

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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Resolutions from UBCIC Annual General Assembly, September 12-14, 2012

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**UNION OF B.C. INDIAN CHIEFS
44TH ANNUAL GENERAL ASSEMBLY
CO-HOSTED WITH STS'AILES
SEPTEMBER 12TH – SEPTEMBER 14TH, 2012
HARRISON HOT SPRINGS, B.C.**

Resolution no. 2012-32

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 Hugh Braker, Tseshah First Nation
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: September 12, 2012

Certified copy of a resolution adopted on the 14th day of September of 2012 in Harrison Hot Springs, British Columbia

Grand Chief Stewart Phillip, President

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Resolution no. 2012-33

RE: UBCIC Support for the Tsilhqot'in Nation – *William* Aboriginal Title Appeal

WHEREAS the Tsilhqot'in Nation, building on the efforts of the Nisga'a Nation, the Gitksan, the Wet'suwet'en and other First Nations in British Columbia, has asserted Aboriginal Title and Rights in the Canadian court system, seeking long overdue recognition of Tsilhqot'in laws and Title to a portion of traditional territory;

WHEREAS the B.C. Supreme Court, after five years of trial, found that the Tsilhqot'in had proven Aboriginal Title to a substantial portion of the claim area and, for the first time by a Canadian court, delineated the area where Aboriginal Title was proven on the evidence, including core Tsilhqot'in hunting, trapping, gathering and fishing areas that were exclusively controlled by the Tsilhqot'in and exploited year after year, season after season, pursuant to the traditional Tsilhqot'in laws and practice;

WHEREAS the B.C. Supreme Court expressly rejected the view of Aboriginal Title advanced by the Governments of British Columbia and Canada, which would confine Aboriginal Title to very specific, intensively used sites, as a "postage stamp" approach and an "impoverished view" of Aboriginal Title that should no longer be allowed to "pervade and inhibit genuine negotiations";

WHEREAS the B.C. Court of Appeal, on appeal of the trial decision, overruled the trial judge, and endorsed the "postage stamp" approach to Aboriginal Title, and confined Aboriginal Title at law to permanent settlement sites, cultivated fields, and intensively used, specific sites such as "salt licks, narrow defiles between mountains and cliffs, particular rocks or promontories used for netting salmon, or, in other areas of the country, buffalo jumps";

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WHEREAS the Plaintiff Roger William, as representative of the Tsilhqot'in Nation and the Xenigwet'in First Nations Government, is seeking leave to appeal this ruling on Aboriginal Title to the Supreme Court of Canada;

WHEREAS First Nations in British Columbia have advocated and struggled for the just recognition by Crown governments of our Aboriginal Title to unceded lands from before the formation of this province to the present day. The resolution of this land question will profoundly impact all First Nations in British Columbia, our relationship to the Crown, and the prospects of a lasting reconciliation; and

WHEREAS Article 26(2) of the *United Nations Declaration on the Rights of Indigenous Peoples* provides that "Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired."

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the Tsilhqot'in Nation in efforts to overturn the decision of the B.C. Court of Appeal and to denounce the colonial reasoning underpinning this judgment, including in applying for leave to appeal the B.C. Court of Appeal's ruling on Aboriginal Title to the Supreme Court of Canada;

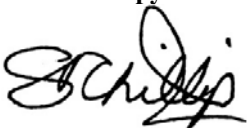
THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly denounce the reasons and ruling of the B.C. Court of Appeal because: it denies the legitimacy and equality of Indigenous laws, it belittles Aboriginal people and their cultures and traditions and systems of occupation of traditional lands; it is based on out-moded and discriminatory views of Indigenous systems of land use and occupation and the connection of Indigenous peoples to our lands; after generations of relentless struggle by First Nations for recognition, it would reduce Aboriginal Title to nothing more than specific sites such as permanent settlements, salt licks and hunting blinds; this approach denies First Nations the economic benefit and jurisdictional authority over unceded traditional lands; and, it will lead to increased conflict over land issues and frustrate any prospect of lasting reconciliation for many First Nations;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly do not accept the judgment of the B.C. Court of Appeal as the final statement of the law of Aboriginal Title; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to continue advocating in accordance with this Resolution and to provide political assistance within its means to the Plaintiff Roger William and the Tsilhqot'in Nation in applying for leave to appeal to the Supreme Court of Canada.

Moved: Chief Hugh Braker, Tseshah First Nation
Seconded: Chief Dan Manuel, Upper Nicola Indian Band
Disposition: Carried
Date: September 14, 2012

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Resolution no. 2012-34

RE: Funding to Support Indigenous Jurisdiction Over Our Children

WHEREAS Indigenous Nations have an inherent right to self-determination including jurisdiction to the children and families of those Nations;

WHEREAS Indigenous peoples' jurisdiction in the area of children and families is not recognized in British Columbia, and the current system is one in which the Province asserts jurisdiction and control in this area;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) recognizes in particular “the rights of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child”;

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

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 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 Assembly of First Nations recently passed Resolution 17/2012 re-affirming that First Nations Leadership does not require any guiding federal or provincial policy to move forward on the basis of our Constitutional and internationally protected inherent rights and responsibilities over all First Nations, regardless of residency or "Indian Act status", and re-established the Chiefs Task force on First Nations Child and Family Services to coordinate and implement a national strategy on issues relating to all First Nations child and family wellness;

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WHEREAS the UBCIC Chiefs Council has consistently passed resolutions upholding the self-determination of Indigenous Peoples with respect to their children, including Resolutions: 2001-08, 2003-14, 2004-10, 2006-02, 2006-13, 2006-14, 2007-52, 2011-42, 2012-03, and as set out in the *Tsawwassen Accord*;

WHEREAS the Union of BC Indian Chiefs prepared a paper analyzing Indigenous Peoples' inherent jurisdiction over child welfare and the impact of provincial delegation in this area (*Calling Forth our Future: Options for the Exercise of Indigenous Peoples Jurisdiction in the Area of Child Welfare*) which stated that "the federal government has the overarching fiduciary duty to protect and support our jurisdiction in this area, and must be pressured to take up these responsibilities by fully funding and supporting our assertion of jurisdiction in the area of child and family services";

