

# First Nations Summit

March 20, 2015

Honourable Christy Clark  
Premier of British Columbia  
PO Box 9041  
STN PROV GOVT  
Victoria, BC, V8W 9E1  
Via facsimile: (250) 387-1715

Dear Premier:

**Re: British Columbia Treaty Commission –  
Chief Commissioner**

We are writing in regard to the Principals agreement to appoint George Abbott as Chief Commissioner of the British Columbia Treaty Commission.

On March 18, 2015, representatives of the BC Government provided notice to the First Nations Summit Political Executive that the Province has determined that it is unwilling to support the appointment of George Abbott to the position of Chief Commissioner of the BC Treaty Commission (BCTC).

The First Nations Summit Political Executive is taken aback and extremely disappointed in this unexpected and late arriving decision, which comes after six months of discussions among the three Principals to the treaty negotiation process (Canada, BC and the FNS). This decision is inconsistent with the joint agreement that we made as Principals to appoint Mr. Abbott as Chief Commissioner, which was subsequently conveyed to him. Mr. Abbott accepted the nomination, acted upon this agreement in good faith and took steps toward acceptance of the appointment.

Based upon our agreement and Mr. Abbott's acceptance, the First Nations Summit promptly began its approval process, which is a legislatively required step in the appointment process.

Disturbingly, your decision comes after the passing of First Nations Summit Chiefs' Resolution #1014.02 formally appointing Mr. Abbott as Chief Commissioner. As you may recall, the First Nations Summit resolution #1014.02 was passed on October 17, 2014 and provided to the provincial and federal government and Mr. Abbott on that same date.

The Province's blatant disregard for the agreement among the Principals and processes already undertaken is wholly unacceptable. As a Principal to the treaty negotiation process, the First Nations Summit acted in good faith and informed the First Nations Summit Chiefs in Assembly of the joint agreement at the Principals level. We then promptly began our work to ensure timely approvals to best support federal and provincial order in council processes. We are now placed in a position of having to inform our Chiefs about this unexpected development.

As we had discussed with Minister Rustad on March 20, 2015, in order to allay growing frustration and questions surrounding the Province's commitment to seeing a successful treaty negotiations process in BC, it would be prudent to commit to the full implementation of the direction and recommendations set out in the BC Claims Task Force Report and to resolve the issues regarding the appointment of a new Chief Commissioner as quickly as possible.

We look forward to your timely response.

Sincerely,

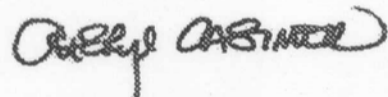
**FIRST NATIONS SUMMIT POLITICAL EXECUTIVE**



Grand Chief Edward John



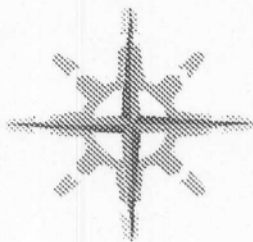
Robert Phillips



Cheryl Casimer

Enclosure (1)

First Nations Summit Resolution #1014.02 formally appointing George Abbott as Chief Commissioner.



