

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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## **UBCIC Resolutions from 2011 AGA, September 14<sup>th</sup>-16<sup>th</sup>, 2011** **Passed unless Noted as “Tabled”**

- |         |   |
|---------|---|
| 2011-31 | Adoption of Agenda  |
| 2011-32 | [TABLED] Support for BC Collaborative Watershed Governance Accord   |
| 2011-33 | Consultation on Changes to the <i>Clean Energy Act</i>  |
| 2011-34 | Utilities Refusal to Honour Tax Exemption on Reserve  |
| 2011-35 | UBCIC Support for Tsilhqot'in Nation and Call for Rejection of the “New Prosperity” Mine  |
| 2011-36 | Support for the Strategic Direction of the First Nations Fisheries Council  |
| 2011-37 | [TABLED] Support for the First Nations Fisheries Council's proposal to DFO “Fishing For a Better Future” for renewal of the PICFI program |
| 2011-38 | Further Support for Indian Residential Day Scholars   |
| 2011-39 | Support for Negotiation of Tripartite Education Agreement   |
| 2011-40 | Support for a Voluntary BC First Nations Coalition on Specific Claims   |
| 2011-41 | UBCIC Appointments to First Nations Technology Council  |
| 2011-42 | Provincial Commitments Regarding First Nations Children   |
| 2011-43 | Support for Bonaparte Plateau Bands to Receive Consultation Funding from MFLNRO   |
| 2011-44 | Dissolution of UBCIC HST Committee  |
| 2011-45 | Adoption of 2010-2011 Audited Financial Statements  |
| 2011-46 | Auditor Appointment   |
| 2011-47 | Support for Advancing Kwakiutl School Construction and Addition to Reserve  |
| 2011-48 | Adoption of 42 <sup>nd</sup> AGA Minutes  |
| 2011-49 | Support for First Nations Heritage Conservation Action Plan without Infringement on Nations   |
| 2011-50 | Appointment Resolutions Committee   |

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UNION OF B.C. INDIAN CHIEFS  
43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

**Resolution no. 2011-31**

## **RE: Adoption of Agenda**

**BE IT RESOLVED** that the UBCIC Chiefs-in-Assembly ratify the agenda, with amendments as noted from the floor and recorded in the minutes.

**Moved:** Chief Shane Gottfriedson, Tkeml'úps te Secwépemc  
**Seconded:** Chief Rick Denault, Skeetchestn Indian Band  
**Disposition:** Carried  
**Date:** September 14<sup>th</sup>, 2011

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Certified copy of a resolution adopted on the 14<sup>th</sup> day of September of 2011 in Whistler, British Columbia

Grand Chief Stewart Phillip, President

**UNION OF B.C. INDIAN CHIEFS  
43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.**

**Draft Resolution no. 2011-32**

**RE: Support for BC Collaborative Watershed Governance Accord**

**WHEREAS** a Steering Committee comprised of representatives from First Nations, First Nations organizations, and federal, provincial, and local governments was established to facilitate information sharing and dialogue that would contribute to a collaborative watershed governance document, to be signed and implemented by the parties represented on the Steering Committee;

**WHEREAS** the Steering Committee, coordinated by the Fraser Basin Council, met three times in 2010 and drafted a *BC Collaborative Watershed Governance Accord* which is intended to provide guidance by outlining a more collaborative and inclusive way of doing business in watersheds and to bring about more inclusive, broadly based decisions that are cognizant and respectful of competing interests;

**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** the purpose of the *BC Collaborative Watershed Governance Accord* is to encourage agencies, governments, including First Nations, organizations and commercial interests throughout BC to work more collaboratively within watersheds by implementing agreed-upon guiding principles to attain enduring healthy, resilient watersheds for the benefit of those ecosystems, communities and the resource economies that depend on them;

**WHEREAS** an early draft of the *BC Collaborative Watershed Governance Accord* was tabled as information at the March 2011 UBCIC Chiefs Council meeting, and further revisions were subsequently made;

**WHEREAS** the final draft of the *BC Collaborative Watershed Governance Accord* was tabled at the September 2011 UBCIC Annual General Assembly for consideration of endorsement.

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs-in-Assembly support the *BC Collaborative Watershed Governance Accord*;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to sign the *BC Collaborative Watershed Governance Accord* on behalf of UBCIC, and circulate a final copy to the UBCIC Chiefs Council;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call on the Fraser Basin Council to ensure that *BC Collaborative Watershed Governance Accord* is implemented in full accordance with the United Nations *Declaration on the Rights of Indigenous Peoples*;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly call on the Fraser Basin Council to provide regular updates to the UBCIC Chiefs Council on implementation of the *BC Collaborative Watershed Governance Accord*.

**Moved:** Kukpi7 Wayne Christian, Splatzin  
**Seconded:** Chief Fred Robbins, Esketemc First Nation  
**Disposition:** Tabled  
**Date:** September 15<sup>th</sup>, 2011

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SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

Resolution no. 2011-33

**RE: Consultation on Changes to the *Clean Energy Act***

**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 Government of British Columbia completed a review of BC Hydro in late June in order to provide recommendations and options for minimizing the rate increase, and as a result of the BC Hydro Review, the Ministry of Energy and Mines is now working on making amendments to the *BC Clean Energy Act*;

**WHEREAS** the key amendment being proposed to the *BC Clean Energy Act* is to change the self-sufficiency provisions which currently require BC Hydro to be self-sufficient by 2016 at critical water levels, which will have the effect of reducing the need to acquire local renewable generation and may reduce or eliminate the need for clean power calls;

**WHEREAS** clean energy projects provide significant economic, environmental and social benefits to BC First Nations;

**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;

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Grand Chief Stewart Phillip, President

**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 Crown has a duty to consult, and where appropriate, accommodate when the Crown contemplates conduct that may adversely impact potential or established constitutionally protected Aboriginal or Treaty rights. This duty is grounded in court decisions including the Haida and Taku River decisions in 2004 and the Mikisew Cree decision in 2005, and arises from the Honour of the Crown and the Crown's relationship with Aboriginal peoples;

**WHEREAS** the Government of British Columbia originally passed the BC *Clean Energy Act* on June 3, 2010 without consultation with First Nations;

**WHEREAS** prior to the passing of the *Clean Energy Act*, in May 2010, the First Nations Leadership Council issued a statement from 47 participating First Nations expressing concerns with the proposed *Clean Energy Act*. At that time, the leaders asked for the opportunity to provide amendments prior to the passage of the bill and the government flatly refused to allow for amendments by First Nations; and,

**WHEREAS** amendments to the *Clean Energy Act* are being made, once again, without consultation with First Nations as is required by law and in keeping with the Honour of the Crown and the spirit of reconciliation.

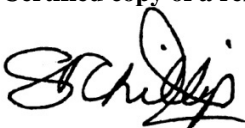
**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to immediately and on a priority basis work with the BC Assembly of First Nations and the First Nations Summit to meet Minister Coleman and Premier Clark and ensure there is an adequate process initiated for consultations with First Nations on any amendments to the BC Clean Energy Act;

**THEREFORE BE IT FURTHER RESOLVED** that in particular, the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to communicate to the Government of BC that any amendments to the *Clean Energy Act* must provide for economic, environmental and social benefits for First Nations and opportunities for development of clean energy projects within their environmental standards.

**Moved:** Chief Don Harris, Douglas First Nation  
**Seconded:** Chief Nelson Leon, Adams Lake Indian Band  
**Disposition:** Carried  
**Date:** September 15<sup>th</sup>, 2011

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Grand Chief Stewart Phillip, President

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## **Background**

The Government of British Columbia completed a review of BC Hydro in late June in order to provide recommendations and options for minimizing the rate increase. It appears that the Minister of Energy of Mines (Rich Coleman) is moving to have the *Clean Energy Act* amended. The key amendment is to change the Self-sufficiency provisions and have it pegged to Average Water versus Critical Water. The messaging will be that this is part of the package to reduce hydro rates going forward (to help families) because it will push forward the date at which new electricity will need to be acquired.

This change to the self-sufficiency provision could have the effect of reducing need to acquire 5,000 – 8,000 GWHs meaning a power call will not be needed for a long while.

A policy change hurts the Clean Energy sector and it could also hurt economic development progress and prospects of several First Nations that currently involved in this sector.

In May 2010, the First Nations Leadership Council issued a joint statement from 47 participating First Nations expressing concerns with the proposed *BC Clean Energy Act*. The leaders asked for the opportunity to provide amendments prior to the passage of the bill. The government refused to delay the passing of the legislation to allow for amendments by First Nations.

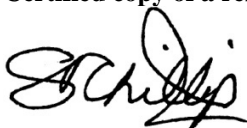
A subsequent meeting was held on June 1, 2010 with members of the Leadership Council and the Ministers of Aboriginal Relations and Reconciliation and Energy Mines and Petroleum Resources. At this meeting the First Nations expressed their disappointment in the approach that the government took in creating the Act and the lack of substantial content within the Act to support First Nations' full involvement in the clean energy sector. The government officials made a commitment to establish a table to further discuss the concerns of the First Nations and in particular the gaps between the First Nations recommendations prior to the passing of the legislation and what ultimately ended up in the Clean Energy Act.

Amendments to the *Clean Energy Act* are being made, once again, without consultation with First Nations as is required by law and in keeping with the Honour of the Crown and the spirit of reconciliation.

The *Clean Energy Act* is provincial policy that affects all First Nations.

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Grand Chief Stewart Phillip, President

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### UNION OF B.C. INDIAN CHIEFS 43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011 WHISTLER, B.C.

