

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE
209 - 345 Chief Alex Thomas Way
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Resolutions from UBCIC Chiefs Council November 27th-28th, 2013 **(Unless noted TABLED or WITHDRAWN)**

- 2013-51 UBCIC Meeting Schedule for 2014
- 2013-52 Call for Suspension of Resource Development and the need to address First Nations Gaming Opportunities
- 2013-53 Aboriginal Skills Employment Training Strategy (ASETS)
- 2013-54 Sale of Federal and Provincial Assets including Crown Land
- 2013-55 Revisions to AANDC Shelter Policy 5.4
- 2013-56 BC First Nations Water Rights Strategy
- 2013-57 TABLED - UBCIC Title and Rights Position Paper
- 2013-58 Continued Support for Indigenous Approaches
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- 2013-62 Heiltsuk Nation and the Reduction of BC Ferry Services
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- 2013-64 Opposition to Hazardous Materials and Landfills
- 2013-65 Demands to provide Secure and Full Funding for Specific Claims

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UNION OF B.C. INDIAN CHIEFS
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NOVEMBER 27TH – NOVEMBER 28TH, 2013
VANCOUVER, B.C.

Resolution no. 2013-51

RE: UBCIC Meeting Schedule for 2014

WHEREAS the Union of BC Indian Chiefs' (UBCIC) Annual General Assembly and Chiefs Council meetings constitute the primary mechanisms through which the member communities are informed of new legislation, policies and initiatives;

WHEREAS the UBCIC Annual General Assembly and Chiefs Council meetings are the mechanisms by which UBCIC Executive and staff receive ongoing mandates and direction from UBCIC members; and

WHEREAS the UBCIC will host one (1) Annual General Assembly and three (3) Chiefs Council meetings in the 2014 calendar year.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council has reviewed and commits the following as tentative dates:

- February/March
- May/June
- September (46th Annual General Assembly)
- November

THEREFORE BE IT FINALLY RESOLVED that the UBCIC staff will confirm dates, locations and draft agendas, and provide notice to the UBCIC Chiefs Council.

Moved: Chief Donna Gallinger, Nicomen Indian Band
Seconded: Chief Ron Ignace, Skeetchestn Indian Band
Disposition: Carried
Date: November 28, 2013

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NOVEMBER 27TH – NOVEMBER 28TH, 2013
VANCOUVER, B.C.

Resolution no. 2013-52

RE: Call for Suspension of Resource Development and the need to address First Nations Gaming Opportunities

WHEREAS First Nations in BC continue to object to the 1985 federal provincial agreement that unconstitutionally transferred authority over gaming and its revenue to the provinces;

WHEREAS BC is the only province in Canada that does not share gaming revenue with its First Nations;

WHEREAS First Nations in BC have unextinguished Aboriginal Title and Rights, including Treaty Rights;

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 outside of BC for over a decade have enjoyed the benefits of billions of dollars in revenue generated from gaming activities that have supported essential community, economic, social and cultural development efforts;

WHEREAS all First Nations in BC require consistent, predictable and sustainable funding in order to support the social and economic rebuilding of our respective Indigenous Nations, our governments, our economies to improve the economic, social and cultural needs of our communities;

WHEREAS since 2006 the BC First Nations Gaming committee have been actively pursuing a variety of creative options that would allow gaming revenue to flow annually into all first Nations communities;

WHEREAS the Province of BC continues to consistently deny discussing any of these gaming revenue opportunities and has recently stated that they have no interest in sharing these revenues with First Nations at this time;

WHEREAS the UBCIC has formally supported and endorsed the BC First Nations Gaming Commission through numerous resolutions including 2013-04, 2012-55 and 2010-42;

WHEREAS First Nations of BC have unanimously supported through the three provincial First Nations organizations, UBCIC, FN Summit and the BC AFN that have formed the BC First Nations Gaming Commission with the intent to pursue all opportunities for regulating, managing and conducting First Nations Gaming on reserve lands;

WHEREAS the province of BC embarked upon an agenda for the increase and amplification of resource development packages in BC to diversify economic markets and increase economic benefit to BC and for these plans to come to fruition will require the support and consent of affected First Nations; and the Province of BC desires to pursue and engage in resource development negotiations and reach agreements with First Nations for major resource related projects as their political and economic priorities, such as new oil and natural gas pipelines, mining, industrial infrastructure and LNG plants; and,

THEREFORE BE IT RESOLVED the Chiefs Council, hereby put the Province of BC on notice that until such time as First Nations have their fair share of gaming revenue and new First Nation's gaming opportunities, that major resource related projects are in jeopardy and that the Chiefs support those First Nations calling for the suspension of all major resource project development negotiations ongoing between First Nations and BC within their territories until the Provincial government undertakes to address First Nations issues and, particularly those related to new First Nations gaming opportunities and gaming revenue.

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Kukpi7 Judy Wilson, Neskonlith Indian Band
Disposition: Carried
Date: November 28, 2013

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Resolution no. 2013-53

RE: Aboriginal Skills Employment Training Strategy (ASETS)

WHEREAS the Aboriginal Employment Skills Training Strategy (ASETS) is a five-year, \$1.6 billion National Federal Strategy to provide and deliver employment and training services to First Nations across Canada;

WHEREAS there are currently 14 ASETS located throughout British Columbia;

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 appropriate, special measures to ensure continuing improvement of their economic and social conditions.

WHEREAS UBCIC Resolution 2007-57 continues to support the need for employment parity and bi-lateral agreement between First Nations and government upon the renewal of Labour Market Strategy agreements;

WHEREAS since 2010 Aboriginal Human Resources Development Agreements were continued into an Aboriginal Skills Employment and Training Strategy;

WHEREAS the BC First Nation Human Resource Council serves as a technical group to support First Nations in BC in the areas of employment and training;

WHEREAS ASETS agreements are demand driven and focus on skills development, fostering partnership with employers, industry, municipalities, and regional, provincial and national economic development sectors; and

WHEREAS the objectives of ASETS include: creating job opportunities for community members, improving training accessibility and opportunities for multiple barrier clients, developing long strategies and approach to meet labour market demands and building equitable relationships with governments, communities and industry sectors;

WHEREAS ASETS agreements will terminate March 31, 2015 and the Federal Government through the Department of Employment and Social Development Canada are currently seeking a renewed mandate for Aboriginal Labour market programming through Cabinet submission in early 2014.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council continues to support the BC First Nation Human Resource Council and the 14 Aboriginal Skills, Employment and Training Strategy (ASETS) holders in their ongoing negotiations with the Federal Government over their renewal of their ASETS agreements;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with like-minded organizations to advocate on behalf of First Nation communities in BC for increased funding for Aboriginal Skills, Employment and Training, as funding in this area has not increased since 1999; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council continues to advocate on behalf of the ASETS program as it supports First Nations youth, elders, multiple barrier, undereducated and unskilled workers as well as supporting children ages 0 to 6 who are under the First Nations and Inuit Child Care funding.

