

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Yellowhead Highway  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
5th Floor, 342 Water Street  
Vancouver, B.C. V6B 1B6  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
MARCH 17<sup>TH</sup> - MARCH 18<sup>TH</sup>, 2010  
VANCOUVER, B.C.

Resolution no. 2010-01

**RE: BC TRIPARTITE FIRST NATIONS HEALTH –  
BASIS FOR A FRAMEWORK AGREEMENT ON HEALTH GOVERNANCE**

**WHEREAS** each Nation has a right of self-determination and self-governance in respect to health governance, care and services;

**WHEREAS** the First Nations Health Council and the First Nations Health Society were created to implement the commitments in the *Transformative Change Accord: First Nations Health Plan* and the *Tripartite First Nations Health Plan Memorandum of Understanding* and to support all First Nations in achieving their health priorities, objectives, and initiatives;

**WHEREAS** the UBCIC Chiefs Council has endorsed resolutions directing the First Nations Health Council, the First Nations Interim Health Governance Committee, and the First Nations Health Society to implement the commitments in the *Transformative Change Accord: First Nations Health Plan* and the *Tripartite First Nations Health Plan Memorandum of Understanding*;

**WHEREAS** the First Nations Interim Health Governance Committee, a sub-committee of the First Nations Health Council, was created to support First Nations efforts to govern First Nations health services and to ensure quality health services are available to First Nations people;

**WHEREAS** the *Basis for a Framework Agreement on Health Governance* contemplates a new province-wide administrative arrangement through a First Nations Health Authority and regional caucuses that First Nations will develop;

**WHEREAS** the *Basis for a Framework Agreement on Health Governance* is an administrative arrangement and does not prejudice the self-determination of First Nations with respect to health care and health services;

**WHEREAS** the Chiefs Council passed resolutions that called for accountability, reporting, and transparency of the First Nations Health Council and its funding recipient, the First Nations Health Society; and

**WHEREAS** the Chiefs Council will have the opportunity to review, identify and resolve issues and concerns, and if desirable, to ratify the *Basis for a Framework Agreement on Health Governance* when initialled by the lead negotiators.

**THEREFORE BE IT RESOLVED** that the proposed First Nations Health Authority that results be established through negotiations and implementation of the Framework Agreement through a community driven and Nation based process. This new administrative arrangement will ensure that the health care interests of our people are paramount;

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council calls for presentation of the *Basis for a Framework Agreement on Health Governance* to Nations, Tribal Councils, the UBCIC Chiefs Council, the First Nations Summit, and the BC Assembly of First Nations for a full review of the risks and benefits associated with this agreement;

**THEREFORE BE IT FURTHER RESOLVED** that the First Nations Health Society and First Nations Health Council provide annual reports including financial audit statements to the Chiefs of all 203 communities;

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council rescinds the current structure and appointment of the First Nation Health Council, inclusive of the First Nations Interim Health Governance Committee UBCIC Co-Chair position. The new membership structure will provide 15 members. Nations within each of the five Regions (North, Interior, Fraser, Vancouver Coastal and Vancouver Island) through their own processes will appoint three (3) representatives and will put forward their names at the All Chiefs Assembly in the month of May 2010. In the interim, the existing First Nations Interim Health Governance Committee structure shall continue until the full establishment of the newly structured First Nations Health Council. The term of this transitional structure shall be for two years. This 15-member council will be responsible for reporting to Nations within their regions, accountable for progress and processes at all levels, representation, and ensuring that ratification processes and decision making process that are community driven and Nation based; and

**THEREFORE BE IT FINALLY RESOLVED** that the newly appointed First Nations Health Council will oversee the negotiations and implementation of the Framework Agreement. The new First Nations Health Council will appoint and mandate a negotiation and support team, and provides resources for a community engagement and ratification process.

**Moved:** Chief Wayne Christian, Splats'in First Nation  
**Seconded:** Chief Shane Gottfriedson, Kamloops Indian Band  
**Disposition:** Carried  
Five (5) Opposed – Chief Fabian Alexis, Jennifer Bobb (Proxy), Chief Rob Edward, Chief Jonathan Kruger and Chief Dolores O'Donaghey  
**Date:** March 17, 2010

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CHIEFS COUNCIL  
MARCH 17<sup>TH</sup> - 18<sup>TH</sup>, 2010  
VANCOUVER, B.C.

**Resolution no. 2010-02**

## **RE: Requested Support for Protection of the Early Timed (spring) Chinook**

**WHEREAS** as Indigenous Peoples, we reaffirm the wisdom and vision of our Peoples articulated in the *UBCIC Aboriginal Title and Rights Position Paper, 1978* which states:

*The Sovereignty of our Nations comes from the Creator. It is not granted by, nor subject to the approval of, any other Nation. As First Nations we have the Sovereign Right to jurisdiction and rule within our traditional territories. Our lands are a sacred gift. The land is provided for the continued use, benefit and enjoyment of our people, and it is our ultimate obligation to the Great Spirit to care for and protect it.*

**WHEREAS** Indigenous Nations will be challenged by Crown governments, or third party interests, as we continue (or return) to use, occupy and possess our Aboriginal Title territories and exercise our inherent jurisdiction. Over decades and centuries, the Crown governments have unjustifiably given out interests to third parties in all regions of Canada subject to Aboriginal title. Forestry and fisheries are prominent examples of conflict between Aboriginal and non-Aboriginal peoples over resource allocation;

**WHEREAS** fishing must be understood and addressed in the context of aboriginal title and rights;

**WHEREAS** the Early Timed Chinook (4<sub>2</sub> Spring Chinook) that return to the Coldwater River, Nicola River and Spius Creek systems have been in drastic decline over the last five years, returning in numbers under 1000 for all three stocks combined; and

**WHEREAS** these stocks need to be re-built to sustainable numbers (10,000 for all three stocks) where benefits can be obtained by First Nations, the environment and by other “stakeholders;” and

**WHEREAS** the Department of Fisheries and Oceans Canada (DFO) does not have adequate data to support any non-aboriginal fisheries that could impact these stocks of Spring Chinook, and by allowing non-aboriginal fisheries that can impact these stocks, the government is thereby neglecting their fiduciary responsibility to both First Nations and the fish; and

**WHEREAS** the Supreme Court of Canada (*Sparrow*) ruled "...If, in a given year, conservation needs required a reduction in the number of fish to be caught such that the number equaled the number required for food by the Indians, then all the fish available after conservation would go to the Indians according to the constitutional nature of their fishing right. If, more realistically, there were still fish after the Indian food requirements were met, then the brunt of conservation measures would be borne by the practices of sport fishing and commercial fishing;"

**WHEREAS** UBCIC Resolution 2008-18 calls for the UBCIC Chiefs Council to work with the BC Assembly of First Nations, the First Nations Summit and the First Nations Fisheries Council to compel the Minister of Fisheries and Oceans to exercise an allocation policy of conservation first, food, social and ceremonial second and to compel Auditor General of Canada to perform an audit on the management of pacific fisheries; and,

**WHEREAS** UBCIC Resolution 2008-19 calls for the UBCIC Chiefs Council to work with First Nations to conserve wild stocks, advocate and support recovery and restoration, and to share fairly food/social/ceremonial fish.

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs Council demands that DFO upholds the federal fiduciary responsibility to both First Nations and the fish, and stop all non-Aboriginal fisheries that could affect these stocks until the stocks have recovered and there is sufficient data is available to manage these stocks sustainably; and

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council directs the UBCIC Executive and Staff to work with the First Nations Fisheries Council to ensure that DFO fund First Nations fishing programs to obtain technical support to sustain the management of the Early Timed (spring) Chinook 4sub2 stocks; and

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs Council encourages First Nations from the approach areas and Fraser River to cease fishing on these stocks for 2010 in order to encourage the recovery and restoration of the fish stock for future generations.