**Resolution no. 2011-34**

#### **RE: Utilities Refusal to Honour Tax Exemption on Reserve**

**WHEREAS** energy utility and telecommunication companies in BC (i.e. Telus, Fortis BC, BC Hydro, Shaw Cable, Rogers, etc) are charging First Nations and their members living on reserve taxes that the First Nations are exempt from paying under s.87 of the *Indian Act*, which applies to goods bought on, or delivered to, a reserve;

**WHEREAS** many of the utility companies are aware of the fact that they are charging taxes incorrectly but have internal reverse onus policies with respect to First Nation tax exemption (meaning the onus for tax exemption rests with the customer and the company will only apply tax exemption if it is pointed out by the First Nation customer);

**WHEREAS** the utility companies owe many years of back taxes to First Nations individuals and communities;

**WHEREAS** the United Nations *Declaration on the Rights of Indigenous Peoples* sets out in Article 40 that “Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights.”

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Grand Chief Stewart Phillip, President



**WHEREAS** the utility companies have the ability to proactively put into place systems to address their incorrect collection of taxes from First Nations but prefer to save administrative dollars by ignoring the issue;

**WHEREAS** some of the utility companies have a policy of only reimbursing the collection taxes for a period of two years and only if their customer first identifies themselves and submits paperwork requesting reimbursement;

**WHEREAS** some utility companies who are aware that they are incorrectly collecting taxes from First Nations on reserve may be in breach of the Federal and Provincial Tax legislation.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly demand that utility and telecommunications companies must be creating systems to proactively identify their non-taxable accounts;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to communicate to the utility and telecommunications companies in BC, that they should immediately start reimbursing all of the accounts that have had taxes incorrectly collected, and seek written assurances that they will honour all taxation exemptions in the future as per s.87 of the *Indian Act*; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to look into the potential of a class action suit against utility and telecommunications companies that are not reimbursing the incorrectly collected taxes and that continue to knowingly tax First Nations incorrectly.

**Moved:** Chief Nelson Leon, Adams Lake Indian Band

**Seconded:** Kukpi7 Wayne Christian, Splatshin

**Disposition:** Carried

**Date:** September 15<sup>th</sup>, 2011

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SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

Draft Resolution no. 2011-35

**RE: UBCIC Support for Tsilhqot'in Nation and Call for Rejection of the "New Prosperity" Mine**

**WHEREAS** the Tsilhqot'in Nation, with the support of the Assembly of First Nations, Union of BC Indian Chiefs, and First Nations Summit, successfully defended their Aboriginal Title, Rights and the integrity of their lands and waters threatened by the Prosperity Gold-Copper Mine (the "Project"), which sought to completely destroy Teztan Biny (Fish Lake) and Nabas areas;

**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 rights or title" and on threatened grizzly bears and grizzly bear habitat;

**WHEREAS** the Panel specifically concluded that the mine would permanently destroy lands and waters described as an "important and spiritual area" for the Tsilhqot'in people, and 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** the Panel noted that even the alternative Project proposals considered by the company, which might preserve the integrity of Teztan Biny (Fish Lake), would also have significant adverse impacts, and that "the

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proximity of the open pit and associated mining facilities would be close enough to Teztan Biny (Fish Lake) to eliminate the intrinsic value of the area to First Nations even if another alternative were chosen”;

**WHEREAS** the Union of B.C. Indian Chiefs has provided unwavering support to the Tsilhqot’in Nation throughout the process, as mandated by UBCIC Resolution 2010-32, including written submissions and presentations by Grand Chief Stewart Phillip before the Federal Review Panel, which called upon the Federal Government to reject the proposed Prosperity Gold-Copper;

**WHEREAS** the Government of Canada has recognized the United Nations *Declaration on the Rights of Indigenous Peoples*, which identifies the Aboriginal right to *free, prior and informed consent* regarding all development on traditional lands;

**WHEREAS** in November 2010, the Government of Canada made the only responsible decision available to it, and rejected the Project based upon the Panel’s assessment that Minister of Environment Jim Prentice described as “scathing” and “probably the most condemning report that I’ve seen”;

**WHEREAS** since the November 2010 decision, without the consent or support of the Tsilhqot’in Nation, the proponent has twice submitted one of its alternative proposals to the Federal government. The revised proposal was previously identified by both the proponent and the Panel as an unviable option, in part because it would be even more environmentally damaging.

**WHEREAS** the alternative proposal would still completely destroy the Nabas area, Little Fish Lake, Fish Creek, and surround Teztan Biny with a 2 km wide open pit, a massive tailings pond and other mine works, and would still threaten the integrity of Teztan Biny;

**WHEREAS** the Tsilhqot’in Nation view the latest revised proposal as equally or more destructive than the first, and one which does not address the severe environmental and cultural impacts identified by the independent Panel;

**WHEREAS** the Tsilhqot’in Nation view the willingness of the company to proceed to another review and to build a mine without the consent of the Tsilhqot’in Nation as an indication that it does not respect Aboriginal Title and Rights.

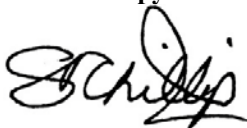
**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support the efforts of the Tsilhqot’in Nation to protect their lands of profound cultural and spiritual value to its people from the proposed New Prosperity Gold-Copper Mine, and will stand behind the Tsilhqot’in Nation in defense of these lands regardless of whether the Federal and Provincial governments deem the new proposal worthy of review or approval;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call upon the Federal and Provincial Governments to heed the cautions of the independent Panel, demonstrate commitment to environmental protection and the cultural survival of First Nations, and deem the New Prosperity Gold-Copper Mine proposal not worthy of environmental review or approval;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly advise the Federal and Provincial Governments that First Nations across Canada are watching their decisions 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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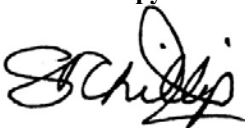
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly caution the Federal and Provincial Governments, that proceeding with a review of the proposed New Prosperity Gold-Copper Mine, despite the clear warnings of the independent Panel and the clear objection of the Tsilhqot'in Nation, would demonstrate utter disregard for the survival of First Nations as distinctive cultures within Canada and its commitment to the United Nations *Declaration on the Rights of Indigenous Peoples*;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to continue advocating on behalf of the Tsilhqot'in Nation, and to communicate the clear support of the UBCIC Chiefs-in-Assembly for the Tsilhqot'in Nation and for the rejection of the new Prosperity Gold-Copper Mine to the Federal and Provincial governments.

**Moved:** Chief Francis Laceese, Toosey Indian Band  
**Seconded:** Chief Marilyn Baptiste, Xeni Gwet'in First Nation  
**Disposition:** Carried  
**Date:** September 15<sup>th</sup>, 2011

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UNION OF B.C. INDIAN CHIEFS  
ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

Resolution no. 2011-36

**RE: Support for the Strategic Direction of the First Nations Fisheries Council**

**WHEREAS** the First Nations Fisheries Council has a mandate to work with, and on behalf of British Columbia First Nations to: advance and protect First Nations Title and Rights, and Treaty Rights, related to fisheries and aquatic resources, including priority access for food, social, cultural and economic purposes; support First Nations to build and maintain capacity related to fishing; planning, policy, management and decision-making at a variety of scales (local, regional, national and international); and facilitate discussions related to the development of a British Columbia-wide First Nations-based collaborative management framework that recognizes and respects First Nations jurisdiction, management authority and responsibilities;

**WHEREAS** a clear governance mechanism to complement the voices of First Nation communities is required to effectively mitigate challenges, navigate management complexities and leverage opportunities in advancing First Nations interests with regards to fisheries in B.C.;

**WHEREAS** the United Nations *Declaration on the Rights of Indigenous Peoples* sets out:

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

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

**WHEREAS** the next three years, from 2012 to 2015, will be a period of considerable opportunity and challenge for First Nations fisheries in the province of British Columbia. The conclusion of substantive programming such as the Pacific Integrated Commercial Fisheries Initiative in March 2012, the pending June 2012 release of the final report from the Commission of Inquiry into the Decline of Sockeye Salmon in the Fraser River, the implementation of federal Pacific Aquaculture Regulations, and Fisheries & Oceans Canada's introduction of evolving governance frameworks will unquestionably alter the operational and political climate in the Region and in the Pacific fisheries;

**WHEREAS** the Union of B.C. Indian Chiefs, the B.C. Assembly of First Nations, and the First Nations Summit signed the Leadership Accord in 2005, committing to work together on issues of common interest or concern among First Nations in British Columbia, and work collectively on certain issues under the umbrella of the "First Nations Leadership Council," and this continued work was endorsed at an All-Chiefs' Assembly in November-December, 2010;

**WHEREAS** it is recognized that the First Nations Leadership Council's Terms of Reference and Accountability Framework (2011) establish standards for tools and procedures for seeking community direction, external reporting and communication, coordinated strategies and reciprocal accountabilities. As an organization, the First Nations Fisheries Council will uphold the principles outlined in the First Nations Leadership Council Accountability Framework, specifically:

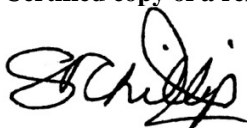
- 3.1 Promote and strive toward unity among the First Nations Leadership Council and councils, working groups, committees and partner organizations in order to best meet the needs of Nations in a coordinated and positive way, to be maintained by open and respectful communication and information sharing.*
- 3.2 Respect and recognition of unique mandates, histories, governance structures, and funding obligations of the First Nations Leadership Council and each council, working group, committee and partner organization;*

**WHEREAS** an overarching element of the strategic direction for the First Nations Fisheries Council is the need for a clear, effective governance mechanism to link the work of the First Nations Fisheries Council to First Nations communities, the high-level First Nations political arena in B.C. including the First Nations Leadership Council, and aggregate fisheries organizations in B.C.;

**WHEREAS** First Nations in British Columbia can work to influence the integrated planning and management of fisheries and aquatic resources and address the current deficiency of consultation and perceived marginalization of *Section 35(1)* of the Constitution Act, 1982 at various scales and with respect to multiple issues, species and socio-economic contexts, by establishing clear processes and cohesive messaging, and linking the political and technical capacities of the First Nations Leadership Council, and the First Nations Fisheries Council.

