

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

Resolutions from UBCIC Chiefs Council, February 27-28, 2013

- 2013-01 Support for Protection of the Early Timed (Spring) Chinook
- 2013-02 Support for Halalt First Nation in Asserting Aboriginal Rights to Groundwater
- 2013-03 Support for the Final Report and Continued Work of the BC First Nations Consultation and Accommodation Working Group
- 2013-04 Appointment of the UBCIC Gaming Commissioner to the BC First Nations Gaming Commission
- 2013-05 Election Procedures for Representatives of the UBCIC to Boards and Committees
- 2013-06 Support for the FNCFWC's Advocacy in Implementing the Enhanced Prevention Focused Approach
- 2013-07 BC First Nations Mining Free Entry Court Challenge
- 2013-08 Provincial Policy on Mining Revenue Sharing Agreements
- 2013-09 Support for Outcomes of January 2013 BC Chiefs' Meeting
- 2013-10 Reinstatement of AANDC Federal Forest Fuel Management Grant Funding to be Administered through FNESS
- 2013-11 Opposition and Rejection of Area-Based Tenure Amendments to *Forest Act*
- 2013-12 Support for Human Rights Watch and Justice for Girls Report "Those Who Take Us Away"
- 2013-13 New School Replacement for Kwakiutl Indian Band
- 2013-14 Kwakiutl Indian Band Health Transfer Arrangements

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 27TH – FEBRUARY 28TH VANCOUVER, B.C.

Resolution no. 2013-01

RE: Support for Protection of the Early Timed (Spring) Chinook

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

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

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

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

Article 26: “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...”

Article 29: 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 fishing must be understood and addressed in the context of Aboriginal Title, Rights and Treaty Rights;

WHEREAS the Early Timed Chinook (42 Spring Chinook) that return to the Nicola system: Coldwater River, Nicola River, Spius Creek systems; and the Thompson system: Deadman River, Louis Creek, Bassett Creek and the Bonaparte River systems have been in drastic decline over the last five years;

WHEREAS these stocks need to be re-built to sustainable numbers where benefits can be obtained by First Nations, the environment and “stakeholders”;

WHEREAS the Department of Fisheries and Oceans Canada (DFO) does not have adequate data to support any non-Aboriginal fisheries that could impact these stocks, and by allowing non-Aboriginal fisheries to directly impact

these stocks, the government is thereby neglecting its fiduciary responsibility to First Nations and its responsibility to the protection and conservation of these stocks;

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

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

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

WHEREAS the First Nations from Vancouver Island, the Lower Fraser River and BC Interior, Treaty and non-treaty stood on a moratorium on fishing Early Timed Chinook in 2010, 2011 and 2012 in order to protect the returning Early Timed Chinook;

WHEREAS DFO has allowed for continued recreational fishing opportunities in the marine areas that impacted the Early Timed Chinook.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council demands that the Department of Fisheries and Oceans Canada (DFO) upholds its federal fiduciary responsibility to First Nations and its responsibility to the protection and conservation of fish, and stops all non-Aboriginal fisheries that could affect the Early Timed Chinook (42 Spring Chinook) until the stocks have recovered and there is sufficient data available to manage these stocks sustainably;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the First Nations Fisheries Council to ensure that DFO funds First Nations fishing programs to obtain technical support to sustain the management of the Early Timed Chinook (42 Spring Chinook) stocks; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council encourages First Nations from the approach areas and Fraser River to cease fishing on these stocks for 2013 in order to encourage the recovery and restoration of the fish stock for future generations.

Moved: Chief Fred Sampson, Siska First Nation
Seconded: Chief Kevin Whitney, T'it'q'et
Disposition: Carried
Date: February 28, 2013

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 27TH – FEBRUARY 28TH
VANCOUVER, B.C.

Resolution no. 2013-02

RE: Support for Halalt First Nation in Asserting Aboriginal Rights to Groundwater

WHEREAS the Halalt are Hul'qumi'num people, of the Coast Salish, and the Halalt First Nation (Halalt) has un-extinguished Aboriginal Title and Rights regarding its traditional territory, which includes the Halalt Reserve and material portions of the Chemainus River Watershed on Vancouver Island as well as the groundwater below;

WHEREAS the Province of British Columbia authorized a third party to extract groundwater from beneath the Halalt Reserve and traditional territory without purporting to consult and accommodate Halalt regarding the potential adverse impacts on Halalt's Aboriginal Title interests to the water;

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

Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

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

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 by Resolution 2010-03, the UBCIC Chiefs Council re-affirmed that Indigenous Peoples' water rights must be respected by political, technical and legal processes of the Government of British Columbia and by the Government of Canada to the standards set out by the *United Nations Declaration on the Rights of Indigenous Peoples*;

WHEREAS the Supreme Court of British Columbia, after 24 days of hearing, declared that the honour of the Crown had not been discharged and B.C. had failed to meet the Crown's duty to consult and accommodate regarding Halalt's Aboriginal Title and ownership interests in the groundwater;

