

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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Resolutions of UBCIC Chiefs Council June 10th-11th, 2015 **Nk'Mip Conference Centre, Osoyoos B.C.**

- 2015-17 Sunset the First Nations Child and Family Wellness Council
- 2015-18 Endorsement of Terms of Reference for the All Chiefs Task Force on Children and Families
- 2015-19 Support for Katzie First Nation in Opposition of Quarry Application 1015131 B.C. Ltd.
- 2015-20 UBCIC Intervention to Uphold Gladue by Striking Down Mandatory Minimums
- 2015-21 Aboriginal Title and the *Water Sustainability Act*
- 2015-22 UBCIC Appointment to BC Aboriginal Justice Council
- 2015-23 Federal Department of Fisheries Coastal Allocation Framework and “End point” Directive
- 2015-24 Post-Secondary Education & Early Childhood Development Program Funding Cuts in BC Region
- 2015-25 Support for the Canadian Federation of Students–BC and Continued Access to Adult Basic Education Assistance
- 2015-26 Province Wide Specific Claims Meeting
- 2015-27 Call for MSR to Publicly Release Final Report on the Five Year Review of the SCTA
- 2015-28 Support for Full Implementation of the Recommendations made in the Final Report of the Truth and Reconciliation Commission
- 2015-29 Federal Funding for All First Nations Children and Families in BC
- 2015-30 UBCIC Support for Xeni Gwet'in and Yunesit'in in Opposition to Proposed Exploration Drilling by Amarc Resources Ltd.

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 10TH - 11TH, 2015
NK'MIP CONFERENCE CENTRE, OSOYOOS B.C.

Resolution no. 2015-17

RE: Sunset of the First Nations Child and Family Wellness Council

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

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

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

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

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

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

WHEREAS many efforts are underway, through many paths, and at all levels, to increase community capacity and control with respect to the wellness of our children. First Nations have been exercising their inherent rights and jurisdiction to care for their children and families through various approaches. First

Nations are at different stages of development within these approaches, from planning, capacity building and implementation of governance;

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

WHEREAS during the second Child at the Centre forum in July 2008, a “One Heart, One Mind: Statement of Solidarity and Cooperation” was signed by First Nations leaders, and establishment the Interim First Nations Child and Family Wellness Council with the mandate to:

- i. Amend the Indigenous Child at the Centre Action Plan to reflect input from community, frontline workers and leadership;
- ii. Develop a workplan to advance and implement the Indigenous Child at the Centre Action Plan; and
- iii. Develop the Terms of Reference for the First Nations Child and Family Wellness Council.

WHEREAS through the First Nations Child at Centre Forums, the 2009 *Recognition and Reconciliation Protocol on First Nations Children, Youth and Families*, signed between the Province of British Columbia, as represented by the Ministry of Children and Family Development (MCFD), and the First Nations Leadership Council and through FNS Resolution 0909.03 “*Support for Indigenous Child at the Centre Action Plan*,” UBCIC Resolution 2009-06 “*Endorsement of the Interim First Nations Child and Family Wellness Council*,” and BCAFN Resolution 4/2009 “*Endorsement of the Interim First Nations Child and Family Wellness Council*,” the Chiefs mandated that the First Nations Child and Family Wellness Council as the provincial lead on province-wide child and family matters;

WHEREAS in December 2013, the BC Representative for Children and Youth released “*When Talk Trumped Service*,” a report that pointed towards misguided governmental funding towards initiatives that did not, according to the Representative, address the significant issues and needs of children at risk and in care. The report resulted in MCFD cutting funding to the First Nations Child and Family Wellness Council as well as other important community initiatives such as Indigenous Approaches;

WHEREAS by the First Nations Child and Family Wellness Council 2008 Terms of Reference section 6.0 articulates that the First Nations Child and Family Wellness Council will exist until a permanent council is adopted by resolution at the BCAFN, FNS and UBCIC and will only be disbanded by resolution of the BCAFN, FNS and UBCIC;

WHEREAS by UBCIC Resolution 2014-03, “*All Chiefs Task Force on Children and Families*” and UBCIC Resolution 2015-08, “*First Nations Child and Family Services in British Columbia*,” supports and created the All Chiefs Task Force on Children and Families;

WHEREAS the All Chiefs Task Force on Children and Families is mandated 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

WHEREAS the UBCIC Chiefs Council recognizes that good work, contribution and commitment the First Nations Child and Family Wellness Council has provided to BC First Nations.

THEREFORE BE IT RESOLVED the All Chiefs Task Force on Children and Families as per UBCIC Resolution 2014-03, “*All Chiefs Task Force on Children and Families*” and UBCIC Resolution 2015-08, “*First Nations Child and Family Services in British Columbia,*” have considered the current landscape of children and families issues in BC and have provided the UBCIC Chiefs Council with the following recommendations:

1. UBCIC Chiefs Council to consider a resolution to sunset the First Nations Child and Family Wellness Council.
2. UBCIC Chiefs Council to consider resolution endorsing Terms of Reference for the All Chiefs Task Force on Children and Families.
3. Host an All Chiefs Meeting on Children and Families in Fall 2015.

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council as per the Terms of Reference of the First Nations Child and Family Wellness Council and upon recommendation from the All Chiefs Task Force on Children and Families, calls for the formal disbanding and sunseting of the First Nations Child and Family Wellness Council.

Moved: Deb Foxcroft, Ehattesaht (Proxy)
Seconded: Chief Donna Gallinger, Nicomen Indian Band
Disposition: Carried
Date: June 11, 2015

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JUNE 10TH - 11TH, 2015
NK'MIP CONFERENCE CENTRE, OSOYOOS B.C.