Moved: Kukpi7 Nelson Leon, Adams Lake Indian Band
Seconded: Chief Dalton Silver, Sumas First Nation
Disposition: Carried
Date: November 27, 2013

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Resolution no. 2013-54

RE: Sale of Federal and Provincial Assets including Crown Land

WHEREAS First Nations have always, and continue to hold, Aboriginal Title, Rights and Treaty Rights to the lands and resources within our respective territories and we hold sacred duty and responsibility for the protection and management of our territories and resources;

WHEREAS First Nations people will not give up their inheritance as is constitutionally protected and recognized under section 35(1) of the *Constitution Act*, 1982 which states, “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed”;

WHEREAS the United Nations *Declaration on the Rights of Indigenous Peoples* (UNDRIP) 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 Articles 26, 27, 29 and 32 of the UNDRIP affirms the duty of states to consult with Indigenous peoples over their rightfully owned and occupied lands, territories and resources and acknowledge the rights of Indigenous peoples to make decisions about the use of their lands, territories and resources;

WHEREAS on November 13, 2013, Finance Minister Jim Flaherty announced the Federal government’s fiscal plan to balance the Federal government’s budget by 2015;

WHEREAS in the Federal governments fall economic update the Federal government seeks to balance the budget by selling off assets including Crown land in British Columbia;

WHEREAS on February 21, 2012, the Provincial Government similarly announced and identified the sale of “surplus” Crown assets, including parcels of Crown lands, as a means of generating new economic activity and to assist in improving the Provincial government’s financial position;

WHEREAS the Provincial and Federal governments both have legal and constitutional obligations to meaningfully consult and engage First Nations on any contemplated decision that may impact our Title and Rights to our territories and resources;

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council reaffirms that as Indigenous Peoples we hold unextinguished Title, Rights and Treaty Rights to our respective territories;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council call on the Provincial and Federal governments to honour and recognize our constitutionally-enshrined and judicially-recognized Title, Rights and Treaty Rights and immediately withdraw any and all plans to sell off Crown lands without first engaging and consulting with affected First Nations; and

THEREFORE BE IT FINALLY RESOLVED UBCIC Chiefs Council call on the Provincial and Federal governments to immediately release all and related material and information with respect to the list of Crown assets that are being considered for sale.

Moved: Chief Judy Wilson, Neskonlith Indian Band
Seconded: Grand Chief Bob Pascoe, Ashcroft Indian Band - Proxy
Disposition: Carried
Date: November 28, 2013

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Resolution no. 2013-55

RE: 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 2012-41, 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;

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 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;

WHEREAS as directed by the UBCIC Chiefs-in-Assembly by Resolution 2012-41 , the UBCIC Executive appointed one member of the Executive to be directly involved with AANDC's national working group on revising the Policy, and report on any progress; and

WHEREAS AANDC has agreed to an interim shelter policy template agreement (with eligibility requirements), and Seabird Island Band is moving forward in developing a template and with support of the UBCIC provide a full day workshop to train First Nation communities on the implementation and use of the template.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council continue to 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 Council direct the UBCIC Executive to continue its political advocacy with respect to revising Shelter Policy 5.4 ("the Policy"), and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council call on AANDC to continue to work with UBCIC and Seabird Island Band on amending the Shelter Policy 5.4 in a timely manner following the completion of Seabird Island Band's draft interim shelter policy template agreement which will be brought back at the next Chiefs Council meeting for consideration.

Moved: Chief Ron Ignace, Skeetchestn Indian Band

Seconded: Chief Janet Webster, Lytton First Nation

Disposition: Carried

Date: November 28, 2013

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NOVEMBER 27TH – NOVEMBER 28TH, 2013
VANCOUVER, B.C.

Resolution no. 2013-56

RE: BC First Nations Water Rights Strategy

WHEREAS water is a sacred resource to First Nations. Survival relies on access to clean water for: health and well-being; spiritual use, culture, customs and traditions; sustenance; and, economic opportunities;

WHEREAS First Nations have rights and a sacred responsibility to protect and manage water for First Nations today and for generations to come;

WHEREAS the right to water includes the use of water for cultural ceremonies, drinking, domestic purposes, irrigation and other agricultural purposes, commercial purposes, transportation, and access for fishing, hunting, trapping and other harvesting and gathering activities;

WHEREAS reference relevant section(s) of the *United Nations Declaration on the Rights of Indigenous Peoples*:

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

Article 32 (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 the FNLC organizations have a mandate through BCAFN resolution 11/2010, FNS resolution #0910.04, and UBCIC resolution 2010-10, to work together to develop a draft Action Plan to set out collective First Nations' views on water issues, achieve recognition of First Nations' priority and

un-extinguished water rights, challenge the Province and Canada's legislation and legislative and policy initiatives regarding water;

WHEREAS a preliminary draft Action Plan was developed, drafted and distributed to all First Nations in BC for their review and feedback prior to the province-wide First Nations Right to Water Forum in March 2013;

WHEREAS in May 2013, the feedback was incorporated into the first draft, which was distributed to members at the UBCIC Annual General Assembly and the First Nations Summit quarterly meetings in September 2013;

WHEREAS the Government of British Columbia is proposing new legislation, the *Water Sustainability Act* (WSA) based on their legislative proposal seeking public input to replace the existing *Water Act* as the primary legislation for water resource government management in BC; and

WHEREAS on November 4th, 2013 the draft BC First Nations Water Rights Strategy was distributed and available to all First Nations in BC for further review and feedback and all feedback received to date as been incorporated.

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

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council opposes the current legislative proposal for the *Water Sustainability Act* and endorses the UBCIC Response to British Columbia's legislative Proposal for a Water Sustainability Act; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully supports and endorses the attached BC First Nations Water Rights Strategy, as a tool for collective advocacy amongst BC First Nations.