WHEREAS the B.C. Court of Appeal overturned the B.C. Supreme Court decision, and ruled that a strength of Aboriginal Title claim analysis and consultation regarding impacts on Title interests are not required where there has been (alleged) consultation regarding use rights;

WHEREAS Chief James Thomas and the Halalt First Nation are seeking leave to appeal this ruling to the Supreme Court of Canada, raising the crucial, unprecedented issue of Aboriginal interests in groundwater beneath a Reserve and Aboriginal Title land; and challenging the appeal court's endorsement of the Province substituting consultation on use rights of its choosing for consultation and accommodation on Title interests.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports Chief Thomas and the Halalt First Nation in their efforts to have the decision of the B.C. Court of Appeal overturned by the Supreme Court of Canada;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council firmly supports Halalt's position that First Nations have a legal interest in the groundwater beneath their Reserve and Aboriginal Title lands, and that the honour of the Crown requires the Province to consult and accommodate regarding the impact of Provincial authorization of third-party extraction of the groundwater;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council firmly supports Halalt's position that the Crown must conduct an early and correct strength of Aboriginal Title analysis to inform the nature and scope of consultation and potential accommodation, and that this is of national importance, because if the Crown is free to select, without reason or justification, those aspects of a First Nation's claim that will be subject to consultation, and which it will disregard, the duty to consult and accommodate cannot be satisfied and the goal of reconciliation is undermined;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chief Council directs the UBCIC Executive and staff to continue advocating in accordance with this Resolution and to provide political assistance within means to Chief Thomas and the Halalt First Nation in applying for leave to appeal to the Supreme Court of Canada.

Moved: Chief Dalton Silver, Sumas First Nation
Seconded: Chief Fred Sampson, Siska First Nation
Disposition: Carried
Date: February 28, 2013

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 27TH – FEBRUARY 28TH VANCOUVER, BC

Resolution no. 2013-03

RE: Support for the Final Report and Continued Work of the BC First Nations Consultation and Accommodation Working Group

WHEREAS First Nations have always, and continue to hold, Aboriginal Title to the lands and resources within their respective territories. The Supreme Court of Canada has also confirmed that Aboriginal Title has an “inescapable economic component”, and Title-holders have the right to the exclusive use and occupation of the land and to choose the uses to which the land is put;

WHEREAS the court rulings *Haida* and *Taku* require the provincial and federal government to fulfill their duties to act honourably toward all First Nations through meaningful consultation and accommodation, and through good faith negotiations aimed at reconciliation of Aboriginal sovereignty, title and asserted Crown sovereignty;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* affirms Indigenous rights to own, use, develop and control lands and resources, and requires States to give legal recognition and protection to these rights, through, *inter alia*, obtaining Indigenous peoples’ “free, prior and informed consent” before adopting legislative or administrative measures affecting Indigenous peoples and before approving any project affecting their lands and resources;

WHEREAS the legal duty to consult and accommodate First Nations for infringements to unextinguished Aboriginal Title and Rights, and Treaty Rights, is a burden on asserted Crown title. Consultation is only an **interim step** in the process of reconciliation;

WHEREAS in 2011, the UBCIC, First Nations Summit, and BC Assembly of First Nations, collectively formed the BC First Nations Consultation and Accommodation Working Group (“Working Group”), as mandated through respective resolutions including UBCIC Resolution 2011-07;

WHEREAS the Working Group developed a Terms of Reference and workplan, and secured funding to complete the work as mandated through resolution;

WHEREAS the Working Group hired contractors to carry out research in six areas (international law, economic policy, First Nations law, common law, provincial policy, and federal policy), and created a final draft report for presentation to the Chiefs, with each of the research pieces appended to it except for the First Nations policy piece, which requires input from First Nations;

WHEREAS the Chair of the Working Group, Chief Doug White, presented the Report on Key Findings of the BC First Nations Consultation and Accommodation Working Group "Advancing an Indigenous Framework for Consultation and Accommodation in BC" to the Chiefs Council for their consideration, discussion and endorsement on February 27, 2013.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council supports and endorses the Report on Key Findings of the BC First Nations Consultation and Accommodation Working Group "Advancing an Indigenous Framework for Consultation and Accommodation in BC" as presented at the Chiefs Council on February 27, 2013, and directs the Working Group to seek support from the First Nations Summit and the BC Assembly of First Nations, and then to produce and circulate a final version to all First Nations in BC;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council directs the Working Group to develop a proposal to present to First Nations leadership in BC with respect to possible further steps for this work;

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Summit and the BC Assembly of First Nations to secure a separate source of funding to support possible further steps proposed by the Working Group to First Nations Leadership in BC.

Moved: Chief Russell Myers Ross, Yunesit'in
Seconded: Chief Clifford LuBrun, Lhatko Dene Nation
Disposition: Carried
Date: February 28, 2013

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 27TH – FEBRUARY 28TH
VANCOUVER, B.C.

