

IN THE MATTER OF:

**APPLICATION FOR FUNDING FOR A PARTY
WITH STANDING IN THE NATIONAL INQUIRY
INTO MISSING AND MURDERED WOMEN AND
GIRLS**

AFFIDAVIT OF MARCEL BALFOUR

Affirmed the 20th day of April, 2018

FILLMORE RILEY LLP

Barristers, Solicitors & Trademark Agents

1700 – 360 Main Street

Winnipeg, MB R3C 3Z3

Telephone: 204-957-8303

Facsimile: 204-954-0303

ANITA L. SOUTHALL

File No. 432176-1

**IN THE MATTER OF: APPLICATION FOR FUNDING FOR A PARTY
WITH STANDING IN THE NATIONAL INQUIRY
INTO MISSING AND MURDERED WOMEN AND
GIRLS**

**AFFIDAVIT OF MARCEL BALFOUR
Affirmed the 20th day of April, 2018**

I, **Marcel Balfour**, Senior Policy Analyst of the Assembly of Manitoba Chiefs (“AMC”), of the City of Winnipeg, in the Province of Manitoba, **AFFIRM THAT:**

AMC Background

1. The AMC was formed in 1988 by the Chiefs in Manitoba to act as an advocate on issues that commonly affect all of the First Nations of Manitoba. Membership is open to all First Nations in Manitoba. At that time, there were 61 recognized Manitoba First Nations consisting of 64, 315 First Nations citizens.
2. Today, the AMC is an authorized representative of 62 of the 63 First Nations in Manitoba. According to Statistics Canada and the 2016 Census, First Nations citizens making up over 10.5% of the provincial population (compared to 2.8% of the total population of Canada).
3. AMC represents over 151,800 people in 62 of 63 First Nations in Manitoba, including signatories to Treaties 1-6 and 10, and includes representation from the Anishinaabe (Ojibway), Nehetho (Cree), Oji-Cree, Dene and Dakota Nations.

AMC Has Special Expertise to Assist The National Inquiry (“NI”)

4. My affidavit affirmed May 1, 2017 and filed with the NI on May 1, 2017 (“the May 1st Affidavit”) outlines the unique position held by AMC and the assistance it could bring to the mandate and work of the Commissioners. In particular, AMC has been actively involved in addressing MMIWG and has:
 - conducted extensive research and community engagement;
 - reviewed much of the existing literature and past reports on MMIWG; and,
 - identified immediate and long term actions needed to address the issues.
5. The Families First Report was made public by the AMC in July 2015. Key findings include:
 - families preferred a grassroots approach grounded in Indigenous knowledge and traditions;
 - the ability to move forward is tempered by a lack of political will and results;
 - an effective process addressing MMIWG should include:
 - early and ongoing meaningful engagement of all affected individuals at every stage;
 - clear Terms of Reference which have a broad enough scope to include systemic issues;
 - strong courageous leaders who will advocate for implementation of their recommendations;

- adequate and secure funding for process and implementation;
 - meaningful and reasonable expectations which are well communicated throughout the process; and,
 - a clear implementation process.
6. The Families First Report contains recommendations made by families of MMIWG, survivors of sexual exploitation and violence, Elders, youth and the MMIWG Coalition, including:
- Supports - More supports should be made available to the families of MMIWG and survivors that are culturally, spiritually and religiously diverse.
 - Honouring Loved Ones - Measures should be taken to ensure the memory of loved ones and survivors are respected and honoured in a variety of ways. This includes for example making funding available for gathering stories, annual feasts, walks, vigils, art installations and memorials.
 - Cultural Reconnection - There should be more opportunities for Indigenous people to learn about their identity, culture and healthy relationships, such as parenting and language programs.
 - Interconnected Systems - The accountability and effectiveness of the policing, justice and child welfare systems should be improved with direct involvement of Indigenous people.

7. The May 1st Affidavit identified the subject areas that AMC intended to address if granted standing in the National Inquiry, as follows:
- child welfare and apprehension, and the ways in which these issues relate to individual and systemic violence within First Nation families;
 - human trafficking, sexual exploitation, and gang involvement, and the ways in which these issues relate to the temporary or permanent transition of First Nation individuals from reserves to urban centres and contribute to high levels of MMIWG in Manitoba;
 - the failures of the current justice system to prevent crimes against Indigenous women and girls and existing and potential best practices for keeping vulnerable First Nations women (including women and girls, survivors of violence and sexual exploitation, persons with disabilities, Two-Spirit, lesbian, gay, bisexual, trans-gendered and queer) safe at local levels, with a specific focus on Indigenous worldviews, values and legal traditions;
 - commemoration and honouring of survivors, families and MMIWG; and
 - health and education systems.
8. AMC further detailed its work and knowledge of the subject matter areas supporting its submission.
9. The May 1st Affidavit also addressed AMC's financial need for funding. AMC specifically identified the proposed use of funds and detailed its existing funding management mechanisms for accountability. AMC confirmed it would also use its own funds and personnel to support its participation.

AMC confirmed that it would attempt to partner with Southern Chiefs Organization (“SCO”) and with Manitoba Keewatinowi Okimakinak (“MKO”) to establish a collaborative approach and to avoid duplication.

10. In accordance with its submission, AMC has used its own resources and personnel, where possible, from its earliest participation in the National Inquiry to the present time. AMC has connected and is working on a collaborative approach with SCO and MKO.
11. Significant pro bono contributions have been and are being made by all co-counsel involved in representing the AMC in the MMIWG NI.

Standing Granted in the National Inquiry

12. By email letter dated June 20, 2017, Susan M. Vella LSM, then Lead Counsel, MMIWG-FFADA wrote to me to notify AMC that standing was granted to AMC in Parts II and III, in both the National and Manitoba Region participatory categories, with full rights. Ms. Vella also notified AMC that the Commissioners would recommend funding be granted to AMC. Ms. Vella’s June 20, 2017 letter also stated: ...“A formal Decision with Reasons will follow...”.
13. A copy of Ms. Vella’s letter dated June 20, 2017 is attached to my affidavit and marked as Exhibit “A”.
14. No Decision was provided to AMC and no Reasons were ever provided to AMC.

