

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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FINAL RESOLUTIONS UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

FEBRUARY 27TH-28TH, 2019

MUSQUEAM COMMUNITY CENTRE, X^wMƏƏK^wƏY^əM (MUSQUEAM TERRITORY)

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- 2019-02 Climate Emergency and BC First Nations Climate Emergency Plan
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- 2019-17 All Chiefs' and Leadership Dialogue Session on Overlap and Shared Territory
- 2019-18 Support to Establish a Tripartite Labour Market Skills Steering Committee for First Nations in British Columbia
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FEBRUARY 27TH-28TH, 2019

MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-01

RE: UBCIC Meeting Schedule for the 2019-2020 Fiscal Year

WHEREAS the Union of BC Indian Chiefs' (UBCIC) Annual General Assembly and Chiefs Council meetings constitute the primary mechanisms through which the member communities are informed of new legislation, policies and initiatives;

WHEREAS the UBCIC Annual General Assembly and Chiefs Council meetings are the mechanisms by which UBCIC Executive and staff receive ongoing mandates and direction from UBCIC members; and

WHEREAS the UBCIC will host one (1) Annual General Assembly and two (2) Chiefs Council meetings in the 2019-2020 fiscal year.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council has reviewed and commits the following as tentative dates:

- June 18-19, 2019
- October 1-3, 2019 (51st Annual General Assembly)
- February 26-27, 2020; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC staff to confirm dates, locations and draft agendas, and provide notice to the UBCIC Chiefs Council.

Moved: Chief Chad Eneas, Penticton Indian Band
Seconded: Chief Byron Louis, Okanagan Indian Band
Disposition: Carried
Date: February 27, 2019

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FEBRUARY 27TH-28TH, 2019

MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-02

RE: Climate Emergency and BC First Nations Climate Emergency Plan

WHEREAS the October 2018 report entitled “Special Report on Global Warming of 1.5°C” by the Intergovernmental Panel on Climate Change and the November 2018 Fourth National Climate Assessment report found that:

1. Human activity is the dominant cause of observed climate change over the past century;
2. A changing climate is causing sea levels to rise and an increase in wildfires, severe storms, droughts, and other extreme weather events that threaten human life, Indigenous food security, healthy communities, and critical infrastructure;
3. Global warming at or above 2 degrees Celsius beyond pre-industrialized levels will cause:
 - a. mass migration from the regions most affected by climate change;
 - b. wildfires that, by the end of the century, will burn twice as much average area per year in Canada by the end of the century as has burned in the recent past, and the diseases associated with that;
 - c. a loss of more than 99 percent of all coral reefs on Earth;
 - d. more than 350,000,000 more people to be exposed globally to deadly heat stress by 2050;
4. Global temperatures must be kept below 1.5 degrees Celsius above pre-industrialized levels to avoid the most severe impacts of a changing climate, which will require:
 - a. global reductions in greenhouse gas emissions from human sources of 40 to 60 percent from 2010 levels by 2030; and
 - b. net-zero emissions by 2050;

WHEREAS climate change, pollution, and environmental destruction have exacerbated systemic racial, regional, social, environmental, and economic injustices by disproportionately affecting indigenous communities, communities of color, migrant communities, deindustrialized communities, depopulated rural communities, the poor, low-income workers, women, the elderly, the unhoused, people with disabilities, and youth;

WHEREAS climate change threatens the security and way of life of Indigenous peoples throughout Canada and the world, which has been evident in British Columbia as record-breaking temperatures in the summer of 2018 contributed to rampant forest fires, drought, and elevated water temperatures impacting wild salmon and other species;

WHEREAS the mandate letter for Minister of Environment and Climate Change Strategy, George Heyman, called upon him to implement a climate-action strategy that would allow BC to meet carbon reduction targets and legislate a new 2030 reduction target. Heyman was mandated to ensure that the legal rights of First Nations are respected, and that BC's interests remain protected in the face of the Kinder Morgan pipeline expansion and the threat of increased tanker traffic;

WHEREAS by Resolution 2016-06, the UBCIC Chiefs Council demanded that any climate change plan developed by Canada must be done in conjunction with Indigenous peoples and must recognize and uphold our inherent and constitutionally protected Indigenous Title, Rights and Treaty Rights and be consistent with the historic Supreme Court of Canada's *Tsilhqot'in Nation* judgment. Further, the UBCIC Chiefs Council directs the UBCIC Executive to ensure that any climate change plan developed by Canada must stop the further expansion of fossil fuel production and export, and support development of alternative energy and alternative energy economies;

WHEREAS in July 2018 the BC government released three intention papers: *Clean, Efficient Buildings*, *Clean Transportation* and *A Clean Growth Program for Industry* that would inform the clean growth plan to be later released;

WHEREAS UBCIC provided a submission responding to the three intention papers and while the framework for sustainable energy growth with fewer emissions was a step in the right direction, UBCIC highlighted important concerns around consent, accessibility, and existing projects and environmental disasters including the Mount Polley mine disaster, the TMX, and the Site C Dam, that are contributing to carbon emissions, environmental harm, and violations of Indigenous Title and Rights, and Treaty Rights;

WHEREAS the *UN Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 18: Indigenous peoples have the right to participate in decision-making in matters which affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

Article 32(1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources;

WHEREAS the Province's climate change plan, CleanBC, was introduced in December 2018 and was developed with inadequate engagement with First Nations. CleanBC broadly states how an agenda of reconciliation and self-determination will be advanced and implemented, with no explanation of what exact steps were and will be taken to consult with and involve First Nations in planning and carrying out the initiatives. No mention was made of any of the negative environmental repercussions of the Site C Dam and liquefied natural gas (LNG) projects, or their impacts on the Title and Rights of First Nations, despite the recommendations to do so by UBCIC;

WHEREAS CleanBC's aim to reduce emissions by 40% by 2030 from 2007 levels clashes with the increased greenhouse gas emissions associated with approved big energy projects like the LNG Canada facility, the Trans Mountain Pipeline Expansion and Site C Dam. The plan's targets also no longer align with the more ambitious scientifically-approved reduction target identified by the Intergovernmental Panel on Climate Change (IPCC) to be 40-60% by 2030 from 2010 levels and net zero emissions by 2050 so that the global 1.5-degree temperature target can be met;

WHEREAS First Nations have the right to determine and direct their own environmental strategies and policies concerning the continued development of projects that directly impact the welfare and conservation of their lands, territories, and resources; and

WHEREAS the UBCIC Chiefs Council recognize the breakdown of the stable climate and sea level under which human civilization developed constitutes a climate emergency.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council demands that any climate change plan developed by British Columbia must be done in conjunction with Indigenous peoples and must recognize and uphold our inherent and constitutionally protected Indigenous Title, Rights and Treaty Rights and be consistent with the historic Supreme Court of Canada's *Tsilhqot'in Nation* judgment;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to ensure that any climate change plan developed by British Columbia must stop the further expansion of greenhouse gas emitting projects and infrastructure (whether the GHG emissions are produced locally or via fossil fuel exports), and support development of renewable energy and alternative energy economies;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council supports the development and implementation of a BC First Nations led climate action session that will strengthen and facilitate First Nation participation in a just transition to an economy that achieves greenhouse gas reductions to 40-60% by 2030 from 2010 levels and net zero emissions by 2050 and work to rectify the shortfalls of the CleanBC plan;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chief's Council directs UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to seek resources and plan a climate action session for First Nations in BC that will involve strategy and planning around First Nations participating in achieving greenhouse gas reductions of 40-60% by 2030 from 2010 levels and net zero emissions by 2050 through a fair and just transition for our communities and workers; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to prepare a bold Just Transition Plan for BC to review and provide feedback on. This BC First Nations' Just Transition Plan will align with the IPCC's recommendations and scientifically backed reduction targets and will establish the importance of ensuring that climate planning protects traditional ecological knowledge, and is respectful of and co-created with First Nations in BC.