Resolution No. 2013-04

RE: Appointment of the UBCIC Gaming Commissioner to the BC First Nations Gaming Commission

WHEREAS First Nations in BC were not consulted nor were party to the 1985 federal-provincial agreement that transferred the authority to operate gaming facilities to the provinces and retain the associated revenues;

WHEREAS First Nations in BC require more consistent and predictable funding in order to support ongoing programs, improve band capacity and infrastructure, develop effective long-range planning and pursue development opportunities for the economic, social and cultural needs of their communities in a crucial effort to combat systemic poverty;

WHEREAS First Nation communities in all other provinces enjoy the annual benefits of multi-million dollar gaming revenues, while First Nations in BC receive nothing from the over \$1.5 billion in existing BC gaming annual revenues;

WHEREAS Article 4 of the *United Nations Declaration on the Rights of Indigenous Peoples* states that “Indigenous peoples, in exercising their right to self-determination, have the right to autonomy of self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions”;

WHEREAS First Nations in BC have been discussing the issue of shared revenues and jurisdiction over gaming in British Columbia since 1993, and more diligently for the last four years as the BC First Nations Gaming Revenue Sharing Steering Committee in efforts to engage the Province in negotiations with no results, including no clear position on or response to this issue from Premier Christy Clark, thus perpetuating the injustice of denying First Nations a share of these revenues;

WHEREAS by UBCIC Resolution 2010-42, the UBCIC Chiefs-in-Assembly confirmed UBCIC’s position that BC gaming legislation does not apply to gaming activities on First Nations lands in BC and

supports the establishment of the First Nations Gaming Commission;

WHEREAS by UBCIC Resolution 2010-55, the UBCIC Chiefs Council endorsed and adopted the draft Terms of Reference Framework (November 2010) for the BC First Nations Gaming Commission;

WHEREAS the Terms of Reference Framework requires the appointment of seven (7) senior and knowledgeable provincial leaders with expertise in the gaming initiative as the new FN Gaming Commissioners to manage and build this new entity;

WHEREAS the Terms of Reference Framework sets out that three (3) Commissioners will be appointed, one from each of the respective Provincial First Nations Organizations:

- One (1) from the BC First Nations Summit
- One (1) from the Union of BC Indian Chiefs
- One (1) from the BC Assembly of First Nations

WHEREAS the Terms of Reference Framework also sets out that the remaining four (4) Commissioners will be selected from the list of former Chairs of the BC First Nations Gaming Committee based on their long-standing efforts and commitment to this initiative. The list of former Chairs to be appointed to the Commission is:

- Grand Chief Joe Hall, or alternate
- Dr. Judith Sayers, or alternate
- Chief Shane Gottfriedson, or alternate
- (Only after March 31, 2013) Chief Sophie Pierre, or alternate;

WHEREAS by UBCIC Resolution 2012-55, the UBCIC Chiefs Council ratified the interim appointment of Chief Bob Chamberlin, Kwicksutaineuk Ah-kwa-mish First Nation, to the BC First Nations Gaming Commission to be reviewed at the next Chiefs Council meeting;

WHEREAS at the UBCIC Chiefs Council meeting on February 27 to February 28, 2013, the UBCIC Chiefs Council acknowledged Chief Chamberlin for his work as interim UBCIC Commissioner to the BC First Nations Gaming Commission, and sought a permanent appointment for a three year term.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby ratifies the appointment of Chief Maureen Chapman, Skawahlook First Nation, to the BC First Nations Gaming Commission as the UBCIC appointee, as per the Terms of Reference Framework of the BC First Nations Gaming Commission (November 2012);

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC appointment to the BC First Nation Gaming Commission to regularly report back to the UBCIC Chiefs Council and carry out his/her duties under a three year term as per the Terms of Reference Framework.

Moved: Chief Tom Nelson, Quatsino First Nation
Seconded: Chief Robert Shintah, Ts'kw'aylaxw First Nation
Disposition: Carried
Date: February 28, 2013

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 27TH – FEBRUARY 28TH VANCOUVER, B.C.

Resolution no. 2013-05

RE: Election Procedures for Representatives of the UBCIC to Boards and Committees

WHEREAS the Union of BC Indian Chiefs (UBCIC) wishes to standardize the appointment of representatives of the UBCIC to various councils, boards, committees or similar bodies where individuals are asked to represent the UBCIC (the “committees”). The process for electing these committee positions should be fair, predictable, and easy to understand and administer;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* states in Article 4, “Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs...”

WHEREAS in follow-up to UBCIC Resolution 2012-68, an informal committee composed of Chief Maureen Chapman, Chief Daniel Manuel, and Ardith Walkem, produced a draft policy (attached) on election procedures for representatives of the UBCIC to boards and committees (“draft policy”) as well as a draft nomination form;

WHEREAS for greater clarity, the draft policy and draft nomination form do not apply to nor supersede UBCIC Constitution and Bylaws (2010) Section VIII Election of Executive Committee and Active Members; and

WHEREAS the draft policy and a draft nomination form were presented to the UBCIC Chiefs Council for consideration and endorsement on February 27/28, 2013;

WHEREAS the endorsed Elections Procedures would come into effect on March 1, 2013.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council adopts the Election Procedures for Representatives of the UBCIC to Boards and Committees and the Nomination Form, as presented at the Chiefs Council on February 28, 2013, to be supported and endorsed, and appended to the UBCIC Constitution and Bylaws, and to come into effect on March 1, 2013.

