

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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UNION OF B.C. INDIAN CHIEFS
42ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-27

RE: Adoption of Agenda

BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly ratify the agenda, with amendments as noted from the floor and recorded in the minutes.

Moved: Chief Geronimo Squinas, Lhtako Dene Nation
Seconded: Grand Chief Doug Kelly, proxy, Kwaw-kwaw-apilt First Nation
Disposition: Carried
Date: September 15, 2010

Certified copy of a resolution adopted on the 15th day of September of 2010 in Vancouver, British Columbia



Grand Chief Stewart Phillip, President

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SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-28

RE: Appointment to the UBCIC Credentials Committee

WHEREAS the Union of BC Indian Chiefs' By-Laws state that:

VIII (f) The Chiefs-in-Assembly at the start of each AGA where an election for President is taking place will appoint a Credential Committee, comprised of three Full or Active Members in good standing who are members of three separate Indian Nations (and not merely Indian Bands), and are not standing for election;

WHEREAS the Union of BC Indian Chiefs-in-Assembly directed the Chair of the Assembly to call for nominations from the floor to participate in the UBCIC Credentials Committee;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly hereby appoint the following persons as the Credentials Committee of the Union of BC Indian Chiefs for the upcoming three year term ending at the Annual General Assembly in September, 2013:

1. Chief Fabian Alexis, Okanagan Indian Band
2. Chief Don Moses, Lower Nicola Indian Band
3. Chief Mike Lebourdais, Whispering Pines Indian Band

Moved: Chief Doug Kelly, Proxy, Kwaw-kwaw-apilt First Nation
Seconded: Chief Dalton Silver, Sumas First Nation
Disposition: Carried
Date: September 15, 2010

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SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-29

RE: Appointment to the UBCIC Elections Appeal Committee

WHEREAS the Union of BC Indian Chiefs' By-Laws state that:

IX (a) The Chiefs-in-Assembly on the first day of an Assembly where the election for the position of President is to occur shall appoint an Elections Appeal Committee comprised of three Full or Active Members in good standing who are not standing for election for the position of President and who are members of three separate Indian Nations (and not merely Indian Bands);

WHEREAS the Union of BC Indian Chiefs-in-Assembly directed the Chair of the Assembly to call for nominations from the floor to participate in the UBCIC Elections Appeal Committee;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly hereby appoint the following persons as the Elections Appeal Committee of the Union of BC Indian Chiefs for the upcoming three year term ending at the Annual General Assembly in September, 2013:

1. Chief Maureen Chapman, Skawahlook First Nation
2. Chief Les Sam, Tseshah First Nation
3. Chief Cliff Alec, Ts'kw'aylaxw First Nation.

Moved: Chief Nelson Leon, Adams Lake Indian Band
Seconded: Chief Ko'waintco Michel, Nooaitch Indian Band
Disposition: Carried
Date: September 15, 2010

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SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-30

RE: Appointment to the UBCIC Recall Committee

WHEREAS the Union of BC Indian Chiefs' By-Laws state that:

VI (b) At each AGA at which an election is taking place the Chiefs-in-Assembly shall appoint five Full or Active Members in good standing who are members of five separate Indian Nations (and not merely Indian Bands) to sit on the Recall Committee for a term of three years;

WHEREAS the Union of BC Indian Chiefs-in-Assembly directed the Chair of the Assembly to call for nominations from the floor to participate in the UBCIC Recall Committee;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly hereby appoint the following persons as the Recall Committee of the Union of BC Indian Chiefs for the upcoming three year term ending at the Annual General Assembly in September, 2013:

1. Chief Donna Gallinger, Nicomen Indian Band
2. Chief Nelson Leon, Adams Lake Indian Band
3. Chief Art Adolph, Xaxli'p
4. Chief Dalton Silver, Sumas First Nation
5. Chief Larry Nooski, Nadleh Whut'en First Nation

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Chief Doug Kelly, Proxy, Kwaw-kwaw-apilt First Nation
Disposition: Carried
Date: September 15, 2010

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SEPTEMBER 15TH-17TH, 2010
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Resolution no. 2010-31

RE: First Nations Leadership Council Terms of Reference

WHEREAS on June 3, 2010, the UBCIC Chiefs Council passed Resolution 2010-16 *All Chiefs Assembly May 18-20, 2010 – Draft Action Plan* which formally supports and endorses the work of the All Chiefs Task Force, the March 17, 2005 *Leadership Accord* and the First Nations Leadership Council;

WHEREAS UBCIC Resolution 2010-16 supports the draft action plan developed from the All Chiefs Assembly which articulates that need for clarification around the mandate, roles and responsibilities of the First Nations Leadership Council and effectively calls for the development of the Terms of Reference for the First Nations Leadership Council (“draft Terms of Reference”);

WHEREAS the First Nations Leadership Council and the All Chiefs Task Force have met periodically to work jointly on the development of the draft Terms of Reference;

WHEREAS on August 30, 2010 the draft Terms of Reference were sent to all First Nations in BC for further consideration and review, and feedback submitted by September 10, 2010;

WHEREAS the draft Terms of Reference will be considered at upcoming meetings at the First Nations Summit in September and will be endorsed at the All-Chiefs Assembly in November;

THEREFORE BE IT RESOLVED the Union of BC Indian Chiefs-in-Assembly support in principle the draft Terms of Reference for the First Nations Leadership Council;

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THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the First Nations Summit, the BC Assembly of First Nations and the All Chiefs Task Force to seek further feedback, input and revisions from First Nations in BC into the draft Terms of Reference by October 30, 2010 in advance of the November 2010 All-Chiefs Assembly;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive as members of the First Nations Leadership Council to bring forward the revised draft Terms of Reference at the All-Chiefs Assembly in November, 2010.

THEREFORE BE IT FINALLY RESOLVED the UBCIC Executive as members of the First Nations Leadership Council are held to the highest standards of accountability as articulated in the draft Terms of Reference and Accountability Framework.

Moved: Grand Chief Doug Kelly, Proxy, Kwaw-kwaw-apilt First Nation
Seconded: Chief Ruby Adams, Shackan Indian Band
Disposition: Carried
Date: September 16, 2010

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SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-32

RE: Support for Tsilhqot'in Nation and Call for Federal Rejection of the Proposed Prosperity Mine

WHEREAS the Tsilhqot'in Nation opposes the proposed Prosperity Gold-Copper Mine (the "Project") because it requires the complete destruction of Teztan Biny (Fish Lake), a traditional fishery and ceremonial site that has sustained the Tsilhqot'in people for generations, in an area where the Tsilhqot'in people hold proven Aboriginal hunting and trapping rights;

WHEREAS by Resolution 2010-03, the Union of BC Indian Chiefs Council recognized the Tsilhqot'in Nation's opposition to the Project and by Resolutions 2010-03 and 2010-10, the Union of BC Indian Chiefs Council supports all First Nations who take Action to defend and protect the sacred waters and health of their Territories;

WHEREAS entire communities of the Tsilhqot'in people attended the public hearings held by the federal panel (the "Panel") conducting the environmental assessment of the Project, and Tsilhqot'in members from as young as 7 to as old as 90 explained the cultural and spiritual importance of these lands and waters to the Panel;