AMC's Funding and Requests for Information

15. By letter dated July 20, 2017, Ms. Vella wrote to me to provide AMC with a funding estimate. She advised AMC that the estimated funding amount was expected to be \$29,800.00, subject to final confirmation by the Privy Council Office ("PCO"). AMC's original requested funding amount, detailed in its May 1st submission, was \$275,977.00 – 323,403.00.
16. Ms. Vella's letter confirmed that once confirmation was received from the PCO, AMC would be provided with a Contribution Agreement.
17. A copy of Ms. Vella's letter dated July 20, 2017 is attached to my affidavit and marked as Exhibit "B".
18. I instructed AMC's NI counsel team, coordinated by Ms. Joëlle Pastora Sala as counsel with The Public Interest Law Centre of Manitoba, to inquire on the status of the funding and AMC's Contribution Agreement, to obtain details respecting the Decision and Reasons, and to obtain funding particulars for other organizations who were granted standing for Parts II and III.
19. Ms. Pastora Sala sent numerous emails to NI counsel commencing on August 3, 2017 seeking information pursuant to AMC's instructions. NI Counsel responded to certain emails, and did not respond to others.
20. When counsel for the NI responded by reply email to AMC's counsel it was simply to confirm the expected funding of \$29,800.00, or that matters were pending and being worked on. No further requested details were ever provided, no funding Decision and no Reasons were ever provided. No Contribution Agreement has been provided. No funding has been authorized

or made available to AMC.

21. On our further instructions, AMC's counsel team through Ms. Pastora Sala emailed (and also delivered) a letter with enclosures to NI counsel on February 9, 2018. The letter sought all of the same information which AMC had been seeking previously. The letter enclosed the referenced counsel correspondence and emails exchanged between counsel regarding AMC's funding. Our counsel requested a response by March 9, 2018. Attached to my affidavit and marked as Exhibit "C" is a copy of Ms. Pastora Sala's letter and enclosures.
22. I am advised by Ms. Pastora Sala and do verily believe that she subsequently emailed NI counsel on March 7, 2018 following up the February 9th letter, to ask for a teleconference. NI Counsel replied by email on March 26, 2018 to advise that the contribution agreement was being worked on and to advise that a further communication to the parties on Parts II and II was coming. On March 27th, by reply email to NI counsel, Ms. Pastora Sala again asked for a conference call to address all requests from the February 9th letter. No further reply was forthcoming from NI counsel.
23. Attached and marked as Exhibit "D" to my affidavit is the email string between Ms. Pastora Sala and National Inquiry counsel for the period March 7 to April 16, 2018.

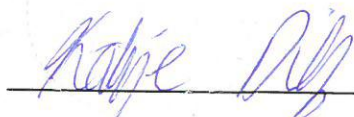
Notice of Proceedings Parts II and III

24. NI counsel recently broadcast notices of information teleconferences aimed at providing notice of further pending hearing processes for Parts II and III. AMC's counsel participated in these teleconferences. Subsequently a timeline for completion of all Part II and III processes issued through NI

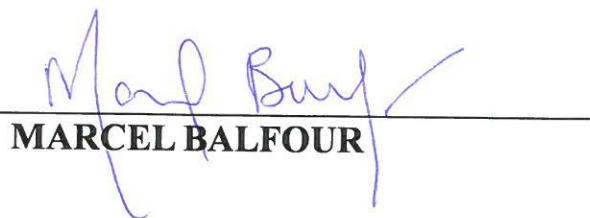
counsel on April 12th 2018, condensing remaining steps in the Parts II and III processes, including pre-hearing processes and scheduled hearing weeks for the Institutional and Expert Panels, all to be completed by the end of June 2018.

25. As of this date, AMC has not been notified of the date when a Contribution Agreement will be provided.

AFFIRMED BEFORE me at the City)
of Winnipeg, in the Province of)
Manitoba, this [20] day of April,)
2018.)



A [Commissioner for Oaths / Notary Public]
in and for the
Province of Manitoba


MARCEL BALFOUR

National Inquiry into
Missing and Murdered
Indigenous Women and Girls



Enquête nationale
sur les femmes et les filles
autochtones disparues et assassinées

June 20th, 2017

Privileged & Confidential

Delivered By Email Attachment to mbalfour@manitobachiefs.com

Marcel Balfour
Assembly of Manitoba Chiefs
2nd Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3

Dear Mr. Balfour:

Re: Standing Application On Behalf of Assembly of Manitoba Chiefs

I am writing to advise, on behalf of the Commissioners, that the Application for Standing submitted by the Assembly of Manitoba Chiefs has been granted. For greater certainty, the Commissioners have granted standing in Parts II and III, in the Region of Manitoba and National, with full rights.

The Commissioners will also recommend that the Assembly of Manitoba Chiefs be granted funding.

A formal Decision with Reasons will follow, but the Commissioners wanted to alert you to the fact of this Decision now.

Should you have any questions, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink, appearing to read "Susan Vella".

Susan M. Vella, LSM,
Lead Commission Counsel, MMIWG – FFADA

/jol

National Inquiry into
Missing and Murdered
Indigenous Women and Girls



Enquête nationale
sur les femmes et les filles
autochtones disparues et assassinées

July 20th, 2017

Privileged & Confidential

Delivered By Email Attachment to mbalfour@manitobachiefs.com

Marcel Balfour
Assembly of Manitoba Chiefs
2nd Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3

Dear Mr. Balfour:

Re: Funding Application on behalf of Assembly of Manitoba Chiefs

I am writing to provide you with an estimate of the total amount of funding we anticipate you will receive as a party with standing. This should allow you to plan your budget.

This amount is subject to final confirmation by the Privy Council Office (P.C.O.) Once we receive confirmation, we will be providing you with a Contribution Agreement for your signature.

By way of general guideline, please note that funds awarded can only be used by external legal counsel for fees and disbursements as authorized by the contribution agreement, and the grounds upon which standing has been granted. These funds cannot be used to fund the expenses of the organization itself, including staff lawyers employed by the organization (in house lawyers).

Fees and disbursements are subject to the tariff rates set by the P.C.O.

The estimate for the total funds we anticipate your organization will receive is: \$29,800.00.

Should you have any questions, please contact me.

Thank you for your patience.

Respectfully,

A handwritten signature in blue ink, appearing to read 'S. Vella'.

