

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 of UBCIC Chiefs Council April 3-4th, 2014

- 2014-01 Amendment to the UBCIC Constitution and Bylaws: Reduction of Chief Council Meetings
- 2014-02 Support for a BC First Nations Assembly to Discuss a Provincial approach to First Nations Children and Family Issues
- 2014-03 All Chiefs Task Force on Children and Families
- 2014-04 UBCIC Title and Rights Position Paper
- 2014-05 Support for opposition of the 2014 commercial roe herring fisheries in the waters of Haida Gwaii, Central Coast and West Coast of Vancouver Island
- 2014-06 Appointments to the UBCIC Specific Claims Working Group
- 2014-07 Immediate Restoration of Specific Claims Research Funding
- 2014-08 Call to Action: Sweeping Funding Cuts to Aboriginal Organizations
- 2014-09 Support for the Williams Lake Indian Band in the Judicial Review of the Specific Claims Tribunal Decision
- 2014-10 Call for Inquiry into Babine Forest Products Ltd Sawmill Explosion
- 2014-11 Enforce the Westray Amendments of Canada's Criminal Code
- 2014-12 Canada's Proposed First Nations Control of First Nations Education Act

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 APRIL 3RD - 4TH, 2014 MUSQUEAM NATION

Extraordinary Resolution no. 2014-01

RE: Amendment to the UBCIC Constitution and Bylaws: Reduction of Chief Council Meetings

WHEREAS due to federal funding cuts and increased costs there has been increased pressure on the UBCIC organization to ensure we maintain good financial standing;

WHEREAS due to these funding cuts it is proposed to revise Section IV (c) of the UBCIC Constitution and bylaws to alter the number and schedule of UBCIC General Meetings:

The Chiefs' Council shall meet as often as the business of the U.B.C.I.C. requires, but not less than once in every three months.

WHEREAS Section XV of the UBCIC Constitution and bylaws state:

An extraordinary resolution shall be passed by two-thirds of the members of the U.B.C.I.C. present at a General Meeting or Special Meeting of the U.B.C.I.C. of which notice specifying the intention to propose the resolution as an extraordinary resolution has been given at least one month previous to the meeting.

WHEREAS UBCIC provided notice to the UBCIC Chiefs Council on February 27th, March 7th, March 13th, March 20th and final notice on March 27th with respect to this special meeting of the UBCIC to be convened on April 3rd to amend the UBCIC by-laws to reduce the total number of Chiefs Council meetings required per year to respond to budgetary restrictions.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby amend the Union of B.C. Indian Chiefs By-Laws as follows:

That Section IV. (c) be amended by deleting the phrase "once in every three months" and replacing it with the phrase "twice in every fiscal year" to read as follows:

IV. CHIEFS COUNCIL

(c) The Chiefs' Council shall meet as often as the business of the U.B.C.I.C. requires, but not less than twice in every fiscal year."

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Chief David Walkem, Cooks Ferry Indian Band
Disposition: Carried
Date: April 3, 2014

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 APRIL 3RD - 4TH, 2014 MUSQUEAM NATION

Resolution no. 2014-02

RE: Support for a BC First Nations Assembly to Discuss a Provincial approach to First Nations Children and Family Issues

WHEREAS the First Nations Child and Family Wellness Council (FNCFWC) was created and endorsed by the Chiefs in Assembly in the fall of 2008;

WHEREAS the provincial Ministry of Children and Family Development (MCFD) signed the *Recognition and Reconciliation Protocol on First Nations Children, Youth and Families* on March 30, 2009, establishing the FNCFWC as the lead for child and family discussions with MCFD;

WHEREAS MCFD has not fulfilled its commitments under the Protocol signed in March 2009 and has not engaged First Nations in a meaningful way;

WHEREAS MCFD unilaterally and without consultation cut funding to the FNCFWC and all Indigenous Approaches groups in December 2013, effective January 2014; and

WHEREAS MCFD has not responded to repeated requests for dialogue and information sharing and continues to make decisions without regard and recognition of Indigenous Peoples' rights as confirmed in, among other documents, the Canadian Constitution and the UN Declaration of the Rights of Indigenous Peoples, specifically:

