

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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### Resolutions of UBCIC Chiefs Council February 12<sup>th</sup>-13<sup>th</sup>, 2015

- 2015-01 UBCIC Meeting Schedule for 2015-2016 Fiscal Year
- 2015-02 Endorsement of BC Aboriginal Justice Council Draft Terms of Reference
- 2015-03 UBCIC Interim Appointment to BC Aboriginal Justice Council
- 2015-04 Support for the Four Principles
- 2015-05 Support for the FNLC Entering into a *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* with the First Nations Education Steering Committee
- 2015-06 Raising the Age of Majority for Children in Care in BC
- 2015-07 Centre of Excellence for Aboriginal Early Childhood Development and Care
- 2015-08 First Nations Child and Family Services in British Columbia
- 2015-09 UBCIC Participation in Canada's Five Year Review of the SCTA
- 2015-10 Endorsement of Joint Report *In Bad Faith: Justice at Last and Canada's Failure to Resolve Specific Claims*
- 2015-11 Support for the Opposition to and Condemnation of Illegal Elk Slaughtering and Poaching within Nuu-chah-nulth First Nations Territories
- 2015-12 Support for Opposition to the 2015 Commercial Roe Herring Fisheries in the Waters of Haida Gwaii, Central Coast and West Coast of Vancouver Island
- 2015-13 Continued Engagement between the Province of BC and First Nations on a Forest and Range Revenue Sharing Tenure Solution
- 2015-14 Support for Treaty 8 Tribal Leadership's Opposition to Site C
- 2015-15 Biosolid Waste Operation in Nooaitch Territory
- 2015-16 Commercial Salmon Allocation Framework

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
FEBRUARY 12<sup>TH</sup>-13<sup>TH</sup>, 2015  
X<sup>w</sup>MƏӨK<sup>w</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2015-01**

**RE: UBCIC Meeting Schedule for 2015-2016 Fiscal Year**

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

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

**WHEREAS** the UBCIC will host one (1) Annual General Assembly and two (2) Chiefs Council meetings in the 2015-2016 fiscal year.

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

- June 10-11, 2015, Spirit Ridge, Osoyoos, BC;
- September 16-18, 2015, (47<sup>th</sup> Annual General Assembly), Musqueam Recreation Centre, Vancouver, BC;
- February 17-18, 2016; and

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

**Moved:** Chief Maureen Chapman, Skawahlook First Nation  
**Seconded:** Chief Janet Webster, Lytton First Nation  
**Disposition:** Carried  
**Date:** February 12, 2015

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FEBRUARY 12<sup>TH</sup>-13<sup>TH</sup>, 2015  
X<sup>w</sup>MƏӨK<sup>w</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2015-02**

**RE: Endorsement of BC Aboriginal Justice Council Draft Terms of Reference**

**WHEREAS** Aboriginal people are over represented in the criminal justice system and ensuring equitable access to safety, justice, and preventative and rehabilitative services is a key priority for First Nations communities;

**WHEREAS** on May 14-16, 2007, the Union of BC Indian Chiefs (UBCIC), BC Assembly of First Nations, and First Nations Summit (FNS), working together as the First Nations Leadership Council (FNLC) held the BC First Nations Justice Forum. UBCIC Resolution no. 2007-25 endorses and supports the implementation of the BC First Nations Justice Action Plan, which called for the formation of a BC First Nation Justice Council, and UBCIC Resolution no. 2007-24 supports the "concept of a representative and inclusive BC First Nations Justice Council to address province-wide matters, with respect to the issues of First Nations justice";

**WHEREAS** UBCIC Resolution no. 2013-21 endorses and supports the *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* between the UBCIC, as a part of the FNLC, with the Native Courtworker and Counselling Association of British Columbia (NCCABC);

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

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

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

**WHEREAS** in 2013, the NCCABC developed the Social Justice Policy Platform and Strategic Plan, which includes a commitment to create a BC Aboriginal Justice Council. In October 2013, the NCCABC also created *Better Outcomes for Aboriginal People and the Justice System: An NCCABC Strategy Framework to Reduce the Overrepresentation of Aboriginal Children, Youth and Adults in the Child Protection and Criminal Justice System in BC*. Both documents identify the need and form the basis for the NCCABC's work to establish a BC Aboriginal Justice Council;

**WHEREAS** the UBCIC Chiefs Council passed Resolution no. 2014-20 *Support for the Formation of a BC Aboriginal Justice Council*, which directs the UBCIC Executive and staff to work with the NCCABC, BCAFN, and FNS, towards establishing the BC Aboriginal Justice Council and to appoint an interim technical team to provide support to the BC Aboriginal Justice Council;

**WHEREAS** the interim technical team, composed of technical staff from the UBCIC, BCAFN, FNS, and NCCABC, developed the BC Aboriginal Justice Council draft Terms of Reference (attached);

**WHEREAS** the draft Terms of Reference outlines a process for the interim technical team to support the appointment of members to the BC Aboriginal Justice Council. If endorsed, the UBCIC, BCAFN, FNS, and NCCABC will begin a process to identify members, develop a workplan, and seek funding and resources to support the BC Aboriginal Justice Council; and

**WHEREAS** the UBCIC Chiefs Council adopted "Election Procedures for Representatives of the UBCIC to Boards and Committees on February 28, 2013.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council hereby endorses the attached draft Terms of Reference for the BC Aboriginal Justice Council;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council will appoint one (1) representative of the UBCIC to the BC Aboriginal Justice Council in accordance with the Election Procedures for Representatives of the UBCIC to Boards and Committees, adopted February 28, 2013;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with the BC Assembly of First Nations, First Nations Summit, and Native Courtworkers and Counselling Association of BC, to jointly appoint three (3) representatives to the BC Aboriginal Justice Council with expertise in Aboriginal Justice in BC on or off reserve; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Summit, BC Assembly of First Nations, and Native Courtworkers and Counselling Association of BC to develop a draft BC Aboriginal Justice Council Workplan, and seek funds and resources to support the work of the BC Aboriginal Justice Council.

**Moved:** Chief Lucinda Phillips, Lil'wat Nation  
**Seconded:** Chief Judy Wilson, Neskonlith Indian Band  
**Disposition:** Carried  
**Date:** February 12, 2015

