

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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Final Resolutions of the UBCIC Chiefs Council: February 22nd-23rd, 2023

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

FEBRUARY 22ND – 23RD, 2023

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

Resolution no. 2023-01

RE: UBCIC Meeting Schedule for the 2023-2024 Fiscal Year

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

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

WHEREAS the UBCIC will host one (1) Annual General Assembly and two (2) Chiefs Council meetings in the 2023-2024 fiscal year.

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

- June 7th - June 8th, 2023
- September 26th – September 28th, 2023 (55th Annual General Assembly)
- February 21st – February 22nd, 2024; and

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

Moved: Chief Brian Tate, Ditidaht First Nation
Seconded: Kukpi Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: February 22, 2023

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FEBRUARY 22ND – 23RD, 2023

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

Resolution no. 2023-02

RE: Appointment to the BC Specific Claims Working Group

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 creation of and subsequent failure to protect Indian reserves, villages and fishing areas; the systematic denial of rights to fish and access to water; and the illegal disruption and removal of sacred sites and grave sites;

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

WHEREAS redress of these historical wrongs is Canada's lawful obligation, and the honour of the Crown necessitates rightful action on the part of the federal government, including the full, fair negotiation of all claims, regardless of the federal government's preliminary estimate regarding settlement value;

WHEREAS compensation and redress for these illegal actions has either been improperly administered or systematically denied by Canada's specific claims resolution process which has, since its inception, been plagued by delays, barriers, and institutionalized conflict of interest wherein a) Canada functions as the decision-maker in claims against itself and b) all rules and norms are based on Canadian law and legal traditions, to the exclusion of the laws and legal traditions of First Nations participating in the process;

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

Article 8(2): States shall provide effective mechanisms for prevention of, and redress for:

(b): Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(c): Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

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

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

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

WHEREAS by UBCIC Resolution 2013-25, "Creation of UBCIC Specific Claims Working Group", the UBCIC Chiefs Council created a BC Specific Claims Working Group (BCSCWG) to work toward the fair and just resolution of BC specific claims;

WHEREAS the BCSCWG is comprised of technicians and political leaders elected by their First Nations who are members of the UBCIC in good standing;

WHEREAS a change of leadership at a member First Nation has resulted in a vacancy at on the BCSCWG, a volunteer position with an indefinite term that is held by an elected Chief; and

WHEREAS Chief James Hobart (Spuzzum First Nation) and Chief Fred Robbins (Esk'eteme First Nation) have volunteered to sit on the BCSCWG;

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby appoints Chief James Hobart and Chief Fred Robbins to the BC Specific Claims Working Group for an indefinite term; and

THEREFORE BE IT FINALLY FURTHER RESOLVED the UBCIC Chiefs Council calls on the BC Specific Claims Working Group to provide regular updates to the UBCIC Chiefs Council.

Moved: Chief Arnie Lampreau, Shackan Indian Band

Seconded: Judy Wilson, Osoyoos Indian Band (Proxy)

Disposition: Carried

Date: February 23rd, 2023

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FEBRUARY 22ND – 23RD, 2023

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

Resolution no. 2023-03

RE: Egregious Informal Access to Information Requirements that Compromise First Nations' Access to Justice

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 creation of and subsequent failure to protect Indian reserves, villages and fishing areas; the systematic denial of rights to fish and access to water; and the illegal disruption and removal of sacred sites and grave sites;

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

WHEREAS redress of these historical wrongs is Canada's lawful obligation, and the honour of the Crown necessitates rightful action on the part of the federal government, and the full, fair negotiation of all claims, regardless of the federal government's preliminary estimates regarding settlement value;

WHEREAS full access to information is necessary for First Nations to participate in Canada's processes of redress for historical claims, such as the specific claims process, since Canada's specific claims policy and the *Specific Claims Tribunal Act* require First Nations to meet a "Minimum Standard" in providing the Specific Claims Branch complete and fully referenced documentary evidence that substantiates all allegations set out in the claim, and this Minimum Standard must be met for a claim to be deemed officially filed with the Minister and eligible for assessment;