WHEREAS the Independent Panel concluded that "the Project would result in significant adverse environmental effects on fish and fish habitat, on navigation, on the current use of lands and resources for traditional purposes by First Nations and on cultural heritage, and on certain potential or established Aboriginal Title or Rights and on threatened grizzly bear populations;

WHEREAS the Panel specifically concluded that the mine would permanently destroy lands and waters described as an "important cultural and spiritual area" for the Tsilhqot'in people, "an important teaching

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environment for Tsilhqot'in youth;" an important source of fish for their sustenance" and "a place of spiritual power and healing for the Tsilhqot'in";

WHEREAS the Panel further warned that "the loss of the Teztan Biny (Fish Lake) and Nabas areas for current use activities, ceremonies, teaching, and cultural and spiritual practices would be irreversible, of high magnitude and have a long-term effect on the Tsilhqot'in" and these "impacts on the physical and mental health of the Tsilhqot'in communities would be long term";

WHEREAS although the Panel provided recommendations to the Government should the Project proceed, it explicitly cautioned that "it does not believe that these recommendations would eliminate or accommodate the significant loss First Nations would experience..."

WHEREAS the decision to approve or reject the Project is now in the hands of federal Cabinet, and there is heavy lobbying by the Government of British Columbia, the mining industry and others for the approval of the Project notwithstanding that these are the most dire warnings of environmental and cultural damage that a federal Panel has ever issued;

WHEREAS the Union of BC Indian Chiefs has consistently voiced strong and unwavering support for the Tsilhqot'in in opposition to the Project, through attendance at the Panel, written submissions to the Panel and public advocacy; and provided on-the-ground support both on Tsilhqot'in territory and through lobbying in Ottawa;

WHEREAS First Nations across Canada are directed by the courts and the governments to participate in environmental assessment processes to raise concerns about development, often despite strong misgivings about whether these concerns will be properly heard or weighed in these processes, as recognized by the Union of BC Indian Chiefs in Resolution 2009-02;

THEREFORE BE IT RESOLVED the Union of BC Indian Chiefs-in-Assembly fully support the efforts of the Tsilhqot'in Nation to protect their lands of profound cultural and spiritual value to its peoples from the proposed Prosperity Gold-Copper Mine, and will stand behind the Tsilhqot'in Nation in defence of these lands regardless of the decision made by the Federal Government;

THEREFORE BE IT FURTHER RESOLVED the Union of BC Indian Chiefs-in-Assembly call upon the Federal Government to heed the cautions of its independent Panel, demonstrate commitment to environmental protection and the cultural survival of First Nations, and reject the proposed Prosperity Gold-Copper Mine;

THEREFORE BE IT FURTHER RESOLVED the Union of BC Indian Chiefs-in-Assembly advise the Federal Government that First Nations across Canada are watching its decision to see whether there remains any value or integrity in environmental assessments for major projects, or whether First Nations must turn to litigation and other means to assert our rights and protect our cultures;

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THEREFORE BE IT FURTHER RESOLVED the Union of BC Indian Chiefs-in-Assembly caution the Federal Government that approval of the proposed Prosperity Gold-Copper Mine, despite clear warnings of its independent Panel, would demonstrate utter disregard for the survival of First Nations as distinctive cultures within Canada;

THEREFORE BE IT FURTHER RESOLVED the Union of BC Indian Chiefs-in-Assembly direct the Executive to advocate on behalf of the Tsilhqot'in Nation and communicate the clear support of the Chiefs-in-Assembly;

THEREFORE BE IT FINALLY RESOLVED the Union of BC Indian Chiefs-in-Assembly direct the Executive and staff to continue working with like-minded organizations in support of the Tsilhqot'in Nation in opposition to the proposed Prosperity Gold-Copper Mine.

Moved: Chief Fred Robbins, Esketemc First Nation
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: September 16, 2010

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UNION OF B.C. INDIAN CHIEFS
42ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-33

RE: UNDRIP and Canada's Intention to Endorse

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

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

WHEREAS among the four States that voted against the UNDRIP, Australia and New Zealand have reversed their positions and Canada and the United States are reviewing theirs;

WHEREAS in March 2010, the Canadian Government announced in the Speech from the Throne that it will take steps to endorse the UNDRIP "in a manner that is fully consistent with Canada's Constitution and laws";

WHEREAS to limit the UNDRIP in this qualified manner would defeat the purpose of having international standards, which serve to inspire and guide improved protection for human rights and not simply reinforce the status quo;

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A handwritten signature in black ink, appearing to read "Stewart Phillip".

Grand Chief Stewart Phillip, President

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WHEREAS the government’s qualification could serve to legitimize existing injustices in Canada and undermine the principle of universality that applies to all human rights;

WHEREAS the May 2010 Report of the UN Permanent Forum on Indigenous Issues urges Canada and the United States to “work in good faith with Indigenous Peoples for the unqualified endorsement and full implementation of the Declaration”;

WHEREAS the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous People, James Anaya, also urges “any formal statement of endorsement be made in a manner that is fully consistent with the Declaration’s terms”;

WHEREAS contrary to Canada’s constitutional and internal obligations, the government failed since 2006 to consult Indigenous Peoples on matters relating to the UNDRIP that potentially affect Indigenous rights;

WHEREAS the government is taking unilateral positions in international forums that seriously undermine Indigenous Peoples’ rights and the UNDRIP, including forums relating to the *Convention on Biological Diversity*, intellectual property and climate change;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly and UBCIC Executive urge the Canadian government to endorse the UNDRIP without qualification and 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 UNDRIP; and
- 3) Fully respects the UNDRIP in all relevant international forums and strengthens the international human rights system for Indigenous Peoples throughout the world.

Moved: Chief Jonathan Kruger, Penticton Indian Band

Seconded: Terry Doward, Proxy, Tla-o-qui-aht

Disposition: Carried

Date: September 17, 2010

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UNION OF B.C. INDIAN CHIEFS
42ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-34

RE: Call to Negotiate Redress for Day Scholars

WHEREAS First Nations across B.C. support all students of all residential schools including day scholars as they seek redress through healing including compensation and reconciliation;

WHEREAS the day scholars were subject to systemic discrimination, environmental, psychological, physical and sexual abuse and the loss of their culture and language that continues to have devastating intergenerational affects;

WHEREAS many First Nations have band members who do not qualify for automatic compensation under the Indian Residential School Settlement Agreement, including the Tk'emlups te Secwepemc who have 60 to 70 band members who attended the residential school as day scholars in Kamloops, B.C.;

WHEREAS by Resolution 2008-04, the Union of BC Indian Chiefs Council directed the Executive to fully explore options and develop a comprehensive strategy for assisting First Nations citizens to seek redress for the abuses and trauma suffered by First Nations citizens while attending Indian day schools;

WHEREAS the Union of BC Indian Chiefs Executive sent a letter to Former Minister of Indian and Northern Affairs, Chuck Strahl, on April 30, 2008, strongly urging that First Nations citizens who attended Indian day schools be similarly compensated for abuses suffered by them at these schools;

