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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 1ST - JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-18

RE: First Nations Search and Rescue Action for Missing Persons

WHEREAS many First Nations communities in BC have an Emergency Plan, but recent and tragic events have identified a number of gaps in our capacity to carry out effective search and rescue efforts for missing persons;

WHEREAS the Provincial Emergency Program's (PEP) Search and Rescue groups for missing persons are voluntary and typically sustain a search for a short amount of time. Further, such groups are typically not familiar with the extensive territories of First Nations, severely impacting the effectiveness of search efforts;

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

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

WHEREAS the First Nations Emergency Services Society of British Columbia (FNESS) provides assistance to BC First Nations communities to develop emergency plans, which includes: an evaluation/identification of community risks; a system for notifying officials/agencies who must respond; a description of responsibilities for key positions and who will fill these positions; a description of the communications system to be used; a list of resources for finding information; and contacts and equipment that can be accessed in a hurry;

WHEREAS the British Columbia Search and Rescue Association (BCSRA) is a non-profit association with a mandate to enhance provision of volunteer search and rescue services in the province, and its activities include providing meeting forums for Search and Rescue professionals in BC, accessing funding

for training, and providing occupational health and safety support. The BCSRA includes Search and Rescue volunteers from all over the province and agency representatives from PEP, the RCMP, the BC Association of Municipal Police, the Justice Institute of BC, the BC Ambulance Service, and the Fire Chiefs' Association of BC;

WHEREAS BC's network of PEP recognized Search and Rescue volunteers utilize training through the Search and Rescue program in the Emergency Management Division of the Justice Institute of BC;

WHEREAS currently PEP does not have Search and Rescue training efforts targeted toward First Nations missing persons in BC.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council recognizes the urgent need to improve the capacity of First Nations in BC to carry out effective search and rescue efforts for First Nations missing persons;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the Province of BC to provide training through PEP for First Nations to have their own Search and Rescue groups, which would receive the same benefits as all other provincial Search and Rescue groups including reimbursement for expenses according to PEP policies and WCB coverage while on an Operation (Task) or authorized Training event;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate with the British Columbia Search and Rescue Association to seek resourcing for First Nations communities to have their own search and rescue groups;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the First Nations Emergency Services Society (FNESS) to include comprehensive search and rescue planning for missing persons in developing Emergency Plans for First Nations communities;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council strongly encourages First Nations in BC to incorporate the scenario of missing persons into their own Emergency Plans.

Moved: Chief Judy Wilson, Neskonlith Indian Band
Seconded: Chief Kevin Whitney, T'it'q'et First Nation
Disposition: Carried
Date: June 2nd, 2011

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CHIEFS COUNCIL
JUNE 1ST - JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-19

**RE: UBCIC Application for Intervenor Status on the appeal
*Adams Lake Indian Band v. Lieutenant Governor in Council Decision***

WHEREAS the March 4, 2011 trial court decision in *Adams Lake Indian Band v. Lieutenant-Governor in Council* ruled in favor of Adams Lake Indian Band and the court said that there was inadequate consultation and accommodation by the Province prior to the incorporation of the Sun Peaks Municipality;

WHEREAS the Sun Peaks ski resort area and Municipality is within the Traditional Territory of the Secwepemc People who collectively are the Aboriginal Title and Rights holders. The Sexqeltkenc Lakes Division of the Secwepemc People are the caretakers of this area known as Skwelkwek'welt and the Neskonlith Douglas Reserve claim is collectively held by the members of the Adams Lake, Little Shuswap and Neskonlith Indian Bands;

WHEREAS in establishing the prima facie case for Aboriginal Title and the breach of the duty to consult, the Adams Lake Indian Band extensively relied on the actions taken by Secwepemc people on the ground, including the Skwelkwek'welt Protection Centre and the strong position taken by the Neskonlith Indian Band;

WHEREAS the Province of BC is appealing this decision of the court which ordered that the Province consult with Adams Lake on incorporation to address adverse impacts of the change in local governance/balance of powers from the incorporation, which opened the door to the Sun Peaks Corporation having increased influence over decision-making in the Sun Peaks ski resort area;

WHEREAS the duty to consult regarding the municipal incorporation of Sun Peaks, also applies to the Neskonlith Indian Band, whose strong record of calling for recognition of Secwepemc Aboriginal Title and Rights over Skwelkwek'welt was heavily relied on in *Adams Lake Indian Band* pleadings and referred to by the Court;

WHEREAS Adams Lake is cross appealing with respect to remedy, arguing that if the trial decision is changed, that the court should have quashed the Municipality (not only ordered consultation). Adams Lake will be arguing that if there is effectively no remedy for the Crown failure to consult, then the honour of the Crown with respect to the duty to consult and accommodate will not be met;

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

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

Article 26

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

Article 28

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.

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 Neskonalith Indian Band has repeatedly called for the implementation of the international principle of free, prior, and informed consent regarding the municipal incorporation of Sun Peaks and any developments at Skwelkwek'welt, and this standard has to be met, by seeking the consent of all Secwepemc people who collectively are the proper Title and rights holder;

WHEREAS by Resolution 2007-21, regarding opposition to the proposed Sun Peaks Incorporation, the UBCIC Chiefs Council fully supported that Adams Lake, Neskonalith, and Little Shuswap Indian Bands must be meaningfully consulted and that their respective Aboriginal Title and Rights are respected;

WHEREAS Adams Lake is seeking the support of the Union of BC Indian Chiefs to argue that the trial judge's decision should stand, given the numerous favorable rulings (and important issues on appeal), which increase and clarify what the consultation obligations actually require, in order to uphold Crown honor;

WHEREAS the *Adams Lake* appeal will shape the law of consultation generally, and intervention by First Nations on behalf of Adams Lake will be extremely useful to maintain Adams Lake's success on appeal;

