

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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Final Resolutions of UBCIC 54th Annual General Assembly September 27th-29th, 2022

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**UNION OF B.C. INDIAN CHIEFS
54TH ANNUAL GENERAL ASSEMBLY
SEPTEMBER 27TH TO 29TH, 2022
MUSQUEAM COMMUNITY CENTRE, x^wməθk^wəyəm (MUSQUEAM TERRITORY)**

Resolution no. 2022-37

RE: Appointment to the UBCIC Elections Appeal Committee

WHEREAS the Union of BC Indian Chiefs' By-Laws state that:

IX (a): The Chiefs-in-Assembly on the first day of an Assembly where the election for the position of President is to occur shall appoint an Elections Appeal Committee comprised of three Full or Active Members in good standing who are not standing for election for the position of President and who are members of three separate Indian Nations (and not merely Indian Bands); and

WHEREAS the UBCIC Chiefs-in-Assembly directed the Chair of the Assembly to call for nominations from the floor to participate in the UBCIC Elections Appeal Committee.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly hereby appoint the following persons as the Elections Appeal Committee of the Union of BC Indian Chiefs for the upcoming three-year term ending at the Annual General Assembly in October, 2025:

- 1) Kukpi7 James Hobart, Spuzzum First Nation
- 2) Kukpi7 Doug Thomas, Splatshin Band
- 3) Chief Don Svanvik, 'Namgis First Nation

Moved: Chair Khelsilem, Squamish Nation
Seconded: Chief Keith Crow, Lower Similkameen Indian Band
Disposition: Carried
Date: September 28, 2022

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Resolution no. 2022-38

RE: Appointment to the UBCIC Credentials Committee

WHEREAS the Union of BC Indian Chiefs' By-Laws state that:

VI (f): The Chiefs-in-Assembly at the start of each AGA where an election for President is taking place will appoint a Credential Committee, comprised of three Full or Active Members in good standing who are members of three separate Indian Nations (and not merely Indian Bands), and are not standing for election; and

WHEREAS the UBCIC Chiefs-in-Assembly directed the Chair of the Assembly to call for nominations from the floor to participate in the UBCIC Credentials Committee.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly hereby appoint the following persons as the Credentials Committee of the Union of BC Indian Chiefs for the upcoming three year term ending at the Annual General Assembly in October 2025:

- 1) Chief Keith Crow, Lower Similkameen Indian Band
- 2) Kukpi7 Doug Thomas, Splatshin Band
- 3) Chief Brian Tate, Ditidaht First Nation

Moved: Kúkpi7 James Hobart, Spuzzum First Nation
Seconded: Chief Janet Webster, Lytton First Nation
Disposition: Carried
Date: September 28, 2022

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MUSQUEAM COMMUNITY CENTRE, x̱məθḵw̱əy̱əm (MUSQUEAM TERRITORY)

Resolution no. 2022-39

RE: Creation of the Arnold Peters Legacy Scholarship Fund

WHEREAS the UBCIC maintains and relies upon paid staff to carry out the administration, financial management, and technical work of the organization as mandated by the UBCIC membership through resolutions passed by the UBCIC Chiefs Council;

WHEREAS in addition to complying with all applicable provincial and federal labour laws, the UBCIC strives to create a respectful and supportive work environment that promotes a holistic approach to the health and well-being of all staff and volunteers to align with the protocols, values, and practices that are the foundation of our communities;

WHEREAS the UBCIC's Finance Manager, Arnold Peters, the organization's longest serving employee, having worked for the organization for 43 years, suffered a severe and debilitating stroke at the end of June 2022 at his home in Kamloops, and has since been transferred from hospital in Kamloops to the Fraser Hope Lodge, where he is in close proximity to his home community of Chawathil and near his immediate and extended family overseeing his care and rehabilitation;

WHEREAS the UBCIC recognizes the value of our community members pursuing post-secondary education and acknowledges the financial hardship associated with undertaking any course of study at the post-secondary level;

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Grand Chief Stewart Phillip, President

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 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

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.

WHEREAS in recognition of Arnold's longstanding service to UBCIC, maintaining us in good financial standing over four decades, seeing us through years of hardship and struggle, managing the complexities of variable fiscal and staffing arrangements, mentoring assistants, and always approaching his position with calm, kindness, and excellent humour, UBCIC wishes to establish the Arnold Peters Legacy Scholarship Fund;

WHEREAS the Arnold Peters Legacy Scholarship Fund will be financed directly from member donations and, where possible, through external fundraising efforts;

WHEREAS resources permitting, the Arnold Peters Legacy Scholarship Fund would provide a scholarship of at least \$1000.00 per year to at least one student from a UBCIC member community enrolling in their first year of a recognized accounting or financial management program at a post-secondary institution in British Columbia; and

WHEREAS the Arnold Peters Legacy Scholarship Fund would be administered by the board of the Nesika Heritage and Cultural Society, the charitable arm of the UBCIC.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the development of the Arnold Peters Legacy Scholarship Fund;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with the Nesika Heritage and Cultural Society to develop accessibility, review implementation criteria, as well as fundraising strategies for the Arnold Peters Legacy Scholarship Fund and to present draft criteria and procedures to UBCIC membership at the June 2023 Chiefs Council meeting; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, staff, and board of the Nesika Heritage and Cultural Society to prepare the Arnold Peters Legacy Scholarship Fund for direct implementation by Fall 2023.

Moved: Chief Keith Crow, Lower Similkameen Indian Band
Seconded: Chief Donald Edgars, Skidegate Band Council (Proxy)
Disposition: Carried
Date: September 28, 2022

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MUSQUEAM COMMUNITY CENTRE, x̓m̓əθk̓ʷəy̓əm (MUSQUEAM TERRITORY)

Resolution no. 2022-40

RE: Support for Prioritizing Water Revenue Sharing Frameworks Between First Nations and BC

WHEREAS First Nations are the original caretakers and stewards of the lands of what is now known as British Columbia, whose inherent and constitutionally protected Aboriginal and Treaty rights supersede Crown jurisdiction;

WHEREAS the Provincial Government's current water referral application, withdrawal process, and water rights assignments fail to obtain free, prior, and informed consent from First Nations Rights and Title holders;

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

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

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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 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;

WHEREAS Under BC's [Declaration Act Action Plan](#), the Provincial Government commits to the following:

1.4 Co-develop with Indigenous Peoples a new distinctions-based fiscal relationship and framework that supports the operation of Indigenous governments, whether through modern treaties, self-government agreements or advancing the right to self-government through other mechanisms. This work will include collaboration with the government of Canada.

1.5 Co-develop and implement new distinctions-based policy frameworks for resource revenue-sharing and other fiscal mechanisms with Indigenous People;

WHEREAS the First Nations Leadership Council's (FNLC) *First Nations Water Rights Strategy*, which was supported and adopted by the BC Assembly of First Nations (BCAFN), First Nations Summit (FNS), and Union of BC Indian Chiefs in Assembly (UBCIC) in 2013, identifies resource revenue and benefit sharing specific to water as a key political priority for the FNLC's advocacy including undertaking research and information sharing with First Nations;

WHEREAS the FNLC organizations adopted mirrored resolutions that call on BC to work with First Nations to adopt mutually agreed upon water rental rates for water extraction through BCAFN Resolution 14/2022, UBCIC Resolution 2021-58 and FNS Resolution 0622.14; and

WHEREAS the FNLC drafted a Water Revenue Sharing Intentions Paper to prompt considerations and discussions with First Nations and BC on potential water revenue sharing frameworks in August 2022.

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THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support and endorse the First Nations Leadership Council Water Revenue Sharing Intentions Paper as a resource and framework to initiate discussions with First Nations and BC on water revenue sharing; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council to engage with and call on the Provincial Government to:

- a) Initiate and formalize discussions with the BC government on water license rentals revenue sharing with First Nations;
- b) Advocate for the prioritization of water license rental revenue sharing under BC's *Declaration Act* Action Plan and the standards and principles set out in the UN Declaration;
- c) Advocate for water revenue sharing frameworks to be meaningfully co-developed with First Nations Rights and Titleholders;
- d) Call for dedicated capacity funding for the FNLC to support discussions with First Nations in BC on water revenue sharing frameworks including determining options for distributing revenues;
- e) Initiate discussions with the BC government to increase water license rental rates to levels that both reflect the true administrative, ecological, and restorative costs associated with water use, and encourage water users to maximize efficiency and conservation. Include a regular review of water license rental rates every 3 to 5 years with Rights and Titleholders, including any exemptions.

Moved: Louise Gordon, Taku River Tlingit First Nation (Proxy)

Seconded: Kúkpi7 Lee Spahan, Coldwater Indian Band

Disposition: Carried

Opposition: Councillor Colin Linger, Xa'xtsa (Proxy)

Abstention: 1

Date: September 28, 2022

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SEPTEMBER 27TH TO 29TH, 2022

MUSQUEAM COMMUNITY CENTRE, x^mməθk^wəy^əm (MUSQUEAM TERRITORY)

Resolution no. 2022-41

RE: Replacing the *Safe Drinking Water for First Nations Act*

WHEREAS in December 2021, the Federal Court and the Court of Queen's Bench of Manitoba issued a joint decision approval an agreement to settle class action litigation related to safe drinking water in First Nations communities;

WHEREAS as part of the Safe Drinking Water Class Action Settlement Agreement, the Government of Canada committed to making all reasonable efforts to introduce legislation to repeal the *Safe Drinking Water for First Nations Act*, SC 2013, c 21 by March 31, 2022, and to develop and introduce replacement legislation, in consultation with First Nations, by December 31, 2022;

WHEREAS the objectives of the replacement legislation include, *inter alia*, ensuring sustainable First Nation water and wastewater systems; creating a transparent approach to building, improving, and providing drinking water and wastewater services for First Nations; confirming adequate and sustainable funding for First Nation water and wastewater systems; and supporting the voluntary assumption of water and wastewater infrastructure by First Nations;

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

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

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

Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

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

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

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

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

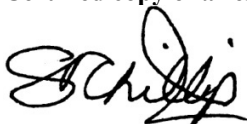
(3): States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact;

WHEREAS First Nations have both inherent and constitutionally protected rights to manage, conserve and ultimately govern the waters that run through their territories;

WHEREAS First Nations rely on access to clean water to support our way of life and rely on this access to exercise constitutionally protected Aboriginal and Treaty rights including, but not limited to, hunting, fishing, trapping, harvesting, cultural ceremonies, spiritual purposes, and economic wellbeing;

WHEREAS by Resolution 2010-36 “Action on Bill S-11, ‘Safe Drinking Water for First Nations’” the UBCIC Chiefs-in-Assembly directed the UBCIC Executive and staff to work with First Nations and other like-minded organizations to protect safe drinking water for First Nations and to oppose federal legislation with the potential to infringe on Title, Rights, and Treaty rights as they relate to safe drinking water; and

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WHEREAS the replacement legislation must recognize, respect, and support, through financial and technical assistance, the exercise and protection of First Nations' Title, Rights, and jurisdiction over our lands, waters, and resources as well as the health and wellbeing of our communities.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly instruct the UBCIC Executive and staff to advocate for the implementation of the UN Declaration, including the areas that support the collective rights of Indigenous peoples and our relationship to our territories, including the waters; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly seek replacement legislation of the *Safe Drinking Water for First Nations Act*, SC 2013, c 21 that is aligned with the UN Declaration and includes the following:

- a) Recognition of First Nations' Title, Rights, and jurisdiction over our lands, waters, and resources as well as the health and wellbeing of our communities;
- b) Protection of source water and aquatic/marine areas within First Nations communities and territories;
- c) Opportunities for First Nations to meaningfully participate in state-led processes and decision-makings, specifically in the context of protecting head and/or source waters and to be involved in the Canada Water Agency;
- d) Opportunities for First Nations to meaningfully participate in national efforts to protect water through the Canada Water Agency and through trans boundary and transnational efforts to protect and sustain water;
- e) Opportunities to ensure long term and stable funding for water systems within First Nations communities, including fiscal provisions to support critical infrastructure and operational costs and maintenance costs for drinking water and wastewater systems;
- f) Funding and mechanisms for sustainable development to combat climate change, including the use and funding of innovative and green technologies to close the infrastructure gap while also ensuring minimal disturbance of natural landscapes and the reduction of carbon; and
- g) National standards, developed in consultation and collaboration with First Nations, to strengthen Crown accountability for the improved health and wellbeing of First Nations and their communities.