2023-03

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WHEREAS federal government institutions, particularly Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), hold the vast majority of historical records First Nations require to support their claims and Canada controls access to federally held records through the *Access to Information Act* and the *Privacy Act*, exacerbating its unfair and untenable conflict of interest in the fair and just resolution of First Nations' claims;

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 8(2): States shall provide effective mechanisms for prevention of, and redress for:

(b): Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(c): Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

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

WHEREAS since 1999, claims researchers have utilized an informal access to information process to attenuate this aspect of Canada's conflict of interest, which was established in explicit recognition of First Nations' information rights, their frequent need to obtain departmentally held records to substantiate their historical claims and grievances against the federal government, and with the open acknowledgement that First Nations research requests ought to be processed informally and formal access procedures utilized as a last resort;

WHEREAS all claims researchers accessing a First Nation's records through the informal access process must be authorized by the First Nations to do so, and First Nations authorize Claims Research Units or designated researchers to access their records via Band Council Resolution for the purposes of conducting specific claims research on their behalf;

WHEREAS researchers utilizing the informal access to information process to conduct specific claims research on behalf of a First Nation were required to submit “8(2)(k) forms” to the federal government to obtain any records deemed private information under the federal *Privacy Act*, since section 8(2)(k) of the Act allows personal information controlled by federal government institutions to be disclosed “to any aboriginal government, association of aboriginal people, Indian band, government institution or part thereof, or to any person acting on behalf of such government, association, band, institution or part thereof, for the purpose of researching or validating the claims, disputes or grievances of any of the aboriginal peoples of Canada”;

WHEREAS in 2018 information management staff at CIRNAC revised the informal access policy such that all requests for informal access were required to include a completed 8(2)(k) form and BCR for approval by CIRNAC’s Director of Access to Information and Privacy (ATIP) at the initial stages of requesting access to file lists from regional or head offices of CIRNAC, and assured claims researchers that the ATIP approval process would result in a more expeditious turnaround of records;

WHEREAS under the guise of meeting Canada’s obligations under the federal *Privacy Act*, CIRNAC and Indigenous Services Canada (ISC), through their Privacy Policy Unit, has, since January 2023, introduced new, egregiously inappropriate requirements for gaining informal access to departmentally held records, including requiring claims researchers to provide to Canada the following:

1. a description of the claim, dispute, or grievance against Canada, including the proposed use, nature, and planned parties to the claim;
2. a description of the information being requested, including the type of records and associated date ranges, as well as a statement about why the records are required;
3. verification that the records being requested will not be shared with the First Nation on whose behalf the research is being conducted and that the records being requested will not be used for additional purposes, including other claims by the same First Nation (separate claims will require additional 8(2)(k) applications); and
4. verification that the records will not be shared with other members of the organization authorized by the First Nation to conduct the research. Claims researchers are being told they have 30 days to comply, or their requests will be abandoned by the department;

WHEREAS the First Nation on whose behalf informal access to records is being sought has already provided authority to the researcher and/or research organization via BCR to access its records for the purposes of conducting claims research and Canada’s new requirements effectively set this legal instrument aside in a gesture that denies First Nations data sovereignty and undermines the governing authority of First Nations;

WHEREAS Canada’s new requirements may adversely affect First Nations and compromise their access to justice for the redress of their historical claims since Canada is the defendant in First Nations’ historical claims, and since it may harm a First Nation’s interests if a researcher complies with providing the information to Canada, research on affected claims is now at a standstill;

WHEREAS all previous access requests and the claims which rested on the disclosure of documents under the former process may be placed in jeopardy and disallowed on the basis of unlawful disclosure;

WHEREAS in 2016, to address First Nations’ mounting concerns with the informal access to information process (delay, non-disclosure of records, and poor communication), First Nations claims researchers reconvened a joint working group on access to information;

WHEREAS the new requirements were unilaterally developed by CIRNAC and ISC without any consultation whatsoever with First Nations or the working group to obtain their free, prior, and informed consent, and are now being implemented in violation of Canada's legal obligation to take all measures to ensure the UN Declaration's objectives are met as required by the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA);