WHEREAS it is key that international principles of free, prior, and informed consent of Indigenous Peoples and recognition of Aboriginal Title and Rights of the Secwepemc People are implemented regarding the municipal incorporation of Sun Peaks and all developments at Skwelkwek'welt.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council unanimously and fully supports the Adams Lake Indian Band in their cross appeal of the Province of BC's appeal of the recent trial court decision in *Adams Lake Indian Band v. Lieutenant-Governor in Council*;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council recognizes the extreme importance of this case in setting a precedent in the law of consultation generally;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to seek resources in order to apply for Intervenor Status in the appeal by the Province;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate to the Province of BC in a letter, full political support for the trial court decision in *Adams Lake Indian Band v. Lieutenant-Governor in Council* to the Province of BC, and argues for the implementation of the international principles of free, prior, and informed consent of Indigenous Peoples and recognition of Aboriginal Title and Rights of the Secwepemc People regarding the municipal incorporation of Sun Peaks and all developments at Skwelkwek'welt.

Moved: Kukpi7 Wayne Christian, Splatsin
Seconded: Chief Geronimo Squinas, Lhooskuz Dene Nation
Disposition: Carried
Date: June 2nd, 2011

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JUNE 1ST - JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-20

RE: Further work on INAC's Policy on Rent and Personal Mortgage Payments

WHEREAS Indian and Northern Affairs Canada (INAC) Pacific Region continues to implement Income Assistance Shelter Policy 5.4 ("the Policy") which sets out that due to departmental assistance for housing, the provision of rental allowances to persons on reserve is subject to specific conditions. If a house was built through the Canada Mortgage and Housing Commission Section 95 housing program and the mortgages have been paid, INAC will not pay rent costs for people on Income Assistance because this is viewed as duplication of funds. If a home is "privately owned" as defined by INAC, rent will be considered;

WHEREAS the UBCIC Chiefs Council passed Resolution 2010-66 which recognizes the undue hardship the Policy is having on First Nations and calls for a replacement policy that won't limit housing options available for Income Assistance (IA) recipients;

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

Article 21:

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities;

Article 22:

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous

women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

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

WHEREAS on May 27, 2011, the UBCIC Executive raised the following key points with INAC Pacific Region:

- The Policy is currently inequitable and discriminatory for First Nations living on reserve, and INAC must work with First Nations and take measures to make the Policy equitable and non-discriminatory.
- This issue is not going away and Bands continue to bring it forward to UBCIC and INAC.
- INAC-Pacific Region must ensure comparability of region with respective provincial policy.
- INAC should cease implementing the Policy until amended, including cessation of recaptures.
- UBCIC requests an ongoing update on federal activity to review and address this issue;

WHEREAS INAC has acknowledged that the Policy is problematic and has indicated a willingness to work with First Nations on amending the Policy, particularly with significant political pressure from First Nations.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council unanimously recognizes that INAC Pacific Region's Income Assistance Shelter Policy 5.4 ("the Policy") is inequitable in comparison with off reserve policy, and is causing undue financial hardship on First Nations in BC;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to seek funding from INAC for a Joint First Nations-INAC Working Group with established and short timelines to address First Nations concerns on the Policy's impacts through development of a replacement policy that will not limit housing options available for Income Assistance Recipients;

THEREFORE BE IT FINALLY RESOLVED that contingent on funding, the UBCIC Chiefs Council directs the UBCIC Executive to seek experienced technicians and political leadership for participation in a Joint First Nations-INAC Working Group.

Moved: Chief Judy Wilson, Neskonlith Indian Band
Seconded: Chief Janet Webster, Lytton First Nation
Disposition: Carried
Date: June 2nd, 2011

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JUNE 1ST - JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-21

RE: UBCIC Rejection of HST

WHEREAS the Province of BC replaced its 7% Provincial Sales Tax (PST) and 5% Goods and Services Tax with the 12% Harmonized Sales Tax (HST) on July 1, 2010, and in June/July 2011, will be holding a referendum for British Columbian residents to determine whether (a) the HST should be extinguished and the GST and PST reinstated, or (b) the HST should be kept;

WHEREAS as Indigenous Peoples exercising our sovereignty, First Nations in B.C. have the right to tax and B.C. 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;

WHEREAS the UBCIC Chiefs Council has undertaken significant work in response to the implementation of the HST since September 2009, including regular communication with the government, preliminary reports, a presentation to the Senate, hosting a panel discussion, and a submission to the Independent Panel on the HST Initiative. UBCIC's work has been based on the following three points:

- a) First Nations in BC were not consulted about the shift to, and imposition of, the new tax regime, which the BC government has acknowledged;

- b) First Nations are sovereign nations who enjoy international recognition through the United Nations Declaration on the Rights of Indigenous Peoples, and Constitutional and judicial recognition of our Title, Tights, and Treaty Rights, including the right to tax. The province's unilateral imposition of the HST on First Nations is beyond provincial jurisdiction;
- c) First Nations in BC experience a disproportionately high level of poverty that is rooted in government policies, legislation, and colonialism, and the HST stands to maintain and further increase our level of poverty;

WHEREAS the UBCIC HST Committee (mandated by Resolutions 2009-41, 2009-51, 2010-21, and 2010-43), tabled a budget and workplan with the BC Ministry of Finance in October, 2010, seeking resources in order to commission expert economic and legal analysis of the impacts of HST on First Nations in BC. In April, 2011, the Ministry of Finance informed UBCIC that funding would not be provided, and that such analysis was not needed;

WHEREAS the Independent Panel analysis on HST found that the HST is not currently revenue neutral, and subsequent analysis of the BC Government's proposed reduction of the HST tax rate from the current 12 % to 10% by 2014 in tandem with temporary increase in corporate taxes, indicates that the HST will still not be revenue neutral, and that there will be a budget shortfall of approximately \$1.3B;

WHEREAS ballots for the HST referendum will be mailed out beginning June 13, and returned by July 22, 2011, and the question on the ballot is:

“Are you in favour of extinguishing the HST (Harmonized Sales Tax) and reinstating the PST (Provincial Sales Tax) in conjunction with the GST (Goods and Services Tax)?”