Moved: Chief Don Tom, Tsartlip First Nation
Seconded: Chief Donald Edgars, Old Massett Village Council
Disposition: Carried
Date: September 28, 2022

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Resolution no. 2022-42

RE: Fish Farm Transition Plan

WHEREAS First Nations rely on marine resources in the ocean and rivers for their livelihoods, way of life, health, and well-being, and have a sacred responsibility to protect fish from the devastating impacts of open net-pen aquaculture;

WHEREAS open net-pen fish farming has long generated public concern for both its environmental devastation and its health consequences for wild aquatic species, becoming focal points for salmon-related diseases and viruses, including Heart and Skeletal Muscle Inflammation (HSMI), Piscine Reo-Virus (PRV), and Tenacibaculum, and for hazardous levels of parasitic sea-lice impacting wild migratory juvenile salmon, and unnatural levels of predation targeting vulnerable herring 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 committed 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.

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(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 programmes for indigenous peoples for such conservation and protection, without discrimination;

WHEREAS the containment of hundreds of thousands of fish effectively transfers the economic burden of managing fish waste to the environment and surrounding communities;

WHEREAS in *Delgamuukw v. British Columbia*, 1997 3 SCR 1010, the Supreme Court of Canada affirmed Indigenous Peoples' rights in the land (including waters) and rights to determine its usage, requiring full consent of Indigenous Nations for government actions on Aboriginal Title Lands;

WHEREAS UBCIC Resolutions 2008-19, 2009-35 and 2009-36 confirm UBCIC's commitment to work in solidarity with like-minded organizations and BC First Nations with respect to fisheries and aquaculture issues;

WHEREAS UBCIC Resolutions 2012-19, 2012-36, 2012-65, 2016-40 call for the UBCIC Chiefs Council to work with First Nations to conserve wild salmon stocks and advocate for and support the recovery and restoration of wild salmon stocks;

WHEREAS UBCIC Resolutions 1998-01, 2002-06, 2006-42, 2018-07, 2020-08, 2022-28 have consistently opposed the siting and expansion of fish farms in British Columbia, and have emphasized the need for free, prior, and informed consent for any existent farms;

WHEREAS the Government of Canada has committed to work with BC and Indigenous communities to create a responsible plan to transition from open net-pen salmon farming by 2025 and develop an Aquaculture Act;

WHEREAS Oceans and Fisheries Canada (DFO) is carrying out engagements on the development of a fish farm transition plan that appears to be insufficient to meet the dire and urgent need to protect wild salmon and proposes unproven approaches, such as semi-closed containment facilities; and

WHEREAS in spring 2022 evidence was provided to the federal Standing Committee on Fisheries and Oceans that outlined how DFO repeatedly ignored and misrepresented scientific research and over-represents the interests of industry.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support a rapid transition away from open net-pen aquaculture led by First Nations that shifts aquaculture to land based closed-containment facilities and does not utilize unproven methods, such as semi-closed containment;

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THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with like-minded organizations and the Governments of Canada and BC on a plan to transition from open net-pen aquaculture to closed containment alternatives by 2025; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly call upon the Department of Fisheries and Oceans to ensure Indigenous Rights are foundational to federal aquaculture legislation and to co-develop legislation with Indigenous Title and Rights holders.

Moved: Chief Dalton Silver, Sumas First Nation
Seconded: Councillor Tim Isaac, Okanagan Indian Band (Proxy)
Disposition: Carried
Date: September 28, 2022

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UNION OF B.C. INDIAN CHIEFS 54TH ANNUAL GENERAL ASSEMBLY SEPTEMBER 27TH TO 29TH, 2022

MUSQUEAM COMMUNITY CENTRE, x̱m̱əθḵʷəy̱əm (MUSQUEAM TERRITORY)

Resolution no. 2022-43

RE: Negotiations Forum for First Nations Outside the BCTC

WHEREAS First Nations in BC are inherent Title and Rights Holders with governments and laws that have governed their territories for millennia;

WHEREAS the Crown is required by section 35(1) to achieve a just reconciliation with the sovereignty of First Nations based on recognition and implementation of Title and Rights;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, is affirmed in the laws of Canada and BC, and states the minimum standards for the survival, dignity, and well-being of Indigenous peoples, including rights of self-government, self-determination, redress, free, prior, and informed consent, and to ancestral lands;

WHEREAS for decades First Nations in BC have identified that the Crown does not have principled, recognition-based, and rights-based approaches to negotiations and reconciliation, including in particular in the BC Treaty Commission (BCTC) process;

WHEREAS by Resolution 2016-02 "Upholding the Title and Rights of Indigenous Peoples of BC Not Participating in BCTC," the UBCIC Chiefs Council directed the UBCIC Executive to seek legal advice and advance the best legal action possible to uphold the Title and Rights and responsibilities of First Nations in BC not involved in the BCTC process;

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WHEREAS the BCTC process is funded by the Crown and includes forums for representatives of parties within the treaty process;

WHEREAS the Crown continues to prioritize modern treaty making, while not having clear and principled policies, practices, and forums negotiations outside of the BCTC process;

WHEREAS UBCIC has held two symposiums in 2019 and 2021 on negotiations outside of the BCTC;

WHEREAS at the 2021 Negotiations Symposium, First Nations negotiating outside of the BCTC process shared how they experience the same legislative, policy, and structural obstacles to achieving a justice reconciliation with the Crown that respects their sovereignty, governments, laws, title, and rights;

WHEREAS to support shared collective efforts to make legislative, policy and structural changes to how negotiations and agreement implementation occurs outside of the BCTC process it was proposed as part of a four-pronged strategy that the UBCIC facilitate the development of a negotiations forum for First Nations outside of the BCTC process where Nation leadership and negotiators can align efforts to advocate for legislative, policy, and structural changes;

WHEREAS UBCIC developed and distributed a preliminary draft outline of a terms of reference for a Negotiations Forum for Nations outside of the BCTC process as part of the 2021 Negotiations Strategy Report;

WHEREAS by Resolution 2021-53, the UBCIC Chiefs-in-Assembly endorsed the 2021 Negotiations Strategies Report and four-pronged strategy in the Report , and directed the UBCIC Executive to implement the strategy, including ensuring First Nations are regularly updated on the progress of the strategy, and opportunities are made for technical and legal experts from First Nations to contribute to the implementation of the strategy, including ensuring that the strategy is culturally grounded throughout the process and that inherent jurisdiction and inherent laws provide the basis and work to redress and transform colonial systems; and

WHEREAS the Negotiations Forum would be open to any First Nations in BC wishing to discuss negotiations outside of the BCTC process.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with interested members of the UBCIC Chiefs Council and legal counsel, to meet with the Province of BC and Canada to discuss creation of a Negotiations Forum for Nations outside the BCTC process; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to call on Canada and the Province of BC to provide funding for a Negotiations Forum for First

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Nations outside of the BCTC process in order to ensure all First Nations have equal support from the crown for negotiations, regardless of what type of agreement they are involved in.

Moved: Chief Don Tom, Tsartlip First Nation
Seconded: Kúkpi7 Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: September 27, 2022

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MUSQUEAM COMMUNITY CENTRE, x̓m̓əθk̓'əy̓əm (MUSQUEAM TERRITORY)

Resolution no. 2022-44

RE: Alignment of Statement of Intent Mechanism in BCTC with UN Declaration

WHEREAS it is imperative that all negotiations and agreements with the Crown be consistent with the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), and respect Indigenous sovereignty, self-determination, and Title and Rights;

WHEREAS by Resolution 2021-52, "UBCIC Political and Legal Action Plan to Move Beyond the BC Treaty Process," (the Action Plan) the UBCIC Chiefs-in-Assembly directed the UBCIC Executive to develop an alternative to the BC Treaty Commission (BCTC) negotiation process and their Statement of Intent mechanism so that it aligns with the UN Declaration;

WHEREAS throughout the "Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia" released by BC, Canada and the First Nations Summit on September 4, 2019, the UN Declaration is referenced and that the UN Declaration must be a foundation of the BC treaty negotiations framework;

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

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the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process;

WHEREAS the UBCIC Executive met with Honourable Murray Rankin, Minister of Indigenous Relations and Reconciliation, on September 20, 2022, to discuss First Nations in BC outside of the BCTC process and the lack of alignment of the BCTC Statement of Intent mechanism with the standards of the UN Declaration;

WHEREAS BC has affirmed a distinctions-based approach is needed in all relations with Indigenous peoples, including negotiations, and UBCIC agrees that we need a distinctions-based approach that recognizes historic treaties, as well as modern treaties, and First Nations outside the BCTC process; and

WHEREAS Minister Rankin affirmed that further dialogue is needed on critical issues including the concerns of adjacent nations to those in the BCTC process, and that the Declaration Act Secretariat's work will also inform this dialogue.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly call on the Canada and the Province of BC to work with First Nations in BC and develop an explicit alternative to the Statement of Intent mechanism that is aligned with the UN Declaration, as a necessary and pragmatic change in the BCTC process if the UN Declaration is to be respected; and

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with the First Nations Leadership Council and other like-minded organizations to ensure longstanding concerns with the BCTC process are addressed.

Moved: Chief Don Tom, Tsartlip First Nation
Seconded: Dr. Verna Billy-Minnabarriet, Bonaparte First Nation (Proxy)
Disposition: Carried
Opposition: Cheryl Casimer, ʔaq'am (Proxy)
Date: September 27, 2022

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MUSQUEAM COMMUNITY CENTRE, x^mməθk^wəy^əm (MUSQUEAM TERRITORY)

Resolution no. 2022-45

Re: Alignment of Forestry Successorship with 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, and the ownership, management and agreements made over their unceded lands, waters, forests and resources;

WHEREAS successorship under the Labour Relations Code normally applies when a business is sold, leased, transferred, or disposed of from one entity to another as a way to protect collective union rights, but it does not usually apply to forest tenure or harvesting rights that do not involve the sale of a business. The BC Minister of Labour, Harry Bains, initiated the Industrial Inquiry Commission (IIC) on November 9, 2021, to address the potential for successorship in the forestry industry. Vince Ready and Amanda Rogers were appointed to lead the IIC and the First Nations Leadership Council (FNLC) made a submission with only 23 days notice. The subsequent [Report and Recommendations](#) were made publicly available on July 28, 2022;

WHEREAS UBCIC, BC Assembly of First Nations, and First Nations Summit, working together as the FNLC, made a submission to the IIC on December 16, 2021, regarding the IIC's mandate, lack of meaningful consultation and compliance with the *United Nations Declaration on the Rights of Indigenous Peoples Act* (Declaration Act), and asserted that First Nations receiving a transfer of forest tenure should be able to exercise self-determination over successorship rights;

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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 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 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, ... employment.

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 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;

WHEREAS the IIC final recommendations, in summary, state that successorship should apply in a tenure transfer if forestry operations are continued or resumed within a specific time and First Nations receiving tenure have an opportunity to negotiate amendments to collective agreements to address inconsistencies with the UN Declaration. Further, successorship should not be extended to contractors through BC Timber Sales and the government should further review unionization in this context, and the government should expand programs for compensation and retraining opportunities for both unionized and non-unionized employees displaced by the government's reallocation of forest tenures;

WHEREAS the unilateral recommendation on applying successorship to First Nations forest tenures and harvesting rights was not made in consultation with First Nations peoples, and First Nations peoples were not signatories to such collective agreements or tenures and should not be beholden to them;

WHEREAS applying successorship rights to First Nations tenure is inconsistent with the intent of section 35, case law, the UN Declaration, and represents a marked departure from the purpose and intention of section 35 of the *Constitution Act, 1982*;

WHEREAS the constitutional and inherent Title and Rights of First Nations peoples in BC are violated by the recommendations of the IIC report, in particular the right to self-determination as upheld in the UN Declaration, and the report therefore renders the promise of reconciliation hollow and of no use or effect; and

WHEREAS First Nations peoples have inherent rights to self-governance over matters related to our lands and operations, including employment matters within our territories, and the report's recommendations demands greater consideration than has been undertaken in the legally flawed and unconstitutional IIC report.

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THEREFORE BE IT RESOLVED the UBCIC Chiefs-in Assembly reject the Industrial Inquiry Commission (IIC) report on successorship as it could apply to forestry tenures because the recommendations do not uphold the self-determination of First Nations in BC over their right to self-determination and sovereignty over lands and operations, and are not aligned with the UN Declaration or the Declaration Act;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the BC Assembly of First Nations (BCAFN) and the First Nations Summit (FNS) as the First Nations Leadership Council, to call on the provincial government to *not* proceed with the IIC recommendations, and instead, honour their fiduciary duty to First Nations people, their duty to consult, and ensure that the provincial government's work aligns with the implementation of the UN Declaration, free, prior and informed consent and First Nations self-determination over successorship rights; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the BCAFN and the FNS as the First Nations Leadership Council, to continue advocating for meaningful and robust consultation with First Nations unencumbered by tenures and collective agreements that they were not signatories to.