WHEREAS by Resolution 18/2008, the Assembly of First Nations was directed to coordinate a strategy that achieves redress for all day scholars including extension of compensation;

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WHEREAS by Resolution 22/2010, the Assembly of First Nations was directed to coordinate a political action plan that seeks redress for day scholars;

WHEREAS further, by Resolution 22/2010, the Assembly of First Nations was directed to engage the Government of Canada in a reconciliation and compensation package for day scholar students and failing progress, to seek support for a class action suit on this matter;

WHEREAS in 2009, thousands of day school students across Canada launched a class action lawsuit filed by Winnipeg lawyer Joan Jack seeking redress, which if successful, could apply to an estimated 75,000 Aboriginal students who attended government-funded and church-run day schools;

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly call upon the Union of BC Indian Chiefs to continue to bring forward the interests of day scholars and advocate for the development of a strategy of redress for all day scholars, and develop a coordinated and unified strategic and political action plan for our nation members; and

THEREFORE BE IT FURTHER RESOLVED that the Union of BC Indian Chiefs-in-Assembly call upon the Union of BC Indian Chiefs to support engagement in a government-to-government reconciliation process and full compensation package for day scholar students; and;

THEREFORE BE IT FINALLY RESOLVED that failing any progress with a settlement package, the Chiefs-in-Assembly direct the Union of BC Indian Chiefs to support the class action suit against the government for the “irreparable harm and damage to First Nations culture, language, way of life, family, community and social structures” as stated in their 2005 class action suit on behalf of residential school students.

Moved: Chief Shane Gottfriedson, Kamloops Indian Band
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: September 17, 2010

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**UNION OF B.C. INDIAN CHIEFS
42ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.**

Resolution no. 2010-35

RE: Administration of First Nations Clean Energy Business Fund

WHEREAS the BC First Nations Equity Fund (BCFNEF), 100% owned and controlled by BC First Nations, was launched in April 2010 by All Nations Trust Company, New Relationship Trust and Nuu-chah-nulth Economic Development Corporation to offer low interest equity loans to BC First Nations so they may participate as owners/partners in commercially viable green energy projects;

WHEREAS the BC government established the First Nations Clean Energy Business Fund to help clean power technology projects succeed, which will help address BC energy challenges, protect our environment, and grow the economy. The BC government has yet to determine how the First Nations Clean Energy Business Fund will be administered;

WHEREAS the BCFNEF has created the governance structure and has extensive administration experience and thorough project evaluation systems in place to ensure it could administer the First Nations Clean Energy Business Fund in a cost effective and efficient manner to First Nations in BC;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly support the BCFNEF proposal to the BC government for \$5+ million of the First Nations Clean Energy Business Fund to be administered by the BCFNEF for First Nations in BC participating in green energy projects; and

THEREFORE BE IT FINALLY RESOLVED that the Union of BC Indian Chiefs-in-Assembly support the BCFNEF in requesting that the \$5-plus million be provided by the BC government to BCFNEF in fiscal year 2010-2011 so that First Nations in BC may immediately benefit from the First Nations Clean Energy Business Fund as partners in BC economic initiatives.

Please find attached a briefing note that provides additional information.

Moved:

Seconded:

Disposition: TABLED

Date:

BRIEFING NOTE-August 26, 2010

BC First Nations Equity Fund

All Nations Trust Company (ANTCO), New Relationship Trust (NRT) and Nuu-chah-nulth Economic Development Corporation (NEDC) partnered to create the BC First Nations Equity Fund limited partnership (BCFNEF). The BCFNEF is Aboriginal-owned, controlled and managed, with each partner contributing \$1.66 million in seed money to create an initial \$5 million fund. The partners are looking to leverage additional contributions from government and private sources, with the goal of growing the fund to \$50 million.

The BCFNEF offers competitively priced equity loans to First Nations in BC so they may invest as partners directly into independent power producer (IPP) green energy projects within their traditional territory. The fund will also promote First Nations business leadership by helping BC First Nations build capacity through business development projects, and to become significant partners in the BC economy.

The Fund will initially focus on alternative energy investments such as small hydro run-of-the-river projects. The reason for focusing on green energy projects is because sustainability is a core value of First Nation people. Many communities have the natural resources – rivers and streams - within their territories to participate, and green energy production is a relatively low financial risk because power can be sold to BC Hydro under a long-term agreement.

BCFNEF Partners

ANTCO is a trust company and aboriginal financial institution that promotes Native self-sufficiency through marketing, financial resources and advisory services.

NEDC operates as an aboriginal financial institution as well as a Community Futures corporation that supports First Nation business.

NRT supports First Nation communities in British Columbia in their efforts to build capacity in order to become healthy, prosperous and self-sufficient.

First Nations Clean Energy Business Fund¹

The Green Energy Advisory Task Force put together by the BC government released a report on April 28, 2010 that provides input to ensure B.C. remains a leader in clean, renewable energy. The task force was composed of four advisory task force groups, focused on:

- Procurement and regulatory reform.
- Carbon pricing, trading and export market development.
- Community engagement and First Nations partnerships.
- Resource development.

The Province's Clean Energy Act also introduced on April 28th builds on a number of recommendations from the task force, including:

- Confirming our commitment to the Heritage Contract, to ensure B.C. ratepayers continue to receive the benefits of B.C.'s low-cost electricity assets.
- Moving forward on critical infrastructure projects such as Site C and the Mica and Revelstoke upgrades.
- Increasing B.C.'s clean energy supply to meet domestic and future export demand.
- Better align implementation of policy between BC Hydro and BCUC and review the need for a separate transmission corporation.
- Enabling utilities to implement initiatives to reduce greenhouse gas emissions and/or improve energy efficiency, such as encouraging installation of high-efficiency heating systems like heat pumps or vehicle electrification and charging infrastructure.
- Creating a **First Nations Clean Energy Business Fund** to support revenue sharing opportunities and to increase First Nations participation in clean energy resource development.

In recent meetings it has been stated by BC government representatives that the First Nations Clean Energy Business Fund could exceed \$5 million.

¹ Source: BC Government website. http://www2.news.gov.bc.ca/news_releases_2009-2013/2010EMPR0016-000487.htm# (accessed August 16, 2010).