And voting “Yes” means that the HST will be eliminated and the GST and PST reinstated; and voting “No” means that the HST will be kept.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council rejects 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;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council strongly urges all First Nations to vote “yes” on the upcoming provincial HST referendum, where a vote of “yes” means that the HST will be extinguished;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC HST Committee and the UBCIC Executive to communicate and explain our opposition to the HST to the Province of BC and to BC First Nation communities in advance of the referendum.

Moved: Chief Donna Gallinger, Nicomen Indian Band

Seconded: Chief Janet Webster, Lytton First Nation

Disposition: Carried

Date: June 2nd, 2011

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JUNE 1ST-JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-22

RE: Mining Free Entry Reform

WHEREAS mining free entry (“free entry”) dates back to the gold rush period, where the Crown felt that natural resources were infinite and wilderness should be tamed; today this is still the foundation of British Columbia’s mining industry, and free entry provides open access to any miner to any part of the provincial mineral zone to explore for minerals;

WHEREAS free entry assumes mining is the first and best use of land, and ignores the unresolved land question in BC; all lands are open for mining unless specifically excluded and mining prevails over private property interest and First Nations Title and Rights; mineral tenures are granted on a first come, first served basis;

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

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

Article 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;

WHEREAS for more than 100 years mining has trumped all other natural resource industries in BC, such as oil and gas, forestry, fisheries and tourism. Miners do not apply for tenure or try to outbid a competitor for permission to access a resource, and with a Free Miner’s certificate, a credit card, and an Internet connection, mineral claims can be staked without the miner ever seeing the land or consulting with First Nations. Tenure is given regardless of the miner’s history and accountability;

WHEREAS the free-entry system does not recognize constitutionally recognized Aboriginal Title and Rights; free entry defers the Crown’s legal duties to consult with First Nations, and there is no requirement for consultation before a third party right is established for subsurface minerals;

WHEREAS First Nations Title and Rights are intricately linked with healthy ecosystems; modern mining operations bring significant impacts to the environment and communities and First Nations are increasingly concerned with the environmental, social, and cumulative impacts of mining operations in the last 100-plus years;

WHEREAS conflict between First Nations governments, public government, and the mining industry continues to escalate under the free entry regime; blockades and legal battles are ongoing and increasing;

WHEREAS free entry jeopardizes the future of a healthy mining industry in BC and risks the opportunity to build a positive working relationship with First Nations; a significant overhaul of mining policy is needed to decrease conflict, provide more benefits to First Nations, and provide certainty for government and industry investments.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council recognizes the need to change the mining free entry system to a permitting system that includes the impacted First Nation(s) in the decision making process;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council supports the creation of a legal requirement for mineral exploration agreements that should be in place with the impacted First Nation(s) prior to exploration (see First Nations Energy and Mining Council policy paper titled, “Sharing the Wealth” – 2010 www. <http://fnbc.info/fneme>);

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the First Nations Energy and Mining Council to work with the First Nations Leadership Council, to create a solutions paper for engaging the Province on solutions to the mining free entry system; the paper must be consistent with the UN *Declaration on the Rights of Indigenous Peoples* including the right to Free, Prior and Informed Consent, and will be brought to the next Chiefs Council meeting for the Chiefs to review.

Moved: Chief Lenora Fletcher, High Bar First Nation

Seconded: Chief Dalton Silver, Sumas First Nation

Disposition: Carried

Date: June 2nd, 2011

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JUNE 1ST - JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-23

RE: BC First Nations- China Strategy and Relationship Building

WHEREAS the Chinese and BC First Nations have shared a complex history together with evidence of trade on the coast of British Columbia that pre-dates European contact by hundreds of years;

WHEREAS there is a cultural affinity between the Chinese and First Nations, which is demonstrated through various exchanges both in China and in Canada; recent examples include the totem pole gift to the people who lost their lives in the 2008 Wenchuan earthquake and the Four Host Nations cultural exchange in Beijing for the Beijing Olympics;

WHEREAS the United Nations *Declaration on the Rights of Indigenous Peoples* states in article 32 that “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 China’s economy is growing rapidly: it is doubling every seven to eight years and by 2027, it is predicted that China will overtake the US economy; as China’s economic importance grows, BC First Nations communities face significant opportunities for economic development with China;

WHEREAS Chinese companies are largely unaware that Aboriginal and Treaty rights are protected by the Constitution of Canada; of the relationship that First Nations have with the land; and that First Nations are actively pursuing traditional economies;

WHEREAS the BC First Nations Energy and Mining Council (FNEMC) has developed a BC First Nations- China Strategy to promote collaborative development between First Nations and Chinese businesses and state-owned enterprises involved in natural resource development in Canada.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council recognizes the importance of being proactive in developing relationships with China in both the management of natural resource development in British Columbia as well as in the promotion of First Nations products to Chinese markets;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council supports the First Nations Energy and Mining Council in the work it has undertaken to highlight the importance of First Nations' relationship with China, and in developing a proactive BC First Nations- China Strategy and action plan;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council hereby endorses the attached seven action areas taken from the BC First Nations- China Strategy, and will make this document available to their membership;

THEREFORE BE IT FINALLY RESOLVED upon endorsement of this resolution by the BC Assembly of First Nations and the First Nations Summit, the UBCIC Chiefs Council directs the First Nations Energy and Mining Council to continue their efforts to secure funding for the BC First Nations- China Strategy and to implement the attached seven action areas from the First Nations China Strategy.