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Grand Chief Stewart Phillip, President

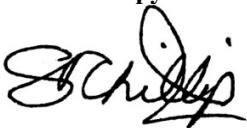
**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs-in-Assembly calls on the First Nations Fisheries Council and the First Nations Leadership Council to affirm respective intentions to work together in a cooperative and mutually supportive manner in order to coordinate policy and technical assets towards specific advocacy and communication objectives, and to develop a *Declaration & Protocol*, which clarifies the respective roles and responsibilities of each party in addressing sectoral issues and priorities identified by First Nations;

**THEREFORE BE IT FINALLY RESOLVED** that complementary to this process, the UBCIC Chiefs-in-Assembly calls on the First Nations Fisheries Council to follow up on a process for relationship building with local, regional and watershed-level groups, through a similar relationship document.

**Moved:** Chief Dalton Silver, Sumas First Nation  
**Seconded:** Terry Dorwood, proxy, Tla-o-qui-aht First Nation  
**Disposition:** Carried  
Abstention: Chief Roger Adolph, Xaxli'p First Nation  
Opposed: Chief Francis Laceese, Toosey Indian Band  
**Date:** September 15<sup>th</sup>, 2011

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Certified copy of a resolution adopted on the 15<sup>th</sup> day of September of 2011 in Whistler, British Columbia



Grand Chief Stewart Phillip, President

UNION OF B.C. INDIAN CHIEFS  
43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

Resolution no. 2011-37

**RE: Support for the First Nations Fisheries Council's proposal to DFO "Fishing For a Better Future" for renewal of the PICFI program**

**WHEREAS** the First Nations Fisheries Council (FNFC) has been actively pursuing increased economic access to fisheries as supported by the BC First Nations Fisheries Action Plan (2007) and the Commitment to Action that the FNFC and DFO signed in June 2011 and the work of the Economic Access Work Group made up of First Nations and DFO members;

**WHEREAS** the United Nations *Declaration on the Rights of Indigenous Peoples* sets out:

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

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

**WHEREAS** in 2007, Fisheries & Oceans Canada introduced the Pacific Integrated Commercial Fisheries Initiative (PICFI), a \$175 million investment in the Pacific fisheries over a five-year period (2007-2012) for economic access, enhanced accountability, capacity building and co-management. PICFI is a sunset program due to end on March 31, 2012. The economic access component of the program that has a budget of \$115 million currently supports 25 First Nation commercial fishing enterprises in the province, encompassing 90 First Nations. The need for accelerated economic access transfers was identified by the First Nations Panel on Fisheries in 2004 and was supported by DFO through Pacific Fisheries Reform policies in 2005 resulting in PICFI;

**WHEREAS** PICFI transfers access and allocations to First Nations on an interim basis prior to reconciliation or agreement processes, but as acknowledged in UBCIC Resolution 2009-50, PICFI is not an adequate response to the asserted Title, Rights and Treaty Rights of First Nations with respect to their interests in economic aspects of the fisheries. Additional First Nations transfers are needed, as well as continued funding to continue to address food security, fisheries sustainability, and meaningful First Nation involvement in fisheries management and multi-tier advisory processes;

**WHEREAS** at a FNFC Community Dialogue Session in Richmond on June 7-8, 2011 the Economic Access Working Group presented a draft document, "Fishing for a Better Future," that outlined a business case for renewal of PICFI from 2012 – 2017 on behalf of British Columbia First Nations. At this session First Nations delegates urged the FNFC to continue to advocate for an increased share of commercial fisheries for First Nations. A revised document was adopted by the First Nations Fisheries Council in July 2010;



**WHEREAS** at the Dialogue Session, First Nations recommended the continuation of the PICFI program for a second five-year term. The current proposal requires \$450 million to support the following activities:

- **Economic Access** is the largest component (\$405 million) and will focus on additional transfers of communal commercial licenses or allocations to First Nations. The target is an additional 20 percent of licenses and quota, especially for fisheries of high value and profitability. The goal is to bring the First Nation communal share of commercial fisheries to 33 percent. A portion of the funds will be used to explore alternative management and access strategies to enhance benefits for communities and businesses. The transfers will result in stronger and more diversified business opportunities for First Nations.
- **Capacity Building** will support training, such as safety, navigation, mentorships, and harvesting and processing certifications, to assist the expansion of communal commercial fishing opportunities in First Nation communities. Funds for ongoing business operations, management and development for commercial fishing enterprises will also be provided. This enhances First Nations financial and administrative stability, an important element in fostering enduring relationships with government, stakeholders and investors.
- **Joint Management** will support strategies, recommendations and projects that improve First Nations engagement in the integrated management of fisheries and aquatic resources.
- **Enhanced Accountability** will support current initiatives related to the development of standards for the monitoring and traceability of fish and new initiatives related to compliance and enforcement within all fisheries, including aboriginal, recreational and commercial.

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs-in-Assembly support the First Nations Fisheries Council in continuing to advocate for the economic aspects of the fisheries, and in the interim, to advocate for an increased share of commercial fisheries for First Nations;

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs-in-Assembly support-in-principle the attached document, “Fishing for a Better Future” the First Nations` business case for renewal of the Pacific Integrated Commercial Fishing Initiative (PICFI) from 2012 – 2017, and will communicate this support to Assembly of First Nations National Chief Shawn Atleo, senior DFO officials, and key federal Cabinet Ministers including the Minister of Fisheries and Oceans and the Minister of Aboriginal Affairs and Northern Development;

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to meet with First Nations Fisheries Council representatives to review a strategy for building support for renewal of PICFI before the end of September 2011, and to participate in implementation of the strategy including participating in meetings with key federal government decision-makers and policy-makers or others as required.

**Moved:** Chief William Rebang, Shxwhá:y Village  
**Seconded:** Chief Rick Denault, Skeetchestn Indian Band  
**Disposition:** Tabled  
**Date:** September 15<sup>th</sup>, 2011

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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UNION OF B.C. INDIAN CHIEFS  
43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

Resolution no. 2011-38

**RE: Further Support for Indian Residential Day Scholars**

**WHEREAS** the Union of BC Indian Chiefs supports just compensation for all Residential School Survivors, including Day Scholars and Day Students;

**WHEREAS** the Day Scholars and Day Students claims were not pursued by the Assembly of First Nations (AFN) in the 2006 Settlement Agreement. Day Scholars attended Indian Residential School during the day while Day Students attended federally operated schools;

**WHEREAS** Tk'emlúps te Secwépemc and Sechelt First Nation members – as well as members of many other First Nations endured loss of culture, loss of language, and emotional, spiritual, sexual, physical, and psychological abuse and other injustices while attending Indian Residential School as Day Scholars and Day Students. This severely affected them and their children, now grandchildren and they have not been compensated;

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

**Article 8.1:** Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

**Article 8.2:** States shall provide effective mechanisms for prevention of, and redress for:

- a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
- b) Any action which has the aim of or effect of dispossessing them of their lands, territories or resources;
- c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

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Grand Chief Stewart Phillip, President

- d) Any form of forced assimilation or integration;
- e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

**WHEREAS** Tk'emlúps te Secwépemc and Sechelt First Nation collaborated and joined forces to pursue redress and to ensure ongoing funding for healing for Day Scholars and Day Students;

**WHEREAS** the Tk'emlúps te Secwépemc are committed to obtaining redress for Day Scholars and Day Students and have committed financial resources to date and have agreed jointly with the Sechelt First Nation to cost share a future class action suit against the Government of Canada;

**WHEREAS** the Tk'emlúps te Secwépemc and Sechelt First Nations will launch their class action suit (the "Tk'emlúps –Sechelt Day Scholar Class Action") and invite other affected First Nations who are financially able to join their suit;

**WHEREAS** by Resolution 2010-34, the UBCIC Chiefs-in-Assembly resolved that failing any progress with a settlement package for Day Scholars, the Chiefs-in-Assembly would 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;

**WHEREAS** the Tk'emlúps te Secwépemc and Sechelt First Nation will remain the "Instructing parties" of the Day Scholars and Day Students Class Action.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly will provide moral, political, legal, and other support as able to the Tk'emlúps te Secwépemc and Sechelt First Nation Day Scholars and Day Students Class Action;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to demand that the Government of Canada extend automatic compensation to the Tk'emlúps te Secwépemc and Sechelt First Nation Day Scholars and Day Students and all other affected Day Scholars and Day Students from other First Nations, or in the alternative, demand that the Government of Canada pay Day Scholars and Day Students compensation reflecting an increase of 30% over the Common Experience Payments provided to former residents of Indian Residential Schools under the 2006 Indian Residential Settlement Agreement;

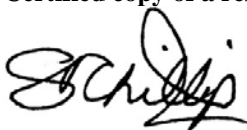
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to further demand that the Government of Canada provide redress for the Day Scholars and Day Students to include an ongoing financial commitment for the required healing and support systems and processes in each community;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly will continue to act in the best interest of the Day Scholars and Day Students by advocating to the Government of Canada for just compensation for Day Scholars and Day Students.