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

Article 8: Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture,

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

Article 22: Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff, to work with the First Nations Summit (FNS) and the BC Assembly of First Nations (BCAFN) to establish a date for BC Chiefs to meet in assembly as soon as practicable to discuss the future of the First Nations Child and Family Wellness Council and the provincial approach to First Nations children and family issues;

THEREFORE BE IT FURTHER RESOLVED the UBCIC, in conjunction with the FNS and BCAFN, demand a meeting with the Minister and Deputy Minister of the provincial Ministry of Children and Family Development (MCFD) to discuss long-term plans and permanent funding for First Nations children and family programs that are community-driven and culturally-appropriate; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC, in conjunction with the FNS and BCAFN, demand that MCFD end its unilateral decision-making processes that are contrary to the established and stated rights of Aboriginal people.

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Chief Nelson Leon, Adams Lake Indian Band
Disposition: Carried
Date: April 4, 2014

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 APRIL 3RD - 4TH, 2014 MUSQUEAM NATION

Resolution no. 2014-03

RE: All Chiefs Task Force on Children and Families

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 the Aboriginal Affairs and Northern Development Canada (AANDC) and the Ministry of Children and Families Development (MCFD) have asserted that they have the legal authority to provide Child and Family Services to Aboriginal Peoples;

WHEREAS reported outcomes about MCFD services show that Aboriginal children and families are not receiving adequate service from MCFD resulting in the overrepresentation of Aboriginal children in stranger care (56% of all children in care and that number continues to grow despite all of the unilateral changes and policy statements made calling for improvement;

WHEREAS this has led to a vast review of MCFD practices and funding resulting unilateral, comprehensive changes to program and funding cuts. This has put the work of all participating Nations

for improvement of services to Aboriginal children and families in jeopardy as the impact is that the capacity for moving forward will be non-existent;

WHEREAS the Okanagan Nation has been actively strategizing and planning for Child and Family Services for the Okanagan Nation for 30+ years that ensures services that are culturally relevant and those initiatives have shown promising results for improving quality of life of children and families; and

WHEREAS there is a critical and urgent need for the development of a political strategy to ensure our full and informed participation into matters dealing with Children and Families.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council politically promote and advocate for measures that improve the outcomes of Aboriginal Children and Families;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council recommends the creation of partnerships that would include all other like-minded organizations to achieve the mutual goal of improved outcomes for Aboriginal Children and Families;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council fully support the creation of an All Chiefs Task Force on Children and Families that will advocate for the appropriate services to be delivered with our full participation by promoting our Nation based, community directed Child and Family Plans;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council supports the All-Chiefs Task Force urgent efforts to strategize, plan for and demand meetings with the Minister and Deputy Minister of the BC Ministry of Children and Family Development (MCFD) to discuss long term plans and permanent funding before April 30, 2014 with input from an advisory board which includes the directors forum; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council direct the UBCIC Executive and staff to work with the First Nations Summit (FNS) and the BC Assembly of First Nations (BCAFN) to explore funding possibilities for the All Chiefs Task Force and for a BC Chiefs Assembly to discuss the future and approach to First Nations children and family issues.

Moved: Chief Maureen Chapman, Skawahlook First Nation

Seconded: Chief Don Tom, Tsartlip Nation

Disposition: Carried

Date: April 4, 2014

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 APRIL 3RD - 4TH, 2014 MUSQUEAM NATION

Resolution no. 2014-04

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 and at the UBCIC Chiefs Council on November 27th, 2013; and

WHEREAS the revised UBCIC Aboriginal Title and Rights Position Paper was distributed to the UBCIC Chiefs Council in October and in December 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: Chief Nelson Leon, Adams Lake Indian Band

Seconded: Kukpi7 Ron Ignace, Skeetchestn Indian Band

Disposition: Carried

Date: April 3, 2014

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 APRIL 3RD - 4TH, 2014 MUSQUEAM NATION

Resolution no. 2014-05

RE: Support for opposition of the 2014 commercial roe herring fisheries in the waters of Haida Gwaii, Central Coast and West Coast of Vancouver Island

WHEREAS on December 23, 2013, Fisheries Minister Gail Shea made a surprise announcement by declaring that there would be commercial roe herring fisheries in Haida Gwaii, the Central Coast, and the West Coast of Vancouver Island in 2014;