**Moved:** Chief Ko'waintco Michel, Nooaitch First Nation  
**Seconded:** Chief Jonathan Kruger, Penticton Indian Band  
**Disposition:** Carried  
**Date:** March 18<sup>th</sup>, 2010

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MARCH 17<sup>TH</sup> - 18<sup>TH</sup>, 2010  
VANCOUVER, B.C.

**Resolution no. 2010-03**

**RE: Support for Water Declaration**

**WHEREAS** UBCIC AGA Resolution 2001-05, *Indigenous Peoples Declaration on Water* states:

The preservation and protection of Water is crucial to the survival of Indigenous Peoples and cultures, and this precious resource is currently being threatened through the actions of the federal and provincial governments which include:

1. The licensing of water as though it were a commodity to be bought, sold or traded;
2. The extraction and alienation of lands and resources (such as logging, mining, and fish farms), activities which destroy the ecosphere necessary to sustain and protect the quantity and quality of Waters;
3. The federal and provincial governments are currently considering lifting the moratorium on off-shore oil and gas exploration;
4. Canadian governments do not recognize our Aboriginal Title to, and Inherent Right and Responsibility to protect the Water to sustain our own lives, the lives of our future generations, and the lives of all living things.

**WHEREAS** UBCIC Resolution 2009-30, *Support for Work Regarding the Recognition of First Nations Water Rights* states:

Water rights are essential to support hunting, trapping, fishing, the production of food, the economic development of the land, and as part of the spiritual and cultural existence of First Nations peoples.

**WHEREAS** the United Nations' Declaration on the Rights of Indigenous Peoples states:

**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** in August 2007, Elders, youth and supporters of the Tsay Keh Nay People stood on the shore of Amazay Lake and spoke of the significance of the lake and the surrounding lands. Northgate Minerals proposed to use Amazay Lake as a tailings dump for their proposed Kemess North project. The Tsay Keh Nay People publicly objected to the destruction of this sacred lake and in March 2008 under immense public pressure both the Government of BC and Government of Canada rejected the proposal;

**WHEREAS** on February 20<sup>th</sup>, 2010, the Okanagan Indian Band held an emergency General Band Meeting where Elders and band members unanimously passed a motion to establish check-points to stop Tolko employees, contract logging crews and equipment from passage over and through Westside Road and authorized the establishment of a blockade in the Brown's Creek Watershed to protect their community's water supply, their archaeological heritage and their Title and Rights;

**WHEREAS** on February 25<sup>th</sup>, 2010, the Halalt First Nation blocked the portion of Chemainus Road that runs through their community to draw attention and to protest the lack of consultation of a District of North Cowichan water project. The Halalt First Nation held an emergency General Band Meeting where Elders and band members unanimously supported their protest to protect the their community's water supply, the Chemainus River and their Title and Rights;

**WHEREAS** the Tsilhqot'in are fighting to protect their territory by opposing the draining of Teztan Biny (Fish Lake) by Taseko Mines for their Prosperity Mine project and are currently protesting the Provincial governments decision to grant Taseko an environmental assessment certificate for the mine;

**WHEREAS** by UBCIC Resolution #2009-02 calls for the involvement of First Nations in any environmental assessment process and to ensure that the environmental assessment process is consistent and contemplates the inclusion of Aboriginal Title and rights.

**WHEREAS** the Government of British Columbia is proceeding with public consultations in furtherance of their plan to amend the British Columbia Water Act, which amendments may impact the rights and interests of First Nations throughout British Columbia;

**WHEREAS** Simpcw Chief and Council have discussed the great significance of and need to protect the water within their territory;

**WHEREAS** Simpcw Chief and Council have been granted permission by Phil Lane Jr. of Four Worlds International Institute to review and adopt a Water Declaration which describes Indigenous Peoples'

Relationship to Water; the Conditions of Our Waters; the Right to Water and Self Determination; role of Traditional Knowledge; the fundamental requirements of Consultation and Accommodation; and proposes a Plan of Action.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council re-affirms Indigenous Peoples' water rights must be respected by political, technical and legal processes of the Government of British Columbia and by the Government of Canada to the standards as set out by the United Nations' Declaration on the Rights of Indigenous Peoples;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council supports the attached Water Declaration and encourage First Nations in British Columbia to review, adapt and adopt the Water Declaration;

**THEREFORE BE IT FURTHER RESOLVED** that the Chiefs Council direct the UBCIC Executive and staff to work with First Nations and/or like-minded Indigenous Nations who are actively involved in working to protect this precious natural resource, including Indigenous Rights internationally, and international human rights covenants and forums. The UBCIC would also work on a national water policy that would be driven by legal and inherent rights of our First Nations communities here in BC;

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs Council supports the right of a First Nation to protect their territory and the health of their community and as such directs the UBCIC Executive and staff to work with First Nations and/or like-minded Indigenous Nations who are actively involved in defending or working to protect this precious natural resource, including Indigenous Rights internationally, international human rights covenants and forums.

**Moved:** Chief Fabian Alexis, Okanagan Indian Band  
**Seconded:** Chief Wayne Christian, Splots'in First Nation  
**Disposition:** Carried  
**Date:** March 18<sup>th</sup>, 2010

# **SIMPCW WATER DECLARATION**

## ***Relationship to Water***

1. We, the Simpcw First Nation, affirm our relationship to Mother Earth and responsibility to future generations to raise our voices to speak for the protection of water. We were placed in a sacred manner on this earth, each in our own sacred and traditional lands and territories to care for all of creation and to care for water.
2. We recognize, honor and respect water as sacred and sustains all life. Our traditional knowledge, laws and ways of life teach us to be responsible in caring for this sacred gift that connects all life.
3. Our relationship with our lands, territories and water is the fundamental physical cultural and spiritual basis for our existence. This relationship to our Mother Earth requires us to conserve our freshwaters and oceans for the survival of present and future generations. We assert our role as caretakers with rights and responsibilities to defend and ensure the protection, availability and purity of water. We stand united to follow and implement our knowledge and traditional laws and exercise our right of self-determination to preserve water, and to preserve life.

## ***Conditions of Our Waters***

4. The ecosystems of the world have been compounding in change and in crisis. In our generation we see that our waters are being polluted with chemicals, pesticides, sewage, disease, radioactive contamination and ocean dumping from mining to shipping wastes. We see our waters being depleted or converted into destructive uses through the diversion and damming of water systems, mining and mineral extraction, mining of groundwater and aquifer for industrial and commercial purposes, and unsustainable economic, resource and recreational development, as well as the transformation of excessive amounts of water into energy. In the tropical southern and northern forest regions, deforestation has resulted in soil erosion and thermal contamination of our water. We also see the results of the mountain pine beetle on our forests and the resulting increased run off from dead trees and not holding water within the eco-system.
5. The burning of oil, gas, and coal, known collectively as fossil fuels is the primary source of human-induced climate change. Climate change, if not halted, will result in increased frequency and severity of storms, floods, drought and water shortage. Globally, climate change is worsening desertification. It is polluting and drying up the subterranean and water sources, and is causing the extinction of precious flora and fauna. Many countries in Africa have been suffering from unprecedented droughts. The most vulnerable communities to climate change are Indigenous Peoples and impoverished local communities occupying marginal rural and urban environments. Small island communities are threatened with becoming submerged by rising oceans.
6. We see our waters increasingly governed by imposed economic, foreign and colonial domination, as well as trade agreements and commercial practices that disconnect us as peoples from the ecosystem. Water is being treated as a commodity and as a property interest that can be bought, sold and traded in global and domestic market-based systems. These imposed and inhumane practices do not respect that all life is sacred, that water is sacred.
7. When water is disrespected, misused and poorly managed, we see the life threatening impacts on all of creation. We know that our right of self-determination and sovereignty, our traditional knowledge, and practices to protect the water are being disregarded violated and disrespected.
8. Throughout Indigenous territories worldwide, we witness the increasing pollution and scarcity of fresh waters and the lack of access that we and other life forms such as the land, forests, animals, birds, plants, marine life, and air have to our waters, including oceans. In these times of scarcity, we see governments creating commercial interests in water that lead to inequities in distribution and prevent our access to the life giving nature of water.