Susan M. Vella, LSM,
Lead Commission Counsel, MMIWG – FFADA

/mw/jol



**PUBLIC
INTEREST
LAW
CENTRE**



**CENTRE
JURIDIQUE
DE
L'INTÉRÊT
PUBLIC**



**AN INDEPENDENT
SERVICE OF
LEGAL AID
MANITOBA**



**L'AIDE JURIDIQUE
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AND MEMBERS
OF THE
MANITOBA
BAR
ASSOCIATION**



**200 - 393 PORTAGE AVE
WINNIPEG, MANITOBA
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TEL: 204.985.8640

FAX: 204.985.8644



E-MAIL: centre@pilc.mb.ca

February 9, 2018

Writer's direct line: (204) 985-9735

Email: jopas@legalaids.mb.ca

Jennifer Cox
Interim Legal Counsel
MMIWG National Inquiry
PO Box 500, Station A
Vancouver, BC
V6C 2N3

Sent Copy via Email:
j.cox@mniwg-ffada.ca

Dear Ms. Cox:

**Re: Funding Application of the Assembly of Manitoba Chiefs for the
MMIWG National Inquiry**

We are counsel for the Assembly of Manitoba Chiefs (the "AMC") in the National Inquiry into Missing and Murdered Indigenous Women and Girls (the "MMIWG NI").

On 1 May 2017, the AMC submitted its Applications for Standing and Funding to the MMIWG NI in writing in accordance with *the Legal Path: Rules of Respectful Practice for the National Inquiry into Murdered and Missing Indigenous Women and Girls*. The AMC applied for Regional and National Standing in Parts II and III of the MMIWG NI.

The AMC application identified that it would focus on the following areas if granted standing:

- child welfare and apprehension, and the ways in which these issues relate to individual and systemic violence within First Nation families;
- human trafficking, sexual exploitation, gang involvement, and the ways in which these issues relate to the temporary or permanent transition of First Nation individuals from reserves to urban centres and contribute to high levels of MMIWG in Manitoba;
- the failures of the current justice system to prevent crimes against Indigenous women and girls;
- potential best practices for keeping vulnerable First Nations women (including women and girls, survivors of violence and sexual exploitation, persons with disabilities, Two-Spirit, lesbian, gay, bisexual, trans-gendered and queer) safe at local levels, with a specific focus on Indigenous worldviews, values and legal traditions;
- commemoration and honouring of survivors, families and MMIWG; and
- health and education systems.

The AMC Standing and Funding applications included many exhibits. In Exhibit F to Mr. Marcel Balfour's Affidavit, the AMC submitted a detailed proposed budget for its participation in the MMIWG NI.

Of note, no procedural schedule was circulated by the MMIWG NI prior to the deadline for applications for standing and funding.

Given the significant uncertainty with the number of hearings and hearing days, the budget submitted by AMC was an estimate based on attendance at 6 hearings at the national level and all hearings at the regional level. The proposed budget included detailed information relating to AMC's proposed intervention including but not limited to: social science and legal research, the identification of potential expert witnesses, the coordination of the file from AMC's perspective, the contributions of the AMC secretariat and the First Nations Women Council, the engagement with key informants, travel costs, and legal time and fees.

The total estimated cost was \$275,977.00 - \$323,403.00, including approximately 100 hours of *pro bono* legal services time.

On 20 June 2017, Ms. Vella wrote to AMC by letter confirming that AMC had been granted standing in the MMIWG NI in Parts II and III, in the Manitoba regional process and in the National process, with full rights. In this letter, Ms. Vella also indicated that:

[t]he Commissioners will also recommend that the Assembly of Manitoba Chiefs be granted funding. A formal Decision with Reasons will follow, but the Commissioners wanted to alert you to the fact of this Decision now.

No reasons issued by the MMIWG NI thereafter.

In a letter dated 20 July 2017, Ms. Vella wrote to AMC to provide an estimate of the total amount of funding that they anticipated AMC would be provided. The letter states that total estimate of funds AMC is anticipated to receive is \$29,800.00. The letter states:

[t]his amount is subject to the final confirmation by the Privy Council Office (PCO). Once we receive confirmation, we will be providing you with a Contribution Agreement for your signature.

No reasons issued by the MMIWG NI thereafter. No explanation of the funding Decision issued thereafter.

On 3 August 2017, we wrote to Ms. Susan Vella by e-mail indicating that the amount of \$29,800.00 was not sufficient to enable AMC to meaningfully participate in the process. We requested reasons for the funding Decision be provided by 10 August 2017.

On 15 August 2017, we wrote to Ms. Vella by e-mail as we did not receive a response to our correspondence from 3 August 2017. Ms. Vella responded by e-mail on 15 August 2017 confirming that the funding awarded to AMC was the total amount for its participation both at

the regional and national levels. Ms. Vella also indicated that she was seeking instructions and was preparing a letter in response to our request for reasons.

No reasons issued from the MMIWG NI thereafter. No explanation of the funding Decision issued thereafter.

On 25 September 2017, AMC wrote to Ms. Vella requesting an update on the Contribution Agreement. On that same day, Ms. Vella wrote to us by e-mail indicating that the PCO had approved funding for AMC in the amount of \$29,800.00. Ms. Vella also stated that she would follow up with Mr. Christian Rock from her office as he was "dealing with the Contribution Agreements" and that she would then provide us with an update.

No update was provided. No reasons issued from the MMIWG NI thereafter. No explanation of the funding Decision issued thereafter.

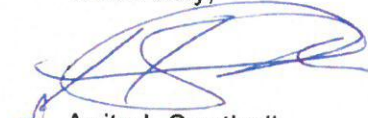
As of February 2018, no procedural schedule has issued despite our repeated requests for a schedule. For ease of reference, we have enclosed copies of our e-mail correspondence requesting procedural updates. To date, we have not received the courtesy of an acknowledgement of receipt or response to our e-mails from legal counsel to the MMIWG NI.

To date, AMC has not received a confirmed funding Decision or a Contribution Agreement, nor has it received any response to our request for reasons. Without the benefit of adequate reasons which explain the approval for standing but extremely limited funding to address the AMC's identified issues in Parts II and III of the National Inquiry and without the Commissioners' rationale and guidance in terms of AMC's focus areas given the notice of funding, AMC is unable to meaningfully participate in the MMIWG NI.

