshahat Left Out of Tsu-ma-as Centre

Chief Judith Sayers and CEO Robert Duncan of the Hupacasath First Nation (HFN) recently unveiled tentative plans at Port Alberni city hall for the Tsu-ma-as Transformation Centre at the Clutesi Haven Marina on behalf of the Tsu-ma-as Transformation Society. The city is currently negotiating terms of a lease with the society for a portion of the land at the marina, with occupancy contingent on receipt of a detailed business plan, stage one and two environmental assessments, and rezoning. The Tseshahat First Nation (TFN) claims they have been excluded from involvement in the transformation centre, despite the fact that the marina is part of TFN traditional territory. The original HFN proposal included other First Nations in the valley, but is now exclusively Hupacasath with other displays by invitation only, said TFN chief operating officer Cindy Stern. Tseshahat has brought their concerns to the city saying they “can’t support the direction the society has taken.” However, Sayers said the previous Tseshahat administration were invited to join the society board, but more than once declined. When the new administration later asked to be included, the business plan, design and funding were already in place and it was too late to join, said Sayers. “The city has a process to go through...this is a business...not a land claim issue,” Sayers noted.

(Alberni Valley News, February 13 and 20)

Districts Work With First Nations to Reduce Emissions

The Regional District of Central Kootenay, along with the regional districts of East Kootenay and Kootenay Boundary, in partnership with the Columbia Basin Trust has hired a company to compile corporate greenhouse gas emissions inventories in the regions. The company will develop the Kootenay Carbon Neutral Action Strategy for the regional districts based on information gathered from five First Nations communities, the three regional districts, and participating municipalities. Action plan templates will also be created for the First Nations communities and municipalities that will provide education for elected officials and staff.

(Nelson Daily News, February 19)

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(Nelson Daily News, February 19)

Westbank Residents Don’t Pay for Hospital Expansion

Aboriginal and non-Aboriginal residents living on Westbank First Nation (WFN) land will not be contributing to the \$119-million expansion at the Kelowna General Hospital. The provincial government covers 60 per cent of the costs and local taxpayers pay the remaining amount. The Central Okanagan Regional Hospital District tried to convince WFN to contribute to the hospital expansion because the Westbank residents use the hospital. However, Chief Robert Louie pointed out that the band member’s health coverage is a federal government requirement so therefore any contribution would be a fiduciary obligation of Canada. Louie also noted that the tax structure on band land is not set up for charging non-band members for provincially funded projects. WFN does contribute to other regional and municipal services used by residents such as transit, water and libraries through specific service agreements. *(Kelowna Capital News, February 22)*

Musqueam, Richmond Land Application Rejected by ALC

The Agricultural Land Commission (ALC) has rejected the City of Richmond's third application to have the Garden City lands excluded from the Agricultural Land Reserve. The city was seeking an exclusion to facilitate an agreement they had with Canada Lands Company and the Musqueam First Nation to share the lands for development purposes. In December, city council changed their position and voted not to extend the purchase agreement they had with the Musqueam. Chief Ernie Campbell said he is disappointed in the outcome but has not given up on working out a deal with Richmond.

(Richmond News, February 18)

EDITORIAL EDITS

Times Colonist, February 17 – Les Leyne wrote, in part:

“Premier Gordon Campbell signaled yesterday that his government is prepared to legislate the about-face he started four years ago on native rights, by recognizing Aboriginal title.

It was a dramatic shift for Campbell and the B.C. liberals, who swallowed up the right-wing vote in the 1990s partly by taking a hard-line stance on many native issues.

If someone 10 years ago had said Gordon Campbell would one day stand up and promise to recognize Aboriginal title, he would have been laughed off as a crank.

He fought the Nisga'a Treaty to the bitter end on the grounds it gave too much away, even going to court after the law was passed.

‘We are fundamentally opposed to this new model of self-government that’s proposed in this treaty, because it...will divide British Columbians along ethnic lines,’ he told the legislature in 1997.

Despite the about-face, Grand Chief Stewart Phillip was less than impressed, saying that recognizing ‘constitutionally established’ rights and title sounds like the status quo.

Phillip said there’s an enormous difference between acknowledging indigenous people’s occupation of the land and recognizing their unqualified claim to title.”

Globe and Mail, February 24 – Editorial, in part:

“The mistake of Jean Chrétien’s government in trying to push through the First Nations Governance Act [FNGA], an ambitious effort to reform the way that reserves are run, was to attempt to steamroll over objections from Aboriginal leaders. But yesterday’s reaction by the Assembly of First Nations [AFN] to a document that appears to be a leaked Cabinet memo raises questions about the spirit of cooperation on the Aboriginal side.

The memo focuses on changes to Indian government support programs, which are up for renewal in 2010. It makes clear that the funding, now totalling \$344-million a year, needs to be raised significantly, and then details shortcomings in accountability and effectiveness in native governance, paying particular attention to gender inequality.

The AFN’s reaction may relate to internal politics; [AFN National Chief] Fontaine is soon up for re-election. Still, governments – which have shied away from most of the FNGA’s provisions after its failure – should be able to consider the prospect of accountability measures without the AFN immediately assuming the worst.”

Vancouver Sun, February 26 – Vaughn Palmer wrote, in part:

“The provincial government and native leaders are quietly circulating a four-page paper outlining draft principles for legislation that would offer unprecedented ‘recognition’ to indigenous nations here in B.C.

The proposed bill would override all other provincial statutes, ensuring that recognition took precedence over hundreds of laws governing the disposition and management of Crown land and resources.

Other provisions under discussion would offer primary recognition to overarching indigenous nations – major linguistic and/or cultural groupings – as opposed to smaller bands and tribal councils that now dominate treaty talks and other interactions between Aboriginal peoples and the government.

But it’s not known if leaders of individual bands would agree to be subsumed by the larger entities.

Some sort of recognition act has been under discussion for more than a year. Native leaders were hoping the bill would be tabled before the house adjourned in the spring.

The natives kept pressing, hinting at some sort of showdown in the absence of progress. The premier took the hint and wrote back last fall, saying he would ‘like my government to be the first in Canada’ to take the historic step of legislating formal recognition of Aboriginal rights and title.

For his part, the premier still declined to commit to a timetable. ‘If it is able to be presented this session it will be,’ he told reporters. ‘If it is beyond this session, it will be.’

But if First Nations endorse the principles in the discussion paper over the next few days, I gather the Liberals will try to table at least a draft version of a recognition act before the house adjourns for the election campaign.”