**BC Aboriginal Justice Council**  
**Draft Terms of Reference- Working Draft V.3**

**1. BACKGROUND**

- 1.1. During May 14-16, 2007, the Union of BC Indian Chiefs (UBCIC), BC Assembly of First Nations (BCAFN), and First Nations Summit (FNS), working together as the First Nations Leadership Council (FNLC) held the BC First Nations Justice Forum to provide an opportunity for First Nations to collaborate and provide a collective approach to address key issues and concerns that First Nations face with the justice system in BC. A draft BC First Nations Justice Action Plan (the “Justice Action Plan”) was subsequently developed which outlined a vision, goals and principles for changes in the administration of the justice system. It was distributed to all BC First Nations and final comments were requested by June 8, 2007. A revised action plan was then presented to the UBCIC, FNS and BCAFN assemblies and mirror resolutions were passed supporting its implementation (UBCIC Resolution no.2007-25, FNS Resolution #0907.13, BCAFN Resolution 8/2007). Resolutions were passed by the three assemblies (UBCIC Resolution no.2007-24, FNS Resolution #0907.14, BCAFN Resolution 9/2007) supporting “the concept of a representative and inclusive BC First Nations Justice Council to address province-wide matters with respect to the issues of First Nations justice.
- 1.2. In 2013, the Native Courtworkers and Counselling Association of BC (NCCABC) developed the *Social Justice Policy Platform and Strategic Plan*, which included a commitment to create a BC Aboriginal Justice Council (the “Justice Council”).
- 1.3. In October of 2013, the NCCABC’s board approved a strategic direction described in “Better Outcomes for Aboriginal People and the Justice System: An NCCABC Strategy Framework to Reduce the Overrepresentation of Aboriginal Children, Youth and Adults in the Child Protection and Criminal Justice System in BC”. This strategy framework was provided to the Ministry of Justice and was cited in the B.C. Justice and Public Safety Council’s Strategic Plan for the Justice and Public Safety Sector as a core document informing their planning.
- 1.4. In 2014, NCCABC re-initiated work with the First Nations Leadership Council to set up the Justice Council. Resolutions were passed by the FNS, UBCIC, and BCAFN at their respective assemblies (UBCIC Resolution 2010-40, FNS Resolution #1014.09, BCAFN Resolution 04(c)/2014) reaffirming their support of a BC Aboriginal Justice Council. The three resolutions directed their respective Executive and staff to work with each other and the NCCABC toward

establishing the BC Aboriginal Justice Council as outlined in the 2007 BC First Nations Justice Action Plan and:

- Appoint an interim technical team to provide support to the BC Aboriginal Justice Council; and
- Support an interim technical team to secure federal and provincial funding for the BC Aboriginal Justice Council.

## **2. PURPOSE**

2.1. The BC Aboriginal Justice Council is a multi-agency leadership initiative that convenes regularly, and prioritizes actions, and utilizes the NCCABC “Social Justice Policy Platform and Strategic Plan”, “Better Outcomes for Aboriginal People and the Justice System: An Strategy Framework to Reduce the Overrepresentation of Aboriginal Children, Youth and Adults in the Child Protection and Criminal Justice System in BC”, and the “BC First Nations Justice Plan” as its documented foundation for action. The Justice Council aims to:

- Challenge approaches that contribute to the growing overrepresentation of Aboriginal children and youth in the care of government, and Aboriginal men and women in incarceration; and
- Productively engage with the government to advance effective strategies that can achieve better outcomes for our people in the justice system.

## **3. PRIORITIES**

3.1. Building upon the resolutions of the BCAFN, UBCIC and FNS, and by the Board of Directors of the NCCABC, the goals and priorities of the BC Aboriginal Justice Council shall include the following:

- Identify the policy and program changes and resource realignments required to address the magnitude of issues contributing to the disproportionate patterns of children and youth in care and incarceration of Aboriginal people;
- Hold the BC Government responsible and accountable to engage respectfully and work with the BC Aboriginal Justice Council on concrete strategies and actions to direct meaningful, fundamental change in these systems resulting in an “Integrated Aboriginal Justice System” which has also been identified by the BC government in their “*Strategic Plan for the Justice and Public Safety Sector*” (2014) as priority.

## **4. MEMBERSHIP**

4.1. The Justice Council will be composed of 7 individuals:

- One (1) representative from the NCCABC.
- One (1) representative that will be appointed by each of the respective political organizations of the FNS, UBCIC, and BCAFN, according to their

own protocol and accord of appointments, for a total of three (3) representatives.

- Three (3) representatives with expertise in Aboriginal Justice in BC on or off reserve, to be jointly appointed by the respective organizations of the NCCABC, BCAFN, FNS, and UBCIC.

4.2. The Justice Council will elect a chairperson by consensus to be responsible for chairing meetings, and working with NCCABC staff to arrange meetings, prepare agendas, and report on progress in accordance with section 6.

4.3. The Justice Council members are appointed for a fixed term of no more than three years.

## **5. REPORTING AND ACCOUNTABILITY**

5.1. The Justice Council is accountable to all Aboriginal people in BC. The Justice Council will report to, and take direction from, the NCCABC, BCAFN, FNS, and UBCIC through regularly-scheduled meetings with the NCCABC and the First Nations Leadership Council and the assemblies of its member organizations.

5.2. The Justice Council will develop a communication plan to inform Aboriginal people and the BC public, of its ongoing work.

## **6. MEETINGS AND DECISION-MAKING**

6.1. The Justice Council will meet as required, and no less than four times per year. These meetings will take place in-person or via teleconference, dependent on funding.

6.2. Quorum of the Justice Council will consist of no less than four members.

6.3. The Justice Council will make decisions by consensus.

6.4. The Justice Council will seek funding to hold an annual province-wide forum on Aboriginal Justice issues.

## **7. TECHNICAL SUPPORT**

7.1. The NCCABC will act as the designated ‘Host Agency’ for the work of the Justice Council. It will, as resources allow:

- Provide project management, facilitation and coordination;
- Host events, gatherings and working group meetings

7.2. An interim technical team will provide support to the Justice Council until a permanent technical team is identified in a Justice Council work plan, and will be composed of one staff member from each of the NCCABC, UBCIC, FNS, and BCAFN.

- 7.3. Distinguished individuals, advocates, funding sponsors and allies from the private, foundation and public sectors may be invited to assist as required in the work of the Justice Council.
- 7.4. Project teams of volunteers from various organizations will be assembled as required to provide subject matter expertise and assist in the work of the Justice Council.

## **8. FUNDING**

- 8.1. Resourcing is required to support the Justice Council. As host agency, the NCCABC will administer any fund for the Justice Council, in accordance with its finance policies and procedures.
- 8.2. The NCCABC will secure initial funds to support the work of the Justice Council.
- 8.3. The Justice Council is responsible for developing a work plan and budget to support the ongoing operations of the Justice Council.
- 8.4. The interim technical team will seek to secure federal and provincial funding for the BC Aboriginal Justice Council.

## **9. AMENDMENT**

- 9.1. The Terms of Reference may be amended from time to time through recommendation of the BC Aboriginal Justice Council to the NCCABC, UBCIC, FNS, and BCAFN.