Please provide AMC with the confirmed funding Decision, the Contribution Agreement, and reasons outlining how the Commissioners propose AMC should limit the scope of its intervention. We would also request that you provide AMC with the detail regarding the funding amounts that have been provided to all other intervenors who have been granted standing in Parts II and III. Of note, in an e-mail from 25 September 2017, AMC asked for disclosure of the funding details for all other parties with standing – at the national and regional levels – in the MMIWG NI. Again, no response was provided.

We ask for a response by 9 March 2018. If we do not hear from the MMIWG NI before this date, we have been instructed to take further legal action.

Yours truly,



Anita L Southall
Fillmore Riley LLP, Co-Counsel



Joëlle Pastora Sala
Public Interest Law Centre, Co-Counsel

cc: Marcel Balfour, Assembly of Manitoba Chiefs

Encl:

20 June 2017 LF Ms. Vella LT AMC re: Confirmation of Standing
22 June 2017 EF Ms. Vella ET Mr. Balfour (AMC) re: Confirmation of Standing
20 July 2017 EF Ms. Lord ET Mr. Balfour (AMC) re Estimate of Funding to be provided
20 July 2017 LF Ms. Vella LT AMC re: Estimate of Funding to be provided
3 August 2017 EF Mr. Williams (AMC) ET Ms. Vella re: Outline of Concerns with Inadequate Funding
15 August 2017 EF Ms. Pastora Sala (AMC) ET Ms. Vella re: Request for Response
15 August 2017 EF Ms. Vella ET Ms. Pastora Sala (AMC) re: Confirmation that Funding was for AMC to Participate in Regional and National Hearings
25 September 2017 EF Ms. Pastora Sala ET Ms. Vella re: Request for Contribution Agreement
25 September 2017 EF Ms. Vella ET Ms. Pastora Sala (AMC) re: PCO Approval of Funding and Update on Contribution Agreement
25 September 2017 EF Ms. Pastora Sala (AMC) ET Ms. Vella re: Request for Disclosure of Funding Details
2 October 2017 EF Ms. Pastora Sala (AMC) ET Ms. Vella re: Request for Additional Information Relating to Process for Family Hearings
2 October 2017 EF Ms. Pastora Sala (AMC) ET Ms. Vella re: Request for Updates
27 November 2017 EF Ms. Pastora Sala (AMC) ET Ms. Cox, Ms. Reid and Ms. Big Canoe re: Request for Detailed Research Strategy
22 December 2017 EF Ms. Pastora Sala (AMC) ET Ms. Cox, Ms. Reid and Ms. Big Canoe re: Request for Update on Schedule
29 January 2018 EF Ms. Pastora Sala (AMC) ET Ms. Cox, Mr. Wong and Ms. Big Canoe re: Request for Update on Schedule
31 January 2018 EF Ms. Pastora Sala (AMC) ET Ms. Thomas re: Request for Update on Schedule
1 February 2018 EF Ms. Thomas ET Ms. Pastora Sala re: Request for Update on Schedule
3 February 2018 EF Ms. Pastora Sala (AMC) ET Ms. Thomas, Ms Big Canoe and Ms Cox re: Request for Update on Schedule

RE: Assembly of Manitoba Chiefs Applications for...

Subject: RE: Assembly of Manitoba Chiefs Applications for Standing and Funding at National Inquiry into Missing and Murdered Indigenous Women and Girls

From: "Susan Vella" <s.vella@mniwg-ffada.ca>

Date: 22/06/17 01:51 PM

To: "Marcel Balfour" <mbalfour@manitobachiefs.com>

CC: <L.Casey@mniwg-ffada.ca>, "Rob Magnusson" <rmagnusson@manitobachiefs.com>, "Michele Moreau" <m.moreau@mniwg-ffada.ca>, "Karen Harper" <kharp@manitobachiefs.com>, "Janette Thomas" <jthomas@manitobachiefs.com>, "Nancy Sanderson" <nsanderson@manitobachiefs.com>, "Joelle Pastora Sala" <jopas@legalaid.mb.ca>

Good afternoon Mr. Balfour: Attached please find my letter to you dated June 20, 2017 with respect to the Application for Standing of Assembly of Manitoba Chiefs.

I would value an opportunity to speak with you concerning the Assembly of Manitoba Chiefs' insights, expertise and knowledge, particularly with respect to the important areas of focus you reference in your affidavit.

Would you be available next week to begin this part of our dialogue?

Respectfully,

Susan Vella, L.S.M.

Lead Commission Counsel, MMIWG-FFADA

s.vella@mniwg-ffada.ca

416.363.7627

Confidentiality Warning:

The information contained in this email is confidential. It is intended only for the individual(s) named above. If the reader of this email is not the intended recipient, any distribution or copying of this email is prohibited. If you have received this email in error, please notify the writer by return email and delete all copies.

Avertissement concernant la confidentialité de l'information:

09/02/18 02:17 PM

National Inquiry into
Missing and Murdered
Indigenous Women and Girls



Enquête nationale
sur les femmes et les filles
autochtones disparues et assassinées

June 20th, 2017

Privileged & Confidential

Delivered By Email Attachment to mbalfour@manitobachiefs.com

Marcel Balfour
Assembly of Manitoba Chiefs
2nd Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3

Dear Mr. Balfour:

Re: Standing Application On Behalf of Assembly of Manitoba Chiefs

I am writing to advise, on behalf of the Commissioners, that the Application for Standing submitted by the Assembly of Manitoba Chiefs has been granted. For greater certainty, the Commissioners have granted standing in Parts II and III, in the Region of Manitoba and National, with full rights.

The Commissioners will also recommend that the Assembly of Manitoba Chiefs be granted funding.

A formal Decision with Reasons will follow, but the Commissioners wanted to alert you to the fact of this Decision now.

Should you have any questions, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink, appearing to read "Susan Vella". The signature is fluid and cursive, with a long horizontal stroke at the end.

Susan M. Vella, LSM,
Lead Commission Counsel, MMIWG – FFADA

/jol

Fwd: MMIWG - Funding Application on Behalf of ...

