

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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Resolutions from UBCIC Annual General Assembly Sept. 17-19th, 2014

- | | |
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| 2014-13 | Adoption of 45 th AGA Minutes |
| 2014-14 | Adoption of 2013-2014 Audited Financial Statements |
| 2014-15 | Adoption of the Overlap & Shared Territory Issues Backgrounder & Framework: Goals, Guiding Principles, Best Practices, Mechanisms and Instruments for Resolution |
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| 2014-21 | Formal Support for Fire Department Chiefs and Emergency Managers/Coordinators |
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| 2014-28 | Endorsement of Report on Situation of Indigenous Peoples in Canada by UN Special Rapporteur on Indigenous Peoples |
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**UNION OF B.C. INDIAN CHIEFS
46TH ANNUAL GENERAL ASSEMBLY
SEPTEMBER 17TH – 19TH, 2014
X^wMƏƏK^wƏYƏM (MUSQUEAM TERRITORY)**

Resolution no. 2014-13

RE: Adoption of 45th AGA Minutes

THEREFORE BE IT RESOLVED THAT the UBCIC Chiefs-in-Assembly adopt the minutes of the 45th Annual General Assembly (September 2013) as presented on the 46th Annual General Assembly kit.

Moved: Chief Janet Webster, Lytton First Nation
Seconded: Chief Donna Gallinger, Nicomen Indian Band
Disposition: Carried
Date: September 18th, 2014

Certified copy of a resolution adopted on the 18th day of September of 2014 in x^wməƏk^wəyƏm

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X^wMƏӨK^wƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2014-14

RE: Adoption of 2013-2014 Audited Financial Statements

THEREFORE BE IT RESOLVED that the UBCIC Chiefs-in-Assembly hereby adopt the 2013-2014 Audited Financial Statements as presented at the UBCIC 46th Annual General Assembly meeting of September 17th-19th, 2014.

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Chief Dalton Silver, Sumas First Nation
Disposition: Carried
Date: September 18th, 2014

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xʷməθkʷəyəm (MUSQUEAM TERRITORY)

Resolution no. 2014-15

RE: Adoption of the Overlap & Shared Territory Issues Backgrounder & Framework: Goals, Guiding Principles, Best Practices, Mechanisms and Instruments for Resolution

WHEREAS there is widely held, general agreement that resolution of overlap and shared territory issues is primarily an issue to be resolved among First Nations, through approaches grounded in our cultural traditions, practices and Indigenous laws;

WHEREAS at the All Chiefs' Forum convened by the First Nations Leadership Council ("FNLC") in November 2007, First Nations Chiefs and leadership issued the "All Our Relations" Declaration;

WHEREAS the "All Our Relations" Declaration signified the growing unity among First Nations in BC and highlighted the need to build unity through the creation of Nation-to-Nation protocols, resolution of overlaps and development of principles that focus on relationship building;

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

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

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

Article 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."

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Grand Chief Stewart Phillip, President

WHEREAS BC Chiefs have passed a number of resolutions at meetings of the Union of BC Indian Chiefs, the First Nations Summit and the BC Assembly of First Nations aimed at bringing about solutions to resolve overlap and shared territory issues;

WHEREAS in considering the resolution of overlap and shared territory issues, our current reality also requires us to be mindful of the current legal and economic landscape;

WHEREAS numerous decisions of the Supreme Court of Canada (“SCC”) have confirmed that these lands were indeed “occupied” by peoples with distinctive societies and cultures;

WHEREAS section 35 of the *Constitution Act, 1982* recognizes and affirms the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada;

WHEREAS as we move forward, whether as individual First Nations or through a coordinated collective voice, there are many additional approaches and tools that can be considered or relied upon to support unity and resolution of shared territory and overlap issues;

WHEREAS as mandated by BC First Nations, the FNLC organizations (First Nations Summit, Union of BC Indian Chiefs, BC Assembly of First Nations) hosted a province-wide First Nations Overlap and Shared Territories Forum (Forum) on March 24-25, 2014 and were mandated to work together to develop the enclosed Draft Backgrounder and Framework which sets out the legal and economic landscape, and First Nations’ perspectives and approaches to Overlap and Shared Territory Issues;

WHEREAS the preliminary Draft Backgrounder and Framework was prepared by the FNLC organizations, and was provided for review and feedback at the Forum on March 24-25, 2014 as well at subsequent FNS, UBCIC and BCAFN meetings. The Backgrounder and Framework also aims to highlight protocols and processes with respect to resolving overlapping and shared territory issues; and

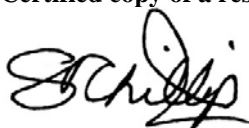
WHEREAS the final draft Backgrounder and Framework is being presented to all BC First Nations for endorsement at the UBCIC Annual General Assembly September 17-19th, FNS meeting, October 15-17th, 2014 and the BCAFN Special Chiefs Assembly, November 25-26th.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly endorse the draft document, “Overlap & Shared Territory Issues Backgrounder & Framework: Goals, Guiding Principles, Best practices, Mechanisms and Instruments for Resolution;” and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the First Nations Summit and the BC Assembly of First Nations to engage with Canada and British Columbia to advocate for resources for First Nations in BC working to resolve overlap and/or shared territory issues.

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Chief Sidney Douglas, Cheam First Nation
Disposition: Carried
Date: September 18th, 2014

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Resolution no. 2014-16

RE: Improving Education outcomes for First Nations Learners in Public Schools

WHEREAS the First Nations Education Steering Committee (FNESC) and the British Columbia (BC) Ministry of Education both helped to establish the BC Aboriginal Education Partners Group, which brings together a range of education organizations and government agencies relevant to the K-12 education system with the goal of improving the success of Aboriginal students in BC;

WHEREAS FNESC and the Province of BC signed the 2012 Tripartite Education Framework Agreement (TEFA), which recognizes that the parties have developed a collaborative partnership on educational initiatives, and commits the parties to work together to close gaps in educational outcomes between First Nations and non-First Nations students;

WHEREAS the positive relationship between First Nations and the BC Ministry of Education is reflected in the steady increase in graduation rates for Aboriginal students attending provincial public schools in BC, which is now at 60% -- among the highest in the country.

WHEREAS FNESC and the BC Ministry of Education have jointly recognized the need for and have made a commitment to work toward continued improvements in outcomes for First Nations students;

WHEREAS the BC Ministry of Education has shared considerable data on Aboriginal student achievement rates, including the following.

- There remains a persistent gap in graduation rates for Aboriginal students (60% versus 86% for non-Aboriginal students).
- There is an alarmingly low graduation rate of 34% for children in care, and particularly a 30% graduation rate for Aboriginal male children in care.

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- Approximately 30% of School Leaving Certificates, which are not recognized for direct entry into post-secondary education, are awarded to Aboriginal students.
- Ministry of Education requirements stipulate that students who receive School Completion Certificates should have an Individual Education Plan in place. However, in 2012/13, Aboriginal students made up 27% of students who graduated with a School Completion Certificate without a designated special need, contrary to Ministry of Education instructions.
- In 2012/2013, 38% of students in Alternate Education were Aboriginal. In that year, the completion rate for Aboriginal students who had at some point attended Alternate Education was 22.9%.
- Limited numbers of Aboriginal students are taking advantage of the Ministry's Education Guarantee, which provides tuition-free courses to graduated adults who are upgrading their high school education;

WHEREAS the BC Ministry of Education's Accountability Framework is intended to make school boards and district superintendents responsible for improvements in student achievement, including improvements in Aboriginal student outcomes like those described above. The Framework involves a reporting cycle consisting of three key components: District Achievement Contracts (formerly "Accountability Contracts"), District Superintendent's Reports on Student Achievement, and School Plans; and

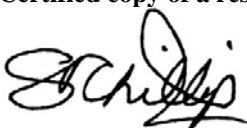
WHEREAS FNEC has conducted a review of the Ministry of Education's Accountability Framework Policy, which resulted in 18 recommendations for how the Framework might be improved in order to address the needs of Aboriginal learners (see attached list of recommendations).