WHEREAS Canada's unconscionable and legally unjustifiable overreach and lack of any consultation with First Nations exploits Canada's conflict of interest by refusing First Nations access to their own records unless they divulge details of their claims to the federal government, and highlights the continuing barriers that undermine First Nations' access to justice in a process whereby First Nations are already disadvantaged since Canada assesses claims against itself;

WHEREAS the new requirements and the unilateralism that characterizes their development and implementation contradict each and every principle and recommendation articulated by the National Claims Research Directors (NCRD) to the Treasury Board Secretariat and Department of Justice at the beginning of November in a detailed written submission to their respective reviews of the *Access to Information Act* and the *Privacy Act*, processes which ostensibly prioritized and valued Indigenous engagement;

WHEREAS on February 15, 2023 the NCRD released an open letter to CIRNAC Minister Marc Miller and Minister of Justice and Attorney-General David Lametti calling on Canada to immediately withdraw the new informal access to information requirements since they compromise First Nations' access to justice; and

WHEREAS it is imperative that Canada complies with the federal government's legal obligations under the UN Declaration, including Article 19 of the UN Declaration which affirms that any new policy, procedure, or legislation that impacts First Nations cannot be developed without obtaining First Nations' free, prior, and informed consent prior to implementation, and must meet its fiduciary obligations to First Nations to disclose records in its possession that are necessary for First Nations to validate their claims, and uphold the honour of the Crown.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully endorses the National Claims Research Directors' open letter dated February 15th, 2023, calling on Canada to withdraw the new requirements for the informal access to information process;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council demands that Canada immediately withdraw the new requirements associated with the informal access to information process so that claims research may proceed according to timelines upon which the provision of claims research and development funding depends;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls for a substantive discussion about First Nations access to their own information held by Canada to occur, as soon as the new requirements have been withdrawn, at the joint working group established to address these crucial issues.

Moved: Kukpi7 James Hobart, Spuzzum First Nation
Seconded: Chief Ed Hall, Kwikwetlem First Nation
Disposition: Carried
Date: February 22nd, 2023

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FEBRUARY 22ND – 23RD, 2023

MUSQUEAM COMMUNITY CENTRE, x̱m̱əθḵw̱əy̱əm (MUSQUEAM TERRITORY)

Resolution no. 2023-04

RE: Capacity Supports for First Nations Foraging Permitting Programs

WHEREAS First Nations in British Columbia have been stewards of their lands and waters since time immemorial, upholding the sacred responsibility reflected in Indigenous laws and legal orders of protecting and managing their unceded territories including harvesting of wildlife and plant foods and medicines;

WHEREAS in British Columbia, 2017-18 were the two worst fire seasons on record, burning 2,466,429 hectares, more than the previous 14 years combined. One of the largest fires was the Elephant Hill Fire, located in the heart of Secwépemc territory. The Secwépemc Yecwminmen (caretakers) draw on 10,000 years of observation, adaptation and ecosystem-based stewardship;

WHEREAS the Elephant Hill fire burned for 75 days, destroyed over one hundred homes, and 192,000 hectares or forest, an area roughly 15 times the size of the city of Vancouver. Megafires like these are the result of the past century of colonial forest mis-management practices combined with the intensifying climate crisis;

WHEREAS articles 25, 26(1)(2), 27, 28(1), 29(1), and 32(1) of 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 and affirm Indigenous peoples right to maintain, strengthen, use, develop their spiritual relationship with their traditional lands and resources, the right to redress, the right to conservation and protection of the environment, the right to determine priorities and strategies for use of their lands and resources, and that States shall recognize these rights;

WHEREAS the spring following a wildfire will often see a flush of morel mushrooms in the burnt forests, bringing with it an influx of commercial and recreational harvesters. An area the size of the Elephant Hill Fire was expected to see up to 1000 harvesters, their vehicles, and equipment for two and a half months of intensive land use;