# FIRST NATIONS SUMMIT

## RESOLUTION #1014.02

**SUBJECT: APPOINTMENT OF GEORGE ABBOTT AS CHIEF COMMISSIONER OF THE BRITISH COLUMBIA TREATY COMMISSION**

### WHEREAS:

- A. The First Nations Summit, the Government of Canada and the Government of British Columbia have established the British Columbia Treaty Commission by joint operation of the British Columbia Treaty Commission Resolution (First Nations Summit Resolution No. 1.2) dated May 10, 1993, the *British Columbia Treaty Commission Act*, S.C. 1995, c. 45 and the *Treaty Commission Act*, RSBC 1996, c. 461 for the purpose of facilitating the negotiation of treaties (together the "British Columbia Treaty Commission Authorities").
- B. In accordance with section 7 of the British Columbia Treaty Commission Resolution, the First Nations Summit is required to jointly appoint the Chief Commissioner for a term not exceeding three years.
- C. The current term of Chief Commissioner Sophie Pierre expires on April 1, 2015.
- D. By First Nations Summit Resolution #0912.06 the First Nations Summit Chiefs in Assembly provided the First Nations Summit Task Group the authority to select and appoint the British Columbia Treaty Commission (BCTC) Chief Commissioner, on behalf of the First Nations Summit, until such time the authority is revoked by the Chiefs in Assembly.
- E. During a conference call convened on October 8, 2014 to discuss the Chief Commissioner of the British Columbia Treaty Commission, the Principals agreed to appoint George Abbott to the position of Chief Commissioner of the British Columbia Treaty Commission for a three-year term.

### THEREFORE BE IT RESOLVED:

- 1. That the First Nations Summit Chiefs in Assembly endorse the First Nations Summit Task Group's appointment of George Abbott as Chief Commissioner of the British Columbia Treaty Commission, to hold office during pleasure, for a term of three years, effective on a date to be agreed to by the three Principals, and ending on the earlier of:
  - a. three (3) years from the effective date of his appointment as Chief Commissioner, and
  - b. the date on which the appointment is terminated.
- 2. That the Chief Commissioner carry out the purpose and duties of the Commission set out in the British Columbia Treaty Commission Authorities.
- 3. That the Chief Commissioner be remunerated in accordance with the rate set out in the schedule to the federal order in council that, together with this resolution and an order in council of the Government of British Columbia, appoints him.

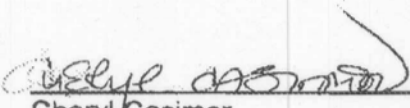
PAGE TWO  
RESOLUTION #1014.02

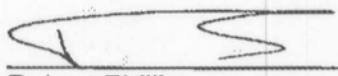
SUBJECT: APPOINTMENT OF GEORGE ABBOTT AS CHIEF COMMISSIONER OF THE  
BRITISH COLUMBIA TREATY COMMISSION

MOVED BY: Chief Wilf Adam, Lake Babine Nation  
SECONDED BY: Kathryn Teneese, Ktunaxa Nation  
DATED: October 17, 2014

Passed by consensus.

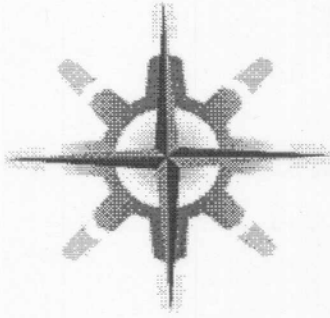
ENDORSED BY:

  
Cheryl Casimer

  
Robert Phillips

  
Grand Chief Edward John

CORRESPONDENCE



# FIRST NATIONS SUMMIT

## Facsimilie Cover Sheet

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**To:** 12503871715@xmedius-fax.fns.l

**From:** Sandra Dunkin

**Fax Number:** 12503871715

**No. of pages:** 6 (including cover)

**Phone:**

**Date:** 3/20/15

**Time:** 3:58:05 PM

**Re:** Letter from FNS Re; British Columbia Treaty Commission - Chief Commissioner

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**Details:**



Please find attached a letter addressed to Premier Christy Clark regarding the BC Treaty Commission – Chief Commissioner Appointment, along with FNS Resolution 1014.02, *Appointment of George Abbott as Chief Commissioner of the British Columbia Treaty Commission*.

Regards,  
Sandra Dunkin



Sandra Dunkin, MLIS, CRM, IGP  
Records & Information Management Coordinator  
First Nations Second Language Institute  
s.dunkin@fnsli.ca | 250.636.1111 | www.fnsli.ca

## **Henderson, Kim N PREM:EX**

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**From:** Mayhew, Neilane ABR:EX  
**Sent:** Wednesday, March 11, 2015 8:23 AM  
**To:** Henderson, Kim N PREM:EX  
**Subject:** Chief Commissioner Lists

Below is the list of candidates that each of the three Principals provided. I was correct in my recollection that George Abbott was on the feds list as well.