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support continued joint efforts by FNEC and the BC Ministry of Education to review and enhance the accountability framework for the benefit of First Nation learners attending provincial public schools, including jointly advancing the recommendations highlighted through the FNEC review of the BC Education Accountability Framework. This work is to involve the development and implementation of measures aimed at raising student outcomes, including in particular:

- the continued gap in graduation rates between Aboriginal and non-Aboriginal learners;
- the over-representation of Aboriginal students in special education categories;
- the disproportionate number of Aboriginal students receiving School Leaving Certificates, including ineligible Aboriginal students who have not been designated as having special needs, contrary to Ministry instructions;
- the extremely low graduation rate (22.9%) for alternate education programs and the over-representation of Aboriginal students in them;
- the critically low success rates of Aboriginal students in care (34% graduation rate);
- the needs of Aboriginal adult students, including enrolment of graduated adult Aboriginal students in courses funded through the Ministry's Education Guarantee.

Moved: Chief Coreen Child, Kwakiutl First Nation
Seconded: Chief Harvey McLeod, Upper Nicola Indian Band
Disposition: Carried
Date: September 18th, 2014

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X^WMƏӨK^WƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2014-17

RE: Support for Xat'sull and Williams Lake First Nations, Call for Public Inquiry and Mining Reform in the aftermath of the Mount Polley Disaster

WHEREAS the Imperial Metals Mount Polley Mining operation is an open pit, low grade, large scale gold and copper mine;

WHEREAS on August 4, 2014 the Mount Polley tailings pond breached and resulted in the worst mining disaster in British Columbia's history ;

WHEREAS the breach resulted in 10 billion litres of contaminated water and 5 billion litres of solid tailings waste into Polley Lake, down Hazeltine Creek into Quesnel Lake and River which directly connects to the Fraser River Watershed ;

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

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

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 on August 6th, the Cariboo Regional District declared a local state of emergency in several nearby communities due to concerns over the quality of drinking water;

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WHEREAS significant concerns have been raised by local citizens and First Nations of the water quality, impacts to food fish, salmon in particular and the surrounding ecosystem;

WHEREAS a Letter of Understanding was signed by the Provincial government and the Soda Creek Indian Band (Xat'sull First Nation) and Williams Lake Indian Band (T'exelc First Nation) which commits the parties to work in partnership to address the disaster;

WHEREAS the Mount Polley disaster highlights the inadequacy of existing Provincial laws, regulations and policies and discuss a new sustainable version of mining in B.C.

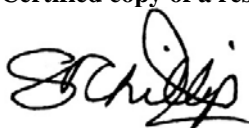
THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly support Soda Creek Indian Band (Xat'sull First Nation) and Williams Lake Indian Band (T'exelc First Nation) in the ongoing work required to address all aspects of the breach of the tailings storage facility that occurred at the Mount Polley Mine on August 4, 2014;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly fully support the call for a full and thorough public inquiry into the August 4, 2014 Mount Polley tailings pond breach in order to:

1. Bring about the full disclosure of the record of facts;
2. To understand the current inadequacy of existing provincial laws, regulations, standards and policies with respect to mining in British Columbia; and
3. To facilitate significant mining reform in the Province of British Columbia.

Moved: Terry Dorward, Proxy, Tla-o-qui-aht
Seconded: Kukpi7 Judy Wilson, Neskonlith Indian Band
Disposition: Carried
Date: September 18th, 2014

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Resolution no. 2014-18

RE: UBCIC Participation in AANDC's Legislated Five-Year Review of the SCTA

WHEREAS the Government of Canada introduced its Specific Claims Action Plan: *Justice At Last* on June 12, 2007 to “ensure impartiality and fairness, greater transparency, faster processing and better access to mediation” for specific claims, resulting in new legislation, the *Specific Claims Tribunal Act* (“SCTA”), which came into force on October 16, 2008;

WHEREAS Canada's specific claims resolution policy and legislation impacts more First Nations in British Columbia than any other region in the country due to BC's unique reserve creation history, as well as the large number and diversity of our First Nations communities;

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;

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WHEREAS the *SCTA* contains within it a mandatory provision for a five-year review as follows:

41. (1) Within one year after the fifth anniversary of the coming into force of this Act, the Minister shall undertake a review of the mandate and structure of the Tribunal, of its efficiency and effectiveness of operation and of any other matters related to this Act that the Minister considers appropriate. In carrying out the review, the Minister shall give First Nations an opportunity to make representations;

WHEREAS the Minister of Aboriginal Affairs and Northern Development Canada (“AANDC”) has failed to communicate any information about or extend any formal invitations to any First Nation to participate in the five-year review;

WHEREAS the UBCIC’s 30 year history of specific claims research and development, advocacy for specific claims policy reform, as well as direct experience with the Specific Claims Tribunal and Canada’s challenges in Federal Court to the Tribunal’s authority to make binding decisions on specific claims make it essential that the UBCIC make a formal representation as part of the five-year review of the *SCTA*;

WHEREAS it is essential that the UBCIC participate in the five-year review of the *SCTA* and offer our critical perspective since:

- 1) Canada has effectively abandoned the commitments it made in *Justice At Last* to resolve specific claims fairly through meaningful negotiations and
- 2) Canada has undermined the stated objectives of fair, impartial and timely resolution of claims to promote meaningful First Nations-Crown reconciliation by challenging the legislated authority of the Tribunal in Federal Court; and

WHEREAS by resolution the UBCIC Specific Claims Working Group formed in May 2013 to work toward the fair and just resolution of BC specific claims (2013-25; 2013-28).

THEREFORE BE IT RESOLVED that the UBCIC Chiefs-in Assembly direct the UBCIC Specific Claims Working Group to write an open letter to the Minister calling for invitations to be extended to all First Nations and First Nations organizations to make formal representations to the five-year review in accordance with section 41(1) of the *SCTA*; and

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs-in-Assembly direct the Specific Claims Working Group to make a formal submission to the five-year review upon receipt of such an invitation by the Minister or in the absence of any invitation to do so.

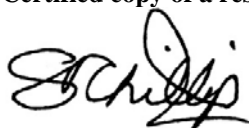
Moved: Chief Jonathan Kruger, Penticton Indian Band

Seconded: Chief Dalton Silver, Sumas First Nation

Disposition: Carried

Date: September 18th, 2014

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Resolution no. 2014-19

RE: Support for UBCIC Specific Claims Research Program and UBCIC Resource Centre

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

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

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

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

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

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

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WHEREAS under the direction of the Research Department the UBCIC Resource Centre provides library and reference services to community researchers; research support and reference services to the UBCIC Research Department and all other UBCIC staff; and endeavors to increase access to its holdings by providing online digital collections and document delivery services;

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

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

WHEREAS the UBCIC Research Department and Resource Centre seek support, partnerships and funding to undertake community outreach and education endeavors.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the continued work of the UBCIC Specific Claims Research Program and the UBCIC Resource Centre.