WHEREAS the issue of jurisdiction continues to be avoided by the Province, specifically the Ministry of Children and Family Development, and this governing model is having negative impacts on our children, families and communities; and

WHEREAS the vast majority of First Nations in British Columbia do not currently have control over the funding that is provided by Canada to take care of First Nations children. This funding is largely transferred to the Province through Ministry of Children and Family Development, and to delegated agencies.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly re-assert that the federal government has the overarching fiduciary duty to protect and support our jurisdiction, and must be pressured to take up these responsibilities by fully funding and supporting our jurisdiction in the area of child and family services;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly seek the opportunity for First Nations to develop individual funding arrangements directly with Aboriginal Affairs and Northern Development Canada (AANDC) with respect to child and family welfare, where the funding would be administered by a body of the First Nation's choosing;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to pursue political advocacy with AANDC in support of such funding arrangements; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to provide a copy of this resolution to the AFN Chiefs Task Force on First Nations Child and Family Services.

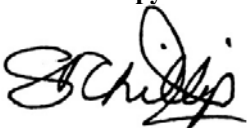
Moved: Chief Maureen Chapman, Skawahlook First Nation

Seconded: Chief Jonathan Kruger, Penticton Indian Band

Disposition: Carried

Date: September 14, 2012

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Resolution no. 2012-35

RE: Opposition to Provincial Natural Resource Road Act

WHEREAS the Province has a duty to consult and where required, accommodate First Nations whenever it proposes a decision or activity that could impact Treaty Rights or Aboriginal Rights (including Title) - claimed or proven;

WHEREAS consultation must be meaningful, initiated at an early stage before legislation is enacted, decisions made or measures taken; and the consultation process should be separate and distinct from any public consultation process;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* states in 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 concerns 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 the Provincial Consultation Procedure lists "factors that influence the degree of impact on Aboriginal interests," including:

- The permanence of impact on the land or resources;
- The geographic extent of impact on the land or resources;
- The potential for interfering with a known sensitive area or place with specific values;

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- The potential for interfering with First Nation uses or activities on the land in a manner that would lead to undue hardship for that First Nation in being able to carry on those uses or activities;
- The extent of impacts on fish and wildlife and their habitat;

WHEREAS in November 2011, the Provincial government introduced a discussion paper on the Natural Resource Road Act (NRRA) and accepted public feedback until December 2011 and has neglected to hold a separate and distinct consultation process for First Nations;

WHEREAS NRRA is currently in its second phase of policy and solution development phase and has been conducting a number of working groups to provide further input into the development of new legislation;

WHEREAS the NRRA infringes on Aboriginal Title, Rights and Treaty Rights because the amendments will facilitate less deactivation of roads to “keep more backcountry roads open....and preserve access to BC's wilderness areas;”

WHEREAS the NRRA will increase public access and pressure on resources such as further development, overhunting and further risk to environmentally sensitive areas that maintain critical habitat; and

WHEREAS the NRRA will affect the permanence of impact on the land and resources and will affect the extent of impacts on fish and wildlife and their habitat.

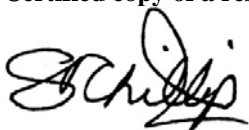
THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with like-minded organizations to strongly oppose the NRRA, and to communicate any progress to the UBCIC Chiefs Council;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to communicate this opposition to the Provincial Government, and demand that the Provincial Government uphold its legal obligations to meaningfully consult with First Nations where there is potential of infringement on Aboriginal Title, Rights and Treaty Rights; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to complete a comprehensive analysis of the NRRA once drafted.

Moved: Shelley Leech, T'it'q'et (Proxy)
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: September 14, 2012

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Resolution no. 2012-36

RE: UBCIC Mandate to Protect and Safeguard Wild Salmon

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

WHEREAS First Nations in British Columbia have constitutionally protected Aboriginal Title and Rights, and Treaty Rights, that have been affirmed by the Supreme Court of Canada and by international conventions and local and international treaties, including the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), which Canada endorsed on November 12, 2010;

WHEREAS Article 26 of the UNDRIP provides that “Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use...”;

WHEREAS Article 29 of the UNDRIP provides that “Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources...”;

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

WHEREAS UBCIC Resolution 2008-19 calls for the UBCIC Chiefs Council to work with First Nations to conserve wild stocks, advocate and support recovery and restoration;

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WHEREAS UBCIC Resolution 2012-19 reaffirms UBCIC's role to strongly advocate for Aboriginal Title, Rights and Treaty Rights with respect to fisheries and aquaculture, as mandated through existing resolutions;

WHEREAS UBCIC Resolutions 2008-19, 2009-35 and 2009-36 confirm UBCIC's commitment to work in solidarity with like-minded organizations and BC First Nations with respect to fisheries and aquaculture issues;

WHEREAS First Nations in British Columbia acknowledge the interdependence we have with one another, and we respect that as First Nation peoples, we have the right to determine our level of involvement and perspectives on the aquaculture industry based on each of our community's needs, aspirations and priorities;

WHEREAS there has been increasing First Nations participation in the aquaculture industry including shellfish and finfish economic opportunities and development;

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;

WHEREAS finfish aquaculture operations comprise 72% of all Canadian aquaculture initiatives;

WHEREAS in 2010 salmon farming in British Columbia comprised of approximately \$500 million in value and \$21 million in shellfish operations;

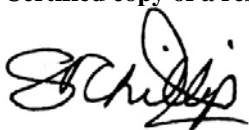
WHEREAS British Columbia is the fourth largest producer of cultured salmon in the world after Norway, Chile and the United Kingdom;

WHEREAS we acknowledge that the impacts of the aquaculture industry to ecosystems, to fisheries and to aquatic resources are not well understood and in particular that the geographic scope of the potential impacts continue to be studied and analysed. Indeed, we understand that there is a strong possibility that impacts of this industry may extend beyond the proximity of the aquaculture farm sites into marine and freshwater ecosystems which includes the river systems of the interior;

WHEREAS it has been shown that recent outbreaks of disease and parasites in salmon farms have been linked to declining wild salmon populations which adversely affect wild salmon spawning beds; and

WHEREAS First Nations in British Columbia have been negatively impacted by finfish operations in their territories, due to the harm these operations have caused to wild fish stock, and First Nations expect that these operations will continue to cause increased harm and interference in the health of the wild stock in the future.