Resolution no. 2015-18

RE: Endorsement of Terms of Reference for the All Chiefs Task Force on Children and Families

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

WHEREAS 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* states:

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

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

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

WHEREAS the Aboriginal Affairs and Northern Development Canada and the Ministry of Children and Family Development have asserted that they have the legal authority to provide Child and Family Services to Aboriginal Peoples;

WHEREAS currently there is a complete lack of consensus regarding clarity of mandate with respect to proceeding on policy and funding development in the scope of children and families issues on behalf of the First Nations in BC;

WHEREAS by UBCIC Resolution 2014-03, “All Chiefs Task Force on Children and Families” and UBCIC Resolution 2015-08, “First Nations Child and Family Services in British Columbia,” supports and created the All Chiefs Task Force on Children and Families;

WHEREAS the All Chiefs Task Force on Children and Families is mandated 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;

WHEREAS the All Chiefs Task Force on Children and Families have presented a draft report and recommendations as well as including a Terms of Reference for consideration of the UBCIC Chiefs Council; and

WHEREAS the Terms of Reference outlines the purpose, activities, membership and structure of the All Chiefs Task Force on Children and Families. If supported, the UBCIC, BCAFN and FNS will jointly work to support the All Chiefs Task Force on Children and Families as it develops its work plan and identifies priority items for consideration.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council endorses the attached Terms of Reference for the All Chiefs Task Force on Children and Families;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council re-appoints the following three (3) representatives to the All Chiefs Task Force on Children and Families as per UBCIC Resolution 2015-08, “First Nations Child and Family Service in British Columbia”:

1. Chief Don Tom
2. Chief Maureen Chapman
3. Chief Coreen Child

THEREFORE BE IT FURTHER RESOLVED as per the Terms of Reference of the All Chiefs Task Force on Children and Families, the UBCIC Chiefs Council appoints one UBCIC Executive member to the All Chiefs Task Force on Children and Families:

1. Grand Chief Stewart Phillip; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council asks the All Chiefs Task Force on Children and Families to provide updates to the UBCIC Chiefs Council as necessary.

Moved: Chief Terry Boucher, Lhtako Dene Nation
Seconded: Chief April Charleson, Hesquiaht First Nation
Disposition: Carried
Date: June 11, 2015

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Resolution no. 2015-19

RE: Support for Katzie First Nation in Opposition of Quarry Application 1015131 B.C. Ltd.

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 mineral resources, and the protection of historical forms of Indigenous Peoples' way of documentation;

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 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 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, artefacts, designs, ceremonies, technologies and visual and performing arts and literature;

Article 12(1): Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; 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 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 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 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 the Province has failed to protect Katzie First Nation and other First Nations' heritage sites with legislation, leaving sacred sites open for destruction or exploitation by others;

WHEREAS the lands and resources in Katzie traditional territory hold significant cultural and spiritual importance to the Katzie Peoples, and the Katzie have collective responsibilities to continue their traditional ways for future generations;

WHEREAS the Katzie First Nation have clearly stated they do not want or approve of mining or mining exploration in their traditional territory, particularly within "*sement*," otherwise known as Sheridan Hill, in the Pitt Polder area, and are seeking permanent protection of the site;

WHEREAS *sement* is considered and acknowledged by the Katzie First Nation as a sacred site and continues to have profound cultural value to the Katzie Peoples; and

WHEREAS by Resolution 2011-49 the UBCIC Chiefs-in-Assembly support the First Nations Heritage Conservation Action Plan without Infringement on Nations, and fully respect and support Indigenous Nations to continue the exercise and defense of their inherent right to ensure the protection of their respective territories, through the implementation of their laws principled upon Indigenous values through cultural, family and community interconnectedness.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports Katzie First Nation in their efforts to permanently protect their lands in the area known as *sement*, otherwise known as Sheridan Hill;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully supports Katzie First Nation's opposition to the quarry application by 1015131 B.C. Ltd; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to demand that 1015131 B.C. Ltd. and the BC Ministry of Energy and Mines immediately rescind the quarry application and cease any mining exploration or mining activity within *sement* and communicate that any such activity requires the free, prior, and informed consent of the Katzie First Nation.

Moved: Chief Susan Miller, Katzie First Nation
Seconded: Chief Dalton Silver, Sumas First Nation
Disposition: Carried
Date: June 10, 2015

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Resolution no. 2015-20

RE: UBCIC Intervention to Uphold Gladue by Striking Down Mandatory Minimums

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 outlined a vision, goals and principles for changes in the administration of the justice system as it pertains to First Nations peoples in British Columbia;

WHEREAS the BC First Nations Justice Action Plan recognizes that First Nations view justice as a way to restore the peace and balance within the community; there is a sense that the entire community has been affected and that reconciliation needs to occur with everyone involved: the accused, the victim, and the community. This difference in perspective challenges the appropriateness of the present legal and justice system for First Nations;

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 Section 718.2(e) of the *Criminal Code*, as well as the Supreme Court of Canada in *R v Gladue*, [1999] 1 S.C.R. 688 have stated that Judges should account for specific cultural considerations when making sentencing decisions for Aboriginal people charged with a crime. *Gladue* asks judges to apply a method of analysis that recognizes the adverse background cultural impact factors that many Aboriginals face. In a

Gladue analysis these factors, if present in their personal history, work to mitigate or reduce the culpability of offenders. Judges are then asked to consider all reasonable alternatives to jail in light of this. Such an analysis, then, is more likely to lead to a restorative justice remedy being used either in place of a jail sentence or combined with a reduced term;

WHEREAS under the Harper conservative government there has been an explosion of tough on crime legislation which includes a focus on denunciation and deterrence rather than rehabilitation and healing, and the implementation of a large number of mandatory minimum jail terms, reduced credit for pre-sentence time served, restrictions on the availability of community sentence options—all of which interfere with the guidance set out by the Supreme Court of Canada in *Gladue* and *Ipeelee*; and with community-based responses to crime;

WHEREAS mandatory jail often means First Nations offenders on reserve and from small communities are transported a long distance from home to be imprisoned in the south- where there are insufficient culturally appropriate programs, and where it is extremely difficult for their relations to visit them. This is damaging to communities and replicates the removal of children from their communities under the residential school system;

WHEREAS on April 30, 2015, the Supreme Court of Canada announced that it will hear the case of *R v Lloyd*, a downtown eastside man's challenged the Harper government's mandatory minimum sentence for drug charges. The SCC will consider whether the mandatory minimum sentence for the charge of possession for the purpose of drug trafficking amounts to cruel and unusual punishment and thus violations the *Canadian Charter of Rights and Freedoms*;

WHEREAS Pivot Legal Society has invited UBCIC to intervene with them in Mr. Lloyd's constitutional challenge to mandatory minimum sentences for drug offences, arguing that mandatory minimum sentencing has a disproportionately harmful effect on certain groups, including indigenous people, people who come before the court as a result of their addiction, and women; and arguing that applying the mandatory minimum means that a Judge cannot apply a *Gladue* analysis; and

