

First Nations Health Council

Supporting BC First Nations to implement the Tripartite First Nations Health Plan



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RESOLUTION #2011-01

**FIRST NATIONS HEALTH COUNCIL CHIEFS IN ASSEMBLY
GATHERING WISDOM FOR A SHARED JOURNEY IV
MAY 26, 2011
RICHMOND, BC**

SUBJECT: APPROVALS FOR NEW FIRST NATIONS HEALTH GOVERNANCE ARRANGEMENT

WHEREAS

- A. In 2005, the First Nations Leadership Council, Government of Canada, and Province of British Columbia signed the *Transformative Change Accord*, committing to establish: a new relationship based on mutual respect and recognition; and, 10-year plans to bridge the differences in socio-economic outcomes between First Nations and other British Columbians particularly in the areas of education, housing, economic opportunities, and health.
- B. In 2006, the *Transformative Change Accord: First Nations Health Plan* (TCA: FNHP) was reached between the First Nations Leadership Council and the Province of British Columbia. This plan described a series of actions to improve First Nations health over a 10-year period. At the same time, a *First Nations Health Plan Memorandum of Understanding* (“MoU”) was signed by the First Nations Leadership Council, Government of Canada, and Province of British Columbia; this MoU demonstrated Canada’s support for the TCA: FNHP and committed the Parties to negotiate a tripartite First Nations health plan. These agreements were supported by resolutions (FNS 0307.07 and UBCIC 2007-06).
- C. In 2007, the *Tripartite First Nations Health Plan* (TFNHP) was signed by the First Nations Leadership Council, Government of Canada, and Province of British Columbia and supported by resolutions (BCAFN 7/2007, FNS 0907.09). This 10-year plan supported the health actions set out in the TCA: FNHP and established new commitments to create and implement a new structure for the governance of First Nations health services in British Columbia including: a First Nations Health Council to provide political First Nations leadership; a First Nations Health Governing Body (First Nations Health Authority) to manage First Nations health programs and services currently administered by the federal government ; and, a First Nations Health Directors Association to support capacity

development, training and knowledge transfer.

- D. In 2007, First Nations Chiefs and leaders in BC, through resolutions created and made appointments to the First Nations Health Council (including but not limited to BCAFN 6/2007, FNS 0907.10, UBCIC 2008-5). The First Nations Health Council was composed of three appointees each of the First Nations Summit and Union of BC Indian Chiefs, and one appointee of the BC Assembly of First Nations and was mandated with: serving as the advocacy voice of BC First Nations in achieving their health priorities and objectives; conducting health-related policy analysis and research; participating in policy and program planning processes related to First Nations health; and providing political leadership in the implementation of the TCA: FNHP, MoU, and TFNHP and the vision of healthy, self-determining and vibrant BC First Nations children, families and communities.
- E. On September 13, 2007, the member States of the United Nations voted overwhelmingly in favour of the *United Nations Declaration on the Rights of Indigenous Peoples*. The Declaration is the most comprehensive, universal international human rights instrument explicitly addressing the rights of Indigenous peoples. It sets minimum standards for upholding the economic, social, cultural, political, spiritual and environmental rights of Indigenous peoples worldwide. The Government of Canada issued a Statement of Support endorsing the *United Nations Declaration on the Rights of Indigenous Peoples* on November 12, 2010.
- F. In January 2008, a BC First Nations Interim Health Governance Committee (FNIHGC) was formed to provide undivided political focus on the health governance commitments of the TFNHP and work in collaboration with the First Nations Health Council, which focused on the other health actions and commitments of the TCA: FNHP and TFNHP. The FNIHGC Co-Chairs were appointed by the First Nations Leadership Council and the FNIHGC was composed of First Nations representatives appointed by First Nations in the five regions – Fraser, Interior, North, Vancouver Coastal, and Vancouver Island.
- G. In 2008, the FNIHGC commenced a regional caucus process to inform and obtain feedback from BC First Nations on the implementation of the health governance commitments of the TFNHP, supported by First Nations by resolution (BCAFN 29/2008; FNS 0608.22; UBCIC 2008-25). Regional caucus meetings were held across the province, open to all 203 BC First Nation communities, and particularly focusing on engagement with each Chief and Senior Health Lead from each First Nation community. These regional caucus sessions, and the work of the FNIHGC, resulted in a set of negotiating principles – developed by First Nations – to guide the tripartite negotiations to establish a new First Nations health governance arrangement.
- H. In 2009, the FNIHGC engaged in negotiations with federal and provincial governments pursuant to the commitments in the TFNHP to establish a new health governance structure for First Nations health services in BC, and consistent with the negotiating principles