Moved: Chief Ron Ignace, Skeetchestn Indian Band
Seconded: Chief Byron Louis, Okanagan Indian Band
Disposition: Carried
Date: November 28, 2013

**UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
NOVEMBER 27TH – NOVEMBER 28TH, 2013
VANCOUVER, B.C.**

Draft Resolution no. 2013-57

RE: UBCIC Title and Rights Position Paper

WHEREAS we are sovereign Indigenous 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 the UBCIC Title and Rights Position Paper was originally drafted and adopted by the UBCIC Chiefs Council in 1978 and further revised and endorsed in 1985;

WHEREAS Articles 26, 27, 29 and 32 of the United Nations *Declaration on the Rights of Indigenous Peoples* (UNDRIP) affirm the duty of states to consult with Indigenous peoples over their rightfully owned and occupied lands, territories and resources and acknowledge the rights of Indigenous peoples to make decisions about the use of their lands, territories and resources;

WHEREAS the UBCIC Executive has requested a review and further revision to the UBCIC Title and Rights Paper to include:

- Concepts of Indigenous federalism or a recognition that the Indigenous Peoples are a founding peoples of Canada and must be reflected in all aspects of governments;
- International developments including UNDRIP and the formulations of Indigenous rights as human rights;
- Indigenous legal orders and laws;
- Historic Treaty Rights implementation; and
- Components around social justice within our territories and for our members.

WHEREAS the revised UBCIC Aboriginal Title and Rights Position Paper was presented and discussed at the UBCIC 45th Annual General Assembly on September 12th, 2013;

WHEREAS the revised UBCIC Aboriginal Title and Rights Position Paper was distributed to the UBCIC Chiefs Council in October for further review, comment and feedback and all feedback and revisions were incorporated as recommended;

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

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council recognize and respect the Union of BC Indian Chiefs Aboriginal Title and Rights and Treaty Rights Position Paper as a foundational piece of the UBCIC; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council fully supports and adopts the attached Union of BC Indian Chiefs Aboriginal Title and Rights and Treaty Rights Position Paper as presented.

Moved:

Seconded:

Disposition: TABLED

Date:

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VANCOUVER, B.C.

Resolution no. 2013-58

RE: Continued Support for Indigenous Approaches

WHEREAS for many years others have told Indigenous Peoples what is best for us including through residential schools and the child welfare system and this has been to great detriment to Indigenous children, families, communities and nations. It will take significant resources to re-establish Indigenous jurisdiction and ways of caring for our children;

WHEREAS The Indigenous Approaches are a group of projects which received funding from the Ministry of Children and Family Development (MCFD) to explore alternative models of delivering services to Indigenous children and families;

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

Article 8:

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.
2. States shall provide effective mechanisms for prevention of, and redress for: (a) any action which has the aim or effect of depriving them of their integrity as distinct people, or of their cultural values or ethnic identities.

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 maintain and develop their own indigenous decision-making institutions.

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 Indigenous Approaches are diverse projects, grounded in the fact that Indigenous communities hold an inherent jurisdiction to care for and protect their children and families with their own legal traditions and customs. This funding allowed Indigenous communities and Nations to explore different models and to explore alternative solutions;

WHEREAS the Indigenous Approaches have been effective. Despite that success and innovation, there is suggestion that MCFD may be cutting the funding to the Indigenous Approaches;

WHEREAS the recent report of the representative for Children and Youth, *When Talk Trumped Service: A Decade of Lost Opportunity for Aboriginal Children and Youth in B.C.*, criticizes the approach taken in the Indigenous approaches and the Indigenous Approaches have received notification that they should submit a three month work plan to the MCFD which seems to indicate that funding for these innovative and much needed projects will soon be cut. In her report, the Special Representative describes the Indigenous Approaches in this way:

In 2009/10, MCFD proceeded with its Nation-to-Nation initiative, now called Indigenous Approaches, to support the transfer of authority over child welfare services to individual First Nations communities by providing funding to First Nations to establish “community development and service development in relation to jurisdiction. The final goal of these projects [is] to determine a process of child welfare governance and then move forward to providing that governance with the support of MCFD.” The problem with this approach, the Representative observes, is that there was no clear overarching direction. There was no comprehensive policy, just a series of adhoc contracts.

Beginning in 2009, proposals were approved for 17 First Nations and/or Aboriginal organizations covering more than 100 First Nations, as well as urban and Métis communities and the First Nations Child and Family Wellness Council. Approved projects were broad in scope. ...The Representative notes that there was a poor policy foundation for these projects regarding how they helped children and no clear approach or rationale for proceeding with them. Most proposals were for three-year projects. In 2009/10, individual contracts ranging from \$70,000 to \$800,000 were approved. In 2010/11, approved contracts ranged from \$70,000 to \$1.6 million, and in 2011/12 they ranged from \$72,000 to \$1.1 million. Between 2009/10 and 2012/13, a total of \$31.02 million was expended and committed to Indigenous Approaches contracts.

WHEREAS the Representative concludes in her report that, “not a single child was directly served” by these approaches. This is simply not correct. The Report was written with advice only from the MCFD, the Representative did not meet directly with representatives of the Indigenous Approaches until her report was written.

WHEREAS these Indigenous Approaches projects worked directly with children and families, including finding alternatives based on Indigenous laws and practices, for children who were taken into care. The Representative concludes with Recommendation 2, that the MCFD “take immediate action to suspend open-ended initiatives in its ministry related to Aboriginal governance and organization of child welfare services ...” Theoretically, this would include the Indigenous Approaches; and

WHEREAS the Representative concludes with the recommendation that:

The government of British Columbia, with the leadership of the Attorney General, develop an explicit policy for negotiation of jurisdictional transfer and exercise of governmental powers over child welfare.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council direct the UBCIC Executive to work with the Executives of the First Nations Summit and the BC Assembly of First Nations (collectively working as the ‘First Nations Leadership Council’) to advocate for continued support for culturally based, Nation specific care and community driven care of Indigenous children including funding of the Indigenous Approaches through the MCFD and other forums; an approach that understands costs in the context that children are our most important resource;

THEREFORE BE IT FURTHER RESOLVED First Nations must be involved in all policy drafting efforts to develop exclusive in jurisdiction and exercise of First Nations governmental power over child welfare; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council direct the UBCIC Executive to report back on any progress related to the continued support for the Indigenous Approaches.