Moved: Dustin Rivers, Squamish Nation (Proxy)
Seconded: Chief Chad Eneas, Penticton Indian Band
Disposition: Carried
Date: February 27, 2019

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FEBRUARY 27TH-28TH, 2019

MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-03

RE: UBCIC Committee to Appoint a Director to the BC First Nations Gaming Revenue Sharing General Partner (BCFNRS GP) Inc. Board of Directors

WHEREAS First Nations require consistent, predictable and sustainable funding in order to support the rebuilding of our Nations, our governments, and our economies; to improve the capacity and infrastructure of First Nations communities; to develop effective long-range planning; and to pursue development opportunities to address the economic, social and cultural needs of our communities in an effort to combat systemic poverty;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of British Columbia, committed to implement, affirms:

Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy of self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security;

WHEREAS First Nations have been discussing the issue of shared revenues and jurisdiction over gaming in BC since 1993. In 2006, a Steering Committee of the BC First Nations Gaming Revenue Sharing Initiative was established for the purpose of supporting research and developing a gaming revenue sharing proposal, supported by UBCIC Resolution 2007-02. Further, the UBCIC Chiefs Council endorsed and adopted the draft Terms of Reference Framework (November 2010) for the BC First Nations Gaming Commission (the "Gaming Commission") by UBCIC Resolution 2010-55, and has continued to provide appointments to the Gaming Commission for the purpose of pursuing and realizing First Nation benefits from BC Gaming;

2019-03

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WHEREAS the Gaming Commission and BC are nearing substantive agreement on the terms of the sharing of annual gaming revenues with First Nations in BC as the first phase of a renewed relationship between BC First Nations and BC with respect to gaming;

WHEREAS the by Resolution 2018-43, the UBCIC Chiefs-in-Assembly authorized the use of an “Initial Distribution Formula” for distributing gaming revenues to First Nations across BC based upon the Ontario experience, broadly set out as follows:

50% of revenues distributed to each Band,

40% of revenues distributed by population, and

10% of revenues distributed for isolated and remote First Nations communities, in addition to the above amounts;

WHEREAS the by Resolution 2018-43, the UBCIC Chiefs-in-Assembly authorized the Gaming Commission to develop and establish a BC First Nations Gaming Revenue Distribution Agency, modeled after the Ontario First Nations (2008) Limited Partnership, to receive and distribute gaming revenues pursuant to the Interim Distribution Formula and to oversee the implementation of the revenue sharing agreement (the “Revenue Agreement”), with transparency and accountability to the recipient First Nations;

WHEREAS the BC First Nations Gaming Revenue Distribution Agency will be the BC First Nations Gaming Revenue Sharing Limited Partnership (the “Limited Partnership”), a limited partnership established under the laws of the province of British Columbia with BC First Nations Gaming Revenue Sharing General Partner (BCFNRS GP) Inc., a corporation incorporated under BC laws, as its general partner (the “General Partner”) and BC First Nations participating in the revenue sharing acting as limited partners (“Limited Partners”);

WHEREAS the Board of Directors of the General Partner will be responsible to either manage or supervise the management of the General Partner. In this context, the Directors will be responsible for carrying out the business of the Limited Partnership including the obligations and functions of the Limited Partnership under the Revenue Agreement;

WHEREAS the Board of Directors will not be responsible for negotiating with the Province for further benefits related to gaming for First Nations, nor for activities in respect of the determination of the distribution formula, both of which activities will be assumed by the Gaming Commission;

WHEREAS the UBCIC, First Nations Summit, and BC Assembly of First Nations will each be entitled to nominate one director for an initial three-year term. The First Nations Leadership Council will be entitled to nominate two directors for an initial two-year term. After the initial terms, all directors will be appointed for three-year terms. In this way, directors’ terms will be staggered;

WHEREAS each Limited Partner will hold one share of the General Partner. The shareholders will agree in a shareholders agreement (the “Shareholders Agreement”) to elect by resolution the nominees of the UBCIC, First Nations Summit, BC Assembly of First Nations, and First Nations Leadership Council as directors of the General Partner;

WHEREAS nominees must meet the eligibility criteria set out in the *BC Business Corporations Act*. In addition, pursuant to the Shareholders Agreement, nominees must not be a Chief or Councillor of a First Nation; a person who, in fact, participates in the management or control of a First Nation, whether by reason

of being an officer, senior employee or representative of a First Nation or otherwise; or a person who is in fact under the direction, control or undue influence of a person referred to above;

WHEREAS it is preferred that nominees have competencies in as many of the following areas as possible: financial acumen; accounting and finance skills; corporate management experience; understanding of First Nations, and in particular First Nations cultures, traditions, values, beliefs, methods and practices; and experience in dealing with First Nations and the Provincial government;

WHEREAS any final agreement as to revenue sharing, including the Revenue Agreement, will be subject to ratification by the UBCIC, First Nations Summit, and the BC Assembly of First Nations; and

WHEREAS to comply with the timelines of the BCFNGRS GP Inc., at the UBCIC Chiefs Council meeting on February 27-28, 2019, the Chair of the UBCIC Chiefs Council called for nominations from the floor for three (3) UBCIC members to create the UBCIC Committee to Appoint a Director to the Gaming Partnership, to select a candidate to act as a director on the Board of Directors.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby creates the UBCIC Committee to Appoint a Director to the Gaming Partnership (“the Committee”), comprised of three UBCIC members:

1. Chief Maureen Chapman, Skawahlook First Nation
2. Shane James, Shxw’owhamel First Nation
3. Chief Michael LeBourdais, Whispering Pines Clinton Indian Band;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the Committee to send out a call for applications, review applications, select a nominee, and provide details of its selected nominee, together with the nominee’s consent to act as director, to UBCIC and to the Gaming Commission as soon as possible, and in any case by **March 15, 2019**. The UBCIC Committee shall be dissolved after the appointment of a nominee is made; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the Director nominated by the UBCIC Committee, to provide regular updates to the UBCIC Chiefs Council and UBCIC Executive.

Moved: Chief Donna Aljam, Nicomen Indian Band
Seconded: Chief Maureen Chapman, Skawahlook First Nation
Disposition: Carried
Carried Date: February 27, 2019

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FEBRUARY 27TH-28TH, 2019

MUSQUEAM COMMUNITY CENTRE, X^WMƏΘK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-04

RE: Free, Prior and Informed Consent (FPIC)

WHEREAS Indigenous peoples' inherent right to self-determination, and further, to free, prior, and informed consent (FPIC), is central to the *United Nations Declaration on the Rights of Indigenous Peoples* (the *UN Declaration*), which repeatedly affirms the right of Indigenous peoples to make their own decisions about their lives, territories and futures;

WHEREAS the UBCIC Chiefs Council has supported and endorsed the full implementation of the *UN Declaration* through resolutions 2008-03 *Support for the UN Declaration on the Rights of Indigenous Peoples*; 2010 - 33 *UNDRIP and Canada's Intention to Endorse*; 2016-14 *Support for the Unqualified Implementation of UNDRIP in Legislative Framework*; and 2018-03 *BC Legislative Framework for the Implementation of the UN Declaration*;

WHEREAS the *UN Declaration*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 32(2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources;

WHEREAS governments must listen when Indigenous peoples decide according to their own laws, customs and traditions whether a project should proceed, be modified or be rejected. Politicians cannot claim to

uphold the *UN Declaration* if their governments do not uphold FPIC, because the *UN Declaration* must read as a whole, as the human rights in the *UN Declaration* are considered to be indivisible, interrelated, and interdependent. Furthermore, governments cannot pick and choose when to respect FPIC based on political convenience;

WHEREAS consent is already part of Canadian law, as established in the *Delgamuukw*, *Haida Nation*, and *Tsilhqot'in* cases;

WHEREAS Indigenous Nations must each have the opportunity to make their own decisions and to speak for themselves. Federal, provincial and territorial governments must not point to agreements with one Indigenous Nation as an excuse for ignoring the opposition of another, doing so perpetuates old practices of 'divide and conquer' that have no place in the policies and practices of governments committed to reconciliation;

WHEREAS federal, provincial and territorial governments cannot ignore the decisions made by Indigenous peoples through their own systems of governance and decision-making that they have freely chosen for themselves. Neither can governments tell Indigenous peoples how these decisions should be made; and

WHEREAS agreements entered into under duress (economic, social, or otherwise), do not constitute consent. Governments and corporations must not perpetuate the unequal and unfair power relationships that characterize colonial dominance.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council reaffirms support for the full and meaningful implementation of the *UN Declaration on the Rights of Indigenous Peoples*, including the right to self-determination and free, prior, and informed consent;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council continues to encourage Indigenous Nations to utilize the *UN Declaration on the Rights of Indigenous Peoples* in agreements with the Governments of Canada and BC, applying the appropriate sections applicable to each Indigenous Nations' inherent jurisdiction, Title and Rights; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on federal, provincial, and local governments as well as corporations and businesses, to fully and meaningfully prioritize, implement and support the *UN Declaration on the Rights of Indigenous Peoples*.

Moved: Chief Donna Aljam, Nicomen Indian Band
Seconded: Chief Byron Louis, Okanagan Indian Band
Disposition: Carried
Date: February 27, 2019

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MUSQUEAM COMMUNITY CENTRE, X^WMƏΘK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-05

RE: Immediate Passing of Bill C-262

WHEREAS we are sovereign Indigenous Nations with the right to protect, manage, and derive social, cultural and economic benefits from the wealth of our lands, waters and resources;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* was overwhelmingly adopted by the General Assembly in September 2007 after more than 20 years of discussions;

WHEREAS the *UN Declaration* is the most comprehensive, universal international human rights instrument explicitly addressing the economic, social, cultural, political, spiritual and environmental rights of Indigenous Peoples;

WHEREAS the *UN Declaration*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the right of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 38: States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration;

WHEREAS Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*, is sitting at second reading in the Senate, and risks missing the legislative window to be completed prior to the fall federal election;

WHEREAS the Truth and Reconciliation Commission of Canada's Call to Action 43 states:

We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation;

WHEREAS the full and unqualified implementation of the *UN Declaration* would reinforce Canada's commitment to achieving the 2030 Agenda for Sustainable Development, which came into effect in January 2016;

WHEREAS the UBCIC Chiefs Council has formally endorsed and supported the full implementation of the *UN Declaration* via UBCIC Resolution 2008-03 "Support for the UN Declaration on the Rights of Indigenous Peoples";

WHEREAS by Resolution 2010-33, the UBCIC Chiefs Council formally urged the Canadian government to endorse the *UN Declaration* without qualification in a manner that:

- 1) Ensures the survival, dignity, security and well-being of present and future generations of Indigenous Peoples;
- 2) Upholds the April 2008 House of Commons motion calling for the Canadian Parliament and government to "fully implement" the standards in the *UN Declaration*; and
- 3) Fully respects the *UN Declaration* in all relevant international forums and strengthens the international human rights systems for Indigenous Peoples throughout the world;

WHEREAS by Resolution 2016-14, the UBCIC Chiefs Council called on the Canadian government to engage with Indigenous Peoples through a meaningful and substantive process to create a legislative framework for the unqualified implementation of the *UN Declaration*, a framework which will have particular focus on:

- 1) Reforming federal laws, regulations and policies to ensure that the free, prior and informed consent of Indigenous Peoples is required for any decisions that have the potential to impact on Indigenous Title and Rights, and Treaty Rights;
- 2) Any such process must develop an independent oversight body to review and report on implementation progress;

WHEREAS Bill C-262 was passed in the House of Commons on May 30, 2018, with 285 votes cast: 206 yeas and 79 nays; and

WHEREAS implementation of the *UN Declaration* constitutes a principled framework for justice, reconciliation, healing and peace.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports Bill C-262, *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples*;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to call upon Canada and all members of Senate to immediately pass Bill C-262 without delay;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to develop and launch a public advocacy campaign to encourage the Senate to advance Bill C-262.

