

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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## **Final Resolutions of the UBCIC Chiefs Council, June 2<sup>nd</sup>- June 3<sup>rd</sup>, 2022**

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL

JUNE 2<sup>ND</sup> - JUNE 3<sup>RD</sup>, 2022

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-18**

## **RE: Calling for the Restitution of Land as a Remedy in Specific Claims Resolution**

**WHEREAS** the historical actions illegally undertaken by the colonial government of British Columbia and successive governments of Canada have resulted in the dispossession of First Nations, including the illegal alienation of our lands; the failure to protect Indian reserves, villages, hunting, fishing & harvesting areas; the systematic denial of rights to fish and access to water; and the illegal disruption and removal of sacred sites, land use and occupancy structures & areas and grave sites;

**WHEREAS** these historical losses are the result of fictional, racist concepts such as *terra nullius* and the *doctrines of discovery, domination and denial* which provided colonial and Canadian governments justification for alienating land through organized systems of pre-emption and land grants to accelerate non-Indigenous settlement on Indigenous lands and territories, and later through systems of land alienation legalized and exploited under the *Indian Act* and often in clear violation of the minimal protections contained in colonial or federal law. These acts of land and territorial dispossession ignored Indigenous laws, protocols, land tenures and systems of governance;

**WHEREAS** redress of these historical wrongs is Canada's lawful obligation and the honour of the Crown necessitates just action on the part of the federal and provincial governments, including the full, fair negotiation of all claims, regardless of estimated cost-settlement value;

**WHEREAS** compensation and redress for these illegal actions has either been improperly administered or systematically denied by Canada's land claims resolution process which has, since its inception in Canada's 1973 *Statement on Native Claims* and subsequent versions of Canada's land claims policies, been plagued by the division of land claims into two separate, narrowly defined policies for "specific" and "comprehensive" claims as an artificially imposed distinction, which excludes many legitimate grievances and has resulted in delays, barriers, and institutionalized conflict of interest wherein (a) Canada functions as

the decision-maker in claims against itself and (b) all rules and norms are based on Canadian law and legal traditions, to the exclusion of the laws and legal traditions of First Nations participating in the process;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of British Columbia committed to implement, affirms:

**Article 8(2):** States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration.

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

**Article 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.

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

**(2):** Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress;

**WHEREAS** in 2007, with the introduction of *Justice At Last*, Canada imposed an arbitrary monetary limit of \$150 million on claim settlements such that 1) claim settlements awarded by the Specific Claims Tribunal (SCT) are capped at \$150 million, meaning that claims with an estimated higher settlement value are excluded from adjudication by this body; 2) claims negotiated at over \$150 million require a Cabinet mandate to settle the claim, and are subject to a secret Cabinet process that excludes First Nations claimants from all proceedings, sometimes resulting in unilaterally altered and reduced settlement mandates; and 3) only monetary compensation is given not restitution of lands;

**WHEREAS** Canada has unilaterally abandoned negotiations on many of these claims valued over \$150 million, in violation of Indigenous peoples' right to redress for past wrongs, failing to uphold the honour of the Crown, and undermining the credibility of the project of reconciliation that specific claims are intended to support;

**WHEREAS** Union of BC Indian Chiefs (UBCIC) resolutions 2017-44, 2020-11, and 2021-03 respectively call on Canada to work in full partnership with First Nations to immediately develop a new, fully independent specific claims process for all specific claims regardless of monetary value, one that eliminates Canada’s conflict of interest, integrates Indigenous laws equally into all specific claims processes, expands acceptable forms of restitution and eliminates any discriminatory cap of any kind on claims settlements;

**WHEREAS** federal mechanisms of redress for historical land losses must prioritize and provide for self-determination of First Nations and communities through the return of land and jurisdiction to First Nations and include the Provincial Government of British Columbia in negotiations since both the federal and provincial Crowns are implicated in First Nations’ land losses and the province continues to alienate land and conduct activities on First Nations’ lands without obtaining their free, prior, and informed consent (FPIC) in violation of the international minimum standards contained in the UN Declaration, the federal *UN Declaration on the Rights of Indigenous Peoples Act* and the provincial *Declaration on the Rights of Indigenous Peoples Act*;

**WHEREAS** subsequent to the 2007 *Justice At Last: A Specific Claims Action-Plan*, there have been a number of reports and studies citing ongoing problems with the specific claims process calling for the need to have an independent specific claims process; however the federal definition and scope of specific claims “lawful obligations” has not been reviewed in light of the recent federal and provincial legislation regarding the implementation of the UN Declaration;

**WHEREAS** the Specific Claims Policy and Process (including assessment, grounds, compensation, certainty and finality, technical and other defenses) must be reviewed against the international minimum standards contained in the UN Declaration; and

**WHEREAS** any proposed process regarding First Nations lands, territories, and resources, including any new independent process, must be aligned with the international minimum human rights standard of FPIC of Indigenous peoples and must be a basis for restitution for Indigenous lands, territories and resources.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the restitution of land to First Nations as a remedy for the resolution of their specific claims, regardless of their monetary value, and restitution of land must be a foundational function of any new independent process;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Assembly of First Nations to update their proposal for an independent specific claims process to ensure that where the proposal states through “*the integration of Indigenous Laws, the Commission will facilitate broader understandings of lawful obligations, losses, and alternate forms of remedy*” the “*broader understandings of lawful obligations*” is consistent with UN Declaration; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to seek funding to support and advocate for a new independent process to include land back—restitution of lands, including funding to support the development of a discussion paper exploring issues related to land restitution including the application of Article 13 of British Columbia’s Terms of Union.

**Moved:** Chief Harvey McLeod, Upper Nicola Band  
**Seconded:** Kukpi Lee Spahan, Coldwater Indian Band  
**Disposition:** Carried  
**Date:** June 2, 2022

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MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-19**

#### **RE: Coalition of Intervenor at SCC**

**WHEREAS** in December 2018, the Ontario Superior Court of Justice released its decision in *Restoule v. Canada (Attorney General)*, 2018 ONSC 7701, ruling that the Robinson Huron Treaty and the Robinson Superior Treaty (the Robinson Treaties), signed in 1850, provide the Anishinaabe of the upper Great Lakes region with a constitutionally protected right to share in the Crown revenues from the territory and that the Crown has a mandatory and reviewable obligation to increase treaty annuity payments when economic circumstances warrant;

**WHEREAS** the ruling is regarded as particularly significant because Anishinaabe law and governance substantively inform the decision: it relies on Anishinaabe principles of respect, responsibility, and reciprocity to understand the intention of the treaty signatories at the time of signing. The decision also takes into account the Anishinaabe legal principle of renewal, visually represented on wampum belts, and affirms that a treaty relationship is an ongoing relationship for all parties;

**WHEREAS** the decision recognizes and incorporates Indigenous legal systems and traditions, and reflects Canada's multi-juridical reality, as mandated by the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration);

**WHEREAS** the UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms:

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

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

**WHEREAS** both the *Restoule* case and specific claims involve historical promises made to First Nations by the Crown, how the Crown either honoured or broke those promises, and evaluate how the Crown exercised its fiduciary duties and whether it fulfilled its legal obligations and promises made to Indigenous peoples, as well as how Indigenous peoples have understood promises made to them;

**WHEREAS** the Ontario government appealed this decision in 2020 and the Union of BC Indian Chiefs (UBCIC) intervened on the basis of 1) UBCIC’s involvement and expertise in researching and developing over 400 historical specific claims on behalf of First Nations in BC over a 40-year period; and 2) UBCIC’s longstanding role advocating for a fair, independent specific claims process that fully integrates Indigenous laws;

**WHEREAS** on November 5, 2021, the Ontario Court of Appeal rendered its decision and unanimously held that the Crown neglected its promises under the Robinson Treaties, upheld the trial judges’ decision that treaties partly function as revenue sharing agreements and that the Crown must share the wealth of the Treaty territory with its Treaty counterparts, the Anishinaabe Nations, and that the Crown must increase treaty annuities in a way that is both consistent with the honour of the Crown and responsive to Anishinaabe needs. The Court also held that there is no limitation period to constrain the Anishinaabe’s claim for damages, and damages will be assessed in the next stage of trial;

**WHEREAS** the *Restoule* decision affirms that Treaty promises must be interpreted in a way that best reflects the common intention of both parties when the Treaty was signed – on this basis, the Anishinaabe Nations can expect damages for historical losses and financial benefits into the future from the Robinson Treaties;

**WHEREAS** the Ontario government has sought leave to appeal the *Restoule* decision before the Supreme Court of Canada;