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UNION OF BC INDIAN CHIEFS
42ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 15TH - 17TH, 2010
VANCOUVER, BC

Resolution no. 2010-36

RE: Action on Bill S-11, “Safe Drinking Water for First Nations”

WHEREAS as Indigenous Peoples, we have a sacred relationship with water, and have exercised our inherent jurisdiction over water since time immemorial. Our rights to water are included in our Aboriginal Title, Rights, and Treaty Rights. Water is the source of all life, and we must act to ensure its protection and ensure that all First Nations have access to safe drinking water;

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 on July 28, 2010, the United Nations General Assembly declared that safe and clean drinking water and sanitation is a human right to the full enjoyment of life and all other human rights;

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WHEREAS First Nations recognize that there is currently a crisis in drinking water in First Nations communities; in March 2010, 115 First Nations communities were under Drinking Water Advisories, and 49 First Nations water systems were classified as “high risk;”

WHEREAS by Resolution 2010-03, the Union of BC Indian Chiefs Council supports the right of a First Nation to protect their territory and the health of their community and directed 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;

WHEREAS Bill S-11 “Safe Drinking Water for First Nations” was introduced in Parliament on May 25, 2010, and stands to create a regulatory framework for First Nations drinking water, and will potentially infringe on Aboriginal Title and Rights and Treaty Rights;

WHEREAS the regulations in Bill S-11 will require significant financial and technical resources to implement for each region, and the total cost is not known. First Nations are concerned that there will not be adequate resources to support the implementation of the regulations developed under Bill S-11;

WHEREAS by Resolution 08/2010 the Assembly of First Nations (AFN) Chiefs-in-Assembly mandated the AFN to advocate that the Government of Canada provide adequate financial resources to each region to conduct a thorough impact analysis for each region, and directed the AFN to urge Canada that any further discussion on Bill S-11 be suspended until the estimated full economic impacts of this Bill are identified and presented to Parliament;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly direct the UBCIC Executive and Staff to work with First Nations and/or like-minded Indigenous Nations or organizations including the national Assembly of First Nations that are actively working to protect safe drinking water for First Nations;

THEREFORE BE IT FURTHER RESOLVED that the Union of BC Indian Chiefs-in-Assembly call on the federal government to either abandon Bill S-11, or severely amend Bill S-11 by incorporating input from First Nations as well as the recommendations from the Expert Panel on Safe Drinking Water and a full impact analysis for each region;

THEREFORE BE IT FINALLY RESOLVED that the Union of BC Indian Chiefs-in-Assembly direct the Executive to communicate opposition to Bill S-11 in its current form to the federal government, and specifically contest Bill S-11’s potential to infringe on Title and Rights and Treaty Rights.

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Maureen Chapman, Proxy, Lew’a:mel First Nation
Disposition: Carried
Date: September 15, 2010

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UNION OF B.C. INDIAN CHIEFS
42ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 15TH TO 17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-37

RE: Social Development Committee Terms of Reference

WHEREAS First Nations and their respective territories situated in the province of 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 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 by Resolution 2005-02, the UBCIC Chiefs Council directed the UBCIC Executive to form a Social Development Committee with mandate to represent the UBCIC in all matters pertaining to Health, Education, and Children and Families and make regular on-going reports to the Chief's Council;

WHEREAS the UBCIC Social Development Committee is currently composed of three of a possible seven members: Chief Fabian Alexis (Okanagan Indian Band), Councillor Debbie Abbott (Nlaka'pamux Nation Tribal Council), and Jennifer Bob (Spuzzum First Nation); appointed by the UBCIC Chiefs Council through Resolution;

WHEREAS through regular meetings and revision as per the Chiefs Council direction, the Social Development Committee has developed a streamlined draft Terms of Reference that clarifies the function of the Social Development Committee, along with roles and responsibilities of members, and coordination with First Nations Councils, Working Groups and Committees;

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council endorse the attached revised draft Terms of Reference for the Social Development Committee, as a living document providing the opportunity for continued input from First Nations communities in BC; and

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council direct the Social Development Committee to continue fulfilling its mandate to represent the UBCIC in matters pertaining to Health, Education, and Children and Families; and,

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council direct the Social Development Committee to continue reporting regularly to BC First Nations.

Moved:

Seconded:

Disposition: TABLED

Date:

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UNION OF B.C. INDIAN CHIEFS
42ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-38

RE: Bill S-4, *Family Homes on Reserves and Matrimonial Interest or Rights Act*

WHEREAS the division and allocation of Matrimonial Real Property is an important concern for all First Nations;

WHEREAS First Nations have unextinguished and inherent jurisdiction for law-making with regard to the treatment of Matrimonial Real Property in their communities;

WHEREAS UBCIC has passed resolution no.2006-34, which unilaterally rejects the Federal Government's initiative to impose a law which does not recognize First Nation Nations jurisdiction regarding Matrimonial Real Property and infringes upon our Aboriginal Title, Rights and Treaty Rights;

WHEREAS the Government of Canada has introduced legislation in this area on three occasions – most recently as Bill S-4; *Family Homes on Reserves and Matrimonial Interest or Rights Act*;

WHEREAS First Nations have consistently affirmed that this legislation in its current form is fundamentally flawed, does not respect First Nations jurisdiction and will not serve to provide greater certainty or assist First Nations families in the event of disputes over Matrimonial Real Property;

THEREFORE BE IT RESOLVED the Union of BC Indian Chiefs-in-Assembly reject Bill S-4, *Family Homes on Reserves and Matrimonial Interest or Rights Act* which will be reintroduced in September by the Government of Canada once the House of Commons and Senate resume business;

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THEREFORE BE IT FURTHER RESOLVED the UBCIC Executive call upon the Government of Canada to work with First Nations on a First Nations-driven approach to Matrimonial Real Property, including:

- Clear and full recognition of First Nations law making authority in this area
- Removal of any role for a “verification officer” with regards to recognizing or implementing First Nations laws;
- Support for First Nations to develop their own community-based mechanisms and institutions for dispute resolution and the administration of justice;
- Removal of the requirement to hold a referendum for First Nations to enact their own Matrimonial Real Property laws, as no other level of government is required to do so; and
- Removal of the voting threshold requirement, as no other level of government in Canada has a voting threshold and it is not required at other levels of government;

THEREFORE BE IT FINALLY RESOLVED the Union of BC Indian Chiefs work with like-minded organizations to call upon the Government of Canada and Members of Parliament to vote against Bill S-4 unless it is amended to acknowledge the inherent right of First Nations to create their own laws and include the recommendations of the AFN; NWAC, First Nation communities and Ministerial Representative.

Moved: Debbie Abbott, Proxy, Skuppah Indian Band
Seconded: Chief Nelson Leon, Adams Lake
Disposition: Carried
Date: September 16, 2010

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UNION OF B.C. INDIAN CHIEFS
42ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-39

RE: B.C. Health Coalition

WHEREAS the Indigenous Nations that belong to the Union of BC Indian Chiefs assert their right to self-determination, particularly in the area of the health and well-being of our communities;

WHEREAS the UBCIC has passed a number of resolutions (2000-10, 2004-16, 2004-21, 2007-06, 2007-18, 2009-65) demanding action be taken in the area of First Nations health, and to close the gaps in health disparities experienced by First Nations, and maintains a role in political advocacy in health as directed by the UBCIC Chiefs Council;

WHEREAS the BC Health Coalition (BCHC) is a network of organizations and individuals representing over 600,000 British Columbians. BCHC champions the protection and expansion of a universal public health care system. They believe (1) health care is a right; (2) access to health care must be equitable; (3) issues that are basic to good health must be addressed;

WHEREAS the BCHC's ongoing priorities are: educating and mobilizing citizens in support of public health care; campaigns supporting seniors, home and community care; stopping the privatization of health care delivery; and advocating for public solutions to the challenges that the health care system faces. BCHC working groups or sub-committees are struck to take on these events, issues, etc;

WHEREAS the BCHC is a progressive advocacy body seeking protection for public health care. Membership within the BCHC would entail general networking with province-wide health advocacy groups, and the potential to develop campaign activities and objectives on specific health areas including First Nations health;

WHEREAS all First Nations in BC have access to public provincial health care in addition to federal health care for First Nations on-reserve and non-insured health benefits. First Nations are directly affected by public health care and thus have an interest in its protection and expansion.