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THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly reaffirm their strong commitment in advocating for Aboriginal Title, Rights and Treaty rights with respect to fisheries and aquaculture;

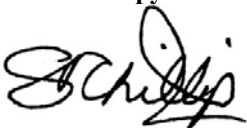
THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly recognize and respect each other's autonomy, and support each other in exercising our respective Aboriginal Title, Rights, Treaty Rights and jurisdiction with respect to each First Nation's involvement and stance on the aquaculture industry;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on the UBCIC Executive to advocate and support those Indigenous Nations whose territories encompass the home of wild salmon stocks; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly call on the UBCIC Executive to advocate for the protection, conservation and safeguarding of wild salmon stocks, in particular reproduction areas.

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Chief Ko'waintco Michel, Nooaitch First Nation
Disposition: Carried
Two (2) Abstentions: Chief Art Adolph and Shelley Leech (Proxy)
Date: September 14, 2012

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Resolution no. 2012-37

RE: Declaration on Stopping Violence against Aboriginal Women and Girls

WHEREAS in Canada, Aboriginal 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 Aboriginal women and girls must be addressed and eliminated;

WHEREAS there are reports that more than 600 Aboriginal 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 Declaration on the Rights of Indigenous Peoples* states:

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;

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

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WHEREAS by Resolution 2011-30, the UBCIC Chiefs Council supported 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; and

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 Aboriginal women and girls.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly firmly commit to continue actively working together to end violence against Aboriginal women and girls;

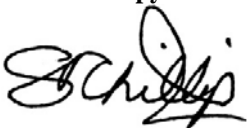
THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly provide support-in-principle for the attached draft Declaration on Stopping Violence against Aboriginal Women and Girls, pending the final wording;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on the UBCIC Executive to work with like-minded organizations to circulate the final Declaration on Stopping Violence against Aboriginal Women and Girls among other leaders, communities, organizations and individuals, and encourage them to adopt it as well; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly call on the Minister's Advisory Council on Aboriginal Women to engage and include other Aboriginal women's organizations and representatives in order to collaborate and coordinate efforts to end violence against women.

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Rick Gilbert, Williams Lake Indian Band (Proxy)
Disposition: Carried
Date: September 14, 2012

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Draft Declaration on Stopping Violence Against Aboriginal Women and Girls

Purpose

This Declaration is intended to broadly and publicly signal that Aboriginal peoples, communities and organizations in British Columbia are uniting with a common vision and purpose – to act individually, collectively and with all interested parties – to stop all forms of violence against Aboriginal women and children.

This Declaration respects and upholds the **United Nations Declaration on the Rights of Indigenous Peoples** which was adopted by the United Nations General Assembly during its 62nd session at UN Headquarters in New York City on September 13, 2007; and specifically, Article 22 which states:

- 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.*

As the original Peoples of this land, WE DECLARE:

We respect and honour women and girls;

We are sustained by the values, teachings and laws passed to us by our ancestors who cared for and protected all of our peoples;

We recognize the damage and disruption colonization brought to our communities and families through residential schools, foster care and other assimilation policies that replaced our ancestral ways;

We acknowledge that lateral violence, domestic violence, systemic violence, stranger violence and racism are not “normal” behaviours for our communities to experience but have become “normalized”;

We recognize that all forms of violence require action, and that a holistic approach that provides support across the life-span is required;

We are strong, resilient and courageous and we will heal ourselves and lift our families up; we will reclaim our healthy ways of caring for each other and create safe families and communities wherever we may live;

We acknowledge that if we do not stand up against violence we are condoning it through our silence and inaction;

We will empower our Aboriginal men and women to take up our rightful and traditional roles and to be the solution to healing ourselves, our families and our communities;

We commit to standing up to end violence against Aboriginal women and girls and call on political, organizational and community leadership everywhere to join us, and we will:

1. Take a public stand against violence.

Draft Declaration on Stopping Violence Against Aboriginal Women and Girls

2. Identify and support community champions.
3. Identify partners; find ways to work together.
4. Support our families in finding out what resources, people and supports are available in your community, region, provincially or beyond.
5. Call for men's support groups to be initiated.
6. Listen to our women, young men, young women, children and Elders – they will tell us what is needed.
7. Celebrate success.

Signatories:

First Nations Summit Society

Union of BC Indian Chiefs

BC Assembly of First Nations

Metis Nation British Columbia

This Declaration may be adopted by all other leaders, communities, organizations or individuals who commit to stopping violence against Aboriginal women and girls.

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44TH ANNUAL GENERAL ASSEMBLY
CO-HOSTED WITH STS'AILES
SEPTEMBER 12TH – SEPTEMBER 14TH, 2012
HARRISON HOT SPRINGS, B.C.

Resolution no. 2012-38

RE: Tla-o-qui-aht Opposition to Mining or Mining Exploration in Traditional Territory

WHEREAS the lands and resources in Tla-o-qui-aht traditional territory hold significant cultural and spiritual importance to the Tla-o-qui-aht Chiefs and Peoples, and the Tla-o-qui-aht have collective responsibilities to continue their traditional ways for future generations;

WHEREAS the Tla-o-qui-aht First Nations have clearly stated they do not want or approve of mining or mining exploration in their traditional territory, particularly within Eelseuklis/Onadsilth, otherwise known as the Pandora property in Tranquil Inlet, in the Tofino area. The Tla-o-qui-aht First Nations have traditionally and continuously used this area for ritual bathing and cleansing;

WHEREAS Imperial Metals and the BC Ministry of Energy and Mines insist they have adequately consulted the Tla-o-qui-aht First Nation and plan to go ahead with exploratory drilling within Eelseuklis /Onadsilth, otherwise known as the Pandora property in Tranquil Inlet, in the Tofino area;

WHEREAS the Tla-o-qui-aht First Nation's right to practice their spiritual and ceremonial practices should be respected in accord with all other Canadians, as protected under s. 2 (b) of the *Canadian Charter of Rights and Freedoms*, R.S.C, 1985 Appendix II, No. 44, see also Part I (ss. 1 to 34) of the *Constitution Act, 1982*:

Fundamental freedoms

2. Everyone has the following fundamental freedoms:

(a) freedom of conscience and religion;

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

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

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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 8(1): Indigenous peoples and 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 practise 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, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

Article 12(1): Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; 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 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 the Tla-o-qui-aht Tribal Parks approach on resource management is a revitalized traditional approach combining and applying spiritual, social, economic and environmental stewardship in a healthy modern context, and Tla-o-qui-aht people have vested rights and interests in the land and resources, and aspirations to continue to pursue sustainable living conditions such as through the Nuu-chah-nulth fishery court case, seafood gathering, and ecotourism;

WHEREAS the impacts associated with gold mining, including its destructive resource extraction techniques and catastrophic impacts on Tla-o-qui-aht fisheries and ecosystem, would create massive environmental harm that the Tla-o-qui-aht First Nations will not allow in Tla-o-qui-aht territories.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the Tla-o-qui-aht First Nations in their strong opposition to mining or mining exploration in Tla-o-qui-aht traditional territories, particularly within Eelseuklis/Onadsilth, otherwise known as the Fandora property in Tranquil Inlet, in the Tofino area;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to demand that Imperial Metals and the BC Ministry of Energy and Mines immediately cease any mining exploration or mining within Eelseuklis/Onadsilth, and communicate that any such activity requires the free, prior, and informed consent of the Tla-o-qui-aht First Nations.

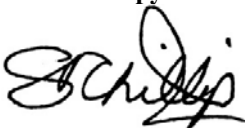
Moved: Terry Dorward-Seitcher, Tla-o-qui-aht First Nations (Proxy)

Seconded: Lawrence (Randy) Williams, Splatstin (Proxy)

Disposition: Carried

Date: September 14, 2012

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Resolution no. 2012-39

RE: CP Rail Disposition of Railway from Sicamous to Armstrong

WHEREAS Splat sin of the Secwepemc Nation, in what is known today as British Columbia (B.C.), have never ceded their inherent and un-extinguished Title and Rights to their lands, waters and resources;

WHEREAS Splat sin people used and occupied the land underlying the Canadian Pacific Railway line before the railway came through;

WHEREAS the government of Canada ratified the *United Nations Declaration of the Rights of Indigenous People* on November 12, 2010, which specifies under Article 28, "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";

WHEREAS the lands granted to CP Rail were done so without the free, prior and informed consent of the Splat sin people;

WHEREAS CP Rail has begun the process to dispose of its interests regarding its Okanagan subdivision from mileage 0.3 (Sicamous) to mileage 31.63 (Armstrong);

WHEREAS The *Canada Transportation Act* requires CP Rail to offer to transfer its interests in the Railway Line to the Government of Canada for no more than net salvage value where, as here, the Railway Line passes through land that is or was a reserve under the *Indian Act*;

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WHEREAS CP Rail has failed or neglected to offer its interests in the Railway Line to the Minister of Transportation for consideration by the Government of Canada as required by the *Canada Transportation Act*;

WHEREAS the Minister of Transportation has failed or neglected to consult with Splatsin regarding any offer by CP Rail to transfer CP Rail's interests in the Railway Line;

WHEREAS the Minister of Aboriginal Affairs and Northern Development Canada failed or neglected to consult or accommodate Splatsin regarding the Government of Canada's response to any such offer from CP Rail; and

WHEREAS The Constitution and common law require the Crown, as represented by her federal Ministers, to consult and accommodate Aboriginal interests where a decision has the potential to infringe Aboriginal Title and Rights guaranteed by sections 28 and 35 of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (U.K.)*.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support Splatsin in demanding that the Government of Canada, as represented by its Minister of Transportation and Minister of Indian and Northern Affairs, respects and upholds Article 28 of the *United Nations Declaration of the Rights of Indigenous People* through restitution for the lands taken and used by CP Rail for its Okanagan subdivision from Sicamous to Armstrong; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to provide a letter of support regarding Splatsin's application for a judicial review of the actions of the Ministers of Transportation and of Aboriginal Affairs and Northern Development Canada under the *Canada Transportation Act* vis-à-vis the proposed disposition by Canadian Pacific Railway ("CP Rail") of segments of the Okanagan Subdivision.

Moved: Lawrence (Randy) Williams, Splatsin (Proxy)
Seconded: Coola Louis, Okanagan Indian Band (Proxy)
Disposition: Carried
Date: September 14, 2012

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Resolution no. 2012-40

**RE: Inadequately Funded Social Assistance for First Nations Elders, Pensioners
and those with Disabilities**

WHEREAS First Nations Elders, pensioners and those with disabilities require ongoing and targeted support to ensure basic needs for food, clothing and shelter are met;

WHEREAS the cost of living continues to increase and disproportionately impacts First Nations Elders, pensioners and those with disabilities, who cannot make the payments for heat or hydro and other related living expenses;

WHEREAS the current Federal Social Assistance policies as applied by Aboriginal Affairs and Northern Development Canada (AANDC) are inadequately funded, which adversely impacts First Nation communities, and in particular Elders, pensioners, and those with disabilities;

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

Article 21: 1. Indigenous Peoples have the right, without discriminations, 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 appropriated, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities; and

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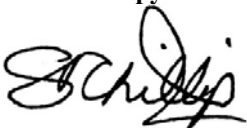
WHEREAS the financial support provided by Federal Social Assistance policies applied by AANDC does not reflect the increasingly high cost of living and the increases to insurance and home that First Nations Elders, pensioners and those with disabilities face, and the policies must be changed to reflect the cost of living on a regular basis.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to advocate on behalf of First Nations in BC for increased funding for Social Assistance programs and services for First Nations Elders, pensioners and those with disabilities to ensure basic living requirements are adequately met; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on Aboriginal Affairs and Northern Development Canada (AANDC) to immediately review its Social Assistance policies in consultation with First Nations to ensure basic living needs and conditions of First Nations Elders, pensioners and those with disabilities are met.