**Moved:** Chief Shane Gottfriedson, Tk'emlúps te Secwépemc  
**Seconded:** Chief Rick Denault, Skeetchestn Indian Band  
**Disposition:** Carried  
**Date:** September 15<sup>th</sup>, 2011

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Certified copy of a resolution adopted on the 15<sup>th</sup> day of September of 2011 in Whistler, British Columbia



Grand Chief Stewart Phillip, President

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UNION OF B.C. INDIAN CHIEFS  
43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

Resolution no. 2011-39

**RE: Support for Negotiation of Tripartite Education Agreement**

**WHEREAS** First Nations in BC have been working together for almost two decades to advance quality educational opportunities and improve educational outcomes for First Nations students and, through their collective efforts, have established a solid foundation for a comprehensive, integrated, well-supported BC First Nations education system, which is founded on First Nations' languages and cultures and reflects the values and traditions of First Nations communities;

**WHEREAS** First Nations in BC have demonstrated, through their engagement in the First Nations Education Steering Committee (FNESC) and the First Nations Schools Association (FNSA), the capacity to implement research-based and relevant programs to support First Nations schools to deliver quality education and improve student outcomes;

**WHEREAS** in December 2010, the federal government unilaterally introduced a new approach, which provided First Nations with three options for funding First Nations schools:

- Option 1: a return to the national Band Operated Funding Formula (BOFF);
- Option 2: engagement in implementation-ready tripartite agreement; or
- Option 3 – First Nations education jurisdiction with Own Source Revenue (OSR);

**WHEREAS** FNESC negotiators are currently engaged in discussions with Aboriginal Affairs and Northern Development Canada (AANDC) on implementing Option 2 and have negotiated a draft tripartite education framework agreement (Tripartite Education Agreement) that is intended to benefit First Nations

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Grand Chief Stewart Phillip, President

schools and support the BC First Nations education system, without providing any provincial oversight over First Nations schools;

**WHEREAS** the draft Tripartite Education Agreement, a copy of which is attached to this resolution for information purposes, provides the following:

- Recognition of and support for the BC First Nations education system developed by FNEESC and the FNSA;
- Sustainable funding approach;
- Reduced proposal and report writing;
- Secure funding for second level services (such as school assessment, professional development for teachers and principals, management of data collection on performance measures, distance education);
- Greater ability to tailor second level services to meet the unique education needs and priorities of First Nations students and communities;
- New interim funding approaches for transportation and technology, with a commitment to jointly develop a long-term approach; and
- A primacy clause that ensures this agreement will prevail over other federal policies and guidelines that are incompatible with it;

**WHEREAS** the United Nations *Declaration on the Rights of Indigenous Peoples* state as follows:

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

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

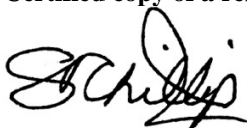
**WHEREAS** over 170 representatives of First Nations and First Nations Schools attended an information meeting hosted by FNEESC on August 25, 2011 to review the draft Tripartite Education Agreement and provided general direction to the FNEESC negotiating team to continue the negotiations to finalize the agreement and advance the new funding model;

**WHEREAS** the members of FNEESC are individual First Nations and the Board of Directors of FNEESC, which includes one director appointed by each member First Nation, will meet in November 2011 to review and, if acceptable, approve the proposed Tripartite Education Agreement;

**WHEREAS** individual First Nations will be able to decide whether to participate in this initiative after they have received financial information on the tripartite model that is specific to their community;

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Grand Chief Stewart Phillip, President

**WHEREAS** by UBCIC Resolution 2011-24, the UBCIC Chiefs Council unanimously supports the comprehensive First Nations K-12 Education System that has been designed.

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly fully support the continued efforts of FNEESC to negotiate and finalize a draft tripartite education framework agreement (Tripartite Education Agreement) with Canada and British Columbia.

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly agree that it is the responsibility of the FNEESC Board of Directors to review and, if acceptable, approve the final version of the Tripartite Education Agreement.

**Moved:** Chief Nelson Leon, Adams Lake Indian Band

**Seconded:** Chief Janet Webster, Lytton First Nation

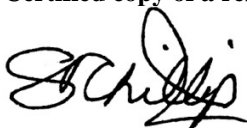
**Disposition:** Carried

Opposed: Diane Louis, proxy for Okanagan Indian Band

**Date:** September 15<sup>th</sup>, 2011

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Certified copy of a resolution adopted on the 15<sup>th</sup> day of September of 2011 in Whistler, British Columbia



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Grand Chief Stewart Phillip, President

## **BRIEFING NOTE**

**TO: UBCIC CHIEFS COUNCIL**  
**FROM: FIRST NATIONS EDUCATION STEERING COMMITTEE**  
**DATE: AUGUST 30, 2011**  
**RE: SUPPORT FOR NEGOTIATION OF TRIPARTITE EDUCATION AGREEMENT**

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### **PURPOSE**

This resolution relates to the development of a new funding model to support First Nations schools. This model is being developed through negotiations between the First Nations Education Steering Committee (FNESC) and Aboriginal Affairs and Northern Development Canada (AANDC). This model is intended to be implemented through a tripartite education framework agreement (Tripartite Education Agreement). The new funding model will be made available to all First Nations that operate First Nations schools that are funded by AANDC. However, First Nations that do not wish to participate in the new funding model will not be required to do so.

### **BACKGROUND**

First Nations in BC have been working together for almost two decades to advance quality educational opportunities and improve educational outcomes for First Nations students and, through their collective efforts, have established a solid foundation for a comprehensive, integrated, well-supported BC First Nations education system, which is founded on First Nations' languages and cultures and reflects the values and traditions of First Nations communities.

First Nations in BC have demonstrated, through their engagement in FNESC and the First Nations Schools Association (FNSA), the capacity to implement research-based and relevant programs to support First Nations schools to deliver quality education and improve student outcomes.

In December 2010, the federal government unilaterally introduced a new approach, which provided First Nations with three options for funding First Nations schools:

- Option 1: a return to the national Band Operated Funding Formula (BOFF);
- Option 2: engagement in implementation-ready tripartite agreement; or
- Option 3 – First Nations education jurisdiction with Own Source Revenue (OSR).

The process by which the options were developed did not include consultation with FNESC, FNSA or First Nations in BC, and each of these options presented significant concerns for First Nations. Option 1 would result in a significant decrease in funding for most First Nations schools. Option 2 was viewed by First Nations as providing BC with an oversight role over First Nations schools (which they have never had) and inconsistent with the principle of First Nations control of First Nations education. Also, Option 2 would require a closer alignment of First Nations school programs, standards, and services with those of provincial schools – a condition that would undermine the work already done by First Nations. Option 3 raises serious concerns because of the application of the federal OSR policy in education agreements. This is problematic as First Nations firmly rejected the application of the federal OSR policy during the jurisdiction negotiations and are concerned that its inclusion in a sectoral agreement will undermine First Nations' positions in other negotiations.

In light of the concerns associated with the federal government's "new approach" and these three options, FNESC approached the Union of BC Indian Chiefs and the First Nations Summit in June seeking support for the BC education system and asking them to call on the federal government to reengage in negotiations with FNESC.

### **CURRENT STATUS**

Since July 2011, FNESC negotiators have been engaged in discussions with AANDC on implementing Option 2 and have negotiated a draft Tripartite Education Agreement that is intended to benefit First Nations schools and

support the BC First Nations education system, without providing any provincial oversight over First Nations schools. In particular, the following changes and clarifications to Option 2 have been achieved:

- AANDC is no longer requiring that:
  - BC play a role in overseeing First Nations schools;
  - First Nations schools align themselves with the provincial education system;
  - Each First Nation sign its own tripartite agreement; or
  - FNEC play a compliance role;
- AANDC has agreed to:
  - Recognize the existing BC First Nations education system;
  - Explore new approaches to funding transportation and technology; and
  - Provide funding for FNEC to prepare a business case to support additional funding for language and culture; and
- BC has confirmed that:
  - It has no interest in overseeing First Nations schools; and
  - It has a collaborative working relationship with FNEC.

The draft Tripartite Education Agreement, a copy of which is attached to the resolution for information purposes, provides the following:

- Recognition of and support for the BC First Nations education system developed by FNEC and the FNSA;
- Sustainable funding approach;
- Reduced proposal and report writing;
- Secure funding for second level services (such as school assessment, professional development for teachers and principals, management of data collection on performance measures, distance education);
- Greater ability to tailor second level services to meet the unique education needs and priorities of First Nations students and communities;
- New interim funding approaches for transportation and technology, with a commitment to jointly develop a long-term approach; and
- Commitment that this agreement will prevail over other federal policies and guidelines that are incompatible with it.

Over 170 representatives of First Nations and First Nations schools attended an information meeting hosted by FNEC on August 25, 2011 to review the draft Tripartite Education Agreement and provided general direction to the FNEC negotiating team to continue the negotiations to finalize the agreement and advance the new funding model.

The members of FNEC are individual First Nations and the Board of Directors of FNEC, which includes one director appointed by each member First Nation, will meet on November 18, 2011 to review and, if acceptable, approve the proposed Tripartite Education Agreement.

Individual First Nations will be able to decide whether to participate in this initiative after they have received financial information on the tripartite model that is specific to their community.

## **COMMENTARY**

FNEC is seeking political support for the direction it proposes to take regarding the negotiation and approval of a Tripartite Education Agreement.

FNEC is seeking reaffirmation of the Union of BC Indian Chiefs' support for the comprehensive BC First Nations education system that has been designed by FNEC and the FNSA. FNEC is also seeking support for its continued efforts to negotiate and finalize a draft Tripartite Education Agreement with Canada and British Columbia. Finally, FNEC is seeking confirmation that it is the responsibility of the FNEC Board of Directors to review and, if acceptable, approve the final version of the Tripartite Education Agreement.