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Chief Nicole Rempel, K'ómoks First Nation
Disposition: Carried
Date: February 27, 2019

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MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-06

RE: Support for Esk'etemc's Movement Toward Self-Governance and Protest to DFO's Management of Fraser River Wild Sockeye Salmon

WHEREAS in an effort to build First Nations capacity and conserve wild salmon stocks, the Aboriginal Fishing Strategy (AFS) agreements and their corresponding window closures have been in place for over 18 years on the Fraser River;

WHEREAS Esk'etemc has signed the AFS agreements and complied with Department of Fisheries and Oceans (DFO) window closures for 18 years in an effort to conserve Early Stuart sockeye salmon without any positive results for the community or Early Stuarts being attained;

WHEREAS the declining salmon stocks in the Fraser river and DFO window closures have caused Esk'etemc to experience a loss of opportunity to practice their culture, harvest food resources, and be self-governing of their fisheries;

WHEREAS Esk'etemc community members have struggled to catch enough salmon for their families, averaging only 0.5 salmon each per year from 2011 – 2016;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

Article 26 (2): Indigenous peoples have the right to own, use, develop and control the lands,

territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

Article 32 (1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources;

WHEREAS the funding allocated to Esk'etemc in the amount of \$46k per annum by DFO has not significantly changed since the AFS was created to account for economic inflation and is insufficient to address the needs of the community and maintain any type of meaningful fisheries management;

WHEREAS licenses issued by DFO under the AFS do not allow for Esk'etemc to practice all of their traditional fishing methods, govern the fishery according to their own protocols, or harvest salmon on a scale that allows for Esk'etemc to pursue their Aboriginal Right to a fishing economy;

WHEREAS the conservation precedent used by DFO to enforce river closures is ill-founded based on the low harvest of Esk'etemc Band members, the lack of restoration of Fraser salmon over time, unaddressed cumulative impacts from industrial sectors, as well as failed management attempts on behalf of DFO such as the Cultus Lake sockeye example;

WHEREAS the AFS agreements do not integrate context specific conditions and limitations that are unique to Esk'etemc, such as the inaccessibility of their fishing areas during heavy rains and the changing viability of their fishing rocks throughout the summer;

WHEREAS Esk'etemc elected Chief Fred Robbins, and hereditary Chief, Francis Johnson Jr, held a peaceful fishing protest on July 11, 2018 during the DFO window closure to open a dialogue with DFO and make it known that the community's needs were not being met and Rights were not being respected under the AFS;

WHEREAS Esk'etemc are seeking to build new relationships with DFO to reconcile the inadequacies of the past by working closely with regional DFO staff and Minister Wilkinson;

WHEREAS Esk'etemc are seeking to work with Nations located along the Fraser River to properly address the conservation issues facing Fraser River salmon; and

WHEREAS Esk'etemc are seeking to implement their own Fishing Plan that integrates traditional governance and values, the needs of each family, diversity of fishing methods, conservation, restoration etc.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports Esk'etemc in their protest of Department of Fisheries and Oceans' (DFO) management of wild Fraser salmon (including the nature and scope of Aboriginal Fishing Strategy agreements) as well as Esk'etemc seeking new relationships with regional DFO staff and the Minister of Fisheries, Oceans and the Canadian Coast Guard to have the specific needs of the community addressed;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully supports the creation of an Esk'etemc fishing plan that will allow Esk'etemc to reinvigorate traditional fishing methods, protect their cultural livelihood, utilize their own laws and protocols in a movement towards self-governance; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chief Council directs the UBCIC Executive to communicate their support to the Minister of Fisheries, Oceans and the Canadian Coast Guard of Esk'eteme's position and direction regarding management of Fraser River salmon in their traditional territory.

Moved: Kukpi7 Fred Robbins, Esk'eteme
Seconded: Chief Cliff Arnouse, Adams Lake Indian Band
Disposition: Carried
Date: February 27, 2019

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FEBRUARY 27TH-28TH, 2019

MUSQUEAM COMMUNITY CENTRE, X^WMƏΘK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-07

RE: UBCIC Support for Wet'suwet'en Defense of their Inherent Title and Rights

WHEREAS it is a guiding principle of the Union of BC Indian Chiefs ("UBCIC") that our Aboriginal Title and Rights are inherent – a gift and responsibility given by the Creator to our Peoples, together with the laws to carry out these responsibilities. UBCIC's mandate is to work towards the implementation, exercise and recognition of our inherent Title, Rights and Treaty Rights and to protect of our Lands and Waters, through the exercise, and implementation of our own laws and jurisdiction;

WHEREAS the Unist'ot'en camp is a non-violent gathering of Indigenous land defenders and members of the Unist'ot'en house group in Wet'suwet'en territory in northern BC. Under the authority of Wet'suwet'en hereditary chiefs, these land defenders are actively practicing their inherent Indigenous Title and Rights to protect the land and pursue their right to self-determination;

WHEREAS Coastal Gaslink, a subsidiary of the TransCanada Corporation, is planning a 700km natural gas pipeline and transformation plant which would impact the Unist'ot'en camp;

WHEREAS on November 26th, 2018, Coastal GasLink applied for an interim, interlocutory or permanent injunction, as well as financial damages against the Unist'ot'en land defenders for "occupying, obstructing, blocking, physically impeding or delaying access" to their proposed project site. Coastal GasLink won an injunction on December 14;

WHEREAS the Gidimt'en are one of five clans of the Wet'suwet'en, and Gidimt'en members set up a checkpoint to strongly support a peaceful resolution at the Unist'ot'en camp 20km away;

WHEREAS on January 7, 2019, the RCMP enforced the interim injunction, using excessive force to arrest 14 people including Wet'suwet'en Nation members and allies, and dismantling barriers at the checkpoint erected by members of the Gidimt'en Clan;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 26:

1) Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

2) Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3) States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous people concerned.

Article 32:

1) Indigenous people have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2) States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources; and,

WHEREAS in removing the Wet'suwet'en from their own Title land, the governments of Canada and British Columbia are blatantly ignoring the Supreme Court of Canada's precedent-setting *Delgamuukw* case which confirmed that the Wet'suwet'en's Title and Rights have never been extinguished.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the efforts of Indigenous Nations to ensure that their inherent Title and Rights are unconditionally recognized and upheld;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council strongly condemns the use of force, aggression, and intimidation tactics by the RCMP in their raid of the Gidimt'en checkpoint and acknowledges that the forceful intervention and removal of Wet'suwet'en land defenders constitutes a severe breach in the human rights standards entrenched in the *United Nations Declaration of the Rights of Indigenous People* as well as constitutional law;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council urges the provincial and federal governments of Canada to hold Coastal GasLink and the RCMP accountable for any actions that threaten or undermine the welfare, Title and Rights, laws, customs and traditions of the Wet'suwet'en Nation; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate to the federal and provincial governments that they must uphold their commitment to true reconciliation by ensuring that the standards of free, prior and informed consent concerning any project affecting the land, territories, and resources of Indigenous people are met.

