BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

All Chiefs’ Meeting

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OPENING COMMENTS
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CHECK AGAINST DELIVERY
Gilakas’la. Greetings...

I would like to thank the Task Force for their hard work and taking on the challenge in addressing what is a very critical question for all our communities “What is the best way to organize politically to advance our Aboriginal title and rights”... A question that we grapple with from time-to-time.

As tribes we have been organizing ourselves locally and regionally to defend our rights since the colonial authority first arrived. On the Coast during the 1880s our peoples came together to form the Allied Tribes. In 1931 the Native Brotherhood was organized to advance our issues. In the interior the Chiefs also came together in that late nineteenth century and over a period of years issued numerous statements jointly demanding their land rights be dealt with properly by the Crown. The 1910 Memorial to Sir Wilfred Laurier is one of the strongest of these documents.

Our peoples were not ignorant to the fact treaty making was taking place across the rest of the country. In fact the 1910 Memorial to Sir Wilfred Laurier asks that a treaty be entered into by the various Tribes and the Crown sharing the land and natural resources 50/50. For their part the Nisga’a travelled to England in 1913 to petition the Crown for their land and governance rights.

During our colonial period it was much harder for our leaders to gather, requiring travel over great distances by foot, horse or canoe. But our message to the colonizer was the same – it is our land and we have not been treated fairly.

In more modern times the Union of British Columbia Indian Chiefs was created in 1969; a direct result of the federal government’s efforts at assimilation that was set out in the 1969 white paper. The UBCIC was our first attempt at a BC wide body to advance our Aboriginal title and rights. The First Nations Congress was established in 1990 but soon morphed into the First Nations Summit. The Summit was established in the wake of the Oka Crisis and the parallel demonstrations in BC in support of title and rights in 1991.

The National Indian Brotherhood, our first national political organisation, and now called the Assembly of First Nations, was established in 1969 - also in the wake of
the White Paper. The BC AFN was established in 1993. So in fact the BC AFN is the youngest of the current three PTOs in BC.

Our history of political organisation is important and we can thank the leaders that have come before us, many of whom are still with us today, for all their hard work.

Today we are talking about where we are going. I have read the report of GMG Consulting Services prepared for the Task Force and while I have some issues about the process and the analysis it was evident from the responses to the survey that there is some confusion about what the PTOs do but a general consensus that they should work together along the lines of the Leadership Council and perhaps even merge and reorganize.

The Task Force was created following the concerns over the proposed provincial Recognition and Reconciliation legislation that was developed by BC in partnership with the Leadership Council.

The Leadership Council was formed in 2005 to guide the work of the Leadership Accord to “generate political power through cooperation and collaboration between existing provincial First Nations organisations”. It was endorsed by the three PTOs by resolution. I think the establishment of the Leadership Council was an acknowledgement that we did not need to duplicate or triplicate our legal, political and administrative efforts. What precipitated the creation of the Leadership Council was our success in the courts and particularly the advances made in consultation and accommodation through the *Haida* and *Taku* cases. The fact we have moved into a new period of implementing title and rights and not just advocating for them.

Today we are all grappling with the question of how best to implement title and rights given the opportunities now available to us as a result of years of litigation and lobbying. While each of our PTOs looks to provide support to you in your efforts ultimately the responsibility for Nation building or Nation re-building rests with each individual community or Nation.
In recent months we have seen what some may perceive as a threat to Nation building. Here I am thinking about the province-wide discussions that are ongoing concerning jurisdiction by various Councils that have been established by our PTOs, for instance in the area of health. In the future our Nations may agree to aggregate our law making powers and create regional governments but in my opinion this cannot occur before we have rebuilt our Nations first. Sure there are economies of scale and it is easier for the other governments to deal with us if we exercise jurisdiction regionally and provincially, but it is short sighted to try and sidestep the community development work required for real social change.

Social change is hard. We all know this. For change to occur at the community level our people have to vote in favour of that change. So we each have to ask ourselves, is my community ready to vote out the Indian Act and begin implementing our inherent right to self government?...To implement our title and rights?

I believe the Leadership Council was formed out of a true sense of wanting to be united and I believe in it. Despite the limited structure and organization, the Leadership Council sought to address the previous duplication or triplication of efforts of our three PTOs. So do we remain united enough to either continue with a Leadership Council, perhaps with more structure, or perhaps actually merge, if not three, then two of the PTOs into one? All options would require a lot of work and effort to ensure the structure created is satisfactory to us all. It would also, of course, be important that we do not reduce the overall resources both in terms of knowledge, personnel and financial as a result of any re-configuration.

When we look at how First Nations are organized across the rest of the country in some provinces there is more than one PTO, such as Ontario and Manitoba, while some provinces have one organization, such as Saskatchewan. Some organize across provinces based upon their historical treaties.

If the PTOS are going to continue to work together do we share a common political philosophy? While we may have different strategies - litigation, negotiation or direct action – to advance our title and rights – is there a common political philosophy among the UBCIC, the FNS and the BC AFN?
I believe the philosophical question comes down to whether we see a place for our political aspirations, our Nation Building, within Canada or separate from Canada? Legally none of our PTO’s advocate a secessionist or sovereigntist position. If you look at the legal documents our PTOs have filed on our behalf in the numerous Aboriginal title and rights cases they all support the concept of Aboriginal title and rights within the legal framework of Canada. Our legal arguments are now based on the premise that section 35 of the Canadian Constitution protects our Aboriginal title and rights. If we were sovereigntists we would not rely on Canadian domestic law as the basis for advocating rights within Canada. We also support the UN Declaration of the Rights of Indigenous Peoples which advocates for our rights within existing Nation States and specifically does not speak to succession.

So if legally we are all saying the same thing about our Aboriginal title and rights, and for the most part are saying the same thing politically, then is there a philosophical difference between the FNS, the UBCIC or the BC AFN? I do not think so.

And we should not be misled by the BC Treaty Process as being the arbitrary line of division between us because that wall is being pulled down. The Courts and our advocacy have overtaken the treaty process at this point in time. In fact today membership and leadership in the FNS and the UBCIC is not strictly determined by whether or not you are actively participating in the treaty process. Based on the court decisions and our success at the negotiating table there are going to be many ways our Nations rebuild and benefit from the implementation of our title and rights. Whether you call them reconciliation agreements, accommodation agreements, self government agreements or in fact treaties, each Nation will be responsible for making its own arrangements with the Crown or asserting its rights.

More than ever we need to all come together so that each of us can share our experiences with one another and to ensure we all have the same information to take back to our communities. I would hate to see political difference from the past interfere with the political necessity of working together and actually getting
ready to WIN and take advantage of the opportunities that now lie before us...If we do not do it now, then when?

As I have often said, having our rights and title recognized legally and politically is not the end objective in itself. The end objective is, of course, to improve the quality of life for our people in our communities which means acting on our rights and implementing them.

So my colleagues this our challenge - to translate title and rights into benefits on the ground in our communities through Nation building and to ensure that we have political organizations that support that activity.

I look forward to the discussions this week and over the coming months.

Opening comments, British Columbia Assembly of First Nations, All Chiefs’ Meeting, May 18, 2010