Moved: Kukpi7 Fred Robbins, Esketemc
Seconded: Lawrence (Randy) William, Splatsin (Proxy)
Disposition: Carried
Date: September 13, 2012

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HARRISON HOT SPRINGS, B.C.**

Resolution no. 2012-41

RE: Advancing Revisions to AANDC Shelter Policy 5.4

WHEREAS Aboriginal Affairs and Northern Development Canada (AANDC) Pacific Region continues to implement 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 with federal funding assistance and the mortgages have been paid, AANDC will not pay rent costs for people on Income Assistance because this is viewed as duplication of funds;

WHEREAS if a home is “privately owned” as defined by AANDC, rent will be considered;

WHEREAS AANDC has a directive stating that regional AANDC policies should be reasonably comparable to their respective provincial policies; however, the Policy is not comparable to off-reserve Ministry of Social Development (MSD) policy;

WHEREAS the UBCIC Chiefs Council passed Resolutions 2010-66 and 2011-20 recognizing the undue hardship that the Policy is having on First Nations and calling for a replacement policy that won't limit housing options available for Income Assistance (IA) recipients;

WHEREAS the Assembly of First Nations passed Resolution 37/2011 “Income Assistance Shelter Policy” mandating action at the National level, and providing national level support for having the current Policy terminated or modified, and supported that First Nations in affected regions be involved in development of any new policies;

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WHEREAS AANDC 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, and has committed to change the Policy by April 1, 2013;

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 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;

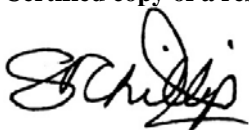
WHEREAS the UBCIC Chiefs Council hosted a working meeting to address revising the Policy on March 15, 2012, and co-hosted a province-wide meeting to address revising the Policy with Lower Nicola Indian Band on August 14/15, 2012;

WHEREAS participants at the August 14/15 meeting agreed on key outcomes (attached) with respect to: common understandings of the meeting; necessary principals for a new shelter policy; and technical considerations for a new policy;

WHEREAS at the August 14/15 meeting, participants sought specific commitments from AANDC with respect to revising the Policy, and AANDC provided clear commitments at that meeting, including but not limited to:

- Commitment for 2-3 BC First Nations representatives to be directly involved with AANDC's national working group on revising the Policy;
- Commitment to provide by the end of September, a template interim agreement opportunity as an alternative to the Policy until a new policy is set;
- Specific commitments to look into reimbursement for First Nations who have already paid recaptures to the beginning of this fiscal, and to create interim steps to end recaptures based on the mortgage component that currently exists in the Policy (a moratorium on terminology related to mortgages);
- Commitment to look into separate shelter allowance and utility allowance in a revised policy, recognizing the high utility costs that First Nations in BC experience;
- Commitment to provide First Nations in BC with timelines for the policy revision process;

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WHEREAS the participants at the August 14/15 meeting called for political advocacy to have the recommendations from the August 14/15 meeting carried forward to AANDC, both in BC and Ottawa; and

WHEREAS outstanding requests from participants at the March 15 meeting include AANDC's national working group on revising the Policy to:

- Develop shelter communication materials to inform Band Social Development Workers and community members as well as creating a reference for training sessions conducted by the FNSDS;
- Prepare a national Shelter Policy document that describes other provincial policies.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly strongly demand that any federal shelter policy for First Nations living on-reserve must be non-discriminatory and provincially comparable, both with respect to upholding the human rights of First Nations living on-reserve, and also to be in-line with AANDC's own directive for reasonable provincial comparability in each region;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to continue its political advocacy with respect to revising Shelter Policy 5.4 ("the Policy"), including ensuring that all outstanding requests from the March 15 meeting be addressed by AANDC, and carrying forward recommendations from the August 14/15 meeting to AANDC, both in BC and in Ottawa;

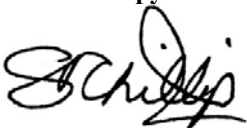
THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on AANDC to fulfill all commitments made at the March 15 and the August 14/15 meeting in a timely manner;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly support the key outcomes (attached) from the August 14/15 meeting to revise the Policy; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to appoint one member of the Executive to be directly involved with AANDC's national working group on revising the Policy, and report on any progress.

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Debbie Abbott, Oregon Jack Creek Band (Proxy)
Disposition: Carried
Date: September 14, 2012

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Resolution no. 2012-42

RE: Support for UBCIC Resource Centre

WHEREAS the UBCIC founded the Resource Centre in 1971 to find, organize and preserve information and records needed by staff and community researchers;

WHEREAS the UBCIC Resource Centre holds both archival materials and library materials; archival materials include UBCIC records in many formats that were created and/or received during the normal course of business such as correspondence, meeting materials and policy documents; library materials include published monographs and periodicals, government documents and many other research materials in multiple formats;

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 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, designs, ceremonies, technologies and visual and performing arts and literature;

Article 13(1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures... (2) States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal, and

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administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

WHEREAS the UBCIC Resource Centre provides library and reference services to community researchers; and research support and reference services to the UBCIC Research Department and all other UBCIC staff;

WHEREAS the UBCIC Resource Centre continues to further develop both its physical and digital collections;

WHEREAS the UBCIC Resource Centre endeavors to increase access to its holdings for community researchers by providing online digital collections and document delivery services;

WHEREAS the UBCIC Resource Centre engages in community outreach and capacity building activities, such as participating in workshops and providing resource materials;

WHEREAS the UBCIC Resource Centre seeks support, partnerships and funding to undertake community outreach and education activities and further expand programs and services;

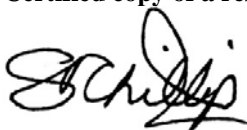
WHEREAS the UBCIC Chiefs Council have endorsed the UBCIC Resource Centre's *Mandate, Collections Development Policy, Ethical Research Policy, Archival and Library Preservation Policy*, and the use of *The Protocols for Native American Archival Materials*; and

WHEREAS the UBCIC Chiefs Council and Chiefs-in-Assembly have confirmed their support for the UBCIC Resource Centre through previous Resolutions (2011-64, 2010-57, 2008-44, 2007-46, 2007-13, 2005-07, 2004-02, 2004-01, 2003-08).

THEREFORE BE IT RESOLVED that UBCIC Chiefs-in-Assembly fully supports the continued work of the UBCIC Resource Centre.