**WHEREAS** the *Restoule* case will have a significant impact on how specific claims are interpreted, evaluated, adjudicated, and negotiated if Indigenous legal principles, traditions, and perspectives are considered and upheld by the Court. Indigenous laws are currently excluded from the assessment of specific claims and are accepted or rejected for negotiation according to Western legal principles and jurisprudence. Likewise, claims adjudicated at the Specific Claims Tribunal are decided in accordance with a strictly Western legal system;

**WHEREAS** UBCIC has passed resolution 2020-11 “Full Recognition and Integration of Indigenous Laws in Specific Claims Processes” calling on Canada to work in full partnership with First Nations to immediately develop a new, fully independent specific claims process for all specific claims, regardless of value, that eliminates Canada’s conflict of interest and integrates Indigenous laws equally into all specific claims processes; and

**WHEREAS** UBCIC is uniquely situated to bring a unique and vital perspective to the proceedings on the bases articulated above, and our history of successful interventions in *Canada v. Kitselas*, 2014 FCA 150, *Williams Lake Indian Band v. Canada*, 2018 SCC 4, and *Southwind v. Canada*, 2021 SCC 28.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to seek resources to lead a coalition (the Restoule Coalition) to apply jointly for leave to intervene in the *Restoule* case at the Supreme Court of Canada; and

**THEREFORE BE IT FINALLY RESOLVED** that UBCIC Chiefs Council directs the UBCIC Staff and Executive to, contingent on resources, continue to encourage like-minded organizations to partner with and contribute resources to the Restoule Coalition in its application for leave to intervene in the case before the Supreme Court of Canada.

**Moved:** Chief Byron Louis, Okanagan Indian Band  
**Seconded:** Kukpi7 Doug Thomas, Splatshin  
**Disposition:** Carried  
**Date:** June 2, 202



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MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-20**

## **RE: Provincial Statutory Holiday for National Day for Truth and Reconciliation**

**WHEREAS** the Truth and Reconciliation Commission Call to Action #80 calls upon the federal government to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour survivors and to ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process;

**WHEREAS** in June 2021, the federal government passed Bill C-5, *An Act to amend the Bills of Exchange Act, the Interpretation Act, and the Canada Labour Code*, to designate September 30th as the National Day for Truth and Reconciliation and make it a federal statutory holiday;

**WHEREAS** the creation of a new provincial statutory holiday in BC requires changes to provincial employment standards through legislation or regulation. The Province of BC made a commitment to engage residential school survivors and Indigenous partners and communities on whether to make this a statutory holiday in BC, and how September 30<sup>th</sup> should be observed each year in BC;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:

**Article 7(2):** Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

**Article 8(2):** States shall provide effective mechanisms for prevention of, and redress for: (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities; (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources; (c) Any form of forced population transfer which has the aim or

effect of violating or undermining any of their rights; (d) Any form of forced assimilation or integration.

**Article 15(1):** Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information. 2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society; and

**WHEREAS** First Nations have advised the Province of BC that the National Day for Truth and Reconciliation should be marked by reflection, truth telling, and remembrance for all British Columbians, including the Crown, while honouring and upholding the resilience and strength of residential school survivors/veterans and intergenerational survivors.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports making September 30th a provincial statutory holiday through changes to legislation and/or regulation made in consultation and cooperation with Indigenous peoples;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council call upon all British Columbians and Canadians to support this call to action and to stand with survivors and Indigenous peoples on September 30th in the spirit of truth and reconciliation;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls upon the Province of BC to make meaningful investments in public education, commemoration, and remembrance events, sites, memorials, and other initiatives that are planned by Indigenous peoples; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council calls on the entire BC public and private sector to create plans to acknowledge truth and reconciliation on September 30<sup>th</sup> and educate their staff in advance of the holiday.

**Moved:** Kukpi7 Rosanne Casimir, Tk'emlúps te Secwépemc  
**Seconded:** Chief John Powell, Mamalilikulla First Nation  
**Disposition:** Carried  
**Date:** June 2, 2022

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MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-21**

#### **RE: Provincial Emergency Management Legislation**

**WHEREAS** First Nations must be full and equal partners in all aspects of emergency management decision-making, and all phases of emergency management implementation in their territories, as recommended in “Trail By Fire: Nadleh Whut’en and the Shovel Lake Fire Report”, the Tsilhqot’in Nation’s report “The Fires Awakened Us (Nagwedižk’an Gwaneš Gangu Chinidžed Ganexwilagh)” and the Abbott-Chapman report;

**WHEREAS** on November 28, 2019, the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) received Royal Assent in the British Columbia Legislature, making the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) applicable to the laws of British Columbia;

**WHEREAS** in October 2018, the Province of British Columbia became the first Canadian province to adopt the United Nations 2015-2030 *Sendai Framework for Disaster Reduction* (Sendai Framework) as the guiding approach for disaster risk reduction. The Sendai Framework states that natural disasters are exacerbated by climate change and are increasing in frequency and intensity, and outlines a set of practical recommendations to build a culture of safety and resilience at all levels of government and across society regarding hazard and disaster risk reduction;

**WHEREAS** on March 30, 2022, the Province of British Columbia released its first 5-year Declaration Act action plan, outlining 89 specific actions the provincial government will take toward meeting the objectives of the UN Declaration. Action 1.10 commits to the co-development with First Nations in British Columbia of modernized emergency management legislation to replace the current *Emergency Program Act*;

**WHEREAS** the UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:

**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

**2022-21**

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as to maintain and develop their own indigenous decision-making institutions.

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

**WHEREAS** the current *Emergency Program Act* is not in alignment with the UN Declaration or the Sendai Framework, and fails to acknowledge the inherent Title, Rights and jurisdiction of First Nations in BC.

Modernized provincial emergency management legislation must:

- Be consistent with the UN Declaration;
- Be co-developed with First Nations;
- Enable the Province to engage in joint and consent-based decision-making with First Nations in BC, recognizing First Nations' right to self-determination, jurisdiction and governance role in emergency management and related decision-making and development of multi-year community strategic plans;
- Provide for effective government-to-government relationships for emergency management and support enhanced disaster risk governance and mitigation, effective response, recovery, rehabilitation and reconstruction; and
- Incorporate and use First Nations' laws and knowledge in all phases of emergency management; and

**WHEREAS** by Union of BC Indian Chiefs (UBCIC) Resolution 2021-34 "Implementation of the *Declaration on the Rights of Indigenous Peoples Act* – Action Plan and Alignment of Laws," the UBCIC Chiefs Council called on the Province of British Columbia, in partnership with the UBCIC, BC Assembly of First Nations (BCAFN), and the First Nations Summit (FNS), working collaboratively as the First Nations Leadership Council (FNLC), to engage with First Nations in BC and legal experts on additional measures to ensure that all new and existing provincial laws are consistent with the UN Declaration and are developed in consultation, cooperation and collaboration with First Nations.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council demands that any new provincial emergency management legislation replacing the *Emergency Program Act* be co-developed with First Nations in BC who are inherent Title and Rights holders, and be consistent with the UN Declaration and the Sendai Framework, and ensure the free, prior and informed consent of First Nations rights holders before passing into legislation;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to communicate to the Province that alignment of the *Emergency Program Act* with the UN Declaration must achieve the following outcomes:

- A coordinated and cooperative multi-jurisdictional landscape in emergency management that results in seamless and effective plans, response and recovery.
- First Nations are supported as self-determining and self-governing within their respective unceded territories, making consent-based decisions and shared decisions with the Province.
- Government-to-government relationships in all phases of emergency management and recovery and related decision making, built on rights recognition, clear communications, transparency, and inclusive processes.
- Prevention and mitigation of emergency-related impacts, including those that arise as a result of unique and diverse circumstances of First Nations in all regions of the province.
- Application of the First Nations' laws, knowledge and worldviews in all phases of emergency management and recovery.
- Secure financial and technical support for government-to-government relationship in all phases of emergency management and recovery.

- Incorporate climate adaptation and nature-based solutions, and ensure Build Back Better is embraced in recovery; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to ensure that while the provincial emergency management legislation is being updated, First Nations in BC receive financial and technical assistance from the Province of BC and/or Canada to recoup costs for keeping their communities safe during recovery and to continue working on prevention, and that recovery costs are not stalled due to jurisdictional disagreements between BC and Canada on who pays.

**Moved:** Chief Byron Louis, Okanagan Indian Band  
**Seconded:** Chief John Powell,  
**Disposition:** Carried  
**Date:** June 2, 2022

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MUSQUEAM COMMUNITY CENTRE, X<sup>M</sup>ΘΘK<sup>W</sup>ΘYΘM (MUSQUEAM TERRITORY)

**Resolution no. 2022-22**

#### **RE: First Nations Involvement in Negotiations on New Tripartite Agreement for Emergency Management Services Funding**

**WHEREAS** the impacts of climate change will continue to exacerbate emergency events in BC, including sudden and unprecedented wildfires, damaging storms, atmospheric rivers and floods, droughts and landslides.