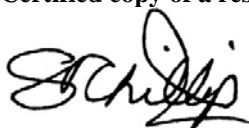
Moved: Chief Jonathan Kruger, Penticton Indian Band

Seconded: Chief Sidney Douglas, Cheam First Nation

Disposition: Carried

Date: September 18th, 2014

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xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)

Resolution no. 2014-20

RE: Support for the formation of a BC Aboriginal Justice Council

WHEREAS First Nations Justice issues have historically been mishandled, understated and ignored by the Province of BC;

WHEREAS the UBCIC Chiefs Council passed UBCIC Resolution no. 2007-25 which identified Indigenous Peoples in British Columbia are disproportionately over-represented in all areas of the justice system, but have little input into the policies and processes that control the administration of justice in BC;

WHEREAS UBCIC Chiefs Council passed UBCIC Resolution 2008-48 endorses and supports the implementation of the BC First Nations Justice Action Plan, which called for the formation of a BC Aboriginal Justice Council;

WHEREAS UBCIC Chiefs Council passed UBCIC Resolution 2013-21 which endorses and supports the signed *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* between the UBCIC as part of the First Nations Leadership Council, with the Native Courtworker and Counselling Association of British Columbia;

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

Article 21 (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

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Grand Chief Stewart Phillip, President

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

WHEREAS the Native Courtworker and Counseling Association of BC developed the *Social Justice Policy Platform and Strategic Plan* in Richmond in 2013 that included the following commitments:

1. Address the absence of Native Courtworkers in family court process and the impact that has on the numbers of Aboriginal children in care of the government. (more than at the height of the residential schools);
2. Achieve funding support to address magnitude of issues and continued statistics of incarceration of Aboriginal people;
3. Seek support from BC First Nation leadership to address disproportionate Aboriginal incarceration rates;
4. Hold the Ministry of Justice responsible for direction of incarceration reform, there needs to be a greater call of Aboriginal leadership to hold Ministry of Justice to task- calling for fundamental change in system;
5. Create an Aboriginal Justice Council as a Multi Agency leadership initiative that convenes regularly, prioritizes actions – which utilizes the NCCABC strategy plan as vehicle; and
6. Call for required resources and fundamental change because of continuing children in care rates and incarceration rates.

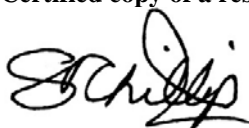
THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully supports the concept of a representative and inclusive BC Aboriginal Justice Council to address province-wide matters, with respect to the issues of First Nations justice; and

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with the Native Courtworker and Counselling Association of British Columbia, BC Assembly of First Nations and the First Nations Summit towards establishing the BC Aboriginal Justice Council as outlined in the BC First Nations Action Plan and:

- 1) Appoint an interim technical team to provide support to the BC First Nations Justice Council, and
- 2) Work with the BC Assembly of First Nations and the First Nations Summit to secure federal and provincial funding for the BC Aboriginal Justice Council.

Moved: Ken Watts, Proxy, Tseshah First Nation
Seconded: Chief Janet Webster, Lytton First Nation
Disposition: Carried
Date: September 18th, 2014

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Resolution no. 2014-21

RE: Formal support for Fire Department Chiefs and Emergency Managers/Coordinators

WHEREAS First Nations Emergency Services Society (FNESS) acknowledges the alarming statistics presented through the First Nations Fire Protection Strategy 2009-2019, by working to reduce these alarming statistics;

WHEREAS FNESS recognizes that First Nations Leadership plays a key role in providing (fire & emergency) safety for community members on-reserve;

WHEREAS FNESS recognizes that Fire Chiefs and Emergency Managers/Coordinators need support of their First Nations Leadership, and success of prevention and response programs are enhanced with Chief and Council involvement;

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

Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

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

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

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

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly recognizes that the First Nations Emergency Services Society (FNESS) is governed by a First Nations Board of Directors, and supports FNESS in providing Community Safety planning services to First Nations;

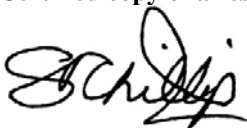
THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly support a the critical need to have Chiefs/Councils and Band Administrators ongoing engagement with their Fire Department's Chief and Emergency Services Managers/Coordinators on community safety prevention and response programs;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly fully support the vital need to have Chiefs/Councils and Band Administrators formal engagement with FNESS on community safety prevention and response programs; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to encourage community leadership to provide as much support as possible with respect to prevention and response programs with Fire Chiefs, Emergency Managers/Coordinators and FNESS.

Moved: Chief Coreen Child, Kwakiutl Nation
Seconded: Henry Anthony, Proxy, Adams Lake Indian Band
Disposition: Carried
Date: September 18th, 2014

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Resolution no. 2014-22

RE: Support for the First Nations Social Development Society

WHEREAS the First Nations Social Development Society (FNSDS) was originally a working group formed under a Gathering Strength initiative and incorporated in 2003. The FNSDS is a non-profit society representing the Band Social Development Workers of BC (BSDW). It is comprised of 12 First Nations representatives from BC.

WHEREAS the FNSDS has a mandate to promote and be a catalyst for positive social change in First Nations communities with the ultimate goal of assisting First Nations towards self-sustainability. The FNSDS is a support organization assisting BSDW's with the administration of Income Assistance programming to better meet the needs of First Nations in the area of Social Development on-reserve;

WHEREAS the FNSDS works directly with Band Social Development Workers, their clients and administering authorities in the areas of training, policy clarification and the administration of the Persons With Disabilities Program;

WHEREAS the current framework for social assistance policy interpretation and procedures does not provide First Nations any say regarding social assistance programming as a result of the Federal Treasury Board which requires Aboriginal Affairs & Northern Development Canada (AANDC) to ensure the on-reserve programs are aligned with off-reserve provincial programs;

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

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

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WHEREAS the FNSDS has taken steps to increase awareness of First Nations social development issues, to help resolve policy conflict and to engage AANDC and the Ministry of Social Development & Social Innovation (MSDSI) to improve the effectiveness of Federal Government programs and to thus improve the welfare of First Nations individuals on-reserve;

WHEREAS FNSDS adjudicates AANDC's Person With Disability and Monthly Nutritional Supplement Program and provides BSDW's with training and policy interpretation only and does not have a role in writing or providing input into AANDC's Income Assistance Policy;

WHEREAS the work of the FNSDS would benefit greatly from sustained political support to help influence other government bodies it works with for policy and program improvements and to influence program adoption and movement toward self-sustainability on-reserve; and

WHEREAS UBCIC Chiefs Council passed UBCIC Resolution 2013-22 which endorses and supports the signed *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* between the UBCIC as part of the First Nations Leadership Council, with the FNSDS.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully supports the continued work of the First Nations Social Development Society (FNSDS) in their efforts towards advocating, improving and advancing social development policy initiatives on-reserve to improve the welfare of individuals on-reserve;

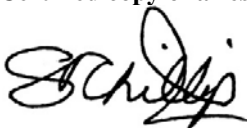
THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs-in-Assembly calls on the federal and provincial government to work with the FNSDS in bringing forward a workable solution that will serve to protect First Nations individuals and communities from the severe negative impacts of social policy on-reserve;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with the FNSDS and other like-minded organizations to develop a Social Policy Working Group; and

THEREFORE BE IT FINALLY RESOLVED the Social Policy Working Group is to report back to the UBCIC Chiefs-in-Assembly on the status of the working group at the 2015 UBCIC Annual General Assembly.