Moved: Kúkpi7 James Hobart, Spuzzum First Nation
Seconded: Chief Jordan Spinks, Kanaka Bar Indian Band
Disposition: Carried
Date: September 27, 2022

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MUSQUEAM COMMUNITY CENTRE, x̓məθk̓w̓əy̓əm (MUSQUEAM TERRITORY)

Resolution no. 2022-46

RE: Modernized Migratory Birds Regulations

WHEREAS First Nations in BC have inherent Title, Rights, and jurisdiction to our respective territories, and, as the original caretakers of our territories, we continue to exercise our laws and jurisdiction to protect and steward our environment, lands, waters;

WHEREAS land use and management decisions as well as the conservation of biological diversity and ecosystem health are of utmost important and concern to First Nations. There is an integral connection between the maintenance of biological diversity and ecosystem health, the upholding of our traditional laws and responsibilities, and the preservation of our existence as distinct and diverse First Nations;

WHEREAS safe and life-sustaining habitats play an integral ecological role in the biodiversity and health of ecosystems across the province, sustaining the lives and well-being of diverse wildlife species, including those who are endangered, vulnerable, and at-risk;

WHEREAS there has been a 70% decline in bird populations in North America in the last 50 years and habitat loss is the largest threat to these species. Migratory birds and their eggs and nests require significant protection and care. Without protection of critical habitat migratory bird populations will continue to decline, primarily as a result of logging in their nesting areas;

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WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* (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 as to maintain and develop their own indigenous decision making institutions.

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

Article 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.

(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.

(3): States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented;

WHEREAS the government of BC is required, pursuant to section 3 of the *Declaration on the Rights of Indigenous Peoples Act*, to take all measures necessary to ensure the laws of BC are consistent with the UN Declaration;

WHEREAS modernized Migratory Birds Regulations (MBR) came into force in British Columbia on July 30, 2022, specifically prohibiting destruction, disturbance, and/or damage of migratory birds as well as their eggs and nest, *subject to some exceptions*; and

WHEREAS the exceptions provided under the legislative scheme now offer greater flexibility for entities vis-à-vis the former regulations, allowing entities such as logging and industrial actors to damage, disturb,

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Grand Chief Stewart Phillip, President

or destroy the nests of migratory birds while offering no incremental increase in the protection provided in the legislation.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly oppose the modernized Migratory Birds Regulations which came into force on July 30, 2022 and find that the legislative scheme does not offer sufficient protection for migratory birds as well as their eggs and nest and essential habitats;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on the provincial and federal governments to uphold their duty to protect habitats of migratory bird species, specifically for those that are endangered, vulnerable, and at-risk, and to ensure critical nesting areas remain conserved and undisturbed;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on the provincial and federal governments to ensure their laws, specifically, inter alia, the *Migratory Birds Convention Act*, the *Migratory Birds Regulations*, and the *Species at Risk Act*, are consistent with the UN Declaration and amended in consultation and cooperation with First Nations in BC and Canada; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to support and advocate for First Nations exercising their jurisdiction to their respective territories and work to reduce habitat loss for migratory birds, their eggs, and critical nesting areas as a result of current and anticipated logging and industrial pipeline projects.

Moved: Chief Lynda Price, Ulkatcho First Nation
Seconded: Councillor Jenine Solonas, McLeod Lake Indian Band (Proxy)
Disposition: Carried
Date: September 27, 2022

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MUSQUEAM COMMUNITY CENTRE, x̱m̱əθḵʷəy̱əm (MUSQUEAM TERRITORY)

Resolution no. 2022-47

RE: Ongoing Support for the Coast Protectors Campaign

WHEREAS First Nations continue to exercise our laws and jurisdiction to protect our lands, our waters, our coasts, and our rivers, as we have done for thousands of years;

WHEREAS the Coast Protectors campaign began in 2016 by the UBCIC with support from allied organizations in opposition to the Trans Mountain Pipeline Expansion Project ("TMX") to serve as a communication and fundraising digital platform, in order to carry out the mandates provided by the Chiefs through resolutions;

WHEREAS Coast Protectors meets UBCIC's need for a tool to achieve increased and ongoing engagement with members and the general public to advance UBCIC's goals on specific projects. Coast Protectors will increase UBCIC's online advocacy and engagement by growing its supporter list, engaging existing supporters around various actions and by building a stronger online fundraising base;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

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

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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;

WHEREAS by Resolution 2017-15 “Protection of Water, Salmon and Health from Diluted Bitumen”, the UBCIC Chiefs Council directed the UBCIC Executive to work with affected members to seek adequate resources to support its work and engage technical advisors to develop and implement an integrated strategy to oppose the Kinder Morgan Trans Mountain tankers and pipelines project; and

WHEREAS the Coast Protectors campaign continues to operate as a tool for digital mobilization, advocacy, and fundraising to support Indigenous-led resistance to projects that stand to negatively impact the environment including TMX and remains valuable in its ability to access a large supporter base on topics of concern as mandated by the UBCIC Chiefs Council.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the continuation of the Coast Protectors initiative of UBCIC to raise awareness and fundraise on specific projects related to protecting the land and waters, that have been mandated by the UBCIC Chiefs Council; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with allied organizations in carrying out the Coast Protectors initiative and to provide regular updates to the UBCIC Chiefs Council on progress.

Moved: Melissa Moses, UBCIC Women’s Representative

Seconded: Chief Don Tom, Tsartlip First Nation

Disposition: Carried

Date: September 27, 2022

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MUSQUEAM COMMUNITY CENTRE, x^mməθk^wəyəm (MUSQUEAM TERRITORY)

Resolution no. 2022-48

RE: Support for the FNLC Public Safety Protocol with the RCMP

WHEREAS public safety continues to affect Indigenous peoples in Canada as we continue to confront discriminatory, negligent, and oppressive policing – including surveillance, racial profiling, and excessive force – that is tied to the destructive colonial legacy of institutionalized racism and violence against Indigenous peoples;

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 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity;

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

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;

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WHEREAS the BC First Nations Justice Strategy (2020), in particular, Strategy 22, mandates the BC First Nations Justice Council to establish new models of structured relations between First Nations, the Royal Canadian Mounted Police (RCMP) and other police forces, including the creation of protocols;

WHEREAS the UBCIC, BC Assembly of First Nations, and First Nations Summit, working together as the First Nations Leadership Council, have developed in collaboration with the RCMP and the BC Association of Municipal Chiefs of Police a draft Cooperation Protocol which aims to create a path forward that respects and recognizes the human rights of Indigenous Peoples; and

WHEREAS the draft Public Safety Protocol between the First Nations Leadership Council and the RCMP and BC Association of Municipal Chiefs of Police has been developed to establish a process for joint dialogue, action, and cooperation on promoting safe and resilient First Nation communities.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to sign the attached draft RCMP Safety Cooperation Protocol between the Union of BC Indian Chiefs, BC Assembly of First Nations and First Nations Summit, working collectively as the First Nations Leadership Council, the BC First Nations Justice Council, the RCMP, and the BC Association of Municipal Chiefs of Police;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to clearly articulate to the RCMP and BC Association of Municipal Chiefs of Police that the Cooperation Protocol is not a substitute for the RCMP or the BC Association of Municipal Chiefs of Police obligation to engage directly with Nations regarding on the ground support and is not a delegation of authority in any way;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to support the BC First Nations Justice Council in implementing Strategy 22 of the BC First Nations Justice Strategy, including the creation of additional protocols with other police service agencies in BC and work with the BC First Nations Justice Council to ensure the inclusion and involvement of the BC First Nations Justice Council in the adoption of the RCMP Safety Cooperation Protocol; and

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs-in-Assembly fully support and endorse the renewal of the Public Safety Cooperation Protocol between the First Nations Leadership Council, the RCMP and the BC Association of Municipal Chiefs of Police for the next three years.

Moved: Louise Gordan, Taku River Tlingit First Nation (Proxy)
Seconded: Dr. Verna Billy-Minnabarriet, Bonaparte First Nation (Proxy)
Disposition: Carried
Date: September 27, 2022

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MUSQUEAM COMMUNITY CENTRE, x̓m̓əθk̓w̓əy̓əm (MUSQUEAM TERRITORY)

Resolution no. 2022-49

RE: Support for an Equitable Carbon Tax on Industrial Fossil Fuel Production

WHEREAS Canada has implemented a national, economy-wide minimum carbon price on fossil fuels, which will increase annually to \$170 per tonne of greenhouse gas (GHG) emissions by 2030, and British Columbia has committed to meeting or exceeding the federal carbon price by amending the current provincial carbon tax of \$50 per tonne;

WHEREAS carbon pricing is one of the major market-based climate mitigation measures implemented by the provincial and federal governments to date, representing one of the pillars of Crown initiatives to meet international obligations and legislated commitments to the reduce GHG emissions that cause climate change;

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 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

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Grand Chief Stewart Phillip, President

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 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 climate change threatens the security and way of life of Indigenous peoples throughout Canada and the world, which has been evident in British Columbia as climate extremes have exacerbated severe heat, wildfires, flooding, and storms, among other impacts, that have devastated communities across the province;

WHEREAS by Resolution 2022-04 “Support for the BC First Nations Climate Strategy and Action Plan” and Resolution 2021-11 “Parity in Carbon Tax Application,” the UBCIC Chiefs Council endorsed actions to review federal and provincial carbon pricing legislation and to support greater sharing of funds collected by carbon levies with First Nations;

WHEREAS Canada’s highest-emitting sector, the oil and gas industry, receives special accommodations in national and provincial programs for large emitters that enable them to pay lower carbon tax rates than most other sectors of the economy, such as through the federal Output-Based Pricing System and CleanBC Industrial Incentive Program;

WHEREAS federal ministries are currently seeking input on a proposed emissions cap for the oil and gas sector, including on regulatory options such as a modified carbon pricing system designed to gradually reduce the GHG emissions from upstream oil and gas activities in line with an emissions cap trajectory;

WHEREAS Canada is one of the world’s leading exporters of the fossil fuels that are driving the escalating climate emergency, and the existing and proposed emissions reduction measures for the oil and gas sector seek to avoid reductions in overall production in the interest of competitiveness; and

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WHEREAS Canada, along with many other jurisdictions, is unlikely to be able to reduce emissions from its fossil fuel sector to the extent required to limit global warming to 2°C without also winding down production.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support an equitable carbon price that holds large emitters accountable for their role in perpetuating climate change through their activities and products;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly urge the Governments of British Columbia and Canada to immediately begin exploring options for a managed wind-down of the provincial and national fossil fuel sector; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with First Nations and like-minded organizations to advocate for greater First Nations oversight and decision-making in allocating revenues accrued by carbon levies applied on Title lands.

Moved: Chief Don Svanvik, ‘Namgis First Nation
Seconded: Kúkpi7 Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: September 28, 2022

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UNION OF B.C. INDIAN CHIEFS 54TH ANNUAL GENERAL ASSEMBLY SEPTEMBER 27TH TO 29TH, 2022

MUSQUEAM COMMUNITY CENTRE, x^mməθk^wəy^əm (MUSQUEAM TERRITORY)

Resolution no. 2022-50

RE: First Nations Health Governance Review

WHEREAS First Nations have an undeniable sovereign responsibility and mandate to ensure the health, safety, and well-being of their members;

WHEREAS in spring, 2021, Chiefs and delegates at the respective meetings of the Union of BC Indian Chiefs (UBCIC), BC Assembly of First Nations (BCAFN), and the First Nations Summit (FNS) unanimously passed resolutions mandating a First Nations Health Governance Structure Renewal (UBCIC 2021-14; BCAFN 02/2021; FNS #0621.11). These resolutions recognized the need for increased transparency and accountability within First Nations health and called for an arms-length review of health governance structure;

WHEREAS the First Nations Health Governance Structure Renewal Committee (Committee) was created in 2021 and mandated to: 1) oversee a comprehensive engagement process among the Chiefs to review the First Nations health governance structure's mandate and performance and alignment with the 7 directives and make decisions regarding necessary structural changes and potential legislation in light of the *Declaration on the Rights of Indigenous Peoples Act* 2) Carry out its work in a timely fashion, supporting a renewed mandate and structure to be agreed-upon by First Nations in BC and including co-developing legislation as described in section 9.1 of the Tripartite Health Framework Agreement, prior to renewal of the First Nations Health Authority's (FNHA) Canada Funding Agreement 3) Communicate progress on health governance renewal with all First Nations in B.C. in a public and transparent way.