**WHEREAS** wildfires in BC numbered over 1,642 from April 1, 2021 to March 28, 2022, with 869 million hectares of land burned, 181 evacuation orders, 304 evacuation alerts, a 56-day provincial state of emergency, and millions of dollars of costs (\$565 million) and estimated insurance damages (\$102 million) as a result of catastrophic loss to lands and critical infrastructure;

**WHEREAS** flooding in BC reached unprecedented levels in 2021, with extreme rainstorms caused by atmospheric river events hitting several regions of the province and resulting in mudslides, landslides, and catastrophic flooding causing damage to infrastructure, roads, bridges and homes in and around First Nations communities, with parts of BC being completely submerged in water causing at least \$450 million in damage with as many as 42 First Nations communities impacted;

**WHEREAS** significant resources, financial, natural, and human, were expended during both wildfire and flooding crises; however, these resources were insufficient and/or poorly managed and allocated to address First Nations' needs, challenges and priorities;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:

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

**Article 19:** States shall consult and cooperate in good faith with the indigenous peoples concerned

**2022-22**

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through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them;

**WHEREAS** the Union of BC India Chiefs (UBCIC), working with the First Nations Summit (FNS) and the BC Assembly of First Nations (BCAFN) as the First Nations Leadership Council (FNLC) entered into a tripartite memorandum of understanding (the MOU) in 2019 with the Government of Canada (represented by Indigenous Services Canada (ISC)), and the government of British Columbia (represented by Emergency Management BC (EMBC) and BC Wildfire Service (BCWS)) for the purpose of working collectively to advance meaningful recognition and enhanced capacity of First Nations within all pillars of emergency management (i.e., preparedness, mitigation, response, and recovery);

**WHEREAS** by UBCIC Resolution 2018-32 “Support-in-Principle for Tripartite MOU between the FNLC, Indigenous Services Canada, and Emergency Management BC/BC Wildfire Service,” the UBCIC Chiefs Council granted a support-in-principle for entering into, and negotiating, the terms of the MOU, to negotiate “permanent, reliable, and appropriate funding for the FNLC and First Nations Emergency Services Society to be full and equal partners in [the MOU], and also for substantive and meaningful funding to support First Nations to enhance their physical and human resources and capacity”;

**WHEREAS** Canada, represented by ISC, and British Columbia, represented by EMBC & BCWS, have in place a ten-year bilateral service agreement signed in 2017 providing for the delivery of services meant to “improve emergency management in First Nation communities and begin to negotiate service agreements with the provinces and territories to ensure First Nations received service equivalent to municipalities” (the Bilateral Agreement);

**WHEREAS** ISC and EMBC & BCWS sent a letter to the FNLC dated March 24<sup>th</sup>, 2022 expressing their intent to open discussions, and negotiations, regarding the Bilateral Agreement and include First Nations in a new relationship that implements the UN Declaration and respects First Nations’ jurisdiction and inherent right of self-government, and with the recognition that First Nations require resources, infrastructure and enhanced capacity in order to advance the practice of emergency management in a manner that supports and reinforces their own governance, institutions and decision-making authority; and

**WHEREAS** First Nations in BC must be supported by ensuring adequate financial and technical resources are in place to respond to climate change impacts and for First Nations-developed mitigation and adaptive measures (i.e., monitoring, impact assessments), and adequate financial and technical resources are identified for First Nations to begin creating a Chiefs Committee on flood, wildfire and marine.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council calls on the federal and provincial governments to commit to working in partnership with First Nations in BC to address all phases of emergency management and recovery, and to provide permanent, reliable, and appropriate capacity funding for First Nations and their representative organizations to address climate change and climate-related emergencies;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to request that all funding allocations submitted by First Nations for all emergencies be immediately finalized and reimbursed by Emergency Management BC (EMBC);

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council supports Canada and British Columbia expanding the Bilateral Agreement to a new trilateral agreement with First Nations in BC, for the purposes of ensuring satisfactory, effective and equitable funding and resourcing within the four pillars of emergency management in First Nations communities by December 2022;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and First Nations Summit as the First Nations Leadership Council, to engage with First Nations in BC and provide possible negotiation models for First Nations consideration in order for First Nations to engage in negotiation with Canada and British Columbia on the new trilateral agreement; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to report back to the UBCIC Chiefs Council with a final negotiation model for consideration.

**Moved:** Chief Maureen Chapman, Skawahlook  
**Seconded:** Chief Byron Louis, Okanagan Indian Band  
**Disposition:** Carried  
**Date:** June 2, 2022



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### UNION OF B.C. INDIAN CHIEFS

#### CHIEFS COUNCIL

JUNE 2<sup>ND</sup> -3<sup>RD</sup>, 2022

MUSQUEAM COMMUNITY CENTRE, xʷMƏƏKʷƏYƏM (MUSQUEAM TERRITORY)

#### Resolution no. 2022-23

#### RE: Intervention SCC Case on Federal Legislation for First Nation Children and Youth

**WHEREAS** First Nations across British Columbia are advancing and implementing their full jurisdiction to care for their children and families based on First Nations cultures, traditions, governance, and laws;

**WHEREAS** First Nations are working directly and collectively with British Columbia and Canada through a range of processes to effect recognition of their jurisdiction over children and families based on the standards of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) that have been affirmed in law through the provincial *Declaration on the Rights of Indigenous Peoples Act* and the federal *United Nations Declaration on the Rights of Indigenous Peoples Act*;

**WHEREAS** the UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

**Article 22(1):** Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children, and persons with disabilities in the implementation of this Declaration;

**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 2019, the Attorney General of Quebec challenged the constitutional validity of the federal *Act respecting First Nations, Inuit and Métis Children, youth and families*, SC 2019, c 24, also known as Bill C-92, arguing that the Act impermissibly encroached on provincial jurisdiction over children and families and objecting to the general declaration and recognition of Indigenous peoples' inherent right to self-government with respect to children and families outside of what is afforded under section 35 of the *Constitution Act, 1982*;

**WHEREAS** in 2022, the Quebec Court of Appeal upheld the constitutional validity of the legislation, with a few exceptions, and released its decision in *Reference to the Court of Appeal of Quebec in relation with the Act respecting First Nations, Inuit and Métis children, youth and families*, 2022 QCCA 185. The Court found that the

federal government has jurisdiction to set national standards on Indigenous child and family services and that Indigenous peoples have an inherent right to govern in this area;

**WHEREAS** the Quebec Court of Appeal held that two provisions of the Act were unconstitutional because they would have given Indigenous laws absolute paramountcy over conflicting provincial laws. The Court found that only enactments of federal law can hold paramountcy over provincial laws in case of a conflict, and this paramountcy cannot extend to laws created by Indigenous communities. As such, the Court's decision states that, similar to other Aboriginal rights, provincial laws can infringe on an Indigenous law if the province can justify the infringement under the section 35 infringement and justification test under Canadian legal jurisprudence;

**WHEREAS** in April 2022, the Supreme Court of Canada granted leave to appeal the Quebec Court of Appeal's decision in this matter. Quebec appealed all parts of the decision, and Canada has appealed the finding that two provisions of the Act are unconstitutional, arguing that Indigenous laws can prevail over provincial laws, and that having the full force and effect as laws is important for self-government, especially in the area of child and family services;

**WHEREAS** there are a number of First Nations in BC upholding their jurisdiction, or reclaiming their inherent jurisdiction, over children and families, and these Nations have done substantial work to develop their laws, policies and plans to bring their children back in connection with their families, community, identity, and values; and

**WHEREAS** the Supreme Court of Canada's decision in this case will potentially shape the national approach to self-determination and self-government for years to come, and have direct impacts on First Nations in BC.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to seek funding and file an application to seek standing in the appeal at the Supreme Court of Canada on federal legislation for First Nations children and youth, to advance the self-determination rights of First Nations, in particular, that First Nations laws prevail over provincial laws, especially in relation to children and families;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive, if granted standing in the Supreme Court of Canada, to advance an argument that explains how child and family services have been used to break up families, disrupt the transmission of culture, identity, and language, and are a continuation of genocidal and colonial policies such as the residential school system, also based on the *Indian Act*;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to ensure that the Supreme Court of Canada is informed about the international and national legal dimensions of self-determination and the need for the consent of First Nations to be the bedrock of the application of any provincial law or policy, and that the *Indian Act*, that permitted provincial laws to apply to First Nations, was unilaterally imposed, colonial, and needs to be rejected as contrary to inherent and pre-existing rights; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to seek resources to support the intervention in the Supreme Court of Canada, and further support collaboration with the First Nations Leadership Council in a joint intervention, if that is more efficient in terms of cost and strategic advancement of a common position.