Moved: Chief Don Tom, Tsartlip First Nation
Seconded: Chief Donna Gallinger, Nicomen Indian Band
Disposition: Carried
Date: September 18th, 2014

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Resolution no. 2014-23

RE: Support for the Replacement of the Former Residential School Facilities in the Community of Lower Post (Liard Indian Reserve #3)

WHEREAS the Daylu Dena Council and other community-based First Nation organizations are currently housed in the building which was the site of the infamous Lower Post Indian Residential School (“the Building”);

WHEREAS the Building is approximately 60 years old, unfit for habitation and otherwise poorly suited for the community’s needs;

WHEREAS further, the Building is also a source of terrible memories for the numerous victims of the abuse which occurred during the years the residential school was in operation;

WHEREAS the painful and haunting memories of what transpired at the Lower Post Indian Residential School are such that many Kaska people, and other former students, refuse to even set foot in the Building;

WHEREAS Article 8 (2) of the *United Nations Declaration on the Rights of Indigenous Peoples* states that “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 peoples, or of their cultural values or ethnic identities; and ... (d) Any form of forced assimilation or integration”;

WHEREAS successive Ministers of Aboriginal Affairs Northern Development Canada (formerly the Department Indian Affairs and Northern Development Canada) have supported the Daylu Dena Council’s desire to demolish the Building and replace it with a new centre for the community. Such support was set out in a letter dated September 21, 2001, from Robert Nault to the Kaska Tribal Chief, Hammond Dick, as follows:

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“With regard to our discussions of the new administration building contemplated in Lower Post, I welcome the economic opportunities that could be created with this new centre. . . .As my predecessor, the Honourable Jane Stewart committed, I would also like to indicate my interest in participating in the ceremonial demolition of the Lower Post Residential School. This gesture would symbolize the government’s commitment to a renewed partnership with Aboriginal people.”

WHEREAS on June 11, 2008, Prime Minister Harper delivered a public apology in the House of Commons for the treatment of children in Indian residential schools, referring to the treatment as “a sad chapter in our history”. However, six years later the Daylu Dena Council and others are still forced to occupy the remains of the Indian residential school, which seems completely inconsistent with the Prime Minister’s apology;

WHEREAS the objectives of the Daylu Dena Council are wholly in accord with the basic principles underlying the understandings that have been reached between the Government of Canada and First Nations regarding the need to achieve a just and fair resolution of the legacy of the Indian Residential School system;

WHEREAS the Daylu Dena Council and its members are seeking the support of the Union of BC Indian Chiefs for the Council’s initiative to call on the federal government to offer resources for the demolition of the remnants of the Lower Post Indian Residential School and for replacement with a new community centre for their People;

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly hereby affirm support for the Daylu Dena Council’s objectives of:

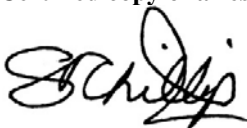
- a. demolishing the structure of the Lower Post Indian Residential School; and
- b. replacing the structure with a new community centre;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly support the Daylu Dena Council in their request for an immediate meeting with the Federal Government to seek resources for the demolition of the remnants of the Lower Post Indian Residential School and for replacement with a new community centre; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the First Nations Summit and the BC Assembly of First Nations to request that the Government of Canada immediately assist the Daylu Dena Council to meet its objectives as outlined above.

Moved: Chief Bryon Louis, Okanagan Indian Band
Seconded: Chief Lee Spahan , Coldwater Indian Band
Disposition: Carried
Date: September 18th, 2014

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Resolution no. 2014-24

RE: Support for the Tsilhqot'in Nation by Coordinating Assistance in Engagement and Implementation of the Tsilhqot'in Nation Judgment

WHEREAS the Tsilhqot'in Nation, building on the efforts of the Nisga'a Nation, the Gitksan, the Wet'suwet'en, the Haida Nation and many other First Nations in British Columbia, asserted its Aboriginal title and rights in the Canadian court system, seeking long overdue recognition of these rights and the protection of critically important lands in the heart of its traditional territory;

WHEREAS on June 26, 2014, in the historic *Tsilhqot'in Nation* judgment, in a unanimous judgment, the Supreme Court of Canada granted Aboriginal title for the first time in Canadian history, in the homeland of the Tsilhqot'in people;

WHEREAS the *Tsilhqot'in Nation* judgment marks a watershed in the history of British Columbia and Canada, as it sweeps aside the discriminatory justifications and arguments advanced by the Crown and accepted by the B.C. Court of Appeal to deny Indigenous rights of ownership and instead recognizes that Indigenous peoples are the lawful owners and stewards of the homelands that have sustained them for generations, with the rights to decide our futures, to govern our territories, and to manage and benefit from our lands;

WHEREAS the *Tsilhqot'in Nation* judgment confirms that the *status quo* is not acceptable, and that the federal and provincial governments have a positive legal duty to negotiate in good faith to resolve land claims, based on reconciliation and not on competing interests;

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Grand Chief Stewart Phillip, President

WHEREAS the Supreme Court of Canada, in *Tsilhqot'in Nation*, encouraged government and industry to seek the consent of First Nations to development on our traditional lands, and in so doing the Court has pointed to a path of reconciliation with the potential to unlock economic, social and cultural benefits for all British Columbians;

WHEREAS this is an important step towards the full recognition of Article 26(2) of the *United Nations Declaration on the Rights of Indigenous Peoples*, which provides that "Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired" and the requirement under Article 32(1) of "free and informed consent prior to the approval of any project affecting [our] lands or territories and other resources";

WHEREAS in part, the *Tsilhqot'in Nation* judgment was made possible by our unity, standing together, with the united support of the BC Assembly of First Nations, Union of BC Indian Chiefs, the First Nations Summit, as well as individual First Nations and non-Aboriginal supporters across British Columbia and Canada; and

WHEREAS in the same manner, it is only through a united and sustained effort, standing together, that the full potential of this judgment of the Supreme Court of Canada will be realized, and we can begin a new path towards true recognition and reconciliation of our rights, interests and goals as Aboriginal peoples.

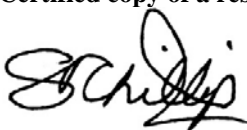
THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the efforts of the *Tsilhqot'in Nation* to implement their traditional laws, practices and values within the Title Area and *Tsilhqot'in* territory;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to monitor the progress of the *Tsilhqot'in Nation*'s engagement with the Provincial and Federal Governments, and to support the *Tsilhqot'in Nation* in holding both governments accountable for fully implementing Aboriginal Title, resolving outstanding land claims in good faith, and adopting new and innovative measures to achieve just and lasting reconciliation for the *Tsilhqot'in* people, and all First Nations; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to coordinate political, legal, communication and technical support with the *Tsilhqot'in* National Government to assist the *Tsilhqot'in Nation* in its engagement with the Provincial and Federal governments.

Moved: Chief Russell Ross Myers, Yunesit'in Government
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: September 18th, 2014

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Resolution no. 2014-25

RE: Call for Canada to Participate in Implementation of *Tsilhqot'in* Nation Judgment

WHEREAS on September 11, 2014, First Nations leaders in BC clearly laid out the following foundations that must be the basis of recognition and reconciliation work:

1. Acknowledgement that all our relationships are based on recognition and implementation of the existence of indigenous peoples' inherent title and rights, and pre-confederation, historic and modern treaties throughout British Columbia.
2. Acknowledgement that Indigenous systems of governance and laws are essential to the regulation of lands and resources throughout British Columbia.
3. Acknowledgement of the mutual responsibility that all of our government systems shall shift to relationships, negotiations and agreements based on recognition.
4. We immediately must move to consent based decision-making and title based fiscal relations, including revenue sharing, in our relationships, negotiations and agreements;

WHEREAS the *Tsilhqot'in* Nation, building on the efforts of the Nisga'a Nation, the Gitksan, the Wet'suwet'en, the Haida Nation and many other First Nations in British Columbia, asserted its Aboriginal title and rights in the Canadian court system, seeking long overdue recognition of these rights and the protection of critically important lands in the heart of its traditional territory;

WHEREAS on June 26, 2014, in the historic *Tsilhqot'in* Nation judgment, in a unanimous judgment, the Supreme Court of Canada granted a declaration of Aboriginal title for the first time in Canadian history, in the homeland of the *Tsilhqot'in* people;

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Grand Chief Stewart Phillip, President