Moved: Chief Janet Webster, Lytton First Nation
Seconded: Chief Byron Louis, Okanagan Indian Band
Disposition: Carried
Date: November 28, 2013

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Fax: 250-828-0319



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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
NOVEMBER 27TH – NOVEMBER 28TH, 2013
VANCOUVER, B.C.

Resolution no. 2013-59

RE: Direct Fiscal Relationships Regarding the Enhanced Prevention Focused Approach between Indigenous Peoples and Aboriginal Affairs and Northern Development Canada

WHEREAS Indigenous Peoples have the right of self-determination which embodies our own legal orders and jurisdictions related to children and families. Canada's constitutional framework recognizes and protects the continuity of Indigenous laws and traditions. Section 91(24) of the *Constitution Act, 1867*, which reflects the *Royal Proclamation of 1763* reflects an enduring constitutional and solemn commitment for a lasting relationship between the Federal government and Indigenous Peoples. Section 35 of the *Constitution Act, 1982* constitutionally enshrined Aboriginal Title, Rights and Treaty Rights;

WHEREAS Canada's common law has long recognized – and continues to recognize – the inherent jurisdiction of Indigenous Peoples over matters internal to them, including child welfare: *Connolly v. Woolrich*; *Casimer v. I.C.B.C.*; *Campbell v. B.C.*; *R. v. VanderPeet*;

WHEREAS The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) recognizes the right of Indigenous Peoples to flourish as Peoples caring for children and families according to our own languages, laws and social structures;

WHEREAS AANDC states that *the welfare of all children, including First Nations children, is a priority of the Government of Canada*. Funding under the First Nations Child and Family Services Program is provided under several funding models across the country which provide for the delivery of protection and prevention services to improve the safety and well-being of First Nation children on-reserve. AANDC is willing to implement an enhanced prevention approach to funding child and family services on-reserve in British Columbia;

WHEREAS we are not accepting a process that continues to ignore children and families, this has been the status quo process since the residential school era, and has always failed our people;

WHEREAS UBCIC Resolution 2010-60, *Support for the BC First Nations Enhanced Prevention Services and Accountability Framework* which states that the UBCIC, will work will collectively with like-minded organizations to advocate for the EPFA funding flowing to B.C. and that all B.C. First Nations are eligible to receive prevention funding;

WHEREAS in January 2013, an implementation structure was developed for the EPFA to include a Tripartite Steering Committee comprised of representatives from the Directors Forum, AANDC, MCFD, and First Nations Leadership [designated for leaders of Indigenous Nations who are not represented by Delegated Authorities]; and a Technical Working Group to support the implementation of the EPFA. To date, these discussions have not been successful;

WHEREAS on September 4, 2013, in a letter addressed to the First Nations Child and Family Wellness Council (FNCFWC), Minister Valcourt stated that: *At this time, all provincial governments have jurisdiction over child and family welfare, including Aboriginal children living on and off reserve... Due to the legislative requirement for provincial delegation, the federal government cannot develop bilateral relationships with individual First Nations with respect to child and family services program funding... For First Nations not affiliated with a Delegated First Nations agency, funding for child welfare protection and prevention services will continue to be provided to (MCFD); and*

WHEREAS the UBCIC Chiefs Council fully support that:

- a. EPFA funding be accessible to all Indigenous Nations;
- b. That Indigenous Nations have the right to choose, according to their own laws, how to direct funds to carry out the objectives of protection and prevention, which could include Indigenous approaches, partnerships with delegated agencies or MCFD, or other options determined by their own internal processes and what they determine will achieve the best results for their children and families; and
- c. EPFA funding in B.C. must be equal or greater to what other provinces receive as Indigenous children in BC have been prejudiced by Canada's refusal to provide these funds in BC.
- d. The current draft EPFA guidelines do not recognize Indigenous jurisdiction and flow all funding through the provincially delegated agencies or MCFD, which is not acceptable.
- e. Indigenous Peoples have independent jurisdiction and responsibility for our children and families. This includes the right to choose what relationships to enter to best take care of our children and families. Some Indigenous communities may choose to build prevention services and programming independently, while others might choose to enter partnerships

with delegated agencies or the MCFD. Each Nation's right of self-determination gives them the right and obligation to determine what is in the best interests of their children and to act accordingly. This may mean, for example, that even though communities are part of a delegated process that they may choose to administer EPFA funds separate from that, or involve the delegated agency in only part of the programming.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council request a working group be struck with AANDC to outline Indigenous Peoples' inherent jurisdiction in the area of children and families and how it continues to be protected within the Canadian constitution and common law, to provide an alternative to the limited approach built on provincial jurisdiction currently relied on by the federal EPFA policy; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council direct the UBCIC Executive to work in conjunction with the Executives of the First Nations Summit and the BC Assembly of First Nations (collectively working as the 'First Nations Leadership Council') and the FNCFWC to the degree practical, to collectively advocate for the EPFA funding flowing to B.C., and recognizes that all B.C. Indigenous Nations are eligible to directly receive prevention funding.

Moved: Chief Maureen Chapman, Skawahlook First Nation

Seconded: Kukpi7 Judy Wilson, Neskonlith Indian Band

Disposition: Carried

Abstention: Kukpi7 Wayne Christian

Date: November 28, 2013

**UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
NOVEMBER 27TH – NOVEMBER 28TH, 2013
VANCOUVER, B.C.**

Resolution no. 2013-60

RE: Continued Support for the First Nations Child and Family Wellness Council

WHEREAS in 2007, First Nations chose to set out a collective vision and a strategic action plan for addressing issues related to children and families on the basis of First Nations authority.