WHEREAS mandatory minimum sentences for gun crimes were struck down in April 2015 in *R v Nur*, and the SCC said that mandatory minimum sentences are not effective in deterring crime, and incarceration is of questionable value in preventing crime. Should mandatory minimum sentences for drug offences be struck down, this will be the second deep blow to the Harper government's tough-on-crime agenda, which unfairly targeted vulnerable Canadians including Aboriginal offenders.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council declares that mandatory minimum sentences are not an effective sentencing tool, as they unfairly target vulnerable Canadians including Aboriginal offenders, and constrain judicial discretion including a Judge's ability to apply a *Gladue* analysis when considering sentencing for Aboriginal offenders; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to intervene with Pivot Legal Society in the constitutional challenge *R v Lloyd* on behalf of the UBCIC Chiefs Council, with the goal of striking down mandatory minimum sentencing and upholding *Gladue*.

Moved: Chief Harvey Paul, Sts'ailes
Seconded: Chief Russell Ross Myers, Yunesit'in
Disposition: Carried
Date: June 10, 2015

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Resolution no. 2015-21

RE: Aboriginal Title and the *Water Sustainability Act*

WHEREAS water, and the Aboriginal Title territories that it is part of, are vital to the continued existence of Indigenous Peoples cultures and societies. Water, often described as the “lifeblood of the land,” is fundamental to Indigenous cultures;

WHEREAS the *Water Sustainability Act* (WSA) received Royal Assent in May 2014. Shortly thereafter, on June 26, 2014, the Supreme Court of Canada (SCC) released its ground breaking decision in *Tsilhqot'in Nation v. British Columbia*. The SCC decision in *Tsilhqot'in* directs Crown governments about how Aboriginal Title is to be recognized and addressed and impact the legality of the WSA and regulatory framework implementing it;

WHEREAS the WSA sets out guiding principles, but how those principles will be implemented in practice (in the ground, and in the watersheds) will be determined by regulation. Much of the decision-making under the WSA has been buried within the largely administrative act of passing regulations. Regulations are not subject to review and debate in the Legislature, and instead are passed by the body (under the WSA Cabinet or the Minister directly) delegated in the legislation;

WHEREAS the Province is actively developing regulations to fully implement the WSA by 2016. The Lieutenant Governor in Council (Cabinet) has been delegated the power to make regulations for purposes which include: areas of groundwater protection, fees, dam safety, water objectives, sustainability plans, changes to or about stream flow, dedicated agricultural water, compensation and alternative governance approaches;

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

Article 25

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

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources;
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources;
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact;

WHEREAS the *Tsilhqot'in* decision creates space for Indigenous laws and legal orders, through recognition of the fact that the exercise of laws is one way that Indigenous Peoples maintain control over their Title territories. Aboriginal Title includes rights to manage and control Title lands, and Indigenous laws are the mechanism through which that land and resource management and planning are carried out;

WHEREAS Aboriginal Title is a territorial interest, not restricted to small spots on the landscape. Where Indigenous Peoples are able to meet the test to establish Aboriginal Title - by showing exclusive and continued use, occupation and control of an area at the time when newcomers asserted sovereignty - that Title includes the waters on, and within, that territory;

WHEREAS Aboriginal Title territories include water bodies such as groundwater/aquifers, lakes, streams, rivers, hot springs, or ice fields. For ocean going peoples, tidal waters and the ocean bed would be part of their Aboriginal Title territory;

WHEREAS the WSA does not acknowledge Aboriginal Title, Rights or Treaty Rights to, or in, water. This denial is expressly against the direction of the SCC in *Tsilhqot'in* and puts the Province at significant legal risk. Indigenous Peoples have the constitutionally protected right to have a say about new, renewed or continued water uses granted under the WSA which potentially impact Aboriginal Title, Rights and Treaty Rights;

WHEREAS the result of government's continued refusal to acknowledge and address the existence and full legal implications of Aboriginal Title is that decisions continue to be made without regard to their impact on Indigenous Peoples, or the environments and waterways that Indigenous cultures are tied to;

WHEREAS Indigenous Peoples must be consulted in any discussions around protection of waterways and aquatic environments, and in determining what level of shared decision-making they wish to be involved in. The province cannot impose or determine any such roles. Indigenous Peoples may reject a role as "shared decision makers" under the WSA;

WHEREAS by Resolution 2013-38, the UBCIC Chiefs-in-Assembly directed that the UBCIC Executive communicate to the Provincial Government that the prior, superior and unextinguished water rights of the

First Nations in British Columbia must be addressed and given priority before the Province proceeds with the *Water Sustainability Act*;

WHEREAS the UBCIC Executive signed a Memorandum of Understanding with the Minister of Environment on April 30th, 2015 that committed the parties to a formal relationship to discuss priority environmental issues including the WSA and the development of associated regulations;

WHEREAS the WSA was passed without what Indigenous Peoples would deem adequate or meaningful consultation or accommodation. Regulations are being drafted in a similar fashion. A failure to address Aboriginal Title could potentially result in the revocation of permits, or licences issued prior to the proof of Aboriginal Title but without a real or meaningful consultation and accommodation process; and

WHEREAS the Province has indicated that the development of new Groundwater and Dam Safety Regulations will be a priority in 2015. The Province has not indicated how it will consult with BC First Nations on the development of WSA regulations. It is estimated that the Provincial revenue from water fees and rentals will be between \$392 to \$436-million annually, however the province has only committed \$25 million over the next 3 years to implement the WSA.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate to the Provincial Government consistent with the Memorandum of Understanding between the First Nations Leadership Council and the Ministry of Environment that the prior, superior and unextinguished water rights of the First Nations in British Columbia must be addressed and given priority before the Province proceeds with regulation development under the *Water Sustainability Act*, consistent with the *Tsilhqot'in* decision;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate to the Minister of Environment, and encourages all members to do the same, highlighting issues and concerns related to the *Water Sustainability Act* and the regulatory development process and outline clear expectations for:

- a. Timelines and the process for engagement into the development of regulations;
- b. Timelines and process for engagement in the implementation of the WSA;
- c. Capacity required to engage in regulation development and implementation of the WSA; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council recommends that all BC First Nations assess current water plans to identify how various water uses in their territories may affect their Title, Rights and Treaty Rights.