## **10. ENDORSEMENT**

- 10.1. [This draft Terms of Reference must be endorsed by the NCCABC, UBCIC, BCAFN, and FNS through their respective processes. Following endorsement, *this section will include a list of relevant resolutions.*]



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X<sup>w</sup>MƏӨK<sup>w</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2015-03**

## **RE: UBCIC Interim Appointment to BC Aboriginal Justice Council**

**WHEREAS** Aboriginal people are over represented in the criminal justice system, and ensuring equitable access to safety, justice, and preventative and rehabilitative services is a key priority for First Nations communities;

**WHEREAS** by Resolution no. 2015-02 the UBCIC Chiefs Council endorses the draft Terms of Reference for the BC Aboriginal Justice Council, and will appoint one (1) representative of the UBCIC to the BC Aboriginal Justice Council in accordance with the Election Procedures for Representatives of the UBCIC to Boards and Committees, adopted February 28, 2013 (“Election Procedures”);

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

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

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

**WHEREAS** the Election Procedures set out in 1(b): “A Full or Active Member in good standing of the U.B.C.I.C. must nominate candidates to represent the U.B.C.I.C. on any committee. Written nominations must be received at least ten (10) business days prior to the start of the Assembly or meeting (Nomination Form attached). The U.B.C.I.C. will announce the availability of a committee position when providing notice of the Assembly or meeting where the election will occur”; and

**WHEREAS** the Chair of the UBCIC Chiefs Council has called for an interim appointment to be identified from the floor until the UBCIC Chiefs Council in June, 2015, when a permanent UBCIC representative will be elected in accordance with the Election Procedures.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council ratifies the interim appointment of Chief Harvey Paul, Upper Nicola Indian Band, as the UBCIC representative to the BC Aboriginal Justice Council until the next meeting of the UBCIC Chiefs Council in June, 2015, when a permanent UBCIC representative will be elected in accordance with the Election Procedures for Representatives of the UBCIC to Boards and Committees, adopted February 28, 2013; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council asks the UBCIC interim appointment to the BC Aboriginal Justice Council to provide updates to the UBCIC Chiefs Council as necessary.

**Moved:** Chief Judy Wilson, Neskonlith Indian Band  
**Seconded:** Chief Maureen Chapman, Skawahlook First Nation  
**Disposition:** Carried  
**Date:** February 12, 2015

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X<sup>W</sup>MƏӨK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2015-04**

**RE: Support and Endorsement of the Four Principles as a Foundation for Engagement with Province of BC**

**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;

**WHEREAS** the Supreme Court of Canada, in *Tsilhqot'in Nation*, required 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** on August 14-15<sup>th</sup>, 2014, BC Chiefs met at an All Chiefs Meeting to celebrate the *Tsilhqot'in Nation* judgment and discuss the recognition of Aboriginal Title in BC and the way forward;

**WHEREAS** in an effort to continue the dialogue from the All Chiefs Meeting on August 14-15<sup>th</sup>, First Nations leaders in BC met again on September 9-10<sup>th</sup>, 2014 and 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; and

**WHEREAS** these four principles were tabled with the Provincial Government on September 11<sup>th</sup>, 2014 at the BC Cabinet and First Nations Leaders' Gathering to ensure that these foundational principles be the basis for any future work between the Province and First Nations in BC and that any re-engagement structure, processes, agreement, framework for engagement be fully informed and directly influenced by these principles.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports 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; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs that any re-engagement structure, processes, agreements, or frameworks for engagement between the Provincial Government and BC First Nations be fully informed and directly influenced by these four foundational principles.

**Moved:** Debbie Abbott, Oregon Jack Creek Indian Band (Proxy)  
**Seconded:** Chief Nelson Leon, Adams Lake Indian Band  
**Disposition:** Carried  
**Date:** February 12, 2015

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Resolution no. 2015-05

**RE: Support for the First Nations Leadership Council Entering into a *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* with the First Nations Education Steering Committee**

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

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* sets out in Article 5 that “Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State”;

**WHEREAS** the FNLC developed a draft template *Declaration & Protocol of Recognition, Support, Cooperation and Coordination*, to be entered into by the First Nations Leadership Council and First Nation/Aboriginal organizations with mandates in British Columbia to achieve this objective. This draft template was endorsed by the First Nations Summit Resolution #0906.08, UBCIC Resolution no. 2007-22; and the BC Assembly of First Nations Resolution 10/2007;

**WHEREAS** the FNLC updated the draft template *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* to reflect its 2010 Terms of Reference and Accountability Framework, and to allow for the optional inclusion of a Procedural Appendix; and

**WHEREAS** the FNLC and the First Nations Education Steering Committee wish to enter into a *Declaration & Protocol of Recognition, Support, Cooperation and Coordination*.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council supports the attached *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* being entered into by the UBCIC Executive on behalf of the UBCIC Chiefs Council and as part of the First Nations Leadership Council, with the First Nations Education Steering Committee;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with the other members of the First Nations Leadership Council to execute a *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* with the First Nations Education Steering Committee; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with other members of the First Nations Leadership Council and the First Nations Education Steering Committee to provide regular reports to the UBCIC Chiefs Council.

**Moved:** Ken Watts, Nuchatlaht First Nation (Proxy)  
**Seconded:** Chief Lucinda Phillips, Lil'wat Nation  
**Disposition:** Carried  
**Date:** February 12, 2015

**DECLARATION & PROTOCOL of  
RECOGNITION, SUPPORT, COOPERATION  
AND COORDINATION**

**Between**

**THE FIRST NATIONS LEADERSHIP COUNCIL  
(B.C. ASSEMBLY OF FIRST NATIONS, FIRST NATIONS SUMMIT, and THE UNION OF B.C.  
INDIAN CHIEFS)**

**And**

**FIRST NATIONS EDUCATION STEERING COMMITTEE**

**DECLARATION**

As the original and Indigenous Peoples to this great land, we have the inalienable right of self-determination. By virtue of this right, we are free to determine our political status and free to pursue our economic, social, health and well-being, and cultural development.

We recognize and affirm that we continue to exist and live as the original and Indigenous Peoples and that this is a fundamental human right.

We recognize and affirm the continued existence of the Indigenous and Aboriginal Title and Rights of our respective First Nations and their people to their traditional territories, lands and resources, and that we continue to exercise our collective and inherent authorities and jurisdictions over and in the territories, lands and resources which we have traditionally occupied, used or otherwise acquired.

We recognize and affirm that, as the original and Indigenous Peoples, we have the right to redress by means of restitution or, where this is not possible, of just, fair and equitable compensation for the territories, lands and resources which we have traditionally owned or otherwise occupied or used and which have been confiscated, taken, occupied, used or damaged without our free, prior and informed consent.

We have been involved in and support:

- the development and adoption of the United Nations Declaration on the Rights of Indigenous Peoples;
- the development of the Declaration of the II Summit of the Indigenous Peoples of the Americas;
- the New Relationship with the Province of British Columbia; and
- the Transformative Change Accord with the Governments of British Columbia and Canada.

Therefore we agree to coordinate our political and technical strengths and efforts toward the objectives of:

- advancing the full and proper implementation, recognition, reconciliation and accommodation of Aboriginal Title and Rights, and Treaty Rights;
- improving the lives and socio-economic circumstances of First Nations people and communities in British Columbia;
- ending the denial by the Crown, as represented by the Governments of British Columbia and Canada, of the existence of our Peoples and our Aboriginal Title and Rights to our traditional territories, lands and resources.