## ***Right to Water and Self Determination***

**March 18<sup>th</sup>, 2010**

**2010-03**  
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9. Secwepemc people have the right to self-determination. By virtue of that right we have the right to freely exercise full authority and control of our natural resources including water. We also refer to our right of permanent sovereignty over our natural resources, including water

10. Self-determination for Indigenous Peoples includes the right to control our institutions, territories, resources, social orders, and cultures without external domination or interference..

11. Self-determination includes the practice of our cultural and spiritual relationships with water, and the exercise of authority to govern, use, manage, regulate, recover, conserve, enhance and renew our water sources, without interference.

12. International law recognizes the rights of Indigenous Peoples to:

- Self-determination
- Ownership, control and management of our traditional territories, lands and natural resources
- Exercise our customary law
- Represent ourselves through our own institutions
- Require free prior and informed consent to developments on our land
- Control and share in the benefits of the use of, our traditional knowledge.

13. Member States of the United Nations and international trade organizations, international and regional financial institutions and international agencies of economic cooperation are legally and morally obligated to respect and observe these and other related collective human rights and fundamental freedoms. Despite international and universal recognition of our role as caretakers of Mother Earth, our rights to recover, administer, protect and develop our territories, natural resources and water systems are systematically denied and misrepresented by governmental and international and domestic commercial interests. Our rights to conserve, recreate and transmit the totality of our cultural heritage to future generations, our human right to exist as Peoples is increasingly and alarmingly restricted, unduly impaired or totally denied.

14. Indigenous Peoples interests on water and customary uses must be recognized by governments, ensuring that Indigenous rights are enshrined in national legislation and policy. Such rights cover both water quantity and quality and extend to water as part of a healthy environment and to its cultural and spiritual values. Indigenous interests and rights must be respected by international agreements on trade and investment, and all plans for new water uses and allocations.

### ***Traditional Knowledge***

15. Our traditional practices are dynamically regulated systems. They are based on natural and spiritual laws, ensuring sustainable use through traditional resource conservation. Long-tenured and place-based traditional knowledge of the environment is extremely valuable, and has been proven to be valid and effective. Our traditional knowledge developed over the millennia should not be compromised by an over-reliance on relatively recent and narrowly defined western reductionist scientific methods and standards. We support the implementation of strong measures to allow the full and equal participation of Indigenous Peoples to share our experiences, knowledge and concerns. The indiscriminate and narrow application of modern scientific tools and technologies has contributed to the loss and degradation of water.

### ***Consultation and Accommodation***

16. To recover and retain our connection to our waters, we have the right to make decisions about waters at all levels. Governments, corporations and intergovernmental organizations must, under international human rights standards require Indigenous Peoples free prior and informed consent and consultation by cultural appropriate means in all decision-making activities and all matters that may have affect. These consultations must be carried out with deep mutual respect, meaning there must be no fraud, manipulation, and duress nor guarantee that agreement will be reached on the specific project or measure. Consultations include:

- a. To conduct the consultations under the communities own systems and mechanisms;
- b. The financial support of Simpcw First Nation to fully participate in such consultations; and;
- c. Simpcw First Nation peoples exercise of both their local and traditional decision-making processes, including the direct participation of their spiritual and ceremonial authorities, individual members and community authorities as well as traditional practitioners of subsistence and cultural ways in the consultation process and the expression of consent for the particular project or measure.
- d. Respect for the right to say no.
- e. Ethical guidelines for a transparent and specific outcome.

### ***Plan of Action***

17. We resolve to sustain our ancestral and historical relationships with and assert our inherent and inalienable rights to our lands and waters.

18. We resolve to maintain, strengthen and support Indigenous Peoples' movements, struggles and campaigns on water and enhance the role of Indigenous elders, women and youth to protect water.

19. We seek to establish a Working Group of Indigenous Peoples on Water, which will facilitate linkages between Indigenous Peoples and provide technical and legal assistance to Indigenous communities who need such support in their struggles for the right to land and water. We will encourage the creation of similar working groups at the local, national and regional levels.

20. We challenge the dominant paradigm, policies, and programs on water development, which includes among others; government ownership of water, construction of large water infrastructures; corporatization; the privatization and commodification of water; the use of water as a tradeable commodity; and the liberalization of trade in water services, which do not recognize the rights of Indigenous Peoples to water.

21. We strongly support the recommendations of the World Commission on Dams (WCD) on water and energy development. These include the WCD report's core values, strategic priorities, the "rights and risks framework" and the use of multi-criteria assessment tools for strategic options assessment and project selection. Its rights-based development framework, including the recognition of the rights of Indigenous Peoples in water development is a major contribution to decision-making frameworks for sustainable development.

22. We call on the governments, multilateral organizations, academic institutions and think tanks to stop promoting and subsidizing the institutionalization and implementation of these anti-people and anti-nature policies and programs.

23. We demand a stop to mining, logging, energy and tourism projects that drain and pollute our waters and territories. We are not adverse to sustainable development on Simpcwulucw.

24. We demand that the World Bank, the International Monetary Fund (IMF), regional banks like the Asian Development Bank, African Development Bank, Inter-American Development Bank, stop the imposition of water privatization or 'full cost recovery' as a condition for new loans and renewal of loans of developing countries.

25. We ask the European Union to stop championing the liberalization of water services in the General Agreement on Services (GATS) of the World Trade Organization (WTO). This is not consistent with the European Commission's policy on Indigenous Peoples and development. We will not support any policy or proposal coming from the WTO or regional trade agreements like the NAFTA (North American Free Trade Agreement, Free Trade Area of the Americas (FTAA), on water privatization and liberalization and we commit ourselves to fight against such agreements and proposals.

26. We resolve to replicate and transfer our traditional knowledge and practices on the sustainable use of water to our children and the future generations.

27. We encourage the broader society to support and learn from our water management practices for the sake of the conservation of water all over the world.

28. We call on the States to comply with their human rights obligations and commitments to legally binding international instruments to which they are signatories to, including but not limited to, such as the Covenant on Civil and Political Rights, the Covenant on Economic, Cultural and Social Rights, International Convention on the Elimination of all Forms of Racial Discrimination; as well as their obligations to conventions on the environment, such as the Convention on Biological Diversity, Climate Convention, and Convention to Combat Desertification.

29. We insist that the human rights obligations of States must be complied with and respected by their international trade organizations. These legally binding human rights and environmental obligations do not stop at the door of the WTO and other regional and bilateral trade agreements.

30. We resolve to use all political, technical and legal mechanisms on the domestic and international level, so that the States, as well as transnational corporations and international financial institutions will be held accountable for their actions or inactions that threaten the integrity of water, our land and our peoples.