WHEREAS the UBCIC supports the principles of the Canada Health Act, opposes privatization of health care, and supports the principles of the Canadian Health Coalition's Call to Care Statement;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly continues working to advance First Nations' interests in health, by joining the BC Health Coalition.

Moved:

Seconded:

Disposition: TABLED

Date:

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UNION OF B.C. INDIAN CHIEFS
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VANCOUVER, B.C.

Resolution no. 2010-40

RE: Call for Mining Reform and Resignation of Minister of State for Mining

WHEREAS the Takla First Nation and International Human Rights Clinic at Harvard Law jointly developed a study that stated the urgent need for mining reforms in British Columbia as the laws impact the Aboriginal Title and Rights of First Nations. This study, "*Bearing the Burden, the Effects of Mining on First Nations in British Columbia*" was released on June 7, 2010 and the provincial government attacked the study as, "a completely flawed document" and questioned "why Harvard doesn't look in its own backyard or concentrate on places with more egregious offences against indigenous people." Minister of State for Mining Randy Hawes said "the government is not interested in changing its more-than-100-year old free-entry system";

WHEREAS other jurisdictions in Canada, in particular Ontario, have embarked on mining reforms as a result of antiquated laws and conflicts with First Nations and mining exploration companies. Seven Aboriginal leaders went to jail rather than accept mining projects they decided would cause irreparable damage. An appeal court that ordered the release of the chief and council of Kitchenuhmaykoosib Inninuwug in Northern Ontario and a leader of the Ardoch Algonquins in Eastern Ontario cited the province's antiquated mining legislation as part of the problem. Ontario's new mining act, proclaimed last October, affirms Aboriginal and treaty rights;

WHEREAS Indigenous Peoples have endured substantial hardship as a result of European contact including disregard for Aboriginal Title; disease; legislated loss of control over traditional land use; and residential schools, and are in the process of healing. In 2005, the government of British Columbia made a

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commitment to First Nations in BC to establish a government-to-government “New Relationship” based on respect, recognition and accommodation of Aboriginal Title and Rights;

WHEREAS the BC Minister of State for Mining, Randy Hawes, went on record saying, “some First Nations reject mining for a more traditional lifestyle -those ways are linked to lower birth weights, higher birth rate deaths and lower life spans. Improving those outcomes requires sharing the wealth and jobs that come from mining.” Instead of promoting human dignity and the goals of the New Relationship he fuelled racist stereotypes and insulted our cultures. This Minister has refused to apologize or retract these comments;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly strongly object to the unwarranted comments by the BC Minister of State for Mining, Randy Hawes;

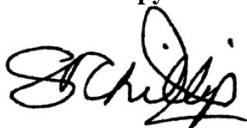
THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly direct the Executive to meet with the Premier to recommend that the Province retract these comments;

THEREFORE BE IT FURTHER RESOLVED that the Union of BC Indian Chiefs-in-Assembly direct the Executive and staff to research and investigate the potential for a legal challenge of the existing BC Environmental Assessment Process and the current BC mining regulations and legislation;

THEREFORE BE IT FINALLY RESOLVED that the Union of BC Indian Chiefs-in-Assembly call upon the Premier to seek the resignation of the Minister of State for Mining, Randy Hawes, and request significant mining reforms, beginning with a review of recommendations from the joint study between Takla Lake First Nation and Harvard Law.

Moved: Chief Fred Robbins, Esketemc First Nation
Seconded: Chief Don Moses, Lower Nicola Indian Band
Disposition: Carried
Date: September 16, 2010

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UNION OF B.C. INDIAN CHIEFS
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SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-41

RE: First Nations' Rejection of a "Property Ownership Act"

WHEREAS First Nations have a relationship with our territories that is rooted in our spirituality as a gift from the Creator;

WHEREAS our spiritual connection with our territories is the foundation of our life as Peoples. First Nations have a sacred responsibility to honour and preserve our spiritual connection to our territories;

WHEREAS the United Nations Declaration on the Rights of Indigenous Peoples affirms First Nations collective rights to our territories and resources;

WHEREAS the Union of BC Indian Chiefs is mandated through its Constitution to uphold the guiding principles in the position paper "Aboriginal Title and Rights" adopted in 1979 and revised in 1985, which states, "Each First Nation collectively maintains Title to the lands in its respective Traditional Territory" and further "Our People consistently state that our Aboriginal Title and Rights cannot be bought, sold, traded or extinguished by any Government under any circumstances";

WHEREAS by Resolution 2010-25, the Union of BC Indian Chiefs-in-Assembly recommended that the draft mandate statement developed by the UBCIC Constitution Committee be supported and endorsed and appended to the Union of BC Indian Chiefs Constitution and Bylaws, and the mandate statement includes that:

"The 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"

WHEREAS in *Delgamuukw v. British Columbia* (1997), the Supreme Court of Canada ruled that Aboriginal Title was never extinguished and therefore takes precedence over fee simple title;

WHEREAS Department of Indian Affairs official Paul Fauteux sent letters to 65 select First Nations to discuss a special project regarding reserve land and First Nations development, and followed up with 33 of those First Nations, and the project appears to advance the idea that privatization of reserve lands would solve First Nations' economic issues;

WHEREAS the First Nation Tax Commission (FNTC) received funding from the Government of Canada to pursue the concept of proposed federal legislation – a "First Nation Property Ownership Act" (POA), and the FNTC is currently meeting with "interested stakeholders, including First Nations" to promote the development of POA legislation and provide a report to the Government of Canada by the December 2010;

WHEREAS the proposed POA would endorse "fee simple title" of First Nation reserved lands, a concept that is in direct contradiction to First Nation sacred responsibilities and distinct relationship to our territories;

WHEREAS this proposed POA would enable First Nation lands to be "transferred to non-First Nation persons" and would erode our collective rights in our reserved lands; and fee simple title will lead ultimately to the

individual privatization of indigenous collective lands and resources and impose the colonizer's model on our Peoples;

WHEREAS the POA literature ignores the ultimate risk that all First Nation lands, currently held in trust by us for our future generations, could disappear through "fee simple title" thereby violating our responsibility to subsequent generations and our sacred treaties;

WHEREAS the POA literature negates the constitutionally protected land rights and those affirmed through treaty;

WHEREAS on July 22, 2010, the Assembly of First Nations passed resolution 44/2010 rejecting a First Nations Property Ownership Act, and recommending that First Nations pass resolutions rejecting this process;

WHEREAS First Nations face extreme barriers to economic development; however, First Nations should not have to extinguish their Aboriginal Title, Rights, and Treaty Rights in order to become economically independent;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly collectively affirm our inherent Aboriginal and Treaty rights and jurisdiction to advance our own land tenure systems as directed and mandated by our peoples, consistent with our spiritual connection with the land;

THEREFORE BE IT FURTHER RESOLVED the Union of BC Indian Chiefs-in-Assembly reject the proposed federal legislation for a First Nation "Property Ownership Act";