WHEREAS the *Tsilhqot'in Nation* judgment marks a watershed in the history of British Columbia and Canada, as it sweeps aside the discriminatory justifications and arguments advanced by the Crown and accepted by the B.C. Court of Appeal to deny Indigenous rights of ownership and instead recognizes that Indigenous peoples are the lawful owners and stewards of the homelands that have sustained them for generations, with the rights to decide our futures, to govern our territories, and to manage and benefit from our lands;

WHEREAS the *Tsilhqot'in Nation* judgment confirms that the *status quo* is not acceptable, and that the federal and provincial governments have a positive legal duty to negotiate in good faith to resolve land claims, based on reconciliation and not on competing interests;

WHEREAS the Supreme Court of Canada, in *Tsilhqot'in Nation*, encouraged government and industry to seek the consent of First Nations for development on our traditional lands, stating that certainty is best achieved through a consent regime in BC, and in so doing the Court has pointed to a path of reconciliation with the potential to unlock economic, social and cultural benefits for all British Columbians;

WHEREAS this is an important step towards the full recognition of the *United Nations Declaration on the Rights of Indigenous Peoples*, specifically:

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

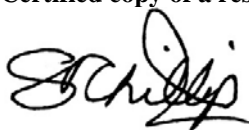
Article 32(2): States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources;

WHEREAS on September 10, 2014, the Xeni Gwet'in First Nations Government and Tsilhqot'in National Government, on behalf of the Tsilhqot'in Nation entered into a Letter of Understanding with the Province of British Columbia;

WHEREAS the Letter of Understanding sets out joint agreement on: Shared Vision, Acknowledgement and Reconciliation, Process, Priority Issues, Protocol Agreement, Funding and Resources, and Other issues;

WHEREAS by Resolution 2014-24 "Support for the Tsilhqot'in Nation by Coordinating Assistance in Engagement and Implementation of the Tsilhqot'in Nation Judgment," the UBCIC Chiefs-in-Assembly directed the UBCIC Executive to monitor the progress of the Tsilhqot'in Nation's engagement with both the Provincial and Federal Governments, and to support the Tsilhqot'in Nation in holding both governments accountable for fully implementing Aboriginal Title, resolving outstanding land claims in good faith, and adopting new and innovative measures to achieve just and lasting reconciliation for the Tsilhqot'in people, and all First Nations; and

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WHEREAS the *Tsilhqot'in Nation* judgment further clarified that Canada has fiduciary obligations to First Nations as first set out by the Supreme Court of Canada in *Guerin*, and subsequently expanded in *Sparrow*, *Adams*, *Delgamuukw*, and *Wewaykum Indian Band* including the legal duty to negotiate in good faith; and

WHEREAS in order that the full potential of this judgment of the Supreme Court of Canada be realized, and we can begin a new path towards true recognition and reconciliation of our rights, interests and goals as Aboriginal peoples, Canada must be directly engaged in implementation, in addition to the Province of British Columbia.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the foundations laid out by First Nations leaders in BC on September 11, 2014, as the basis of recognition and reconciliation work:

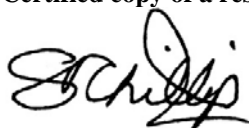
1. Acknowledgement that all our relationships are based on recognition and implementation of the existence of indigenous peoples' inherent title and rights, and pre-confederation, historic and modern treaties throughout British Columbia.
2. Acknowledgement that Indigenous systems of governance and laws are essential to the regulation of lands and resources throughout British Columbia.
3. Acknowledgement of the mutual responsibility that all of our government systems shall shift to relationships, negotiations and agreements based on recognition.
4. We immediately must move to consent based decision-making and title based fiscal relations, including revenue sharing, in our relationships, negotiations and agreements;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly reiterate full support for the *Tsilhqot'in Nation* to implement their traditional laws, practices and values within the Title Area and *Tsilhqot'in* territory; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly call on the Federal Government to immediately and actively engage with the *Tsilhqot'in Nation* to fully implement the Supreme Court of Canada *Tsilhqot'in Nation* judgment, and to effect a just and lasting reconciliation with the *Tsilhqot'in* people, including to find new approaches within *Tsilhqot'in* territory which require *Tsilhqot'in* consent, recognition and implementation of Title, as consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*.

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Kukpi7 Shane Gottfriedson, Kamloops Indian Band
Disposition: Carried
Date: September 19th, 2014

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UNION OF B.C. INDIAN CHIEFS
46TH ANNUAL GENERAL ASSEMBLY
SEPTEMBER 17TH – 19TH, 2014
X^WMƏӨK^WƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2014-26

RE: Kwakiutl Treaty Implementation

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

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

Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

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.

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

Article 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 37 (1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

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Article 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

WHEREAS since time immemorial, the people of Kwakiutl Indian Band have maintained a distinct material and spiritual relationship with their ancestral lands, territories, waters, coastal seas, and resources—and uphold the responsibility to protect its distinct relationship for those who may follow;

WHEREAS the Kwakiutl Indian Band have the inherent right to self-determination including jurisdiction over, Aboriginal Title to, and the protection of, its respective lands, territories, waters, coastal seas, and resources, and to the fulfillment of the spirit and intent of treaties;

WHEREAS in 1851, the Kwakiutl Indian Band concluded treaties with the Crown, which contain solemn promises of a sacred nature, and rights and benefits that require implementation; and

WHEREAS in the historic and contemporary absence of treaty implementation, the Crown has allowed infringements of Kwakiutl's collective and individual rights that require effective and just remedies.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the implementation of Kwakiutl's 1851 Treaties, and challenges the Crown governments to honourably and meaningfully engage government to government on the basis of existing Treaty rights and benefits, and Aboriginal Title, Rights and interests;

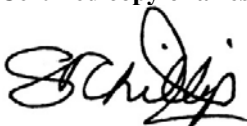
THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on the Crown governments of Canada and BC to recognize, enforce, and implement Kwakiutl's 1851 treaties, and to create mandates to fund and support treaty implementation in ways that are respectful, and using frameworks that fully realize the Treaty's solemn promises of sacred nature;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly strongly encourage the Crown governments of Canada and BC to use effective and just remedies for all infringements of Kwakiutl's collective and individual rights; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with the Assembly of First Nations, BC Assembly of First Nations, the First Nations Summit and Kwakiutl Indian Band to help achieve Kwakiutl Treaty Implementation, remedies for all infringements of Kwakiutl's collective and individual rights, and provide regular reports on progress to the aforementioned Assemblies, Summit and First Nation.

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Chief Harvey Paul, Sts'ailes
Disposition: Carried
Date: September 19th, 2014

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X^WMƏӨK^WƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2014-27

RE: Support for the Tsartlip First Nation against Infringement of Rights at Grace Islet

WHEREAS a building permit was issued by the Province of BC for construction at Grace Islet of Salt Spring Islands Ganges Harbor over a provincially-registered archaeological burial site as defined by the *Heritage Conservation Act*;

WHEREAS the Province of BC has ignored the ongoing concerns of the impacted First Nations and non Aboriginal People of the burial site that is being desecrated by construction of a home on the islet;

WHEREAS the Province of BC continues to be a part of the destruction and violation of our rights as Indigenous people by issuing a building permit to private developers for property that has great cultural significance;

WHEREAS by Resolution 2007-48, the UBCIC Chiefs Council acknowledged that the existing *Heritage Conservation Act* and associated management regime does not recognize Aboriginal Title and Rights, nor does it adequately address the needs and interests of First Nations as it relates to their culture and heritage resources;

WHEREAS the regulatory framework provided for in the *Heritage Conservation Act* prevents First Nations from protecting our sacred sites, the sanctity of our artifacts and the remains of our ancestors in accordance with our traditional laws and customs;

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WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* provides a framework of governance relations that is of particular relevance to the relationships between BC First Nations and the provincial government regarding protection of our heritage resources, ancestral remains, and sacred and spiritual sites:

Article 8(1): Indigenous individuals have the right not to be subjected to forced assimilation or destruction of their culture.