31. We call on the States to respect the spirit of Article 8j of the Convention on Biological Diversity as it relates to the conservation of traditional knowledge on conservation of ecosystems and we demand that the Trade Related Aspects of the Intellectual Property Rights (TRIPS) Agreement be taken out of the World Trade Organization (WTO) Agreements as this violates our right to our traditional knowledge.

32. We call for the end of State financial subsidies to fossil fuel production and processing and for aggressive reduction of greenhouse gas emissions calling attention to the United Nations Intergovernmental Panel on Climate Change (IPCC) that reported an immediate 60% reduction of CO2 is needed to stabilize global warming. We also call on governments to stop the profligate use of water in extracting oil and gas and the reckless use of water in the production of fossil fuels.

33. We will ensure that international and domestic systems of restoration and compensation be put in place to restore the integrity of water and ecosystems.

Signed by Simpcw First Nation Chief and Council

\_\_\_\_\_ Chu Chu, British Columbia, Canada  
Date  
  
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CHIEFS COUNCIL  
MARCH 17<sup>TH</sup> - 18<sup>TH</sup>, 2010  
VANCOUVER, B.C.

**Resolution no. 2010-04**

## **RE: UBCIC Constitution Committee Continuation of Work**

**WHEREAS** at the UBCIC Annual General Assembly in September 2009, the Constitution Committee was struck through UBCIC Resolution 2009-45 to “review the UBCIC By-laws” and develop:

- A Renewal Plan that considers: Priority Setting, Strategic Planning and Budgeting; Conduct of Union of BC Indian Chiefs meetings; Resolutions Management Process; and the structure of the Union of BC Indian Chiefs’ Executive; and
- The Renewal Plan will provide milestones ensuring the UBCIC leadership are actively engaged in this renewal process and clear direction to ensure implementation of duly accepted recommendations;

**WHEREAS** the Constitution Committee started this work and has provided an Update to the UBCIC Chiefs Council, and sought preliminary feedback and input from Chiefs Council, on March 17, 2010;

**THEREFORE BE IT RESOLVED THAT** the UBCIC Chiefs Council:

- (1) Extend the time for the Constitution Committee to complete their work and to present proposed wording for amendments/policy changes (which incorporate direction from the Chiefs Council of March 17) at the Chiefs Council meeting scheduled in June 2010; and
- (2) Direct the Constitution Committee to hold a Strategic Planning Session of the Constitution Committee in April 2010 which would include time for the Committee to meet and discuss proposed amendments, as well as incorporate time for the following input:
  - a. Discussions with the Grand Chiefs appointed by the Union of BC Indian Chiefs (and possibly other past leadership of the UBCIC) to provide direction on the future and performance of the UBCIC;
  - b. Members of the current Executive; and
  - c. Opportunities for interested Full and Active Members to participate in a discussion with Constitution Committee members via teleconference to ensure that their concerns and recommendations are incorporated into our process.

**Moved:** Chief Judy Wilson, Neskonlith Indian Band  
**Seconded:** Chief Ko'waintco Michel, Nooaitch Indian Band  
**Disposition:** Carried  
**Date:** March 18<sup>th</sup>, 2010

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CHIEFS COUNCIL  
MARCH 17<sup>TH</sup> - 18<sup>TH</sup>, 2010  
VANCOUVER, B.C.

**Resolution no. 2010-05**

## **RE: First Nations Dog Working Group (FNDWG)**

**WHEREAS** the World Society for the Protection of Animals (WSPA) recognizes the connection between human and animal health, and promotes comprehensive dog management programs to improve human health and safety and animal welfare in communities around the world;

**WHEREAS** the WSPA realizes the special challenges often involved with managing dog populations in remote communities and on reserves (lack of access to veterinary care, expense of veterinary care, lack of resources and enforcement options, large stray dog populations, etc) and thus has created a First Nations Dog Working Group (FNDWG) to address the issues of health and safety as they relate specifically to dog populations on reserves within Canada (dog bites, attacks and disease transmission);

**WHEREAS** the FNDWG seeks to promote positive partnerships between leadership, community representatives and resources such as veterinarians, animal protection groups and volunteer organizations by working directly with First Nations representatives and these combined stakeholders to provide an information network, determine viable management approaches and develop combined resources; and

**WHEREAS** the purpose of the FNDWG is to provide a forum for developing new and innovative ways to improve both community health and safety *and* the welfare of dog populations by enabling communities to gain access to the necessary tools to sustainably and humanely manage their dog populations.

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs Council acknowledges the connection and importance of human health and safety and animal welfare when it comes to dog populations on reserves and supports the purpose of the First Nations Dog Working Group in an effort to reduce the incidences of dog bites, attacks, and disease transmission;

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council recommends that a technical member of the UBCIC staff work with the First Nations Dog Working Group to convey issues and concerns of member communities are conveyed to the Working Group and taken into full consideration;

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs Council recommends that UBCIC staff member Shannon Cameron be the UBCIC technical representative to the First Nations Dog Working Group.

**Moved:** Chief Jonathan Kruger, Penticton Indian Band

**Seconded:** Chief Fred Robbins, Esketeme First Nation

**Disposition:** Carried

**Two (2) Abstentions – Chief Mike LeBourdais and Chief Wayne Christian**

**Date:** March 18<sup>th</sup>, 2010

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FOUNDING HEAD OFFICE  
209 - 345 Yellowhead Highway  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
5th Floor, 342 Water Street  
Vancouver, B.C. V6B 1B6  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
MARCH 17<sup>TH</sup> - 18<sup>TH</sup>, 2010  
VANCOUVER, B.C.

Resolution no. 2010-06

## RE: First Nations Health Council Governance Sub-Committee Co-Chair Appointment and Mandate

**WHEREAS** First Nations and their respective territories situated in the territory known as British Columbia assert and affirm their inherent right of Self-Determination including the jurisdictional powers relating to Health, Education, and Children and Families; and

**WHEREAS** the Union of BC Indian Chiefs (UBCIC) foundational document “Aboriginal Title and Rights Position Paper” sets out health as a right that First Nations have jurisdiction over, and the UBCIC Chiefs Council states that First Nations in the territory known as British Columbia assert an inherent right of self-determination in the area of health specifically by Resolutions no. 2004-02, 2004-16, 2004-21, 2005-02, 2005-05, 2007-15, 2007-58, and 2009-18;

**WHEREAS** by Resolution 2005-02, the UBCIC Chiefs Council created the Social Development Committee to have a dedicated body to “represent UBCIC in all matters pertaining to Health, Education and Children and Families;”

**WHEREAS** to advance and protect these sacred rights, it is essential that First Nations have authority and legal status to be included and represented in the federal and provincial policy and financial resourcing planning efforts to fulfill their legal obligations; and,

**WHEREAS** on March 16, 2005, UBCIC members gave direction to leadership to sign the *Leadership Accord* with the First Nations Summit (FNS) and the British Columbia Assembly of First Nations (BCAFN), and on March 17, 2005, the UBCIC Executive did sign the *Leadership Accord* with the FNS and BCAFN, committing to work together for the benefit of all First Nations in BC; and,

**WHEREAS** on April 13, 2005, the Province of BC and the signatory parties of the *Leadership Accord* (who became known as the “First Nations Leadership Council”- the FNLC) entered into a “New



Relationship” which included a focus on closing the gaps in quality of life between First Nations and other British Columbians; and by UBCIC Resolution 2005-01 the UBCIC Chiefs Council supported further development of a *New Relationship* document; and further supported development of the document by a Joint Resolution on May 20, 2005;

**WHEREAS** in July, 2005, the *First Nations Blueprint for British Columbia* was developed by then-FNLC, and the Blueprint identified a new vision for First Nations health systems, and identified a number of gaps and barriers in health services;