Moved: Art Anthony, Neskonlith Indian Band (Proxy)
Seconded: Deb Foxcroft, Ehattesaht First Nation (Proxy)
Disposition: Carried
Date: June 10, 2015

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Resolution no. 2015-22

RE: UBCIC 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 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 UBCIC will announce the availability of a committee position when providing notice of the Assembly or meeting where the election will occur";

WHEREAS by Resolution 2015-03, the UBCIC Chiefs Council ratified an interim appointment of Chief Harvey Paul, Sts'ailes, 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; and

WHEREAS in accordance with Resolution 2015-03 and the Election Procedures, on June 11, 2015, the UBCIC Chiefs Council held an election for a permanent UBCIC representative to the BC Aboriginal Justice Council.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council ratifies the appointment of Chief Aaron Sam, Lower Nicola Indian Band, as the UBCIC representative to the BC Aboriginal Justice Council for a three-year term, from July 15, 2015 to July 15, 2018; and

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

Moved: Chief Maureen Chapman, Skawahlook
Seconded: Chief Sidney Douglas, Cheam First Nation
Disposition: Carried
Date: June 11, 2010

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JUNE 10TH - 11TH, 2015
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Resolution no. 2015-23

RE: Federal Department of Fisheries Coastal Allocation Framework and “End point” Directive

WHEREAS the First Nations Fisheries Council, under the mandate of the *First Nation Fisheries Action Plan* is compelled to raise awareness about Canada’s “Coastal Allocation Framework” which is designed to limit First Nations in BC’s access to fish;

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

WHEREAS evidence in the Nuu-chah-nulth Fisheries Infringement Justification trial confirms that the Federal Conservative Cabinet has placed (sometime before 2009) a limit on the total amount of fish that will be available to First Nations in BC through any means of acquisition (Food, Social & Ceremonial Communal Licenses, PICFI, ATP, Treaty negotiations, litigation, etc.);

WHEREAS by capping the First Nations share, the “endpoint” number protects the lower priority recreational and commercial access to fish;

WHEREAS all negotiations or other processes with BC First Nations are confined by this Cabinet determined “endpoint” from which DFO Treaty and Aboriginal Policy Directorate (TAPD) has derived “notional allocations” referred to as mandates, for each BC First Nation that will be the amount of fish that each Nation will access or received under any means of acquisition;

WHEREAS this Cabinet directive is contrary to the principle of the Honour of the Crown, and contrary to Canadian jurisprudence and case law regarding the obligation to consult with First Nations where there is the potential to infringe on the S. 35 (1) Constitutionally protected Aboriginal Rights;

WHEREAS the current Conservative Government has proven itself on numerous occasions to be working at odds with, and against the values and principles of true reconciliation of First Nation Rights in Canada; and

WHEREAS all First Nations with an interest in fish access and increasing their fish access for Food, Social and Ceremonial needs and economic needs are confined and limited by this Federal Cabinet determined “endpoint” for First Nations fish access.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council direct the UBCIC Executive and Staff to inform First Nations, fishers and members about the “endpoint” decision of the Conservative government to cap the First Nations share in order to protect the lower priority recreational and commercial access to fish, and actions that members can take to object to this unilaterally imposed decision of the Federal Conservative Cabinet; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Summit, the BC Assembly of First Nations and the First Nations Fisheries Council to engage with other federal Parties to determine their respective platforms in terms of supporting Aboriginal Title, Rights, Treaty Rights and Reconciliation, especially regarding the elimination of the “endpoint directive.”

Moved: Chief Sidney Douglas, Cheam First Nation

Seconded: Chief Harvey Paul, Sts’ailes

Disposition: Carried

Date: June 11, 2015

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Resolution no. 2015-24

RE: Post-Secondary Education & Early Childhood Development Program Funding Cuts in BC Region

WHEREAS in BC, First Nations have been working for many years toward the primary objective of First Nations control over First Nations education. This encompasses early child development through to post-secondary education (PSE), in order to support First Nations children and youth to become contributing members of society and to improve the socio-economic circumstances of First Nations communities around BC;

WHEREAS largely through the auspices of the First Nations Education Steering Committee (FNESEC), the First Nations Schools Association (FNSEA), the Indigenous Adult and Higher Learning Association (IAHLA), and the First Nations Early Childhood Development Council (FNECDC), First Nations have made significant progress in establishing the foundation for a comprehensive, integrated and responsive education system to support lifelong learning. FNESEC PSE and IAHLA programs have been instrumental in advancing the Aboriginal PSE Policy Framework in BC;

WHEREAS AANDC has unilaterally eliminated all funding for the IAHLA and the FNECDC, and drastically reduced funding for FNESEC's Post-Secondary Education (PSE) Support for 2015-16. These include cuts to:

- i. IAHLA's only operational funding, which supports Board meetings, the Annual General Meeting and conference, and projects that support IAHLA institute operations (data collection and evaluations);
- ii. PSE Support funding for FNESEC to provide PSE services to all 203 First Nations in BC; and
- iii. FNECDC's only funding to support the implementation of the First Nation Early Childhood Development Framework to advance access to quality and culturally relevant ECD services for First Nations communities, as ratified by First Nations leadership in BC;

WHEREAS federal funding for First Nations student support has been capped at a 2% annual increase (or lower) since 1996. Meanwhile, tuition in BC has doubled and the number of eligible students has increased due to higher graduation rates, judicial decisions, and population growth. Post-secondary education will be a requirement for an estimated 78% of new jobs by 2022, yet federal support for First Nations students has dropped 20% nationally, and 19% provincially; and

WHEREAS in 2013-14, AANDC dramatically changed its funding program for First Nations PSE institutes to deliver community-based programs by centralizing decision-making in Ottawa, opening applications to public PSE institutions, and shifting the focus to “high labour market demand” program areas, instead of First Nation community priorities. In 2014-15, well-established communities and First Nations institutes were denied funding under the Post-Secondary Partnership Program, with no explanation or feedback. BC’s allocation dropped 40% (from \$2.2M to \$1.4M) and all approved projects were delivered by public institutions.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls on the Government of Canada to:

1. Reinststate all First Nations Education Steering Committee (FNESC) post-secondary, Indigenous Adult and Higher Learning Association (IAHLA), and First Nations Early Childhood Development Council (FNECDC) program funding in BC;
2. Remove 2% cap and increase funding to ensure post-secondary student support in BC keeps pace with tuition, population and eligibility increases in order to improve economic opportunities and support healthy, self-sustaining First Nation communities; and
3. Support a BC-specific approach to funding PSE program delivery in First Nations communities, including returning decision-making to BC, an equitable funding allocation for BC, and a return to First Nation community-driven programming; and

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive, working with the First Nations Summit, the BC Assembly of First Nations and FNESC, as appropriate, to advocate for appropriate funding and supports for post-secondary education and early childhood development programs in BC, as administered by FNESC, IAHLA, and FNECDC.