Moved: Chief Ko'waintco Michel, Nooaitch First Nation
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: September 14, 2012

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Resolution no. 2012-43

RE: Support for UBCIC Specific Claims Research Program

WHEREAS the Union of BC Indian Chiefs (UBCIC), a designated Claims Research Association is mandated to conduct specific claims research on behalf of British Columbia First Nations; to encourage high standards in claims preparation and land rights research; and to promote research excellence and support land rights research education in British Columbia's Aboriginal communities; and

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

Article 8(2): States shall provide effective mechanisms for prevention of, and redress for... (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

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 then 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;

WHEREAS the UBCIC Specific Claims Research Program has been operating since the early 1970s conducting band-directed research, technical studies and legal analysis for First Nations communities throughout BC;

WHEREAS the UBCIC Specific Claims Research Program provides its services at no cost to all First Nations in British Columbia and carries them out with a continuity of expertise;

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WHEREAS the UBCIC Specific Claims Research Program is committed to providing community outreach in the form of regular workshops, conferences, research assistance, facilitating access to materials, information sharing, updates concerning federal and provincial legislation and access procedures, publishing manuals and other activities as communities request;

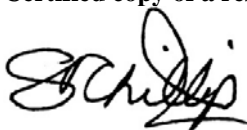
WHEREAS the UBCIC Research Department seeks support, partnerships and funding to undertake community outreach and education endeavors; and

WHEREAS the UBCIC Chiefs Council and Chiefs-in-Assembly have confirmed their support for the UBCIC Specific Claims Research Program through previous Resolutions (2003-08; 2005-06; 2007-11; 2007-46; 2008-44; 2010-57; 2011-64).

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully supports the continued work of the UBCIC Specific Claims Research Program.

Moved: Lawrence (Randy) Williams, Splatsin (Proxy)
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: September 14, 2012

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Resolution no. 2012-44

RE: Support for First Nations Leadership Council Entering into a *Protocol of Recognition, Support, Cooperation and Coordination* with the First Nations Health Council

WHEREAS the First Nations Leadership Council wishes to unite and cooperate with First Nations and First Nations/Aboriginal organizations with mandates in B.C. to coordinate political and technical strengths toward the objectives of unity and advancing First Nations inherent, inalienable right of self-determination, Aboriginal Title and Rights, and Treaty Rights, and improving the socio-economic conditions of Indigenous Peoples;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* sets out in Article 5 that “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”;

WHEREAS the First Nations Leadership Council developed a draft template *Declaration & Protocol of Recognition, Support, Cooperation and Coordination*, to be entered into by the First Nations Leadership Council and First Nation/Aboriginal organizations with mandates in British Columbia to achieve this objective. This draft template was endorsed through resolutions (FNS #0906.08, UBCIC no. 2007-22, and BCAFN 10/2007) and updated to reflect the FNLC 2010 Terms of Reference and Accountability Framework, and allow for the optional inclusion of a Procedural Appendix;

WHEREAS the UBCIC Chiefs Council has endorsed resolutions directing the First Nations Health Council, the First Nations Interim Health Governance Committee, and the First Nations Health Society to

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implement the commitments in the *Transformative Change Accord: First Nations Health Plan* and the *Tripartite First Nations Health Plan Memorandum of Understanding*;

WHEREAS the First Nations Leadership Council and the First Nations Health Council previously entered into a *Declaration and Protocol of Recognition, Support, Cooperation and Coordination* in 2008 , endorsed through UBCIC Resolution 2008-24; and

WHEREAS the First Nations Leadership Council and the First Nations Health Council now wish to enter into an updated *Protocol of Recognition, Support, Cooperation and Coordination*.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly support the attached *Protocol of Recognition, Support, Cooperation and Coordination* being entered into by the UBCIC Executive on behalf of the UBCIC Chiefs Council and as part of the First Nations Leadership Council, with the First Nations Health Council;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the other members of the First Nations Leadership Council to execute the *Protocol of Recognition, Support, Cooperation and Coordination* with the First Nations Health Council; and

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with other members of the First Nations Leadership Council and the First Nations Health Council to provide regular reports to the UBCIC Chiefs Council.

Moved: Chief Maureen Chapman, Skawahlook First Nation

Seconded: Chief Harold Aljam, Coldwater Indian Band

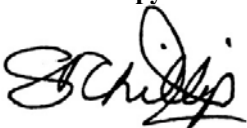
Five (5) Opposed- Chief Jonathan Kruger, Chief Dan Manuel, Chief Jonathan Kruger (Proxy), Lawrence (Randy) Williams (Proxy), Coola Louis (Proxy)

One (1) Abstention: Chief Art Adolph

Disposition: Carried

Date: September 14, 2012

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PROTOCOL of RECOGNITION, SUPPORT, COOPERATION AND COORDINATION
Between
THE FIRST NATIONS LEADERSHIP COUNCIL
(FIRST NATIONS SUMMIT, UNION OF BC INDIAN CHIEFS, BC ASSEMBLY OF FIRST NATIONS)
And
FIRST NATIONS HEALTH COUNCIL

Purpose

First Nations in BC are the original peoples to these lands now known as British Columbia, and have Aboriginal Title and Rights and Treaty Rights to their traditional territories, lands and resources, and the right to exercise jurisdictions within those territories and with respect to their members, regardless of residence.

To date, the Parties have been involved in and/or support the following key documents that describe the political direction provided by Chiefs for the work in BC First Nations health and wellness:

- The New Relationship Statement of Vision
- The Transformative Change Accord
- The Transformative Change Accord: First Nations Health Plan
- The First Nations Health Plan Memorandum of Understanding
- The Tripartite First Nations Health Plan
- The Basis for a Framework Agreement on First Nation Health Governance
- The British Columbia Tripartite Framework Agreement on First Nation Health Governance
- The United Nations Declaration on the Rights of Indigenous Peoples

The Parties have respective goals, agreements, and commitments, and are governed by their respective processes, internal governance structures, and accountability mechanisms. In many ways, these goals, agreements, and commitments are mutually supportive and connected, and are connected by an overarching vision of improving the lives and well-being of First Nations in British Columbia.