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WHEREAS essential documents required from the FNHA and the First Nations Health Council (FNHC) have not been provided to the Committee to carry out its work and the Ministry of Health has informally denied the funding application for the review, however has committed to a meeting;

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

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

Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

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 programs affecting them and, as far as possible, to administer such programs through their own institutions.

WHEREAS FNHA has been mandated to work with BC First Nations, government partners and others to improve health outcomes for BC First Nations people through several health agreements, including the Transformative Change Accord: First Nations Health Plan (2006), Tripartite First Nations Health Plan (2007), and the Tripartite Agreement on First Nations Health Governance (2011);

WHEREAS the December 2020 *In Plain Sight* report into anti-Indigenous racism in BC's health care system described a set of issues in Finding #10 related to the need for the First Nations Health Plans and structures to be renewed and strengthened, and made Recommendation #6 calling for an engagement process with BC First Nations to establish expectations, the concept of legislation, and changes to the First Nations health governance structure to align with the standards of the UN Declaration and utilize the tools available under the *Declaration on the Rights of Indigenous Peoples Act*; and

WHEREAS FNHA receives its funding for community health services, health benefits and other activities through the Canada Funding Agreement, a 10-year agreement which expires on March 31, 2023. The Tripartite Data Quality & Sharing Agreement, which is critical for First Nations data sovereignty, also expires in April 2023.

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THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly call on the First Nations Health Authority (FNHA) and the First Nations Health Council (FNHC) to cooperate in an arms-length health governance review and not to enter into any further agreements, including a renewed Canada Funding Agreement or the Tripartite Data Quality & Sharing Agreement, on behalf of First Nations prior to the external review of FNHA's governance structure and mandate by Title and Rights Holders;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on the Minister of Health to engage and cooperate with the Health Governance Structure Renewal Committee (Committee) and the First Nations Leadership Council, who are mandated by Title and Rights Holders, and provide a formal, detailed response to the application for funding; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to find funding for the Committee to hold a province-wide virtual meeting with Title and Rights Holders to discuss and provide feedback on the current health governance structure.

Moved: Councillor Debbie Abbott, Skuppah Indian Band (Proxy)

Seconded: Kúkpi7 James Hobart, Spuzzum First Nation

Disposition: Carried

Abstentions: 2

Opposition: Chair Khelsilem, Squamish Nation

Date: September 28, 2022

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SEPTEMBER 27TH TO 29TH, 2022
MUSQUEAM COMMUNITY CENTRE, x^mməθk^wəyəm (MUSQUEAM TERRITORY)

Resolution no. 2022-51

RE: First Nations Early Learning and Child Care

WHEREAS First Nations peoples have always maintained jurisdiction over the care their children, which includes the care, teachings and responsibility of children in early learning and childcare settings;

WHEREAS by Resolution 2017-39, UBCIC Chiefs-in-Assembly supported the BC Aboriginal Child Care Society (BCACCS) to develop a province-wide First Nation engagement process on a national Indigenous Early Learning and Child Care (IELCC) Framework, and to carry this framework through approval and implementation processes such that it will be a basis for First Nations and their communities to exercise their authority to determine the systems and structures, as well as the programs and services, that provide ELCC supports to them - in ways they develop and control, by way of capacities provided and developed for the purpose, and by Resolution 2020-27, the UBCIC Chiefs-in-Assembly fully provide continued support to the BC Aboriginal Child Care Society (BCACCS) as the regional lead agency in the ongoing development and implementation of a regional IELCC strategy;

WHEREAS Canada and BC signed onto the *Canada-British Columbia Canada-Wide Early Learning and Childcare Agreement* on July 7, 2021, in which they commit to work collaboratively with Indigenous Governing Bodies and organizations to implement the agreement and to ensure support Indigenous-led, culturally safe and accessible Early Learning and Child Care programming in BC;

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WHEREAS on April 1, 2022, the Province's early learning and childcare programs, services, responsibilities and accountabilities transitioned from the Ministry of Children and Family Development (MCFD) to the newly created Ministry of Education and Child Care (MECC);

WHEREAS as per item 4.19 in the *Declaration Act Action Plan*, the Province is committed to collaborate with First Nations to implement a distinctions-based approach to child care and to support and move forward jurisdiction over child care for First Nations who want and need it 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, passed legislation committing to implement, affirms:

Article 13(1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

Article 14(1): Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

(2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

(3): States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language;

WHEREAS UBCIC, working alongside the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council (FNLC), has been directed by resolution from First Nations to wholly reform the current Indigenous child welfare system in BC, including working with federal and provincial governments to develop First Nations-supported legislation, policies, and practices that recognize and affirms Indigenous child welfare systems;

WHEREAS the First Nations Education Steering Committee has a mandate to facilitate discussion about education matters affecting First Nations in BC by disseminating information and soliciting input from First Nations. The primary goal is to promote and support the provision of quality education to First Nations learners in BC;

WHEREAS BCACCS helps Indigenous communities develop high quality, culturally grounded, spiritually enriching, community childcare services that are based in the child's culture, language and history; and

WHEREAS under the [Canada Wide Early Learning and Child Care \(CW-ELCC\) agreement](#) \$30.0M is available in 2022-23 to provide funding for the creation of new distinctions-based child care spaces for

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First Nations, Métis, Inuit and urban families, and the province is seeking input from Title and Rights holders regarding how this funding will be accessed.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly reaffirm that First Nations have an inherent right to self-determination and that the proper Title holders must be supported in resumption of jurisdiction over our children and families, including early learning and child care;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to continue engaging with the provincial and federal governments, along with the First Nations Education Steering Committee (FNESC) and BC Aboriginal Child Care Society (BCACCS), as appropriate, on ways to best to support First Nations with early learning and child care in their communities and with regard to any implications for First Nations education;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on the provincial and federal governments to work with the First Nations Leadership Council, supported by FNESC and BCACCS, to immediately create an interim framework to flow funding under the Canada Wide Early Learning and Child Care Agreement (CW-ELCC) to First Nations; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly call on the provincial and federal governments to engage in Government-to-Government dialogue with the proper Title and Rights holders regarding a permanent funding arrangement for early learning and child care dollars available under the CW-ELCC.

Moved: Louise Gordon, Taku River Tlingit First Nation
Seconded: Kúkpi7 Doug Thomas, Splatshin Band
Disposition: Carried
Date: September 28, 2022

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SEPTEMBER 27TH TO 29TH, 2022

MUSQUEAM COMMUNITY CENTRE, x^wməθk^wəyəm (MUSQUEAM TERRITORY)

Resolution no. 2022-52

RE: Renewal of Service Level Agreement (SLA) Regarding BC First Nations Children and Families

WHEREAS First Nations Title and Rights holders have the inherent right to self-determination, which includes jurisdiction over our children and families as constitutionally protected under Section 35 of the *Constitution Act, 1982* and described in 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, passed legislation committing 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 18: Indigenous peoples have the right to participate in decision making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

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

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

WHEREAS on January 26, 2016, and via subsequent rulings, the Canadian Human Rights Tribunal (CHRT) ordered Indigenous Services Canada (ISC) to cease its discriminatory practices and reform the national First Nations Child and Family Services (FNCFS) Program, policies, procedures, and agreements to comply with the CHRT's findings;

WHEREAS through resolutions at the Chiefs' Assemblies (UBCIC Resolution no. 2016-44, FNS Resolution #1016.11, BCAFN Resolution 22/2016) the Chiefs in BC supported in principle the Draft Action Framework and directed the First Nations Leadership Council to bring a revised Action Framework, incorporating First Nations' feedback, to the Assemblies in February and March 2017; and directed continued engagement with both Canada and British Columbia to honorably engage in a robust and meaningful Indigenous-driven process to reform Indigenous child welfare in BC, informed by the Draft Action Framework;

WHEREAS through resolutions at the Chiefs' Assemblies (UBCIC Resolution no. 2017-06, FNS Resolution #0217.19, BCAFN Resolution 06/2017) the Chiefs in BC endorsed and supported the work on Child Welfare reform under the Tripartite process between BC, Canada, and the BC Assembly of First Nations, First Nations Summit, and Union of BC Indian Chiefs, working together as the First Nations Leadership Council, and effectively and fully collaborating with First Nations Sectoral Councils, Delegated Agencies and the First Nations Directors Forum;

WHEREAS in 2017, the Government of Canada (represented by Indigenous Services Canada (ISC)), the Government of British Columbia (represented by the Ministry of Children and Family Development (MCFD)), and the BC Assembly of First Nations (BCAFN), the First Nations Summit (FNS) and the Union of BC Indian Chiefs (UBCIC), working collectively as the First Nations Leadership Council (FNLC) signed a Reconciliation Charter that committed the parties to work in partnership to achieve First Nations child welfare reform via a Tripartite Working Group (TWG) made up of Canada, the Province, and the FNLC to implement concrete actions to support legislative reform, program and policy development and an effective fiscal model to support First Nations children and families in BC;

WHEREAS in 2019, the Government of Canada enacted Bill C-92: *An Act Respecting First Nations, Inuit and Metis Children, Youth and Families*, affirming inherent Aboriginal and treaty rights, and supporting First Nations governments to pass laws, enforce laws and put in place coordination arrangements for all aspects of child and family services, based on First Nations laws, priorities, customs, traditions and practices;

WHEREAS by resolution 01/2019, the Chiefs-in-Assembly directed the BCAFN Regional Chief, working with the UBCIC and FNS as part of the TWG, to create a detailed transition strategy to meet the needs of First Nations in BC for review and input by the Chiefs. This work is ongoing;

WHEREAS Canada provides funding to the Province through a bilateral Service Level Agreement (SLA) for costs of child and family service delivery for First Nations on-reserve that are not served by a Delegated Aboriginal Agency; and

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WHEREAS while the broader transformation toward a new and effective fiscal model to support First Nations children and families in BC is taking place, as committed to in the Reconciliation Charter, an updated SLA continues to be used as an interim measure so that First Nations do not see disruptions in services.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly acknowledge the need in the interim for a bilateral “Strategic Level Agreement Regarding the Funding of Child Protection Services of First Nations Children Ordinarily Resident on Reserve” between Canada and BC (SLA) while at the same time confirming that focus must shift to the broader transformation of child and family services, including a new funding framework for all First Nations child and family services in BC. For greater clarity, BC First Nations are not a party to nor approve the bilateral SLA and remain committed to full and priority transformation of child and family services, including to fiscal relationships;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the BCAFN and FNS at the Tripartite Working Group on Children and Families (TWG), to request improvements in this renewed SLA, including:

- a. Enhanced funding;
- b. Incorporation of principles from *An Act respecting First Nations, Inuit and Metis Children, Youth and Families* and the Reconciliation Charter for First Nations Child & Family Well-being in British Columbia endorsed by resolution of the BCAFN Chiefs-in-Assembly;
- c. Enhanced accountability and reporting to BC First Nations about the use, level, and outcomes of this funding; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the BCAFN and FNS at the TWG, to prepare a comprehensive update to the Chiefs on transformation of child and family services, including a new funding framework for all First Nations child and family services in BC, for the upcoming All Chiefs Meeting on Children and Families in November 2022, and seek a further mandate for key aspects of this work following this engagement with the Chiefs.

Moved: Kúkpí7 James Hobart, Spuzzum First Nation
Seconded: Chief Donald Edgars, Old Massett Village Council
Disposition: Carried
Date: September 28, 2022

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SEPTEMBER 27TH TO 29TH, 2022

MUSQUEAM COMMUNITY CENTRE, x^wməθk^wəy^wəm (MUSQUEAM TERRITORY)

Resolution no. 2022-53

RE: Calling a Provincial Inquiry into the Theft of Funds from Indigenous Youth in Foster Care by Former Fraudulent Child Protection Worker Robert Riley Saunders

WHEREAS the axá i? scuntət i? tɬ ʔa?xítət ʔl i? nəqsiltət/ Syilx Nation Family Declaration, ratified on July 26, 2022, states:

Preamble: It is our inherent right, that we are the only ones to say what governs us, for what are the best interests, the good health, and well-being of our children and people, and our sqilx^w/syilx/sʔuk^wnaqínx ways.

Article 1: We are the decision-makers of our sqilx^w, syilx, sʔuk^wnaqínx ways. Our ways are central to the health and wellbeing of all sqilx^w/syilx/sʔuknaqínx Peoples, including our children and families. We ensure this is intertwined with who they are and their roots.

Article 6: We, the sqilx^w/syilx/sʔuknaqínx Peoples are responsible for providing for one another; no one is left in need. We share what we have unconditionally, and we all share in the rights and responsibilities which ensure the collective well-being of our sqilx^w/syilx/sʔuknaqínx Nation.