Moved: Chief Hugh Braker, Tseshah First Nation
Seconded: Chief Kevin Whitney, T'it'q'et
Disposition: Carried
Date: February 28, 2013

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 27TH – FEBRUARY 28TH VANCOUVER, B.C.

Resolution no. 2013-06

RE: Support for the FNCFWC's Advocacy in Implementing the Enhanced Prevention Focused Approach

WHEREAS the First Nation Child and Family Wellness Council (FNCFWC) is working in alignment with Nations and communities to support BC First Nations continued control over their children and families by advancing the Indigenous Child at the Centre Action Plan (ICCAP) – a 46 point plan to support all First Nations in British Columbia to achieve their objectives for child and family wellness, as mandated by UBCIC Resolution 2009-38;

WHEREAS the FNCFWC's role is supported and strengthened by the partnership outlined in the 2012 *Declaration & Protocol of Recognition, Support, Cooperation and Coordination*, which was signed between the First Nations Leadership Council (FNLC) (a cooperative working relationship between the BC Assembly of First Nations, First Nations Summit, and the Union of BC Indian Chiefs) and the FNCFWC. The *Declaration & Protocol* commits all parties to work together in a cooperative manner to support First Nations child and family wellness, including that:

1. First Nations and Aboriginal organizations with mandates in BC must coordinate their political and technical strengths toward the objectives of the *Declaration & Protocol* and advancing Aboriginal Title and Rights, and Treaty Rights, and improving the socio-economic conditions of First Nations people and communities in British Columbia; and
2. The FNCFWC and the FNLC identify communication processes, exchange information, and streamline efforts;

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

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

Article 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;

WHEREAS at the Indigenous Child at the Centre Forums IV and V, First Nations leadership emphasized that First Nations in BC require seats at any provincial and/or federal table where First Nations children are being discussed;

WHEREAS the proposed Enhanced Prevention funding being rolled out regionally by Aboriginal Affairs and Northern Development Canada (AANDC) was originally intended to flow to Delegated Agencies in BC;

WHEREAS UBCIC Resolution 2010-60 and FNS Resolution #1210.10 state that the First Nations Summit, the Union of BC Indian Chiefs, the BC Assembly of First Nations and the FNCFWC will collectively advocate for the Enhanced Prevention Focused Approach funding flowing to BC and that all future funding be provided on the basis of equitable services for all First Nations children and families in BC;

WHEREAS in June 2012 and October 2012, the FNCFWC met with AANDC to advocate for the implementation of the Enhanced Prevention Focused Approach in BC and for prevention funding to all 203 First Nations;

WHEREAS based on AANDC's acknowledgement that eighty-four (84) First Nations are not being represented by a Delegated Authority, in January 2013, the FNCFWC participated in a tripartite discussion on implementation of the Enhanced Prevention Focused Approach for BC. Other participants at the meeting included the Directors Forum and the Ministry of Children and Family Development (MCFD);

WHEREAS further implementation of the Enhanced Prevention Focused Approach in BC involves an advisory Tripartite Table comprised of three (3) representatives from the Directors Forum, 3 from AANDC, 3 from MCFD, and 3 representing First Nations Leadership;

WHEREAS the FNCFWC is seeking support from First Nations leadership to participate in the Tripartite Table discussions to advocate on behalf of First Nations throughout BC. In particular, the FNCFWC seeks to advocate:

1. Enhanced Prevention Focused Approach funding be accessible to all 203 First Nations;
2. That First Nations who are not represented by a Delegated Authority receive representation and involvement of their leadership in the implementation of the Enhanced Prevention Focused Approach;
3. Enhanced Prevention Focused Approach funding be implemented by 2014/2015 or sooner;
4. Enhanced Prevention Focused Approach funding in BC be equal or greater to what other provinces receive.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the First Nations Child and Family Wellness Council (FNCFWC) to advocate:

1. Enhanced Prevention Focused Approach funding be accessible to all 203 First Nations;

2. That First Nations who are not represented by a Delegated Authority receive representation and involvement of their leadership in the implementation of the Enhanced Prevention Focused Approach;
3. Enhanced Prevention Focused Approach funding be implemented by 2014/2015 or sooner;
4. Enhanced Prevention Focused Approach funding in BC be equal or greater to what other provinces receive; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the FNCFWC to disseminate all information received on the Enhanced Prevention Focused Approach to all First Nations in BC;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the FNCFWC to report back to the UBCIC Chiefs Council with regards to progress of the Enhanced Prevention Focused Approach funding flowing to all 203 First Nations in BC.