WHEREAS the Haida, Heiltsuk and Nuu-chah-nulth Nations have expressed concerns to the Minister, fishing industry, fisherman and media regarding proceeding with commercial roe herring fisheries in their territories (Haida Gwaii, Central Coast and the West Coast of Vancouver Island/WCVI) as herring stocks in these three areas are just starting to rebuild;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) provides 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 herring are important species to BC First Nations;

WHEREAS the mismanagement of the commercial roe herring fishery by the Department of Fisheries and Oceans Canada (DFO) has led to herring declines in many areas along the coast of BC;

WHEREAS the commercial roe herring fishery has been closed for conservation reasons in Haida Gwaii since 2003, on the West Coast of Vancouver Island since 2006, and on the Central Coast of BC since 2008;

WHEREAS DFO stock assessment data indicates that herring stocks in the Strait of Georgia and Prince Rupert area are abundant and can sustain commercial herring fisheries in 2014, with over 3 times the amount of herring available for harvest that the industry proposes to harvest in Haida Gwaii, the Central Coast, and WCVI;

WHEREAS First Nations must be consulted and accommodated in regards to their Treaty, Inherent and Constitutionally protected Aboriginal Rights under Section 35(1) of the Constitution of Canada;

WHEREAS the five Nuu-chah-nulth Nations (Ahousaht, Ehattesaht, Hesquiaht, Mowachaht/Muchalaht and Tla-o-qui-aht) won a landmark ruling in the Supreme Court of British Columbia on November 3, 2009. In the *Ahousaht et al.* decision Madam Justice Garson ruled that the five Nations have aboriginal rights to fish and sell fish into the commercial marketplace. These aboriginal rights must be honoured and respected, and the five Nuu-chah-nulth Nations must be consulted and accommodated in regards to their constitutionally protected rights;

WHEREAS on February 12, 2014, the five Nuu-chah-nulth Nations filed a Judicial Review and Injunction with the Federal Court to stop the commercial roe herring fisheries being planned for the West Coast of Vancouver Island in 2014;

WHEREAS Canada's written submission to the Federal Court included a memorandum to the Fisheries Minister written by regional DFO staff and signed off by senior DFO staff in Ottawa. The DFO recommendation to the Minister was to not open the three areas of concern (Haida Gwaii, Central Coast and the West Coast of Vancouver Island) in 2014. The Fisheries Minister rejected the DFO recommendation and authorized the opening of the commercial roe herring fisheries in 2014 in the three areas of concern; and

WHEREAS on February 21, 2014, the injunction brought by the five Nuu-chah-nulth Nations was granted, closing WCVI to commercial roe herring fisheries in 2014.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council expresses full support for:

- a. The Haida, Heiltsuk and Nuu-chah-nulth working together collaboratively.
- b. The opposition of commercial roe herring fisheries on the Central Coast, Haida Gwaii and West Coast of Vancouver Island.
- c. The need for the Fisheries Minister and DFO staff to work with First Nations on, but not limited to, herring conservation, joint management and stock assessment in 2014.
- d. The need for the Fisheries Minister, DFO, and the commercial herring industry to resolve this matter with First Nations to avoid conflict;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council direct the UBCIC Executive to work with like-minded organizations to stop the commercial roe herring fisheries in 2014 in the Central Coast and Haida Gwaii;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council direct the UBCIC Executive to work with like-minded organizations to raise political and media awareness regarding the fact that the Fisheries Minister rejected the recommendation of DFO scientific staff, regional staff and senior staff in Ottawa to not open commercial roe herring fisheries in the Central Coast, Haida Gwaii and the West Coast of Vancouver Island in 2014; and

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council fully support the Haida, Heiltsuk and Nuu-chah-nulth in their opposition to commercial roe herring fisheries in 2014 due to on-going conservation concerns for herring in their territories.