Moved: Chief Geronimo Squinas, Lhooskuz Dene Nation
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: June 2nd, 2011

BC First Nations-China Strategy Briefing Paper

The BC First Nations Energy and Mining Council (FNEMC) has developed a BC First Nations-China Strategy to promote collaborative development between First Nations and Chinese businesses and state-owned enterprises involved in natural resource development in Canada. The strategy is a pro-active approach to the future and endeavours to build the capacity of our youth and expand our First Nations entrepreneurs to respond to the increasing presence of China-related opportunities in British Columbia.

FNEMC is one of several sector-specific councils created as a result of the 2005 *New Relationship* with British Columbia to assist the 203 BC First Nations communities in advancing their interests. FNEMC's mandate is to identify priority issues for First Nations to address collectively. One such opportunity is the relationship between First Nations and China.

As China's economic importance grows, BC communities face significant opportunities for economic development with China. Many Chinese companies doing business in Canada, particularly those involved in resource extraction, are not familiar with the requirement to consult and accommodate First Nations. Chinese companies are largely unaware that First Nations rights are protected by the Constitution of Canada, the relationship that First Nations have with the land and that First Nations are actively pursuing traditional economies.

First Nations communities are being approached by numerous Chinese companies that are interested in gaining access to their traditional territories. Some companies are very proactive and doing the right thing by talking to First Nations communities at the earliest stages; others are unfamiliar with the existence of treaty rights and Aboriginal title and rights within our respective territories.

A properly resourced BC First Nations-China Strategy will ensure First Nations are prepared to respond to the variety of requests and will increase the opportunities for positive benefits.

The BC First Nations-China Strategy consists of seven Action Areas:

- 1) **First Nations capacity building**
FNEMC will identify interested youth to build their capacity and understanding of China and the opportunities that exist. Through working with universities, industry associations, and provincial and federal governments, FNEMC will improve First Nations internal capacity and engage with China on a wide variety of initiatives.
- 2) **Promote opportunities for engagement with China interests**
FNEMC is promoting annual visits/trade missions for First Nations to China and for China representatives to BC/Canada.
- 3) **Establish a China Desk**
FNEMC's China Desk will be one of the 'go-to' centres for First Nations seeking to access the Chinese market for their products and will also help First Nations respond to Chinese interests seeking to develop relationships with them.
- 4) **Develop best practices on engagement**
FNEMC will enhance collaboration by creating a process for Chinese investors that promotes adequate consultation and accommodation with First Nations.
- 5) **Expand market opportunities for First Nations in China**
The FNEMC will assist First Nations to seize opportunities to market products or services in China.

6) Work with the provincial and federal governments to develop mutual benefits/opportunities.

FNEMC has asked the governments of BC and Canada to appoint a joint First Nations/Provincial and Federal technical working group.

7) Create a unified message

FNEMC will lead development of a strong branding strategy both in and outside of Canada to ensure government and business see First Nations as part of the solution.

This BC First Nations-China Strategy is being presented to the Chiefs of British Columbia for their input and approval. FNEMC continues to work with the provincial government on initiatives such as:

- Staffing the China Desk,
- Organizing a trade mission to China in October 2011,
- The Asia Pacific Gateway Initiative,
- a First Nations internship program in China, and
- Announcing the BC First Nations-China Strategy at the July 2011 Council of the Federation meeting in BC.

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 1ST – JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-24

RE: First Nations Education System

WHEREAS First Nations in BC have been working together for almost two decades to advance quality educational opportunities for First Nations students, and working together, First Nations have established a solid foundation for a comprehensive, integrated, well-supported BC First Nations K-12 Education System;

WHEREAS First Nations in BC have demonstrated the capacity to implement research-based, appropriate, and relevant programs to promote quality education at the classroom, school, and collective levels;

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

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.

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 to further advance this work, First Nations in BC require funding from the federal government that: provides First Nations schools with sufficient core funding that reflects the principles of equitable and sustainable resources; fully recognizes the need for language and culture and technology programming; and provides for ongoing, well-planned, and meaningful second-level services;

WHEREAS a key component of the comprehensive First Nations Education System is the implementation of BC First Nations' legally-recognized jurisdiction over education for those First Nations who opt into the jurisdiction initiative. However, in order for jurisdiction to be fully

implemented First Nations and the federal government must finalize the funding component of the jurisdiction agreements, which will require recognition of the need for indexing; continued access to targeted programming, and language, culture and technology funding; and will require that the federal government honour the existing jurisdiction agreements that were signed by Canada, BC and the First Nations Education Steering Committee in 2006, which do not include any reference to the application of the federal Own Source Revenue Policy;

WHEREAS the Crown cannot unilaterally act without regard to Aboriginal governance rights in relation to education, as to do so would not be in keeping with the honour of the Crown.

THEREFORE BE IT RESOLVED 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 Council calls upon the Government of Canada to negotiate education jurisdiction agreements based on the shared commitments set out in the *Transformative Change Accord*;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council also calls on the Government of Canada to honour the 2006 signed agreements by withdrawing the newly-imposed condition that the federal Own Source Revenue Policy apply to the education jurisdiction negotiations;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the Government of Canada to uphold the honour of the Crown and immediately re-engage in negotiations with the First Nations Education Steering Committee regarding both the advancement of the model First Nations K-12 Education System and the implementation of the education jurisdiction initiative. Re-engagement must occur with the recognition that reasonable funding is required for First Nations schools in BC that reflects the principles of sustainability, equitability, and the need for language, culture and technology programming.