From: Jennifer Lord <j.lord@mmiwg-ffada.ca<<mailto:j.lord@mmiwg-ffada.ca>>>
Subject: MMIWG - Funding Application on Behalf of Assembly of Manitoba Chiefs (email sent by Jennifer Lord on behalf of Susan Vella)
Date: July 20, 2017 at 8:51:52 PM CDT
To: Marcel Balfour <mbalfour@manitobachiefs.com<<mailto:mbalfour@manitobachiefs.com>>>
Cc: Susan Vella <s.vella@mmiwg-ffada.ca<<mailto:s.vella@mmiwg-ffada.ca>>>

Dear Mr. Balfour:

Attached please find Ms. Vella's correspondence dated July 20th, 2017 regarding Assembly of Manitoba Chiefs' application for funding.

Kindly confirm receipt.

Should you have any questions, please do not hesitate to contact Ms. Vella. (Telephone: 416.363.7627 or Email: s.vella@mmiwg-ffada.ca<<mailto:s.vella@mmiwg-ffada.ca>>).

Respectfully,

Jennifer O. Lord
Law Clerk & Legal Assistant to Susan Vella, MMIWG-FFADA
j.lord@mmiwg-ffada.ca<<mailto:j.lord@mmiwg-ffada.ca>>
416-363-1867, Ext. 248

09/02/18 02:38 PM



July 20th, 2017

Privileged & Confidential

Delivered By Email Attachment to mbalfour@manitobachiefs.com

Marcel Balfour
Assembly of Manitoba Chiefs
2nd Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3

Dear Mr. Balfour:

Re: Funding Application on behalf of Assembly of Manitoba Chiefs

I am writing to provide you with an estimate of the total amount of funding we anticipate you will receive as a party with standing. This should allow you to plan your budget.

This amount is subject to final confirmation by the Privy Council Office (P.C.O.) Once we receive confirmation, we will be providing you with a Contribution Agreement for your signature.

By way of general guideline, please note that funds awarded can only be used by external legal counsel for fees and disbursements as authorized by the contribution agreement, and the grounds upon which standing has been granted. These funds cannot be used to fund the expenses of the organization itself, including staff lawyers employed by the organization (in house lawyers).

Fees and disbursements are subject to the tariff rates set by the P.C.O.

The estimate for the total funds we anticipate your organization will receive is: \$29,800.00.

Should you have any questions, please contact me.

Thank you for your patience.

Respectfully,

A handwritten signature in blue ink, appearing to read 'S. Vella'.

Susan M. Vella, LSM,
Lead Commission Counsel, MMIWG – FFADA

/mw/jol

RE: MMIWG Inquiry - funding letter to Assembly ...

On 03/08/17 01:18 PM, Byron Williams wrote:

Dear Ms Vella:

The Public Interest Law Centre (PILC) is working with the Assembly of Manitoba Chiefs (AMC) on matters relating to the Inquiry.

The AMC has provided us with your correspondence of July 20, 2017 setting out an estimate of the total available funds of \$29,800.00 to facilitate the participation of Manitoba First Nations on this important issue. The amount in question is not sufficient to enable the AMC to meaningfully participate in the process.

As you will be aware, it is a common practice in public proceedings which involve public participation funding for the tribunal or inquiry body to provide the reasons for its decisions relating to funding. Accordingly, we would ask that you provide us with the reasons for decision of the MMIWG relating to the proposed AMC budget.

Given the tight time frames including a proceeding in Winnipeg on August 22 through 24 as well the significant implications that the Inquiry's decision has upon the ability of the AMC to meaningfully participate in this process, we would ask that you provide the reasons of decision by August 10, 2017.

Thank you for your consideration of this request.

Yours truly,

Byron Williams
Director
Public Interest Law Centre

09/02/18 02:26 PM

Re: MMIWG Inquiry - funding letter to Assembly ...

Subject: Re: MMIWG Inquiry - funding letter to Assembly of Manitoba Chiefs dated July 20, 2017

From: Joëlle Pastora Sala <jopas@legalaids.mb.ca>

Date: 15/08/17 03:53 PM

To: s.vella@mmiwg-ffada.ca

CC: Byron Williams <bywil@legalaids.mb.ca>, Marcel Balfour <mbalfour@manitobachiefs.com>

BCC: Rebecca Kunzman <kunzmanr@myumanitoba.ca>

Good afternoon Ms Vella,

I am writing to confirm that we have not received a response to our e-mail below requesting reasons for the funding notification identified in your letter of July 20th 2017 by August 10, 2017.

I am also writing to request clarification about whether the funding of \$29,800.00 is for standing in Parts II and III at the Manitoba regional and National levels (with full rights) as indicated in your letter dated June 20th 2017 or if it is for the Manitoba region alone (as indicated in Ms Big Canoe's email from August 10 2017).

I should note that we will also be writing to Chief Commissioner Marion Buller to raise the concerns identified in our e-mail below and indicate that we have not received a response to our request for reasons.

I look forward to hearing from you.

Respectfully,
Joëlle

--

Joëlle Pastora Sala
Attorney / Avocate
Public Interest Law Centre / Centre juridique d'intérêt public
200-393 Portage Ave
Winnipeg, MB R3B 3H6
Office / Bureau: 204.985.9735
Fax / Télécopieur: 204.985.8544
Email / Courriel: jopas@pilc.mb.ca

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09/02/18 02:28 PM

RE: MMIWG Inquiry - funding letter to Assembly ...

Subject: RE: MMIWG Inquiry - funding letter to Assembly of Manitoba Chiefs dated July 20, 2017

From: "Susan Vella" <s.vella@mmiwg-ffada.ca>

Date: 15/08/17 04:28 PM

To: "'Joëlle Pastora Sala'" <jopas@legalaide.mb.ca>

Good afternoon Ms. Pastora Sala: I acknowledge receipt of your email of today and Mr. William's email of August 3rd, 2017 seeking clarification as to the quantum of funds that the Commissioners have recommended the Assembly of Manitoba Chiefs should receive.

I have sought instructions and am preparing a letter providing a response.

In the meantime, I can confirm that the funding awarded is for the Assembly of Manitoba Chiefs' participation both at the Regional and National levels, for the Parts indicated, as reflected in my letter of July 20th, 2017.

Respectfully,

Susan Vella, L.S.M.