Moved: Chief Curtis Dick, Ahousaht First Nation
Seconded: Councillor Terry Dorward, Tla-o-qui-aht First Nation, Proxy
Disposition: Carried
Date: April 3, 2014

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 APRIL 3RD - 4TH, 2014 MUSQUEAM NATION

Resolution no. 2014-06

RE: Appointments to the UBCIC Specific Claims Working Group

WHEREAS Canada introduced the *Justice at Last* initiative in 2007 to improve previous processes for specific claims resolution by:

1. Eliminating the Specific Claims backlog;
2. Bringing about the fair and timely resolution of specific claims through meaningful negotiations and mediation;
3. Eliminating Canada's conflict of interest;

WHEREAS Canada is not fulfilling the promises made in *Justice At Last*. Instead, the Harper Government's actions have not brought about resolution, reconciliation or remediation but have focused on ignoring its obligations and minimizing its liabilities; since *Justice at Last*, the majority of claims (85%) are now rejected or their files closed and massive funding cuts to research and develop specific claims have recently been implemented;

WHEREAS UBCIC Resolution 2013-25 created a UBCIC Specific Claims Working Group (SCWG) to work toward the fair and just resolution of BC Specific Claims; and

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

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

Article 28: 1) Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and

resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2) Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council, having called for nominations from the floor to participate in a UBCIC Working Group on Specific Claims, do hereby re-appoint the following members to the UBCIC Working Group on Specific Claims:

1. Chief Maureen Chapman, Skawahlook First Nation

And newly appoint the following members:

1. Chief Anne Louie, Williams Lake Indian Band
2. Kukpi7 Judy Wilson, Neskonlith Indian Band

Moved: Chief Charlene Belleau, Esketemc First Nation

Seconded: Chief Janet Webster, Lytton First Nation

Disposition: Carried

Date: April 3, 2014

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 APRIL 3RD - 4TH, 2014 MUSQUEAM NATION

Resolution no. 2014-07

RE: Immediate Restoration of Specific Claims Research Funding

WHEREAS on February 19, 2014, Aboriginal Affairs and Northern Development Canada (AANDC) notified specific land claims research associations and First Nations across Canada that funding for specific claims research and development will be drastically cut beginning on April 1, 2014;

WHEREAS the extent of the funding cuts will result in massive layoffs to specialized research staff and potential closures of research centres that will be unable to meet basic administrative costs. The most severe costs will be borne by First Nations, most of whom have been seeking justice for decades;

WHEREAS specific claims deal with Canada's failure to fulfill historical lawful obligations to honour its treaty promises to First Nations and to protect reserve lands and assets from illegal alienation and mismanagement;

WHEREAS specific claims are not discretionary matters, but are lawful obligations on the part of the federal government arising from its misappropriation of Indigenous lands and assets. They represent damages to be paid;

WHEREAS the federal government introduced The Specific Claims Action Plan: Justice At Last in 2007. Justice At Last promised to resolve specific claims quickly, fairly, and through negotiations and established an independent Tribunal to make final, binding decisions on claims that the federal government either rejected or failed to negotiate;

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

Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources,

including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process;

Article 28: 1) Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent. 2) Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

WHEREAS restitution for past wrongs must be a priority for all Canadians concerned about justice and the availability of economic opportunities for all. Justice and reconciliation must take precedence over bureaucratic or ideological goals;

WHEREAS denial of funding to research and develop claims denies those very claims access to the justice that is represented by the Specific Claims Tribunal; and

WHEREAS the UBCIC has been at the forefront of a national effort to have specific claims funding restored including:

1. Developing an online petition that reminds the Harper Government about its commitments in Justice At Last and urges the federal government to immediately restore specific claims research funding;
2. Development and dissemination of template letters to Prime Minister Harper calling for justice and the restoration of specific claims funding;
3. Drafting and disseminating media releases and open letters;
4. Organising support at the Kitselas Judicial Review Hearings dated April 7th and 8th in Vancouver;
5. Coordinating the development of a national strategy to address funding cuts to all federal programs, including specify claims.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council call for the immediate restoration of Specific Claims Research funding so that claims can access true justice and resolution; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council will encourage its members to participate in efforts to have funding restored including:

1. Signing and sharing the online petition to have specific claims research funding restored (located at: <http://www.change.org/en-CA/petitions/stephen-harper-urgent-restore-specific-claims-funding-ensure-justice-for-all>)
2. Draft and send letters to Prime Minister Harper calling for justice and the restoration of specific claims funding; (templates available);
3. Participate in efforts to support the Kitselas First Nation at their Judicial Review Hearings dated April 7th and 8th in Vancouver;
4. Participate in national strategy to address funding cuts;

Moved: Chief Maureen Chapman, Skawahlook First Nation

Seconded: Chief Nelson Leon, Adams Lake Indian Band

Disposition: Carried

Date: April 3, 2014

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 APRIL 3RD - 4TH, 2014 MUSQUEAM NATION