**Moved:** Chief Byron Louis, Okanagan Indian Band  
**Seconded:** Chief Arnold Lampreau, Shackan Indian Band  
**Disposition:** Carried  
**Date:** June 2, 2022

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### UNION OF B.C. INDIAN CHIEFS

#### CHIEFS COUNCIL

JUNE 2<sup>ND</sup> -3<sup>RD</sup>, 2022

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-24**

#### **RE: Funding for First Nation Children and Youth with Disabilities**

**WHEREAS** First Nations across British Columbia are advancing and implementing their full jurisdiction to care for their children and families based on First Nations cultures, traditions, governance, and laws;

**WHEREAS** First Nations are working directly and collectively with British Columbia and Canada through a range of processes to effect recognition of their jurisdiction over children and families based on the standards of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) that have been affirmed in law through the provincial *Declaration on the Rights of Indigenous Peoples Act* and the federal *United Nations Declaration on the Rights of Indigenous Peoples Act*;

**WHEREAS** the UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

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

**WHEREAS** in November 2021 the Ministry of Child and Family Development (MCFD) announced a unilaterally developed plan to centralize all MCFD services for children and youth with disabilities, and end existing programs such as the individualized funding program for children with autism which supported families, including Indigenous families, to direct who and how services would be delivered;

**WHEREAS** MCFD's unilaterally developed plan will now require children and youth with disabilities to go to MCFD controlled and operated "family connection centres" in order to access services for children and youth with disabilities. This includes First Nations children who currently access disabilities services from MCFD;

**WHEREAS** the control of child and family services for First Nations children has been destructive, devastating, and even deadly for our children for generations, and efforts by MCFD to further centralize and control services for First Nations children is a continuation of the colonial practices that have proved harmful to our children, youth and families;

**WHEREAS** there was no consultation, co-development, or consent of First Nations on MCFD's plan to create "family connection centres" and end existing services, and no "particular attention" was paid to Indigenous children with disabilities as required by the UN Declaration;

**WHEREAS** organizations, advocates and experts for children and youth with disabilities have condemned MCFD's plan to create "family connection centres" as "unscientific" and "discriminatory" and will lead to less and worse services for all children with disabilities;

**WHEREAS** any steps to transform existing services must support and advance First Nations' jurisdiction over our children and families, and MCFD's unilaterally developed plan does the opposite of that; and

**WHEREAS** a model of transformed services for children and youth with disabilities must be co-developed with First Nations, consistent with the UN Declaration, and a transformed system that meets the standards of the UN Declaration is required for all First Nations persons – children, youth, and adults – with disabilities.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council rejects the Ministry of Children and Family Development (MCFD)'s plan to create "family connection centres" and calls for an immediate and full stop to MCFD's continuous roll-out of its unilaterally developed and discriminatory plan to create these "family connection centres";

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Province to co-develop an approach to transforming services for First Nations children and youth with disabilities while maintaining existing services until a new approach is jointly agreed upon, and to advance the full implementation of Article 22 of UN Declaration for all First Nations persons with disabilities;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to ensure that MCFD provides a distinction-based approach to a co-developed strategic plan for implementation of a First Nations Child and Youth Support Needs services that will address improved access to and quality of services based in a culturally safe manner; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with like-minded organizations to ensure that the current service and funding model for children and youth with disabilities that includes individualized funding supports is maintained, and that "family connection centres" be explored as an option as part of expansion of existing services rather than replace existing services.

**Moved:** Chief Matt Pasco, Oregon Jack Creek  
**Seconded:** Chief James Hobart, Spuzzum First Nation  
**Disposition:** Carried  
**Date:** June 2, 2022

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL

JUNE 2<sup>ND</sup> - JUNE 3<sup>RD</sup>, 2022

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-25**

## **RE: Support in Principle for BC First Nations Cannabis Strategy**

**WHEREAS** First Nations have the inherent right to trade in commerce all aspects of cannabis in their territories, including, but not limited to, law-making, regulation and enforcement regarding the cultivation, processing, distribution, inter-nation trade, sale, and possession and use of cannabis and all its derivatives;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms:

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

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

**Article 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 20(1):** Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

**Article 21:** Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the area of education, employment vocational training and retraining, housing, sanitation, health and social security.

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

**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.

**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 governments of British Columbia and Canada do not sufficiently recognize First Nations rights to trade and commerce with respect to cannabis;

**WHEREAS** through Union of BC Indian Chiefs (UBCIC) Resolution 2018-12 “Engagement with the BC Cannabis Legalization and Regulation Secretariat”, UBCIC Resolution 2019-37 “BC First Nations Cannabis Framework and Action Plan”, and UBCIC Resolution 2021-26 “Development of a First Nations Cannabis Strategy” the UBCIC Chiefs Council called on the provincial and federal governments to recognize First Nations jurisdiction, articulated the key challenges faced by First Nations with respect to cannabis, and directed the UBCIC Executive and staff, working with other First Nations Leadership Council (FNLC) representatives on the BC-FNLC Joint Working Group on the Legalization and Regulation of Non-Medical Cannabis in BC (JWG) to advance the priorities of First Nations in the sphere of cannabis through the development and implementation of a BC First Nations Cannabis Strategy (the Cannabis Strategy);

**WHEREAS** to inform the development of the Cannabis Strategy the FNLC hosted 5 virtual sessions, invited written feedback, and held one-on-one meetings to facilitate dialogue among First Nations in BC and community members, and gather feedback. The virtual sessions included:

- a. August 10, 2021 Pre-Session focused on providing an orientation to the Cannabis Strategy development process and seeking preliminary input into the process itself; discussion on key legislative priorities; and feedback on the draft provincial Declaration on the Rights of Indigenous Peoples Act action plan;
- b. November 17, 2021 Engagement Session 1 focused on economic development;
- c. November 19, 2021 Engagement Session 2 focused on the recognition and implementation of First Nations jurisdiction; and the establishment of a BC First Nations cannabis institution;
- d. January 13, 2022 Engagement Session 3 focused on taxation and revenue sharing; and
- e. January 26, 2022 Report and Feedback Session focused on gaining feedback on the draft Strategy framework; and

**WHEREAS** based on the dialogue and feedback collected during the engagement process, a framework consisting of the Cannabis Strategy’s goals and objectives was developed (the Strategy Framework), and a draft BC First Nations Cannabis Strategy was prepared. The goals of the Strategy Framework include:

1. Advance the recognition of First Nations’ inherent jurisdiction over cannabis;
2. Advance First Nations cannabis taxation and revenue sharing jurisdiction;
3. Support First Nations cannabis businesses and entrepreneurs through collaborative partnerships and ongoing economic development advocacy work;
4. Prioritize community safety by ensuring cannabis products meet quality assurance standards. Work collaboratively with First Nations in BC and enforcement agencies provincially and federally to ensure that First Nations are protected from adversarial activity and criminalization which threatens their self-determination;
5. Strengthen health and wellness advocacy work through First Nations institutions; and
6. Advance the development of the necessary infrastructure, institutions and other supportive resources that First Nations in BC require to be successful in the cannabis market provincially, nationally and internationally.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council supports in principle the BC First Nations Cannabis Strategy, based on the Strategy Framework and draft BC First Nations Cannabis Strategy, and directs the UBCIC Executive and Staff to work with the First Nations Summit and the BC Assembly of First Nations as

the First Nations Leadership Council (FNLC) and the FNLC representatives on the Joint Working Group (JWG) to advocate for, and pursue effective collaboration and funding for the implementation of the Cannabis Strategy; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff and/or FNLC representatives on the JWG to report to the UBCIC Chiefs Council on the implementation of the BC First Nations Cannabis Strategy at upcoming UBCIC Chiefs Council meetings.