Moved: Chief Maureen Chapman, Skawahlook First Nation

Seconded: Travis Hall, Heiltsuk First Nation (Proxy)

Disposition: Carried

Opposed: Chief Vivian Tom

Abstentions: 1

Date: February 28, 2019

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FEBRUARY 27TH-28TH, 2019

MUSQUEAM COMMUNITY CENTRE, X^WMƏΘK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-08

RE: Support for St'at'imc Nation's Opposition to Steelhead's Natural Gas Pipeline Project

WHEREAS as Indigenous Peoples, we continue to exercise our laws and jurisdiction to protect our lands, our waters, and our coasts, as we have done for thousands of years;

WHEREAS Steelhead LNG Corp. has proposed the construction of a pipeline that will connect natural gas resources in the Western Canadian Sedimentary Basin to Vancouver Island. The potential pipeline route will infringe upon the traditionally owned or otherwise occupied lands, territories, waterways of the St'at'imc Nation and other Indigenous peoples;

WHEREAS Steelhead LNG's pipeline project raises significant environmental concerns, including the risk to marine life and wildlife habits in waterways, as well as significant implications for the livelihoods of the St'at'imc communities who have maintained hunting, trapping, gathering, and fishing rights for generations;

WHEREAS the UBCIC Chiefs Council has previously contested Steelhead LNG's projects, and passed Resolution 2016-34 to express support for WSÁNEĆ First Nations' opposition to the Malahat LNG project proposed by Steelhead LNG and Malahat First Nation. The resolution highlighted the need for Steelhead LNG to respect the WSÁNEĆ First Nations' Title, Rights, and Treaty Rights;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 32:(1) Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

(2) States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

(3) States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact;

WHEREAS the St’at’imc people are stewards of their lands and waters, cultivating deep spiritual and ancestral relationships with the environment and its ecosystems;

WHEREAS the St’at’imc Nation is firmly opposed to the proposed natural gas pipeline and the proposed liquified natural gas (LNG) export facility;

WHEREAS on February 19, 2019, Steelhead LNG sent correspondence to Tsal’álh stating that “Steelhead LNG has paused activities on Kwispaa LNG at this time... We are now taking time to re-focus on critical aspects of the business, including progressing relationships and seeking to build support from government and Indigenous groups for the pipeline project”;

WHEREAS the pipeline project is another example of third-party corporate interests compromising Indigenous Title, Rights, and Treaty Rights; and

WHEREAS the Provincial and Federal governments have consistently set the precedent of granting access to the resources of our territories without our free, prior, and informed consent, failing to abide by First Nation laws and jurisdiction, and overlooking the Indigenous Title, Rights, and Treaty Rights which reflect and enshrine the deep environmental values that many British Columbians share with us.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the St’at’imc Nation’s opposition to the proposed Steelhead LNG project;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council recognizes that the Steelhead LNG project poses unacceptable risks to the health, safety, and livelihoods of First Nations on the pipeline corridor. If the project proceeds without Indigenous consent of all impacted, it will imperil inherent Indigenous rights and hinder any government agenda of reconciliation. It will furthermore contribute to the negative environmental and health impacts experienced by Indigenous peoples throughout the world as a result of accelerating global climate change; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the governments of Canada and British Columbia to respect the laws and authority of First Nations, and to protect the environment, fisheries, and the health and safety of all BC communities by not issuing any approvals or permits for the Steelhead LNG project without the free, prior and informed consent of all impacted First Nations.

Moved: Chief Ida Mary Peter, Tsal’álh

Seconded: Chief Maureen Chapman, Skawahlook First Nation

Disposition: Carried

Date: February 28, 2019

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Resolution no. 2019-09

RE: Support for Saik'uz & Stelat'en First Nation vs. Rio Tinto Alcan Inc.

WHEREAS the Saik'uz & Stelat'en First Nations and their respective members have been affected by the damming of the Nechako River since 1952;

WHEREAS Rio Tinto Alcan Inc. (RTA) has caused adverse environmental, social, cultural, spiritual and economic affects to the Nechako Nations for the past 67 years and has not made reparations for these effects;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms;

Article 32:(1) Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

(2) States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

(3) States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact;

WHEREAS in *Saik'uz First Nation and Stelat'en First Nation v. Rio Tinto Alcan Inc.*, 2015 BCCA 154, Justice Tysoe ruled that claims for nuisance and breach of riparian rights brought by the Saik'uz and Stelat'en First Nations against RTA resulting from its operation of the Kenney Dam, which the Nations allege has harmed the Nechako River system and their fisheries, can proceed. The Court of Appeal in this unanimous decision ruled that the BC Supreme Court was wrong to have decided that the Nations could only bring their claims once their Aboriginal Title and Rights were proven in Court or acknowledged by the Crown. First Nations have existing legal rights that must be respected and protected now. The Court rejected

RTA's arguments that the claim should have been thrown out before the Nations even had their day in court;¹ and

WHEREAS there has been no opportunity for the just and fair resolution of the impacts that RTA has had on the lands, waters, and territories of the Nechako Nations. There has been no effective remedy proposed for the infringement of RTA and its activities on the rights of the Nechako Nations, and thus the Saik'uz & Stellat'en First Nations are seeking relief through the courts in the form of injunctions to restrain RTA, as well as seeking damages. As a result of RTA's operations, the Saik'uz & Stellat'en First Nations have suffered adverse impacts including: interference with our ability to use Fisheries Resources, Loss of Use, Enjoyment and Value of the Fisheries and Lands subject to Aboriginal Title and Negative Cultural Impacts. Trial is scheduled to begin in September 2019.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the relief sought by the Saik'uz & Stellat'en First Nations in their current case against Rio Tinto Alcan Inc.;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to coordinate support as requested for the Nechako Nations, subject to funding availability.

Moved: Chief Jackie Thomas, Saik'uz First Nation
Seconded: Chief Vivian Tom, Wet'suwet'en First Nation
Disposition: Carried
Date: February 28, 2019

¹ <http://www.mandellpinder.com/2015-bcca-154-case-summary/>

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FEBRUARY 27TH-28TH, 2019

MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-10

RE: Support for the Dasiqox Tribal Park Initiative Becoming an Indigenous Protected Conservation Area

WHEREAS Yunesit'in Government and Xení Gwet'in First Nations Government, supported by the Tsilhqot'in National Government, publicly announced the creation of the Dasiqox Tribal Park on October 4, 2014 and have conducted activities to promote and encourage its implementation. Work has been ongoing since the announcement in establishing an inventory of wildlife, ecological and landscape connectivity values to produce a community vision that will inform the development of a Management Plan;

WHEREAS the Dasiqox Tribal Park is not recognized as an Indigenous protected or conservation area by British Columbia and decision-making by the Province continues without the consent of Yunesit'in Government, Xení Gwet'in First Nations Government, or the Tsilhqot'in Nation as a whole;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 26 (1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

(2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

(3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination;

WHEREAS the Yunesit'in Government and Xeni Gwet'in First Nations Government are organized to govern the Dasiqox Tribal Park and continue guiding the goals and strategies; and

WHEREAS the Dasiqox Tribal Park is conceptually designed to act as a means of reconciliation, developing a vision in which Indigenous perspectives, values, and authority over land use is affirmed and respected, while remaining attentive to the need to negotiate conflicting interests, such as existing licenses and tenures that the Province has provided to third parties.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the Dasiqox Tribal Park initiative as a means of addressing long-standing issues of reconciliation regarding land jurisdiction, authority and the Tsilhqot'in Nation's expressions of Self-Determination;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council will support the Dasiqox Tribal Park team, when requested, for support in its work to advance, as a reconciliatory gesture, the Dasiqox Tribal Park movement to gain status as an Indigenous Protected Conservation Area that will allow the Tsilhqot'in Nation as a whole to engage in environmental stewardship and establish the land as a place where their culture and language can thrive;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council supports the Dasiqox Tribal Park team in negotiating its status with the Provincial and Federal government on a Nation-to-Nation level with the Tsilhqot'in Nation; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to call on other like-minded organizations to support the movement for Dasiqox Tribal Park to gain recognition as an Indigenous Protected Conservation Area.

Moved: Chief Francis Laceese, Toosey First Nation (Tl'esqox)

Seconded: Chief Ida Mary Peter, Tsal'álh

Disposition: Carried

Abstentions: 1

Date: February 28, 2019

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MUSQUEAM COMMUNITY CENTRE, X^WMƏΘK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-11

**RE: Immediate Implementation of Bill S-3 and the Removal of Sex-Based Discrimination
from the *Indian Act***

WHEREAS Indigenous women are the foundations of our cultures, our communities, and our governments. The discrimination against Indigenous women has been a colonial tool of forced assimilation used to destabilize our communities through the inevitable reduction of our membership rolls, undermining our ability to maintain and protect the legal status and existence of our present and future citizens, and threatening our connection to our land base, our Title and Rights, our cultures, languages, knowledges and our resources;

WHEREAS the discrimination against Indigenous women and their descendants through an imposed sex-based hierarchy was first introduced by the 1985 *Indian Act* in section 6(1)(a) and section 6(1)(c) and has since been continued and left unchallenged by the amendments of 2011 and 2017;

WHEREAS on January 11, 2019, the United Nations Human Rights Committee (“UN Committee”) released its decision on a petition filed by Sharon McIvor and Jacob Grismer. The UN Committee ruled that Canada is actively discriminating against First Nations women and their descendants by refusing to grant full 6(1)(a) status, on the same terms as First Nations men and their descendants;

WHEREAS the UN Committee called on Canada to ensure that section 6(1)(a) of the 1985 *Indian Act* be interpreted to allow the registration of all persons who were previously not entitled to be registered under section 6(1)(a) solely as a result of the preferential treatment accorded to Indian men over Indian women born prior to 17 April 1985 and to patrilineal descendants over matrilineal descendants born prior to 17 April 1985; and to also take steps to address the residual discrimination within First Nations communities arising from the legal discrimination based on sex in the *Indian Act*. Additionally, the committee made clear that Canada is under the obligation to take steps to avoid similar violations in the future;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 8(1): Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture;

(2): States shall provide effective mechanisms for prevention of and redress for:

- a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
- b) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
- c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
- d) Any form of forced assimilation or integration;
- e) Any form of propaganda designed to promote or incite racial or ethnical discrimination directed against them;

WHEREAS in June 2017, the Senate of Canada amended Bill S-3, a bill to respond to the *Descheneaux* decision, in a way that would have eliminated the sex discrimination, fully and finally, from the *Indian Act*. The Government rejected the Senate's amendment, but nonetheless, in October 2017, the Government of Canada agreed to include provisions that would entitle First Nations women and their descendants to full 6(1)(a) status on the same footing as First Nations men and their descendants (ss. 2.1, 3.1 and 3.2);

WHEREAS problematically, the provisions of Bill S-3 do not come into force until an unspecified date that the Government may decide, by Order-in-Council, to enact them;

WHEREAS Canada has the immediate responsibility to remove all instances of sexual discrimination from Canadian legislation, policies and practices;

WHEREAS Canada must be held accountable to provide the necessary reparations to those it has discriminated against and to provide the necessary resources to those Indigenous communities who will be welcoming back their previously denied members; and

WHEREAS the recognition of the rights of Indigenous women and their descendants is not disputable and is our collective responsibility.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports Bill S-3, *An Act to amend the Indian Act in response to the Superior Court of Quebec decision in Descheneaux v. Canada*;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to call on the government of Canada to immediately action, through an Order-in-Council, the provisions of Bill S-3 to remove all sex-based discrimination within the *Indian Act* without delay; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to call on Canada to provide Indigenous peoples the opportunity to engage with Canada, as full partners, in developing the necessary mechanisms, reparations and processes by which we can recognize the full rights of all Indigenous women and their descendants.

Moved: Travis Hall, Heiltsuk First Nation (Proxy)
Seconded: Cora Anthony, Neskonalith Indian Band (Proxy)
Disposition: Carried
Date: February 28, 2019

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FEBRUARY 27TH-28TH, 2019

MUSQUEAM COMMUNITY CENTRE, X^wMƏΘK^wƏY^əM (MUSQUEAM TERRITORY)

Resolution no. 2019-12

RE: UBCIC Substance-Free Policy

WHEREAS there is a deeply rooted connection between substance abuse and sexual violence that has detrimental and intergenerational impacts upon Indigenous communities. There is a need for safe spaces for women, youth, LGBTQ2S individuals, and Elders;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 22(1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration;

WHEREAS safe and sacred spaces needed for healing, medicines, and ceremony must support and be supported by a culture of respect and trust in and amongst organizations, communities, and individuals. The UBCIC Chiefs Council acknowledges that spiritual customs, traditions, and ceremonies must be practiced and developed in an environment free from violence and abusive and/or discriminatory conduct;

WHEREAS the circumstances leading to alcohol or substance abuse are often the result of the trauma inflicted by the Indian Residential School System and other discriminatory policies, practices and legislation forced upon Indigenous peoples. The UBCIC Chiefs Council does not wish its substance-free policy to stigmatize or alienate those coping with the intergenerational impacts of Canada's colonial framework of oppression and impoverishment;

WHEREAS preventing and alleviating the damages wrought by substance abuse and sexual violence upon Indigenous communities, families, and individuals is critical, as well as empowering and supporting those affected through providing safe spaces that are free from stressors and triggers;

WHEREAS UBCIC’s Human Resources manual states “employees of the UBCIC will not consume or be under the influence of illegal drugs, alcohol, or other illegal substances during work hours”; and

WHEREAS UBCIC has unofficially upheld and sustained a substance-free policy at all meetings and events and recognizes the profound impacts that individual actions and coping mechanisms, such as the misuse of alcohol, can have upon family, friends, and community.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council formally endorses and enacts the Union of BC Indian Chiefs Substance-Free Policy (attached); and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council invites other organizations and communities to implement a substance-free policy that will create environments conducive to the promotion and protection of safe spaces for all people, especially Indigenous women, youth, Elders, and LGBTQ2S individuals.

Moved: Chief Russell Myers Ross, Yunesit’in Government

Seconded: Chief Donna Aljam, Nicomen Indian Band

Disposition: Carried

Date: February 28, 2019

Union of BC Indian Chiefs Substance Free Policy- DRAFT

The Policy Statement

UBCIC is committed to providing a safe and respectful environment for all its members and staff. In addition to UBCIC's existing human resources policy on alcohol or drugs in which "employees of the UBCIC will not consume or be under the influence of illegal drugs, alcohol, or other illegal substances during work hours," UBCIC will not include or condone consumption of alcohol and/or non-medical drugs at any meetings or events sponsored by UBCIC. This policy is intended to help foster a network of support and respect that leaves no room for violence, harassment, or discrimination of any kind.

Terms and Intentions of Policy

The term "substance use" refers to the use of non-medical drugs and alcohol. Substance use can lead to intoxication, an inebriated state where one's behavioral, cognitive, and physiological capabilities are impaired. Substance use has been directly linked to behaviors that cause harm to self or others, such as harassment, abuse, and violence including, but not limited to, sexual assault, domestic abuse, and psychological abuse.

The examples and definitions included above are not exhaustive. Substance use can have many complex and negative impacts that can affect many people and is often linked to conduct that is unwanted or unwelcome by those around the user.

UBCIC recognizes that substance abuse and addiction is often a manifestation of coping and processing the trauma that is tied to the Indian Residential School System and other discriminatory policies, practices, and legislation forced upon Indigenous peoples. UBCIC does not wish to alienate or stigmatize those coping with the intergenerational impacts of Canada's colonial framework of oppression by prohibiting substance use. The intention of the substance-free policy is to eliminate any risk of adverse conduct and to ensure the creation of safe places wherein individuals or groups can feel comfortable and unburdened practicing their spiritual traditions and/or taking the proper steps on their pathways to healing.

Reporting Procedures

If someone wishes to report an incidence of substance use or improper conduct arising from substance use, they can speak with the UBCIC Executive or the UBCIC Administrator.

When the designated individual receives a such a report, they will:

- Immediately and thoroughly carry out any procedures mandated by UBCIC's Human Resources policy
- Immediately record details of the incident(s); ask the reporter, who may be a victim of harassment and/or violence, what outcome they want and ensure they know what their options are and the procedures/policies that apply to each option; keep a confidential record of all discussions; respect the choices of the reporter; discuss and agree upon next steps.

Implementation of Policy

The UBCIC Chiefs Council endorsed this Policy via Resolution 2019-XX on [insert date].

UBCIC will ensure that this policy is disseminated to all UBCIC members and staff and include in the staff human resource materials. All new staff and members will be trained on the content of this policy.

Changes to Policy

The UBCIC Chiefs Council may revise this policy from time to time via resolution at the UBCIC Chiefs Council or Annual General Assembly meetings.

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FEBRUARY 27TH-28TH, 2019

MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-13

RE: Call for a Public Inquiry on Connections between Organized Crime, Money Laundering and the Opioid and Affordability Crises

WHEREAS British Columbia has experienced an unprecedented opioid crisis with direct connections to money laundering, organized crime, and the real estate market as reported by CBC, Global News, CTV, and the Provincial government;

WHEREAS a Global News investigation shows criminal syndicates that control chemical factories in China are shipping narcotics, including fentanyl, to Vancouver, and are responsible for laundering the drug sales in British Columbia's casinos and high-priced real estate, and transferring laundered funds back to Chinese factories to repeat this deadly trade cycle. Regulators believe approximately \$1.7 billion from 2013 to 2017 has flowed through special B.C. Lottery Corp. high-roller accounts, with large amounts funded by loan sharks and criminal bank drafts;

WHEREAS the First Nations Health Authority's report, *Overdose Data and First Nations in BC Preliminary Findings*, revealed that First Nations people are five times more likely than non-First Nations to experience an overdose event, and three times more likely than non-First Nations to die due to an overdose;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 21(1): Indigenous people have the right, without discrimination, to the improvement of their economic and social conditions, including inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to

the rights and special needs of indigenous elders, women, youth, children and persons with disabilities; and

WHEREAS a growing number of voices, organizations, and institutions recognize that a public inquiry into the connections between organized crime, the opioid crisis, money laundering and real estate is the best way to learn the truth about a crisis that has claimed thousands of lives, and which has made B.C. the most unaffordable province to live in Canada for First Nations people.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports a public inquiry into the connections between organized crime, money laundering and the opioid and real estate crises;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with like-minded organizations to call on the Provincial government to order a comprehensive public inquiry that will result in clear plans and action to address and rectify the disproportionate number of First Nations impacted by the opioid drug trade;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to write a letter to the Premier, the Minister of Finance, and the BC Attorney General, communicating UBCIC's support for a public inquiry, and to request that the terms of reference for this Public Inquiry include:

1. An investigation modelled after the Charbonneau Commission in Quebec that can work alongside other police investigations to get to the bottom of the crisis;
2. An investigation into money laundering in Vancouver real estate that may have deepened the city's housing affordability crisis; and
3. An investigation into links between organized crime, money laundering, and the overdose opioid poisoning crisis, which resulted in the deaths of nearly 1,500 people across BC in 2018; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council recognizes that the Opioid Overdose Crisis constitutes a state of emergency that imperils the health and welfare of First Nations, and fully supports the strategies and efforts of First Nation communities to address this crisis, including the planned First Nations Opioid Conference, "Opioids: Wiping the Tears. Healing the Pain," that will be held in Tsuut'ina Territory May 6-7, 2019, to outline a clear pathway of actions and recommendations for First Nations coping with, and remedying, the crisis.