Resolution no. 2014-08

RE: Call to Action: Sweeping Funding Cuts to Aboriginal Organizations

WHEREAS the Harper Government has recently made significant and sweeping funding cuts to all Aboriginal programs and services in various areas, regions and levels, including but not limited to:

1. Tribal Councils
2. Band Councils
3. BC Aboriginal Friendship Centres
4. Urban Aboriginal Resource Organizations
5. Aboriginal Representative Organizations (AROs)
6. National Aboriginal Organizations
7. Program-specific cuts, such as specific claims research, children and families, etc

WHEREAS both the 2014 BC Provincial Budget and the 2014 Federal Budget failed to substantially address the issues of poverty which is impacting First Nations communities;

WHEREAS federal funding cuts to and punitive audits of environmental protection organisations, research and information institutions are also being slowly dismantled by the Harper government keen on undermining these non-partisan institutions;

WHEREAS on January 31, 2014, representatives from Tribal Councils across the country met via teleconference coordinated by the AFN to discuss funding cuts to Tribal Councils and discussed a national strategy to object to Harper's government funding policies and in particular called for additional administrative and political support and a national day of action to bring further awareness around the impacts of these cuts and pressure the federal government to make immediate changes to its policies;

WHEREAS on March 21, 2014, political and technical representatives from across Canada met by conference call to develop a strategy to protest these sweeping cuts and made preliminary recommendations on national action strategy (see attached briefing note);

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

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

Article 28: 1) Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent. 2) Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress; and

WHEREAS Crown-Indigenous restitution, reconciliation, righting past wrongs and ongoing injustices against Indigenous Peoples must be priorities for all Canadians concerned about justice, human rights and the availability of economic opportunities for all. Justice, recognition, restitution and reconciliation must take precedence over bureaucratic or ideological goals;

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council direct the UBCIC Executive, the UBCIC Specific Claims Working group and UBCIC staff to directly engage in and play a coordinating role in a national action strategy to have funding restored and to call on the Harper Government to deal justly and fairly with Indigenous Nations and organizations which represent First Nations; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council direct the Specific Claims Working Group and UBCIC Staff to work with like-minded organizations regionally and nationally to work towards a strategy to plan, coordinate and implement local, regional, provincial and national actions and to work towards the development and implementation of collaborative political strategies and actions including a National and Provincial Day of Action.

Moved: Chief Lucinda Phillips, Lil'wat Nation
Seconded: Councillor Art Anthony, Neskonlith Indian Band, Proxy
Disposition: Carried
Date: April 3, 2014

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 APRIL 3RD - 4TH, 2014 MUSQUEAM NATION

Resolution no. 2014-09

RE: Support for the Williams Lake Indian Band in the Judicial Review of the Specific Claims Tribunal Decision

WHEREAS on October 16, 2008 the Williams Lake Indian Band filed a specific claim with the Minister of Aboriginal and Northern Development Canada regarding the unlawful dispossession of its village lands in Williams Lake;

WHEREAS on February 13, 2009 Canada rejected the specific claim for negotiation, and on October 26, 2011, the Williams Lake Indian Band filed its rejected specific claim with the Specific Claims Tribunal;

WHEREAS in the interest of Crown-First Nations reconciliation, the Specific Claims Tribunal (“Tribunal”) was established by the *Specific Claims Tribunal Act* as an independent body mandated to make final and binding decisions to resolve specific claims in a timely manner where claims are rejected for negotiation or where negotiations fail;

WHEREAS on February 28, 2014, the Tribunal issued its decision finding that, contrary to historical policy and law, Colonial officials in the 19th century opened the community’s village lands to settlers for pre-emption. The Tribunal held Canada accountable for the Colony’s failure to protect the Band’s village lands and for failing to address the Band’s grievance after Confederation;

WHEREAS on March 28, 2014, Canada challenged the Tribunal’s decision at the Federal Court of Appeal by applying for expansive judicial review of the Tribunal’s decision;

WHEREAS the outcome of this review will profoundly impact all First Nations with specific claims, and the prospects for a meaningful and lasting reconciliation with the Crown since the Court’s decision will be binding on the Tribunal in its consideration of all future claims by First Nations. If Canada is able to minimize its responsibilities as a fiduciary, it will succeed in limiting the scope and level of redress and compensation it owes First Nations with specific claims across Canada;