## PROTOCOL

### Recognizing:

- We agree that First Nations and Aboriginal organizations with mandates in British Columbia must coordinate their political and technical strengths toward the objectives of the above *Declaration* and advancing Aboriginal Title and Rights, and Treaty Rights, and improving the socio-economic conditions of First Nations people and communities in British Columbia. We wish to unite and cooperate in their efforts to advance these objectives.
- The First Nations Leadership Council has undertaken an ongoing formal political process to work cooperatively together to politically advance and support the interests and initiatives of all First Nations, First Nations people and First Nations communities in British Columbia, as set out in the *Leadership Accord* signed on March 17, 2005, and further set out in the First Nations Leadership Council Terms of Reference and Accountability Framework, endorsed at the All-Chiefs Assembly in November/December, 2010, and endorsed through resolutions passed by the respective assemblies of the B.C. Assembly of First Nations, First Nations Summit, and the Union of B.C. Indian Chiefs.
- The First Nations Education Steering Committee (FNESC):
  - is an independent society led by a strong and diverse board of 105 First Nations community representatives and serves as the lead policy and advocacy body on First Nations education in BC;
  - supports First Nations autonomy and authority over education as a component of their inherent right of self-government;
  - leads the advancement of quality education, improving accountability and improving education outcomes for all First Nations students in BC
  - leads the advancement, as directed by First Nations Governments, of First Nations control of First Nations education through capacity development support, policy, legislation and negotiated arrangements, such as the Education Jurisdiction Agreements and corresponding legislation, and the Tripartite Education Framework Agreement;
  - works in partnership with the federal and provincial governments to implement tripartite and bilateral agreements;
  - communicates the priorities of BC First Nations to the federal and provincial



- governments, and other education partners, and to support First Nations leadership and communities in working together to advance First Nations education;
  - o undertakes communications, research, partnership-building and advocacy as central aspects of its activities;
  - o administers education supports and services;
  - o represents BC First Nations in national processes at the Assembly of First Nations on education issues, as directed by BC First Nations;
  - o reports to and takes political direction from the First Nation Chiefs in BC; and
  - o supports the First Nations Leadership Council’s mandate.
- The First Nations Leadership Council and the provincial and federal governments have committed to work together to improve the socio-economic conditions of First Nations in British Columbia, and to advance recognition and reconciliation of pre-existing Aboriginal Title and Rights with the assertion of Crown sovereignty. To this end, the First Nations Leadership Council has:
  - o developed, with the Province of British Columbia, a vision for a new government-to-government relationship between First Nations Governments and the BC Government based on respect, recognition and accommodation of Aboriginal Title and Rights (the “New Relationship”); and
  - o signed a Transformative Change Accord with the Province of British Columbia and the Government of Canada; and
  - o been involved in, and support, the United Nations Declaration on the Rights of Indigenous Peoples, which was endorsed by Canada on November 12, 2010.
- Cooperative efforts to advance the New Relationship and the Transformative Change Accord are ongoing.
- Each of us has an important role to play in advancing these and other initiatives to improve the lives of First Nations people in British Columbia.

**We agree as follows:**

**Purpose**

We recognize and affirm that First Nations Peoples continue to exist in British Columbia and Canada and have traditional ownership over and in their territories, lands and resources and continue to exercise their authority in and over their territories, lands and resources.

We recognize and affirm the Aboriginal Title and Rights, and any Treaty Rights of First Nations in British Columbia, including their autonomy, jurisdiction and authority with respect to their traditional territories and, within this context, the purposes of this Protocol are to:

- a. affirm our intentions to work together in a cooperative manner, and to provide support for one another’s efforts, advance the recognition, respect and accommodation of Aboriginal Title and Rights, and Treaty Rights, to improve the lives of First Nations people in British Columbia, and to

- support First Nations in their efforts;
- b. establish a mechanism by which we can:
  - i. identify areas where we can work together within our respective mandates, to advance the New Relationship, the Transformative Change Accord, and any other initiatives or processes aimed at improving the conditions of First Nations communities; and
  - ii. identify how we will communicate, exchange information, effectively organize activities, and streamline their efforts;
- c. any other purpose we identify and agree to.

This Protocol is only for communications and advocacy for the protection of Aboriginal Title and Rights and to improve the lives of First Nations people in British Columbia and is not a process to support the funding requirements of any First Nation organizations.

### **Principles**

We agree that the implementation of this Protocol will be guided by principles set out in the Accountability Framework Appendix to the First Nations Leadership Council Terms of Reference, in addition to the following principles:

- a. respect for and recognition of the Aboriginal Title and Rights, and Treaty Rights, of First Nations;
- b. respect for and recognition that Indigenous Peoples have the right of self-determination and, by virtue of that right, they freely determine their political status and freely pursue their economic, social, health and well-being, and cultural development;
- c. respect and recognition of and respect for our respective mandates;
- d. respect for existing agreements outside of this Protocol we may have in place; and,
- e. recognition that cooperation requires an effective communication process between us.

We recognize that other First Nations and Aboriginal organizations have mandates and a role to play with respect to advancing the objectives of this Protocol and that our coordination of efforts and cooperation with each other, and with other First Nations and Aboriginal organizations, will better maximize benefits to First Nations in British Columbia and, to advance the objectives set out in this Protocol, we will:

- a. seek opportunities and endeavor to work with other organizations; and
- b. encourage other organizations to coordinate their efforts with us and with one another.

### **Cooperation**

We commit to engage in an ongoing, cooperative dialogue to achieve the purposes of this Protocol.

We commit to participate in assemblies of the First Nations Leadership Council and all organizations that enter into a Protocol with the First Nations Leadership Council, to be hosted by the First Nations Leadership Council.

We commit to participate in regular meetings (i.e. quarterly) of the Executive Directors (or their equivalent) and policy staff of all organizations that enter into a Protocol with the First Nations Leadership Council.

FNESC commits to continue to regularly report to the First Nations Leadership Council on their successes, progress, barriers or issues in order to increase understanding and awareness of issues and to identify opportunities for support and coordination.

We commit to ongoing support for the Transformative Change Accord, the ongoing New Relationship process, and other initiatives aimed at addressing the needs of First Nations.

We may develop strategies or work plans, and/or establish joint working groups/committees, including Terms of Reference on issues of common concern or priority to advance the purposes of this Protocol.

## **General**

We may amend this Protocol from time to time by our agreement in writing.

This Protocol does not create any financial obligations on either of us.

This Protocol does not limit or affect the mandate or the ability of any member organization of the First Nations Leadership Council to pursue their respective political mandates.

This Protocol will continue until such time as we agree it is no longer required.

Signed this \_\_\_ day of \_\_\_\_\_, 2015

## **FIRST NATIONS LEADERSHIP COUNCIL**

*On behalf of the B.C. ASSEMBLY OF FIRST NATIONS*

*On behalf of the FIRST NATIONS SUMMIT*

*On behalf of the UNION OF B.C. INDIAN CHIEFS*

## **FIRST NATIONS EDUCATION STEERING COMMITTEE**

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CHIEFS COUNCIL  
FEBRUARY 12<sup>TH</sup>-13<sup>TH</sup>, 2015  
X<sup>W</sup>MƏӨK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2015-06**

**RE: Raising the Age of Majority for Children in Care in BC**

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

**WHEREAS** as parents, aunts, uncles, family and community members, it is our responsibility to nurture, guide and support our children to independence which may not occur until after the age of 19;

**WHEREAS** in BC, children in care lose their social workers and financial supports on their 19<sup>th</sup> birthday-leaving them on their own to navigate through life with little or no supports;

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

**Article 7(1):** Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

**Article 21:(1)** Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security. **(2)** States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities;

**WHEREAS** Carrier Sekani Family Services and other Child and Family Service agencies want to see support for children in care continue past the age of majority up to age 25; and

**WHEREAS** many of the youth “aging out” of care have an increased risk of homelessness, school incompleteness, unemployment, poverty, dependence on income assistance and persistent and unresolved trauma.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports that the age of majority for children in care in BC be raised from 19 years old to 25 years old;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Ministry of Children and Family Development to change the existing definition of "child" in the *Child, Family and Community Service Act*, from a person under 19 years of age to a person up to 25 years of age to receive any and all supports needed; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council works with like-minded organizations including the First Nations Summit, the BC Assembly of First Nations, and the First Nations Directors Forum, to ensure that change occur without delay.