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

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Article 26(2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

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;

WHEREAS the *Indian Act*, first proclaimed in 1876, gave the federal government control over most aspects of Indigenous people's lives and empowered the residential school system that operated in BC from 1861 to 1984. The primary objective of the residential schools was to eliminate any vestige of Aboriginality, replacing it with a Euro-western culture, knowledge, and spirituality. Residential schools were also the primary mechanism of First Nations child welfare in Canada between 1879 and 1946; and

WHEREAS in 2006, Dr. Cindy Blackstock and the Assembly of First Nations filed a human rights complaint against Canada and the discriminatory systems that have failed Indigenous children across the country. That same year, the "Hughes Review" was released, assessing the BC child welfare system and providing 62 recommendations. This report led to the creation of the BC Office for the Representative for Children and Youth (RCY). The RCY was the first independent "watchdog" entity for the BC Ministry of Children and Family Development (MCFD) and the child welfare services that the Ministry provides, reporting directly to the legislature. Despite this independent body, issues regarding discrimination in how MCFD provided or failed to provide services to Indigenous peoples in BC continued to abound;

WHEREAS in 2018, it was discovered that former fraudulent, disgraced Child Protection worker Robert Riley Saunders had spent over a decade stealing support services funding from mostly Indigenous youth in foster care. A lack of accountability and oversight, as well as refusal by MCFD workers and managers to listen to numerous complaints regarding Saunders' conduct by Indigenous Band workers and community members, allowed Saunders to steal over \$460,000 from youth who were on his case load. These crimes continued for over 10 years before being noticed, leaving youth without services, destitute and homeless, struggling to survive and who were not believed by the adults around them when they spoke out against Saunders. It was also discovered that Saunders had applied and received the role of a Child Protection worker with a fraudulent social work degree. That the MCFD would fail to notice both a falsified degree and a decade's worth of fraudulent activity by one of their workers demonstrates a complete lack of accountability, oversight, and willingness to listen to and collaborate with Indigenous communities and the vulnerable youth in their care; and

WHEREAS the *Syilx* Okanagan Nation Chiefs' Executive Council is demanding an independent public inquiry into the actions and policies of the Ministry for Children and Family Development that allowed former, fraudulent and disgraced Child Protection worker Robert Riley Saunders to steal support funds from youth in Ministry Care for over 10 years, as well as the lack of oversight by his supervisors, and all managers involved who had a responsibility to oversee his actions as a BC Public Service employee, and as Directors under the *Child, Family and Community Services Act*.

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THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the Okanagan Nation Alliance's formal demand for an independent public inquiry by the Attorney General into the many systemic failures of the Ministry of Children and Family Development (MCFD) that led to the direct harm of dozens of Indigenous youth by a BC Public Service employee; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly call upon Canada and the Province of BC to ensure that any and all recommendations that result from this inquiry are implemented with the resources required to ensure long-lasting and meaningful systemic changes to the child welfare system in BC, in order to fulfill their obligations to reconciliation with First Nations and all Indigenous guests within the province.

Moved: Chief Greg Gabriel, Penticton Indian Band
Seconded: Chief Keith Crow, Lower Similkameen Indian Band
Disposition: Carried
Date: September 28, 2022

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Grand Chief Stewart Phillip, President

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UNION OF B.C. INDIAN CHIEFS
54TH ANNUAL GENERAL ASSEMBLY
SEPTEMBER 27TH TO 29TH, 2022

MUSQUEAM COMMUNITY CENTRE, x̓m̓əθk̓w̓əy̓əm (MUSQUEAM TERRITORY)

Resolution no. 2022-54

RE: Advocating for Inclusive and Distinctions-Based Engagement with First Nations in BC

WHEREAS as Indigenous peoples, our identity is defined by our connections to our territories, to each other, to our neighbouring nations, and to the other life we share our living world with. We are the original people of this land. We have the human right to survive as distinct peoples, contributing to the global fabric of nations into the future;

WHEREAS First Nations are distinct from Métis and Inuit peoples. There are also distinctions between those First Nations who are inherent Title and Rights holders and First Nations who are Treaty rights holders. Treaty First Nations are also distinct based on their specific historic or modern Treaty;

WHEREAS distinctions and respective Crown obligations owed under such distinctions are set out in, *inter alia*, the Royal Proclamation of 1763, the *Constitution Act, 1982*, and various Canadian jurisprudence;

WHEREAS the *United Nations Declaration of the Rights of Indigenous Peoples* (the UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC through the *Declaration on the Rights of Indigenous Peoples Act* (the Declaration Act), 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

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

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

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

Article 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.

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

(2): Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive agreements;

WHEREAS the Declaration Act Action Plan commits the province to implement a distinctions-based approach in its dealings with Indigenous peoples in a manner that acknowledges the specific rights, interests, priorities, and concerns while respecting and acknowledging that First Nations, Métis, and Inuit peoples each have unique cultures, histories, rights, laws, and governments. A distinctions-based approach may require the Province's relationship and engagement with Indigenous peoples to include different approaches or actions and result in different outcomes;

WHEREAS a recent pattern of priority engagement with only some First Nations over others by government officials and Executive Council members has become evident, unilaterally deciding to engage with Modern

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Treaty Nations as a distinct group of peoples, First Nations broadly, and key stakeholders in contexts such as heritage conservation, children and families, and others;

WHEREAS this approach to engagement is not inclusive, nor distinctions-based in line with the provincial government's obligations and commitments under the UN Declaration Act, the Declaration Act and its Action Plan, and Canadian law;

WHEREAS to provide Modern Treaty Nations with a process for consultation and engagement regarding provincial legislative changes without an invitation or proper process for *all* Treaty Nations in BC such as the Douglas Treaty Nations and Treaty 8 First Nations is discriminatory and in violation of the BC Human Rights Code and the UN Declaration;

WHEREAS in its legislative reform work, the Province may be prioritizing the rights and interests of Modern Treaty Nations and implementation of the Shared Priorities Framework between the Province and the Alliance of Modern Treaty Nations over other First Nations in BC, including the inherent Title and Rights holders, and other existing Treaties and/or agreements; and

WHEREAS a unilateral approach to designing and implementing engagement processes with First Nations is conduct that is not aligned with the UN Declaration and Crown obligations under its own law and commitments towards reconciliation. First Nations in BC, including inherent Title and Rights holders and *all* Treaty Nations must have an opportunity to meaningfully participate in the decision-making process.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly call upon the provincial and federal governments to implement an inclusive, distinctions-based approach to engagement with First Nations in BC, specifically in its legislative reform work to align its laws with the UN Declaration;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call upon the provincial and federal governments to uphold the honour of the Crown and its obligations to inherent Title and Rights holders in its relationship with First Nations, including those who have not agreed to the renewed BC Treaty Commission process or policies; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to advocate for strengthened engagement with First Nations in BC that is inclusive, distinctions-based, and in line with the minimum standards embedded in the UN Declaration while also ensuring that engagement is grounded in the recognition and implementation of Aboriginal Title and Rights, and inherent Title and Rights holders, that can benefit *all* First Nations in BC.

Moved: Chief Don Tom, Tsartlip First Nation
Seconded: Kúkpí7 Doug Thomas, Splatshin Band
Disposition: Carried
Date: September 28, 2022

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SEPTEMBER 27TH TO 29TH, 2022

MUSQUEAM COMMUNITY CENTRE, x^mməθk^wəy^əm (MUSQUEAM TERRITORY)

Resolution no. 2022-55

RE: Distinctions Based Approach to Recognition and Implementation of the Inherent Rights of First Nations Peoples and Governments

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 and the ongoing fallout and harm caused to First Nations 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;

WHEREAS redress of these historical wrongs is necessary through recognition of the rights of First Nations, including territorial and marine or water rights, and respectful and legally sound processes for resolving conflicts arising from the denial of rights era. Furthermore, Canada's lawful obligation and the honour of the Crown necessitates just action on the part of the federal and provincial governments, that takes into account the key distinctions between First Nations and Metis and does not lump together

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Indigenous peoples for convenience as this is confusing, degrading and recreates further colonial difficulties;

WHEREAS the rights of First Nations, as the territorial rights holders, are distinct from those of the Métis in British Columbia as a matter of law and principle and this has been recognized in jurisprudence, constitutional law and through the application of international human rights and customary law;

WHEREAS the provincial government's relationship and engagement with First Nations, Métis and Inuit peoples will require different approaches to the substance and the process of reconciliation so that it is meaningful, accurate and responds to the distinct circumstances of First Nations, and does not create new rights by extension to those who never had such rights;

WHEREAS grouping all Indigenous peoples together in government policies and approaches, without proper regard for distinctions between peoples who each have their own unique cultures, histories, rights, territories, laws, and governments, is inappropriate and not consistent with constitutional law or international human rights law, including the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration);

WHEREAS all policy must be based on the recognition that First Nations were the pre-existing societies using and occupying lands and resources prior to contact and who have inherent Title and Rights and constitutionally protected rights in relation to their lands and resources, and international legal protections in the UN Declaration that require governments recognize and align their work properly with a distinctions-based approach. There must also be recognition that there are distinctions among individual and distinct First Nations, such as those who are inherent Title and Rights holders as well as those who are Treaty and Modern Treaty Nations;

WHEREAS a distinctions-based approach recognizes that Indigenous peoples and their rights are distinct, and all matters engaging lands and resources give rise to legal obligations owing to First Nations, and this must be a priority to resolve colonial conflicts. Furthermore, the Métis are not first peoples in British Columbia with a territory or scope of rights in any way equivalent or similar to First Nations, as Métis rights and presence in British Columbia occurred after colonization and settlement;

WHEREAS the 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

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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; and

WHEREAS all governments must explicitly have policies that acknowledge and take into account distinctions through the application of a distinctions-based approach when reviewing or aligning laws, policies and practices with UN Declaration and the rights and interests of diverse and distinct Indigenous peoples, including First Nations in BC, in line with the federal *UN Declaration on the Rights of Indigenous Peoples Act* and the provincial *Declaration on the Rights of Indigenous Peoples Act* which impose an obligation to do so.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly call upon all governments to adopt a distinctions-based approach to ensure the distinct rights, interests, histories, and contexts of First Nations as the first occupants and owners of their respective territories are recognized, while also ensuring that there is a recognition that First Nations, as territorial rights holders in BC, are distinct from Métis and/or other Indigenous peoples who are visitors to our territories;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call upon all governments to work with the UBCIC, working alongside the BC Assembly of First Nations and First Nations Summit as the First Nations Leadership Council, to co-develop and affirm a distinctions-based approach in all of its work to recognize, affirm, implement and respect the rights of First Nations; and

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Grand Chief Stewart Phillip, President

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to seek funding and/or necessary resources to advocate for and assist in the development of a distinctions-based policy to all aspects of action planning on the implementation of the UN Declaration at the federal, provincial and municipal levels of government that is reflective of the distinctions among Indigenous peoples in order to strengthen future state-led policy and law making.

Moved: Kúkpí7 James Hobart, Spuzzum First Nation
Seconded: Chief Ralph Leon, Sts'ailes
Disposition: Carried
Date: September 28, 2022

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MUSQUEAM COMMUNITY CENTRE, X^WMƏΘK^WƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2022-56

RE: Call to Formally Repudiate the Doctrine of Discovery

WHEREAS the Doctrine of Discovery and *terra nullius* are based on the presumed racial superiority of European Christian peoples and has been used to dehumanize, exploit, and subjugate Indigenous peoples and dispossess Indigenous peoples of their lands and rights;

WHEREAS Canadian courts, such as the case of *St. Catherine's Milling and Lumber Company v. The Queen*, have relied on early United States Supreme Court decisions, such as *Johnson v. McIntosh*, that are based on the discovery doctrine. The Supreme Court of Canada has grounded its interpretation of section 35 of the Canadian Constitution on the racist and unjust legal principles that underlay the Doctrine of Discovery;

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

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Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

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 in the landmark *Tsilhqot'in Nation v. British Columbia* ruling, the Supreme Court ruled, "The doctrine of *terra nullius* (that no one owned the land prior to European assertion of sovereignty) never applied in Canada, as confirmed by the Royal Proclamation (1763)";

WHEREAS the federal *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14 (Canada's Declaration Act) includes a clear statement that "all doctrines, policies and practices based on or advocating the superiority of peoples or individuals on the basis of national origin or racial, religious, ethnic or cultural differences, including the doctrines of discovery and *terra nullius*, are racist, scientifically false, legally invalid, morally condemnable and socially unjust." This is echoed in British Columbia's *Declaration on the Rights of Indigenous Peoples Act*, SBC 2019, c 44;

WHEREAS under section 6 of Canada's Declaration Act, the Minister must, in consultation and cooperation with Indigenous peoples and with other federal ministers, prepare and implement an action plan to achieve the objectives of the UN Declaration and must include specific measures to address injustices, combat prejudice and eliminate all forms of violence, racism and discrimination against Indigenous peoples;

WHEREAS the very first recommendations of the 1996 Report of the Royal Commission on Aboriginal People are as follows:

1.16.1 To begin the process, the federal, provincial and territorial governments, on behalf of the people of Canada, and national Aboriginal organizations, on behalf of the Aboriginal peoples of Canada, commit themselves to building a renewed relationship based on the principles of mutual recognition, mutual respect, sharing and mutual responsibility; these principles to form the ethical basis of relations between Aboriginal and non-Aboriginal societies in the future and to be enshrined in a new Royal Proclamation and its companion legislation.