Article 11(1): Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect, and develop the past, present, and future manifestations of their cultures, such as archaeological and historical sites, artifacts, ceremonies...

Article 11(2): States shall provide redress through effective mechanisms, which may include restitution developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12(1): Indigenous peoples have the right to “maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

Article 12(2): States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 31(1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions... and their intellectual property; this section provides the background information for the resolution;

WHEREAS the Tsartlip First Nation seeks redress to have the building permit issued by the Province of BC for construction at Grace Islet cancelled, and instead designate Grace Islet as a heritage site and compensate the property owner for loss of real estate value; and

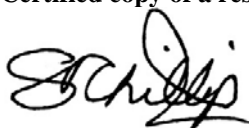
WHEREAS the Tsartlip First Nation seeks to work with other First Nations, and local, provincial and federal elected officials and community leaders to identify and protect sacred and burial sites such as Grace Islet; and

WHEREAS the Tsartlip First Nation and other impacted First Nations have not provided consent for the development of Grace Islet and, consistent with the *Tsilhqot'in Nation* judgment, governments must justify infringement on Aboriginal title lands by demonstrating a compelling and substantial governmental objective that must not be outweighed by adverse effects on the Aboriginal interest.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support Tsartlip First Nation and other impacted First Nations in their efforts to protect Grace Islet from the ongoing desecration of the burial site;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on the governments involved to be consistent with the *Tsilhqot'in Nation* judgment and they must justify infringement on Tsartlip and other Coast Salish Nations title lands by demonstrating a compelling and

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substantial objective that must not be outweighed by adverse effects on the Aboriginal interests; no such justification can be made as Grace Islet is a burial site and must be protected;

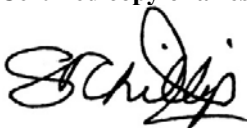
THEREFORE BE IT FURTHER RESOLVED that in order to effect just and lasting reconciliation with Tsartlip First Nation and other impacted First Nations requires First Nations free, prior and informed consent, recognition and implementation of Title as consistent with the *United Nations Declaration on the Rights of Indigenous peoples* and the *Tsilhqot'in Nation* Judgment;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly calls on the Provincial and Federal governments to fully respect and protect First Nations sacred and burial sites; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly directs the UBCIC Executive and staff to work and support the impacted First Nations in any and all efforts to protect Grace Islet and cease further development of the islet.

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Chief Coreen Child, Kwakiutl Nation
Disposition: Carried
Date: September 19th, 2014

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Resolution no. 2014-28

RE: Endorsement of Report on Situation of Indigenous Peoples in Canada by U.N. Special Rapporteur on Indigenous Peoples

WHEREAS on May 12, 2014, Dr. James Anaya, United Nations Special Rapporteur on the Rights of Indigenous Peoples, released a report on the crisis facing Indigenous Peoples in Canada, after many months of refusal by the Harper Government to provide formal consent to Dr. Anaya to conduct the study in Canada;

WHEREAS the UBCIC is a Non-Government Organization in Special Consultative Status with the Economic and Social Council of the United Nations;

WHEREAS the UBCIC provided a submission to Dr. Anaya on October 10, 2013 on Canada's human rights record towards Indigenous Peoples and, in particular, British Columbia;

WHEREAS as described in UBCIC's submission to Dr. Anaya, and confirmed in Dr. Anaya's report, the Harper Government continues to aggressively pursue a unilateralist legislative agenda that allows unsustainable resource development without meeting the government's legal and constitutional duty of consultation and accommodation on projects that impact our inherent Indigenous Title, Rights and Treaty Rights;

WHEREAS a recent report by the United Nations Committee on the Elimination of Racial Discrimination (UNCERD) emphasized the need for Canada to include Indigenous peoples in decision making, recommending that Canada "Implement in good faith the right to consultation and to free, prior

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and informed consent of Aboriginal peoples whenever their rights may be affected by projects carried out on their lands, as set forth in international standards and the State party's legislation";

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, introduced in 2007 and endorsed by Canada in November 2010, provides the framework for the fundamental human rights of Indigenous Peoples as well as outlining principles and standards in which to govern the relationship between Indigenous Peoples and States, and which clearly states in Article 26(1) that "Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied, or otherwise used or acquired";

WHEREAS the Harper government continues to rely on ineffective, legally outdated, prejudicial and dishonorable policies of engagement with Indigenous Peoples in Canada, despite endorsement of the *United Nations Declaration on the Rights of Indigenous Peoples*. As indicated by Dr. Anaya and confirmed by the UNCERD, this approach has contributed to an adversarial atmosphere of contentiousness and mistrust that does not allow for beneficial economic development or social peace, and instead continues to foster policies for extinguishment of Indigenous Peoples Title and Rights in Canada, such as the renewal of the Federal Comprehensive Claims Policy;

WHEREAS in his report, Dr. Anaya states that the well-being gap between Aboriginal and non-Aboriginal people in Canada has not narrowed over the past several years; treaty and Aboriginal claims remain persistently unresolved; Indigenous women and girls remain vulnerable to abuse; and overall there appear to be high levels of distrust among Indigenous peoples towards the government at both the federal and provincial levels;

WHEREAS Dr. Anaya's report further states that Indigenous peoples' concerns merit higher priority at all levels and within all branches of government, and across all departments. Concerted measures, based on mutual understanding and real partnership with aboriginal peoples, through their own representative institutions, are vital to establishing long-term solutions. To that end, it is necessary for Canada to arrive at a common understanding with indigenous peoples of objectives and goals that are based on full respect for their constitutional, treaty and internationally recognized rights;

WHEREAS Dr. Anaya makes a clear set of recommendations (see appendix) in the following areas: social and economic conditions; truth and reconciliation; missing women and girls; self-government, participation and partnership; treaty negotiations and claims processes; and resource development; and

WHEREAS on September 11, 2014, First Nations leaders in BC clearly laid out the following foundations that must be the basis of recognition and reconciliation work:

1. Acknowledgement that all our relationships are based on recognition and implementation of the existence of indigenous peoples' inherent title and rights, and pre-confederation, historic and modern treaties throughout British Columbia.

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2. Acknowledgement that Indigenous systems of governance and laws are essential to the regulation of lands and resources throughout British Columbia.
3. Acknowledgement of the mutual responsibility that all of our government systems shall shift to relationships, negotiations and agreements based on recognition.
4. We immediately must move to consent based decision-making and title based fiscal relations, including revenue sharing, in our relationships, negotiations and agreements.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully endorse the report by Dr. James Anaya, U.N. Special Rapporteur on Indigenous Peoples, on the crisis facing Indigenous Peoples in Canada, released on May 12, 2014;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on the Government of Canada to unequivocally accept this important report and take the necessary steps in conjunction with First Nations, to immediately implement its recommendations; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to communicate full support of the report, and provide the foundations for the basis of reconciliation work laid out by First Nations leaders on September 11, 2014, to Dr. James Anaya, his successor Victoria Tauli Corpuz, and to the Economic and Social Council of the United Nations, and request to be involved in any follow-up work.

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Chief Harvey McLeod, Upper Nicola Indian Band
Disposition: Carried
Date: September 19th, 2014

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Recommendations by U.N. Special Rapporteur on Indigenous Peoples in Report on Situation of Indigenous Peoples in Canada (May 12, 2014)

1. Social and economic conditions

84. The Government should ensure sufficient funding for services for indigenous peoples both on and off reserve, including in areas of education, health and child welfare, in the light of the rights and significant needs of indigenous peoples and the geographic remoteness of many indigenous communities; and insure that the quality of these services is at least equal to that provided to other Canadians.