WHEREAS Canada has repeatedly and unequivocally undermined the stated objectives of resolving specific claims in an impartial, fair and timely manner to promote meaningful reconciliation between First Nations and the Crown by challenging the legislated authority of the Tribunal to determine questions of law and fact and make binding decisions in accordance with principles of justice;

WHEREAS UBCIC Resolutions 2008-20, 2008-42 2009-15, 2009-62, 2010-07, 2010-58, 2011-40, 2012-07, 2012-28, 2012-52, 2012-53, 2012-43, 2013-28, 2013-25, 2013-24 and 2013-27 support reform and initiatives that will bring about the fair, just and timely resolution of specific claims; and

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

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

Article 28(1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which then have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent;

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.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the Williams Lake Indian Band during this process and in its efforts to reach a fair, just and timely resolution of its village site specific claim;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council recognizes the extreme importance of this proceeding in setting a precedent in the law and defining the authority and relevance of the Tribunal; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on Canada to immediately withdraw its application for judicial review and honour the decisions of the Tribunal it established to fairly resolve specific claims.

Moved: Chief Charlene Belleau, Esketemc First Nation

Seconded: Chief Don Tom, Tsartlip First Nation

Disposition: Carried

Date: April 3, 2014

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 APRIL 3RD - 4TH, 2014 MUSQUEAM NATION

Resolution no. 2014-10

RE: Call for Inquiry into Babine Forest Products Ltd. Sawmill Explosion

WHEREAS on January 20, 2012, two men from local First Nations communities, Robert Luggi Jr., 45, and Carl Charlie, 42, lost their lives and another 20 workers were injured in an explosion and fire at the Babine Forest Products Ltd. sawmill in Burns Lake, BC;

WHEREAS on January 10, 2014, the Criminal Justice Branch (CJB) released its decision to not approve charges in relation to the explosion, fire, deaths and injuries due to major errors made by WorkSafe BC in the conduct of its investigation of the explosion and fire related, specifically related to Charter warnings and search warrants;

WHEREAS the decision by the CJB raises many serious questions about the conduct of the WorkSafe BC investigation. As a result of this failure in the investigation, there is now a deep and serious lack of confidence in the ability of WorkSafe BC to properly and fully discharge its obligations and mandate;

WHEREAS the communities, the injured and the families who lost loved ones deserve answers to the many questions arising from this tragedy and subsequent WorkSafe BC investigation. It is imperative that all the shortcomings in the investigation by WorkSafeBC be identified and explained. It is important that all avenues be pursued to ensure that persons and the corporate entity responsible are held accountable;

WHEREAS On January 16, 2014 Premier Clark announced her instructions to her Deputy Minister, John Dyble, to review WorkSafe BC's investigation and CJB's decision not to pursue criminal charges in relation to the incident. Deputy Minister Dyble's review concluded that WorkSafeBC paid "insufficient attention" to important legal precedents regarding the proper gathering of evidence for prosecutions. He also set out recommendations, including improved communication, training, and legal advice during investigations, and regular information meetings;

WHEREAS As a part of this review, Deputy Minister John Dyble retained Lawyer Len Doust to provide an opinion on a very specific issue relating to whether or not a public inquiry could reconsider the decision by crown counsel to not approve the regulatory charges for prosecution. Mr. Doust's opinion letter of February 6, 2014 concluded:

"I can confirm, as you have indicated in your document, that there is very clear case law confirming that a decision of crown counsel to approve or not approve charges is not a proper subject for review in a public inquiry."

As a result, the BC government has wrongly decided a public inquiry into the Burns Lake sawmill explosion, resulting in two deaths and twenty injuries, is not necessary;

WHEREAS the families of victims have continued to call for an independent public inquiry into the circumstances and events that led to the sawmill explosion, fire and investigation as a means of revealing the truth as to what happened on January 20, 2012 in Burns Lake;

WHEREAS on March 6, 2014, the families of victims were in attendance in the Legislature of British Columbia, when Adrian Dix, Leader of the Opposition, reiterated the call for an independent inquiry under the Public Inquiry Act as an essential avenue to deliver accountability and justice and to ensure that necessary change occurs for worker safety in British Columbia. Premier Clark rejected the call for an inquiry based on legal advice that an inquiry will not provide any different answers than the ones we have now; and