THEREFORE BE IT FURTHER RESOLVED that the Union of BC Indian Chiefs-in-Assembly mount a strategic lobby to oppose the proposed federal legislation for a First Nation "Property Ownership Act";

THEREFORE BE IT FURTHER RESOLVED that the Union of BC Indian Chiefs-in-Assembly direct the Executive to convey to the Government of Canada that "stakeholder feedback" is not consultation, and additionally to advocate for more federal funding into stimulating economic development, creating jobs and generating revenues from our territories;

THEREFORE BE IT FINALLY RESOLVED that the Union of BC Indian Chiefs-in-Assembly work with like-minded organizations including the Assembly of First Nations to monitor development of a First Nation Property Ownership Act and communicate any developments to First Nations in BC;

Moved:

Seconded:

Disposition: TABLED

Date:

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UNION OF B.C. INDIAN CHIEFS
42ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-42

RE: The Establishment of the British Columbia First Nations Gaming Commission

WHEREAS First Nations Chiefs in BC object to the fact that First Nations were not consulted, nor were party to the 1985 federal-provincial agreement that unconstitutionally transferred the authority to operate gaming facilities to the provinces who then retained the associated revenues;

WHEREAS First Nations in BC have been discussing the issue of shared revenues and jurisdiction over gaming in British Columbia since 1993. In 2006, a Steering Committee of the BC First Nations Gaming Revenue Sharing Initiative (the "Steering Committee") was established for the purpose of supporting research and developing a gaming revenue sharing proposal via UBCIC Resolution 2007-02 *BC First Nations Gaming Revenue Sharing Initiative*;

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

WHEREAS First Nation communities in all the other provinces of Canada enjoy the annual benefits of multi-million dollar gaming revenues, while BC First Nations continue to receive minimal to no gaming revenue sharing;

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WHEREAS the Steering Committee has repeatedly attempted to engage the Province of British Columbia in negotiations. To date, these attempts have been unsuccessful, as evidenced by the latest reply from Premier Campbell, May 25, 2010, denying the most recent request for a meeting to resolve these issues. In this context, the Steering Committee is seeking to escalate its efforts and establish a formal BC First Nations Gaming Commission;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly acknowledge and confirm our common position that BC gaming legislation does not apply nor have jurisdiction over gaming activities on First Nations lands in British Columbia.;

THEREFORE BE IT FURTHER RESOLVED that the Union of BC Indian Chiefs-in-Assembly support the establishment of the BC First Nations' Gaming Commission;

THEREFORE BE IT FINALLY RESOLVED that the Union of BC Indian Chiefs-in-Assembly direct the Chair and the members of the BC First Nations' Gaming Initiative to:

- (a) Develop a draft terms of reference for the BC First Nations Gaming Commission and table the draft terms of reference for review, discussion and adoption at the November 2010 UBCIC Chiefs Council; and with the intent to
- (b) Pursue all opportunities for regulating, managing and conducting First Nations gaming including traditional gaming, Bingos, Casinos, Lotteries, Video Lottery Terminals (VLTs), internet, and other forms of gaming.

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Chief Fabian Alexis, Okanagan Indian Band
Disposition: Carried
Date: September 16, 2010

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SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-43

RE: UBCIC HST Committee Terms of Reference

WHEREAS the provincial government of British Columbia announced its intentions on September 1, 2009 to adopt the proposed Harmonized Sales Tax (HST), combining BC's 7% provincial sales tax with the 5% federal sales tax, and implemented the HST on July 1, 2010;

WHEREAS First Nations in BC were not consulted about the shift to, and imposition of the new tax regime;

WHEREAS First Nations are sovereign nations who enjoy international recognition through the *United Nations Declaration on the Rights of Indigenous Peoples*, and Constitutional and judicial recognition of our Title, Rights, and Treaty Rights, including the right to tax. The province's unilateral imposition of the HST on First Nations is beyond provincial jurisdiction;

WHEREAS First Nations in BC experience a disproportionately high level of poverty that is rooted in government policies, legislation, and colonialism, and the HST stands to further increase our level of poverty;

WHEREAS the Union of BC Indian Chiefs-in-Assembly created the UBCIC HST Committee through UBCIC Resolution 2009-51 which sets out its mandate:

The HST Committee are tasked to complete the action items of UBCIC Resolution 2009-41, *Support for work regarding Harmonized Sales Tax (HST) and related tax matters*;

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WHEREAS the HST Committee mandate was expanded by Resolution 2010-21, *Support for Legal Challenge to Implementation of HST*;

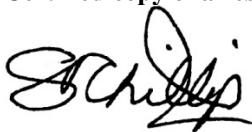
WHEREAS the HST Committee has worked for over a year to advocate for First Nations jurisdiction over taxation in the area of HST;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly hereby endorse the draft Terms of Reference for the UBCIC HST Committee;

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs-in-Assembly direct the UBCIC HST Committee to fulfill its mandate as described in the Terms of Reference, and continue reporting regularly to BC First Nations.

Moved: Chief Ko'waintco Michel, Nooaitch Indian Band
Seconded: Chief Janet Webster, Lytton First Nation
Disposition: Carried
Date: September 16, 2010

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Grand Chief Stewart Phillip, President

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UBCIC Harmonized Sales Tax (HST) Committee Terms of Reference- Draft Two

1.0 Purpose

The HST Committee is tasked to complete the action items of Union of BC Indian Chiefs (UBCIC) work regarding HST and related matters. The HST Committee works with the UBCIC Executive to carry out these action items, and reports to the UBCIC Chiefs Council. The UBCIC Chiefs Council and HST Committee maintain the position that as Indigenous Peoples exercising our sovereignty, First Nations in B.C. have the right to tax.

2.0 Background

The UBCIC Aboriginal Title and Rights Position Paper, revised in 1985, provides a mandate to address issues of jurisdiction and economics including that:

- Only through a process of informed consent may our governing powers of our land be shared;
- The modern expression of our Sovereign Title is called Jurisdiction;
- Each First Nation has the right to define and enforce the areas of Jurisdiction necessary to protect that Nation's Sovereign Title;
- Areas of Jurisdiction over which First Nations may make laws include but are not limited to [areas including]: Economic Rights including resource development, manufacturing, trade, and commerce and fiscal relations.

The UBCIC Chiefs-in-Assembly created the UBCIC HST Committee through UBCIC Resolution 2009-51 which sets out its mandate:

The HST Committee are tasked to complete the action items of UBCIC Resolution 2009-41, *Support for work regarding Harmonized Sales Tax (HST) and related tax matters.*

The UBCIC HST Committee mandate was expanded by Resolution 2010-21, *Support for Legal Challenge to Implementation of HST.*

3.0 Activities

3.1 The HST Committee carries a mandate to complete the action items in Resolutions 2009-41 and 2010-21. Ongoing action items include (but are not limited to):

- Provide direction on UBCIC work related to HST;
- Provide accountability to UBCIC Chiefs Council through regular reports;
- Work with Fight HST Campaign and other like-minded organizations to publicize impacts of HST on First Nations in BC;
- Seek adequate resources to support HST Committee work, and engage technical advisors to prepare a discussion paper analysing other adverse tax policies affecting First Nations;

- Support the Fight HST Campaign in exploring legal options including a constitutional challenge to the implementation of the HST.