Moved: Cora Anthony, Neskonlith Indian Band (Proxy)

Seconded: Travis Hall, Heiltsuk Nation (Proxy)

Disposition: February 28, 2019

Date: Carried

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MUSQUEAM COMMUNITY CENTRE, X^WMƏΘK^WƏY^ʔƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-14

RE: Support for Bill C-91 *An Act respecting Indigenous Languages*

WHEREAS 2019 has been designated the International Year of Indigenous Languages by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to recognize the significance of Indigenous languages to matters of sustainable development, peace building and reconciliation;

WHEREAS as stated in the report of the fifteenth session of the United Nations Permanent Forum on Indigenous Issues, Indigenous languages form the bedrock of continuity for the survival and well-being of Indigenous cultures from one generation to the next. This important intergenerational responsibility has been severely disrupted by colonialism and colonial practices, laws, policies and practices of discrimination, assimilation, forced relocation and residential and boarding schools, among others;

WHEREAS Indigenous languages in BC are an integral part of Indigenous identities and cultures and of Canadian heritage. BC is home to the greatest diversity of Indigenous languages in Canada (more than 50 per cent of all Indigenous languages in the country), with 34 unique First Nations languages and more than 90 dialects. Unfortunately, these languages are critically endangered due to Canada's colonial history of assimilation (including the residential school system), which led to the erosion of Indigenous languages and culture;

WHEREAS on February 5, 2019, the federal Liberals tabled Bill C-91, *An Act respecting Indigenous Languages*, with the explicit purpose of supporting and promoting the use of Indigenous languages, including the efforts of Indigenous peoples to reclaim, revitalize, maintain and strengthen their languages;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 13(1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies writing systems and literatures, and to designate and retain their own names for communities, places and persons.

Article 14(1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning;

WHEREAS the Truth and Reconciliation Commission of Canada's Calls to Action state:

Call to Action #13: We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

Call to Action #14: We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:

1. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them.
2. Aboriginal language rights are reinforced by the Treaties.
3. The federal government has a responsibility to provide sufficient funds for Aboriginal-language revitalization and preservation.
4. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.
5. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.

Call to Action #15: We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner. The commissioner should help promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal-languages initiatives;

WHEREAS Bill C-91 responds to Calls to Action #13-15 of the Truth and Reconciliation Commission of Canada;

WHEREAS by Resolution 2017-36, the UBCIC Chiefs Council affirmed that each Indigenous Nation is the only authority able to draft their own unique (*sui generis*) form of Language Law, and called on the federal government to support a Nation-to-Nation process to:

1. Address the cultural and legal significance of ancestral domain in unceded territories; and
2. Address the impact of a federal Indigenous Languages Act on each Indigenous Nation's Title and Rights;
3. Build First Nations' capacity to develop First Nations legal systems to pursue legal pluralism; and
4. Advise and assist First Nations in drafting their respective positions, declaration and languages laws;

WHEREAS by Resolution 2017-05, the UBCIC Chiefs Council called on the governments of Canada and British Columbia to ensure that all government funded efforts and initiatives respecting Indigenous languages be consistently guided by the objectives of revitalization, preservation and protection of First Nations, Métis and Inuit languages in this country and to take into full account and priority support for the BC region; and

WHEREAS First Nations in BC have a vested interest in ensuring that initiatives aimed at the revitalization of Indigenous languages are:

1. Developed collaboratively, with the full participation of First Nations in BC;
2. Designed to successfully accomplish revitalization for all Indigenous languages; and

WHEREAS the First Peoples Cultural Council has analyzed Bill C-91 and has made the following thematic recommendations to make the Act more responsive to the needs of Indigenous communities and languages:

- a. The establishment of a national Indigenous language organization governed by Indigenous experts and at arm's length from the Department of Canadian Heritage and the Office of the Commissioner of Indigenous Languages;
- b. That the Commissioner be modeled after the Official Languages Commissioner with primary roles of ombudsperson (complaints review), auditing and reporting;
- c. The Minister must fund a national Indigenous language strategy in order to meet the objective of providing adequate, sustainable and long-term funding for the reclamation, revitalization, maintenance and strengthening of each Indigenous language in Canada;
- d. Indigenous communities and organizations must be directly funded to carry out this work
- e. The act must give explicit recognition of Indigenous sign languages;
- f. The Act must recognize that Indigenous people have the right to their language no matter where they reside, including individuals who reside away from their own communities, individuals who are incarcerated, children in the care of social services both adopted and in foster care, adults who have been disconnected from their communities through fostering or adoption, and individuals residing in hospitals or other health care facilities, independent of whether or not these individuals have "status" or other official community membership.
- g. The Act must ensure that the ownership and intellectual property rights of each language must be protected.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports the protection and revitalization of our Indigenous languages and supports Bill C-91, *An Act respecting Indigenous languages* to move to the committee stage to receive submissions on how it may be strengthened;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to analyze and prepare submissions on where Bill C-91, *An Act respecting Indigenous languages* could be strengthened, and on the bill's potential impacts on Indigenous Title and Rights;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to prepare a letter of support and to call on all members of parliament to support the passing of Bill C-91 to committee, and to open Bill C-91 to any amendments necessary to strengthen it including those put forward by the First Peoples Cultural Council; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to call on the Government of BC to co-develop and implement legislation to support the revitalization and protection of Indigenous languages in BC.

Moved: Chief Nicole Rempel, K'ómoks First Nation

Seconded: Chief James Hobart, Spuzzum First Nation

Disposition: Carried

Date: February 28, 2019

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FEBRUARY 27TH-28TH, 2019

MUSQUEAM COMMUNITY CENTRE, X^WMƏΘK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-15

RE: BC Aboriginal Justice Council Transition

WHEREAS Aboriginal people are over represented in the criminal justice system and ensuring equitable access to safety, justice, and preventative and rehabilitative services is a key priority for First Nations communities in BC;

WHEREAS On May 14-16, 2007, the Union of BC Indian Chiefs (UBCIC), BC Assembly of First Nations (BCAFN), and First Nations Summit (FNS), working together as the First Nations Leadership Council (FNLC) held the BC First Nations Justice Forum. Subsequently, by Resolution 2007-25 the UBCIC Chiefs Council endorsed and supported the implementation of the BC First Nations Justice Action Plan, which called for the formation of a BC First Nations Justice Council, and by Resolution 2007-24 the UBCIC Chiefs Council supported the “concept of a representative and inclusive BC First Nations Justice Council to address province-wide matters, with respect to the issues of First Nations justice”;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 1: Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and

means for financing their autonomous functions.

Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 7 (1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

(2) Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

Article 18: Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

Article 20 (1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

(2) Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 34: Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35: Indigenous peoples have the right to determine the responsibilities of individuals to their communities;

WHEREAS by Resolution 2014-20, the UBCIC Chiefs Council supported the BC Aboriginal Justice Council in its aim of working toward addressing province-wide matters, with respect to the issues of First Nations justice;

WHEREAS by UBCIC Resolution 2015-02, the UBCIC Chiefs Council endorsed the Terms of Reference for the BC Aboriginal Justice Council;

WHEREAS the BC Aboriginal Justice Council's Terms of Reference allow for amendment by recommendation from the Justice Council to the BCAFN, UBCIC and FNS; and

WHEREAS On November 3, 2018, the Native Courtworker and Counselling Association of BC (NCCABC) provided written formal notice to the First Nations Leadership Council of its withdrawal from the BC Aboriginal Justice Council. As a result, the BC Aboriginal Justice Council provided an initial recommendation to the First Nations Leadership Council in December 2018 to update the BC Aboriginal Justice Council's Terms of Reference to reflect the NCCABC's withdrawal in addition to a recommendation to approve a name change to the BC First Nations Justice Council in order to better align with the initial intent to focus on justice-related issues specific to BC First Nations.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council endorses a name change from the BC Aboriginal Justice Council to the BC First Nations Justice Council; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council fully supports the attached amended Terms of Reference for the BC First Nations Justice Council.

Moved: Chief Marcel Shackelly, Nooaitch First Nation

Seconded: George Alfred, 'Namgis First Nation

Disposition: Carried

Opposed: Hugh Braker, Tseshaht (Proxy)

Date: February 28, 2019

BC FIRST NATIONS JUSTICE COUNCIL

Terms of Reference

1. BACKGROUND

1.1. During May 14-16, 2007, the Union of BC Indian Chiefs (UBCIC), BC Assembly of First Nations (BCAFN), and First Nations Summit (FNS), working together as the First Nations Leadership Council (FNL) held the BC First Nations Justice Forum to provide an opportunity for First Nations to collaborate and provide a collective approach to address key issues and concerns that First Nations face with the justice system in BC. A draft BC First Nations Justice Action Plan (the “Justice Action Plan”) was subsequently developed which outlined a vision, goals and principles for changes in the administration of the justice system. It was distributed to all BC First Nations and final comments were requested by June 8, 2007. A revised action plan was then presented to the UBCIC, FNS and BCAFN assemblies and mirror resolutions were passed supporting its implementation (UBCIC Resolution no.2007-25, FNS Resolution #0907.13, BCAFN Resolution 8/2007). Resolutions were passed by the three assemblies (UBCIC Resolution no.2007-24, FNS Resolution #0907.14, BCAFN Resolution 9/2007) supporting “the concept of a representative and inclusive BC First Nations Justice Council to address province- wide matters with respect to the issues of First Nations justice.