developed by First Nations. These tripartite negotiations resulted in the *British Columbia Tripartite First Nations Health – Basis for a Framework Agreement on Health Governance* (“Basis Agreement”). The Basis Agreement sets out areas of agreement amongst the Parties, and the parameters for the negotiation of further agreements, with respect to the establishment of a new First Nation health governance structure.

- I. In 2009, the First Nations Health Council established a First Nations Health Society to act as the business arm of the First Nations Health Council, and to create a separation between the business and political functions of implementing the TCA: FNHP, MoU, and TFNHP. The First Nations Health Council members are the members of the First Nations Health Society and appoint its Board of Directors.
- J. In March 2010, First Nations in BC, via resolutions of the Union of BC Indian Chiefs and the First Nations Summit (FNS resolution #0310.03; UBCIC resolution 2010-01), called for the First Nations Health Council to transition its composition from 7 representatives appointed by the First Nations Leadership Council member organizations to one of 15 representatives – three each appointed by the five regional caucuses (Fraser, Interior, Vancouver Coastal, Northern & Vancouver Island). Through these same resolutions, First Nations directed the newly-restructured First Nations Health Council to oversee health governance negotiations pursuant to the Basis Agreement, including the negotiations, ratification and implementation of a legal Framework Agreement.
- K. In April 2010, a First Nations Health Directors Association was established to provide: technical advice and support to the implementation of the TCA: FNHP and TFNHP; advice and assistance to shape First Nations health policy and programs; and, opportunities for health directors and managers to undertake professional development, networking, information-sharing, and communications.
- L. From 2008-2010, over 90 regional and sub-regional caucus sessions were held. All of the feedback from these meetings was rolled up into a Health Partnership Workbook in January 2011. At a series of more than 30 additional regional and sub-regional caucuses from January-May 2011, First Nations from across the Province reviewed this Health Partnership Workbook and provided their feedback. This feedback from the 120 regional and sub-regional caucus meetings from 2008-2011 was rolled up into five regional summary documents which were subsequently reviewed and amended by the regional caucuses.
- M. In April 2011, the First Nations Health Council recommended a draft *Tripartite Framework Agreement on First Nation Health Governance* (“Framework Agreement”) for approval by First Nations in BC. The Framework Agreement was negotiated pursuant to the Basis Agreement, and in accordance with the negotiating principles established by the FNIHGC. The Framework Agreement was reviewed in detail, along with the regional summary reports, at a series of regional, sub-regional and other First Nations meetings across BC.

- N. In May 2011, the results of the five regional summary documents and the notes and outcomes of the more than 120 regional and sub-regional caucus meetings (including those to review the Framework Agreement) were rolled into a single Consensus Paper (enclosed). The Consensus Paper gathers all of the feedback and direction provided by First Nations for the establishment of the new First Nations health governance arrangement. The Consensus Paper establishes the collective wisdom and direction of First Nations in BC with respect to the new health governance arrangement, and sets the standard that the arrangement must achieve in order to meet with the approval of First Nations in BC:
- a. Describes directives from BC First Nations for the establishment of, and agreements relating to, the new health governance arrangement.
 - b. Describes the mandates and activities of the various entities in the new health governance arrangement – Regional Caucuses and Tables, the First Nations Health Authority, First Nations Health Council, and the First Nations Health Directors Association.
 - c. Establishes the principles and processes of reciprocal accountability for the success of this new health governance arrangement.
 - d. Sets out a clear set of next steps for the First Nations Health Council to undertake in the establishment of the new health governance arrangement.