And specifically:

- The UBCIC Executive raises concern with Ministries of Finance of provincial and federal governments regarding HST and impacts on BC First Nations, and calling for meaningful consultation and accommodation including:
 - a) Commitments to develop appropriate information packages regarding the application of HST to First Nations;
 - b) Inclusion of specific non-derogation language regarding the preservation of section 87 of *Indian Act* tax exemption and continuing rights of First Nations taxation rights under the *First Nations Goods and Service Tax Act* and First Nations Sales Tax prior to B.C. and Canada signing the Comprehensive Integrated Tax Co-ordination Agreement (CITCA) on September 30, 2009;

Completed action items to date include:

- Prepared report for Chiefs Committee analyzing HST and its impacts on First Nations in BC;
- The UBCIC Executive took immediate action to raise concerns with the Ministries of Finance of provincial and federal governments respectively regarding the prospective implementation of a CITCA and call for the establishment of distinct consultation mechanisms and processes for inclusion of First Nations in all implementation.
- Engaged technical advisors to:
 - Prepare a report analysing the HST and its potential impact on First Nations, including the impact on business developments being advanced by First Nations on lands off-reserve;

4.0 Guiding Principles

4.1 The HST Committee's work will be guided by the principles and approaches in the following documents that constitute part of our UBCIC organizational history:

- The UBCIC Constitution, Bylaws and Resolutions that outline the mandate and direction for all UBCIC work, in particular:
 - UBCIC Resolutions 2009-41, 2009-51, and 2010-21 provide direction for all HST work.
- The *Leadership Accord* that commits the UBCIC to working with the other parties to a just resolution of Aboriginal Title and Rights in British Columbia.
- *Transformative Change Accord* recognizes the importance to First Nations' economic development of supporting First Nations' business and entrepreneurial activity;
- "The New Relationship" documenting the Province of BC and the Leadership Council's commitment to work together to achieve "strong governments, social justice and economic self-sufficiency for First Nations," including "realizing the economic component of Aboriginal Title."

- The “Unity Protocol” signed by First Nations involved in the BC Treaty Process demanding (among other items) that taxation exemptions remain; and by UBCIC Resolution 2007-16, the Chiefs Council supports the position and principles contained in the Unity Protocol.

5.0 Membership and Committee Structure

5.1 The HST Committee will be made up of three (3) representatives of the UBCIC Chiefs Council and one (1) member of the UBCIC Executive for a total of four (4) members.

- a) By UBCIC Resolution 2009-51, the UBCIC Chiefs-in-Assembly appointed three representatives of the UBCIC Chiefs Council to the HST Committee.
- b) The UBCIC Executive will appoint one of its members to serve on the HST Committee.

5.2 The UBCIC Chiefs Council will appoint HST Committee members through UBCIC Resolution and these appointments will be held until:

- a) Voluntary resignation by the HST Committee member;
- b) The HST Committee member’s First Nation/Indian Band fails to be a member- in-good- standing at the UBCIC Chiefs Council;
- c) The UBCIC Executive determines they have fulfilled their term.

5.4 The HST Committee will select one of its members to serve as Chair. The HST Committee Chair will be responsible for chairing meetings and speaking on behalf of the HST Committee when reporting to the UBCIC Chiefs Council.

6.0 Roles and Responsibilities of HST Committee members

6.1 HST Committee members are responsible for working in the best interests of the UBCIC membership.

6.2 HST Committee members will conduct themselves at meetings with respect for all present.

6.3 Each HST Committee member is responsible for keeping up-to-date with Committee issues, activities and meetings.

6.4 Any HST Committee member who misses three (3) consecutive meetings will be asked by the Chair to determine their ability to actively participate in the HST Committee.

6.5 HST Committee members are responsible for working with technical staff to ensure consistent and effective communication amongst UBCIC membership and staff takes place.

6.6 HST Committee members are responsible for working as a cohesive and collaborative group, including collective reporting to the UBCIC Chiefs Council and to UBCIC member communities as requested.

6.7 As per UBCIC Resolutions 2009-41 and 2010-21, the UBCIC HST Committee will work with the UBCIC Executive to communicate with government, other First Nations/Aboriginal political organizations, communities and others with respect to HST Committee work.

7.0 Technical Support

7.1 The HST Committee will receive technical support from UBCIC policy staff.

7.2 UBCIC policy staff will accompany HST Committee members to external meetings when necessary.

8.0 Meetings and Decision-Making

8.1 The HST Committee will meet as required and contingent on funding, and will meet by teleconference when possible.

8.2 A quorum of the HST Committee will consist of a majority of members (50% + 1).

8.4 The HST Committee will strive to make decisions by consensus. When consensus is not possible, the HST Committee will consult with the UBCIC Executive to determine what is in the best interests of the UBCIC.

8.5 The HST Committee will rely on the Chair to work with the technical staff in preparing for meetings, including agendas, briefing materials and reports. If the Chair is not in attendance at an HST Committee meeting, the HST Committee members in attendance will determine a chair for the meeting.

8.6 When relevant, the HST Committee will report on their work at UBCIC Executive meetings during the HST portion of the agenda, either via teleconference or in person.

9.0 Reporting

9.1 As per Resolution 2009-41, the HST Committee will be responsible for reporting to the UBCIC Chiefs Council on current HST Committee work.

12.0 Term

12.1 The HST Committee is a permanent UBCIC committee until it is dissolved through resolution by the UBCIC Chiefs Council.

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UNION OF B.C. INDIAN CHIEFS
42ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-44

RE: New Appointment to HST Committee

WHEREAS by Resolution 2009-51, the Chiefs-in-Assembly nominated and appointed the following to the UBCIC HST Chiefs Committee to complete the action items of Resolution 2009-41, *Support for work regarding Harmonized Sales Tax (HST) and related Tax Matters*:

- Chief Don Moses (Lower Nicola Indian Band), Chief Keith Matthew (Simpw Indian Band) and Chief Mike LeBourdais (Whispering Pines Indian Band);

WHEREAS by Resolution 2010-21, the Union of BC Indian Chiefs Council further directed the Union of BC Indian Chiefs HST Committee and the Union of BC Indian Chiefs Executive to work with the Fight HST Campaign and other like-minded organizations to continue publicizing impacts of the HST on First Nations in BC;

WHEREAS Chief Don Moses resigned from the UBCIC HST Chiefs Committee on September 16, 2010;

WHEREAS the Chiefs-in-Assembly directed that the Chair of the Assembly call for nominations from the floor to participate in the UBCIC HST Chiefs Committee;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly appoint Chief Greg Blain, Ashcroft Indian Band, to the UBCIC HST Chiefs Committee.