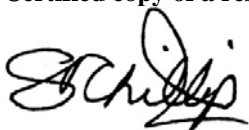
The purpose of this Protocol is to describe how the Parties will maintain an effective political partnership, provide mutual support to one another, and exchange information, with respect to their shared and respective interests, and BC First Nations health and wellness generally.

Principles

The implementation of this Protocol will be guided by the following principles:

- Respect for and recognition of the Aboriginal Title and Rights, and Treaty Rights, of First Nations;
- Promote and nurture unity amongst the Parties and amongst First Nations organizations in BC, including through open and respectful communication and information-sharing, in order to best meet the needs of Nations in a coordinated and positive way;
- Respect and recognition of the Parties' unique mandates, histories, governance structures, and funding obligations;
- The work of the Parties must be community-driven, Nation-based and transparent;

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- Culture and traditions underpin the efforts of the Parties, including respect for the cultural diversity amongst Nations in BC;
- The Parties are committed to regular, clear, and honest communication to Nations as well as to other First Nations organizations in BC;
- The Parties are committed to financial sustainability, and maximizing the amount of financial capacity and resources invested directly into Nations;
- The Parties believe that conflict provides an opportunity for growth; conflict will be dealt with in an open and transparent manner, remaining focused on working together for the benefit of all Nations.

The Parties

The First Nations Leadership Council is a collaborative political working partnership among the BC Assembly of First Nations, First Nations Summit, and Union of BC Indian Chiefs with a mandate to politically advance and support the interests and initiatives of all First Nations, First Nations people and First Nations communities in British Columbia, as set out in the *Leadership Accord* signed on March 17, 2005, and in the First Nations Leadership Council Terms of Reference, endorsed in 2011. The First Nations Leadership Council takes direction from BC First Nations through resolutions passed at the respective assemblies of the BC Assembly of First Nations, First Nations Summit, and Union of BC Indian Chiefs, and at All-Chiefs' Assemblies, as well as provides advocacy for individual Nations upon their request, provided that the request is not inconsistent with any existing mandates of any one of the three organizations or direction provided by the All-Chiefs' Assembly.

The First Nations Health Council is a provincial political and advocacy organization with a mandate to provide: leadership and oversight for the implementation of the Transformative Change Accord: First Nations Health Plan and the Tripartite First Nations Health Plan; support to BC First Nations in achieving their health priorities and objectives; health advocacy and related partnership development; oversight to the transition of First Nations and Inuit Health-BC Region to a new First Nations Health Authority; and communication, transparency, cost-effectiveness and accountability to BC First Nations. The First Nations Health Council takes direction from BC First Nations through an extensive regional community engagement network (Regional Caucuses, Sub-Regional Caucuses, Community Engagement Hubs), and subsequent resolutions passed at annual Gathering Wisdom for a Shared Journey Forums.

Mutual Support and Information-Sharing

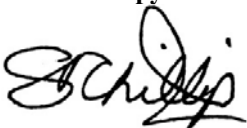
The Parties agree to provide mutual support to and share information with one another, including through (but not limited to) the following processes:

- Regular meetings of the First Nations Health Council and the First Nations Leadership Council and/or senior staff at the political and technical levels as agreed by the Parties;
- Supportive participation from one another in the Parties' respective political advocacy efforts, media relations activities, initiatives, assemblies, events, and functions as relevant to First Nations health and wellness from time to time;
- Regular and ongoing information-sharing amongst the Parties, including exchanging copies of correspondence, briefings, and other materials as relevant to one another's mandates.

General

This Protocol will continue until such time as either one of the Parties terminates the Protocol in writing.

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This Protocol does not create any financial obligations on either of the Parties, and does not limit or affect the mandate of either of the Parties.

Signed this ____ day of _____, 2012.

On behalf of the First Nations Health Council

Witness

On behalf of the BC Assembly of First Nations

Witness

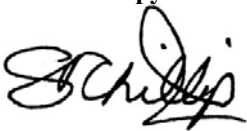
On behalf of the First Nations Summit

Witness

On behalf of the Union of BC Indian Chiefs

Witness

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CO-HOSTED WITH STS'AILES
SEPTEMBER 12TH – SEPTEMBER 14TH, 2012
HARRISON HOT SPRINGS, B.C.**

Resolution no. 2012-45

RE: Adoption of 43rd AGA Minutes

THEREFORE BE IT RESOLVED THAT the UBCIC Chiefs-in-Assembly adopt the minutes of the 43rd Annual General Assembly (September 2011) as presented.

Moved: Chief Dan Manuel, Upper Nicola Indian Band
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: September 14, 2012

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Resolution no. 2012-46

RE: Adoption of 2011-2012 Audited Financial Statements

THEREFORE BE IT RESOLVED that the UBCIC Chiefs-in-Assembly hereby adopt the 2011-2012 Audited Financial Statements as presented at the UBCIC 44th Anniversary Annual General Assembly meeting of September 12th-14th, 2012.

Moved: Chief Hugh Braker, Tseshah First Nation
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: September 14, 2012

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Resolution no. 2012-47

RE: Auditor Appointment

WHEREAS BDO Dunwoody was appointed as the UBCIC Auditors at the 43rd Annual General Assembly (September 2011);

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 2012-2013 Annual Audit for the organization;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs-in-Assembly direct BDO Dunwoody to provide the 2012-2013 draft audit for review of the UBCIC Executive by June 29, 2013 to be finalized by July 15, 2013.