Moved: Chief Ko'waintco Michel, Nooaitch First Nation
Seconded: Chief Coreen Child, Kwakiutl Indian Band
Disposition: Carried
Date: June 2nd, 2011

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 1ST – JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-25

RE: BC Hydro's Proposed Peace River Site C Hydroelectric Dam Project

WHEREAS BC Hydro submitted their Site C Dam Project Description Report to provincial and federal environmental assessment agencies on May 18, 2011, and the Province of British Columbia through their Crown Corporation, BC Hydro, plans to construct and operate an 1100 megawatt hydroelectric dam on the Peace River;

WHEREAS this project will have a devastating effect on the Treaty and Aboriginal Rights of Treaty 8 First Nations in British Columbia, Alberta and the North West Territories and the Treaty No. 11 peoples of the North West Territories. The project will eliminate our ability to continue our way of life and exercise our Treaty-protected constitutional rights to hunt, fish, trap, harvest and carry out traditional practise on the land;

WHEREAS the Treaty and Aboriginal rights of these Nations have already been infringed and the Treaty protected modes of life interfered by the devastation of vast amounts of wetlands and critical wildlife habitat by the construction and operation of the W.A.C. Bennett and Peace Canyon Dams. The Government of British Columbia and its crown agency, BC Hydro refuse to acknowledge crown responsibility for these ongoing infringements, and the Government of Canada has failed to use existing federal laws to protect and safeguard the rights of Treaty peoples from these ongoing infringements;

WHEREAS article 32(2) of the United Nations *Declaration on the Rights of Indigenous Peoples* requires States to consult and cooperate in good faith with the indigenous peoples in order to obtain their free and informed consent prior to the approval of any project. Article 32(3) of the Declaration also requires States to "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 further, the United Nations *Declaration on the Rights of Indigenous Peoples* sets out:

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 26:

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

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

WHEREAS the Doig River, Halfway River, Prophet River and West Moberly First Nations (collectively, Treaty 8 First Nations) will use all available processes and legal options to oppose the construction of the Site C Hydroelectric Dam.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the efforts of Treaty 8 First Nations to ensure that their Aboriginal and Treaty rights are honored and preserved;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the Treaty 8 Tribal Association staff and its member First Nations (specifically, Doig River, West Moberly, Halfway, and Prophet River First Nations) in their efforts to oppose the Site C Hydroelectric Dam;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council urges the province of British Columbia to re-instate the authority of the BC Utilities Commission so that it may examine the true economic impacts to the people of British Columbia of constructing the Site C Hydroelectric Dam;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council mandates the UBCIC Executive and staff to lobby the governments of BC and Canada, and the United Nations to ensure that there is a federal full panel review of the Site C Hydroelectric Dam and that both the provincial and federal environmental assessment agencies' processes reflect Articles 4, 10, 12, 19, 26 and 29 of the United Nations *Declaration on Rights of Indigenous People*;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council mandates the UBCIC Executive and staff to lobby the governments of BC and Canada, and the United Nations to ensure there is full consultation and accommodation of all Treaty 8 First Nations through a fair, open and transparent process that includes sufficient resources to look at the potential impacts on the traditional, spiritual, environmental, social and economic interests of Treaty 8 First Nations, and mitigation to ensure that there is no net impact on Aboriginal and Treaty rights, or denial of approval of the dam if such impacts cannot be mitigated.

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Chief Geronimo Squinas, Lhooskuz Dene Nation
Disposition: Carried
Date: June 2nd, 2011

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 1ST TO JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-26

RE: Support for the Designation of Wild Pacific Salmon as an Official Symbol of B.C.

WHEREAS under the provincial *Symbols and Honours Act*, the government of British Columbia has official emblems including the Pacific Dogwood, Steller's Jay, Kermode (Spirit) Bear, Western Red Cedar, Jade and the BC Tartan;

WHEREAS official designation of wild Pacific salmon as one of the symbols of the province would recognize the longstanding truth that our wild Pacific salmon are vital to all ecological, economic and cultural life in BC;

WHEREAS the United Nations *Declaration on the Rights of Indigenous Peoples* sets out in Article 15(1) that "Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information";

WHEREAS the Pacific Salmon Foundation (PSF) and the Fraser Basin Council (FBC) have efforts underway to ask the province to designate wild salmon (including Chinook, sockeye, coho, chum and pink salmon, as well as steelhead trout and cutthroat trout) as an official provincial symbol under the Provincial *Honours and Symbols Act*;

WHEREAS wild Pacific salmon are integral to the culture, well being, and livelihood of BC First Nations people, and First Nations support is critical to this initiative being successful.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the efforts of the Pacific Salmon Foundation and the Fraser Basin Council to have wild Pacific salmon designated as an official symbol of BC;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the other organizations of the Leadership Council (the BC Assembly of First Nations and the First Nations Summit) to communicate support for this initiative to the Premier of BC

Moved: Debbie Abbott, Proxy, Oregon Jack Creek Indian Band
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: June 2nd, 2011

June 2nd, 2011

2011-26
Page 1 of 3

First Nations Fisheries Council

Briefing Note

4011 Si-Lu Drive
Vancouver, BC V6N 4G5
Telephone: (604) 269 3364
www.FNFisheriesCouncil.ca



(Decision required)

- The Pacific Salmon Foundation (PSF) and the Fraser Basin Council (FBC) have contacted the FNFC about their efforts to ask the Province of B.C. to designate wild salmon (including Chinook, sockeye, coho, chum and pink salmon, as well as steelhead trout and cutthroat trout) as an official provincial symbol under the *Provincial Honours and Symbols Act*.
- First Nations support is critical to this initiative being successful.
- The FNFC has drafted a resolution to have this initiative fully supported by the three organizations of the First Nations Leadership Council.