WHEREAS the failures of the investigation by WorkSafeBC, the decision by the CJB not to proceed with charges based on these failures, and the Province's decision not to launch an independent inquiry has only added to the hurt and loss of the community and families who are waiting for answers and for justice.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council fully support the call for an independent inquiry into the January 20, 2012 explosion and fire at the Babine Forest Products Ltd. sawmill in Burns Lake, BC in order to:

1. bring about the full disclosure of the record of facts;
2. determine legal and policy procedures necessary to ensure both accountability and prevention of future similar incidents; and
3. bring closure to the families of the victims and the community of Burns Lake that they rightfully deserve.

Moved: Chief Nelson Leon, Adams Lake Indian Band
Seconded: Councillor Art Anthony, Neskonlith Indian Band, Proxy
Disposition: Carried
Date: April 4, 2014

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 APRIL 3RD - 4TH, 2014 MUSQUEAM NATION

Resolution no. 2014-11

RE: Enforce the Westray Amendments to Canada's Criminal Code

WHEREAS on May 9, 1992 twenty-six mine workers were killed in the Westray Mine explosion in Pictou County, Nova Scotia;

WHEREAS in March 2004 with unanimous support of the House of Commons and Senate, the Governor General signed into law the Westray amendments to the Criminal Code of Canada;

WHEREAS it has been more than two decades since the Westray mine disaster and a decade since amendments were made to the Criminal Code of Canada to hold corporations, their directors and executives criminally accountable for the health and safety of workers;

WHEREAS police and prosecutors in all jurisdictions including British Columbia are not utilizing the Westray amendments, and not investigating workplace fatalities through the lens of criminal accountability;

WHEREAS every year across Canada more than 1000 people are killed at work;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) provides that:

Article: Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person

WHEREAS the Westray amendments seeks to address corporate leadership failure to exercise their responsibility for health and safety of employees to prevent injury and fatalities.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council support a campaign to urge the provincial government, specifically the Attorney General of BC and the Minister of Jobs, Training and skills training, to ensure that:

- Crown Counsel attorneys are educated, trained and directed to apply and enforce the Westray amendments;
- Dedicated prosecutors are given the responsibility for health and safety fatalities;
- Police are educated, trained and directed to apply and enforce the Westray amendments;
- There is greater coordination among regulators, police and Crown Counsel so that health and safety regulators are trained to reach out to police when there is a possibility that Westray amendment charges are warranted.

Moved: Chief Terry Boucher, Lhtako Dene Nation
Seconded: Chief Maureen Chapman, Skawahlook First Nation
Disposition: Carried
Date: April 4, 2014

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 APRIL 3RD - 4TH, 2014 MUSQUEAM NATION

Resolution no. 2014-12

RE: Canada's Proposed First Nations Control of First Nations Education Act

WHEREAS on November 28, 2013 the UBCIC Chiefs Council passed resolution 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 Canada's proposed legislation must engage First Nations in a manner that recognizes First Nations' inherent right of self-government, fulfills the Crown's constitutional duties to First Nations, and upholds the honour of the Crown. The legislative process must be consistent with section 35 of the Constitution Act, 1982, the *UN Convention on the Rights of the Child* and the *United Nations Declaration on the Rights of Indigenous Peoples*;

WHEREAS legislation must support the intent, continuation and advancement of the existing agreements and legislation in BC, including, the First Nations Jurisdiction over Education in British Columbia Act (federal legislation), First Nations Education Act (provincial legislation) and the Tripartite Education Framework Agreement;

WHEREAS the BC Agreements provide an appropriate foundation for the exercise of First Nations control of First Nations education and meaningful reconciliation in BC. The Province has emphasized the importance of the BC Agreements and the need to continue them and the government-to-government relationship "without interference"; and

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

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council call upon the Government of Canada to set aside the proposed First Nations Control of First Nations Education Act and engage with BC First Nations to advance the BC First Nations Perspective: First Nations Control of First Nations Education Act position paper.

Moved: Chief Janet Webster, Lytton First Nation
Seconded: Councillor Art Anthony, Neskonlith Indian Band, Proxy
Disposition: Carried
Date: April 4, 2014