Moved: Coreen Child, Kwakiutl Indian Band (Proxy)
Seconded: Chief Russell Myers Ross, Yunesit'in
Disposition: Carried
Date: February 28, 2013

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 27TH – FEBRUARY 28TH VANCOUVER, BC

Resolution no. 2013-07

RE: BC First Nations Mining Free Entry Court Challenge

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 mining free entry dates back to the gold rush period, when the Crown deemed that natural resources were infinite and that wilderness should be tamed. Today, this is still the foundation of British Columbia's mining industry;

WHEREAS the provincial free entry regime provides open access to any miner to any part of the provincial mineral zone to explore for minerals. The regime does not recognize constitutionally protected Aboriginal Title and Rights, and is incompatible with both the Crown's legal duty to consult with and accommodate First Nations and the Province's commitments under the New Relationship;

WHEREAS the free entry system jeopardizes the future of a healthy mining industry in BC and the opportunity for the Crown and industry to build positive governance and business relationships with First Nations;

WHEREAS by Resolution 2011-22, the UBCIC Chiefs Council recognized 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;

WHEREAS the December 2012 decision of the Yukon Court of Appeal in *Ross River Dena Council v. Yukon* confirms that the free entry system of mineral tenure is inconsistent with the duty of the Crown to consult First Nations. This ruling provides a new opportunity to challenge the mining free entry system of mineral tenure in other Canadian jurisdictions, particularly British Columbia;

WHEREAS Ecojustice, a BC environmental law charity, has agreed to collaborate with interested First Nations to file a court challenge to British Columbia's Mineral Tenure Act as soon as possible. Ecojustice proposes to represent First Nations applicants – individual First Nations and/or umbrella organizations – at no cost for legal fees;

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council reaffirms its absolute opposition to the mining free entry system of mineral tenure;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council supports those member First Nations who wish to challenge the constitutionality of British Columbia's *Mineral Tenure Act* in court;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive and legal counsel to monitor activity and take further action as required, including to join any First Nations challenging the constitutionality of British Columbia's *Mineral Tenure Act* in Court on the basis that the *Mineral Tenure Act* infringes the Aboriginal Title, Rights and Treaty Rights of First Nations in British Columbia, on the understanding that Ecojustice will represent UBCIC at no cost to UBCIC for legal fees;

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to seek other First Nations in British Columbia to join as plaintiffs/applicants in a potential lawsuit, should the UBCIC Executive decide to join.

Moved: Chief Russell Myers Ross, Yunesit'in

Seconded: Chief Art Adolph, Xaxli'p

Disposition: Carried

Abstentions: Chief Rita Matthew, Simpcw First Nation; Chief Hugh Braker, Tseshaht; Chief James Hobart, Spuzzum First Nation; Henry Anthony, Adams Lake Indian Band (Proxy)

Date: February 28, 2013

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 27TH – FEBRUARY 28TH VANCOUVER, B.C.

Resolution no. 2013-08

RE: Provincial Policy on Mining Revenue Sharing Agreements

WHEREAS in 2005, the Province and the First Nations Leadership Council (“FNLC” - composed of BC Assembly of First Nations, First Nations Summit, and Union of BC Indian Chiefs) committed to the New Relationship Vision Statement which includes the goal “To achieve First Nations self-determination through the exercise of their aboriginal title including realizing the economic component of aboriginal title; and exercising their jurisdiction over the use of the land and resources through their own structures”;

WHEREAS in 2005, the Province, the FNLC, and the Federal Government entered into the *Transformative Change Accord* which sets out:

The purpose of this Accord is to bring together the Government of British Columbia, First Nations and the Government of Canada to achieve the goals of closing the social and economic gap between First Nations and other British Columbians over the next 10 years, of reconciling aboriginal rights and title with those of the Crown, and of establishing a new relationship based upon mutual respect and recognition.

The Accord acknowledges and respects established and evolving jurisdictional and fiduciary relationships and responsibilities and will be implemented in a manner that seeks to remove impediments to progress by establishing effective working relationships;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* sets out that States must take effective measures to ensure continuing improvement of Indigenous peoples economic and social conditions (Article 21); Indigenous peoples have the right to determine priorities and strategies for exercising their right to development (Article 23); and Indigenous peoples have the right to redress, including compensation for the lands, territories and resources which they have traditionally owned and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent (Article 28);

WHEREAS although the Province has agreed to share the full amount of mining revenue tax from new mines with First Nations through Economic Community Development Agreements, the Province appears

to be taking a fixed, “take-it-or-leave-it” position with some First Nations in BC on mining revenue sharing agreements for existing mines (i.e. expansions), such that they are willing to *share only a portion* of mining tax revenue that the Province attributes to the expansion activities – this portion the Province calls the “incremental ore.”

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council strongly opposes the current provincial policy to share only a *portion* of mining tax revenue that the Province attributes to expansion activities (“incremental ore”), with First Nations affected by existing mining projects;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive and staff to support the BC First Nations Energy and Mining Council and other like-minded organizations to demand and strongly advocate for a change of the current, inadequate provincial policy of revenue sharing of incremental ore with First Nations affected by existing mining projects.