Moved: Ernie Henderson, Gw’sala-‘Nakwaxda’xw Band (Proxy)
Seconded: Chief Terry Boucher, Lhtako Dene
Disposition: Carried
Date: June 11, 2015



First Nations Post-Secondary and Early Childhood Background May 26, 2015

Introduction

In BC, First Nations have been working for many years toward the primary objective of First Nations control over First Nations education, while addressing the unique needs of First Nations education in BC. Largely through the auspices of the First Nations Education Steering Committee (FNECSC), the First Nations Schools Association (FNSA), the First Nations Early Childhood Development Council (FNECDC), and the Indigenous Adult and Higher Learning Association (IAHLA), First Nations have made significant progress in establishing the foundation for a **comprehensive, integrated and responsive BC First Nations Education System to support lifelong learning**. This system encompasses early child development through to post-secondary education, in order to support First Nations children and youth to become contributing members of society and to improve the socio-economic circumstances of First Nations communities around BC.

Funding Cuts to IAHLA, FNECSC PSE Support and FNECDC

Aboriginal Affairs and Northern Development Canada (AANDC) eliminated all funding for the IAHLA and the FNECDC, and drastically reduced funding for FNECSC's Post-Secondary Education (PSE) Support for 2015-16.

- IAHLA requested \$255,850, including operational funding for projects that support IAHLA institute operations (data collection and evaluations), Board meetings, the Annual General Meeting and conference.
- FNECSC requested \$270,900 for PSE Support and received only \$75,000. FNECSC provides PSE services to all 203 First Nations in BC, which includes the PSE Support Line, FNECSC's Post-Secondary Sub-Committee meetings, Regional Workshops for PSE Coordinators and PSE projects.
- FNECDC requested \$187,000, which would be FNECDC's only funding to support policy dialogue meetings, creation of an early childhood human resources strategy, and the promotion of collaborative service integration, as well as administrative and meeting expenses.

Recommendation: Restore funding levels for IAHLA, FNECSC PSE Supports and FNECDC to adequately support First Nation communities and First Nations post-secondary institutes in BC.

First Nations Post-Secondary Student Support

Federal funding for First Nations student support has been capped at a 2% annual increase or lower since 1996.¹ Meanwhile tuition in BC has doubled² and the number of eligible students has increased due to higher graduation rates, judicial decisions, and population growth. Post-secondary education (PSE) will be a requirement for an estimated 78% of new jobs by 2022,³ yet the number of First Nations students receiving support has dropped 20% nationally, (27,500 in 1999-00 to 22,000 in 2010-11) and 19% provincially (from 4,011 in 2005-06 to 3,268 in 2010-11).

Recommendation: We need post-secondary student support that keeps pace with tuition, population and eligibility increases in order to improve economic opportunities and support healthy, self-sustaining First Nation communities.

Support for Post-Secondary Program Delivery in First Nation Communities

In 2013-14, AANDC unilaterally changed its funding program for First Nations post-secondary institutes to deliver community-based programs. AANDC centralized the decision-making in Ottawa, opened applications to public post-secondary institutions and shifted the focus to high labour market demand program areas, displacing First Nation community priorities. In 2014-15, well-established First Nations institutes and communities were rejected with no explanation or

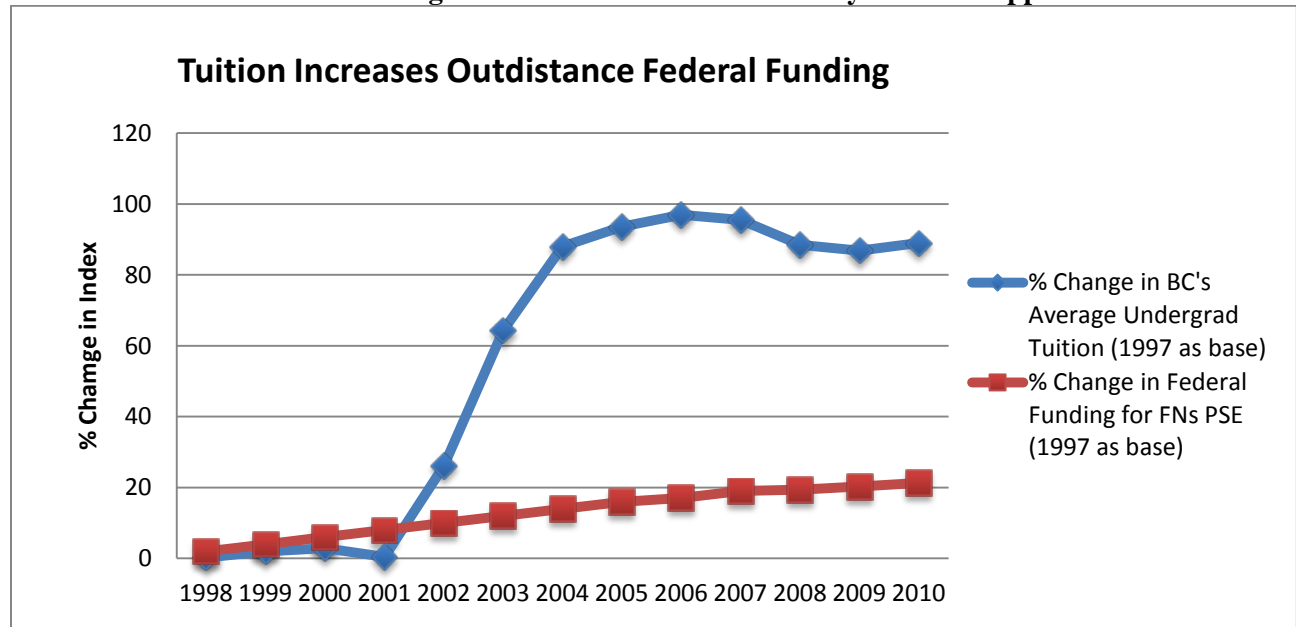
feedback. BC's allocation dropped 40% (from \$2.2M to \$1.4M), despite BC having 1/3 of all First Nations in Canada. All approved projects were delivered by public institutions. This funding provides crucial support to First Nations institutes, which do not receive any operational funds from AANDC or BC. As well, AANDC has already made exceptions to the national process in Saskatchewan and Quebec to account for regional diversity.