Moved: Chief David Walkem, Cooks Ferry Indian Band
Seconded: Chief Keith Matthew, Simpcw First Nation
Disposition: Carried
Date: September 16, 2010

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Grand Chief Stewart Phillip, President

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SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-45

RE: Province's Policy Document "Updated Procedures for Meeting Legal Obligations When Consulting with First Nations – Interim", dated May 7, 2010

WHEREAS Indigenous Nations have always held and continue to hold Title to the lands and resources within their respective Territories;

WHEREAS Aboriginal Title and Rights exist in BC and have never been extinguished and therefore are a burden on any Crown title that may be held by the Province of British Columbia;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), adopted September 13th, 2007 by the UN General Assembly, recognizes that Indigenous peoples have the right to self-determination under international law, which includes rights to autonomy in relation to internal affairs, and rights to freely determine their political status and pursue economic, social and cultural development; and

WHEREAS the UNDRIP also affirms Indigenous rights to own, use, develop and control lands and resources, and requires states to give legal recognition and protection to these rights, through, *inter alia*, obtaining their free, prior and informed consent before adopting legislative or administrative measures affecting Indigenous peoples and before approving any project affecting their lands and resources;

WHEREAS the Province has developed a policy document entitled, "Updated Procedures for Meeting Legal Obligations When Consulting with First Nations – Interim", dated May 7, 2010 (the "Policy");

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WHEREAS the Policy entrenches the Province's *status quo* legal positions, avoids reconciliation, and is contrary to decisions of the Supreme Court of Canada, including the *Morris and Olsen* decision, which held that the Province has no jurisdiction to infringe treaty rights. In the Policy the Province simply assumes jurisdiction to infringe treaty rights;

WHEREAS the Policy was developed without the meaningful and adequate involvement of First Nations in BC;

WHEREAS the Policy continues the dispossession of Indigenous Nations from our homelands, under cover of undertaking a process which is all about form over substance; and

WHEREAS the Policy will directly impact and affect all First Nations in B.C.;

THEREFORE BE IT RESOLVED that Union of BC Indian Chiefs develop a coordinated strategy aimed at compelling BC to comply with the standards and principles set out in the *UN Declaration on the Rights of Indigenous Peoples*;

THEREFORE BE IT FURTHER RESOLVED that part of the coordinated strategy will be for the UBCIC to develop a strategic attack on the Policy including political and coordinated legal action;

THEREFORE BE IT FINALLY RESOLVED that UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with like-minded organizations including the First Nations Summit and the BC Assembly of First Nations to address the Policy and to ensure that the Province meaningfully engages with First Nations in BC with respect to the review of this Policy.

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Chief Rob Edwards, Lower Similkameen Indian Band
Disposition: Carried
Date: September 17, 2010

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UNION OF B.C. INDIAN CHIEFS
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SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-46

RE: Creation of a National Secretariat for Aboriginal Rights Supreme Court Fishing Cases

WHEREAS as Indigenous Peoples, we have Aboriginal Title and Rights and Treaty Rights to our lands, waters and resources and we will exercise our collective, sovereign and inherent authorities and jurisdictions over these lands, waters and resources, including our fisheries;

WHEREAS Article 26 of the *United Nations Declaration on the Rights of Indigenous Peoples* provides that 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;

WHEREAS court decisions affirm that First Nations must be legally consulted and accommodated by the Crown before proposals commence that may impact on Aboriginal Title or Rights or Treaty Rights including the right to fish;

WHEREAS significant Supreme Court Decisions such as *Gladstone*, *Marshall*, *Ahousaht*, *Delgamuukw*, *Haida* and *Sparrow* which directly and indirectly impact Aboriginal Title, Rights and Treaty Rights have not been honourably fulfilled or implemented by the Government of Canada;

WHEREAS federal legislation is required to move these and other Supreme Court Decisions forward on behalf of First Nations across Canada, both treaty and non-treaty;

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WHEREAS the Assembly of First Nations supports the development of a National Secretariat to promote the bridging of the unlawful gap between Supreme Court Decisions and Crown action so that these decisions are honoured and implemented;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly support the establishment of a National Secretariat to:

- a) Promote the implementation of all successful Supreme Court Decisions as well as all Aboriginal and Treaty Rights;
- b) Facilitate and promote the development and enactment of the legislation required to implement Aboriginal and Treaty Rights on behalf of all First Nations across Canada, including, but not limited to, those Section 35 rights confirmed by successful Supreme Court Decisions.

Moved: Chief Donna Gallinger, Nicomen Indian Band
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: September 17, 2010

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VANCOUVER, B.C.

Resolution no. 2010-47

RE: Adoption of Minutes

THEREFORE BE IT RESOLVED THAT the Chiefs-in-Assembly adopt the minutes of the 40th Annual General Assembly (September 2009) as presented.

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Chief Geronimo Squinas, Lhtako Dene Nation
Disposition: Carried
Date: September 17, 2010

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VANCOUVER, B.C.

Resolution no. 2010-48

RE: Adoption of 2009 - 2010 Audited Financial Statements

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly hereby adopt the 2009-2010 Audited Financial Statements as presented at the UBCIC 42nd Anniversary Annual General Assembly meeting of September 17th, 2010.

Moved: Chief Don Moses, Lower Nicola Indian Band
Seconded: Chief Fabian Alexis, Okanagan Indian Band
Disposition: Carried
Date: September 17, 2010

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Resolution no. 2010-49

RE: Appointment to UBCIC Resolutions Committee

WHEREAS the Union of BC Indian Chiefs' By-Laws state that:

XI (a) Prior to the end of each meeting, the Chiefs Council or Chiefs-in-Assembly shall appoint a Resolutions Committee comprised of no less than three and no more than five Full or Active Members who will be responsible with the Executive Committee and UBCIC staff for receiving and reviewing resolutions to be presented at the next Chiefs Council, AGA, or Special General Assembly. If a new Resolutions Committee is not appointed prior to the next meeting, the current Resolutions Committee will continue to sit;

WHEREAS the Union of BC Indian Chiefs-in-Assembly directed the Chair of the Assembly to call for nominations from the floor to participate in the UBCIC Resolutions Committee;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly hereby appoint the following persons as the Resolutions Committee of the Union of BC Indian Chiefs:

1. Chief Coreen Child, Kwakiutl Band Council
2. Chief Wayne Christian, Splats'in First Nation
3. Chief Ko'waintco Michel, Nooaitch Indian Band

Moved: Chief Don Moses, Lower Nicola Indian Band
Seconded: Chief Dalton Silver, Sumas First Nation
Disposition: Carried
Date: September 17, 2010

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VANCOUVER, B.C.

Resolution no. 2010-50

Re: BDO Dunwoody Reappointment

WHEREAS BDO Dunwoody was appointed as the UBCIC Auditors at the 40th Annual General Assembly (September 2009); and

WHEREAS BDO Dunwoody has acted professionally and to the expectations of the UBCIC in fulfilling of the necessary Audit requirements to complete the Annual Audit;

WHEREAS the UBCIC 2009-2010 final audit was due for UBCIC Executive review by July 31, 2010; and

THEREFORE BE IT RESOLVED that BDO Dunwoody be reappointed as Auditors of the UBCIC to complete the 2010-2011 Annual Audit for the organization.

Moved: Chief Nelson Leon, Adams Lake Indian Band
Seconded: John Williams, Proxy, Splats'in First Nation
Disposition: Carried
Date: September 17, 2010

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