## TRIPARTITE EDUCATION FRAMEWORK AGREEMENT

Made this \_\_\_\_\_ day of \_\_\_\_\_, 2011

### BETWEEN:

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA,  
as represented by the Minister of Aboriginal Affairs and Northern  
Development**

(hereinafter referred to as "Canada")

### AND:

**HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH  
COLUMBIA,  
as represented by the Minister of Education**

(hereinafter referred to as "British Columbia")

### AND:

**FIRST NATIONS EDUCATION STEERING COMMITTEE,  
a society incorporated under the *Society Act* (British Columbia),  
as represented by \_\_\_\_\_**

(hereinafter referred to as "FNESC")

Collectively referred to hereinafter as the "Parties".

### WHEREAS:

First Nations students should have the opportunity to fulfil their educational potential;

The Parties recognize that First Nations students often transition between First Nation Schools and provincial schools and therefore have a shared interest in ensuring smooth transitions;

Quality, comparable education includes standards, programs, services, school supports and investments that provide adequate tools and resources aimed at improving First Nations student outcomes and addressing their unique needs;

The Parties signed the Memorandum of Understanding on Education on August 2, 1999 committing the Parties to work together to improve school success for Aboriginal learners in British Columbia;

The Parties signed the Education Jurisdiction Framework Agreement on July 5, 2006 and remain committed to the implementation of this agreement in order to support the exercise of jurisdiction over education by Participating First Nations;

Individual First Nations have primary decision-making responsibility for First Nation Schools, including the management and delivery of education programs and services;

First Nations and First Nations Schools in British Columbia work together through FNEC and the FNSA to improve the educational outcomes of First Nations students;

FNEC and the FNSA have worked to establish an education system to support First Nations Students and First Nation Schools that is founded upon First Nations' languages and cultures and reflects the values and traditions of the communities they serve;

FNEC is committed to improving education for all First Nations learners in British Columbia and is led by representatives of First Nations from across the province;

Canada and British Columbia recognize FNEC as having demonstrated the capacity to administer education programs and services on behalf of First Nations and First Nation Schools in British Columbia and to implement research-based and relevant programs to support First Nation Schools to deliver quality education and improve student outcomes;

Canada and British Columbia recognize and support the continued provision of Second Level Services to First Nations and First Nations Schools through FNEC;

The Parties are committed to continuing the working relationship, based on mutual respect, recognition, collaboration and clarity of roles and responsibilities for First Nation education, recognizing that First Nations' aboriginal and treaty rights are protected under section 35 of the *Constitution Act, 1982*;

British Columbia and First Nations are working on a government to government basis towards building a new relationship and have set out their commitment to do so in the document entitled "The New Relationship" released in 2005;

British Columbia and FNEC have developed a collaborative partnership on educational initiatives, which respects the integrity of the commitment to establish a new relationship, including joint initiatives on curriculum development, enhancement agreements, local education agreements, and recognition of Aboriginal languages and teachers and supports the transferability of students between First Nation Schools and provincial schools; and

The Parties recognize that transformative change will require different funding approaches and are committed to work together to close the gaps in education between First Nations and non-First Nations students.

**THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

**1.0 PURPOSE**

- 1.1 The purpose of this agreement is to identify the roles, responsibilities and commitments of the Parties relating to the improvement of educational outcomes for students in First Nation Schools in British Columbia.

**2.0 DEFINITIONS**

- 2.1 For the purpose of this agreement, the following terms are defined as:

- (a) **“First Nation”** means a Band within the meaning of the *Indian Act*, or self-governing First Nation;
- (b) **“First Nation School”** means a school operated and administered by one or more First Nations, and providing education at one or more of the kindergarten, elementary or secondary levels;
- (c) **“FNSA”** means the First Nations Schools Association, a society incorporated under the laws of British Columbia, to support First Nation Schools;
- (d) **“Funding Arrangement”** means an agreement between Canada and FNEC or between Canada and an individual First Nation that includes terms and conditions relating to the provision of federal funding for programs and services;
- (e) **“New Funding Model”** means the method by which federal funding to FNEC and First Nations in British Columbia for First Nation Schools is calculated periodically and is based on the British Columbia Ministry of Education's Operating Grants Manual, as amended or replaced from time to time, with specific adaptations;
- (f) **“Public Schools”** means all schools in British Columbia providing kindergarten to grade 12 education, but does not include independent schools or First Nation Schools;
- (g) **“School Assessment Process”** means the process for the assessment of First Nation Schools developed by the FNSA and approved at the FNSA annual general meeting in 2004, as amended from time to time;

- (h) **“Second Level Services”** means aggregate services provided by FNEC to First Nations and First Nation Schools, similar to services provided by the British Columbia Ministry of Education and by provincial school boards to provincial schools with specific adaptations to meet First Nations’ unique circumstances, in order to improve efficiency and achieve economies of scale. Second Level Services include but are not limited to the responsibilities outlined in paragraph 4.2 below; and
- (i) **“Work Plan”** means a detailed description of roles and responsibilities pertaining to the delivery of Second Level Services and other education-related programs and services by FNEC for which funding is provided pursuant to a Funding Arrangement.

### 3.0 EDUCATION STANDARDS

- 3.1 The Parties agree that the provision of Second Level Services by FNEC is intended to support First Nations and First Nation Schools to deliver quality education programs and services, which meet standards that allow students to move freely between First Nation Schools and provincial schools.

### 4.0 COMMITMENTS

- 4.1 FNEC agrees to assist First Nations in developing the capacity to provide education.
- 4.2 FNEC will provide Second Level Services, including but not limited to the following:
  - (a) administering the School Assessment Process;
  - (b) supporting schools with coordination, administration and reporting for standardized assessments;
  - (c) coordinating the receipt of school reporting by First Nations on performance and expenditures related to funding flowed from FNEC to individual First Nations and First Nation Schools;
  - (d) providing economies of scale for school support services through the provision of digital resources and coordination of shared human and material school support resources between clusters of schools;
  - (e) assisting schools in the negotiation of fair cost access to provincial learning resources and supports;

- (f) providing professional development resources and opportunities to support teachers and principals in First Nation Schools;
  - (g) supporting initiatives for parental and community engagement;
  - (h) engaging in education policy discussions with British Columbia and Canada where directed by First Nations;
  - (i) making First Nations aware of any changes to education policy and standards regarding the operation of First Nation Schools; and
  - (j) collecting, aggregating and providing aggregate data reporting to Canada on performance indicators as mutually agreed and set out in the Funding Arrangement between Canada and FNEC.
- 4.3 British Columbia and FNEC agree to continue to work collaboratively to improve educational outcomes for First Nations students.
- 4.4 British Columbia and FNEC agree to support the transfer of students without academic penalty between provincial schools and First Nation Schools.
- 4.5 British Columbia agrees to create a process for issuing, upon request from a First Nation School, student or parent, a provincial graduation certificate to students that have completed an educational program at the grade 12 level at a First Nation School.
- 4.6 British Columbia agrees to provide a comprehensive report on the educational performance success of Aboriginal students attending Public Schools, to FNEC.
- 4.7 British Columbia agrees to share expertise and to provide access to provincial learning resources and supports with FNEC.
- 4.8 British Columbia agrees to consult with FNEC regarding:
- (a) proposed changes to provincial education policy, legislation or standards that materially affect programs, assessments, teacher certification, graduation requirements, or curriculum offered by FNEC or First Nation Schools;
  - (b) reasonable cost access to provincial learning resources; and
  - (c) access to provincial bulk purchase initiatives.
- 4.9 Canada agrees to implement the New Funding Model for FNEC and First Nations commencing September 1, 2012.

- 4.10 Canada agrees to consult with FNEESC regarding proposed changes to federal education policy, guidelines, legislation or standards that materially affect FNEESC or First Nation Schools.
- 4.11 FNEESC and Canada agree that Second Level Services and the New Funding Model, as set out in this agreement and in their Funding Arrangement and Work Plan, may be amended by FNEESC and Canada from time to time as may be required to ensure the purpose of this agreement is met on an on-going basis.

## **5.0 FIRST NATION FUNDING ARRANGEMENTS**

- 5.1 Funding Arrangements between Canada and individual First Nations will require individual First Nations to:
  - (a) recognize FNEESC's responsibility to provide Second Level Services to First Nations and First Nation Schools in British Columbia;
  - (b) employ teachers with a teaching certificate issued by a provincial education ministry or a recognized Canadian teacher certification authority;
  - (c) make an aggregate outcome report on school performance available to parents of students attending a First Nation School;
  - (d) provide specified education program reports to FNEESC; and
  - (e) prepare an annual report on student enrollment, also known as the nominal roll, and provide it to Canada in accordance with the terms of the Funding Arrangement.

## **6.0 RELATIONSHIP TO EDUCATION JURISDICTION INITIATIVE**

- 6.1 The Parties acknowledge any British Columbia First Nation may choose to enter into negotiations and conclude a self- government education agreement pursuant to the *First Nations Jurisdiction over Education in British Columbia Act* and become a Participating First Nation, as defined in that Act, in which case this agreement will no longer apply with respect to that First Nation.

## **7.0 IMPLEMENTATION**

- 7.1 The terms and conditions of the Funding Arrangements between Canada and FNEESC and between Canada and individual First Nations will reflect the commitments in this agreement and will include the roles and responsibilities of the Parties to be undertaken to fulfill these commitments.