Issue

The Pacific Salmon Foundation (PSF) and the Fraser Basin Council (FBC) contacted the FNFC about their efforts to ask the province to designate wild Pacific salmon as an official provincial symbol. The purpose of the proposal to designate wild salmon as an official provincial symbol is to raise awareness of the importance of wild Pacific salmon and deepen public commitments to the sustainability of salmon. Although the PSF and FBC plan to submit a report to the provincial government highlighting public support for the proposal, it was deemed necessary to seek First Nations support for the proposal as well. This Briefing Note provides background on a resolution for consideration by the BCAFN, FNS, and UBCIC on designating wild Pacific salmon as a Provincial symbol.

Background

In July 2010, the Pacific Salmon Foundation, Fraser Basin Council and Living Rivers – Georgia Basin/Vancouver Island invited the public to express their views on a proposal to designate wild Pacific salmon (including Chinook, sockeye, coho, chum and pink salmon, as well as steelhead trout and cutthroat trout) as an official provincial symbol under the province *Symbols and Honours Act*. The organizers of the proposal plan to deliver a synopsis of public comments and the public survey results to the Minister of Environment in the coming months to highlight overwhelming public support for the proposal. As wild Pacific salmon are integral to the culture, health and livelihood of First Nations across British Columbia, First Nations support is critical to this initiative being successful. The organizers of the proposal recently approached the First Nations Fisheries Council about supporting this initiative. The council members of the First Nations Fisheries Council recommended that a resolution be presented to the Chiefs in Assembly of all three Leadership Council Organizations seeking support for the campaign to designate wild Pacific salmon as an official provincial symbol.

Campaign to Designate Pacific Salmon a Provincial Symbol

Analysis / advice

As wild Pacific salmon are integral to the culture, health and livelihood of First Nations across British Columbia, First Nations support is critical to this initiative being successful. The resolution directs the Union of B.C. Indian Chiefs Executive and staff to work with the other organizations of the First Nations Leadership Council (the BC Assembly of First Nations and the First Nations Summit) to communicate support for this initiative to the Premier of BC.

Actions required

The First Nations Fisheries Council requires permission from the Union of B.C. Indian Chiefs Executive to share the resolution with the organizers of the proposal and communicate that the Union of B.C. Indian Chiefs formally supports the proposal.



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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 1ST - JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-27

RE: First Nations Public Service Capacity Building Strategy

WHEREAS First Nations in British Columbia are in the process of negotiating various agreements to have their inherent right to self-government recognized;

WHEREAS with increasing decision-making and governing responsibilities First Nations are engaged in Nation building processes to strengthen and enhance their capacity to create effective and efficient administrations to implement the vision of their Nations;

WHEREAS while the governments of Canada and British Columbia are engaging in devolving responsibilities for program administration they have not provided resources to support capacity building at the community level to manage, support and refine programs to best meet the needs of First Nations citizens;

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

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

WHEREAS Over the 2008-2010 fiscal years First Nations leadership commissioned the development of a province-wide capacity building strategy built on the needs of BC First Nations as expressed in three rounds of community sessions, several conferences, and community visits. The *2010 Nation Building through Human Resources Development Discussion Paper*, articulating the strategy, has been submitted for endorsement by the Union of BC Indian Chiefs. The vision for this strategy is:

“BC First Nations that are exercising their decision-making rights and responsibilities through governments and administrations that strive for excellence in community service”;

WHEREAS to implement the strategy, Chiefs are being asked to support the First Nations Public Service Secretariat; a small group of individuals will be responsible for coordinating with existing First Nations organizations, professional associations, and regulatory bodies' activities and initiatives that support building capacity in First Nations communities - the standard that has been set is excellence, and the theme for this strategy is "The Courage to Excel";

WHEREAS the First Nations Public Service Secretariat's mission is to strengthen and enhance capacity in First Nations communities and organizations, on an individual and Nation level by coordinating and facilitating activities and initiatives that are affordable, accessible, and meet the standard of excellence in service;

WHEREAS funding to support this initiative is being gathered from several agencies including the federal and provincial governments, and other organizations.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council endorses the *2010 Nation Building through Human Resource Development Discussion Paper* and the 2010 – 2011 FNPSS Annual Report;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the First Nations Public Service Secretariat (FNPSS) to prevent duplication of work, ensure that maximum resources are invested in communities, and report back to the Union of BC Indian Chiefs for review and renewal of FNPSS' activities and operating mandate;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to provide a letter of support for the FNPSS that can be included as FNPSS seeks resources to continue support for this initiative.

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Acting Chief April Charleson, Hesquiaht First Nation
Disposition: Carried
Date: June 2nd, 2011

Briefing Note on the First Nations Public Service Secretariat

To: Union of BC Indian Chiefs (UBCIC)
From: Christa Williams, Executive Director First Nations Public Service Secretariat (FNPSS)
Date: May 19, 2011
Re: FNPSS Report

Purpose:

To inform the UBCIC on the progress of implementing the BC First Nations Capacity Strategy 2010-2011.

Summary of Highlights:

The First Nations Public Service Secretariat (FNPSS) has just completed year one of the implementation of the BC First Nations Capacity Strategy, 2010.

The Vision and Mission Statement of the strategy are as follows:

- BC First Nations that are exercising their decision-making rights and responsibilities through governments and administrations that strive for excellence in community service.
- The First Nations Public Service Secretariat's (FNPSS) mission is to strengthen and enhance capacity in First Nations communities and organizations, on an individual and nation level.

The Goals of the First Nations Public Service Strategy, and accomplished goal activities:

- 1) Strengthen and support relationships between First Nations Leadership, administration and communities;
- 2) Coordinate and strengthen human resource development for Nation workers in the core competencies: human, financial, records and information management, and policy development;
- 3) Support and enhance human resource development efforts for Nation workers in a range of professional sectors such as health, education, children and families, resource management etc.