Lead Commission Counsel, MMIWG-FFADA

<mailto:s.vella@mmiwg-ffada.ca> s.vella@mmiwg-ffada.ca

416.363.7627

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09/02/18 02:26 PM

Subject: MMIWG National Inquiry - request for update from AMC about Contribution Agreement

From: Joëlle Pastora Sala <jopas@legalaids.mb.ca>

Date: 25/09/17 05:18 PM

To: Susan Vella <s.vella@mmiwg-ffada.ca>

CC: "Southall, Anita" <alsouthall@FillmoreRiley.com>, Marcel Balfour <mbalfour@manitobachiefs.com>

BCC: Byron Williams <bywil@legalaids.mb.ca>

Dear Ms Vella,

This e-mail relates to your 20 July 2017 letter relating to the funding application for AMC's participation in the National inquiry into MMIWG. I am writing to request an update on the Contribution Agreement from the Privy Council Office.

We look forward to receiving a timely response to our request.

Thank you.

Sincerely,
Joëlle

--

Joëlle Pastora Sala
Attorney / Avocate
Public Interest Law Centre / Centre juridique d'intérêt public
200-393 Portage Ave
Winnipeg, MB R3B 3H6
Office / Bureau: 204.985.9735
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RE: MMIWG National Inquiry - request for update...

Subject: RE: MMIWG National Inquiry - request for update from AMC about Contribution Agreement

From: "Susan Vella" <s.vella@mmiwg-ffada.ca>

Date: 25/09/17 05:29 PM

To: "Joëlle Pastora Sala" <jopas@legalaids.mb.ca>

CC: "Southall, Anita" <alsouthall@FillmoreRiley.com>, "Marcel Balfour" <mbalfour@manitobachiefs.com>

Good evening Joelle: I will follow up with Christian Rock, from our office, as he is dealing with the Contribution Agreements. I will then provide you with an update.

In the meantime, I can advise that the PCO has approved the amount of funding for the Assembly of Manitoba Chiefs, consistent with my letter of July 20, 2017, in the amount of 29,800.00. If you have any other questions about the funding, please do not hesitate to ask me.

Thank you for your ongoing patience as we finalize the funding arrangements.

Respectfully,

Susan

Susan Vella, L.S.M.
Lead Commission Counsel, MMIWG-FFADA
s.vella@mmiwg-ffada.ca
416.363.7627

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09/02/18 02:27 PM

Re: RE: MMIWG National Inquiry - request for up...

Subject: Re: RE: MMIWG National Inquiry - request for update from AMC about Contribution Agreement

From: Joëlle Pastora Sala <jopas@legalaids.mb.ca>

Date: 25/09/17 06:49 PM

To: Susan Vella <s.vella@mmiwg-ffada.ca>

CC: "'Southall, Anita'" <alsouthall@FillmoreRiley.com>, 'Marcel Balfour' <mbalfour@manitobachiefs.com>

Thank you, Susan.

On behalf of AMC, we would also ask for disclosure of the funding details for all other parties with standing - at the national and regional levels - in the National Inquiry.

Have a good evening.
Joëlle

--
Joëlle Pastora Sala
Attorney / Avocate
Public Interest Law Centre / Centre juridique d'intérêt public
200-393 Portage Ave
Winnipeg, MB R3B 3H6
Office / Bureau: 204.985.9735
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09/02/18 02:29 PM

Subject: MMIWG Community Hearings in Winnipeg - week of Oct 16th
From: Joëlle Pastora Sala <jopas@legalaids.mb.ca>
Date: 02/10/17 06:11 PM
To: Susan Vella <s.vella@mmiwg-ffada.ca>
CC: Marcel Balfour <mbalfour@manitobachiefs.com>, "Southall, Anita" <alsouthall@FillmoreRiley.com>
BCC: Byron Williams <bywil@legalaids.mb.ca>

Good afternoon Ms Vella,

I am writing on behalf of the AMC in anticipation of the MMIWG community hearings being held in Winnipeg in less than two weeks - the week of October 16th.

While AMC does not have standing in Part I of the National Inquiry, it plays an important role in sharing information and communicating with families and survivors about the NI events being held in Manitoba. That said, would it be possible for you to provide additional information relating to the manner in which the community hearings will be held in Winnipeg? If not, when will this information be made publicly available?

I note that during the community hearings in Smithers, there were performances, including by a group of youth. Are similar performances or other activities planned for the Winnipeg hearings?

Based on what AMC has heard from families and survivors - it is our understanding that it is important that prayer, smudging and other spiritual and religious supports and protocols be available and followed during the community hearings. Has the NI selected a venue for the community hearings where smudging is allowed? Our understanding is that many hotels in Winnipeg allow smudging but require advance notice to ensure the sprinkler systems are temporarily not activated.

AMC is also wondering whether the NI has a plan in place to support families and survivors in Manitoba who will be sharing their stories following the community hearings.

Please let us know if you require any assistance in preparation for the community hearings in Winnipeg.

We look forward to hearing from you.
Sincerely,
Joëlle

--
Joëlle Pastora Sala
Attorney / Avocate
Public Interest Law Centre / Centre juridique d'intérêt public
200-393 Portage Ave
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Re: Montreal Expert Hearings

Subject: Re: Montreal Expert Hearings
From: Joëlle Pastora Sala <jopas@legalaid.mb.ca>
Date: 02/10/17 06:50 PM
To: Susan Vella <s.vella@mimiwg-ffada.ca>
CC: Marcel Balfour <mbalfour@manitobachiefs.com>, "Southall, Anita" <alsouthall@FillmoreRiley.com>
BCC: Byron Williams <bywil@legalaid.mb.ca>

Ms Vella,

I am following up on your e-mail from September 12, 2017 to request an update on the proposed Advisory body which is mentioned below. Based on your e-mail, my understanding was that the Commissioners anticipated releasing information about the plan for the Advisory Body shortly after you sent your e-mail. We have not received any updates to date.

We hope to hear from you soon.
Thanks again.

Joëlle

--
Joëlle Pastora Sala
Attorney / Avocate
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09/02/18 02:28 PM

Subject: MMIWG NI - Request for the detailed research strategy - "Paths of Inquiry"

From: Joëlle Pastora Sala <jopas@legalaids.mb.ca>

Date: 27/11/17 06:30 PM

To: Jennifer Cox <j.cox@mimiwg-ffada.ca>, Debbie Reid <d.reid@mimiwg-ffada.ca>, Christa Big Canoe <c.bigcanoe@mimiwg-ffada.ca>

CC: Marcel Balfour <mbalfour@manitobachiefs.com>, "Southall, Anita" <alsouthall@FillmoreRiley.com>

Good evening,

We are writing by way of follow up to Marcel Balfour's request from 1 November 2017 for a copy of the detailed research strategy called "Paths of Inquiry". This document is referenced several times in the Interim Report, including at page 69. The Interim Report says this research strategy is available online however we have reviewed your website and are unable to find it.