**Moved:** Kukpi7 Doug Thomas, Splatsin  
**Seconded:** Chief John Powell, Mamalilikulla First Nation  
**Disposition:** Carried  
**Date:** June 2, 2022



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JUNE 2<sup>ND</sup> - JUNE 3<sup>RD</sup>, 2022

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

#### Resolution no. 2022-26

#### **RE: Implementing the Recommendations of the Special Committee on Reforming the Police Act**

**WHEREAS** policing is most often the first aspect of a person's interaction with the justice system, and in the First Nations context, this first interaction comes within a historical context where police forces have played a role in imposing colonialism, including forcible land dispossession, enforcement of the residential school system, a contemporary context of massive distrust, concerns of systemic racism, and enforcing policies and outcomes in relation to First Nations children, which perpetuate conflict and apprehension;

**WHEREAS** policing in BC must provide for opportunities to advance self-determination efforts including the creation of First Nations designed and administered police and public safety models;

**WHEREAS** First Nations have consistently advocated for a complete overhaul of the policing and public safety structure in British Columbia, insofar as it was imposed and never designed for First Nations, as confirmed in presentations to the Special Committee on Reforming the Police Act (SCORPA);

**WHEREAS** The BC First Nations Justice Council (BCFNJC) has been entrusted with the mandate to transform the justice system and create better outcomes for Indigenous people through implementation of the BC First Nations Justice Strategy;

**WHEREAS** the BCFNJC is actively working on police reform through implementing Strategy 22 of the BC First Nations Justice Strategy which seeks to establish new models of structured relations between First Nations, the RCMP, and other police forces, that support new strategic and policy level, as well as community level, and cooperative change, while supporting greater community-level police forces;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:



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

**Article 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 34:** Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

**Article 39:** Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration;

**WHEREAS** on December 9, 2020, the Legislative Assembly established the all-party SCORPA to examine, inquire into, and make recommendations to the Legislative Assembly on: reforms related to independent oversight, transparency, governance, structure, service delivery, standards, funding, training, and education; the role of police with respect to complex social issues including mental health and wellness, addictions, and harm reduction; the scope of systemic racism within British Columbia's police agencies, including the Royal Canadian Mounted Police, independent municipal police and designated policing units, and its impact on public safety and public trust in policing; and whether measures necessary to ensure a modernized Police Act is consistent with the UN Declaration;

**WHEREAS** the BCFNJC provided the SCORPA with a verbal presentation on March 26, 2021, in addition to a written submission titled, “Forging a New Reality in Peacekeeping for First Nations,” which made 19 recommendations under five broad headings: nothing about us without us; addressing systemic racism; putting the person and community at the center: an open and honest relationship; and, advancing self-determination;

**WHEREAS** the Union of BC Indian Chiefs (UBCIC), working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, also provided the SCORPA with a verbal presentation on March 26, 2021, in addition to a written submission on April 30, 2021 which made 50 recommendations drawing from the many reports, reviews and studies conducted into the police complaint process, the *Police Act*, and policing generally and revealed persistent deficiencies over a 20-year period in responding to calls to improve the police complaints process, and in some cases, outright failure to implement actions that could have better held police accountable – an accountability that may have saved the lives of the Indigenous people killed by police during that time;

**WHEREAS** on April 28, 2022, the SCORPA released their final report titled, “Transforming Policing and Community Safety,” which makes 11 broad recommendations that call for transformational change in policing and community safety, including the development of new legislation to replace the provincial *Police Act* based on values of decolonization, anti-racism, community, and accountability; and

**WHEREAS** the recommendations in this report represent an enormous alignment with the BC First Nations Justice Strategy, which outlines a less harmful and more appropriate and respectful approach to policing for our people.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council supports the full implementation of the recommendations put forth in the final report of the Special Committee on the Reforming Police Act titled, “Transforming Policing and Community Safety in British Columbia, and calls for additional gender-based analysis and attention to women and girls;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council calls on the Province to swiftly establish an all-party select standing committee on policing and community safety (per SCORPA recommendation 11) to advance implementation and commit to full inclusion and co-development of any new policy and legislation that impacts First Nations in BC, working with the UBCIC, BC Assembly of First Nations, and First Nations Summit (working together as the First Nations Leadership Council) and the BC First Nations Justice Council.

**Moved:** Chief James Hobart, Spuzzum First Nation  
**Seconded:** Kukpi Lee Spahan, Coldwater Indian Band  
**Disposition:** Carried  
**Date:** June 2, 2022

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MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-27**

#### **RE: UBCIC Appointments to First Nations Technology Council**

**WHEREAS** Union of BC Indian Chiefs (UBCIC) members are actively involved in First Nations Technology Council activities, and have held three (3) appointed positions on the board since 2009;

**WHEREAS** the three (3) UBCIC appointed positions to the First Nations Technology Council expire in June 2022 and need to be filled;

**WHEREAS** the UBCIC Elections Procedures, adopted February 28, 2013, set out a policy to standardize the appointment of representatives of the UBCIC to various councils, boards, committees, or similar bodies where individuals are asked to represent the UBCIC;

**WHEREAS** the UBCIC circulated notice seeking application for three (3) representatives to the First Nations Technology Council, for a three-year term beginning June 3, 2022, to be chosen in accordance with the UBCIC Elections Procedures;

**WHEREAS** UBCIC received two applications for the positions of UBCIC representatives to the First Nations Technology Council from Chief James Hobart, Spuzzum, and Chief Arnold Lampreau, Shackan Indian Band, who are acclaimed as UBCIC representatives to the First Nations Technology Council; and

**WHEREAS** at the UBCIC Chiefs Council meeting on June 2-3, 2022, the Chair of the UBCIC Chiefs Council called for nominations from the floor for one (1) additional appointee to the First Nations Technology Council to complete the third position, and Councillor Donald Williams, Tsawout First Nation, was confirmed.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council appoints three (3) representatives to the First Nations Technology Council for a three-year term beginning June 2, 2022 and ending June, 2025:

**2022-27**

Page 1 of 2

1. Chief James Hobart, Spuzzum First Nation
2. Chief Arnold Lampreau, Shackan Indian Band
3. Councillor Donald Williams, Tsawout First Nation

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council calls on the UBCIC representatives to the First Nations Technology Council to provide regular updates to the UBCIC Chiefs Council and the UBCIC Executive.

**Moved:** Chief John Powell, Mamalilikulla First Nation  
**Seconded:** Chief Janet Webster, Lytton First Nation  
**Disposition:** Carried  
**Date:** June 2, 2022

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 2<sup>ND</sup> - JUNE 3<sup>RD</sup>, 2022

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏK<sup>W</sup>YƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-28**

#### **RE: Protecting Pacific Wild Salmon Habitat**

**WHEREAS** the current state of wild salmon and wild salmon habitat in BC are in crisis. The viability of wild pacific salmon stocks and their full life-cycle habitat in British Columbia are increasingly degraded from the confluence of climate change impacts, ineffective fisheries conservation, pollution and habitat destruction from industrial natural resource exploitation and salmon aquaculture;

**WHEREAS** wild salmon runs in British Columbia, many of which have been identified as threatened, endangered and species of special concern, rely on the health and ecological integrity of their habitat across their seasonal migrations and lifecycles;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

**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.

**Article 34:** Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

**WHEREAS** Fisheries and Oceans Canada has continually prioritized aquaculture and commercial fisheries over wild salmon conservation and Indigenous rights to harvest salmon for food, social, and ceremonial needs; and

**WHEREAS** Union of BC Indian Chiefs (UBCIC) Resolutions 2016-40, 2019-59, 2020-15, 2020-21, and 2021-56 call for the UBCIC Chiefs Council to work with First Nations and like-minded organizations to conserve wild salmon and to advocate for the recovery of wild salmon runs.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports including the protection of wild salmon and salmon habitat and management as a standing agenda item at Chiefs Councils and Assemblies and extending invitations to decision-makers at the federal and provincial ministries and agencies relevant to the protection of wild salmon habitat to regularly provide updates to and take questions from Chiefs on the status of wild salmon runs in British Columbia;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council demands that the federal and provincial governments prioritize and commit to the protection and enhancement of wild salmon and salmon habitat including a placing a moratorium on new licenses for open-net salmon farming in the Discovery Islands, fulfilling the 2025 salmon farming phase-out commitments expressed in the Open-Net Transition Plan's initial engagement as soon as possible, and passing biodiversity legislation that addresses wild salmon management and protection of salmon habitat; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with like-minded organizations in efforts to protect wild salmon and salmon habitat.