WHEREAS resolutions were passed at the BC Assembly of First Nations (BCAFN), First Nations Summit (FNS), and the Union of BC Indian Chiefs (UBCIC) Chiefs Assemblies in 2007, calling upon those organizations to collaboratively hold a “First Nations Child at the Centre Chiefs’ Forum” to bring together First Nations leaders, along with key political and technical partners, to review, discuss and finalize a First Nations Child at the Centre Action Plan- now referred to as the Indigenous Child at the Centre Action Plan (ICCAP) [UBCIC Resolution #2007-52];

WHEREAS the ICCAP was supported and endorsed by the UBCIC Chiefs Council via Resolution #2009-38, *Support for the Indigenous Child at the Centre Action Plan*. This collective effort represented, and continues to represent, the spirit of the New Relationship, whereby British Columbians work together with Aboriginal peoples to close the socio-economic gaps between them and together build a province for all peoples to flourish socially, culturally and economically;

WHEREAS the 2009 *Recognition and Reconciliation Protocol on First Nations Children, Youth and Families*, signed between the Province of British Columbia, as represented by the Ministry of Children and Family Development (MCFD), and the First Nations Leadership Council (FNLC) (a cooperative working relationship between the BCAFN, FNS and the UBCIC established the lead role of the FNCFWC on province-wide child and family matters;

WHEREAS the FNCFWC’s role is supported and strengthened by the 2012 *Declaration & Protocol of Recognition, Support, Cooperation and Coordination*, which was signed between the FNLC and the FNCFWC.

WHEREAS 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 B.C. 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 FNCFWC is committed to supporting First Nations in any path they choose to care for their children and families. The FNCFWC respects the inherent rights and jurisdiction of all First Nations and offers political advocacy as requested, acknowledging that each Nation has issues specific to their communities. The FNCFWC is inclusive of all First Nations in British Columbia;

WHEREAS Indigenous Peoples have a right to self-determination which embodies our own legal orders and jurisdictions related to children and families. Canada's constitutional framework recognizes and protects the continuity of Indigenous laws and traditions under s. 35 of the Constitution Act 1982;

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; and

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, administer such programmes through their own institutions;

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, 2007-52, 2011-42, 2012-03 and 2013-40;

WHEREAS many efforts are underway, through many paths, and at all levels, to increase community capacity and control with respect to the wellness of our children. First Nations have been exercising their inherent rights and jurisdiction to care for their children and families through various approaches. First Nations are at different stages of development within these approaches, from planning, capacity building and implementation of governance;

WHEREAS the issue of jurisdiction continues to be avoided by the Province of British Columbia and Government of Canada; the current governing model has negative impacts on our children, families, and communities; and

WHEREAS the need to politically advocate to the Province of British Columbia and the Government of Canada for equity in First Nations child and family services resourcing and infrastructure has never been greater.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council confirms the role of the FNCFWC as the provincial lead on province-wide First Nations child and family political discussions and to pursue a positive relationship with children and families and the First Nations communities of British Columbia and to work to implement the *2009 Recognition and Reconciliation Protocol on First Nations Children, Youth and Families*;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully supports the mandate of the FNCFWC to continue to implement the ICCAP and, in particular, its direction towards jurisdiction;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with the Executives of the BC Assembly of First Nations and the First Nations Summit (collectively working as the 'First Nations Leadership Council') and the FNCFWC to politically advocate for increased First Nations jurisdiction over their child and family wellness systems, consistent with the *2009 Recognition and Reconciliation Protocol on First Nations Children, Youth and Families*; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the FNCFWC to continue reporting back to the Chiefs Council on any progress regarding the implementation of the ICCAP.

Moved:

Seconded:

Disposition: WITHDRAWN

Date:

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FOUNDING HEAD OFFICE
209 - 345 Chief Alex Thomas Way
Kamloops, B.C. V2H 1H1
Tel: 250-828-9746
Fax: 250-828-0319



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5th Floor, 342 Water Street
Vancouver, B.C. V6B 1B6
Tel: 604-684-0231
Fax: 604-684-5726
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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
NOVEMBER 27TH – NOVEMBER 28TH, 2013
VANCOUVER, B.C.

Resolution no. 2013-61

RE: Cessation of Unilateral Decision-making and Reporting by the Provincial and Federal Governments on All Matters Related to First Nations Children and Families

WHEREAS aboriginal children are more likely than non-Aboriginal children to have encountered the child welfare system. Once involved in the system, Aboriginal children face far more systemic barriers than non-Aboriginal children;

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; and

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, administer such programmes through their own institutions;

WHEREAS the First Nation Child and Family Wellness Council (FNCFWC) is working with Indigenous Nations and communities to support continued control over their children and families by advancing the Indigenous Child at the Centre Action Plan (ICCAP);

WHEREAS the 2009 *Recognition and Reconciliation Protocol on First Nations Children, Youth and Families*, signed between the Province of British Columbia, as represented by the Ministry of Children and Family Development (MCFD), and the First Nations Leadership Council (FNLC) (a cooperative working relationship between the BC Assembly of First Nations (BCAFN), First Nations Summit (FNS), and the Union of BC Indian Chiefs (UBCIC)) established the lead role of the FNCFWC on province-wide child and family matters;

WHEREAS the FNCFWC's role is supported and strengthened by the 2012 *Declaration & Protocol of Recognition, Support, Cooperation and Coordination*, signed between the FNLC 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 B.C. 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 Indigenous Peoples have a right to self-determination which embodies our own legal orders and jurisdictions related to children and families. Canada's constitutional framework recognizes and protects the continuity of Indigenous laws and traditions under s. 35 of the Constitution Act 1982;

WHEREAS Canada's common law has long recognized – and continues to recognize – the inherent jurisdiction of Indigenous Peoples over matters internal to them, including child welfare: *Connolly v. Woolrich*; *Casimer v. I.C.B.C.*; *Campbell v. B.C.*; *R. v. VanderPeet*;

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, 2007-52, 2011-42, 2012-03 and 2013-40;

WHEREAS the issue of jurisdiction continues to be avoided by the Province of British Columbia and Government of Canada; the current governing model has negative impacts on our children, families, and communities; and

WHEREAS the recent report by the Representative for Children and Youth BC (RCY), *When Talk Trumped Service: A Decade of Lost Opportunity for Aboriginal Children and Youth in B.C.*, makes no mention of First Nations and First Nations Chiefs being included in negotiations.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council direct the UBCIC Executive to work with the Executives of the BC Assembly of First Nations and the First Nations Summit (collectively working as the 'First Nations Leadership Council') to demand the immediate cessation of unilateral

decision-making by the Province of British Columbia and the Government of Canada related to our children and families;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council direct the UBCIC Executive to work with the Executives of the BC Assembly of First Nations and the First Nations Summit to demand full and ongoing inclusion of First Nations in all policy and programming decision-making related to our children and families;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council direct the UBCIC Executive to work with the Executives of the BC Assembly of First Nations and the First Nations Summit to demand the immediate cessation of Provincial Ministries or Provincially-mandated bodies (such as the Representative for Children and Youth BC) reporting and commenting on First Nations-driven child and family wellness initiatives without full consultation with those First Nations or First Nations organizations being commented upon; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council direct the UBCIC Executive to report back to the UBCIC Chiefs Council on any progress regarding the cessation of unilateral decision-making and reporting by the Province of British Columbia (and its associated Provincially-mandated bodies) and the Government of Canada relating to our children and families.