### BC Candidates

George Abbott  
s.13,s.16,s.22

### FNS Candidates

s.13,s.16,s.22

### Canada's Candidates

George Abbott  
s.13,s.16,s.22

### **Neilane Mayhew**

A/ Deputy Minister  
Ministry of Aboriginal Relations and Reconciliation  
Phone: 250 356-1439  
Fax: 250 387-6073

## Henderson, Kim N PREM:EX

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**From:** Henderson, Kim N PREM:EX  
**Sent:** Thursday, January 15, 2015 8:51 AM  
**To:** Ives, Andrew PREM:EX  
**Cc:** Doyle, Dan PREM:EX  
**Subject:** BCTC Background  
**Attachments:** BCTC Background.docx

Hi Andrew, please find attached some background on the BC Treaty Commission for the information of PCC for the call tomorrow.

Kim.



**Briefing Document: BC Treaty Commission Background**

**Conference Call Friday, January 16<sup>th</sup> 12:00**

**SUMMARY:**

- The BCTC is responsible for administering the treaty process, allocating funds, and facilitating negotiations, with oversight by the Principals, in accordance with the Agreement and the Acts.
- The Chief Commissioner is the chief executive officer of the BCTC and has supervision over and direction of the day to day operations of the commission. If the Chief Commissioner position is vacant, the other commissioners can designate a commissioner to take on the role of Acting Chief Commissioner to cover the vacancy.
- While the Commissioner can provide advice to the Principals on how to improve the current treaty process, it is the Principals' responsibility as the creators of the BCTC and employer of the Chief Commissioner to determine the nature of the BC treaty process.
- If the Principals were interested in pursuing a new vision for the treaty process, they may need to consider opening up the BCTCA or, if the changes are more significant, setting it aside entirely and renegotiating a new approach.
- The roles and responsibilities of the BC Treaty Commission (BCTC) were originally set out in the Report of the British Columbia Claims Task Force (1991), the *British Columbia Treaty Commission Agreement* (1992), and in federal and provincial legislation.
- The BCTC is jointly established under the province's *Treaty Commission Act* (TCA), the federal government's *British Columbia Treaty Commission Act* (BCTCA) and a resolution of the First Nations Summit. Section 24 (1) of the TCA and section 22 (1) of the BCTCA states "*nothing in this Act must be interpreted as preventing the principals from amending the agreement*".

**BACKGROUND:**

The BCTC is responsible for administering the treaty process, allocating funds based on criteria established by the Principals, and facilitating negotiations in accordance with the Agreement and the Acts. The BCTC is composed of a Chief Commissioner, appointed by the Principals to a three-year term, and four part-time commissioners with a maximum two-year term. BC and Canada appoint one commissioner each; the First Nation Summit appoints two.

### **The role of the Chief Commissioner**

The Chief Commissioner is the chief executive officer and has supervision over and direction of the day-to-day operations of the commission, including budget preparation, planning, human resources and development of annual reports. The Chief Commissioner also chairs Principals meetings. In the event of the absence or incapacity of the Chief Commissioner or if that office is vacant, the other commissioners may designate, by unanimous agreement, one of them to act as chief commissioner during the vacancy.

s.16

## **Henderson, Kim N PREM:EX**

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**From:** Campbell, Carolyn ABR:EX  
**Sent:** Monday, February 2, 2015 3:25 PM  
**To:** Doyle, Dan PREM:EX  
**Cc:** Henderson, Kim N PREM:EX  
**Subject:** BCTC Chief Commissioner Appointment  
**Attachments:** BN Decision - BCTC Chief Commission Appointment Jan 27-15.docx; Concept Paper - New Reconciliation Approach-Jan 22-15.docx

Dan – following up from the our discussion last week re BCTC Chief Commissioner, I have attached the DN on the appointment that staff drafted for PCC. I've also attached a draft concept paper that we'll look to move forward.

I'm booking time w/ you through Sarah so perhaps we can discuss further then.