**Moved:** Chief James Hobart, Spuzzum First Nation  
**Seconded:** Chief Brian Tate, Ditidaht First Nation  
**Disposition:** Carried  
**Date:** June 2, 2022

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MUSQUEAM COMMUNITY CENTRE, X<sup>M</sup>ƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-29**

#### **RE: First Nations Advisor to the Province on Wild Salmon**

**WHEREAS** wild salmon are integral to many First Nations livelihoods, culture, traditions, health, and spirituality throughout British Columbia and are considered relatives;

**WHEREAS** First Nations continue to protect wild salmon from intensifying threats, including climate change and the impacts of open net pen fish farms such as pollution, low water, high temperature, starvation, and disease, in accordance with our sacred responsibility and ancestral stewardship obligations;

**WHEREAS** the steady decline of healthy and abundant wild salmon stocks has reached a crisis point, with 2019 yielding the lowest wild salmon returns in Canada's history with some stocks facing potential extirpation and/or extinction representing an unjustified infringement of our food, social and ceremonial use;

**WHEREAS** Union of BC Indian Chiefs (UBCIC) Resolutions 2012-19, 2012-36, 2012-65, 2016-40, 2021-07 call for the UBCIC Chiefs Council to work with First Nations and the First Nations Fisheries Council (FNFC) to conserve wild salmon stocks, phase out fish farming in Discovery Islands, and advocate for and support the recovery and restoration of wild salmon stocks;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

**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 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.

**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;

**WHEREAS** reconciliation with First Nations in BC cannot be fully realized whilst the decline of pacific salmon stocks continues to negatively affect the social, cultural and societal elements of First Nations communities and while British Columbia and Canada fail to work in collaboration, or provide justification for infringement of our food, social and ceremonial use, and heed the expertise of, First Nations Title and Rights holders;

**WHEREAS** it is critical that the Province take swift action to protect wild salmon and uphold its obligations to First Nations as inherent Title and Rights holders given the time-sensitive and urgent window for salmon recovery;

**WHEREAS** a First Nations advisor to the Province on wild salmon is an essential position in alignment with traditional cultural norms and stewardship roles of First Nations in BC and is a voice of expertise that is desperately needed at decision-making tables. First Nations people have specialized knowledge of salmon depletion concerns that is crucial to the survival of our relatives; and

**WHEREAS** the UBCIC has a robust tradition of wild salmon conservation. Bob Chamberlin, former UBCIC Vice President, has been fighting for the protection of wild salmon for decades and is one of the leading advocates on the issue with strong relationships with scientists, environmental organizations, and government and would be well positioned to advocate for First Nations perspectives on conserving wild salmon.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council calls on the Province to immediately create the position of First Nations Advisor to the Province of BC on Wild Salmon and to work in collaboration with First Nations in articulating the responsibilities for this critical role; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council fully recommends Bob Chamberlin for the position of First Nations Advisor to the Province of BC on Wild Salmon based on his expertise, traditional ecological knowledge around salmon, and decades of committed work to protect wild salmon and uphold First Nations sacred relationship with salmon.

**Moved:** Chief James Hobart, Spuzzum First Nation  
**Seconded:** Kukpi Lee Spahan, Coldwater Indian Band  
**Disposition:** Carried  
**Date:** June 2, 2022



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MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2022-30

**RE: Support for Ktunaxa Nations' Request for Canada to Refer the Matter of Water Quality Pollution in the Kootenay River Watershed to the IJC for Study and Action**

**WHEREAS** the Kootenay River is an international water body between Canada and the United States that has been significantly polluted by coal mine operations authorized and approved by the Province of BC;

**WHEREAS** the Ktunaxa have Title and Rights within ʔamakʔis (Ktunaxa homelands), including the area of the Kootenay River, and have sought for decades to have the waters and environment of the Kootenay River protected from pollution and restored to a state that supports ʔa·kxamʔis ǰapi qapsin (All Living Things);

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

**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.

**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;

2022-30

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(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.

**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;

(2): States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent;

**WHEREAS** the International Joint Commission (IJC) is an independent binational body established pursuant to the *1909 Boundary Waters Treaty* between Canada and the United States that is responsible for, among other things, examining and reporting on transboundary water pollution and means to control or reduce such pollution;

**WHEREAS** on December 6, 2021, the Ktunaxa requested that the Minister of Foreign Affairs Canada and the US Department of State initiate a joint reference to the IJC concerning the pollution of the transboundary Kootenay River watershed (the IJC Reference);

**WHEREAS** pursuant to the Ktunaxa request, Global Affairs Canada (GAC) commenced consultations with Ktunaxa regarding the IJC Reference, and committed to Ktunaxa to provide a concept paper to explore and support the IJC Reference for meaningful review and input by Ktunaxa, and pursuant to Canada's legal duties including Canada's obligations pursuant to the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act);

**WHEREAS** GAC, in contravention of its legal duties and commitments to Ktunaxa, and contrary to the rights and articles of the UN Declaration and the Declaration Act, unilaterally terminated consideration of the IJC Reference, and did so after providing the Province of BC with a preferential opportunity to influence federal Ministers and decision-makers regarding the IJC Reference to the exclusion of, and with prejudice to, Ktunaxa; and

**WHEREAS** the IJC would serve as a beneficial forum for an independent examination of the sources of pollution of the transboundary Kootenay River watershed, including making recommendations regarding measures to understand, control and reduce that pollution.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council condemns the decision by Canada, through GAC, for unilaterally terminating consideration of the International Joint Commission (IJC) Reference without regard for the Title, Rights and decision-making authority of the Ktunaxa, and contrary to Canada's constitutional and legal duties to Indigenous peoples including the rights articulated in the UN Declaration and the Declaration Act, and note that the international implications necessitate reaching out to our American Tribal neighbours;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council fully supports the request of the Ktunaxa, by letter dated May 6, 2022, that the Minister of Foreign Affairs and Minister of Environment and Climate Change Canada reverse the decision to unilaterally terminate consideration of the IJC Reference, and recommit to consent-based engagement on a joint IJC reference, consistent with the UN Declaration; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council calls upon Canada to take all steps within Canada's authority, including but not limited to initiating the IJC Reference with the United States, to protect, restore and remediate the waters of the Kootenay River watershed, which have been polluted by decades of mining without the consent of the Ktunaxa.

**Moved:** Chief Heidi Gravelle, Tobacco Plains Indian Band

**Seconded:** Councillor Vickie Thomas, ʔaᑭam (Proxy)

**Disposition:** Carried

**Date:** June 2, 2022

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MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-31**

#### **RE: Forest and Range Consultation and Revenue Sharing Agreement Alignment with the UN Declaration**

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

**WHEREAS** First Nations' Title contains an inescapable economic component and First Nations in BC have a right to benefit economically from the use of their territories and resources;

**WHEREAS** in 2010, the Province unilaterally developed a new forestry agreement process and template to be used with First Nations called Forest and Range Consultation and Revenue Sharing Agreements (FCRSA). The Province decided to share stumpage revenues based on 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 \$500.00 per person;

**WHEREAS** by Resolution 2010-56 "Rejection of Forest and Range Consultation and Revenue Sharing Agreement Template," the UBCIC Chiefs Council opposed and rejected the Province's template approach regarding forest and range decisions and rejects the FCRSA template while directing the UBCIC Executive to explore all available options for a strategy to assert First Nations' Title, Rights, and Treaty Rights concerning forest and range issues;

**WHEREAS** the Province has committed to co-developing a new forestry revenue sharing model to reflect the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), enhancing government-to-government relationships, bringing immediate benefits to First Nations, and developing a new fiscal relationship with Indigenous Peoples;

**WHEREAS** the UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of B.C. committed to implement, affirms:

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

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

**Article 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.

**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 resource.

**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** by Resolution 2019-24 "Development and Implementation of BC First Nations Forest Strategy," developed by the First Nations Forestry Council, the UBCIC Chiefs Council fully supported the draft Forest Strategy and Implementation Plan that affirms joint decision-making, and an increased role of First Nations in the governance and stewardship of forest lands and resources;

**WHEREAS** Canadian case law confirms that First Nations must be meaningfully consulted and accommodated by the Crown before resource-related proposals commence that may impact First Nations' Title, Rights and Treaty Rights. As such, First Nations must be fully involved in creating or updating FCRSA templates;

**WHEREAS** new or updated FCRSAs must recognize and uphold First Nations' right to self-determination and their inherent right to land and resources; and

**WHEREAS** executed FCRSAs must not be used against a First Nation to limit or restrict any effort or action made by the Nation to claim, protect, and uphold their inherent Title, Rights, and Treaty Rights.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council calls on the Province to ensure new agreements on forestry with First Nations are codeveloped with inherent Title and Rights holders; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC to work with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, and to work with the First Nations Forestry Council to engage with the Province to ensure Forest Consultation and Revenue Sharing Agreements (FCRSAs) align with the implementation of Indigenous rights in the UN Declaration and advocate that revenue sharing with First Nations should be based on the free, prior and informed consent of First Nations to resource activities on their unceded traditional territories and marine areas, with the resulting allocation of revenue sharing directed to the First Nations Title and Rights holders.