**Moved:** Chief Janet Webster, Lytton First Nation

**Seconded:** Chief Harvey McLeod, Upper Nicola Indian Band

**Disposition:** Carried

**1 abstention:** Rick Gilbert, Williams Lake Indian Band (Proxy)

**2 opposed:** Chief Lucinda Phillips, Lil'wat Nation

Chief Susan Miller, Katzie Indian Band

**Date:** February 12, 2015

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X<sup>w</sup>MƏƏK<sup>w</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2015-07**

**RE: Centre of Excellence for Aboriginal Early Childhood Development and Care**

**WHEREAS** by most indicators, young First Nations children in British Columbia continue to experience significant disparity in health and well-being compared to other children in the province;

**WHEREAS** BC and Canada have invested in Aboriginal Early Childhood Development and Care (ECDC) for the last two decades; however, their collective investment has been insufficient, in both scope and scale, to achieve the desired outcomes for BC First Nations families and communities;

**WHEREAS:** Articles 21 and 22 of the *United Nations Declaration on the Rights of Indigenous Peoples* recognize the importance of socio-economic factors to the health and well-being of children and recognize that a public policy goal and strategy is essential to improving developmental outcomes for Indigenous children, particularly those experiencing poverty and social exclusion;

**WHEREAS** with limited resources, the BC Aboriginal Child Care Society (BCACCS) has continued to play a critical and essential role in First Nations ECDC policy development, research, training and education and service delivery since 1996;

**WHEREAS** building on this history of accomplishment, BCACCS is poised to achieve, in collaboration with key partners, a vision for a Centre of Excellence (CoE) for Aboriginal Early Childhood Development and Care. This approach is integral to achieving both the scope and scale necessary to realizing a long-term vision: Children realize their full potential as citizens of First Nations and the world.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council endorses the BC Aboriginal Child Care Society (BCACCS) becoming a Centre of Excellence for Aboriginal Early Childhood Development; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council strongly supports and authorizes the UBCIC Executive and staff to convey its support in writing to the provincial government

along with a request that the Government of BC provide BCACCS with adequate and sustained funding as well as ongoing commitment to dialogue and partnership to support the Centre of Excellence strategy.

**Moved:** Chief Maureen Chapman, Skawahlook First Nation  
**Seconded:** Chief Harvey McLeod, Upper Nicola Indian Band  
**Disposition:** Carried  
**Date:** February 12, 2015

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**Resolution no. 2015-08**

**RE: First Nations Child and Family Services in British Columbia**

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

**WHEREAS** UBCIC has a long history of politically promoting and advocating for enhanced measures that improve the outcomes of our children and families;

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

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

**WHEREAS** UBCIC Resolution 2013-17 “Bilateral Enhanced Prevention Focused Approach Arrangements (EPFA) between First Nations (not Affiliated with Delegated Agencies)” and AANDC urges the federal government to develop bilateral fiscal arrangements with the 84 First Nations not affiliated with a delegated agency and that EPFA will be contained within those arrangements and to work with the First Nations Child and Family Wellness Council to advocate on behalf of those 84 First Nations;

**WHEREAS** UBCIC Resolution 2013-59 “Direct Fiscal Relationship Regarding the Enhanced Prevention Focused Approach between Indigenous Peoples and Aboriginal Affairs and Northern Development

**2015-08**

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Canada” calls for the establishment of a Chiefs Working Group to outline Indigenous Peoples’ inherent jurisdiction in the areas of children and families and further to this states that EPFA funding flowing to BC must be made available to all BC First Nations directly;

**WHEREAS** UBCIC Resolution 2014-02, “Support for a BC First Nations Assembly to Discuss a Provincial approach to First Nations Children and Family Issues” calls for UBCIC to work with the First Nations Summit (FNS) and BC Assembly of First Nations (BCAFN) to hold a BC Chiefs meeting to discuss the future provincial approach to First Nation children and families issues;

**WHEREAS** UBCIC Resolution 2014-03, “All Chiefs Task Force on Children and Families” supports the creation of an All Chiefs Task Force on children and families that will advocate for appropriate services to be delivered with our full participation by promoting our Nation based, community directed child and family plans and seeks meetings with Ministry of Children and Family Development (MCFD) to discuss plans and funding with respect to children and families; and

**WHEREAS** further to UBCIC Resolution 2014-03, FNS passed Resolution #0614.10 and BCAFN passed Resolution 04(b)/2014 which calls for the three organizations (UBCIC, FNS, BCAFN) to create an ad hoc Chiefs Working Committee to examine the current landscape for First Nations child and family services across BC, to seek meetings with MCFD and prepare a report with recommendations for possible next steps.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council reiterates support for a Joint Chiefs Working Group on Children and Families as per UBCIC Resolution 2014-03 and that builds upon UBCIC Resolutions 2013-17, 2013-59, and 2014-02;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Summit (FNS) and BC Assembly of First Nations (BCAFN) to establish and support the Joint Chiefs Working Group on Children and Families to consider the current landscape of service delivery for children and families, to engage with organizations and agencies that have an interest in children and families issues, and provide recommendations for next steps at the upcoming Chiefs (UBCIC, FNS, and BCAFN) meetings in June 2015; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council, having called for nominations from the floor to participate in the Joint Chiefs Working Group on Children and Families; hereby appoints the following members to the Working Group:

1. Chief Coreen Child
2. Chief Maureen Chapman
3. Chief Don Tom
4. Chief Lucinda Phillips

**Moved:** Chief Maureen Chapman, Skawahlook First Nation  
**Seconded:** Chief Don Tom, Tsartlip First Nation  
**Disposition:** Carried  
**Date:** February 12, 2015

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**Resolution no. 2015-09**

**RE: UBCIC Participation in Canada's Five Year Review of the SCTA**

**WHEREAS** the Government of Canada introduced the Specific Claims Action Plan: *Justice At Last* on June 12, 2007 resulting in new legislation, *The Specific Claims Tribunal Act* (SCTA), to ensure the just, fair and timely resolution of specific claims by creating an independent tribunal to review First Nations specific claims rejected by Canada or stalled in negotiations;

**WHEREAS** October 16, 2013 marked the fifth anniversary of the coming into force of the *Specific Claims Tribunal Act*;

**WHEREAS** sections 41(1) and (2) of the SCTA stipulate that:

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 this review, the Minister shall give First Nations an opportunity to make representations.