Moved: Chief Clifford LuBrun, Lhatko Dene Nation
Seconded: Beverly Ketlo, Nadleh Whut'en First Nation (Proxy)
Disposition: Carried
Date: February 28, 2013

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 27TH – FEBRUARY 28TH
VANCOUVER, B.C.

Resolution no. 2013-09

RE: Support for Outcomes from January 2013 BC Chiefs' Meeting

WHEREAS a BC Chiefs' Meeting was held on January 24 & 25, 2013 to discuss the high-level political meetings held in Ottawa earlier in January following the Idle No More movement, to create dialogue around the *AFN Consensus Document* and to create an opportunity for Chiefs to continue to strategize on an approach for BC First Nations moving forward;

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

WHEREAS the Chiefs and leaders present at the BC Chiefs' Meeting on January 24, 2013 unanimously passed a resolution titled "Supporting the *AFN Consensus Document* and the Eight Points for Action Contained Therein," that:

- endorses the *AFN Consensus Document* and supporting the direction provided through the 8 Points for Action;
- supports the development of an action plan around the 8 Points for Action; and
- supports the AFN National Chief and the BC Regional Chief and directing them to bring forth the 8 Points of Action to the Prime Minister and Privy Council for action and implementation;

WHEREAS the Chiefs and leaders developed and signed a declaration on January 25, 2013 titled, "Driving Change for our Children: A Declaration of the First Nations of British Columbia," which endorsed the eight Action Items set out in the *AFN Consensus Document* and welcomed other First Nations not present at the BC Chiefs' Meeting to support this Declaration if they so choose;

WHEREAS the Chiefs and leaders also developed and signed a declaration on January 25, 2013 titled, "Support for Indigenous Citizens' Actions on Sovereignty and Environmental Protections: A Declaration of the First Nations Leadership of British Columbia";

WHEREAS the 8 Action Items contained in the *AFN Consensus Document* are comprised of work areas that the UBCIC Chiefs Council has been previously mandated to support and work on.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council acknowledges, affirms and supports the following documents that arose from the BC Chiefs' Meeting on January 24/25, 2013:

- Resolution titled "Supporting the *AFN Consensus Document* and the Eight Points for Action Contained Therein";
- "Driving Change for our Children: A Declaration of the First Nations of British Columbia";
- "Support for Indigenous Citizens' Actions on Sovereignty and Environmental Protections: A Declaration of the First Nations Leadership of British Columbia";

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to continue advocating for the full realization of the 8 Action Items contained in the *AFN Consensus Document*, and also to implement and further the principles of the two Declarations, including through collaborative efforts with the First Nations Summit and BC Assembly of First Nations.

Moved: Chief Hugh Braker, Tseshah First Nation
Seconded: Chief Dalton Silver, Sumas First Nation
Disposition: Carried
Date: February 28, 2013

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 27TH – FEBRUARY 28TH VANCOUVER, B.C.

Resolution no. 2013-10

RE: Reinstatement of AANDC Federal Forest Fuel Management Grant Funding to be Administered through FNESS

WHEREAS the First Nations Emergency Services Society of BC (FNESS) assists First Nations in developing and sustaining safer and healthier communities through the delivery of programs and services that include training, capacity development and emergency preparedness and response services;

WHEREAS Federal Forest Fuel Management grant funding (First Nations Forestry Program) provided opportunities for Bands to engage in crucial prevention actions in/around their communities;

WHEREAS Federal grant funding ceased applications in 2010, leaving no option for fuel treatments to occur on-reserve;

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

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 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;

WHEREAS on November 13, 2009, the UBCIC, as part of the First Nations Leadership Council (FNLC), entered into a *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* with FNESS, as directed by Resolution 2009-39;

WHEREAS FNESS is governed by a First Nations Board of Directors, who themselves are community members of First Nations in BC, and FNESS strives to work directly with communities while taking into account the unique circumstances they face;

WHEREAS FNESS projects over 26 million dollars will be required to alleviate the threat from wildfire that First Nations communities in BC face (data based upon actuals realized through the Provincial Strategic Wildfire Prevention Initiative (SWPI) Program, for high/extreme threat assessed areas surrounding reserves), which are currently unattended to and form an untreated ‘doughnut’ around First Nations communities.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council recognizes that the First Nations Emergency Services Society (FNESS) is governed by a First Nations Board of Directors, and supports FNESS in providing forest fuel management services to First Nations;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to send a letter to the Regional Director General of Aboriginal Affairs and Northern Development Canada (AANDC) advocating for reinstatement of on-reserve forest fuel management funding, and that that funding be administered by FNESS given that it is well positioned through the Provincial Strategic Wildfire Prevention Initiative (SWPI) Program, and through a successful federal Aboriginal Forestry Initiative (AFI) FNESS program;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council encourages individual communities to provide written support to the Regional Director General of AANDC for FNESS' forest fuel management programs for First Nations, and advocating reinstatement of lost funding for on-reserve forest fuel management work.