**WHEREAS** arising out of the *New Relationship*, on November 24/25, 2005, at the First Ministers’ Meeting on Aboriginal Issues the *Transformative Change Accord* was signed by then-FNLC, BC, and Canada, which committed the parties to, among other items, closing the social and economic gap between First Nations and other British Columbians in the area of health, and calls upon the parties to negotiate a 10-year implementation strategy; and,

**WHEREAS** on November 27, 2006, the *Transformative Change Accord: First Nations Health Plan* (TCA: FNHP) was released by then-FNLC and the province of BC, and is a ten-year plan that includes twenty-nine action items in the following four areas: Governance, Relationships, and Accountability; Health Promotion/Disease and Injury Prevention; Health Services; and Performance Tracking; and,

**WHEREAS** also on November 27, 2006, the *First Nations Health Plan Memorandum of Understanding* (MoU) was signed by then-FNLC, BC, and Canada. The MOU required the Parties to develop a Tripartite Health Plan by May 27, 2007;

**WHEREAS** on January 30, 2007, UBCIC Chiefs Council passed Resolution 2007-06 regarding the TCA: FNHP and the MoU. The resolution declares support for the TCA: FNHP and the MoU as the workplan for the next ten years on First Nations health issues. Through approving the TCA: FNHP and the MoU as workplan for the next ten years, this resolution mandates UBCIC’s involvement in a Tripartite First Nations Health Plan and the First Nations Health Council (FNHC);

**WHEREAS** on March 27, 2007, the UBCIC Chiefs Council approved the appointment of three members of the UBCIC Social Development Committee (SDC) to the FNHC by Resolution 2007-18;

**WHEREAS** on June 11, 2007, a new ten-year *Tripartite First Nations Health Plan* (TFNHP) was signed by then-FNLC, Canada, and BC. This plan builds on the recommendations from the 2001 *First Nations Health Blueprint for British Columbia* and the TCA:FNHP and includes an agreement by the parties to create and implement a new structure for the governance of First Nations health services in BC, but does not commit to devolution of health services;

**WHEREAS** by Resolution 2008-25, the UBCIC Chiefs Council supported the proposed community engagement process to obtain direction from First Nations with respect to a new governance structure for First Nations health services in BC. Also by this resolution, it was resolved that the First Nations Interim Health Governance Committee (FNIHGC) Co-Chairs would present the findings of the regional caucuses and the provincial gathering to the UBCIC Chiefs Council for review and further direction;

**WHEREAS** the UBCIC Chiefs Council appointed Chief Wayne Christian of Splots'in First Nation as co-chair to the FNIHGC of the First Nations Health Council by Resolution 2007-58, and on June 4, 2009, Chief Wayne Christian resigned from the FNIHGC; and,

**WHEREAS** the UBCIC Chiefs Council appointed Chief Shane Gottfriedson of Tk'emlups First Nation as co-chair to the FNIHGC of the FNHC by Resolution 2009-18, and on February 5, 2010, Chief Shane Gottfriedson sent a letter of resignation to UBCIC from his position as UBCIC co-chair to the FNIHGC;

**WHEREAS** based on his experience in the health governance process as a Regional Representative, Chief Bob Chamberlin was appointed as the UBCIC Interim co-chair to the FNIHGC to replace Chief Shane Gottfriedson, until such a time that the UBCIC Chiefs Council could meet to appoint a permanent replacement at the UBCIC Chiefs Council on March 17, 2010; and,

**WHEREAS** the FNIHGC Terms of Reference, as ratified by the FNHC on Sept 22, 2008, describe the appointment process of co-chairs to the FNIHGC, and Section 6.1 states that "The FNS, the UBCIC, and the BCAFN will appoint a representative to the position of co-chair for the FNIHGC according to their own protocol and accord of appointments;"

**WHEREAS** the FNIHGC Terms of Reference describe the roles and responsibilities of the three co-chairs; and Section 5.1 says that the co-chairs must work with BC First Nations to move forward on an agreement for a new framework; and Section 5.4 specifies that "Important work and activities will be determined through the active involvement of the three (3) co-chairs and presented by the two (2) co-chairs of the FNHC through a process of formal resolution at the FNS, the UBCIC, and BCAFN meetings;"

**WHEREAS** the FNIHGC co-chairs and the FNHC staff have developed a "Basis for a Framework Agreement on Health Governance" ("Basis Agreement") between the First Nations Health Council, Canada, and BC, and that on March 3, 2010, the final draft of the Basis Agreement was introduced. The document lists the new health governance structure as a First Nations Health Authority (FNHA), and will include funding amounts, plus commitments to take on programs including Non-Insured Health Benefits; and,

**WHEREAS** Section 12 of the Basis Agreement states that the Basis Agreement will be initialed by the lead negotiators of each party, and in a legal opinion from Davis LLP solicited by the FNHC and dated March 12, 2010 identified the FNIHGC Co-Chairs as the lead negotiators for First Nations.

**THEREFORE BE IT RESOLVED** in accordance to UBCIC Resolution 2010-01, *BC Tripartite First Nations Health – Basis for a Framework Agreement on Health Governance*, that the existing FNIHGC structure shall continue in the interim until full establishment of the newly structured First Nations Health Council or May 30, 2010; and

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council recognizes that the mandate of the UBCIC FNIHGC co-chair to date has been:

To work on behalf of the UBCIC Chiefs Council on the FNIHGC, a sub-committee of the FNHC, to carry out the implementation of the Tripartite First Nations Health Plan. Specifically, that work entails working with BC First Nations to move forward on an agreement for a framework agreement on health governance, including developing a new governance structure and

considering ratification by BC First Nations, as well as working with tripartite partners. All important work and activities are to be determined through formal resolution at the UBCIC, BCAFN, and FNS meetings. By resolution, the UBCIC Chiefs Council recognized that the FNIHGC needs to take direction from BC First Nations communities, and that community engagement mandated in fall, 2008, was to be followed by a return to the Chiefs Council to seek further direction;

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council recognizes that given the importance of initialing the *Basis For a Framework Agreement on Health Governance* document as it affects the future of health for all BC First Nations, a mandate for the co-chair to initial must be given directly by the UBCIC Chiefs Council;

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council expands the previous mandate of the UBCIC FNIHGC Co-Chair to initial the Basis Agreement;

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs Council appoints Chief Wayne Christian\* as co-chair to the First Nations Interim Health Governance Committee of the First Nations Health Council, given his/her extensive experience and commitment to improving the health of all First Nations in the territory called British Columbia, to carry out the expanded mandate for this position as laid out by this resolution.

**Moved:** Chief Ko'waintco Michel, Nooaitch Indian Band

**Seconded:** Chief Michael LeBourdais, Whispering Pines Indian Band

**Disposition:** Carried

**Two (2) Opposed:** Chief Fabian Alexis and Chief Jonathan Kruger

**\*Appointment of Chief Wayne Christian as Co-Chair to FNIHGC by secret ballot, 13 votes – Chief Bob Chamberlin, 16 votes – Chief Wayne Christian**

**Date:** March 18<sup>th</sup>, 2010

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Fax: 250-828-0319



VANCOUVER OFFICE  
5th Floor, 342 Water Street  
Vancouver, B.C. V6B 1B6  
Tel: 604-684-0231  
Fax: 604-684-5726  
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Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
MARCH 17<sup>TH</sup> - 18<sup>TH</sup>, 2010  
VANCOUVER, B.C.