41.(2) Within one year after a review is undertaken, the Minister shall cause to be prepared and sign a report that sets out a statement of any changes to this Act, including any changes to the Tribunal's functions, powers or duties, that the Minister recommends and the representations which have been made by First Nations;

**WHEREAS** Canada has released an "engagement paper" titled *Seeking Comment on the Five Year Review of the Specific Claims Tribunal Act*, and appointed Benoit Pelletier to oversee the review process and lead engagement with First Nations and other interested parties based on this document, including in-person meetings and electronic submissions by April 15, 2015;

**WHEREAS** Canada's formal engagement process consists of responding to questions that are focused on the Tribunal's expediency and efficiency and implicitly suggest the Tribunal's shortcomings are

administrative problems to be solved by transferring select power from the Tribunal to another administrative body, rather than addressing Canada's substantial and chronic under resourcing of the Tribunal;

**WHEREAS** Articles 8, 27, and 28 of the *United Nations Declaration on the Rights of Indigenous Peoples* call for the creation, implementation, and enforcement of robust mechanisms and processes to prevent the dispossession of lands and resources, to recognize and protect Indigenous laws, rights, and tradition, and to ensure adequate compensation and possibilities for redress when lands and resources have been non-consensually alienated or otherwise damaged; and

**WHEREAS** First Nations must insist that the fair, timely and just resolution of specific claims as promised in *Justice At Last* requires the Government of Canada to uphold its commitments as articulated in *Justice At Last*, including its commitment to resolve claims through honorable negotiations with First Nations and an independent, fully operational and properly resourced Tribunal as legislated in the *Specific Claims Tribunal Act*.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to participate in Canada's five year review of the *Specific Claims Tribunal Act* by requesting an in-person meeting to make submissions as part of the engagement process, and by preparing a formal submission, either individually or with like-minded organizations to ensure our position is made clear to the Minister of Aboriginal Affairs and Northern Development Canada; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Research Department to prepare and distribute a template submission to be adapted and used by individual BC First Nations, and encourage them to participate in the five year review of the SCTA.

**Moved:** Chief Maureen Chapman, Skawahlook First Nation  
**Seconded:** Chief Sidney Douglas, Cheam Indian Band  
**Disposition:** Carried  
**Date:** February 12, 2015

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**Resolution no. 2015-10**

**RE: Endorsement of Joint Report *In Bad Faith: Justice at Last and Canada's Failure to Resolve Specific Claims***

**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), an independent tribunal to review rejected specific claims and claims First Nations consider to be stalled in negotiation;

**WHEREAS** contrary to the commitments articulated in *Justice At Last* the actions of Aboriginal Affairs and Northern Development Canada (AANDC) consistently undermine the principal objectives of *Justice At Last* to bring about the fair, just and timely resolution of specific claims and to ensure justice for First Nations, including:

1. Administering drastic cuts to specific claims research and development funding.
2. Accepting minor, partial portions of claim submissions while rejecting and demanding legal releases on the same claim's substantive allegations.
3. Substituting time limited “take it or leave it” offers for meaningful negotiations with First Nations whose claims Canada has accepted for negotiation and closing these files if a First Nation rejects the offer.
4. Routinely denying First Nations' requests for mediation services.
5. Rejecting the majority of claims and failing to provide adequate resources to the Specific Claims Tribunal. legislated to make final, binding decisions on claims Canada rejects;

**WHEREAS** AANDC has released numerous public statements and reports regarding the success of *Justice At Last* which contain misleading statements and erroneous conclusions due to AANDC's selective interpretation of incomplete data collected and produced by the Specific Claims Branch;

**WHEREAS** Articles 8, 27, and 28 of the *United Nations Declaration on the Rights of Indigenous Peoples* call for the creation, implementation, and enforcement of robust mechanisms and processes to prevent the dispossession of lands and resources, to recognize and protect Indigenous laws, rights, and tradition, and to ensure adequate compensation and possibilities for redress when lands and resources have been non-consensually alienated or otherwise damaged;

**WHEREAS** the National Claims Research Directors have authored a comprehensive report titled *In Bad Faith: Justice at Last and Canada's Failure to Resolve Specific Claims* that:

- challenges AANDC's public assertions of the success of Justice At Last;
- advances a series of recommendations to resolve the hundreds of outstanding specific claims accepted by Canada but denied negotiations as well as those claims awaiting research, development and submission to the Specific Claims Branch; and

**WHEREAS** the National Claims Research Directors have drafted a letter to Prime Minister Harper to be signed by concerned First Nations and organizations forwarding *In Bad Faith*, condemning the practices of the Specific Claims Branch and urging the Prime Minister to implement the recommendations outlined in the report and uphold the promises made in *Justice At Last* to settle specific claims through fair, honorable and timely negotiations with First Nations.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council endorses the comprehensive report that the National Claims Research Directors have authored, titled *In Bad Faith: Justice At Last and Canada's Failure to Resolve Specific Claims*; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to sign the letter to Prime Minister Harper that the National Claims Research Directors have drafted forwarding *In Bad Faith*, and encourage individual First Nations and organizations to do likewise, and to seek signatories to the letter and circulate the report widely to bolster its impact.

**Moved:** Chief Nelson Leon, Adams Lake Indian Band  
**Seconded:** Debbie Abbott, Oregon Jack Creek Indian Band (Proxy)  
**Disposition:** Carried  
**Date:** February 12, 2015

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**Resolution no. 2015-11**

**RE: Support for the Opposition to and Condemnation of Illegal Elk Slaughtering and Poaching within Nuu-chah-nulth First Nations Territories**

**WHEREAS** elk are important species to Nuu-chah-nulth First Nations;

**WHEREAS** the mismanagement of the wildlife in British Columbia is not acceptable and goes against the principles and values of BC First Nations;

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

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

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

**WHEREAS** Conservation Officers on the West Coast of Vancouver Island have limited resources and are unable to patrol, enforce and monitor wildlife within Nuu-chah-nulth First Nations territories;

**WHEREAS** the Ministry of Forests, Lands and Nature Resources assessments of the elk herds within Nuu-chah-nulth First Nations territories have uncovered that the elk herds are in decline and are in a sensitive state which leaves the population at risk;

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

**WHEREAS** the Nuu-chah-nulth First Nations came together in winter 2013 to offer a reward up to \$25,000 for individual(s) with information leading to the arrest and conviction of those individuals

responsible for the 17 elk illegally slaughtered/poached within Nuu-chah-nulth First Nations territories. As of January 2015, 6 more elk have been illegally slaughtered/poached and 3 organizations have contributed to the reward bringing the total up to \$32,000.

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

- a. The Nuu-chah-nulth Tribal Council and their member First Nations in their opposition to and the condemnation of illegal poaching/slaughter of elk within their territories.
- b. The need for the Minister of Forests, Lands and Natural Resources to address the concerns and issues of the illegal poaching/slaughtering of elk within Nuu-chah-nulth First Nations territories.
- c. The need for the Minister of Forest, Lands and Natural Resources to invest Conservation resources to help;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with like-minded organizations to help stop illegal hunting/poaching within Nuu-chah-nulth First Nations territories; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with the Nuu-chah-nulth Tribal Council and like-minded organizations to raise political and media awareness of the issues listed above.