7.2 The implementation of the New Funding Model and the provision of funding under the Funding Arrangements are subject to the appropriation of funds by the Parliament of Canada.

7.3 Canada and FNEESC agree to work toward executing a Funding Arrangement, in a timely manner, to enable FNEESC to provide Second Level Services as of September 1, 2012.

## **8.0 REVIEW OF THE AGREEMENT**

8.1 The Parties will each designate a representative to review and monitor the progress toward achieving the purpose and objectives of this agreement, with meetings to be held on an annual basis or at intervals as otherwise agreed to by the Parties.

## **9.0 DISPUTE RESOLUTION**

9.1 In the event of a dispute between the Parties arising out of this agreement, the Parties agree to each designate a representative to meet, negotiate in good faith and attempt to resolve the dispute amicably.

9.2 FNEESC agrees to establish a dispute resolution process for individual First Nations, First Nation Schools and FNEESC to attempt to resolve disputes pertaining to the provision of Second Level Services and other educational programs and services by FNEESC to individual First Nations and First Nation Schools.

## **10.0 TERM**

10.1 The term of this agreement commences on the date that it is signed by all Parties and expires on March 31, 2017, unless extended or renewed in writing by the Parties.

10.2 Six months prior to the expiration of the term set out above, the Parties will meet to discuss the necessity of extending or renewing this agreement.

## **11.0 AMENDMENT**

11.1 Subject to the paragraph below, this agreement may be amended with the written consent of each Party.

- 11.2 Any provision of this agreement applicable only to FNEC and Canada may be amended with the written consent of FNEC and Canada. In the event that FNEC and Canada amend this agreement, FNEC and Canada shall promptly provide a copy of the amendment to British Columbia.
- 11.3 Any provision of this agreement applicable only to FNEC and British Columbia may be amended with the written consent of British Columbia and FNEC. In the event that FNEC and British Columbia amend this agreement, FNEC and British Columbia shall promptly provide a copy of the amendment to Canada.

## **12.0 GENERAL**

- 12.1 In the event of an inconsistency between this agreement and federal education policy or guidelines of general application, the provisions of this agreement shall prevail to the extent of the inconsistency.



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43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

Resolution no. 2011-40

**RE: Support for a Voluntary BC First Nations Coalition on Specific Claims**

**WHEREAS** the “Justice at Last Initiative,” Canada’s new action plan to resolve its lawful obligations to First Nations with respect to specific claims, promised to create a system to resolve specific claims that was based on the following principles:

- Impartiality and fairness;
- Greater transparency;
- Faster processing of claims; and
- Better access to mediation;

**WHEREAS** instead, Canada has been employing a policy designed to reduce its specific claims inventory, not by fairly resolving specific claims but by “addressing” specific claims in the following ways:

1. Adopting a highly adversarial, technical and legalistic approach to specific claims rather than a collaborative one, resulting in unnecessary delays and arbitrary rejection of specific claims.
2. Making unilateral, untenable, take-it-or-leave-it settlement offers en masse on many Specific Claims indicating those First Nations impacted by this can “take their claims to the Tribunal” – essentially negotiating in bad faith.
3. Removing claims from its Specific Claims Inventory by rejecting them, closing files and by using technical and procedural techniques to keep new claims off its inventory– creating the illusion that it has made substantive progress in resolving claims and clearing up its claims backlog.
4. Transferring the large backlog of unresolved specific claims away from Indian Affairs and the Department of Justice and onto the back of the new Specific Claims Tribunal;

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Grand Chief Stewart Phillip, President

**WHEREAS** currently British Columbia has 166 First Nations who have filed a total of 695 Specific Claims against Canada, comprising 43% of the total claims currently under review. This does not include claims that have not been filed yet, of which UBCIC alone has at least 50; it also does not include claims that have not yet been identified or researched. In BC, that number could be in the 100s;

**WHEREAS** Article 27 of the United Nations *Declaration on the Rights of Indigenous Peoples* sets out:

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** Article 28 of the United Nations *Declaration on the Rights of Indigenous Peoples* sets out:

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress;

**WHEREAS** the Assembly of First Nations' Chiefs Committee on Claims (AFN CCoC) is the body designated to work on reforming specific claims, and with only one political and one technical representative, First Nations in BC are significantly under-represented on the AFN CCoC;

**WHEREAS** given the large number of claimant First Nations in BC and the large number of specific claims from First Nations in BC currently in the system, the Union of BC Indian Chiefs is committed to achieving a just, fair and timely process for resolving outstanding specific claims in BC.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly support the formation of a voluntary "BC First Nations Coalition on Specific Claims" of BC Chiefs and technicians, to discuss and develop a strategy for recommendation to BC First Nations that will achieve a fair, just and timely settlement of all First Nations' specific claims in British Columbia; and, to educate and inform First Nations in BC on specific claims issues and legislation on an ongoing basis;

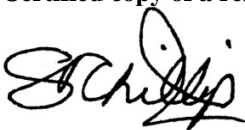
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Research Director to coordinate the voluntary BC First Nations Coalition on Specific Claims, which will meet via conference call due to lack of resources;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly agree that any BC First Nation with an interest in specific claims, as well as designated technical staff, can participate in the BC First Nations Coalition on Specific Claims meetings.

**Moved:** Chief Rick Denault, Skeetchestn Indian Band  
**Seconded:** Chief Dalton Silver, Sumas First Nation  
**Disposition:** Carried  
**Date:** September 15<sup>th</sup>, 2011

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Grand Chief Stewart Phillip, President

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UNION OF B.C. INDIAN CHIEFS  
43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

Resolution no. 2011-41

**RE: UBCIC Appointments to First Nations Technology Council**

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

**WHEREAS** there are currently two (2) vacant UBCIC appointed positions to the First Nations Technology Council;

**WHEREAS** by UBCIC Resolution 2009-13, the UBCIC Chiefs Council stated that in order to be eligible, a UBCIC appointee to the First Nations Technology Council must be from a band who is a member of the UBCIC in good standing;

**WHEREAS** at the UBCIC 43<sup>rd</sup> Annual General Assembly, the Chair of the UBCIC Chiefs-in-Assembly called for nominations from the floor for two (2) new appointees to the First Nations Technology Council.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly appoint Chief Coreen Child, Kwakiutl First Nation, and Chief Dan Manuel, Upper Nicola Indian Band, to the First Nations Technology Council;

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs-in-Assembly call on the First Nations Technology Council to continue providing updates to the UBCIC Chiefs Council.

Moved: Chief Nelson Leon, Adams Lake Indian Band  
Seconded: Chief Rick Denault, Skeetchestn Indian Band  
Disposition: Carried  
Date: September 15<sup>th</sup>, 2011

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### UNION OF B.C. INDIAN CHIEFS 43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011 WHISTLER, B.C.

**Resolution no. 2011-42**

#### **RE: Provincial Commitments Regarding First Nations Children**

**WHEREAS** Indigenous Nations in the territory known as British Columbia assert an inherent right of self determination including jurisdiction relating to the children and families of those Nations;

**WHEREAS** the First Nations Directors Forum (“Directors Forum”) is comprised of the Executive Directors of the First Nations Child and Family Service Agencies within the province of British Columbia. Since its inception in 1996-1997, it has evolved and grown to represent 23 agencies, and its vision is for all First Nations communities to be well equipped in the provision of high quality and culturally appropriate care for all of our children;

**WHEREAS** the First Nations Child and Family Wellness Council (“FNCFWC”) was established at the Indigenous Child at the Centre (ICC) II Forum in July, 2008, where delegates developed and endorsed the “One Heart, One Mind Statement of Solidarity and Cooperation” which affirmed their commitment to work together in a Nation-to-Nation and community-driven process to secure the individual and collective survival, dignity and well-being of our children. To advance these matters, the Statement also supported the establishment of an FNCFWC to take primary responsibility: to amend the Indigenous Child at the Centre Action Plan (“Action Plan”); to develop a workplan to advance and implement the Action Plan; and to develop a Terms of Reference for a permanent FNCFWC;

**WHEREAS** since January 2008, there have been three (3) province-wide, inclusive ICC Forums with the purpose of bringing together First Nations leaders to discuss and strategize on child and family wellness,

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and as the vehicle for developing a common vision for all First Nations service providers pertaining to children and families, whether they are community-specific, Delegated Agencies, or related councils. In order to proceed with implementation of the Action Plan, the FNCFWC requires sufficient discussion and consensus from the Leadership on an annual basis, which has typically been at the ICC;

**WHEREAS** the Directors Forum has been working since May 2001 to establish a position of First Nations Director within the Ministry of Child and Family Development (MCFD), and in July 2008 the Deputy Minister announced creation of this position. In March 2011, the Directors Forum was informed by MCFD that a First Nations Director was a misnomer, as the position was without a budget and was solely responsible for oversight of delegated Aboriginal agencies, and further, that the position would be here forth known as Director of Aboriginal Agencies;

**WHEREAS** the FNCFWC Executive has followed all provisions and guidelines under the contract with MCFD and yet, the ICC IV has been delayed three separate times in 2011 due to MCFD withholding funds directly related to ICC IV;

**WHEREAS** the United Nations *Declaration on the Rights of Indigenous Peoples* (UNDRIP) sets out:

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

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

**WHEREAS Article 21** of the UNDRIP sets out that States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities;

**WHEREAS** the unilaterally imposed change of title by the Ministry of Children and Family Development (MCFD) from “First Nations Director” to “Director of Delegated Aboriginal Agencies” is a step backwards in our efforts to create space within the governmental Ministry responsible for children and families, and does not recognize our inherent rights or our aspirations for self-determination; and,