1.2. In 2014, the First Nations Leadership Council re-initiated work to set up the Justice Council. Resolutions were passed by the FNS, UBCIC, and BCAFN at their respective assemblies (UBCIC Resolution 2010-40, FNS Resolution #1014.09, BCAFN Resolution 04(c)/2014) reaffirming their support of a BC Aboriginal Justice Council. The three resolutions directed their respective Executive and staff to work with each other and the NCCABC toward establishing the BC Aboriginal Justice Council as outlined in the 2007 BC First Nations Justice Action Plan and:

- Appoint an interim technical team to provide support to the BC Aboriginal Justice Council; and,
- Support an interim technical team to secure federal and provincial funding for the BC Aboriginal Justice Council.

2. PURPOSE

2.1. The BC First Nations Justice Council is a multi-agency leadership initiative that convenes regularly, prioritizes actions, and utilizes the 2007 BC First Nations Justice Plan and the BC First Nations Justice Council Strategic Plan as its documented foundation for action. The Justice Council aims to:

- Challenge approaches that contribute to the growing overrepresentation of First Nations children and youth in the care of government, and First Nations men and women in incarceration; and,
- Productively engage with the government to advance effective strategies that can achieve better outcomes for our people in the justice system.

3. PRIORITIES

3.1. Building upon the resolutions of the BCAFN, UBCIC and FNS, the goals and priorities of the BC First Nations Justice Council shall include the following:

- Identify the policy and program changes and resource realignments required to address the magnitude of issues contributing to the disproportionate patterns of children and youth in care and incarceration of First Nations people;
- Hold the BC Government responsible and accountable to engage respectfully and work with the BC First Nations Justice Council on concrete strategies and actions to direct meaningful, fundamental change in these systems.

4. MEMBERSHIP

4.1. The Justice Council will be composed of 5 individuals:

- One (1) representative that will be appointed by each of the respective political organizations of the FNS, UBCIC, and BCAFN, according to their own protocol and accord of appointments, for a total of three (3) representatives; and,
- Two (2) representatives with expertise in First Nations Justice in BC, to be jointly appointed by the respective organizations of the BCAFN, FNS, and UBCIC.

4.2. The Justice Council will elect a chairperson by consensus to be responsible for chairing meetings, to arrange meetings, prepare agendas, and report on progress in accordance with section 6.

4.3. The Justice Council members are appointed for a fixed term of no more than three years.

5. REPORTING AND ACCOUNTABILITY

5.1. The Justice Council is accountable to all First Nations people in BC. The Justice Council will report to, and take direction from, the BCAFN, FNS, and UBCIC through regularly- scheduled meetings with the First Nations Leadership Council and the assemblies of its member organizations.

- 5.2. The Justice Council will develop a communication plan to inform First Nations people and the BC public, of its ongoing work.

6. MEETINGS AND DECISION-MAKING

- 6.1. The Justice Council will meet as required, and no less than four times per year. These meetings will take place in-person or via teleconference, dependent on funding.
- 6.2. Quorum of the Justice Council will consist of no less than three members.
- 6.3. The Justice Council will make decisions by consensus.
- 6.4. The Justice Council will seek funding to hold an annual province-wide forum on Aboriginal Justice issues.

7. TECHNICAL SUPPORT

- 7.1. The Justice Council will incorporate as the “First Nations Justice Council” under the *BC Societies Act*, [SBC 2015] c.18, as a non-profit society.
- 7.2. Distinguished individuals, advocates, funding sponsors and allies from the private, foundation and public sectors may be invited to assist as required in the work of the Justice Council.
- 7.3. Project teams of volunteers from various organizations will be assembled as required to provide subject matter expertise and assist in the work of the Justice Council.

8. FUNDING

- 8.1. The Justice Council is responsible for developing a work plan and budget to support the ongoing operations of the Justice Council.

9. AMENDMENT

- 9.1. The Terms of Reference may be amended from time to time through recommendation of the BC First Nations Justice Council to the UBCIC, FNS, and BCAFN.

10. ENDORSEMENT

10.1. This draft Terms of Reference was endorsed by the UBCIC, BCAFN, and FNS through their respective processes [UBCIC Resolutions #2019-xx; BCAFN #xxx/2019; FNS Resolution #xxx].

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MUSQUEAM COMMUNITY CENTRE, X^WMƏΘK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-16

RE: First Nations Housing Officers Association

WHEREAS on-reserve housing requires significant financial investments. BC First Nations have long recognized and advocated for the changes necessary to meet the various challenges around housing decisions, policy enforcement, rent collection and asset management that our communities, leaders and employees face daily in their on-reserve housing programs;

WHEREAS due to lack of access to education, and adequate resourcing Indigenous housing providers have great difficulty in procuring and maintaining appropriately trained, certified or accredited staff in our communities;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions;

WHEREAS by Resolution 2016-21, the UBCIC Chiefs Council objected to the ongoing, critically low levels of federal funding for First Nations housing and recognizes the devastating impacts that overcrowded and inadequate housing has on our communities;

WHEREAS by Resolution 2018-11, the UBCIC Chiefs Council supported the recommendations from the BCAFN 2017 Housing Forum Report, “Creating a First Nations Housing and Infrastructure Authority: From Concept to Design”, which focused on moving authority and control over First Nations housing & infrastructure to First Nations;

WHEREAS First Nations on-reserve have unique housing needs, and our housing personnel need a housing support system that will accommodate their certification, training, networking and mentorship needs; and

WHEREAS a professional association that provides education, certification, accreditation and support for First Nations housing officers in BC would meaningfully address the gaps faced in our communities and would foster collaboration between personnel across the province.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council supports the creation of a BC First Nations Housing Officers Association to be developed by First Nations and community housing experts identified by Chiefs and recommended by housing personnel, and in coordination with the BC Chiefs Council on Housing and Infrastructure; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate support for the BC First Nations Housing Officers Association to the BC Chiefs Council on Housing and Infrastructure, and request that the UBCIC Chiefs Council and Executive be kept informed of progress.

Moved: Chief Maureen Chapman, Skawahlook First Nation

Seconded: Cheryl Casimer, ?aq’am First Nation (Proxy)

Disposition: Carried

Date: February 28, 2019

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MUSQUEAM COMMUNITY CENTRE, X^WMƏΘK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-17

RE: All Chiefs' and Leadership Dialogue Session on Overlap and Shared Territory

WHEREAS there is a widely held, general understanding that the resolution of overlap and shared territory issues is primarily a matter to be addressed and resolved among First Nations, through approaches grounded in our cultural traditions, practices and Indigenous legal systems and laws;

WHEREAS at the All Chiefs' Forum convened by the First Nations Leadership Council ("FNLC") in November 2007, First Nations Chiefs and leadership issued the "All our Relations" Declaration which signified a strong will to achieve unity among First Nations in BC and highlighted the need to continue building relationships through the creation of Nation-to-Nation protocols, resolution of overlaps and development of principles that focus on relationship building;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

Article 26(1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

Article 26(2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process;

WHEREAS BC Chiefs have approved resolutions at meetings of the Union of BC Indian Chiefs, the First Nations Summit and the BC Assembly of First Nations aimed at bringing about solutions to resolve overlap and shared territory issues;

WHEREAS by Resolution 2014-15, the UBCIC Chiefs Council endorsed the draft document, “Overlap & Shared Territory Issues Backgrounder & Framework: Goals, Guiding Principles, Best Practices, Mechanisms and Instruments for Resolution”;

WHEREAS numerous decisions of the Supreme Court of Canada have confirmed that these lands were indeed “occupied” by Indigenous peoples with distinctive societies and cultures;

WHEREAS Section 35 of the *Constitution Act, 1982*, recognizes and affirms the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada;

WHEREAS on March 24-25, 2014, the Union of BC Indian Chiefs, the First Nations Summit, and the BC Assembly of First Nations hosted a province-wide Chiefs and Leadership dialogue forum on overlap and shared territory issues and a final report was produced as a result of that session. Further, a recommendation arising from that session was the call for a follow-up dialogue session; and

WHEREAS as we move forward, there are many approaches and tools that can be considered or relied upon to support unity among our communities and resolution of shared territory and overlap issues.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council (FNLC), to host an All Chiefs and Leadership dialogue session on overlap and shared territory issues;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to call on Canada and British Columbia to provide supporting resources to host an All Chiefs and Leadership dialogue session on overlap and shared territory issues;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council acknowledges that the FNLC operates under a Terms of Reference endorsed through resolution at each of the UBCIC, BC Assembly of First Nations, and First Nations Summit assemblies. The Terms of Reference set out:

1.9. The FNLC is not a Nation, and therefore does not hold Aboriginal Title, Rights or Treaty Rights; and, the FNLC acknowledges that any government-to-government relationship is between individual Nations and the Crown.