Recommendation: Support a BC-specific approach to funding PSE program delivery in First Nations communities, including returning decision-making to BC, an equitable funding allocation for BC, and a return to First Nation community-driven programming.

| 2007/08 - 2014/15 Post-Secondary Support Program Allocations (former Indian Studies Support Program) | | |
|--|--------------------------|-------------------|
| Year | BC Allocation | # Projects Funded |
| 2007/08 | \$2,221,900 | 19 |
| 2008/09 | \$2,182,702 | 24 |
| 2009/10 | \$2,182,700 | 25 |
| 2010/11 | \$2,177,328 | 17 |
| 2011/12 | \$1,861,813 ⁴ | 15 |
| 2012/13 | \$2,282,167 | 20 |
| 2013/14 | \$2,282,418 | 22 |
| 2014/15 | \$1,394,632 | 8 |

Appendix

First Nations Post-Secondary Student Support Program (PSSSP) Rise in Tuition v. Federal Funding for First Nations Post-Secondary Student Support



¹ As per Berger and Parkin (2005), when inflation and rising costs are considered, **federal funding for Aboriginal students was 8.5 percent lower in 2006/07 than 1996/97**

² As per 2009 Audit of INAC programs, "...information from Statistics Canada indicates that the **average annual increase in these costs over the past decade was 4.3%** ... (in 2000) the Assembly of First Nations estimated that a lack of funding was preventing approximately 9,500 First Nations people from pursuing post-secondary education".

³ P. 4, Government of BC, B.C.'s Skills for Jobs Blueprint: Re-engineering Education and Training, https://www.workbc.ca/WorkBC/media/WorkBC/Documents/Docs/Booklet_BCBlueprint_web_140428.pdf

⁴ One-time 15% reduction.

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Resolution no. 2015-25

RE: Support for the Canadian Federation of Students–BC and Continued Access to Adult Basic Education Assistance

WHEREAS the Canadian Federation of Students–BC was founded in 1981 and provides student with an effective and united voice to effect policy and legislative change to tuition fee levels, student financial assistance programs and institutional funding;

WHEREAS the Canadian Federation of Students-BC is affiliated with the Canadian Federation of Students, Canada's largest students' organization. It is an alliance of more than 80 university and college students' unions, with a combined membership of over one-half million students;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* states in Article 14:

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language;

WHEREAS Adult basic education is the provision of elementary and secondary level education to adults through BC's K-12 school system and most public post-secondary institutions which allows access to a variety of courses and skills training ranging from basic literacy to adult high school graduation;

WHEREAS Adult basic education (ABE) is an important component of building a skilled workforce, addressing socio-economic marginalisation, and has a profound effect on the individuals who need to access it;

WHEREAS ABE is an integral component of BC's education system and economic prosperity, providing a wide range of programs to students who require additional training or skills upgrading in order to participate fully in society and the economy;

WHEREAS ABE plays an important role in increasing adult literacy and improving high school completion and post-secondary participation rates within BC's Aboriginal population;

WHEREAS on December 4, 2014, the Ministry of Advanced Education made an unexpected announcement that the provincial government would be cutting \$6.9 million in funding to ABE core funding, and allowing post-secondary institutions to charge up to \$1600 per term for all ABE courses offered on their campuses;

WHEREAS as of January 1, 2015 public post-secondary institutions are now allowed to charge tuition fees for full-time students and beginning May 1, 2015 the provincial government will no longer fund school districts for tuition-free upgrading for graduated adults;

WHEREAS this change in policy with respect to removing the tuition fee-free mandate has now created a significant barrier in accessing adult basic education and creating financial difficulty for those seeking to upgrade their high school courses in order to qualify for employment or entry into post-secondary education;

WHEREAS this change in policy in allowing tuition fees to be charged for adult basic education and restricting access for income assistance recipients directly contributes to labour shortage. Reducing access to high school completion or upgrading for the purpose of re-training threatens the supply of new participants in BC's skilled economy and workforce; and

WHEREAS the Canadian Federation of Students– BC have launched “Don't Close the Door” campaign to lobby and advocate on behalf of students to call on the Christy Clark government to reinstate Adult Basic Education tuition-free policy.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the Canadian Federation of Students-BC's “Don't Close the Door” Campaign which seeks to raise awareness around the provincial government's recent decision to cut funding to the Adult Basic Education program;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully supports the Canadian Federation of Students – BC in calling on the provincial government to reinstate their tuition-free mandate for those that wish to access adult basic education programs; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the Provincial government to immediately reinstate the \$6.9 million that was recently cut from Adult Basic Educational programming and reestablish the tuition-free mandate that has been in place since 2007 for those that wish to access adult basic education.

Moved: Chief April Charleson, Hesquiaht First Nation

Seconded: Art Anthony, Neskonlith (Proxy)

Disposition: Carried

Date: June 11, 2015

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Resolution no. 2015-26

RE: Province Wide Specific Claims Meeting

WHEREAS Canada is not resolving specific claims in a timely or efficient manner. It is rejecting claims en masse, refusing to negotiate claims; creating new backlogs and inadequately funding claims development and claims at the Tribunal. Canada is creating additional delays and costs that will only increase;

WHEREAS UBCIC Resolution 2013-25, created a Chiefs Working group on Specific Claims (SCWG) to work toward the fair and just resolution of BC Specific Claims; to conduct an environmental scan and a review of options for action to be presented to the UBCIC Chiefs Council so that the UBCIC Executive can advance this issue as a national political agenda item and ensure communications go to all First Nations and like-minded organizations;

WHEREAS UBCIC spearheaded the development and release of the report *In Bad Faith Justice at Last and Canada's Failure to Resolve Specific Claims* which details the Harper Government's persistent and pervasive lack of commitment and good faith with respect to resolving specific claims;

WHEREAS the majority of specific claims at all stages of the process arise from British Columbia as a direct result of BC's unique reserves creation history and circumstances which call for unique-to-BC-solutions; and

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

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

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

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council direct the UBCIC Specific Claims Working Group to plan and convene a province-wide meeting among Chiefs and specific claims technicians to develop a BC strategy to resolve specific claims; and

THEREFORE BE IT FURTHER RESOLVED that given that lack of available resources and pending financial support the UBCIC Chiefs Council directs the UBCIC Specific Claims Working Group to consider planning this meeting so that it coincides with the UBCIC's 2015 Annual General Assembly scheduled for September 16-18, 2015 in Vancouver.