**Moved:** Chief Lynda Price, Ulkatcho First Nation  
**Seconded:** Chief Byron Louis, Okanagan Indian Band  
**Disposition:** Carried  
**Date:** June 3, 2022

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MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-32**

#### **RE: Implementation of OGSR Recommendations for Old Growth Forests, including Deferrals and Resilience Planning**

**WHEREAS** old growth forests hold intrinsic value to Indigenous peoples, who have derived their ways of life, health, wellbeing, livelihoods and spiritual practices from the care and stewardship of their lands and waters since time immemorial;

**WHEREAS** old growth forests are rare, fragmented and at high risk throughout British Columbia after over a century of colonial policies that prioritize wealth for extractive industries over First Nations Title and Rights and human and ecological wellbeing;

**WHEREAS** old growth forests in B.C. are among the most carbon-rich, biodiverse forests remaining on the planet, and are vital to both mitigating and adapting to the impacts of the climate crisis including floods, wildfires, landslides, clean water access, biodiversity losses, and food security, all of which have disproportionately affected First Nations;

**WHEREAS** by Resolutions 2020-23, 2021-38 and 2021-61 the UBCIC Chiefs Council directed the UBCIC Executive and staff to work with First Nations and like-minded organizations to co-develop a new biodiversity law with the Province of BC, and to urge the provincial and federal governments to provide dedicated funding for First Nations Indigenous Protected and Conserved Areas (IPCAs) and First Nations land use plans, and to advance the [Protect Our Elder Trees Declaration](#);

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

**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 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 resource;

**WHEREAS** the Province committed to implementing all 14 recommendations of the 2020 Old Growth Strategic Review (OGSR). Recommendation 6 directed logging deferrals be ordered in high-risk old growth forests within 6 months to ensure irreplaceable forests would not be logged while undertaking a substantive paradigm shift in forestry, including the full involvement of First Nations. More than 2 years after the province received the OGSR report and recommendations, the majority of the at-risk proposed deferral areas are open to logging and irreplaceable old growth forests continue to be destroyed, and no significant moves to a paradigm shift are visible;

**WHEREAS** immediate deferrals of harvest in irreplaceable forests combined with recovery in ecosystems with little old forest remaining, and long-term resilience planning are all critical to maintaining First Nations Title and Rights. The Province released deferral maps in November 2021, but have failed to follow-through with leadership on implementation, placing the burden for action on First Nations, and creating further divisiveness between neighbouring Nations and with industry;

**WHEREAS** the Province has failed to provide adequate funding or resources to First Nations to identify and implement areas for immediate logging deferral and resilience planning, including for areas of cultural importance and key species habitat;

**WHEREAS** on-the-ground and satellite evidence indicates that logging companies continue to target old growth forests and proposed old growth deferral areas, many of which have been logged in the months since the provincial government released the maps of proposed old growth logging deferrals;

**WHEREAS** the province continues to profit from extraction on First Nations lands while delaying implementing deferrals that might impact its wealth. Last year, the province generated a record-breaking 1.8 billion dollars in stumpage revenue from logging. A large amount of revenue came from grade 1 and 2 logs — high grading old growth forests, particularly in the Southern Interior;

**WHEREAS** a handful of large, multinational logging companies continue to disproportionately benefit from *status quo* old growth logging, and continue to pose ongoing risk to key old growth forest (e.g. Canfor alone holds more risk to deferral areas than all 127 First Nations-owned logging companies);

**WHEREAS** the Minister of Forests has stated that in areas of shared territory and overlap, if there is not agreement by the Nations on deferrals, the Minister will assess each Nation's strength of claim, which will pit Nations against each other and is leading to old growth trees not being deferred; and

**WHEREAS** the current divisive picture of old growth logging has been, and continues to be, exacerbated by the B.C. government fostering an economic dependence on logging for First Nations through limited revenue-sharing, joint ventures, employment, and tenures in contentious areas where First Nations face limited alternate economic opportunities as a result of years of colonialism and racism. It is a Title and Rights



violation for First Nations to have to choose between logging remaining old growth forests and having adequate funds to support their communities;

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council calls on the provincial government to immediately defer logging in all proposed old growth deferral areas, plus additional areas identified by First Nations, and to urgently move towards the paradigm shift and resilience planning as outlined in the OGSR recommendations;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Province to ensure full and urgent financial support for First Nations to implement immediate logging deferrals and resilience planning on their unceded territories. Funding must fully compensate First Nations for lost revenues from impact agreements, as well as additional resources to support members whose employment is impacted;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council urges the Province to ensure transparency on forestry-related decisions that are fully compliant with Free, Prior and Informed Consent, and do not use any strength of claims assessment in relation to decisions about deferrals, and which uphold the Title and Rights of First Nations in BC pursuant to the governments' responsibilities under the UN Declaration and the Declaration Act.

**Moved:** Chief James Hobart, Spuzzum First Nation  
**Seconded:** Chief Arnold Lampreau, Shackan Indian Band  
**Disposition:** Carried  
**Date:** June 2, 2022



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MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-33**

#### **RE: Declaration on the Rights of Indigenous Peoples Act Action Plan**

**WHEREAS** First Nations in BC are proper title and rights holders and have inherent title and rights, inherent laws and legal systems and jurisdictions which we have exercised prior to contact and which continue to exist, and are the only Indigenous peoples who have such rights in BC;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) was adopted by the General Assembly in September 2007, after more than 20 years of discussions. The UN Declaration is the most comprehensive, universal international human rights instrument explicitly addressing the economic, social, cultural, political, spiritual and environmental rights of Indigenous peoples;

**WHEREAS** on November 28, 2019, Bill 41 *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) received Royal Assent in the British Columbia Legislature. The Declaration Act confirms the UN Declaration as *the* framework for reconciliation and requires the provincial government to develop and implement an action plan in consultation and cooperation with Indigenous peoples to achieve the objectives of the UN Declaration;

**WHEREAS** the UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

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

**Article 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** the Province led engagement with First Nations in BC, First Nations organizations, the First Nations Leadership Council (FNLC), and others on a draft action plan in 2020, 2021, and early 2022; and

**WHEREAS** the Province tabled the first Declaration Act Action Plan (Action Plan) in the Legislature on March 30, 2022. This is a five-year plan (2022-2027) that outlines 89 actions in four theme areas: Self-Determination and the Inherent Right of Self-Government; Title and Rights of Indigenous peoples; Ending Indigenous-specific Racism and Discrimination; and, Social, Cultural, and Economic Well-being. The Action Plan includes responsibilities for all provincial ministries.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council recognizes the Action Plan as an important fulfillment of the Province's obligations under the Declaration Act and a set of initial necessary steps to advance the objectives of the UN Declaration;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Province to develop clear priorities for implementation of the Action Plan that include establishing a discussion table and process for First Nations not participating in the BC Treaty Commission process that recognizes First Nations self-determination and inherent jurisdiction; and that prioritizes First Nations decision-making and meaningful space for Indigenous laws, responds to clear inequities in outcomes and access systems, advances responses to anti-Indigenous racism, and establishes a proper fiscal relationship between First Nations and the Province;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Province to develop a clear accountability framework for the Action Plan, including indicators and detailed progress reporting against all actions in the Declaration Act Annual Report to the Legislature as well as directly to First Nations, including through the First Nations Leadership Gathering;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Province to provide ongoing assurances that the Action Plan will not inhibit or limit new priorities and opportunities of First Nations, particularly at a local level, nor will it impede upon First Nations jurisdiction and authority; and

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Leadership Council to continue to engage with the Province on the implementation of the Action Plan with regular reporting to First Nations.