Record of Accomplishments Overview:

- 148 persons participated in FNPSS delivered training opportunities in seven different subjects such as: Records and Information Management, Human Resources, Policy, Difficult Conversations, Minutes and Agenda, and Briefing Notes
- Two Memorandums of Understanding have been signed and three are in progress (these are with organizations who have expertise that is valuable to First Nations communities and organizations like Records and Information Management and Policy Development)
- 9 community representatives supported to attend Provincial and National conferences and provide feedback to the FNPSS regarding value to communities
- 14 people participated in job shadowing and information sharing opportunities in BC Ministries
- Two Mentorship Programs in Records and Information Management and Human Resource Management have been established in draft with a view to piloting in 2011-2012

- 33 Provincial and Federal Interns
- Establishment of the First Nations Health Human Resource Strategy Council and supporting discussion paper
- Three practical tools developed for First Nations use in the areas of Records and Information, Human Resource Management and Policy Development

For a complete look at the activities of the First Nations Public Service Secretariat please pick up a copy of their annual report at www.firstnationspublicservice.com.

Next Steps:

- Continue coordinating and facilitating activities and initiatives that are affordable, accessible and meet the standards of excellence in service to strengthen and enhance capacity within BC First Nations;
- Finalize partnerships with the Indigenous Adult Higher Learning Association (IAHLA), Human Resource Sector Council, and the BC Human Resource Managers Association (BCHRMA);
- Continue to search for other relevant partnerships;
- Seek funding for a stable FNPSS that remains small and productive.

Christa Williams
Executive Director,
First Nations Public Service Secretariat
Phone: 604-926-9903
Email: cwilliams@fnps.info

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CHIEFS COUNCIL
JUNE 1ST - JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-28

RE: Support of the Native Indian Football Association of BC (NIFA) Soccer Programs

WHEREAS the Native Indian Football Association (NIFA) is the Aboriginal soccer body for developing and providing soccer opportunities for Aboriginal players from the grassroots to the International forum;

WHEREAS NIFA is recognized for developing a high standard of coaches who in turn support and coach community village teams and Aboriginal Team BC, and coaching must be of the highest standard;

WHEREAS the United Nations *Declaration on the Rights of Indigenous Peoples* sets out in Article 24(2) that “Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health”;

WHEREAS NIFA is recognized for hosting provincial soccer tournaments and coordinating youth soccer camps across BC and Canada, and NIFA has built elite soccer teams and programs that play at provincial, national and international level tournaments;

WHEREAS NIFA has been given the opportunity to develop a national level program of men and women, which will be based in BC, working with other provincial Aboriginal soccer partners, that will select national level elite soccer players to participate in a pilot project of friendly matches in Brazil in 2013, and ultimately compete at the Inaugural Indigenous World Cup in 2016 in Brazil.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the Native Indian Football Association (NIFA) in organizing more youth and senior soccer tournaments and to raise the standard of coaches in the Aboriginal Community;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully supports the development of elite youth soccer teams that have the opportunity to participate at international

competitions through NIFA, as well as the development of a National Level Soccer Program of Men and Women to compete at the inaugural indigenous Soccer Programs in Brazil in 2011 and 2013;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the mainstream soccer community in BC and Canada to partner with NIFA in development and preparation of soccer teams that will travel to and compete at the Indigenous Pilot Soccer matches and the Inaugural Indigenous World Cup in Brazil.

Moved: Chief Geronimo Squinas, Lhooskuz Dene Nation
Seconded: Chief Lenora Fletcher, High Bar First Nation
Disposition: Carried
Date: June 2nd, 2011

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JUNE 1ST - JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-29

RE: Follow up to Missing Women's Commission of Inquiry May 3, 2011 Ruling

WHEREAS for decades, many grassroots women's organizations in the Downtown Eastside (DTES) of Vancouver as well as the UBCIC Chiefs Council, via Resolution 2008-30, called for a full public inquiry into the Missing Women of the DTES and the Highway of Tears;

WHEREAS by Resolution 2010-13, the UBCIC Chiefs Council acknowledged that Indigenous Nations women have the right to personal safety and security, no matter what their socio-economic status may be, yet Indigenous Nations women experience disproportionately high levels of violence;

WHEREAS Article 22 (2) of the United Nations *Declaration on the Rights of Indigenous Peoples* cites that "States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination";

WHEREAS the BC Government implemented the Missing Women's Commission of Inquiry (MWCI) in the fall of 2010 and appointed former Attorney General Wally Oppal as Commissioner of the MWCI, and the BC Government approved Commissioner Oppal's recommendation to expand the MWCI terms of reference to include both a policy and hearing commission of inquiry;

WHEREAS the terms of reference of the inquiry to be conducted by the commission are as follows:

- (a) To conduct hearings, in or near the City of Vancouver, to inquire into and make findings of fact respecting the conduct of the missing women investigations;
- (b) Consistent with the *British Columbia (Attorney General) v. Davies*, 2009 BCCA 337, to inquire into and make findings of fact respecting the decision of the Criminal Justice Branch on January 27, 1998, to enter a stay of proceedings on charges against Robert William Pickton of attempted murder, assault with a weapon, forcible confinement and aggravated assault;

(c) To recommend changes considered necessary respecting the initiation and conduct of investigations in British Columbia of missing women and suspected multiple homicides;

(d) To recommend changes considered necessary respecting homicide investigations in British Columbia by more than one investigating organization, including the co-ordination of those investigations;

(e) To submit a final report to the Attorney General or before December 31, 2011;