Carolyn

***Carolyn A. Campbell***

Chief of Staff to the Hon. John Rustad  
Minister of Aboriginal Relations and Reconciliation  
P: 250-953-4844 | E: [carolyn.campbell@gov.bc.ca](mailto:carolyn.campbell@gov.bc.ca)

# BRIEFING NOTE FOR DECISION

**DATE:** January 27, 2015

**PREPARED FOR:** Honourable Christy Clark, Premier

**ISSUE:** Appointment of the BC Treaty Commission (BCTC) Chief Commissioner.

**RECOMMENDED OPTION:**

s.13

**BACKGROUND:**

The BC Treaty Commission (BCTC) was formed as a result of the *Report of the British Columbia Claims Task Force*, June 1991 co-authored by Canada, BC, and the First Nations Summit (the Principals). In 1992, the three Principals signed the British Columbia Treaty Commission Agreement, (the Agreement) which set out the requirements for the establishment of the Commission, including federal and provincial legislation and a First Nations Summit resolution.

The British Columbia Treaty Commission (BCTC) is responsible for facilitating treaty negotiations, determining the amount of negotiation support funding (NSF) allocated to each First Nation, and providing public information and education on the treaty process.

The BCTC governing body consists of a Chief Commissioner and four part-time commissioners. The First Nations Summit (FNS) appoints two commissioners and the federal and provincial governments each appoint one, for two-year terms.

The Chief Commissioner is the chief executive officer and has supervision over and direction of the day to day operations of the commission, and also chairs Principals meetings. In the event of the absence or incapacity of the Chief Commissioner or if that office is vacant, the other commissioners may designate, by unanimous agreement, one of them to act as chief commissioner during the vacancy.

The current Chief Commissioner, Sophie Pierre, was originally appointed in April 2009 for a three-year term. At a meeting of the Principals held on August 4, 2011 Minister Duncan (Aboriginal Affairs and Northern Development Canada), Minister Polak (MARR), and Grand Chief Edward John, Dan Smith, and Chief Douglas White III (FNS) agreed to re-appoint Ms. Pierre for one (1) year, to April 3, 2013. In April 2013 she was reappointed for an additional two years to March 31, 2015.

The process to replace Sophie Pierre has been underway for more than a year. A list of candidates was built by all the Principals, and each candidate was vetted for suitability. George Abbott was identified as the lead candidate and was contacted to determine his interest and availability. Once his interest was confirmed, a Principals' conference call was held where his nomination was unanimously



endorsed subject to full approvals from each Principal organization. In October 2014, Mr. Abbott was verbally offered the position subject to these final approval processes. On October 17<sup>th</sup>, the First Nations Summit passed a resolution approving and endorsing George Abbott to hold office as Chief Commissioner. A copy of the resolution is attached.

**DISCUSSION:**

s.16

**OPTIONS:**

s.13



s.13

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Honourable Christy Clark  
Premier

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Date

**PREPARED BY:**

Francesca Wheler  
Executive Director, Strategic Policy Branch  
Ministry of Aboriginal Relations and Reconciliation  
(250) 953-4505

**REVIEWED BY:**

Laurel Nash, A/ADM  
Strategic Initiatives Division

Neilane Mayhew  
Associate Deputy Minister  
and Chief Operating Officer

**INITIALS:**

Page 15 to/à Page 22

Withheld pursuant to/removed as

s.12;s.13



## **Henderson, Kim N PREM:EX**

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**From:** Fyfe, Richard J JAG:EX  
**Sent:** Monday, March 16, 2015 10:21 AM  
**To:** Henderson, Kim N PREM:EX  
**Subject:** Treaty Chief Commissioner.docx  
**Attachments:** Treaty Chief Commissioner.docx; ATT00001.txt

I have not yet sent this to the Minister.

ATT00001

Richard J.M. Fyfe QC  
Deputy Attorney General  
Ministry of Justice and Attorney General  
Tel. (250) 356-0149

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Page 25 to/à Page 27

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s.14