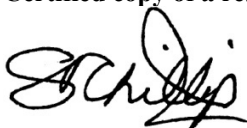
**WHEREAS** through repeatedly and capriciously withholding funds for ICC IV, the MCFD has delayed the effective implementation of the Action Plan;

**WHEREAS** BC Premier Christy Clark was elected on a “Families First” platform, where she promised that her first priority would be improving on lives of BC families.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly unanimously reaffirm that our children are the foundation for our future, and fully expect the government to support strategies and

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activities that promote the betterment of existing conditions and improve the chances for positive, healthy, safe and happy futures for our children;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to demand that the Ministry of Children and Family Development (MCFD) work with First Nations leadership and reinstate the critical position of First Nations Director within MCFD instead of the current, limited “Director of Delegated Aboriginal Agencies” position;

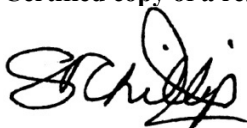
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to call on the Premier of BC and the MCFD to fully commit to supporting the Indigenous Child at the Centre (ICC) IV Forum, and all future ICC Forums, in concert with the Province of BC’s “Families First” agenda and respectfully uphold all financial commitments made;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with the First Nations Directors Forum, the First Nations Child and Family Wellness Council, the BC Assembly of First Nations, and the First Nations Summit to ensure that the Province of BC, including the MCFD, upholds commitments made to improve the lives of Indigenous children including those set out in the Tsawwassen Accord; Transformative Change Accord; the Recognition and Reconciliation Protocol on First Nations Children, Youth and Families; and the July 2008 “One Heart, One Mind: Statement of Solidarity and Cooperation.”

**Moved:** Chief Coreen Child, Kwakiutl First Nation  
**Seconded:** Chief Nelson Leon, Adams Lake Indian Band  
**Disposition:** Carried  
**Date:** September 16<sup>th</sup>, 2011

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UNION OF B.C. INDIAN CHIEFS  
43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

Resolution no. 2011-43

**RE: Support for Bonaparte Plateau Bands to Receive Consultation Funding from MFLNRO**

**WHEREAS** since April 2011, the four Bonaparte Plateau Bands (Skeetchestn, Bonaparte, Whispering Pines/Clinton and High Bar) have engaged with Ministry of Forests, Lands and Natural Resource Operations (MFLNRO) to come to an agreement around: shared revenue, shared resources, shared decision-making, and culture and heritage protection;

**WHEREAS** the Bonaparte Plateau Bands were led to believe that the MFLNRO would meet with them on a monthly basis and pay for the costs of these meetings and the expense of consultations pertaining to the four issues described above;

**WHEREAS** the Bonaparte Plateau Bands were recently informed by MFLNRO staff that the MFLNRO would not cover these costs;

**WHEREAS** the United Nations *Declaration on the Rights of Indigenous Peoples* sets out:

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

**Article 18:** Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their

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Grand Chief Stewart Phillip, President

own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

**Article 39:** Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration;

**WHEREAS** by Resolution 2011-04, the UBCIC Chiefs Council called upon the Province of BC to provide the resources necessary to engage First Nations in meaningful consultation on a government-to-government basis whenever the Crown's duty to consult is triggered. Such actions would include when the Crown is considering a process or decision with potential infringement on Aboriginal Title, Rights and/or Treaty Rights, including commencement of resource-related activities;

**WHEREAS** the legal duty to consult and accommodate First Nations for infringements to their unextinguished Aboriginal Title and Rights, and Treaty Rights, is a burden on any Crown title that may be held by the Province for BC, as reiterated by UBCIC Resolution 2010-45;

**WHEREAS** the Bonaparte Plateau Bands refuse to subsidize the MFLNRO and its legal obligations of consultation.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support the Bonaparte Plateau Bands (Skeetchestn, Bonaparte, Whispering Pines/Clinton and High Bar) in demanding that the Ministry of Forests, Lands, and Natural Resource Operations (MFLNRO) provide consultation funding in order to reach an agreement around: shared revenue, shared resources, shared decision-making, and culture and heritage protection;

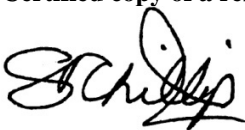
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to communicate support for the Bonaparte Plateau Bands to the MFLNRO;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to strongly reiterate to the MFLNRO that consultation funding is a necessity reflected in current case law and in the spirit and intent of the United Nations *Declaration on the Rights of Indigenous Peoples*.

**Moved:** Chief Nelson Leon, Adams Lake Indian Band  
**Seconded:** Chief Fred Robbins, Esketemc First Nation  
**Disposition:** Carried  
**Date:** September 16<sup>th</sup>, 2011

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UNION OF B.C. INDIAN CHIEFS  
43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

Resolution no. 2011-44

**RE: Dissolution of UBCIC HST Committee**

**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** as Indigenous Peoples exercising our sovereignty, First Nations in B.C. have the right to tax and BC infringed this right to tax implicit to sovereign governments by excluding First Nations from the unilateral decision to impose the Harmonized Sales Tax (HST);

**WHEREAS** the United Nations *Declaration on the Rights of Indigenous Peoples* sets out:

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

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

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Grand Chief Stewart Phillip, President

**WHEREAS** the UBCIC Chiefs-in-Assembly created the UBCIC HST Committee through UBCIC Resolution 2009-51 to implement the mandate set out in UBCIC Resolution 2009-41 “Support for work regarding Harmonized Sales Tax (HST) and related Tax Matters,” and the HST Committee mandate was expanded by Resolution 2010-21, “Support for Legal Challenge to Implementation of HST”;

**WHEREAS** by Resolution 2011-21 “UBCIC Rejection of HST,” the UBCIC Chiefs Council unanimously rejected the unilaterally-imposed Harmonized Sales Tax (HST) given the lack of consultation with First Nations and lack of expert economic or legal study on the impacts of HST on First Nations in BC;

**WHEREAS** the UBCIC Chiefs Council endorsed the Terms of Reference (TOR) for the HST Committee by Resolution 2010-43 and the TOR set out that in Section 12.1 that “the HST Committee is a permanent UBCIC committee until it is dissolved through resolution by the UBCIC Chiefs Council”;

**WHEREAS** the Province of British Columbia held a referendum in 2011 to determine if the HST should be rescinded and the Provincial Sales Tax (PST) reinstated in combination with the federal Goods and Services Tax (GST), and the voters of British Columbia did vote in favour of returning to the PST and GST.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly acknowledge and thank the UBCIC HST Committee members, Chief Michael LeBourdais, Whispering Pines/Clinton and Chief Greg Blaine, Ashcroft Indian Band; and former UBCIC HST Committee members Keith Matthew, Simpcw First Nation and Don Moses, Lower Nicola Indian Band, for their dedication, commitment, and hard work in carrying out the mandate provided by the UBCIC Chiefs Council;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly recognize that the UBCIC HST Committee has fulfilled its mandate;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly do hereby dissolve the UBCIC HST Committee.

**Moved:** Chief Dan Manuel, Upper Nicola Indian Band

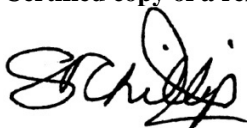
**Seconded:** Chief Coreen Child, Kwakiutl First Nation

**Disposition:** Carried

**Date:** September 16<sup>th</sup>, 2011

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Grand Chief Stewart Phillip, President

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UNION OF B.C. INDIAN CHIEFS  
43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

Resolution no. 2011-45

## RE: Adoption of 2010-2011 Audited Financial Statements

**THEREFORE BE IT RESOLVED** that the Chiefs-in-Assembly hereby adopt the 2010-2011 Audited Financial Statements as presented at the UBCIC 43<sup>rd</sup> Anniversary Annual General Assembly meeting of September 14<sup>th</sup>-16<sup>th</sup>, 2011.

Moved: Chief Harold Aljam, Coldwater Indian Band  
Seconded: Chief Janet Webster, Lytton First Nation  
Disposition: Carried  
Date: September 15<sup>th</sup>, 2011

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Grand Chief Stewart Phillip, President

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UNION OF B.C. INDIAN CHIEFS  
43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

Resolution no. 2011-46

**Re: Auditor Appointment**

**WHEREAS** BDO Dunwoody was appointed as the UBCIC Auditors at the 42<sup>nd</sup> Annual General Assembly (September 2010); and

**WHEREAS** BDO Dunwoody has fulfilled the necessary Audit requirements to complete the Annual Audit.

**THEREFORE BE IT RESOLVED** that BDO Dunwoody be reappointed as Auditors of the UBCIC to complete the 2011-2012 Annual Audit for the organization;

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs-in-Assembly direct BDO Dunwoody to provide the 2011-2012 draft audit for review of the UBCIC Executive by June 29, 2012 to be finalized by July 15, 2012.

**Moved:** Chief Francis Laceese, Toosey Indian Band  
**Seconded:** Chief Lucinda Phillips, Lil'wat First Nation  
**Disposition:** Carried  
**Date:** September 16<sup>th</sup>, 2011

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### UNION OF B.C. INDIAN CHIEFS 43<sup>RD</sup> ANNUAL GENERAL ASSEMBLY SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011 WHISTLER, B.C.