WHEREAS on May 3, 2011 Commissioner Wally Oppal made a ruling that 13 organizations were given standing, and specifically the Assembly of First Nations, Union of BC Indian Chiefs, First Nations Summit, Carrier Sekani Tribal Council and Native Courtworker and Counselling Association of BC were given limited standing into the policy aspects of the MWCI, and Commissioner Oppal recommended funding for all 13 organizations including those noted here. Those organizations which received limited standing must apply to Commissioner Oppal on an individual witness basis to cross examine witnesses;

WHEREAS the BC Government approved funding for the families of the missing and murdered women; however, it was decided to disregard recommendations by Commissioner Oppal to fund the 13 organizations who received standing. Lawyers for the BC Government, the Vancouver Police, the RCMP and the MWCI are all government funded which creates an obvious inequity in the overall process;

WHEREAS without adequate resources the 13 organizations that received full or limited standing will not be able participate in the evidentiary/factual and study/policy aspects of the MWCI. Specifically, UBCIC, with limited standing will not have the resources to take part in all phases of the Commission's evidentiary and study hearings such as the ability to cross examine witnesses, make submissions, access and analyze disclosure documents and/or able to participate in policy hearings.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council unanimously demands that all 13 organizations that were given standing be provincially funded, as recommended by Commissioner Wally Oppal;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to directly and publicly advocate for the 13 organizations who were given standing to be fully funded, publicizing our serious concerns to date with the actions of the Province and decisions of the Missing Women's Commission of Inquiry (MWCI);

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive and its legal counsel to immediately consider a range of options including discussions with the Premier, Attorney General and MWCI Commissioner; litigation; and direct action.

Moved: Chief Judy Wilson, Neskonlith Indian Band
Seconded: Acting Chief April Charles, Hesquiaht First Nation
Disposition: Carried
Date: June 2, 2011

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CHIEFS COUNCIL
JUNE 1ST - JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-30

**RE: Support for a National Federal Inquiry
“Royal Commission on Violence Against Indigenous Girls and Women”**

WHEREAS in Canada, Indigenous women are five times more likely than other women to die as a result of violence and this problem is a national and international crisis. Violence against Indigenous girls and women must be addressed and eliminated;

WHEREAS there are reports that more than 582 Indigenous women are known to be either missing or murdered currently in Canada, and many non-government organizations are conducting research and spreading awareness both nationally and internationally such as the Amnesty International Stolen Sisters and No More Stolen Sisters reports;

WHEREAS many of those who have gone missing or who have been found murdered are girls who may be in the care of the provincial ministries responsible for child and family services and foster care;

WHEREAS in order to redress the systemic racism and to eliminate the violence perpetrated against Indigenous girls and women within Canada, there is a responsibility by all;

WHEREAS the United Nations Committee on the Elimination of Discrimination against Women (CEDAW) gave a 2008 directive to Canada to “examine the reasons for the failure to investigate cases of missing or murdered Aboriginal women and to take the necessary steps to remedy the deficiencies in the system [and] carry out an analysis of those cases in order to determine whether there is a racialized pattern to the disappearances and take measures to address the problem if that is the case;

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

Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall

be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination”;

WHEREAS the Union of BC Indian Chiefs has consistently worked with like-minded organizations to take action and bring attention to the critical and devastating issue of violence against Indigenous girls and women;

WHEREAS by Resolution 2008-30, the UBCIC Chiefs Council called for a full public inquiry into the Missing Women of the Downtown Eastside of Vancouver and the Highway of Tears; and by Resolution 2010-13, the UBCIC Chiefs Council acknowledged that Indigenous Nations women have the right to personal safety and security, no matter what their socio-economic status may be, yet Indigenous Nations women experience disproportionately high levels of violence;

WHEREAS the Battered Women’s Support Services (BWSS) presented to the UBCIC Chiefs Council on June 1, 2011, the need for a Royal Commission on Violence Against Indigenous Girls and Women to address the gaps and to address the issues affecting Indigenous girls and women, but also to make concrete and specific recommendations to end violence against Indigenous girls and women at a national level;

WHEREAS the BWSS has identified the following potential focus of the Royal Commission on Violence Against Indigenous Girls and Women:

- 1) The investigation of cases of missing and murdered Indigenous girls and women across Canada and the response of the designated policing agencies and the Canadian, provincial and territorial governments more broadly; and the response of, if applicable, the provincial and territorial ministries responsible for child and family services including foster care;
- 2) The fulfillment of the needs of the families of missing Indigenous girls and women and families of murdered Indigenous girls and women, as each of their needs are different;
- 3) The empowerment of Indigenous girls and women;
- 4) Affirming Gender-balance and Healing;
- 5) The judicial and law enforcement systems within Canada;
- 6) Broader awareness and understanding of the impacts of colonization towards Indigenous girls and women in Canada;
- 7) The allocation of resources to the investigation and determination of the identity of perpetrators of violence against Indigenous girls and women.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council supports the call for the federal government to convene a national inquiry, a Royal Commission on Violence Against Indigenous Girls and Women to address the gaps and to make concrete and specific recommendations to end violence against Indigenous girls and women at a national level;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council supports the recommendation that the Royal Commission on Violence Against Indigenous Girls and Women be a combined fact-finding and policy-based mandate and should include Indigenous and/or woman chief

commissioner(s), along with an Indigenous youth council, infusing the inquiry with both Indigenous, woman and girl perspectives;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate full support for a Royal Commission on Violence Against Indigenous Girls and Women to First Nation communities, and to the provincial, territorial and federal governments of Canada, including at the upcoming National Symposium on Violence Against Aboriginal Women in Vancouver, BC;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and the UBCIC Women's Representative to work with like-minded organizations including the Battered Women's Support Services to further advocate for a Royal Commission, and report back to the UBCIC Chiefs Council on progress.

Moved: Kukpi7 Wayne Christian, Splantsin
Seconded: Chief Ko'waintco Michel, Nooaitch First Nation
Disposition: Carried
Date: June 2, 2011