1.10. The Crown’s duty to consult is with individual Nations and not with the FNLC; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council affirms that any document arising out of these processes led by the FNLC is not to be interpreted as a complete response from First Nations communities in BC, but rather as an initial step which does not replace the requirement of the Crown to engage on a nation-to-nation level with First Nations in BC.

Moved: Chief Maureen Chapman, Skawahlook First Nation

Seconded: Kukpi7 Fred Robbins, Esk’eteme

Disposition: Carried

Date: February 28, 2019

OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

FEBRUARY 27TH-28TH, 2019

MUSQUEAM COMMUNITY CENTRE, X^WMƏØK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-18

RE: Support to Establish a Tripartite Labour Market Skills Steering Committee for First Nations in British Columbia

WHEREAS since 1992 First Nations organizations in British Columbia have participated in national labour market development programs, and are currently participating in the Aboriginal Skills Employment and Training Strategy (ASETS) to improve employment opportunities for First Nations citizens with Employment and Social Development Canada (ESDC);

WHEREAS the ASETS program is currently moving into a new ten-year agreement called Indigenous Skills Employment and Training Strategy set to begin April 1, 2019;

WHEREAS the BC Aboriginal Training Employment Advisory Members (BCATEAM) Committee, composed of all of the First Nations ASETS holders in BC, have been working together to share best practices, advance training and improve employment outcomes for First Nations;

WHEREAS the BCATEAM is seeking further collaboration with the federal and provincial governments to reduce duplication of services, reduce the skills gap, and improve socioeconomic conditions for First Nations;

WHEREAS the *UN Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms;

Article 21: (1) Indigenous peoples have the right, without discrimination, to the improvement of their social and economic conditions, including inter alia, in the areas of education, employment and vocational training, and retraining, housing, sanitation, health and social security.

(2) States shall take effective measures and, where appropriate, special measures to ensure continuing improvements of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities

Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing, and other economic and social programs affecting them, and as far as possible, to administer such programs through their own institutions.

WHEREAS the BCATEAM acknowledges the participation of both the federal and provincial government representatives to share information and ideas regarding employment opportunities for First Nations. The BCATEAM also realizes that a formalized approach is required to ensure issues of key concerns and importance are effectively addressed with both the federal and provincial governments; and

WHEREAS the federal and provincial governments have expressed interest in forming a Tripartite Steering Committee on Labour Market Skills to better align First Nations skills training and economic development, and to support a wholistic approach to labour market development.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, along with the BC Aboriginal Training Employment Advisory Members (BCATEAM), to support the establishment of a Tripartite Steering Committee on Labour Market Development with Canada and BC; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to notify the federal and provincial governments of UBCIC's support of the Tripartite Steering Committee on Labour Market Development.

Moved: Chief Jackie Thomas, Saik'uz First Nation
Seconded: Chief Donna Aljam, Nicomen Indian Band
Disposition: Carried
Date: February 28, 2019

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

FEBRUARY 27TH-28TH, 2019

MUSQUEAM COMMUNITY CENTRE, X^WMƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-19

RE: UBCIC Appointments to First Nations Technology Council

WHEREAS Union of BC Indian Chiefs (UBCIC) members are actively involved in First Nations Technology Council activities, and have held three (3) appointed positions on the board since 2009;

WHEREAS there are currently three (3) vacant UBCIC appointed positions to the First Nations Technology Council;

WHEREAS the UBCIC Elections Procedures, adopted February 28, 2013, sets out a policy to standardize the appointment of representatives of the UBCIC to various councils, boards, committees or similar bodies where individuals are asked to represent the UBCIC;

WHEREAS the UBCIC circulated notice seeking application for three (3) representatives to the First Nations Technology Council, for a three-year term beginning March 1, 2019 to Feb 28, 2022, to be chosen in accordance with the UBCIC Elections Procedures;

WHEREAS UBCIC received one (1) application from Janice Parsey, Seabird Island Band, for the position of UBCIC representative to the First Nations Technology Council, and Janice Parsey was acclaimed to the position; and

WHEREAS at the UBCIC Chiefs Council meeting on February 27-28, 2019, the Chair of the UBCIC Chiefs Council called for nominations from the floor for two (2) new appointees to the First Nations Technology Council.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council appoints the following representatives to the First Nations Technology Council for a three-year term beginning February 28, 2019 and ending February 28, 2022:

1. Janice Parsey, Seabird Island Band
2. Tom Koneck, Westbank First Nation
3. Jasmine Thomas, Saik'uz First Nation; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the UBCIC representatives to the First Nations Technology Council to provide regular updates to the UBCIC Chiefs Council and the UBCIC Executive.

Moved: Kukpi7 Fred Robbins, Esk'eteme
Seconded: Cora Anthony, Neskonlith Indian Band (Proxy)
Disposition: Carried
Carried Date: February 28, 2019

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

FEBRUARY 27TH-28TH, 2019

MUSQUEAM COMMUNITY CENTRE, X^WMƏΘK^WƏY^ʔƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-20

RE: Federal Child Welfare Legislation

WHEREAS the Truth and Reconciliation Commission's (TRC) 94 Calls to Action have been supported by the Chiefs of BC and Canada;

WHEREAS the TRC's first 5 Calls to Action address the legacy of residential schools and the ongoing humanitarian issues pertaining to the continued over-representation of First Nations children in provincial and territorial child welfare systems, as well as the systemic denial of rights of those children and of First Nations peoples and communities to protect the children and transmit the culture, language and family customs to those children, and to have proper legal recognition of the collective right to set family law and policy for First Nations peoples;

WHEREAS the Canadian Human Rights Tribunal has found Canada to be in breach of its human rights obligations to First Nations' children and has issued four compliance orders stating that Canada must improve its laws, policies and practices to allocate appropriate funds and support the rights of First Nations peoples, consistent with the *United Nations Declaration on the Rights of Indigenous Peoples* (the *UN Declaration*) and other international and domestic human rights standards;

WHEREAS at an emergency meeting on Indigenous child welfare on January 25-26, 2018, the federal government committed to six points of action in working with Indigenous partners to address the over-representation of Indigenous children in care in Canada. These specific actions included continuing to fully implement all orders of the Canadian Human Rights Tribunal, reforming child and family services, and exploring the potential for co-developed federal child welfare legislation;

WHEREAS the *UN Declaration*, which the government of Canada has adopted unconditionally, and has, alongside the government of BC, committed to implement, provides the framework to address the underlying problems that have caused the legacy of residential schools, such as outmoded, racist and offensive doctrines of the cultural and moral superiority of European society, doctrines of discovery and *terra nullius*, and colonial approaches that impose the beliefs and will of the settler society on First Nations peoples;

WHEREAS the province and the First Nations Leadership Council (FNLC) signed a Reconciliation Charter that committed the parties to work in partnership to achieve First Nations Child Welfare Reform via a Tripartite Working Group (TWG) made up of Canada, British Columbia and the First Nations Leadership Council to implement concrete actions to support legislative reform, program and policy development and an effective fiscal model to support First Nations Child Welfare in BC;

WHEREAS by Resolution 2017-06, the UBCIC Chiefs Council recognized that each First Nation has the right to determine and develop their own child, youth and family safety and well-being models, legislation, regulations, policies and practice standards, and fully supported any and all First Nations in exercising their respective jurisdiction and authority over the care and well-being of their children, youth and families;

WHEREAS by Resolution 2018-20, the UBCIC Chiefs Council identified Canada's obligation to provide sustained, culturally-based and needs-based funding and co-developed legislation that will enable First Nations to fully exercise their right to care for their children, youth, and families. This legislation would provide a lasting framework for funding and supporting Indigenous children, youth and families, and would directly engage and involve First Nations as proper Title and Rights Holders;

WHEREAS Prime Minister Justin Trudeau told First Nation Chiefs at the December AFN Special Chiefs Assembly that an Indigenous child welfare bill would be tabled by the last week of January 2019; and

WHEREAS the proposed legislation, Bill C-92 *An Act respecting First Nations, Inuit and Métis children, youth and families* was tabled, and had first reading on February 28, 2019.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports the affirmation of inherent Aboriginal and treaty rights provided in Bill C-92 and welcomes the recognition based model to support First Nations self-determination for First Nations governments to pass laws, enforce laws and put in place coordination arrangements for all aspects of child and family services, based on First Nations laws, priorities, customs, traditions and practices;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to continue to advocate for a political transition process so that the First Nations Title and Rights holders can fully benefit immediately from a recognition-based approach in the legislation and this will lead to immediate and meaningful change, and a pathway to end the legacy of the child welfare system that has been imposed, with particular emphasis on appropriate short and long term fiscal arrangements, technical and other support mechanisms so that full benefit of change be made available to UBCIC member Nations and our children, youth and families;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as part of the Tripartite Working Group on First Nations Child and Family Welfare in BC, to create a detailed transition strategy to meet the needs of First Nations in BC for review and input by the Chiefs in advance of the next UBCIC Chiefs Council meeting in June 2019, where a final draft transition strategy will be considered for endorsement through resolution; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to provide regular reports to First Nations in BC of any progress in the legislation.

Moved: Chief Fred Robbins, Esk'etemc
Seconded: Cora Anthony, Neskonlith (Proxy)
Disposition: Carried
Date: February 28, 2019