**Resolution no. 2010-07**

## **RE: Specific Claims Alternate Dispute Resolution and Mediation Services**

**WHEREAS** the *Specific Claims Tribunal Act* (SCTA) came into force on October 16, 2008, as a manifestation of Canada's Justice at Last initiative, to eliminate the backlog of specific claims through a fair, timely, joint and independent process;

**WHEREAS** when the Justice at Last initiative was announced, Canada indicated that "negotiations will continue to be Canada's first choice for resolving specific claims," stated that "Canada is committed to using mediation more frequently" and stressed "refocusing the work of the current Indian Specific Claims Commission (ISCC) to make better use of its dispute resolution services once the new tribunal is in place;"

**WHEREAS** Canada's commitment to utilizing the mediation services of the ISCC included a plan to change the ISCC's mandate "to focus on mediation services" ... to "help overcome impasses at all stages of the process [emphasis added]<sup>1</sup>;"

**WHEREAS** in spite of this assurance, the offices of the ISCC were closed on March 31, 2009;

**WHEREAS** in a letter dated January 6, 2010, Assembly of First Nations (AFN) National Chief Shawn A-in-chut Atleo highlighted AFN's efforts to work jointly with Canada via the Political Agreement to develop a framework for an independent Alternate Dispute Resolution (ADR) centre;

**WHEREAS** with the unilateral closure of the ISCC, the AFN made numerous suggestions for an ADR centre and mediation services about whose independence and impartiality First Nations could have confidence, including: Creating a ADR centre through legislation; attaching a mediation function to the Tribunal registrar; jointly developing a roster of mediators and contract with them; contracting a private mediation firm; creating an ADR centre through a royal prerogative (Order-in-Council); and, linking to or

[1] <http://www.ainc-inac.gc.ca/al/lcd/spc/pubs/pamp/pamp-eng.asp>

creating an non-governmental organization (NGO) to service ADR;

**WHEREAS** in two letters dated November 26, 2009 and February 3, 2010, the Minister of Indian Affairs, Chuck Strahl dismissed the AFN's recommendations as too costly or requiring a legislative basis and articulated Canada's position that a new ADR centre will be established with the following features:

- It will be housed in INAC offices;
- It will be administrated by INAC staff;
- It will only provide mediation services in the area of negotiations and no other part of the process;

**WHEREAS** the Minister maintains that mediation, under these conditions, will be independent;

**WHEREAS** Article 8 of the *United Nations Declaration on the Rights of Indigenous Peoples* provides that, "States shall provide effective mechanisms for prevention of, and redress for... Any action which has the aim or effect of dispossessing them of their lands, territories or resources;"

**WHEREAS** Article 27 of the *United Nations Declaration on the Rights of Indigenous Peoples* provides that, "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** on March 3<sup>rd</sup>, 2010, the Government of Canada Throne Speech committed the government to take steps towards the recognition of the *United Nations Declaration on the Rights of Indigenous Peoples*;

**WHEREAS** UBCIC Chiefs Council does not recognize the fairness, independence, impartiality, openness and transparency of a mediation process that is housed and administrated by INAC and that is limited to only one stage in the process for resolving specific claims.

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs Council urges Canada to fulfill its commitment and create a truly independent ADR centre that is physically and administratively separate from INAC operations;

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council urge Canada to work jointly with the AFN to develop an ADR centre that embodies the principles expressed by both the Justice at Last initiative and the *United Nations Declaration on the Rights of Indigenous Peoples*;

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs Council encourage BC First Nations to reject and oppose any mediation services that do not reflect the principles as articulated by the Justice at Last initiative and the *United Nations Declaration on the Rights of Indigenous Peoples*.

**Moved:** Grand Chief Doug Kelly, Kwaw-Kwaw-Apilt First Nation (proxy)

**Seconded:** Chief Tim Manuel, Upper Nicola Indian Band

**Disposition:** Carried

**Date:** March 18<sup>th</sup>, 2010

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Fax: 250-828-0319



VANCOUVER OFFICE  
5th Floor, 342 Water Street  
Vancouver, B.C. V6B 1B6  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
MARCH 17<sup>TH</sup> - 18<sup>TH</sup>, 2010  
VANCOUVER, B.C.

**Resolution no. 2010-08**

**RE: Bill C-3**

**WHEREAS** the appropriate approach to determining citizenship is one that is based within the laws and traditions of Indigenous Peoples; and,

**WHEREAS** Bill C-3 does not acknowledge Indigenous laws, nor has Canada made space for these discussions to occur in drafting these amendments to the *Indian Act*; and,

**WHEREAS** Bill C-3 amendments will not address the many aspects of discrimination against Indigenous women and their descendants that continue to exist in the *Indian Act*. Importantly, the second generation cut-off provisions will continue to mean that the numbers of status Indians declines in the long run, and that people who are recognized under the laws of their own communities and nations as being citizens will continue to be denied status;

**WHEREAS** Canada has not articulated an adequate plan to assist and properly resource Indigenous communities in addressing the increase in status Indians and Band members that will result from Bill C-3 and has instead created a situation that will further fracture Indigenous Nations, communities and families.

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs Council adopt the Position Paper on Bill C-3 presented by the Bill C-31 Working Group, as amended from the floor of the UBCIC Chiefs Council;

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council direct the UBCIC Executive, Staff and Bill C-31 Working Group, to:

- Approach other Indigenous organizations to work collaboratively to address the amendments to the *Indian Act* that are being proposed by Canada to respond to the *Indian Act* under Bill C-3;

- Seek standing for the UBCIC Executive to appear before the House Standing Committee considering these amendments;
- Undertake an active lobby effort aimed at educating federal Members of Parliament and Members of the Senate (including the Minister of Indian and Northern Affairs and federal parties' aboriginal affairs critics) about this issue and seek to lobby for more inclusive amendments to Bill C-3;
- Support actions required by UBCIC communities to respond to the impact that Bill C-3 may have, including highlighting education within the communities of the potential impacts;
- Explore opportunities to work with UBCIC member nations and communities to articulate Indigenous laws about citizenship as an alternative to the status based process that Canada currently follows, including that the UBCIC Chiefs Council mandate the Bill C-31 Working Group to plan, organize and implement and *Indigenous Citizenship Action Plan* based on Indigenous laws;
- Produce public education materials, arrange for speaking engagements to build public support. Include use of popular media and social networking resources to ensure that strong and clear messaging is available to all First Nations in British Columbia regardless of location;
- Explore bringing a legal challenge to the process that Canada followed in bringing Bill C-3 forward without the consultation and consent of Indigenous nations;

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs Council appoint the following representatives to join and be active participants of the Bill C-31 Working Group: Chief Nelson Leon, Adams lake Indian Band; Chief David Walkem, Cook's Ferry Indian Band; Chief Donna Gallinger, Nicomen Indian Band.

**Moved:** Chief Ko'waintco Michel, Nooaitch Indian Band  
**Seconded:** Chief Jonathan Kruger, Penticton Indian Band  
**Disposition:** Carried  
**Date:** March 18<sup>th</sup>, 2010

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Kamloops, B.C. V2H 1H1  
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5th Floor, 342 Water Street  
Vancouver, B.C. V6B 1B6  
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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
MARCH 17<sup>TH</sup> - 18<sup>TH</sup>, 2010  
VANCOUVER, B.C.