**Moved:** Ken Watts, Nuchatlaht First Nation (Proxy)  
**Seconded:** Chief Maureen Chapman, Skawahlook First Nation  
**Disposition:** Carried  
**Date:** February 13, 2015

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CHIEFS COUNCIL  
FEBRUARY 12<sup>TH</sup>-13<sup>TH</sup>, 2015  
X<sup>w</sup>MƏƏK<sup>w</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2015-12**

**RE: Support for Opposition to the 2015 Commercial Roe Herring Fisheries in the Waters of Haida Gwaii, Central Coast and West Coast of Vancouver Island**

**WHEREAS** in December of 2014, Federal Fisheries Minister Gail Shea made an announcement that there would be commercial roe herring fisheries in Haida Gwaii, the Central Coast, and the West Coast of Vancouver Island in 2015;

**WHEREAS** the Haida, Heiltsuk and Nuu-chah-nulth Nations have expressed concerns to the Minister, fishing industry, fisherman and media regarding proceeding with commercial roe herring fisheries in their territories as herring stocks in these three areas are just starting to rebuild and cannot yet sustain commercial roe herring fisheries;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) provides that:  
**Article 26:** “Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use...”  
**Article 29:** that “Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources...”;

**WHEREAS** herring are important species to aquatic ecosystems and BC First Nations;

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

**WHEREAS** the commercial roe herring fishery has been closed for conservation reasons in Haida Gwaii since 2003, the West Coast of Vancouver Island since 2005, and the Central Coast of BC since 2008;

**WHEREAS** DFO stock assessment data indicates that herring stocks in the Strait of Georgia and Prince Rupert area are abundant and can sustain commercial herring fisheries in 2015;



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

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

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

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

**WHEREAS** on February 21, 2014, the injunction brought by the five Nuuchahnulth Nations was granted, closing WCVI to commercial roe herring fisheries in 2014.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports:

- a) The Haida, Heiltsuk and Nuuchahnulth working together collaboratively.
- b) The opposition to commercial roe herring fisheries on the Central Coast, Haida Gwaii and West Coast of Vancouver Island.
- c) The need for the Fisheries Minister and DFO staff to work with First Nations on, but not limited to, herring conservation, joint management and stock assessment in 2015.
- d) The need for the Fisheries Minister, DFO, and the commercial herring industry to resolve this matter with First Nations to avoid conflict;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with like-minded organizations to stop the commercial roe herring fisheries in 2015 on the West Coast of Vancouver Island, Central Coast and Haida Gwaii;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with like-minded organizations to raise political and media awareness; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council fully supports the Haida, Heiltsuk and Nuuchahnulth in their opposition to commercial roe herring fisheries in 2015 due to on-going conservation concerns for herring in their territories.

**Moved:** Ken Watts, Nuchatlaht First Nation (Proxy)  
**Seconded:** Chief Maureen Chapman, Skawahlook First Nation  
**Disposition:** Carried  
**Date:** February 13, 2015

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X<sup>w</sup>MƏӨK<sup>w</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2015-13**

**RE: Continued Engagement between the Province of BC and First Nations on a Forest and Range Revenue Sharing Tenure Solution**

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

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

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

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

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

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

**WHEREAS** in 2002, the Province of British Columbia embarked on a forestry revenue sharing process called Forest and Range Agreements. A per capita sharing of \$500/per person was unilaterally imposed and the forest licenses were economically unviable;

**WHEREAS** in 2009, the Province undertook a Forestry Roundtable to discuss and make recommendations for changes to the forest sector. These recommendations included input from First Nations. The Province responded to a few of the First Nations recommendations (and ignored others) and then publicly announced they came to a solution with First Nations;

**WHEREAS** in 2010, the Province unilaterally developed a new forestry agreement process and template with First Nations called Forest and Range Consultation and Revenue Sharing Agreements (FCRSA). The Province decided to share stumpage revenues based upon a percentage of wood harvested within the First Nations territories. In most cases, the amount of resource revenue sharing was reduced from the original formula of \$500 per person;

**WHEREAS** the UBCIC Chiefs Council has attempted to change the unilateral nature of forestry revenue sharing and tenure sharing by the Province (see the following Resolutions: 2008-09 “Forestry Strategy,” 2008-21 “Support for Range Opportunities for First Nations,” 2008-22 “BC First Nations Forestry and Land Stewardship Action Plan,” and 2010-56 “Rejection of Forest and Range Consultation and Revenue Sharing Agreement Template”); and

**WHEREAS** UBCIC Resolution 2013-11, “Opposition and Rejection of Area-based Tenure Amendments to Forest Act” rejected the current forestry resource revenue and tenure sharing allocation that was unilaterally developed by the Province of British Columbia and directed the UBCIC Executive to meet with the Premier and Minister of Natural Resource Operations to begin a process to bring about substantive changes to the Province’s forest revenue sharing model.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council continues to reject the current forestry resource revenue and tenure sharing allocation that was unilaterally developed by the Province of British Columbia; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Forestry Council to:

- a) Continue to engage BC in developing new forms of forestry tenure and revenue sharing; and
- b) Convene a strategy session(s) for First Nation tenure holders as soon as possible.

**Moved:** Chief Harvey McLeod, Upper Nicola Indian Band

**Seconded:** Chief Dalton Silver, Sumas First Nation

**Disposition:** Carried

**Date:** February 13, 2015

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**Resolution no. 2015-14**

## **RE: Support for Treaty 8 Tribal Leadership's Opposition to Site C**

**WHEREAS** the Site C Dam project will flood over 5000 hectares of Treaty 8 First Nations territories, creating a reservoir over 80 kilometres long;

**WHEREAS** the Site C Dam project engages the jurisdiction of Treaty 8 First Nations;

**WHEREAS** decision-making in relation to this project engages section 35(1) of the Canadian constitution, which recognizes and affirms Aboriginal and Treaty Rights;

**WHEREAS** Article 32(2) of the *United Nations Declaration on the Rights of Indigenous Peoples* requires States to consult and cooperate in good faith with the indigenous peoples in order to obtain their free and informed consent prior to the approval of any project. Article 32(3) of the Declaration also requires States to “provide effective mechanisms for just and fair redress for any such activities and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact”;

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

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

**Article 26:**

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
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.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

**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** provincial and federal governments have a constitutional duty to consult and accommodate Treaty 8 First Nations in making decisions in relation to the Site C Dam project. The Province's decision to proceed with the Site C Dam was made without meaningful consultation with Treaty 8 First Nations;

**WHEREAS** further, commitment to build the Site C Dam without achieving the free, prior and informed consent of Treaty 8 First Nations is a violation of the Indigenous rights of the Treaty 8 First Nations;

**WHEREAS** there have been numerous flaws in the way the Crown has approached First Nations consultation on the Site C Dam. BC Environment Minister Mary Polak has suggested that First Nations do not have a veto on the Site C Dam project and that mitigation and accommodation measures have been included in the province's environmental assessment certificate for the project;