Moved: Chief Cliff Sampare, Gitsegukla Indian Band
Seconded: Chief James Delorme, Klahoose First Nation
Disposition: Carried
Date: June 10, 2015

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Resolution no. 2015-27

RE: Call for MSR to Publicly Release Final Report on the 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 appointed Benoit Pelletier as Ministerial Special Representative (MSR) to the five year review to oversee the review process and lead engagement with First Nations and other interested parties based on an "engagement paper" titled *Seeking Comment on the Five Year Review of the Specific Claims Tribunal Act*, a paper that has been heavily criticized for its narrow parameters and leading questions;

WHEREAS the Union of BC Indian Chiefs met with the MSR on February 27, 2015 and made formal written submissions to the five year review, as did other Claims Research Units, National Claims Research Directors, Tribal Councils, individual First Nations across Canada, and the Specific Claims Tribunal Chair;

WHEREAS the Assembly of First Nations (AFN) convened a parallel Expert Panel to hear presentations over two days (March 10, 2015 in Toronto; March 26, 2015 in Vancouver) and receive written submissions from First Nations, legal counsel working on their behalf, Claims Research Units, and specific claims technicians about their experiences regarding all aspects of Canada's specific claims policy, *Justice At Last* (research, assessment, negotiation and mediation), the *Specific Claims Tribunal Act* and the Specific Claims Tribunal process;

WHEREAS the AFN Expert Panel produced a comprehensive report of its findings based on the presentations heard and submissions received by the panel, including a series of recommendations, and submitted this report and all written materials received to the MSR on May 15, 2015;

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 MSR will produce a final report based on all meetings held and submissions received as part of the engagement process, and present this report to the Minister by early summer, who in turn must table his own report in Parliament by October 16, 2015;

WHEREAS the Minister is under no legal obligation to release the MSR's final report to the public, and the Harper Government and its Ministers, despite their own calls for openness and transparency, have demonstrated repeatedly since forming Canada's ruling government that they will misrepresent and conceal documentary evidence if it contradicts the public image they wish to convey or their political agenda; and

WHEREAS while the MSR is answerable to the Minister there is a broader civic duty to be accountable and transparent to the Canadian public regarding the information gathered during the review process as well as an ethical imperative to release his final report to all First Nations in Canada, who are directly impacted by the MSR's findings and recommendations.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council insists that Minister Valcourt direct the Ministerial Special Representative to release his final report on the five year review of the *Specific Claims Tribunal Act* to First Nations in advance of the Minister tabling his own report to Parliament.

Moved: Chief Maureen Chapman, Skawahlook
Seconded: Chief Donna Gallinger, Nicomen Indian Band
Disposition: Carried
Date: June 11, 2015

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Resolution no. 2015-28

RE: Support for Full Implementation of the Recommendations made in the Final Report of the Truth and Reconciliation Commission

WHEREAS the Truth and Reconciliation Commission (TRC) was established under the terms of the 2007 Residential School Settlement Agreement;

WHEREAS the TRC has organized seven national events and gathered over 7,000 statements from survivors. The TRC's six-year mandate was to create awareness about and document the history and on-going legacy of the Indian residential school system as well as guide and inspire a process of truth, healing, and reconciliation;

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 on June 02, 2015 Justice Murray Sinclair released the TRC's document titled, "Honoring the Truth, Reconciling for the Future. A summary of the Final Report of the Truth and Reconciliation Commission of Canada", during the TRC closing events in Ottawa. The summary report contained 94 recommendations that call for action by all levels of government and must be implemented as the bare minimum to respect, recognize and reconcile for the sake of our future generations;

WHEREAS the work of the TRC has played a vital and necessary role in beginning the lengthy process of reconciliation. Collectively, we must also stand up together to recognize and celebrate the courage of all of the survivors who have stepped out of the dark to share their stories, their histories, their truths of the depths and consequences of the multi-layered and intergenerational impacts of the Indian Residential School system. The release of this report is an important opportunity now for Canada and the Provinces, in partnership with First Nations, to jointly commit to change;

WHEREAS reconciliation must be supported by a legislative framework that not only encompasses the TRC's recommendations, but supports mechanisms for on-going reconciliation between First Nations and the Crown; and

WHEREAS as show of genuine commitment to reconciliation, the federal government should take immediate steps to fully implement all recommendations contained within the summary of the final report of the TRC.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council call upon the federal, provincial, territorial and municipal governments to take immediate steps to fully implement all of the recommendations contained within the summary of the final report of the Truth and Reconciliation Commission; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council call upon the federal, provincial, territorial and municipal governments to fully adopt and implement the principles, norms and standards of the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation including the following commitments:

- a. to ensure that government institutions, policies, programs, and practices comply with the Declaration;
- b. to engage in ongoing public dialogue and actions to support the Declaration;
- c. issuing a statement no later than March 31, 2016 as to how they will implement the Declaration as a framework for reconciliation.