**Resolution no. 2010-09**

**RE: Funding to Address Safety of First Nations Communities Resulting from the Mountain Pine Beetle Epidemic and Risk of Fire**

**WHEREAS** First Nations recognize the need to address the environmental, social, cultural and economic impacts of the Mountain Pine Beetle (MPB) epidemic on First Nations;

**WHEREAS** UBCIC Resolution 2005-01 supports the *BC First Nations Mountain Pine Beetle Action Plan*;

**WHEREAS** the federal government failed to fulfill its promise to provide \$100 million a year for 10 years to develop and implement wildfire protection plans to reduce the risk of fires to communities, and to address other impacts of the MPB epidemic;

**WHEREAS** because of the lack of funding very few communities have implemented their wildfire protection plans and reduced the fuel load around their communities;

**WHEREAS** the 2009 fire season was the worst in BC and multiple evacuations and alerts were issued;

**WHEREAS** the fire risk to 103 First Nations communities located in areas damaged by MPB is increasing because of the build-up of deadwood around their communities;

**WHEREAS** the provincial and federal governments are ignoring the need to address fuel loads and the safety of communities, and have taken a “wait and see” attitude;

**WHEREAS** the combination of increasing threat of fire with the lack of resources to address fuel build-up around communities threatens safety, and increases the risk of human tragedy.

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs Council direct the UBCIC Executive to work with the BC First Nations Forestry Council in advancing this urgent issue with the federal government and accessing the resources needed to continue their work in helping communities address safety issues, environmental, social, cultural and economic impacts as a result of the mountain pine beetle disaster; and



**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council direct the Executive to work with the First Nations Forestry Council to build a sustained media campaign via press releases and open letters to ensure these issues are addressed by the federal and provincial governments;

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs Council seek renewed support from the First Nations Summit Task Group, the AFN BC Regional Chief and the National Chief to advance the need to resolve this issue.

**Moved: Chief Jonathan Kruger, Penticton Indian Band**

**Seconded: Chief Don Moses, Lower Nicola Indian Band**

**Disposition: Carried**

**Date: March 18<sup>th</sup>, 2010**

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Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



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5th Floor, 342 Water Street  
Vancouver, B.C. V6B 1B6  
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CHIEFS COUNCIL  
MARCH 17<sup>TH</sup> - 18<sup>TH</sup>, 2010  
VANCOUVER, B.C.

**Resolution no. 2010-10**

**Re: *British Columbia's Water Act Modernization  
Discussion Paper ("WAM")***

**WHEREAS** water is our lifeblood. All living things depend on it. It is a sacred element of our Aboriginal Title and Rights and Treaty Rights;

**WHEREAS** UBCIC AGA Resolution 2001-05, *Indigenous Peoples Declaration on Water* states:

The preservation and protection of Water is crucial to the survival of Indigenous Peoples and cultures, and this precious resource is currently being threatened through the actions of the federal and provincial governments which include:

1. The licensing of water as though it were a commodity to be bought, sold or traded;
2. The extraction and alienation of lands and resources (such as logging, mining, and fish farms), activities which destroy the ecosphere necessary to sustain and protect the quantity and quality of Waters;
3. The federal and provincial governments are currently considering lifting the moratorium on off-shore oil and gas exploration;
4. Canadian governments do not recognize our Aboriginal Title to, and Inherent Right and Responsibility to protect the Water to sustain our own lives, the lives of our future generations, and the lives of all living things;

**WHEREAS** in the absence of Treaty, and contrary to law, the Province has assumed jurisdiction to manage, allocate and use the water from our Territories as a resource commodity;

**WHEREAS** the Federal government, who has jurisdiction under s. 91(24), has failed to safeguard our water rights, and has refused or failed to define and protect the prior and superior water rights of First Nations required to fulfill the purposes for which our Reserve Lands were established;

**WHEREAS** the ecosystems of the world are in crisis because both governments treat water as a commodity for economic gain. Canada has passed the Metal Mining Effluent Regulation under the *Fisheries Act* that allows for the transformation of fish-bearing lakes into mine tailings ponds, sacrificing the fish and other life dependent on that water, to provide a subsidy to mining companies;

**WHEREAS** the effective exclusion of First Nations about strategic decisions affecting water management and allocation, and the denial of our priority to water is contrary to international and domestic law;

**WHEREAS** the Province now wants to amend the *Water Act* to provide new opportunities to manage and allocate our water to benefit others, including privatizing water, and has prepared a discussion paper entitled *British Columbia's Water Act Modernization Discussion Paper* ("WAM"), as a guide for public input into this process. WAM does not constitute consultation with First Nations;

**WHEREAS** the engagement the Province contemplates with First Nations in WAM has an impossibly short timeframe for meaningful input, and does not meet legal standards.

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs Council supports all First Nations who take Action to defend and protect the sacred waters of their Territories;

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council directs the UBCIC Executive to communicate to the Province and Canada that the prior, superior and unextinguished water rights of the First Nations of British Columbia must be addressed and given priority before the Province proceeds with legislative and policy change such as in WAM;

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council directs the UBCIC Executive to prepare an Action Plan for ratification by UBCIC members to achieve recognition of our priority and unextinguished water rights, and to challenge the Province and Canada's legislation and legislative and policy initiatives regarding water; and

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs Council, as a key part of an Action Plan, directs the UBCIC Executive to work with the BC Assembly of First Nations and the First Nations Summit to secure financial resources to host a province-wide First Nations Right to Water Forum to develop a legal position on water rights, and to develop an implementation plan of First Nations Sovereignty over water including legal, political and on-the-ground strategies.

**Moved:** Chief Fabian Alexis, Okanagan Indian Band  
**Seconded:** Chief Ko'waintco Michel, Nooaitch Indian Band  
**Disposition:** Carried  
**Date:** March 18<sup>th</sup>, 2010

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
MARCH 17<sup>TH</sup> - 18<sup>TH</sup>, 2010  
VANCOUVER, B.C.

**Resolution no. 2010-11**

**RE: Enbridge Pipeline Project**

**WHEREAS** Enbridge proposes to build two parallel 1,170 kilometre pipelines through Alberta and British Columbia to export crude oil and other oil products;

**WHEREAS** these pipelines would involve over 1000 stream and river crossings and result in 525,000 barrels of crude oil/day, 193,000 barrels of condensate/day, and 225 tankers a year travelling through the territories of nations along the pipeline and tanker routes;

**WHEREAS** the Enbridge Northern Gateway Pipeline Project will ship oil products by tankers in our coastal waters;

**WHEREAS** First Nations have practiced uncontested, supreme and absolute jurisdiction over our territories, our resources and our lives with the right to manage our territories including our lands and waters;

**WHEREAS** First Nations laws and customs define our responsibilities to protect our lands and waters;

**WHEREAS** BC First Nations will not put their territories and waters at risk caused by the proposed Enbridge Northern Gateway pipeline and crude oil tanker traffic;

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs Council oppose the Enbridge Northern Gateway Pipeline Project.

**Moved:** Chief Donna Gallinger, Nicomen Indian Band

**Seconded:** Chief Wayne Christian, Splots'in First Nation

**Disposition:** Carried

**Abstention:** Chief Fabian Alexis

**Date:** March 18<sup>th</sup>, 2010

March 18<sup>th</sup>, 2010

2010-11  
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# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Yellowhead Highway  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
5th Floor, 342 Water Street  
Vancouver, B.C. V6B 1B6  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
MARCH 17<sup>TH</sup> - MARCH 18<sup>TH</sup>, 2010  
VANCOUVER, B.C.