85. Federal, provincial and aboriginal governments should improve upon their coordination in the delivery of services. Continued efforts should be made to support indigenous-run and culturally appropriate social and judicial services, and to strengthen and expand programmes that have already demonstrated successes.

86. Canada must take urgent action to address the housing crisis in indigenous communities both on and off reserve, especially communities in the north, and dedicate increased funding towards this end. In particular, the Government as a matter of urgency should work with Inuit representatives to ensure affordable, sustainable and adequate housing in the Arctic, and to design and construct housing to adapt to the region's environment and culture.

87. The Government should work with indigenous peoples to enhance education opportunities for them, and in particular should consult with indigenous peoples, through their representative institutions, to address any outstanding concerns they may have related to the proposed First Nations Education Act, including with respect to adequate funding.

2. Truth and reconciliation

88. The Government should ensure that the mandate of the Truth and Reconciliation Commission is extended for as long as may be necessary for it to complete its work, and should consider establishing means of reconciliation and redress for survivors of all types of residential schools.

3. Missing women and girls

89. Bearing in mind the important steps already taken to inquire into the disturbing phenomenon of missing and murdered aboriginal women and girls and to develop measures to address this problem, the federal Government should undertake a comprehensive, nationwide inquiry into the issue of missing and murdered aboriginal women and girls, organized in consultation with indigenous peoples.

4. Self-government, participation and partnership

90. Any existing legal barriers to the effective exercise of indigenous selfgovernment, including those in the Indian Act, should be removed, and effective measures should be taken to build indigenous governance capacity. Canada should continue to engage in, and adequately fund, meaningful negotiations to transfer governance responsibilities to First Nations, Inuit and Métis governments and to financially support, at adequate levels, the development and operation of indigenous self-governance institutions.

91. In consultation with indigenous authorities, the Government should take measures to streamline reporting procedures under contribution agreements to alleviate unnecessary or overlapping reporting requirements.

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92. New laws, policies and programmes that affect indigenous peoples should be developed in consultation and true partnership with them. The federal and provincial/territorial governments should not push forward with laws, policies or programmes where significant opposition by indigenous governments and leadership still exists.

93. With respect to legislation recently passed—including the Safe Drinking Water for First Nations Act, the Family Homes on Reserves and Matrimonial Interests or Rights Act, and the Jobs, Growth and Long-term Prosperity omnibus legislation— Canada should ensure that these laws are only implemented following meaningful consultation, with a view to obtaining the consent of the indigenous peoples to which they will apply, and with accommodation of their concerns.

94. Concerted efforts should be taken to address outstanding concerns related to gender discrimination in determining eligibility for registration under the Indian Act, and to adopt where possible a more flexible approach that takes into account indigenous peoples' own criteria for membership.

95. The federal Government should work with indigenous peoples in international border areas, in particular the Mohawk Nation at Akwesasne, to remove barriers to their free movement within their traditional territories.

5. Treaty negotiation and claims processes

96. Concerted measures should be adopted to deal with the outstanding problems that have impeded progress with the treaty negotiation and claims processes. Moreover, within these processes the Government should take a less adversarial, position-based approach than the one in which it typically seeks the most restrictive interpretation of aboriginal and treaty rights possible. In this regard, the Government should instead acknowledge that the public interest is not opposed to, but rather includes, aboriginal concerns.

97. Canada should take active measures to develop a procedure for addressing outstanding Métis land claims, to avoid having to litigate cases individually, and enter into negotiations with Métis representatives to reach agreements towards this end.

6. Resource development

98. In accordance with the Canadian Constitution and relevant international human rights standards, as a general rule resource extraction should not occur on lands subject to aboriginal claims without adequate consultations with and the free, prior and informed consent of the indigenous peoples concerned. Also, Canada should endeavour to put in place a policy framework for implementing the duty to consult that allows for indigenous peoples' genuine input and involvement at the earliest stages of project development.

99. Resource development projects, where they occur, should be fully consistent with aboriginal and treaty rights, and should in no case be prejudicial to unsettled claims. The federal and provincial governments should strive to maximize the control of indigenous peoples themselves over extractive operations on their lands and the development of benefits derived therefrom.

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Resolution no. 2014-29

RE: Rejection of Federal Interim Policy “Renewing the Comprehensive Land Claims Policy: Towards a Framework for Addressing Section 35 Aboriginal Rights”

WHEREAS our land is our future and the Union of BC Indian Chiefs re-affirms and asserts Indigenous Title, Rights and Treaty Rights to their respective territories;

WHEREAS Canada’s Comprehensive Claims Policy (CCP) directly contributes to and perpetuates the poverty and suffering in our communities by preventing First Nations from receiving equitable benefit from their traditional lands and resources;

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

WHEREAS it is critical that the CCP is reformed to be consistent with current jurisprudence including the June 26th, 2014 *Tsilhqot’in* Judgment, Canada’s Constitution and international standards, and in accordance with the principle that Aboriginal Title and Rights are best resolved by their recognition and reconciliation, not extinguishment;

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WHEREAS on September 11, 2014, First Nations leaders in BC clearly laid out the following foundations that must be the basis of recognition and reconciliation work:

1. Acknowledgement that all our relationships are based on recognition and implementation of the existence of indigenous peoples' inherent title and rights, and pre-confederation, historic and modern treaties throughout British Columbia.
2. Acknowledgement that Indigenous systems of governance and laws are essential to the regulation of lands and resources throughout British Columbia.
3. Acknowledgement of the mutual responsibility that all of our government systems shall shift to relationships, negotiations and agreements based on recognition.
4. We immediately must move to consent based decision-making and title based fiscal relations, including revenue sharing, in our relationships, negotiations and agreements;

WHEREAS in March 2013, the Federal Government appointed Douglas Eyford as the Government of Canada's Special Federal Representative on West Coast Energy Infrastructure to engage with First Nations in British Columbia, and Douglas Eyford released a report in December 2013;

WHEREAS on July 28th, 2014 the Federal Government announced that Douglas Eyford will continue this work by engaging with partners to develop a Framework for Addressing Section 35 Aboriginal Rights and work to "renew and reform the Comprehensive Lands Claims Policy, which has not been publically updated since 1986";

WHEREAS the Federal Government introduced an Interim Policy "*Renewing the Comprehensive Land Claims Policy: Towards a Framework for Addressing Section 35 Aboriginal Rights*" on August 29th, 2014;

WHEREAS the Interim Policy is intended to set out "tools to advance reconciliation both in the short term and long term";

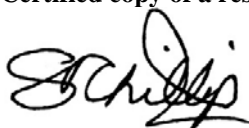
WHEREAS while the Interim Policy acknowledges that there are First Nations who do not wish to enter the treaty process, the Interim Policy does not provide any new conceptual framework on other agreement potential; and

WHEREAS the Interim Policy does not reflect the current case-law specifically the *Tsilhqot'in* decision nor does it cite the significant impact the *Tsilhqot'in* decision has on recognition and reconciliation.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the foundations laid out by First Nations leaders in BC on September 11, 2014, as the basis of recognition and reconciliation work:

1. Acknowledgement that all our relationships are based on recognition and implementation of the existence of indigenous peoples' inherent title and rights, and pre-confederation, historic and modern treaties throughout British Columbia.