Moved: Chief Kevin Whitney, T'it'q'et
Seconded: Chief Robert Shintah, Ts'kw'aylaxw First Nation
Disposition: Carried
Date: February 28, 2013

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 27TH-FEBRUARY 28TH, 2013 VANCOUVER, B.C.

Resolution no. 2013-11

RE: Opposition and Rejection of Area-Based Tenure Amendments to *Forest Act*

WHEREAS Indigenous Nations have an inherent right to self-determination including jurisdiction over, Title to, and the stewardship of, our respective territories, including the ownership of our forest resources;

WHEREAS First Nations in British Columbia have unextinguished Aboriginal Title and Rights to Forest Resources;

WHEREAS First Nations hold a special and important place in relation to the management of, and benefit from, forest resources in British Columbia. First Nations directly hold a large proportion of British Columbia's forest tenure and have increasing future interest through government policy, the resolution of land claims and partnerships with industry;

WHEREAS court decisions affirm that First Nations must be consulted with and their interests accommodated before resource-related plans that may impact on Aboriginal Title or Rights, including strategic level decisions, proceed;

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

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

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

Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination;

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

WHEREAS on February 20, 2013, the B.C. Minister of Forests, Lands and Natural Resource Operations introduced Bill 8 *Miscellaneous Statutes Amendment Act, 2013*, which includes amendments to the *Forest Act*, and proposes the addition of section 34.1 to the Act;

WHEREAS the proposed area-based tenure amendments will create the ability to convert volume-based forest licenses (FL) to area-based tree farm licenses (TFL) at the Minister's invitation, and the Minister may reject an application if the best interests of the public are not met;

WHEREAS the proposed area-based tenure amendments were created in the absence of any consultation with First Nations, despite the duty of the Crown to consult where there is possible infringement on Aboriginal Title or Rights;

WHEREAS the proposed amendments provide the provincial Cabinet powers to grant forest companies *de facto* private control over public forest lands without having to engage in full consultation. Instead of companies enjoying rights to log set volumes of trees on public forestlands, companies would gain dramatically expanded powers to log trees on defined areas;

WHEREAS key problems with the legislation include:

- The Province stated that the proposed amendments are to increase the mid-term supply in the Mountain Pine Beetle (MPB) epidemic areas; however, the legislation is not restricted to the MPB epidemic areas, and enables changes to other parts of the Province at the Minister's discretion;
- The proposed amendments focus on only one class of forest tenures to the exclusion of all other classes. Renewable forest licenses, the vast majority of these (in terms of volume of timber) are held by just a few forest companies. If these get rolled over, it will be at the expense of First Nations interests and will unnecessarily increase the costs of First Nation new co-management regimes, and of First Nation treaty settlements;
- The "consultation" process as it exists in the bill contains no mention of or requirement for "First Nations." Further, it is up to the company applying to rollover its forest license into a TFL to determine what the public notification and consultation process will be, and it is up to the company, whose vested interest is clear, to report to the Minister of Forests, Lands and Natural Resource Operations public feedback including that of First Nations. This is clearly not meaningful consultation genuinely directed at accommodating First Nations interests and concerns and upholding the honour of the Crown, as has been directed by the courts or is understood by First Nations; and
- The issue of public liability may be used by area-based tenure holders to restrict and/or deny access to designated lands, which could include preventing First Nations to hunt, fish or carry out traditional activities.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council absolutely opposes and rejects the area-based tenure amendments to the *Forest Act* contained in the Province's recently introduced Bill 8 *Miscellaneous Statutes Amendment Act, 2013* as they will immediately affect Aboriginal Title and Rights, and Treaty Rights, by limiting our ability to exercise our inherent rights, our jurisdiction in land use planning and the regulation of our respective territories, and our ability to fairly negotiate any and all agreements with either the Crown or proponents;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to send an open letter to the Government of British Columbia and Opposition Caucus, strongly communicating our opposition to and rejection of the area-based tenure amendments in Bill 8;

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to work with like-minded organizations to explore and develop strategies to defeat the area-based tenure amendments in Bill 8.

Moved: Chief Hugh Braker, Tseshah First Nation
Seconded: Cliff Atleo, Ehattesaht First Nation (Proxy)
Disposition: Carried
Date: February 28, 2013

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 27TH-FEBRUARY 28TH, 2013
VANCOUVER, B.C.

Resolution no. 2013-12

RE: Support for Human Rights Watch and Justice for Girls Report “Those Who Take Us Away”

WHEREAS First Nations women are an integral part of the culture, well-being and survival of all First Nations in BC;

WHEREAS UBCIC Resolution 2011-30 reaffirms UBCIC’s call for an inquiry into the missing and murdered Aboriginal women in the province of BC;

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 key international documents ratified by Canada confirm Canada’s positive obligation to address violence against women, including: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, acceded to by Canada in 1976; the Convention against Torture ratified in 1987; and the Convention on the Elimination of all Forms of Discrimination against Women ratified by Canada in 1981;

WHEREAS Canada has assumed the obligation to address violence against women, whether perpetrated by government authorities or others, and international law requires that Canada exercise due diligence to prevent, investigate, prosecute and punish acts of violence against women.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council fully supports the findings and recommendations in the report by Human Rights Watch and Justice for Girls “Those Who Take Us Away: Abusive Policing and Failures in Protection of Indigenous Women and Girls in Northern British Columbia, Canada” (the “Report”);

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive and the UBCIC Women`s Representative to call on the Provincial Government, the Government of Canada and the RCMP to immediately implement the recommended actions in the Report, and to make the necessary investments and changes for the protection of First Nations women and girls.