Moved: Chief Ko'waintco Michel, Nooaitch First Nation
Seconded: Lawrence (Randy) Williams, Splatshin (Proxy)
Disposition: Carried
Date: September 14, 2012

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Resolution no. 2012-48

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 Resolutions 2011-50 and 2011-67, the UBCIC Chiefs Council appointed three members to the Resolutions Committee;

1. Chief Dan Manuel
2. Kukpi7 Wayne Christian, Splatsin
3. Chief Donna Gallinger, Nicomen Indian Band

WHEREAS at the 44th 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 UBCIC Chiefs-in-Assembly hereby appoint the following members as the Resolutions Committee of the Union of BC Indian Chiefs:

1. Chief Hugh Braker, Tsesaht First Nation
2. Chief Donna Gallinger, Nicomen Indian Band
3. Debbie Abbott, Lytton First Nation

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Chief Ko'waintco Michel, Nooaitch First Nation
Disposition: Carried
Date: September 14, 2012

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Resolution no. 2012-49

RE: Opposition to AANDC Funding Cuts to Aboriginal Representative Organizations and Tribal Councils

WHEREAS the Union of BC Indian Chiefs is comprised of elected Chiefs who believe our Title, Rights and Treaty Rights are inherent – a gift and responsibility given by the Creator to our Peoples, together with the laws to carry out these responsibilities including the implementation, exercise and recognition of our inherent Title, Rights and Treaty Rights to protect our Lands and Waters, through the exercise and implementation of our own laws and jurisdiction;

WHEREAS on September 4, 2012, Aboriginal Affairs and Northern Development Canada (AANDC) announced drastic changes to funding for Aboriginal Representative Organizations (AROs) and Tribal Councils, including extensive funding cuts;

WHEREAS effective April 1, 2014, funding to all National AROs will be reduced by 10% from their 2012-2013 core level and funding to all Regional AROs will be reduced by 10% or have a ceiling up to \$500,000 applied to their core funding;

WHEREAS effective April 1, 2014, the national Tribal Council Funding program will be reduced from approximately \$47 million per year to \$29.85 million per year and introduce a completely new funding formula to accommodate this reduction;

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.

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

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 the existing Tribal Council Program was established in 1984, subsequently Tribal Councils formed and were mandated by their member First Nations to achieve self-sufficiency and to administer five specific advisory services: economic development; financial management; community planning; technical services; and band governance; and other programs devolved from AANDC;

WHEREAS funding for Tribal Council advisory services and administrative overhead is determined by a funding formula that has never seen modifications to reflect changing First Nations' priorities, or increase adjustments to address inflation or competency levels since inception and is now being reduced even further;

WHEREAS the National Tribal Council Working Group, comprised of AANDC representatives and Regional Tribal Council representatives worked together in 2001-2003 to arrive at a mutually agreed modernized and enhanced policy and formula framework that more accurately reflects the actual cost associated with delivering advisory services across diverse regions of the country, and that was never implemented;

WHEREAS in 2009, INAC again initiated a redesign of the Tribal Council Program Policy as per federal government policy which requires that all federally funded programs be subject to review and renewal every five years, and BC Regional Tribal Council representatives prepared a 2009 submission respecting and reflecting BC First Nations' unique geographic, demographic, cultural and linguistic diversity in a new proposed framework that more closely reflects the actual cost of service delivery;

WHEREAS on February 9, 2010, AANDC announced they had no new funds in 2010-2011 for the Indian Government Support programs (including Tribal Council Funding) meaning there were not going to be any significant new strategic directions. AANDC sent a letter to all First Nations and Tribal Councils with this update, acknowledging that one of the strongest messages received from First Nations was that resources would be needed to implement any redesigned program to improve core functions of governance;

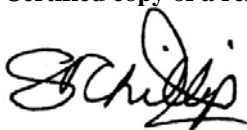
WHEREAS by Resolution 2009-22, the UBCIC Chiefs Council fully supports First Nations Tribal organizations in the furtherance of their respective roles as mandated by member First Nations; and

WHEREAS the Federal government through AANDC continues to threaten our inherent Aboriginal Title and Rights with the current drastic reductions to ARO and Tribal Council funding, which will change First Nations governance, and for which there has not been consultation or appropriate analysis.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly object to and condemn the drastic funding cuts announced by Aboriginal Affairs and Northern Development Canada (AANDC) for Aboriginal Representative Organizations (AROs) and Tribal Councils, that were announced on September 4, 2012;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to send a letter to the Minister of AANDC condemning the cuts and repudiating the hypocrisy in his statements that "the Government of Canada is taking concrete steps to create the conditions for healthier, more self-sufficient Aboriginal communities";

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THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to circulate their letter to the Minister of AANDC to First Nations and Tribal Councils as a template for their consideration;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on opposition members of Parliament to make these funding cuts an issue in Parliament and in the appropriate Parliamentary committees;

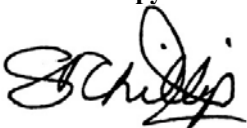
THEREFORE BE IT FURTHER RESOLVED the UBCIC-Chiefs-in-Assembly direct the UBCIC Executive to ask Tribal Councils, AROs and First Nations how great these cuts will be for them and what impact these cuts will have, and publicize these effects;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the Executive to facilitate a discussion at the UBCIC Chiefs Council in November 2012, to report back on implementation of this resolution, and to collectively reassess First Nations' relationships with the Federal Government and our ability to dialogue with the Federal Government; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to raise this issue with the BC Assembly of First Nations and the First Nations Summit, and advocate for working together as the First Nations Leadership Council to advocate for a coordinated response to the cuts.

Moved: Chief Hugh Braker, Tseshah First Nation
Seconded: Chief Harold Aljam, Coldwater Indian Band
Disposition: Carried
Date: September 14, 2012

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Resolution no. 2012-50

Re: Call to Protect Rivers

WHEREAS water is crucial to the survival of Indigenous Peoples and cultures, and our cultures flow from the land;

WHEREAS the preservation and protection of major rivers and their watersheds is crucial to the societal needs of Indigenous Peoples for food, social, cultural and economic well-being;

WHEREAS these precious ecosystems are currently being threatened through the actions of the Federal and Provincial governments which include:

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

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

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2. States shall consult and cooperate in good faith with the indigenous peoples concerns 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.

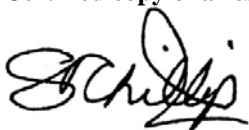
THEREFORE BE IT RESOLVED that the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with the Assembly of First Nations and other like-minded organizations to plan and convene a National Conference on major river systems in the summer of 2013, subject to available resources;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to ensure that the conference focuses on water quality, quantity, protection, trans-boundary and the societal needs of Indigenous Peoples for food, cultural, social and economic well-being; and

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs-in-Assembly commit to be actively involved in working to protect this precious natural resource, including with reference to Indigenous rights internationally, and international human rights covenants and forums.

Moved: Coola Louis, Okanagan Indian Band (Proxy)
Seconded: Lawrence (Randy) Williams, Splat sin (Proxy)
Disposition: Carried
Date: September 14, 2012

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