1.16.2 Federal, provincial and territorial governments further the process of renewal by:

- (a)** acknowledging that concepts such as *terra nullius* and the doctrine of discovery are factually, legally and morally wrong;
- (b)** declaring that such concepts no longer form part of law making or policy development by Canadian governments;
- (c)** declaring that such concepts will not be the basis of arguments presented to the courts;

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- (d) committing themselves to renewal of the federation through consensual means to overcome the historical legacy of these concepts, which are impediments to Aboriginal people assuming their rightful place in the Canadian federation; and
- (e) including a declaration to these ends in the new Royal Proclamation and its companion legislation;

WHEREAS the Truth and Reconciliation Commission of Canada's (TRC) Calls to Action state:

- 45. We call upon the Government of Canada, on behalf of all Canadians, to jointly develop with Aboriginal peoples a Royal Proclamation of Reconciliation to be issued by the Crown [which would include]: [...] (i) repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and *terra nullius*.
- 46. We call upon the parties to the Indian Residential Schools Settlement Agreement to develop and sign a Covenant of Reconciliation that would identify principles for working collaboratively to advance reconciliation in Canadian society, and that would include, but not be limited to: [...] (ii) repudiation of concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*, and the reformation of laws, governance structures, and policies within their respective institutions that continue to rely on such concepts.
- 47. We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and *terra nullius*, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.
- 49. We call upon all religious denominations and faith groups who have not already done so to repudiate concepts used to justify European sovereignty over Indigenous lands and peoples, such as the Doctrine of Discovery and *terra nullius*; and

WHEREAS in 2018, the Assembly of First Nations released a paper entitled, "Dismantling the Doctrine of Discovery," which called Canada to act on the following recommendations:

- 1) Acknowledge that this doctrine has had and continued to have devastating consequences for Indigenous peoples worldwide, including First Nations in Canada;
- 2) Reject doctrines for superiority as illegal and immoral, and affirm that they can never be a justification for the exploitation and subjugation of Indigenous peoples and the violation of human rights;
- 3) In full partnership with First Nations, examine how Canadian history, laws, practices and policies have relied on the doctrine of discovery;
- 4) Repudiate all doctrines of superiority in a legislative framework for the implementation of the [UN Declaration], developed together with Indigenous peoples;
- 5) Reinterpret Canadian law in a manner consistent with the [UN Declaration] and other contemporary international human rights standards;
- 6) Ensure that the violation of First Nations' rights to lands, territories and resources that were taken without their free, prior, and informed consent are effectively redressed; and
- 7) Ensure that the doctrine is not in any manner invoked in contemporary court cases or negotiations.

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Grand Chief Stewart Phillip, President

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully reject the racist and colonial Doctrine of Discovery as a justification for forceful dispossession of sovereign Indigenous Nations from their territories;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly fully support and endorse the findings and recommendations outlined in the Truth and Reconciliation Commission's Calls to Action related to the Doctrine of Discovery and *terra nullius*, recommendations 1.16.1 and 1.16.2 of the 1996 Report of the royal Commission on Aboriginal people, and the Assembly of First Nations' *Dismantling the Doctrine of Discovery* report;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on King Charles III to renounce the Doctrine of Discovery and likewise to renounce all doctrines of moral superiority asserted in aid of colonialism so the Crown does not continue to rely upon or use these doctrines in aid of a colonial purposes, especially as the Crown has distinct and lasting fiduciary obligations to the Indigenous peoples in Canada and around the world;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to call on Canada and British Columbia to repeal and reform all policies and legislation that are founded on the Doctrine of Discovery and *terra nullius* and recognize Indigenous inherent sovereignty, jurisdiction, and self-determination;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to call on the federal Minister of Justice to include formal rescinding and repudiation of the Doctrine of Discovery in Canada's UNDRIPA Action Plan and to ensure the policy and legislation measures in this action plan reflect the rescinding and repudiation of the Doctrine of Discovery; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to continue to call on the Pope to rescind and repudiate the Doctrine of Discovery and *terra nullius* and recognize Indigenous inherent sovereignty, jurisdiction and self-determination.

Moved: Kúkpi7 James Hobart, Spuzzum First Nation
Seconded: Kúkpi7 Judy Wilson, Neskonlith Indian Band
Disposition: Carried
Date: September 28, 2022

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MUSQUEAM COMMUNITY CENTRE, x̓m̓əθk̓w̓əy̓əm (MUSQUEAM TERRITORY)

Resolution no. 2022-57

RE: Adoption of 2021-2022 Audited Financial Statements

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly hereby adopt the 2021-2022 Audited Financial Statements as presented at the UBCIC 54th Annual General Assembly meeting of September 27th-29th, 2022.

Moved: Kúkpi7 James Hobart, Spuzzum First Nation
Seconded: Chief Keith Crow, Lower Similkameen First Nation
Disposition: Carried
Date: September 28, 2022

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SEPTEMBER 27TH TO 29TH, 2022

MUSQUEAM COMMUNITY CENTRE, x^wməθk^wəy^əm (MUSQUEAM TERRITORY)

Resolution no. 2022-58

RE: UBCIC Executive Remuneration and Travel Expenses

WHEREAS the UBCIC By-Laws state that per diems and compensation for expenses for the Executive and Active Members should be set by Chiefs Council:

IV (g) Active Members, and one officially appointed representative of each Full Member, may have their expenses for attending meetings of the Chiefs' Council defrayed by the U.B.C.I.C., but otherwise they shall receive no remuneration for their service as members of Chiefs' Council. These amounts, if any, will be set by Chiefs' Council based on the availability of funds for this purpose.

IV (h) The salary, per diem and compensation for expenses for members of the Executive Committee, if any, shall be determined by Chiefs' Council;

WHEREAS the travel rates for the Executive, staff and member travel are based on guidelines produced and frequently updated by the Treasury Board of Canada;

WHEREAS travel rates for Executive, staff and member travel have not been updated since 2019; and

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:

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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 17(1): Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly hereby approve the following increases in remuneration and travel rates:

- An increase in the per diems for non-salaried Executive Committee members from \$450 per day to \$600 per day (\$300 per half day) effective beginning October 3, 2022;
- An increase equivalent to cost of living and on par with other organizations for salaried Executive Committee members effective beginning October 3, 2022;
- An increase of travel rates for UBCIC members, Executive and staff to align with those of the Treasury Board for the B.C. region, current to this date;
- Annual reviews and updates to of travel rates for UBCIC members, Executive and staff to align with those of the Treasury Board for the B.C. region.

Moved: Councillor Debbie Abbott, Skuppah Indian Band (Proxy)
Seconded: Chief Donald Edgars, Old Massett Village Council
Disposition: Carried
Date: September 28, 2022

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SEPTEMBER 27TH TO 29TH, 2022
MUSQUEAM COMMUNITY CENTRE, x̣ṃəθḳẉəỵəm (MUSQUEAM TERRITORY)

Resolution no. 2022-59

RE: Adoption of 53rd AGA Minutes

THEREFORE BE IT RESOLVED that the UBCIC Chiefs-in-Assembly adopt the minutes of the 53rd Annual General Assembly (October 2021) as presented in the 54th Annual General Assembly kit.

Moved: Councillor Rick Gilbert, Williams Lake First Nation (Proxy)
Seconded: Chief Jordan Spinks, Kanaka Bar Indian Band
Disposition: Carried
Date: September 28, 2022

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MUSQUEAM COMMUNITY CENTRE, x^mməθk^wəy^əm (MUSQUEAM TERRITORY)

Resolution no. 2022-60

RE: Appointment to UBCIC Resolutions Committee

WHEREAS the UBCIC By-Laws state that:

XI (a): Prior to the end of each meeting, the Chiefs Council or Chiefs-in-Assembly shall appoint a Resolutions Committee comprised of no less than three and no more than five Full or Active Members who will be responsible with the Executive Committee and UBCIC staff for receiving and reviewing resolutions to be presented at the next Chiefs Council, AGA, or Special General Assembly. If a new Resolutions Committee is not appointed prior to the next meeting, the current Resolutions Committee will continue to sit;

WHEREAS there is one vacancy on the UBCIC Resolutions Committee; and

WHEREAS the UBCIC Chiefs-in-Assembly directed the Chair of the Assembly to call for nominations from the floor to participate in the UBCIC Resolutions Committee.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly hereby recognize the following persons as the Resolutions Committee of the UBCIC:

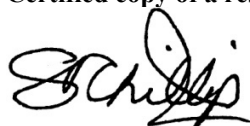
- 1) Chief James Hobart, Spuzzum (continuing)
- 2) Councillor Debbie Abbott, Lytton First Nation (continuing)
- 3) Chief Lynda Price, Ulkatcho First Nation

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Grand Chief Stewart Phillip, President

Moved: Chief Brian Tate, Ditidaht First Nation
Seconded: Chief Janet Webster, Lytton First Nation
Disposition: Carried
Date: September 28, 2022

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A handwritten signature in black ink, appearing to read 'Stewart Phillip', is written over a horizontal line.

Grand Chief Stewart Phillip, President

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MUSQUEAM COMMUNITY CENTRE, x^WMƏΘK^WƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2022-61

RE: BC's Decriminalization of Drugs

WHEREAS British Columbia continues to experience an unprecedented, escalating overdose and drug toxicity crisis, which disproportionately harms First Nations people. The First Nations Health Authority's report, First Nations and the Toxic Drug Poisoning Crisis in BC, January-December 2021, revealed that First Nations people are 5.4 times more likely than non-First Nations to fatally overdose;

WHEREAS criminalization, especially incarceration, for drug use does not address the root causes of addiction, such as trauma, poverty and the ongoing impacts of colonization, or provide meaningful healing and supports for people who use drugs;

WHEREAS in November 2021 British Columbia applied to the Government of Canada for a Section 56(1) Exemption from the *Controlled Drugs and Substances Act* that would decriminalize personal possession by adults of certain currently illegal drugs up to a cumulative maximum, or threshold, of 4.5 grams. Decriminalization is not legalization. The production, selling, buying, and trafficking of drugs remains illegal. Only use and possession of small amounts of illegal drugs becomes exempt from criminal charges;

WHEREAS in May 2022 the Government of Canada approved British Columbia's application, providing an exemption from January 31, 2023, to January 31, 2026, for possession of up to a 2.5-gram cumulative total of opioids, cocaine, methamphetamine and MDMA;

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WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Governments of British Columbia and Canada have adopted without qualification and have committed to implement, affirms:

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

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

WHEREAS the First Nations Health Authority, BC First Nations Justice Council and the BC Association of Aboriginal Friendship Centres participated in the design of the decriminalization plan, including the 4.5-gram threshold, and have identified that the reduced thresholds may increase criminalization, especially for First Nations people in remote, rural, and northern areas;

WHEREAS decriminalization in British Columbia will involve offering health and social supports to people who use drugs, in an attempt to reduce stigma and criminalization, and promote access to services;

WHEREAS decriminalization is a positive step, but must be part of a system-wide effort to end the overdose crisis, increase access to treatment and other services, and address the root causes of addiction;

WHEREAS the provincial and federal governments have not committed to releasing individuals currently incarcerated for personal drug possession, or full, free, and permanent expungement of personal drug possession criminal records that occurred prior to the exemption; and

WHEREAS Canada is responsible for Nation-to-Nation consultation regarding the application of federal laws and jurisdiction, which is separate from BC's obligation to consult on provincial implementation of the exemption.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly recognize that decriminalization is one of many necessary steps to address the overdose crisis, reduce drug-related harms and end the overrepresentation of First Nations people in criminal justice system;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call for increased funding by both the provincial and federal governments to adequately resource a holistic substance use

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and mental health system of care so that evidence-based, culturally safe services are available for all people who use drugs;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly demand Nation-to-Nation consultation on the implementation of decriminalization in BC, in accordance with the UN Declaration, by both the federal and provincial governments, grounded in acknowledgement of and respect for Title and Rights Holders' jurisdiction and authority;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call for co-development and shared decision-making with First Nations in the design, funding and implementation of supports and services on their traditional territories;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly demand the release of individuals currently incarcerated for personal possession of small amounts of drugs, and the free, full and permanent expungement of all criminal records for personal drug possession;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call for the decriminalization threshold to be modified, as called for by the BC First Nations Justice Council and First Nations Health Authority, to reflect the realities of First Nations people across BC; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with the federal, provincial and municipal governments as well as like-minded organizations to continue advancing drug policy reforms that seek to address the root causes of addiction, protect First Nations people and communities, and reduce overdose fatalities, drug-related harms and the overrepresentation of First Nations people in the criminal justice system.