Resolution no. 2010-12

## RE: UBCIC Social Development Committee Appointment

**WHEREAS** First Nations and their respective territories situated in the province of British Columbia assert and affirm their right of Self-Determination including the jurisdictional powers relating to Health, Education, and Children and Families;

**WHEREAS** by UBCIC Resolution 2005-02, the UBCIC Chiefs Council provided direction to create the UBCIC Social Development Committee, made up of five (5) to seven (7) representatives of the Chiefs Council, and with a specific mandate to allow the Social Development Committee to represent the UBCIC in all matters pertaining to Health, Education and Children and Families;

**WHEREAS** the UBCIC Chiefs Council recognizes that there are like-minded First Nations Councils, Committees, and organizations working on issues of Health, Education, and Children and Families; and that the Social Development Committee will work in collaboration with these like-minded organizations;

**WHEREAS** Lisa Shaver (Penelakut) withdrew from the Social Development Committee on March 16, 2010; and

**WHEREAS** the UBCIC Social Development Committee is currently composed of the following three (3) members: Jennifer Bobb (Spuzzum First Nation), Debbie Abbott (Nlaka'pamux Nation Tribal Council); and Chief Fabian Alexis (Okanagan Indian Band), meaning there are two (2) vacant positions.

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs Council agree to appoint XXX and XXX to become members of the UBCIC Social Development Committee and work with Chief Fabian Alexis, Debbie Abbott, and Jennifer Bobb to officially represent the UBCIC in all matters pertaining to Education, Health and Children and Families, and work in collaboration with like-minded organizations for the benefit of all First Nations in the territory known as British Columbia.

**Moved:**  
**Seconded:**  
**Disposition:** Tabled  
**Date:** March 18<sup>th</sup>, 2010

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Tel: 250-828-9746  
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5th Floor, 342 Water Street  
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Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
MARCH 17<sup>TH</sup> - 18<sup>TH</sup>, 2010  
VANCOUVER, B.C.

**Resolution no. 2010-13**

## **RE: Support for Symposium on Missing and Murdered Women**

**WHEREAS** Indigenous Nations women have traditionally held positions of high regard in Indigenous societies, including givers of life, leaders and integral and valued members of society;

**WHEREAS** Indigenous Nations women have the right to personal safety and security, no matter what their socio-economic status may be, yet Indigenous Nations women experience disproportionately high levels of violence;

**WHEREAS** Indigenous Nations people currently encounter desperate conditions of poverty and addictions that impede their health and wellbeing; and

**WHEREAS** there are over 3000 missing Indigenous Nations women in Canada, including the women from the Downtown Eastside and the Highway of Tears; and

**WHEREAS** by Resolution 2008-30, the UBCIC Chiefs Council called for a public inquiry into the missing women of the Downtown Eastside and the Highway of Tears; and

**WHEREAS** the Walk 4 Justice is a grass roots movement tasked with raising awareness of the plight of missing and/or murdered women and children. Whether the missing are from the Highway of Tears, the Pickton Farm, the Downtown Eastside of Vancouver or any-town Canada; this organization has called on the Prime Minister of Canada to call for a public inquiry. The list of names is walked across Canada to Ottawa; and

**WHEREAS** the UBCIC Chiefs Council respectfully recognizes the dedication, hard work, and leadership of Walk 4 Justice in the issue of missing and/or murdered Indigenous women in Canada;

**WHEREAS** representatives from Walk4Justice have discussed organizing a Symposium on Missing and Murdered Women in Vancouver, and have discussed this Symposium with the Executive of UBCIC.

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs Council directs the UBCIC Executive and Chief Judy Wilson to work with representatives from Walk4Justice to plan a Symposium in Vancouver on Missing and Murdered Women;

**March 18<sup>th</sup>, 2010**

**2010-13**  
Page 1 of 2

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council directs the UBCIC Executive and Chief Judy Wilson to liaise with the BC Assembly of First Nations, the First Nations Summit and the Coordinated Action Working Group, and other like-minded organizations, to raise public and political awareness about the Symposium on Missing and Murdered Women.

**Moved: Chief Mike LeBourdais, Whispering Pines Indian Band**

**Seconded: Chief Fred Robbins, Esketemc First Nations**

**Disposition: Carried**

**Date: March 18<sup>th</sup>, 2010**



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Tel: 250-828-9746  
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VANCOUVER OFFICE  
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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
MARCH 17<sup>TH</sup> - 18<sup>TH</sup>, 2010  
VANCOUVER, B.C.

**Resolution no. 2010-14**

**RE: Aquaculture – Rejection of *Federal B.C. Aquaculture Regulation and Strategic Action Plan***

**WHEREAS** First Nations practiced uncontested, supreme and absolute jurisdiction over our territories, our resources and our lives with the right to manage our lands, resources and institutions;

**WHEREAS** First Nations have been negatively impacted by aquaculture in their territories, due to the harm the industry has caused to wild fish stock; Crown decisions have been made in disregard of our laws; and the Crown has granted tenures for aquaculture, which take what is ours and give it to benefit others, without our consent, appropriate consultation or accommodation, and to our economic and cultural detriment;

**WHEREAS** we respect as First Nations people that we have the right to determine our level of involvement and perspectives on the aquaculture industry based on each of our community's needs, aspirations and priorities;

**WHEREAS** in February 2009, the B.C. Supreme Court issued a decision in the case of *Morton v. British Columbia (Minister of Agriculture and Lands)* [2009] B.C.J. No. 193, striking down Provincial Legislation and regulations pertaining to aquaculture, finding that it is the Federal Government and not the Province that has jurisdiction to regulate aquaculture on behalf of the Crown;

**WHEREAS** Canada has launched the Federal B.C. Aquaculture Regulation and Strategic Action Plan Initiative (the "Federal Initiative") which involves the development of a regulatory framework and policies for aquaculture;

**WHEREAS** the Federal Initiative impacts the majority of First Nations in B.C. since aquaculture operates and affects fish and waters where Aboriginal Title, Rights and Treaty Rights are exercised, and encompasses land where Aboriginal title has not been extinguished;

**WHEREAS** First Nations expect that aquaculture will continue to cause increased harm and interference in the future, since the Federal Initiative contemplates expansion of shellfish aquaculture;

**WHEREAS** because the impact of aquaculture affects established Aboriginal Rights and Treaty Rights and unextinguished Aboriginal Title, Canada has a duty of meaningful consultation, which should entail obtaining the consent of affected First Nations, in respect of the development of regulatory framework, policies and strategic plans, which integrate solutions to concerns raised by First Nations;

**WHEREAS** the Federal Initiative does not meet the legal obligations of Canada regarding the engagement with First Nations, the timeframe for engagement is inadequate. Canada targets a “significant number of First Nations” who may be impacted by the Federal Initiative, rather than providing all affected First Nations the opportunity of constructive engagement. The Federal Initiative avoids recognition of Aboriginal Title and Rights and Treaty Rights, and provides inadequate capacity for engagement.

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs Council reject the Federal Initiative as it stands and will communicate this to the government of Canada;

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council urge the Federal Government to recognize First Nations land use and marine use plans and that the criteria in the determination of sites incorporate and provide space for information from First Nations planning efforts;

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs Council direct UBCIC staff to draft an open letter communicating that:

- (a) The Federal Initiative in its present form does not meet Canada’s constitutional obligations to First Nations, and should be abandoned;
- (b) Some outputs of this current effort can be used to inform meaningful consultation;
- (c) Canada must engage with all affected First Nations about the appropriate process to develop Regulations and a Strategic Action Plan for aquaculture;
- (d) Canada’s Regulations and Strategic Action Plan must give expression to First Nations’ laws, authority, traditional knowledge and the economic component of Aboriginal Title and Rights and Treaty Rights.

**Moved: Chief Mike LeBourdais, Whispering Pines Indian Band**

**Seconded: Chief Dalton Silver, Sumas First Nation**

**Disposition: Carried**

**Date: March 18<sup>th</sup>, 2010**