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Chief Byron Louis, Okanagan Indian Band
Disposition: Carried
Date: November 28, 2013

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FOUNDING HEAD OFFICE
209 - 345 Chief Alex Thomas Way
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
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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
NOVEMBER 27TH – NOVEMBER 28TH, 2013
VANCOUVER, B.C.

Resolution no. 2013-62

RE: Heiltsuk Nation and the Reduction of BC Ferry Services

WHEREAS the Heiltsuk Nation have lived within and upon their homeland since time immemorial and assert aboriginal Title and Rights to their lands including the right to fish and steward marine resources. Heiltsuk have never surrendered or ceded these rights;

WHEREAS Heiltsuk ancestral homeland comprises a defining portion of what is now known as the Central Coast of British Columbia. It extends from the southern tip of Calvert Island north to Klekane Inlet across Butedale, inland from the head of Dean Channel and Inlet to the offshore area west of Goose Island, Aristazabal Island, and Calvert Island, and the intervening inlets, channels, islands and waterways;

WHEREAS Heiltsuk's principal community is Bella Bella on Campbell Island;

WHEREAS ferry service is a longstanding primary connection between Central and North Coast communities and southern British Columbia, including Bella Bella;

WHEREAS the ferry has been and continues to be, a vital and essential service connecting central and north coast communities;

WHEREAS coastal community members rely heavily on ferry service to obtain health, medical or dental care, further the ferry service is the only service and only choice and a necessary burden to families who cannot afford to take air transportation;

WHEREAS the ferry service is vital to the economic well-being of the Heiltsuk and is the primary mode of transportation to ship food to Bella Bella on refrigerated or freezer trucks as well as provide other goods and services;

WHEREAS the current service does not adequately meet Heiltsuk's needs due to the limited schedule;

WHEREAS BC Ferries is proposing a significant decrease to the number of sailings to bimonthly and monthly sailings effectively forcing residents to be stranded outside Bella Bella for a minimum of two week intervals and preventing businesses from providing goods and services on a more regular basis;

WHEREAS any reduction to existing ferry schedules for coastal communities and any increase in ferry costs, will seriously compromise the quality of life, economic development and impose undue hardship on central and north coast residents;

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports the Heiltsuk Nation in its efforts to increase or, at the very least, maintain specific and existing ferry service to Bella Bella;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council strongly oppose any reduction in or changes to ferry service to Bella Bella;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council demands that the Provincial Government, Provincial Health Services and BC Ferries, work with Heiltsuk Nation to find realistic and alternate solutions which will not result in the reduction of ferry services;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council will directly communicate its opposition to the proposed cutbacks to ferry service to the Provincial Government, request that the government work diligently and in good faith with the Heiltsuk Nation in reaching an alternate solution and demand that until a solution is found, no changes be made to the existing ferry services; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with the Heiltsuk Nation to provide assistance or guidance as requested or required to resolve this issue.

Moved: Chief Donna Gallinger, Nicomen Indian Band
Seconded: Ed Hall, Kwikwetlem First Nation - proxy
Disposition: Carried
Date: November 28, 2013

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209 - 345 Chief Alex Thomas Way
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Tel: 250-828-9746
Fax: 250-828-0319



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5th Floor, 342 Water Street
Vancouver, B.C. V6B 1B6
Tel: 604-684-0231
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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
NOVEMBER 27TH – NOVEMBER 28TH, 2013
VANCOUVER, B.C.

Resolution no. 2013-63

RE: Canada's Proposal for a First Nations Education Act

WHEREAS First Nations in BC have worked collectively for over two decades to create a strong, responsive BC First Nations Education System that is accountable and community-based. The system is recognized by Canada and BC in a Tripartite Education Framework Agreement (TEFA), and in the Education Jurisdiction Framework Agreements (EJFA) and accompanying federal and provincial legislation (“BC Agreements”);

WHEREAS the BC First Nations Education System requires a solid commitment to needs-based funding that includes funding for language, culture and technology to ensure the System is relevant and supports improved learner outcomes. The System requires an appropriate funding agreement to support the full implementation of the EJFA;

WHEREAS Canada's Proposal for a First Nations Education Act (the “Proposal”), released for discussion on October 22, 2013, must be jointly redrafted to advance and enhance First Nation control over First Nation education. BC First Nations remain committed to engaging with Canada; to advance First Nations control of First Nations education, in respect of the BC First Nations Education System, and, to formalize a secure, sustained and appropriate funding level that meets First Nations education needs for improved learner outcomes;

WHEREAS First Nations in BC individually, and through the First Nations Education Steering Committee (FNEC) and the First Nations Schools Association (FNSA), have submitted comments and recommendations to Canada through 5 key substantive documents, correspondence and meetings on Canada's Proposal;

WHEREAS BC First Nations also gathered at three significant assemblies, including one with Aboriginal Affairs and Northern Development Canada (AANDC) officials on March 8, 2013, as part of a consistent

effort to protect the interests of First Nation learners, and to ensure the interests of First Nations in BC are advanced and protected, and to attempt to engage Canada to jointly develop legislation;

WHEREAS Canada has maintained that the Proposal is “subject to change” based on feedback from First Nations, provinces and other stakeholders while the three AANDC consecutive legislation documents have remained substantively unchanged and have not addressed the issues and concerns of First Nations in BC. Further, Canada declined to jointly develop and co-author legislation, as proposed by First Nations in BC;

WHEREAS Canada’s legislative process must meaningfully engage First Nations in a manner that recognizes First Nations’ inherent rights to self-government, fulfills the Crown’s constitutional duties to First Nations, and upholds the honour of the Crown. The Proposal and process must also be consistent with section 35 of the Constitution Act, 1982, the *UN Convention on the Rights of the Child* and, importantly, the *United Nations Declaration on the Rights of Indigenous Peoples*, which states:

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

WHEREAS Canada’s Proposal raises many serious issues and leaves important matters outstanding, for example:

- i. By requiring increased oversight, compliance and enforcement requirements, by imposing standards and by increased reporting;
- ii. the Proposal makes no commitment to a continuation of education support services (“second level services”) and it remains unclear whether organizations that provide important support programs, such as FNESC and the FNSEA, will be effectively eliminated; and
- iii. there is no commitment to funding beyond a vague reference to an unknown formula being established by regulation, despite the proposal imposing a number of additional new administrative duties on First Nations;

WHEREAS with respect to BC region, Canada’s Proposal:

- i. includes a deferral of application of the Act to First Nations operating under TEFA until the expiry of TEFA in 2017, implying that Canada will not negotiate a new agreement with BC First Nations that will keep them exempt from the Act, and making it unclear whether the funding equivalent to the provincial level will continue; and
- ii. includes an exemption for First Nations operating under the EJFA; however, without an appropriate funding agreement in place, the EJFA remains unimplemented and unprotected;

WHEREAS the BC Agreements provide an appropriate foundation for the exercise of First Nations control of First Nations education. The Province has emphasized the importance of the BC Agreements and the need to continue the agreements and the BC-First Nations government-to-government relationship “without interference”;

WHEREAS many non-First Nation education stakeholders are calling on Canada to engage meaningfully with First Nations to co-develop effective education legislation (for example; Canadian School Boards Association, BC Teachers' Federation, the BC School Trustees Association and others);

WHEREAS in October 2013, the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Dr. Anaya, urged Canada not to "rush this legislation," observing "deep concerns that the process for developing the act has not appropriately included nor responded to aboriginal views." He also recognized the deep mistrust created by Canada's unilateral process;

WHEREAS on November 19, 2013, approximately 250 BC First Nations delegates, including leaders and community education personnel, came together to discuss Canada's Proposal and:

- i. expressed their unequivocal support for the important work well under way in BC to develop the community-driven BC First Nations Education System; and
- ii. affirmed that Canada's Proposal, as currently drafted, does not meet First Nations' goals, objectives and visions of First Nations control of First Nations education in BC, and that the Proposal, as currently drafted, must be set aside;

WHEREAS the Chiefs in BC are united in their support for, improved education outcomes for First Nations children;

WHEREAS BC First Nations have urged the federal government to meet and surpass provincial funding models to close the gap between Aboriginal and non-Aboriginal learners and to ensure that comparable investments are made by the Federal government for better educational outcomes; and

WHEREAS the National Chief and National Assembly of First Nations, in an open letter to the Minister of Aboriginal Affairs and Northern Development on November 25, 2013, articulated clear conditions in order for federal First Nations education legislation to be accepted by First Nations. These 5 conditions are based on shared values and common ground that must be fully addressed in order to move forward together.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council acknowledges First Nations have been working together for two decades to advance quality educational opportunities and improve educational outcomes for First Nations children, students;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council commits themselves to achieving the best education for children, students and learners based on a solid, comprehensive, integrated education system in BC which is founded on First Nations' languages and cultures, and reflects the values and traditions of First Nations communities;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council call upon the Government of Canada; in the spirit of true and honourable consultation and reconciliation, First Nations control of First Nations education, and recognizing the Government's 2008 Residential Schools Apology, to;

- i. Take appropriate measures to fulfill its legal, constitutional and international duties to First Nations;
- ii. Work in a government-to-government partnership with First Nations to:
 - a) Co-develop any education legislative or policy reform initiatives; and

- b) Identify and strengthen government policies to support the implementation and evolution of agreements and related education initiatives in BC, including funding that meets First Nations education needs for improved learner outcomes;
- iii. Honour the Education Jurisdiction Framework Agreement (EJFA) and conclude a financial agreement on a priority basis, without application of the federal own source revenue policy or fiscal harmonization, to support the implementation of EJFA;
- iv. Continue the implementation work under the Tripartite Education Framework Agreement (TEFA) and prepare to negotiate the next phase of agreement(s) to build on the efforts and advances under TEFA, to achieve:
 - a) The next step in the progressive evolution of the exercise of First Nations control over First Nations education in BC; and
 - b) Appropriate needs-based funding throughout the BC First Nations Education System;
- v. Set aside its national First Nations Education Act as proposed and engage with First Nations in an agreed process to co-develop any education legislation and/or policy to ensure that it supports and enhances First Nations control of First Nations Education (as envisioned in the Native Brotherhood's Indian Control of Indian Education policy framework and subsequent First Nations Control of First Nations Education policy framework of the Assembly of First Nations) and, in particular, to ensure that a funding model is formalized for secure, sustainable and appropriate funding, including for language, culture and technology, that meets First Nations education needs to achieve learner success;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council support the First Nations Education Steering Committee, working with First Nations political organizations and others, in continuing to take measures to protect and advance First Nations' interests in relation to any education legislation and/or policy in BC, and the integrity of the BC First Nations Education System;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council supports the National Assembly of First Nations' 5 conditions as set out in their November 25, 2013 open letter to Minister Valcourt, in order for federal First Nations education legislation to be accepted by First Nations; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with other like-minded organizations in BC and, where possible to advance First Nations control of First Nations education, protect the integrity of the BC First Nation Education System, including the TEFA and EJFA in BC, and work towards a coordinated approach in response to the existing federal Proposal for First Nations education legislation.

Moved: Chief Rita Matthew, Simpcw First Nation
Seconded: Chief Ron Ignace, Skeetchestn Indian Band
Disposition: Carried
Date: November 28, 2013

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Kamloops, B.C. V2H 1H1
Tel: 250-828-9746
Fax: 250-828-0319



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Fax: 604-684-5726
1-800-793-9701
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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
NOVEMBER 27TH – NOVEMBER 28TH, 2013
VANCOUVER, B.C.