We would appreciate it if you could provide us with a copy of this document. If you are unable to share the document, please provide the reasons for the change in the decision to make the document publicly available online.

Thank you in advance.
We look forward to hearing from you.

Sincerely,
Joëlle

--

Joëlle Pastora Sala
Attorney / Avocate
Public Interest Law Centre / Centre juridique d'intérêt public
200-393 Portage Ave
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MMIWG NI - request for update on schedule

Subject: MMIWG NI - request for update on schedule

From: Joëlle Pastora Sala <jopas@legalaids.mb.ca>

Date: 22/12/17 04:28 PM

To: Jennifer Cox <j.cox@mniwg-ffada.ca>, Debbie Reid <d.reid@mniwg-ffada.ca>, Christa Big Canoe <c.bigcanoe@mniwg-ffada.ca>

CC: Marcel Balfour <mbalfour@manitobachiefs.com>, "Southall, Anita" <alsouthall@FillmoreRiley.com>

Good afternoon,

I am writing to you on behalf of the Assembly of Manitoba Chiefs. With the new year approaching, please advise when we will be provided with a schedule for Parts 2 and 3.

Thank you and happy holidays.

Joëlle

--

Joëlle Pastora Sala

Attorney / Avocate

Public Interest Law Centre / Centre juridique d'intérêt public

200-393 Portage Ave

Winnipeg, MB R3B 3H6

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09/02/18 02:30 PM

Re: MMIWG NI - request for update on schedule

Subject: Re: MMIWG NI - request for update on schedule

From: Joëlle Pastora Sala <jopas@legalaids.mb.ca>

Date: 29/01/18 08:50 AM

To: Jennifer Cox <j.cox@mimiwg-ffada.ca>, c.wong@mimiwg-ffada.ca, Christa Big Canoe <c.bigcanoe@mimiwg-ffada.ca>

CC: Marcel Balfour <mbalfour@manitobachiefs.com>, "Southall, Anita" <alsouthall@FillmoreRiley.com>

Good morning,

Happy new year.

I am bringing the e-mail below to your attention and repeating our request for an update on the schedule for Parts 2 and 3.

We would appreciate an acknowledgement of receipt and response to our request for information to assist us in ensuring the Assembly of Manitoba Chiefs can meaningfully participate in the Inquiry process.

Sincerely,
Joëlle

--

Joëlle Pastora Sala
Attorney / Avocate
Public Interest Law Centre / Centre juridique d'intérêt public
200-393 Portage Ave
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09/02/18 02:30 PM

Fwd: Re: MMIWG NI - request for update on schedule

Subject: Fwd: Re: MMIWG NI - request for update on schedule
From: Joëlle Pastora Sala <jopas@legalaids.mb.ca>
Date: 31/01/18 06:50 PM
To: s.thomas@mmiwg-ffada.ca

Hi Shelby,

Hope all is well.

I was on the MMIWG National Inquiry website and noticed that you are one of the counsel to the MMIWG NI - congrats!

As you may already know, I (along with Anita Southall and Stacey Soldier) represent the Assembly of Manitoba Chiefs in the NI. I have sent a number of e-mails to MMIWG NI counsel and have not received any responses or acknowledgement of receipt. I am wondering if you would be able to respond to my request for an update on the schedule for the NI. I've been hearing rumors that the expert hearing on human rights will be held in March which is coming up very soon. Can you confirm?

Thank you in advance.

Sincerely,
Joëlle

----- Forwarded Message -----

Subject: Re: MMIWG NI - request for update on schedule
Date: Mon, 29 Jan 2018 08:50:04 -0600
From: Joëlle Pastora Sala <jopas@legalaids.mb.ca>
To: Jennifer Cox <j.cox@mniwg-ffada.ca>, c.wong@mniwg-ffada.ca, Christa Big Canoe <c.bigcanoe@mniwg-ffada.ca>
CC: Marcel Balfour <mbalfour@manitobachiefs.com>, Southall, Anita <alsouthall@FillmoreRiley.com>

Good morning,

Happy new year.

I am bringing the e-mail below to your attention and repeating our request for an update on the schedule for Parts 2 and 3.

We would appreciate an acknowledgement of receipt and response to our request for information to assist us in ensuring the Assembly of Manitoba Chiefs can meaningfully participate in the Inquiry process.

Sincerely,
Joëlle

--

Joëlle Pastora Sala
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09/02/18 02:31 PM

On 01/02/2018 11:40 AM, Shelby Thomas wrote:

Hello Joëlle,

I hope all is wonderful with you as well.

I am not involved with the scheduling of expert and institutional hearings, so I do not have that information. If you could direct your question to Christa Big Canoe and Jennifer Cox, who I have cc'd on this e-mail.

With that being said, it is my understanding that they will be in touch with you as soon as they have details regarding the schedule for Part 2 and Part 3 of the NI.

Thank you very much,
Shelby

Sent from my BlackBerry 10 smartphone on the Bell network.

*From: *Joëlle Pastora Sala

*Sent: *Wednesday, January 31, 2018 18:50

*To: *s.thomas@mmiwg-ffada.ca

*Subject: *Fwd: Re: MMIWG NI - request for update on schedule

Hi Shelby,

Hope all is well.

I was on the MMIWG National Inquiry website and noticed that you are one of the counsel to the MMIWG NI - congrats!

As you may already know, I (along with Anita Southall and Stacey Soldier) represent the Assembly of Manitoba Chiefs in the NI. I have sent a number of e-mails to MMIWG NI counsel and have not received any responses or acknowledgement of receipt. I am wondering if you would be able to respond to my request for an update on the schedule for the NI. I've been hearing rumors that the expert hearing on human rights will be held in March which is coming up very soon. Can you confirm?