**Moved:** Kukpi Lee Spahan, Coldwater Indian Band  
**Seconded:** Chief John Powell, Mamalilikulla First Nation  
**Disposition:** Carried  
**Date:** June 2, 2022

# OUR LAND IS OUR FUTURE

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 2<sup>ND</sup> - JUNE 3<sup>RD</sup>, 2022

MUSQUEAM COMMUNITY CENTRE, X<sup>M</sup>ΘƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-34**

#### **RE: Holding Mining Companies Accountable for Destruction of the Land**

**WHEREAS** the destruction of ancestral lands in British Columbia by placer exploration and mining has impacted First Nations since the 1851 gold rush and Great Britain's subsequent proclamation of ownership to all gold in what is now the province of British Columbia;

**WHEREAS** this assertion of ownership is a manifestation of the unjust and racist Doctrine of Discovery and *Terra Nullius* and continues to the present day by the government of British Columbia with all natural resources including minerals and metals, oil, natural gas, coal, timber, animals, fish and water;

**WHEREAS** the potential for economic deposits of placer minerals and metals, including gold, jade, or platinum, exists in every watershed in British Columbia;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

**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 and resources which they have traditionally owned, occupied or otherwise used or 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;

**(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** placer mining is integral in the supply of “critical” minerals and metals in the global fossil fuel energy transition and the shift to achieve net zero electricity generation, which requires huge quantities of almost every metal on the periodic table, and First Nations must decide if they consent to placer activity on their ancestral lands and, if so, on what terms and conditions;

**WHEREAS** Crown oversight of placer mining is minimal and the placer sector enjoys unparalleled regulatory operational exemptions in the *Mines Act* regulation, the *Health, Safety and Reclamation Code for Mines in British Columbia*, as well as unmatched Crown financial incentives with a near zero tax rate as set out in the *Mineral Tax Act*;

**WHEREAS** there has never been an environmental assessment under the *Environmental Assessment Act* of a placer mine in British Columbia, and the return of corporate miners to legacy placer mine sites has raised a significant, unquantifiable risk for potential remobilization of mercury from stream beds; and

**WHEREAS** the government of British Columbia estimates the cost to regulate the placer sector, in staff time and expenses, is ten to thirty times more than it receives in placer mineral taxes, and the benefits of placer mining to First Nations are negligible.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports calls for an immediate moratorium by the government of British Columbia on the issuance of placer claims and placer leases under the *Mineral Tenure Act*;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the government of British Columbia to immediately work with the UBCIC, working with the BC Assembly of First Nations and the First Nations Summit as First Nations Leadership Council, to amend Crown statutes and regulatory instruments, including the *Mineral Tenure Act*, the *Mineral Tax Act*, the *Environmental Assessment Act* and the *Health, Safety and Reclamation Code for Mines in British Columbia* to address the Crown’s tax, environmental assessment and operational inequities and deficiencies regarding placer exploration and placer mining; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the First Nations Energy and Mining Council, working with the government of British Columbia consistent with

- a. the UN Declaration;
- b. the Truth and Reconciliation Commission Calls to Action;
- c. Indigenous and Canadian law; and
- d. the provincial *Declaration on the Rights of Indigenous Peoples Act*

to regulate the placer exploration and mining sector in a manner that is identical to the British Columbia mineral exploration and mining sector and holds mining companies accountable for destruction of the land.

**Moved:** Kukpi Lee Spahan, Coldwater Indian Band  
**Seconded:** Chief Arnold Lampreau, Shackan Indian Band  
**Disposition:** Carried  
**Date:** June 2, 2022

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UNION OF B.C. INDIAN CHIEFS  
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JUNE 2<sup>ND</sup> - JUNE 3<sup>RD</sup>, 2022

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-35**

**RE: Engagement with the Ministry of Environment and Climate Change Strategy on the *Public Interest Bonding Strategy***

**WHEREAS** Indigenous peoples have the right and responsibility to manage, protect and make decisions with respect to their traditional territories. These rights and responsibilities are at the root of Indigenous Nationhood and the highest expression of Indigenous rights; Indigenous peoples have successfully taken care of their territories for millennia, managing and maintaining healthy, abundant and biodiverse ecosystems throughout what is now known as British Columbia;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

**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 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 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;

**(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** BC’s approach to conservation, stewardship and land management has and continues to disregard the Title, Rights, and jurisdiction of Indigenous peoples and the critical roles played by Indigenous laws, knowledge, governance and decision-making in caring for First Nations’ territories, and many, if not all First Nations communities, have felt the devastating effects of the climate and ecological crisis first-hand;

**WHEREAS** recent droughts, record-breaking summer and winter temperatures, floods, wildfires, landslides, and declines in pacific wild salmon, herring, caribou and other vital food sources for Indigenous peoples demonstrate the urgent need for change and for Indigenous-led action that restores Indigenous laws, knowledge and authoritative decision-making in conservation and stewardship efforts;

**WHEREAS** BC enacted the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) in 2019 and pursuant to its obligations to implement the objectives of the UN Declaration thereunder, has committed to undo 150 years of colonial harms that continue to be felt to this day by Indigenous peoples;

**WHEREAS** BC’s Ministry of Environment and Climate Change Strategy (MOECC) has, as part of its *Public Interest Bonding Strategy*, commenced a comprehensive two-phase review over a period of four years on the lack of implementation and enforcement of BC’s decades’ old “polluter-pay” principle for industrial projects;

**WHEREAS** the MOECC review for phase 1 (2021-2023) of the *Public Interest Bonding Strategy* will involve collaboration with the BC Ministry of Energy, Mines and Low Carbon Innovation (EMLI) by examining the *Environmental Management Act* and the *Mines Act* with the objective to establish a bonding or security system, also known as “financial assurance” to ensure that owners of industrial projects, including exploration and mining projects, pay the full costs of environmental clean-up and reclamation for both foreseen and unforeseen events; and

**WHEREAS** First Nations in BC must be integral participants in the *Public Interest Bonding Strategy* pursuant to their inherent Title and Rights and jurisdiction and the rights set out under the UN Declaration which clearly stipulates that Indigenous peoples have ownership rights with respect to their territories, the right to conserve and protect their territories, and the right to make decisions with respect to their territories, which are affirmed in the Articles listed above.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council calls on the First Nations Energy and Mining Council (FNEMC) to engage the Ministry of Environment and Climate Change Strategy, the Ministry of Energy, Mines and Low Carbon Innovation and other government of British Columbia ministries and agencies involved with financial assurance and the carrying-out of the *Public Interest Bonding Strategy*;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the government of British Columbia to cooperate with the FNEMC, and to provide the FNEMC sufficient resourcing required for its full participation in the *Public Interest Bonding Strategy*. FNEMC will ensure communities are provided the information and that their engagement does not supplant the duty of the Crown to work directly with inherent Title and Rights holders; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the FNEMC to advance engagement with the government of British Columbia so that a transparent and accountable financial assurance regime is created that fully meets the polluter-pays principle whereby owners of industrial projects, including exploration and mining projects, pay the full costs of environmental clean-up and reclamation for both foreseen and unforeseen events.

**Moved:** Chief Arnold Lampreau, Shackan Indian Band  
**Seconded:** Councillor David Lindley, Upper Nicola Band (Proxy)  
**Disposition:** Carried  
**Date:** June 2, 2022



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MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2022-36**

#### **RE: Support for House of the Moon**

**WHEREAS** Indigenous women, girls and 2SLGBTQQIA+ peoples continue to face increased rates of gender-based violence globally. Meanwhile, Indigenous-led organizations working to fill the gaps in services, healing supports, and violence prevention are chronically under-funded and under-resourced despite carrying out essential culturally informed work;

**WHEREAS** House of the Moon (HOM) is a grassroots coalition of Indigenous leaders and allies based in Oroville, WA, offering Indigenous women on Turtle Island a Holistic Empowerment and Self-Defense Facilitator Training Program designed to end the Murdered and Missing Indigenous Women and Girls (MMIWG) tragedy through prevention and empowerment of Indigenous women and communities;

**WHEREAS** the Holistic Empowerment and Self-Defense Facilitator Training program's curricula includes physical, mental, emotional and spiritual empowerment and self-defense tools and practices rooted in Traditional Knowledge. Upon graduation from the training program, women earn a Holistic Empowerment and Self-Defense Facilitator certificate of completion and are able to continue to facilitate gatherings in their own communities. HOM's focus is to restore reverence to the Lifegivers, renew a strong web of sisterhood, and support women and communities in reclaiming their inherent worth, strength, and sovereignty;

**WHEREAS** Union of BC Indian Chief (UBCIC) Secretary-Treasurer Kukpi7 Judy Wilson and UBCIC Women's Representative Melissa Moses are members of the Founding Council of the HOM;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

**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

**2022-36**

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the rights and special needs of indigenous elders, women, youth, children and persons with disabilities;

**Article 22(1):** Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration;

**(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 mandate of HOM directly aligns with the Final Report of the National Inquiry into MMIWG and its Calls for Justice including; 2.3, 2.5, 3.1, 3.4, 7.1,7.2 which call for access to culture, an empowerment fund for Indigenous-led initiatives, health and wellness, sustainable funding for trauma-informed services, and healing services; and

**WHEREAS** HOM has operated under the precarity of temporary and small project-based grants and private donations, leaving its future programming and supports to Indigenous women and girls insecure;

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the work of House of the Moon (HOM) as part of the collective work to end the MMIWG crisis;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to provide a letter of support to HOM that can be used by HOM in their ongoing and critical efforts to secure funding in alignment with the UN Declaration and the Calls for Justice from Final Report of the National Inquiry into MMIWG.

**Moved:** Chief James Hobart, Spuzzum First Nation

**Seconded:** Chief Byron Louis, Okanagan Indian Band

**Disposition:** Carried

**Date:** June 2, 2022