Moved: Cliff Atleo, Ehattesaht First Nation (Proxy)

Seconded: Chief Garry John, Seton Lake Band

Disposition: Carried

Date: February 28, 2013

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 27TH-FEBRUARY 28TH, 2013
VANCOUVER, B.C.

Resolution no. 2013-13

RE: New School Replacement for Kwakiutl Indian Band

WHEREAS Indigenous Nations in the province of British Columbia assert and affirm their inherent right of self-determination including the jurisdictional powers relating to education;

WHEREAS by Resolution 2011-47, the UBCIC Chiefs-in-Assembly fully supported the Kwakiutl Nation in advancing the construction of their new school facility, and directed the UBCIC Executive to provide political support to the Kwakiutl Nation in continuing their efforts to secure the best possible future for their children and community by further developing a system that enhances and supports First Nations control of their First Nations education;

WHEREAS on October 2, 2012, the federal government formally announced specific funding for constructing a new school at Kwakiutl to be completed by September 2015;

WHEREAS Kwakiutl welcomes the funding announcement as an “effective measure” for its children and youth, including those have been deprived a Kwakiutl education because they live outside their community, to have access to an education that is grounded in Kwakiutl language and cultural methods;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* sets out in Article 14 (3), “States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language”;

WHEREAS Kwakiutl requires a school size of 1,573m² to accommodate a confirmed nominal enrollment of over 60 students, and the federal government, through the department of Aboriginal Affairs and Northern Development Canada, has prearranged a school size of 1,105m² to accommodate a lower nominal enrollment of fewer than 60 students;

WHEREAS Kwakiutl is currently locked in negotiations on the school size and the federal government is subjecting discussions to re-profiling.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council fully supports the federal government's formal announcement of specific funding for construction of a new school ("the school") at Kwakiutl to be completed by September 2015;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council fully supports Kwakiutl's stated requirement for their new school to accommodate a confirmed nominal enrollment of over 60 students;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council fully supports Kwakiutl's request that specific funding for the school not be subjected to the practice of re-profiling;

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the Assembly of First Nations, BC Assembly of First Nations, First Nations Summit, and Kwakiutl Indian Band to coordinate efforts to promote and advocate Kwakiutl's new school as an effective measure for the First Nation's children and youth to return home and access an education that is grounded in Kwakiutl language and culture.

Moved: Coreen Child, Kwakiutl Indian Band (Proxy)
Seconded: Chief Dan Manuel, Upper Nicola Indian Band
Disposition: Carried
Date: February 28, 2013

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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



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

UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 27TH-FEBRUARY 28TH, 2013 VANCOUVER, B.C.

Resolution no. 2013-14

RE: Kwakiutl Indian Band Health Transfer Arrangements

WHEREAS the people of Kwakiutl are self-determining to administer and evolve health programmes through their own institutions;

WHEREAS Kwakiutl is fully prepared by April 01, 2013 to formally disengage under its present health arrangements with Kwakiutl District Council and enter into agreements with Health Canada initially, and then the First Nations Health Authority;

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

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 Kwakiutl is presenting a reasoned case to enter into funding arrangements that are no less than what currently exists under present agreements with Health Canada;

WHEREAS Kwakiutl is exercising its right to be actively involved in future agreements under the First Nations Health Authority, and such agreements are to be measured by the BC First Nations' New Governance Arrangement directives, being: Community-Driven, Nation-Based; Increase First Nations Decision-Making and Control; Improve Services; Foster Meaningful Collaboration and Partnership; Develop Human and Economic Capacity; Be Without Prejudice to First Nations Interests; and Function at a High Operational Standard;

WHEREAS Kwakiutl is committed to supporting the First Nations Health Authority and the BC First Nations movement toward a collectively managed model of health delivery.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports Kwakiutl in exercising the self determination to administer its own health care programmes;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council fully supports Kwakiutl's reasoned case to enter into no less funding arrangements with Health Canada first and then the First Nations Health Authority;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council fully recognizes Kwakiutl's right to be actively involved in future health agreements with the First Nations Health Authority and statement that such agreements be measured by both Article 23 of the *United Nations Declaration on the Rights of Indigenous Peoples* and the BC First Nations 7 Directives of the New Health Governance Arrangement.

Moved: Coreen Child, Kwakiutl Indian Band (Proxy)

Seconded: Chief Dan Manuel, Upper Nicola Indian Band

Disposition: Carried

Abstentions: Cliff Atleo, Ehattesaht First Nation (Proxy); Chief Hugh Braker, Tseshah First Nation

Date: February 28, 2013