**Resolution no. 2011-47**

#### **RE: Support for Advancing Kwakiutl School Facilities and Addition to Reserve**

**WHEREAS** as the original and Indigenous Peoples to this great land, we have the inalienable right of self determination and as the rightful owners we hold Aboriginal title over our respective traditional territories, lands and resources, as we continue to exercise our collective and inherent authorities and jurisdictions and govern ourselves and our territories according to our laws;

**WHEREAS** Indigenous 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 Education;

**WHEREAS** the Kwakiutl Nation has developed a reputation as a leader of excellence in education, evidenced by critical work at the daycare, pre-school, school-based, and adult-based programming levels, with a strong community support network in place, and a focus on culturally-based learning;

**WHEREAS** the Kwakiutl Nation applied for a new school facility as a critical next step to ensure program continuance and expansion, and intends to build this school and facility on land that will be acquired through the Addition to Reserve (ATR) process;

**WHEREAS** the Kwakiutl received an Order in Council (OIC) from the Province in December, 2009, approving the Transfer of Administrative Control of a 32.1 ha parcel of crown land to Aboriginal Affairs and Northern Development Canada (AANDC) to hold in trust on behalf of the Kwakiutl until the land can be added to reserve;

**WHEREAS** the Kwakiutl recently stopped the ATR process because they discovered that the OIC contained a "reversionary clause" stating that if the land ever loses its Indian Reserve status in the future, it will revert back to

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Grand Chief Stewart Phillip, President

the province; and, given treaty possibilities of the future, this is not acceptable to the Kwakiutl or to AANDC, and so the OIC was returned to the Province requesting that the reversionary clause be deleted;

**WHEREAS** the United Nations *Declaration on the Rights of Indigenous Peoples* sets out the Rights of Indigenous Peoples pertaining to lands and **Article 26** states that:

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned;

**WHEREAS** the United Nations *Declaration on the Rights of Indigenous Peoples* sets out:

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

**Article 14:**

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

**WHEREAS** the Kwakiutl Nation is not currently able to advance their new school facility because the OIC in the ATR process contained a “reversionary clause” which impacts any future treaty potential.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support the Kwakiutl Nation in advancing the construction of their new school facility on their planned Addition to Reserve land;

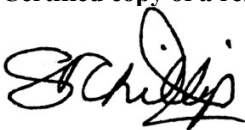
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to demand that the Province of British Columbia immediately delete the “reversionary clause” that is currently in the Order in Council approving the Addition to Reserve land where the new school facility is planned to be built;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to provide political support to the Kwakiutl Nation in continuing their efforts to secure the best possible future for their children and community by further developing a system that enhances and supports First Nations control of their First Nations education.

**Moved:** Chief Coreen Child, Kwakiutl First Nation  
**Seconded:** Terry Dorwood, proxy, Tla-o-qui-aht First Nation  
**Disposition:** Carried  
**Date:** September 16<sup>th</sup>, 2011

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Certified copy of a resolution adopted on the 16<sup>th</sup> day of September of 2011 in Whistler, British Columbia



Grand Chief Stewart Phillip, President



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SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

**Resolution no. 2011-48**

**RE: Adoption of 42<sup>nd</sup> AGA Minutes**

**THEREFORE BE IT RESOLVED THAT** the Chiefs-in-Assembly adopt the minutes of the 42<sup>nd</sup> Annual General Assembly (September 2010) as presented.

**Moved:** Chief Fred Robbins, Esketemc First Nation  
**Seconded:** Chief Francis Laceese, Toosey Indian Band  
**Disposition:** Carried  
**Date:** September 16<sup>th</sup>, 2011

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SEPTEMBER 14<sup>TH</sup> – SEPTEMBER 16<sup>TH</sup>, 2011  
WHISTLER, B.C.

Resolution no. 2011-49

**RE: Support for First Nations Heritage Conservation Action Plan without Infringement on Nations**

**WHEREAS** by Resolution 2007-48, the UBCIC Chiefs Council acknowledged that the existing *Heritage Conservation Act* and associated management regime does not recognize Aboriginal Title and Rights, nor does it adequately address the needs and interests of First Nations as it relates to their culture and heritage resources. The regulatory framework provided for in the *Heritage Conservation Act* prevents First Nations from protecting our sacred sites, the sanctity of our artifacts and the remains of our ancestors in accordance with our traditional laws and customs;

**WHEREAS** the United Nations *Declaration on the Rights of Indigenous Peoples* provides a framework of governance relations that is of particular relevance to the relationships between BC First Nations and the provincial government regarding protection of our heritage resources, ancestral remains, and sacred and spiritual sites:

- Article 8(1): Indigenous individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- Article 11(1): Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect, and develop the past, present, and future manifestations of their cultures, such as archaeological and historical sites, artifacts, ceremonies...
- Article 11(2): States shall provide redress through effective mechanisms, which may include restitution developed in conjunction with indigenous peoples, with respect to their cultural,

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Grand Chief Stewart Phillip, President



intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

- Article 12(1): Indigenous peoples have the right to “maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
- Article 12(2): States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.
- Article 31(1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions... and their intellectual property;

**WHEREAS** the Union of BC Indian Chiefs (UBCIC), First Nations Summit (FNS), and the BC Assembly of First Nations (BCAFN) were mandated by resolution to support the work of the Joint Working Group on First Nations Heritage Conservation (JWGFNHC), whose purpose is to identify First Nations issues and concerns based on community input, develop options, and make recommendations to 1) create a meaningful role for First Nations in provincial heritage conservation; 2) improve the protection and conservation of First Nations heritage sites, cultural property and ancient human remains in BC and 3) improve protection for sacred and spiritual sites or areas;

**WHEREAS** by resolutions passed at the UBCIC, BCAFN, and FNS, as well as at an All-Chiefs’ Assembly, the First Nations leadership in British Columbia endorsed the First Nations Leadership Council Terms of Reference, which sets out in section 4.1 that “councils, working groups, committees and partner organizations are accountable to, and receive direction from, Nations in BC through their respective internal processes...” and this applies to the JWGFNHC;

**WHEREAS** by resolutions passed at the UBCIC, BCAFN, and FNS, as well as at an All-Chiefs’ Assembly, the First Nations leadership in British Columbia also endorsed the Accountability Framework that the First Nations Leadership Council and all councils, working groups, committees and partner organizations must uphold (including the JWGFNHC), and the Accountability Framework sets out:

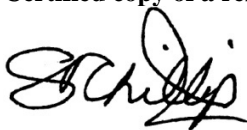
3.3 FNLC and all council, working group, committee and partner organizations are community-driven, Nation based (rooted in Nations as opposed to being imposed by the FNLC or any councils, working groups, committees, or partner organization), and transparent;

**WHEREAS** the First Nations Leadership Council and the JWGFNHC circulated a community-driven and Nation-based rolling draft First Nations Heritage Conservation Action Plan (“Action Plan”) to all First Nations in BC in four separate rounds for further input and feedback from February 2011 to July 2011, including at the First Nations Heritage Forum and at the UBCIC and FNS assemblies in March 2011;

**WHEREAS** by Resolution 2011-06, the UBCIC Chiefs Council supports Secwepemc assertion of jurisdiction over their cultural heritage protection, and acknowledges that it is their right, as a sovereign Nation, to manage the protection of cultural heritage resources within Secwepemc Territory;

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Grand Chief Stewart Phillip, President

**WHEREAS** the JWGFNHC have now considered all community and Nation-based feedback and are bringing the final September 2011 draft Action Plan (V.4) to the respective assemblies of the UBCIC, FNS, and BCAFN for further discussion and endorsement, and the resulting Action Plan will be used to inform the work of the JWGFNHC, as well as digitized and made available to communities.

**THEREFORE BE IT RESOLVED THAT** the UBCIC Chiefs-in-Assembly fully respect and support Indigenous Nations to continue the exercise and defense of their inherent right to ensure the protection of their respective territories, through the implementation of their laws principled upon Indigenous values through cultural, family and community interconnectedness; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly support the attached First Nations Heritage Conservation Action Plan, which clearly states:

**Any reviews or recommendations made by the Joint Working Group on First Nations Heritage Conservation (JWGFNHC) are not, and could not be, a substitute for direct Crown consultation with individual First Nations. The work of the JWGFNHC shall have no negative impacts or infringements on individual First Nations and their own specific cultural heritage strategies, such as Heritage MOUs, Heritage Protocols, Position Papers, or any other cultural heritage strategy determined by an individual Nation. Each First Nation maintains the authority to develop and assert their own policies, laws and permitting systems according to their own legal traditions;**

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs-in-Assembly direct the Joint Working Group on First Nations Heritage Conservation to commence implementation of the First Nations Heritage Conservation Action Plan in a manner that has no impact or infringement on individual First Nations abilities to develop their own specific cultural heritage strategies, and to continue to report regularly to First Nations on progress.

**Moved: Chief Don Harris, Douglas First Nation**  
**Seconded: Chief Nelson Leon, Adams Lake Indian Band**  
**Disposition: Carried**  
**Date: September 16<sup>th</sup>, 2011**

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WHISTLER, B.C.

Resolution no. 2011-50

**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** by Resolution 2010-49, the UBCIC Chiefs-in-Assembly appointed 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, Splatlin
3. Chief Ko'waintco Michel, Nooaitch Indian Band

**WHEREAS** at the 43<sup>rd</sup> Annual General Assembly, the UBCIC 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:

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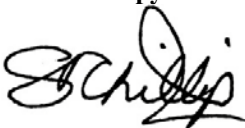
Grand Chief Stewart Phillip, President

1. Chief Coreen Child, Kwakiutl First Nation
2. Chief Wayne Christian, Splatshin
3. Chief Donna Gallinger, Nicomen Indian Band

**Moved:** Chief Lucinda Phillips, Lil'wat First Nation  
**Seconded:** Chief Dalton Silver, Sumas First Nation  
**Disposition:** Carried  
**Date:** September 16<sup>th</sup>, 2011

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Grand Chief Stewart Phillip, President