Thank you in advance.
Sincerely,
Joëlle

09/02/18 02:31 PM

Re: MMIWG NI - request for update on schedule

Subject: Re: MMIWG NI - request for update on schedule

From: Joëlle Pastora Sala <jopas@legalaids.mb.ca>

Date: 03/02/18 04:50 PM

To: Shelby Thomas <s.thomas@mmiwg-ffada.ca>, Christa Big Canoe <c.bigcanoe@mmiwg-ffada.ca>, Jennifer Cox <j.cox@mmiwg-ffada.ca>

Thank you, Shelby.

Ms Big Canoe and Ms Cox - we look forward to a response to our request for an update on the schedule as well as for a copy of the detailed research strategy called "Paths of Inquiry" (mentioned in the Interim Report). We would also request an update on the AMC Contribution Agreement for the MMIWG NI.

Sincerely,
Joëlle

09/02/18 02:31 PM

Subject: MMIWG NI - Request for a Phone Call
From: Joëlle Pastora Sala <jopas@legallaid.mb.ca>
Date: 07/03/18 03:24 PM
To: j.cox@mmiwg-ffada.ca, w.vantongeren@mmiwg-ffada.ca, Christa Big Canoe <c.bigcanoe@mmiwg-ffada.ca>, f.wylde@mmiwg-ffada.ca
CC: "Southall, Anita" <alsouthall@FillmoreRiley.com>, Byron Williams <bywil@legallaid.mb.ca>
BCC: 'Joelle Pastora Sala' <jpastorasala@gmail.com>

Good afternoon,

I am writing as legal counsel to the Assembly of Manitoba Chiefs to request a call with legal counsel to the MMIWG NI relating to (1) the letter we sent to you on February 9th which I have attached to this email for your convenience; and (2) the recent request for an extension and additional funding.

Please provide us with a few convenient times for a phone conversation.

We look forward to hearing from you.

Sincerely,
Joëlle

--
Joëlle Pastora Sala
Attorney / Avocate
Public Interest Law Centre / Centre juridique d'intérêt public
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—Attachments: _____

18 02 09 MMIWG LT NI LF AMC Counsel re_ Funding & Enclosure 27 bytes
(sent) - compressed.pdf

Re: MMIWG NI - Request for a Phone Call

Subject: Re: MMIWG NI - Request for a Phone Call

From: j.cox@mmiwg-ffada.ca

Date: 07/03/18 06:00 PM

To: jopas@legalaids.mb.ca, w.vantongerren@mmiwg-ffada.ca,
c.bigcanoe@mmiwg-ffada.ca, f.wylde@mmiwg-ffada.ca

CC: alsouthall@FillmoreRiley.com, bywil@legalaids.mb.ca, "Calvin Wong"
<c.wong@mmiwg-ffada.ca>

Your e-mail is acknowledged.

I will have to get back to you with a time counsel may be available but I can advise it will not be within the next two weeks due to the community hearing schedule.

On Wed, 7 Mar 2018 15:24:30 -0600, Joëlle Pastora Sala wrote:

Good afternoon,

I am writing as legal counsel to the Assembly of Manitoba Chiefs to request a call with legal counsel to the MMIWG NI relating to (1) the letter we sent to you on February 9th which I have attached to this email for your convenience; and (2) the recent request for an extension and additional funding.

Please provide us with a few convenient times for a phone conversation.

We look forward to hearing from you.

Sincerely,
Joëlle

--

Joëlle Pastora Sala
Attorney / Avocate
Public Interest Law Centre / Centre juridique d'intérêt public
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Re: MMIWG NI - Request for a Phone Call

Subject: Re: MMIWG NI - Request for a Phone Call

From: j.cox@mmiwg-ffada.ca

Date: 26/03/18 11:58 AM

To: jopas@legalaid.mb.ca, c.bigcanoe@mmiwg-ffada.ca, f.wylde@mmiwg-ffada.ca

CC: alsouthall@FillmoreRiley.com, bywil@legalaid.mb.ca

Hello, Joelle. I am currently working on getting your contribution agreement out to you.

There also will be a communication to the parties this week about the parts 2 and 3 hearings.

Re: MMIWG NI - Request for a Phone Call

Subject: Re: MMIWG NI - Request for a Phone Call
From: Joëlle Pastora Sala <jopas@legalaids.mb.ca>
Date: 27/03/18 08:38 AM
To: j.cox@mmiwg-ffada.ca
CC: c.bigcanoe@mmiwg-ffada.ca, f.wylde@mmiwg-ffada.ca,
alsouthall@FillmoreRiley.com, Stacey Soldier <stacey@soldierlaw.ca>
BCC: bywil@legalaids.mb.ca

Good morning Ms Cox,

Thank you for your e-mail.

Please provide an estimate of time for when the Assembly of Manitoba Chiefs will receive its contribution agreement. Without a contribution agreement, AMC cannot meaningfully participate in any further hearings.

I would note that in our 9 February 2018 correspondence to you, AMC requested (1) a Confirmed Funding Decision (2) the Contribution Agreement (3) Reasons outlining how the Commissioners propose AMC should limit the scope of its intervention.

While you have indicated that you are working on sending us a contribution agreement, we continue to wait for a response to our other requests.

My understanding is that the proposed teleconference in Ms. Big Canoe's e-mail (from last night) will focus on the upcoming institutional hearings. We are requesting a separate teleconference to discuss the outstanding questions of AMC. Please provide us with a few available times for a phone conversation at your earliest convenience.

Thank you.
Sincerely,
Joëlle

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Joëlle Pastora Sala
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Subject: MMIWG - participation of the Assembly of Manitoba Chiefs in Parts 2 & 3
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Good afternoon, We are counsel to the Assembly of Manitoba Chiefs (AMC) in the National Inquiry into MMIWG. We are writing to advise that the AMC is unable to participate in the upcoming MMIWG expert and institutional hearings and the preparatory teleconferences. We are less than one month away from the start of the Expert Hearing and the AMC has not been provided with any information that would meaningfully facilitate its participation. We have not been told what witnesses the Commission intends to call, and we have not received any of the documents the Commission intends to rely upon. Further, the AMC is unable to participate given the absence of a Contribution Agreement and the lack of reasons for the limited recommended funding amount. We have made repeated attempts to receive this information without success. Thank you for your attention to this matter. Sincerely, Anita Southall, Stacey Soldier and Joëlle Pastora Sala

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