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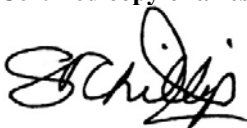
2. Acknowledgement that Indigenous systems of governance and laws are essential to the regulation of lands and resources throughout British Columbia.
3. Acknowledgement of the mutual responsibility that all of our government systems shall shift to relationships, negotiations and agreements based on recognition.
4. We immediately must move to consent based decision-making and title based fiscal relations, including revenue sharing, in our relationships, negotiations and agreements;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly fully rejects the Federal Government's interim Comprehensive Land Claims Policy, "*Renewing the Comprehensive Land Claims Policy: Towards a Framework for Addressing Section 35 Aboriginal Rights*"; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly demand that a new Comprehensive Land Claims Policy be jointly drafted with First Nations, which would provide a framework for recognizing and affirming our Aboriginal Title and Rights in accordance with the *Tsilhqot'in Nation* Decision, including finding new approaches with respect to consent, recognition and implementation of Title.

Moved: Kukpi7 Shane Gottfriedson, Kamloops Indian Band
Seconded: Terry Doward, Proxy, Tla-o-qui-aht
Disposition: Carried
Date: September 19th, 2014

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xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)**

Resolution no. 2014-30

RE: Auditor Appointment

WHEREAS TOMBE HERRINGTON, Chartered Accountants LLP completed the 2013-2014 audit as presented at the 46th Annual General Assembly;

WHEREAS TOMBE HERRINGTON, Chartered Accountants LLP has fulfilled the necessary Audit requirements to complete the Annual Audit.

THEREFORE BE IT RESOLVED that TOMBE HERRINGTON, Chartered Accountants LLP be appointed as Auditors of the UBCIC to complete the 2014-2015 and 2015-2016 Annual Audit for the organization.

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Chief Janet Webster, Lytton First Nations
Disposition: Carried
Date: September 19th, 2014

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UNION OF B.C. INDIAN CHIEFS
46TH ANNUAL GENERAL ASSEMBLY
SEPTEMBER 17TH – 19TH, 2014
xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)

Resolution no. 2014-31

RE: Provincial Parks in Proximity to Nteqem, Oregon Jack Creek

WHEREAS in 1996 and 1997, five provincial parks were established within the Nlaka'pamux Nation territory in proximity to the community of Nteqem including Epsom, Oregon Jack Creek, Badland Aspen, Cornwall Hills, and Blue Earth Lake Provincial Parks (the "Parks");

WHEREAS the Parks were established without consultation or consent from the Oregon Jack Creek Indian Band, which is in proximity to the Parks;

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

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* provides a framework of governance relations that is of particular relevance to the relationships between BC First Nations and the provincial government regarding protection of our heritage resources, ancestral remains, and sacred and spiritual sites:

Article 8(1): Indigenous individuals have the right not to be subjected to forced assimilation or destruction of their culture.

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Article 11(1): Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect, and develop the past, present, and future manifestations of their cultures, such as archaeological and historical sites, artifacts, ceremonies...

Article 11(2): States shall provide redress through effective mechanisms, which may include restitution developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12(1): Indigenous peoples have the right to “maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

Article 12(2): States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 31(1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions... and their intellectual property; this section provides the background information for the resolution;

WHEREAS the Provincial government failed to consider the interests of the Oregon Jack Creek Indian Band and established the Parks in a manner inconsistent with aboriginal title and rights;

WHEREAS the impacts from the establishment and operation of the Parks are significant and include cumulative impacts over time and irreparable harm including desecration of sacred grounds and destruction of cultural properties;

WHEREAS the Parks negatively impact the ability of the Oregon Jack Creek Indian Band to practice their traditional ways and use the land and resources as they see fit;

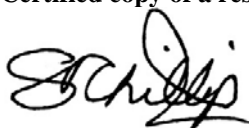
WHEREAS the Oregon Jack Creek Indian Band is willing to share its homeland with others but there must first be agreement with the Band on the terms of such sharing;

WHEREAS respect for aboriginal title and rights requires redressing the impacts caused by the Parks and determining any future for the Parks through a process of consent based decision making; and

WHEREAS by Resolution 2007-48, the UBCIC Chiefs Council acknowledged that the existing *Heritage Conservation Act* and associated management regime does not recognize Aboriginal Title and Rights, nor does it adequately address the needs and interests of First Nations as it relates to their culture and heritage resources. The regulatory framework provided for in the *Heritage Conservation Act* prevents First Nations from protecting our sacred sites, the sanctity of our artifacts and the remains of our ancestors in accordance with our traditional laws and customs;

WHEREAS as per Resolution 2011-49, the UBCIC Chiefs-in-Assembly fully respect and support Indigenous Nations to continue the exercise and defense of their inherent right to ensure the protection of

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their respective territories, through the implementation of their laws principled upon Indigenous values through cultural, family and community interconnectedness; and

WHEREAS immediate action is required to protect the resources of the Oregon Jack Creek Indian Band, including its sacred grounds and cultural properties from further destruction and to protect Oregon Jack Creek's ability to use the land fully.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly call upon the Provincial government to immediately address with the Nlaka'pamux Nation Tribal Council, on behalf of Oregon Jack Creek Indian Band, the wrongful establishment of Parks in proximity to Oregon Jack Creek Indian Band;

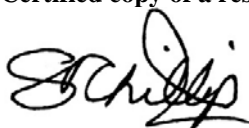
THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call upon the Provincial government to address through a process of consent based decision making with the Nlaka'pamux Nation Tribal Council, on behalf of Oregon Jack Creek Indian Band, the on-going existence and operation of the Parks consistent with aboriginal title and rights including jurisdiction and right to determine how the land is used, and consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*;

THEREFORE BE IT FURTHER RESOLVED that as an immediate step, the Parks be re-named to respect the Nlaka'pamux rather than being named after colonists who perpetrated the wrongful alienation of land and resources; and

THEREFORE BE IT FINALLY RESOLVED that public access to the Parks be immediately restricted to protect the sacred grounds and cultural heritage properties of the Nlaka'pamux from further desecration and destruction.

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Chief Russell Myers Ross, Yunesit'in Government
Disposition: Carried
Date: September 19th, 2014

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OUR LAND IS OUR FUTURE

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Resolution no. 2014-32

RE: Deadline for Submission of Urgent Resolutions

WHEREAS resolutions are the essential mechanism by which the UBCIC Chiefs Council provides specific mandates and direction to the UBCIC Executive and staff;

WHEREAS as per Section XI (a) of the UBCIC Constitution and Bylaws (2010):

- The Resolutions Committee, working with UBCIC staff, will ensure that:
 - (i) Resolutions uphold and reflect the Aboriginal Title, Rights and Treaty Rights Mandate of the U.B.C.I.C. and the United Nations Declaration on the Rights of Indigenous Peoples;
 - (ii) Timelines are set for the receipt of proposed resolutions from Full and Active Members in good standing;
 - (iii) There is no duplication or inconsistency between resolutions and encourage parties to reach consensus and submit joint resolutions; and
 - (iv) Final resolutions are distributed to all eligible members prior to voting at the Chiefs' Council, A.G.A. or Special General Meetings.

WHEREAS by Resolution 2010-64, the UBCIC Chiefs Council endorsed the "UBCIC Resolutions Process" document (attached); and

WHEREAS at the suggestion of the UBCIC Resolutions Committee, the UBCIC Chiefs-in-Assembly discussed establishing a deadline for submission of Urgent Resolutions during UBCIC meetings to provide UBCIC members, the UBCIC Resolutions Committee, and staff with adequate time for review.

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THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC staff to amend the “UBCIC Resolution Process” document (attached) to include the following wording under the bullet discussing urgent resolutions:

- “All urgent resolutions must be submitted by midnight the night before the last day of any UBCIC meeting.”

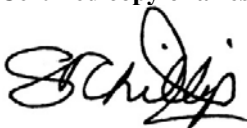
Moved: Chief Maureen Chapman, Skawahlook First Nation

Seconded: Chief Jonathan Kruger, Penticton Indian Band

Disposition: Carried

Date: September 19, 2014

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Grand Chief Stewart Phillip, President

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