Resolution no. 2013-64

RE: Opposition to Hazardous Materials in Landfills

WHEREAS Indigenous Nations have always exercised and continue to exercise our Inherent Rights flowing from our Title to the lands and resources in their respective territories and continue to be closely linked to the land and resources;

WHEREAS Indigenous Nations have the responsibility for and exercise jurisdiction over our lands and resources in ways that provide for the health and safety of our communities, families and future generations;

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

WHEREAS the Government of British Columbia enacted the *Environmental Management Act* (EMA) on July 8, 2004 to "protect human health and the quality of water, land and air" without consultation or accommodation of Indigenous Title, Rights or Treaty Rights;

WHEREAS the EMA defines Hazardous Waste as:

- PCB wastes
- biomedical wastes
- wastes containing dioxin
- waste oil
- waste asbestos
- waste pest control product containers and wastes containing pest control products, including wastes produced in the production of treated wood products using pest control products

- leachable toxic waste
- waste containing tetrachloroethylene
- waste that is corrosive because it has a pH factor of less than 2.0 or greater than 12.5 measured directly when the waste is liquid or measured in a 50% distilled water mixture or solution by mass when the waste is solid or
- waste containing polycyclic aromatic hydrocarbon

WHEREAS landfills are still the primary method of solid waste management plans of regional districts and municipalities;

WHEREAS hazardous waste has been found or permitted in landfills including fly ash containing leachable cadmium - a known carcinogen - and biomedical waste including human anatomical waste, animal anatomical waste, microbiology laboratory waste, human blood and body fluid waste;

WHEREAS there are a number of landfills throughout British Columbia that are sited in close proximity to First Nation communities and in particular landfills in close proximity to waterways including the Fraser River Watershed System;

WHEREAS the Governments of British Columbia and Canada must exercise due diligence with respect to the safety and health of all members of society and especially Indigenous Peoples and must take a proactive approach to prevent harm and protect ecosystems that are or may be impacted by current landfill activities and by long-term effects after the closure of landfills;

THEREFORE BE IT RESOLVED the Chiefs Council calls on the Government of British Columbia to implement and/or maintain standards recommended by the 1992 Canadian Council of Ministers of the Environment by requiring landfills to;

- only accept waste that is free of hazardous materials;
- prearranged volumes with those using the landfills;
- require those using landfills to provide evidence of treatment of their waster, or submit to an inspection of their waste before using the landfill;
- bury decontaminated waste immediately or in compliance with a designated schedule;
- cover waster with earth or other waste to prevent direct contact with landfill equipment.

THEREFORE BE IT FURTHER RESOLVED the Chiefs Council calls on the Government of British Columbia to immediately enter into, and provide resources for, deep and meaningful consultation and accommodation with affected First Nations when a landfill is proposed, expanded, its lease extended or when there is an immediate need to mitigate or remediate due to the threat of Hazardous Materials to the health and the quality of water, land and air of First Nation communities.

Moved: Councillor Nina Minnabarriet, Bonaparte Indian Band - Proxy

Seconded: Chief Rita Matthew, Simpcw First Nation

Disposition: Carried

Date: November 28, 2013

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE
209 - 345 Chief Alex Thomas Way
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
NOVEMBER 27TH – NOVEMBER 28TH, 2013
VANCOUVER, B.C.

Resolution no. 2013-65

RE: Demand for Secure and Full Funding for Specific Claims Development and Resolution

WHEREAS the historical actions illegally undertaken by the colonial government of British Columbia and successive governments of Canada, since BC entered confederation in 1871, have resulted in the dispossession of our Indigenous Nations, including the illegal alienation of over 1000 Indian reserves and fishing areas; the systematic denial of rights to fish and access to water; and the illegal disruption and removal of sacred sites and grave sites;

WHEREAS compensation for these illegal actions has either been improperly administered or systematically denied;

WHEREAS these illegal actions continue to impact Indigenous Peoples both economically and spiritually and have resulted in many specific claims;

WHEREAS for almost 50 years, Indigenous Nations have sought an independent, impartial and just process for the resolution of specific claims and for a dispute resolution mechanism designed to provide redress by resolving these grievances without conflict of interest and unfairness;

WHEREAS in 2007, Canada announced Justice At Last, a new process to resolve Canada's obligations to First Nations with respect to specific claims which promised to "restore confidence in the integrity and effectiveness of the process to resolve specific claims" in a fair, just and timely manner;

WHEREAS Canada's *Justice At Last* commitment highlighted "four independent pillars" as the basis for resolving First Nations specific claims: "Impartiality and fairness"; Establishing "greater transparency"; "Faster processing"; and "Better access to mediation";

WHEREAS Canada controls and determines all funding for specific claims development and resolution and has committed to providing secure and adequate funding for specific claims as part of the first Pillar of *Justice at Last*;

WHEREAS Canada's failure to negotiate in good faith and honour its legal obligations on specific claims are resulting in increased costs by:

- Rejecting claims at alarming rates. Prior to Justice at Last, claim rejection rates were 44%. Since 2007, they have nearly doubled to 86%.
- Imposing significant technical barriers such as the unreasonable implementation of a minimum standard for claims submission to the Specific Claims Branch that are creating unnecessary and expensive delays and adding substantial costs to the preparation of claims;
- Eschewing actual negotiation of specific claims for 'take it or leave it' offers to First Nations. Those are in the form of partial acceptances of small components of claim allegations with the requirement that First Nations legally release Canada from any liability for the substantive and related allegations surrounding the claim. This forces First Nations to "split" their claims into smaller, separate issues, adding costs and creating significant delays;

WHEREAS Canada is violating its commitment by imposing crippling funding cuts of nearly 40% over 3 years for specific claim research funding and Canada is also underfunding all other areas of the process;

WHEREAS this conflicts starkly with Canada's announcement in the 2013 budget speech that \$54 million of new money was being injected into the specific claims resolution process;

WHEREAS through the violation of its commitment to adequate funding, Canada is entirely and unequivocally undermining the stated objectives of resolving specific claims in an impartial, fair and timely manner to promote meaningful reconciliation between First Nations and the Crown;

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 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;

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

WHEREAS Canada continues to demonstrate that it wishes to minimize its own costs and liability. This concern sabotages its stated commitments to meaningful reconciliation, restitution and justice. These commitments must be fulfilled for our Indigenous communities to take control of our own futures;

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council demands that Canada fulfill its moral and lawful obligations to First Nations by resolving specific claims through good faith practices and meaningful and bonafide negotiations as committed to in *Justice at Last*. We will continue to fight for the just resolution of specific claims at every opportunity; and

THEREFORE BE IT FURTHER RESOLVED that funding be provided for specific claims research at a level consistent with principles of fairness and justice as articulated in *Justice at Last*.

Moved: Chief Maureen Chapman, Skawahlook First Nation

Seconded: Chief Robert Shintah, Ts'kw'aylaxw First Nation

Disposition: Carried

Date: November 28, 2013