Moved: Deb Foxcroft, Ehattesaht First Nation (Proxy)
Seconded: Chief April Charleson, Hesquiaht First Nation
Disposition: Carried
Date: June 11, 2015

OUR LAND IS OUR FUTURE

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**UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 10TH-11TH, 2015
NK'MIP CONFERENCE CENTRE, OSOYOOS B.C.**

Resolution no. 2015-29

RE: Federal Funding for All First Nations Children and Families in BC

WHEREAS *the Child, Family and Community Service Act*, R.S.B.C. 1996, c.46 provides for the ability of Directors to make agreements with an Indian Band or a legal entity representing an Aboriginal community for the provision of services (see: s.93 (1)(g)(iii));

WHEREAS Canada had funded First Nations child and family services under a Program Directive regarding the administration and funding of First Nations child and family services program;

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 Tripartite Delegation Confirmation Agreements and annual extensions were tripartite agreements between Aboriginal Affairs and Northern Development Canada (AANDC), the Ministry of Children and Family Development, the Delegated First Nation Child and Family Service agency providing services on reserve in BC;

WHEREAS on June 02, 2015 Justice Murray Sinclair released the TRC's document titled, "Honoring the Truth, Reconciling for the Future. A summary of the Final Report of the Truth and Reconciliation Commission of Canada", during the TRC closing events in Ottawa. The summary report contained 94 recommendations that call for action by all levels of government and must be implemented as the bare minimum to respect, recognize and reconcile for the sake of our future generations. Included in this summary are a number of recommendations aimed at assessing and improving child welfare;

WHEREAS on June 3, 2015 the federal government issued a letter to Executive Directors of Delegated First Nations Child and Family Service Agencies indicating that AANDC will no longer be a signatory to the Delegation Confirmation Agreements;

WHEREAS the federal government has provided financial resources, including Enhanced Prevention Funding Agreements (EPFA) to First Nations in several provinces. First Nations in BC have not been included;

WHEREAS there is a strong need in BC for funds to be provided directly to all First Nations in order to best support First Nations families who require support to provide prevention programming and services to ensure families are in the best possible position to care for children to prevent children from being apprehended into care of the Ministry of Children and Families; and

WHEREAS UBCIC Resolution 2013-59 “Direct Fiscal Relationship Regarding the Enhanced Prevention Focused Approach between Indigenous Peoples and Aboriginal Affairs and Northern Development Canada” states that Bilateral Enhanced Prevention Funding EPFA funding flowing to BC must be made available to all BC First Nations directly.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council acknowledges that challenges and problems exist in each community and each community should be supported in meeting and providing proactive and effective solutions to these challenges and problems: the basic approach must be community-based, community driven with community solutions for and by the community; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the federal government to provide the necessary prevention funds directly to each and every First Nation in BC, whether or not they belong to a delegated agency, to provide the necessary support to prevent children from going into care.

Moved: Ernie Henderson, Gw’sala-‘Nakwaxda’xw Band (Proxy)
Seconded: George Williams, Splatsin (Proxy)
Disposition: Carried
Date: June 11, 2015

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 10TH-11TH, 2015
NK'MIP CONFERENCE CENTRE, OSOYOOS B.C.

Resolution no. 2015-30

RE: UBCIC Support for Xenigwet'in and Yunesit'in in Opposition to Proposed Exploration Drilling by Amarc Resources Ltd.

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 Tsilhqot'in Nation has steadfastly asserted its Aboriginal Title and Rights as a means of protecting the Tsilhqot'in territory and culture;

WHEREAS the Government of Canada has endorsed the *United Nations Declaration on the Rights of Indigenous Peoples*, which identifies the Aboriginal right to "free, prior and informed consent" regarding all development on traditional lands;

WHEREAS Amarc Resources Ltd. ("Amarc") is a publicly traded mineral exploration company that asserts it has made a copper-molybdenum-silver discovery at the "IKE" project site (the "Ike Project");

WHEREAS the Ike Project is located in the southern Tsilhqot'in Territory, in the caretaker areas of the Xenigwet'in and Yunesit'in Communities of the Tsilhqot'in Nation, in the headwaters of the Dasiqox watershed;

WHEREAS the Ike Project is located in close proximity to the proposed site of the rejected New Prosperity Mine, which the Tsilhqot'in Nation successfully opposed, with the support of UBCIC;

WHEREAS the Ike project is also located within the Dasiqox Tribal Park announced by the Tsilhqot'in Nation as an expression of Tsilhqot'in governance and an effort to develop Indigenous laws and management standards, to integrate an "Aboriginal perspective" to lands and create alternatives towards a diversified economy that is sustaining for generations to come;

WHEREAS the broader objective of the Dasiqox Tribal Park is to promote cultural revitalization, economic livelihoods and environmental stewardship - thus creating alternatives to move away from mass timber harvesting and major mining development;

WHEREAS the broader objective of the Dasiqox Tribal Park is to promote cultural revitalization, economic livelihoods and environmental stewardship - thus creating alternatives to move away from mass timber harvesting and major mining development;

WHEREAS Amarc conducted a 9 hole drill program at the Ike Project site in 2014 without consultation with, or consent of, Xenigwet'in and Yunesit'in Government, and despite the request of the Tsilhqot'in Communities that Amarc cease operations until consultation and resolution could take place;

WHEREAS Amarc has proposed drilling up to another 50 holes at the Ike Project site in summer and early fall 2015 (the "Drilling Program") and has publicly announced that the Ike Project has the potential to be another Highland Valley Mine;

WHEREAS after extensive community engagement, Xenigwet'in and Yunesit'in have advised Amarc that they oppose the Drilling Program and the development of the Ike Project, but Amarc has indicated that it intends to proceed over this opposition and without the consent of the affected Tsilhqot'in communities; and

WHEREAS the Tsilhqot'in Nation supports Xenigwet'in and Yunesit'in in opposing the Drilling Program and the Ike Project.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council acknowledges the high importance of the *Tsilhqot'in Nation* judgement and fully supports the efforts of Xenigwet'in and Yunesit'in to protect their lands and culture, and will stand behind these Tsilhqot'in communities in defense of these lands;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the Government of British Columbia and Amarc Resources Ltd. to uphold principles of free, prior and informed consent and respect the interests of the Tsilhqot'in Nation in areas that are culturally and ecologically significant;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council and Executive will observe, as witnesses, the actions of British Columbia and Amarc Resources Ltd. in engagement with the Tsilhqot'in Nation; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to support the efforts of the Tsilhqot'in, through political, advocacy and technical support, to uphold standards of consent, oppose the Amarc Drilling Program and prevent further conflict in a culturally and ecologically sensitive areas.

Moved: Chief Russell Myers Ross, Yunesit'in
Seconded: Terry Dorward-Seitcher, Tla-o-qui-aht First Nation (Proxy)
Disposition: Carried
Date: June 11, 2015