Moved: Kúkpí7 James Hobart, Spuzzum First Nation
Seconded: Louise Gordon, Taku River Tlingit First Nation
Disposition: Carried
Date: September 28, 2022

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MUSQUEAM COMMUNITY CENTRE, x̓m̓əθk̓w̓əy̓əm (MUSQUEAM TERRITORY)

Resolution no. 2022-62

RE: Involuntary Treatment for Substance Use

WHEREAS involuntary or compulsory treatment for substance use violates fundamental human rights, including the rights to liberty and security of the person, and the right not to be arbitrarily detained;

WHEREAS research shows that involuntary treatment increases risk of overdose and death, especially for youth and in the two weeks following release;

WHEREAS the Government of British Columbia and political leaders have repeatedly raised involuntary treatment as a response to addictions and the overdose crisis, despite evidence of negative outcomes and unintended impacts;

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 1: Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all the human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

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

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Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

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

Article 24(1): Indigenous people have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

(2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right;

WHEREAS treatment-on-demand is unavailable and voluntary supports and services for substance use across British Columbia are plagued by unacceptably long wait times, causing undue suffering and failing those who are seeking help and want to stop using drugs and/or alcohol;

WHEREAS the BC's Chief Coroner, Lisa Lapointe has identified potential unintended consequences of forced treatment for youth, including increased fatalities, especially as accessible, culturally-safe, evidence-based treatment services are not available, which may deter people from voluntarily seeking help for substance use;

WHEREAS involuntary treatment raises additional concerns for Indigenous peoples, given the lack of cultural safety and abundant discrimination in the health and substance use care systems, as well as the disproportionate historic and ongoing use of carceral, non-consensual "care" for Indigenous peoples; and

WHEREAS institutionalizing individuals against their will perpetuates traumatizing, coercive, colonial dynamics between First Nations people and the systems they are supposed to turn to for care, that further isolates and marginalizes those in need of support and may deter them from accessing services, including in medical emergencies such as overdoses.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly oppose involuntary treatment for substance use as a violation of fundamental human rights, a high-risk practice that increases odds of death and an additional barrier to deter people from voluntarily seeking support, or emergency services;

THEREFORE BE IT FURTHER RESOLVED UBCIC Chiefs-in-Assembly demand that the Government of British Columbia provide the essential voluntary, evidence-based, culturally-safe, holistic services and supports, including treatment-on-demand, for mental health and substance use that respect the rights and dignity of all people;

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THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with the federal, provincial and municipal governments as well as like-minded organizations on voluntary supports and services for substance use, and drug policy reforms that seek to address the root causes of addiction, protect First Nations people and communities, and reduce overdose fatalities and drug-related harms.

Moved: Councillor Debbie Abbott, Skuppah Indian Band (Proxy)
Seconded: Kúkpí7 James Hobart, Spuzzum First Nation
Disposition: Carried
Date: September 28, 2022

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MUSQUEAM COMMUNITY CENTRE, x^mməθk^wəy^əm (MUSQUEAM TERRITORY)

Resolution no. 2022-63

RE: Human Rights Crisis in the Downtown Eastside

WHEREAS residents of Vancouver's historic Downtown Eastside (DTES) community, including a disproportionately high number of Indigenous peoples, continue to face mounting dangers owing to the blatant lack of secure housing, unsafe shelter, toxic drug supply, COVID-19 pandemic, climate emergencies, police violence, and unrelenting gender-based violence culminating in a Human Rights crisis which can no longer be ignored;

WHEREAS Vancouver authorities including the Vancouver Police Department (VPD), Parks Board, Bylaw and Fire Department have thoughtlessly reacted to the growing de-housed community by aggressively criminalizing poverty and vulnerability and violating human rights by destroying people's property, their homes and safety. In recent months, encampments and shelters have been forcibly removed in street sweeps, arrests made during evictions, access to shade has been restricted during heat waves, and increasingly the de-housed are facing threats of violence from the public and law enforcement, posing significant human rights infringements to de-housed Indigenous peoples in one of Canada's wealthiest cities and so called "City of Reconciliation";

WHEREAS social conditions and failure by government to act in the DTES over several decades has claimed thousands of lives with the intensifying overdose crisis, COVID-19 pandemic, lack of safe and affordable housing, and climate emergencies creating inhospitable and extreme heat events. The overdose crisis alone has caused over 10,000 deaths in BC since 2016 and countless health conditions, including

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Grand Chief Stewart Phillip, President

brain injuries and disabilities. First Nations peoples are disproportionately harmed and 5.4 times more likely to fatally overdose;

WHEREAS failure by the municipal, provincial and federal governments to adequately respond and resource the complex needs of the DTES community is culminating in a shameful human rights crisis that requires urgent attention to uphold fundamental human rights including access to shelter and housing, social and health services, culturally safe substance use services, freedom from discrimination, safety, and protection from violence;

WHEREAS the governments of Canada and BC have adopted, without qualification, and passed legislation committing to implement the *United Nations Declaration on the Rights of Indigenous Peoples*. Articles 1, 21(1)(2), 22 (1)(2), and 24 (1)(2), affirm Indigenous people have the right to human rights, the improvement of economic, social conditions, and security, particular rights for Indigenous elders, women, youth, children, and those with disabilities, the right to live free from violence and discrimination, and the right to physical and mental health;

WHEREAS police brutality and violence has become commonplace in the DTES as police repeatedly deploy violent colonial tactics that disproportionately criminalize poverty and Indigeneity. Since April 2022 alone, the VPD have shot five people and ran over a pedestrian at high speeds in a police vehicle, the majority in the DTES including killing Chris Amyotte, an Ojibway father and grandfather. The ongoing violence and murder of Indigenous peoples by VPD and police forces throughout BC has gone unabated and faces no real justice or accountability, even when the Independent Investigations Office, supposedly an independent body meant to keep police accountable, is involved;

WHEREAS UBCIC Resolution 2020-18 “Implementation of the National Indigenous Justice Summit’s Immediate Action Points” outlines the need for immediate action to eliminate ongoing oppression at all levels of Canadian policing and justice systems and called upon Canadian governments to work collaboratively with First Nations to implement the Immediate Action Points and for continued advocacy related to the vast inequities in Canada’s human rights, policing, and justice systems that target Indigenous peoples;

WHEREAS Indigenous women and girls continue to be the targets of deadly violence, disappearances, murder and police neglect in the DTES and surrounding areas including most recently 24 year old Chelsea Poorman, 13 year old Noelle “Ellie” O’Soup, and 20 year old Tatyanna Harrison. For decades, the VPD has been criticized by victims’ families, community advocates and First Nations for failing to protect Indigenous women and children, ignoring pleas for help, failing to swiftly investigate missing person cases or trigger amber alerts, and mishandling murder investigations, further entrenching distrust towards police and cementing centuries of discrimination towards Indigenous women by Canadian police forces; and

WHEREAS the National Inquiry’s [Final Report](#) made explicit linkages between social conditions and violence against Indigenous women and girls which have been on full display in the DTES for decades.

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Calls for Justice 4.1, 4.6, 4.7, 5.7, 9.1, 9.6, 9.7, and 9.11 call upon governments to uphold human rights, ensure access to safe housing and shelter, reform policing and create Indigenous civilian police oversight bodies and independent investigation units, acknowledge the historical and current harms of colonialism, racism, bias, and discrimination towards Indigenous people, ensure safety in the sex industry, and for police to partner with front-line organizations that work to uphold safety and harm reduction.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly demand that the Vancouver Police Department (VPD) uphold the Rights of Indigenous peoples and residents of the Downtown Eastside (DTES) and reconfigure their budget to prioritize de-escalation and trauma-informed, culturally safe services, so people in distress are met with compassion and support instead of violence, death and further oppression and dispossession; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to call on the City of Vancouver and governments of BC and Canada to work together with the local Nations, frontline community advocates, residents and relevant authorities to fully resource and take a public health, distinctions and rights based approach in the development of joint strategy to end the human rights crisis in the DTES.

Moved: Kúkpí7 Judy Wilson, Neskonlith Indian Band
Seconded: Chief Jordan Spinks, Kanaka Bar Indian Band
Disposition: Carried
Date: September 28, 2022

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MUSQUEAM COMMUNITY CENTRE, x̓m̓əθk̓w̓əy̓əm (MUSQUEAM TERRITORY)

Resolution no. 2022-64

RE: Call for Municipalities to Implement the UN Declaration

WHEREAS in 2015, the Truth and Reconciliation Commission (TRC) released its Final Report, including 94 Calls to Action. Call to Action #43 specifically calls on all levels of Canadian government to fully adopt and implement the *United Nations Declaration on the Rights of Indigenous Peoples* (the UN Declaration);

WHEREAS following the release of the TRC's Calls to Action, both Canada and BC committed to fully commit, adopt and apply the UN Declaration, taking steps to acknowledge and recognize its legally binding nature through the enactment of the *Declaration on the Rights of Indigenous Peoples Act*, SBC 2019, c 44 (the Declaration Act), and the federal *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14, which requires all laws in Canada and British Columbia to align with the UN Declaration;

WHEREAS on March 30, 2022, the Government of British Columbia released its Action Plan, developed in consultation and cooperation with Indigenous peoples, as required by section 4 of the Declaration Act. The Action Plan identifies goals and outcomes that form the long-term vision for the implementation of the UN Declaration in the province;

WHEREAS under their delegated authority in Canadian law, specifically the *Community Charter, Vancouver Charter* and *Local Government Act*, municipal governments may take administrative measures that affect Indigenous peoples and their inherent rights;

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Grand Chief Stewart Phillip, President

WHEREAS local governments play a significant role in the lives of Indigenous peoples (land use planning, environmental protection, emergency planning, economic development, delivery of services); however, not all municipalities in BC have taken action to adopt and implement the UN Declaration, as required by the Declaration Act, and there remain disagreements over what obligations municipalities owe to First Nations;

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 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 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

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

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

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

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

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

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

WHEREAS there is an urgent need to review, clarify and deepen First Nations relationships with municipal governments, and for municipalities to revise their policies, practices, and approaches to governance to recognize and implement the UN Declaration and an inclusive and distinctions-based approach in its dealings with Indigenous peoples; and

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Grand Chief Stewart Phillip, President

WHEREAS meaningful implementation of the UN Declaration requires municipal governments to, among other things, obtain the free, prior and informed consent of Indigenous peoples through their own respective institutions, combat prejudice and eliminate discrimination, take effective and special measures to ensure continuing improvement of the economic and social conditions of Indigenous peoples, and establish and implement assistance programs for Indigenous peoples to preserve and protect the environment and the protective capacity of their territories.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly call on the provincial and federal governments to explicitly legislate requirements for municipalities to implement the UN Declaration and to strengthen accountability measures to ensure local governments are taking all measures necessary to meet the minimum standards of the UN Declaration, and are reporting on such actions and their work in consultation and cooperation with First Nations of the territories where they exist;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on municipal governments to strengthen unique First Nation-municipal relations, to continuously work in consultation and cooperation with First Nations in BC, and to uphold and implement the UN Declaration as required by the Declaration Act; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly instruct the UBCIC Executive and its staff to organize a panel on the topic of municipal government obligations and implementation of the UN Declaration in the municipal context at the next Union of BC Municipalities meeting to bring forward key issues and to strategize solutions and next steps.