**WHEREAS** both provincial and federal governments issued environmental approvals for Site C;

**WHEREAS** the Site C dam is an infringement of the Treaty 8 First Nations Treaty rights that will likely have significantly negative impacts on the ability of Treaty 8 First Nations to exercise their constitutionally-protected Treaty rights to harvest and to engage in various traditional activities; and

**WHEREAS** by Resolution 2011-25, the UBCIC Chiefs Council fully supports the efforts of Treaty 8 First Nations to ensure that their Aboriginal and Treaty rights are honoured and preserved, and directs the UBCIC Executive and staff to work with the Treaty 8 Tribal Association staff and its member First Nations (specifically Doig River, West Moberly, and Prophet First Nations) as well as McLeod Lake Indian Band, in their efforts to oppose the Site C Hydroelectric dam.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council unequivocally supports Treaty 8 tribal leadership in their opposition to the proposed Site C Dam project and their assessment that the proposed project is a threat to their ability to exercise their constitutionally-protected Treaty rights, and to the survival of their culture and people; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council urges the provincial and federal governments to immediately cease proceeding with the proposed Site C Dam project, notwithstanding having issued environmental approvals.

**Moved:** Chief Maureen Chapman, Skawahlook First Nation  
**Seconded:** Chief Jonathan Kruger, Penticton Indian Band  
**Disposition:** Carried  
**Date:** February 13, 2015

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X<sup>w</sup>MƏƏK<sup>w</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2015-15**

**RE: Biosolid Waste Operation in Nooaitch Territory**

**WHEREAS** a Class B biosolid composting operation is located within the territory of the Nooaitch Indian Band (NIB) situated adjacent to NIB's Indian Reserve #10, its main community subdivision;

**WHEREAS** NIB have received no information on the operation and have had to request information from the Province of BC;

**WHEREAS** the biosolid operation is located within the community watershed and has resulted in reduced air quality within the area and has potential harmful effects to the community's groundwater/domestic water supply and possible impacts to the health and wellbeing of the community;

**WHEREAS** biosolid operations and applications are occurring within the Nicola Valley without the knowledge or consent of the Nicola Chiefs and without any formal consultation, engagement or recognition of their Aboriginal Title and Rights and biosolid operations applications are occurring without adequate assessment of impacts to local First Nations communities;

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

**Article 26:**

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
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.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned;

**WHEREAS** NIB and the other Nicola/Nlaka'pamux communities of Lower Nicola, Shackan, Coldwater and Upper Nicola are in discussions with various government Ministries and agencies with respect to the biosolid operations; and

**WHEREAS** the issues facing the Nicola Chiefs include but are not limited to the following:

1. Lower Mainland companies are buying up large tracks of agricultural land for the sole purposes of processing biosolids.
2. The current regulatory approach under the Ministry of Environment assumes a low risk to the environment and does not require formal consultation with affected First Nations. The position of the Ministry of Environment is that there is no formal approval required and thus no need to follow BC's consultation guidelines and to meet any of the principles established in the September 11 2014 First Nations Leadership Council meeting with Premier Christy Clark.
3. There is no provincial strategy to deal with municipal solid and liquid waste and municipalities do not take responsibilities for dealing with the waste derived from their own communities.
4. The NIB has to deal with the effects of the biosolid composting operation at 2988 Sunshine Valley Road on a daily basis.
5. Potential impacts to NIB's domestic water and community watershed include reduced air quality, reduced quality of traditional foods and possible deterioration of the health and wellbeing of Nooaitch community members.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the Nicola Chiefs and their technical staff in addressing biosolids issues in the Nicola Valley;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Provincial Government to meet with Nicola Chiefs to address the issue of the biosolids operation within the Nicola Valley;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chief Council supports the Nicola Chiefs' call for an immediate halt to all biosolid applications in the Nicola Valley; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Summit and the BC Assembly of First Nations to assist the Nicola Chiefs in halting applications of biosolids in the Nicola Valley, in particular the 2988 Sunshine Valley Road Class B Composting site, and immediately call on the Provincial Government to develop a provincial strategy for dealing with municipal waste including considering modification of current legislation and regulations.

**Moved:** Chief Marcel Shackelly, Nooaitch Indian Band  
**Seconded:** Chief Harvey McLeod, Upper Nicola Indian Band  
**Disposition:** Carried  
**Date:** February 13, 2015

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**Resolution no. 2015-16**

## **RE: Commercial Salmon Allocation Framework**

**WHEREAS** prior to contact, First Nations peoples in B.C. celebrated and thrived on salmon that entered the major river systems throughout the province for critical sustenance;

**WHEREAS** First Nations were the original commercial fishers for salmon until the government of Canada made it illegal for First Nations to sell salmon, purposely crippling First Nations' ability to sustain ourselves and targeting our capacity for economic development based on our fisheries resources;

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

**Article 26:** "Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use..."

**Article 29:** that "Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources..."

**WHEREAS** First Nations over the last 100 years have been struggling to get back an economically sustainable salmon fishery;

**WHEREAS** Department of Fisheries & Oceans Canada (DFO) in collaboration with the Commercial Salmon Advisory Board (CSAB) and the First Nations Fisheries Council Salmon Coordinating Committee (SCC) have been working on developing a revised Commercial Salmon Allocation Framework to replace the unworkable recommendations contained in the 1998 Kelleher Report that devised the following allocation scheme: 40% to seine fleet; 38% gillnet fleet and 22% troll fleet but ignored the economic rights and interests of First Nations in BC; and

**WHEREAS** DFO then used PICFI (Pacific Integrated Commercial Fisheries Initiatives) funds to purchase commercial salmon licenses and transfer the licences and access associated with the licences to



First Nations. However, the full transfer to First Nations has yet to be realized by First Nations and has instead been benefitting existing commercial licences. Implementing the SCC CSAF proposal would be to the benefit of First Nations economic fisheries in both coastal and interior salmon fisheries to fully access a specific First Nation share of the commercial salmon fisheries.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council recommends that the Minister of Fisheries & Oceans Canada implement the Salmon Coordinating Committee Commercial Salmon Allocation Framework proposal in its entirety to establish a separate First Nation harvest share and mechanisms for increasing the First Nations harvest share for those Nations that are interested and willing to participate in the recommended revised Commercial Salmon Allocation Framework;

**THEREFORE BE IT FURTHER RESOLVED** all First Nations be fully consulted on the revised Commercial Salmon Allocation Framework to ensure the free, prior and informed consent of First Nations and that First Nations Rights, perspectives, priority and needs are reflected, and with and to ensure that sustainable harvests and adequate conservation measures are incorporated; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to inform the Minister of Fisheries & Oceans that First Nations will be seeking compensation for any infringement that the Commercial Salmon Allocation Framework may have on First Nations rights, if implemented in any manner that may infringe on First Nations rights.

**Moved:** Chief Sidney Douglas, Cheam First Nation

**Seconded:** Chief Harvey Paul, Sts'ailes

**Disposition:** Carried

**3 Abstentions:** Coola Louis, UBCIC Women's Representative  
Chief Harvey McLeod, Upper Nicola Indian Band  
Chief Charlotte Mitchell, Upper Similkameen Indian Band

**Date:** February 13, 2015