THEREFORE BE IT RESOLVED

1. That the Chiefs in Assembly at Gathering Wisdom for a Shared Journey IV approve the enclosed Consensus Paper, including the following directives for the new health governance arrangement:
 - a. Directive #1: Community-Driven, Nation-Based
 - b. Directive #2: Increase First Nations Decision-Making and Control
 - c. Directive #3: Improve Services (*Consistent with the Principle of Comparability*)
 - d. Directive #4: Foster Meaningful Collaboration and Partnership
 - e. Directive #5: Develop Human and Economic Capacity
 - f. Directive #6: Be Without Prejudice to First Nations Interests (including but not limited to Aboriginal Title and Rights, Treaty Rights, self-government agreements, court proceedings, the fiduciary duty of the Crown, and existing community health funding agreements)
 - g. Directive #7: Function at a High Operational Standard
2. That the Chiefs in Assembly at Gathering Wisdom for a Shared Journey IV agree that the enclosed *Tripartite Framework Agreement on First Nation Health Governance* (“Framework Agreement”) is consistent with the directives of the Consensus Paper.
3. That the Chiefs in Assembly at Gathering Wisdom for a Shared Journey IV direct the First Nations Health Council to undertake the following next steps as outlined in, and consistent with, the Consensus Paper:

- a. Direct the Board of Directors of the First Nations Health Society to sign the Framework Agreement;
 - b. Develop a strategy and approach for the conclusion of sub-agreements to the Framework Agreement;
 - c. Engage with federal and provincial governments to finalize the Health Partnership Accord;
 - d. Engage with federal and provincial governments to prepare the implementation plan and strike the tripartite implementation committee;
 - e. Develop models and options for a First Nations Health Authority;
 - f. Direct the First Nations Health Society to take steps to become the interim First Nations Health Authority and begin the early steps in implementing the new health governance arrangement; and,
 - g. Support Regional Caucuses to develop Regional Tables.
4. That the Chiefs in Assembly at Gathering Wisdom for a Shared Journey IV direct the First Nations Health Council to develop a workplan in consultation with Regional Caucuses for the next steps outlined above and provide that to the Regional Caucuses for review by September 1, 2011. The workplan will be consistent with the Consensus Paper and the Framework Agreement, and take best thinking and advice into account, including that set out in the legal opinion provided by Maria Morellato dated May 16, 2011. The workplan will include:
- a. Milestones: Key deliverables, including but not limited to the development of the structure of a First Nations Health Authority, the further development of Regional Caucuses and Regional Tables, and the process and plan for further negotiations of sub-agreements, the implementation plan, and the Health Partnership Accord.
 - b. Timeframes: Targeted dates for the completion of the milestones.
 - c. Key decision points: Key decision points and the process for approval.
 - d. Indicators: A process to identify the key indicators and benchmarks to measure progress.
- The Regional Caucuses will review and provide feedback by December 1, 2011.
5. That the Chiefs in Assembly at Gathering Wisdom for a Shared Journey IV direct the First Nations Health Council to continue to engage and share information with, and be accountable to, First Nations through a variety of mechanisms, including but not limited to: Regional Caucuses; Gathering Wisdom for a Shared Journey forums; presentations to other provincial First Nations leadership organizations; annual reports; communiqués; and, online and digital media.
6. That the Chiefs in Assembly at Gathering Wisdom for a Shared Journey IV direct the First Nations Health Council to hold Gathering Wisdom for a Shared Journey V in May 2012 to report on progress in the implementation of this resolution, and seek further direction and approvals of First Nations Chiefs in BC.

Moved: Chief Bill Cranmer, 'Namgis First Nation

Seconded: Chief Wayne Christian, Splantsin First Nation

Abstentions: Deborah Baker - Squamish Nation (Proxy); Chief Marilyn Slett - Heiltsuk Nation; Chief Percy Joe - Shackan Indian Band; Cindy Smith - Metlakatla Band (Proxy); Chief Harley Davis - Saulteau First Nation; Deputy Chief Bruce Reece - Hartley Bay Band Council (Proxy); Chief Reg Louis - Stellaten First Nation; Lillian Apsassin - Blue berry River First Nation (Proxy)

Disposition: Carried

Date: May 26, 2011

Endorsed:



Grand Chief Doug Kelly
First Nations Health Council Chair



Warner Adam
First Nations Health Council Deputy Chair