Moved: Kúkpí7 James Hobart, Spuzzum First Nation
Seconded: Kúkpí7 Doug Thomas, Splatshin Band
Disposition: Carried
Date: September 28, 2022

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MUSQUEAM COMMUNITY CENTRE, x^wməθk^wəy^əm (MUSQUEAM TERRITORY)

Resolution no. 2022-65

RE: Healing Forum for Residential School Survivors/Veterans

WHEREAS the recent discovery of the remains of thousands of children who were forced to attend the former Indian Residential Schools across Canada in unmarked graves has provided evidence of state-sanctioned genocide, human rights and humanitarian law violations, and further proves an ongoing pattern of violence inflicted upon Indigenous peoples by the government of Canada and the churches through the Residential School system and colonial laws and policies;

WHEREAS those that experienced and lived through the atrocities of the Residential School system, including Day Scholars and Day Students, endured the loss of culture and language, and were subjected to emotional, spiritual, sexual, physical, and psychological abuse and other injustices that severely affected them and their families for generations – for which many have not been compensated or received reparations due to many survivors dying before the settlement agreements are approved by the courts, the settlement agreement deadlines, lack of public awareness on the settlements and arbitrary guidelines and dates that determine eligibility;

WHEREAS the Truth and Reconciliation Commission of Canada (TRC) estimates that 150,000 children were forced to attend Indian Residential Schools (IRS) nationwide, identifying that more than 4,100 children died at these facilities – although Survivors and families have maintained that that number is much higher;

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Grand Chief Stewart Phillip, President

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

(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; (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them;

WHEREAS the ongoing recoveries of missing and unidentified Indigenous children at former Residential School sites have triggered and re-traumatized Residential School survivors and veterans, including intergenerational survivors, and have highlighted and brought to public attention the immense trauma, violence, and abuse Indigenous peoples and communities continue to heal from with strength, courage, and resolve;

WHEREAS the need for healing supports is greater than ever before, yet existing services and resources for survivors/veterans remain piecemeal, inadequate, and not widely available within communities. The lack of a coordinated approach to ensuring culturally appropriate healing services to all survivors has put an undue financial and social burden on First Nations, community-based organizations, families, and survivors to resource and offer their own healing spaces. Survivors are often forced to heal on their own where services are not offered in a culturally-safe manner, or there is a lack of understanding of their experiences. They deserve unfettered access and funding for every possible healing support including cultural, mental, emotional, spiritual, and physical; and

WHEREAS by UBCIC resolutions 2003-14, 2008-04, 2010-34, 2013-16, 2013-42, 2016-45, 2021-29, 2021-49, 2021-50 the UBCIC Chiefs Council has cited the numerous horrors of Residential Schools and the need for comprehensive healing supports for survivors/veterans, families and communities, and by UBCIC resolution 2015-28, the UBCIC Chiefs Council called upon the government of Canada to take immediate steps to develop a legal framework and take immediate steps to fully implement all recommendations of the Truth and Reconciliation Commission of Canada.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to call on like-minded organizations including the Indian Residential School Survivors Society and the First Nations Health Authority, to host a province-wide annual forum for residential school and day school

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survivors/veterans, intergenerational survivors and their invited guests and supports, to come together and identify their collective needs for healing; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly call on the provincial and federal governments to fully resource and provide capacity support for an Indigenous-led and hosted healing forum in alignment with their obligations under the UN Declaration and respectively, the *Declaration on the Rights of Indigenous Peoples Act* and the *United Nations Declaration on the Rights of Indigenous Peoples Act*.

Moved: Melissa Moses, UBCIC Women's Representative
Seconded: Kúkpi7 Judy Wilson, Neskonlith Indian Band
Disposition: Carried
Date: September 28, 2022

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UNION OF B.C. INDIAN CHIEFS
54TH ANNUAL GENERAL ASSEMBLY
SEPTEMBER 27TH TO 29TH, 2022

MUSQUEAM COMMUNITY CENTRE, x̓m̓əθk̓w̓əy̓əm (MUSQUEAM TERRITORY)

Resolution no. 2022-66

**RE: Support for James Smith Cree Nation's Calls for Indigenous Policing
and Addictions Treatment**

WHEREAS on September 4th, 18 people were wounded and 10 people killed by two men in a tragic spree of attacks in the community of James Smith Cree Nation. The victims are Bonnie Goodvoice Burns, 48, Gregory Burns, 28, Lydia Gloria Burns, 61, Carol Burns, 46, Thomas Burns, 23, Earl Burns Sr., 66, Lana Head, 49, Christian Head, 54, Robert Sanderson, 49 of James Smith Cree Nation and Wesley Petterson, 78 a resident of Weldon, Saskatchewan;

WHEREAS the attacks have left the community on a long road to healing and highlighted the need for systemic changes and decolonized approaches to health, mental health and policing including prevention and awareness, culturally appropriate supports and services, addictions treatment, and Indigenous community policing;

WHEREAS the community reported that one of the suspects, Myles Sanderson, grew up with physical abuse and domestic violence and had turned to drug use at a young age and that the far reaching and intergenerational impacts of residential schools including widespread addictions were prevalent within the James Smith Cree Nation;

WHEREAS historic and current policies and systems defined by colonialism, racism, bias, and discrimination are at the root of systemic inequities and intergenerational trauma that continue to manifest

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disproportionately as issues in health, mental health, housing, environment, violence, gender-based violence, and education and beyond for Indigenous peoples. Colonial police and justice systems are woefully inadequate and unprepared to solve the complex issues caused by colonial Canada and have a legacy of perpetuating harm and violence;

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 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 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

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

WHEREAS [Reclaiming Power and Place](#): The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls plainly outlines systemic justice issues and makes clear calls for justice reform and decolonized policing. Calls for Justice 3.4, 7.5, 5.4, 9.2, 9.3, 5.4, 9.4 call upon all governments to fund trauma and addictions treatment programs, self-governing Indigenous policing services and the recruitment of Indigenous peoples to police services, the creation and funding of specialized Indigenous policing units, for all actors in the justice system to build respectful working relationships with Indigenous peoples centered on culturally appropriate service delivery, training and education for all staff and officers in anti-racism, anti-bias, trauma-informed practices.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly stand in strong support of James Smith Cree First Nation in their road to recovery and overcoming the trauma of this highly violent incident and call on the Province of Saskatchewan and Government of Canada to provide all health, mental health, social and financial assistance that James Smith Cree First Nation may request;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly support the calls made by the James Smith Cree First Nation for the governments of Saskatchewan and Canada to fund on-reserve addictions treatment centres and self-governing Indigenous community policing programs in line with their obligations under the UN Declaration; and

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THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly call on all levels of government, police and justice actors to work with Indigenous peoples and community-based organizations and uphold James Smith Cree First Nation's right to self-governance in line with the Calls for Justice to decolonize policing and create culturally safe health, mental health and healing supports and services, on-reserve addictions treatment centres, trauma-informed practices, distinctions based, and Indigenous-led crisis intervention responses to prevent future acts of violence.

Moved: Chief Lynda Price, Ulkatcho First Nation
Seconded: Councillor Rick Gilbert, Williams Lake First Nation (Proxy)
Disposition: Carried
Date: September 28, 2022

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54TH ANNUAL GENERAL ASSEMBLY
SEPTEMBER 27TH TO 29TH, 2022

MUSQUEAM COMMUNITY CENTRE, x^mməθk^wəy^m (MUSQUEAM TERRITORY)

Resolution no. 2022-67

**RE: Canadian Human Rights Tribunal Case on First Nations Child & Family Services, Jordan's Principle, and Reform of Indigenous Services Canada, and the Related Agreement in Principle
Dated December 31, 2021**

WHEREAS numerous reports—including the *Joint National Policy Review Final Report*, June 2000—have documented federal/provincial jurisdictional disputes and the federal government's underfunding of the First Nations Child & Family Services (FNCFS) program and the resulting constraints on FNCFS agencies and egregious harms to children and families;

WHEREAS the First Nations Child & Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a discrimination claim in 2007 alleging Canada's inequitable funding of First Nations child and family services and its choice to not implement Jordan's Principle were discriminatory;

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 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

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

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(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 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 United Nations Human Rights Council, along with numerous other international human rights bodies, has criticized Canada's implementation of human rights norms and standards;

WHEREAS the Canadian Human Rights Tribunal (CHRT) substantiated the discrimination claim in 2016 CHRT 2 and ordered Canada to immediately cease its discriminatory conduct towards First Nations children and families, including those who are members of First Nations in British Columbia;

WHEREAS the Canadian Human Rights Tribunal ruling establishes that First Nations children and families are legally entitled to receive prevention services and least disruptive measures in a manner that is free of discrimination and accounts for unique community circumstances;

WHEREAS Canada chose not to comply with the order resulting in 21 non-compliance and procedural orders and 3 Federal Court orders against Canada since 2016;

WHEREAS in the wake of First Nations and public pressure following the confirmation of unmarked graves near residential schools and the Federal Court's dismissal of two of Canada's appeals, the federal government finally admitted that the discrimination was ongoing in the fall of 2021 and asked the parties to negotiate a resolution;

WHEREAS the complainants (Caring Society & AFN) and the interested parties (Chiefs of Ontario & Nishnawbe Aski Nation) and Canada entered negotiations to resolve outstanding discrimination and prevent its recurrence pursuant to the Canadian Human Rights Tribunal orders;

WHEREAS on December 31, 2021, an Agreement in Principle (AIP) including funding commitments of \$19.08 Billion over 5 years was signed as a framework for the negotiation of a Final Agreement on First Nations child and family services, Jordan's Principle, and reform of Indigenous Services Canada;

WHEREAS the AIP establishes the culturally based safety and well-being of First Nations children, youth, young adults and families as the paramount consideration and sets December 31, 2022, as the end of the Canadian Human Rights Tribunal's jurisdiction and April 1, 2023, as the implementation date for the "fully reformed" First Nations child and family services;

WHEREAS building on previous orders, the Canadian Human Rights Tribunal issued an order (2022 CHRT 8) by consent of the parties providing prevention, post-majority and other immediate measures

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coupled with an order on capital (2021 CHRT 41) securing in legal orders 75% of the \$19.08 billion over 5 years announced as part of the AIP;

WHEREAS community driven research to inform long term funding solutions for First Nations child and family services for First Nations, with and without agencies, is not due to be completed until the Spring of 2023 and dates for a final funding approach on Jordan's Principle are still being defined;

WHEREAS many First Nations not served by First Nations child and family service agencies are members of UBCIC and work to determine a long-term non-discriminatory funding approach for said First Nations is in the very early stages;

WHEREAS the Final Agreement will have a direct impact of unprecedented magnitude on the lives of First Nations children and their families and communities; and

WHEREAS the CHRT compensation orders are a minimum standard. No party is authorized to reduce or eliminate compensation amounts or supports for victims who are already legally entitled to \$40,000 plus interest in Canadian Human Rights Act compensation, and any changes must be aligned with the standard of Article 19 of the *UN Declaration and the Convention on the Rights of the Child*.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly call on Canada to:

- a. Immediately release the full \$19.08 billion dollars in funding, in accordance with and as provided for in the Agreement-in-Principle on First Nations Child and Family Services (AIP), Jordan's Principle, and Indigenous Services Canada (ISC) departmental reform;
- b. Ensure that the Final Agreement must include provisions to cease Canada's operational and administrative discrimination in child and family services and Jordan's Principle and prevent the recurrence of discrimination on an ongoing basis beyond the 5-year funding provided for in the AIP;
- c. Ensure the Final Agreement protects the benefits for children, youth, and families as well as First Nations and First Nations agency service providers arising from the Canadian Human Rights Tribunal and associated orders as a minimum standard on an ongoing basis;
- d. Engage directly with British Columbia First Nations on proposed long-term funding approaches, including for First Nations without agencies and Jordan's Principle supports, and ensure that consultation and collaboration is informed and meets the requirements of Article 19 of the UN Declaration;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to advocate that:

- a. Implementation of the Final Agreement in areas affecting individuals who are First Nations children, youth and families who are citizens of First Nations in British Columbia be conducted with transparency and accountability to First Nations and permit First Nations an opportunity to engage with experts in British Columbia to assess the options and path forward;

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- b. The Assembly of First Nations take ongoing steps to include the National Advisory Committee on First Nations child welfare, Indigenous governing bodies and First Nation Title and Rights holders, and BC Indigenous Child & Family Services Directors in any proposals affecting First Nations' Child and Family Services and Jordan's Principle in British Columbia; and
- c. The Assembly of First Nations not sign any agreements that fetter its disclosure of information required by First Nations leadership to determine if they support the Final Agreement; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly affirm that the Assembly of First Nations must advance positions consistent with the individual and collective rights of First Nations peoples, including a the standard of Article 19 of the UN Declaration and the Convention on the Rights of the Child.

Moved: Chief Greg Gabriel, Penticton Indian Band
Seconded: Louise Gordon, Taku River Tlingit First Nation (Proxy)
Disposition: Carried
Date: September 28, 2022

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