WHEREAS the Elephant Hill Wildfire Recovery Joint Leadership Council (“the Council”) was formed by Skeetchestn Indian Band, Bonaparte Indian Band, Canim Lake Band, Stswecem’c (Canoe Creek) and Xget’tem (Dog Creek), Whispering Pines / Clinton Indian Band, High Bar First Nation, Ts’kw’aylaxw First Nation and Tk’emlups First Nation jointly in response to the crisis of land mismanagement, climate and environmental catastrophe, and disrespect of Secwépemc jurisdiction and rights. The Council created the *Secwépemc Territory Morel Harvest Program* (“the Harvest Program”), a groundbreaking model of co-management with the Province of British Columbia;

WHEREAS the Council set three primary objectives for the Harvest Program: 1) Mitigate the negative impacts and ensure environmental protection 2) Increase safe operating practices 3) Assert Secwépemc rights, title and jurisdiction over the understory resources being extracted from the territory;

WHEREAS the Harvest Program is a resource management permitting program which requires mushroom pickers and buyers to purchase a permit. The program created the Secwépemc Territorial Patrol that designates and manages 25 campsites and diverts up to 12,500 gallons of sewage waste and an estimated 15,000 lbs of mixed garbage and recycling from being left on the land annually;

WHEREAS the Harvest Program is a model program that upholds First Nations title and rights to jurisdiction and self-determination. It represents an effective pathway for Nations to develop their own protocol and systems for resource stewardship and co-management between governments;

WHEREAS UBCIC has actively worked to safeguard the constitutionally protected inherent hunting rights of First Nations, exercised under Indigenous laws, including hunting and harvesting rights. Since 1974, the UBCIC Chiefs Council has advanced and endorsed a suite of resolutions collectively aimed at providing jurisdictional space for First Nations to hunt and manage game within their unceded territories under their own laws, without regulation and control by the province. Through these resolutions, UBCIC has built a strong and principled approach to hunting that is premised on recognizing hunting and territorial and resource management as an integral aspect of First Nations title, rights, and laws; and

WHEREAS the UBCIC Discussion Paper *Renewing A Strategic Direction for Hunting in BC* examines the assertion of hunting protocols, laws, management including practices of inviting guest hunters, in which First Nations not only regulate game and wildlife according to their own systems, but establish positive, healthy relationships with each other and the environment. In contrast, the Province has sought to control First Nations hunting through prohibitive provincial policy and legislation, prosecuting First Nations hunters for hunting contrary to Provincial law, denying First Nations title and rights, and disregarding and disrespecting First Nations traditions, laws, and protocols.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports First Nations exercising governance over their unceded land and resources and working to develop their own protocols, agreements, permits, and systems for foraging and mushroom harvest management, including enforcement, ensuring that they have the consent of neighboring Nations in areas of shared territories;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on foragers, buyers and sellers to respect and adhere to First Nations jurisdiction, protocols and permitting programs; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the Province of BC to provide capacity funding to First Nations to develop their own foraging and harvesting programs according to their laws and protocols.

Moved: Chief Ed Hall, Kwikwetlem First Nation

Seconded: Chief Ralph Leon, Sts’ailes

Disposition: Carried

Date: February 22nd, 2023

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FEBRUARY 22ND – 23RD, 2023

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

Resolution no. 2023-05

RE: Support for Tk'emlúps te Secwépemc's Bid to Host the 2027 North American Indigenous Games

WHEREAS Indigenous peoples have a rich tradition of sport and tremendous athletes who have contributed to sport history in Canada;

WHEREAS Canada's policies of forced assimilation banned cultural practices and created lasting barriers to health and well-being, including barriers to Indigenous sport and participation in the Canadian sport system. Despite attempts to stifle this history, Indigenous peoples remain strong in our culture and traditions of sport;

WHEREAS the North American Indigenous Games (NAIG) is the largest multi-sport and cultural event hosted in Canada and the United States specifically targeted for Indigenous populations. The North American Indigenous Games will bring together more than 6,000 athletes, coaches and team staff from 756+ Indigenous Nations celebrating, sharing and reconnecting through sport and culture with the help of 3,000 volunteers;

WHEREAS the vision of the NAIG Council is to improve the quality of life of Indigenous Peoples by supporting self-determined sport and cultural activities which encourage equal access to participation in the social, cultural, and spiritual fabric of the community in which they reside, and which respects Indigenous distinctiveness;

WHEREAS Tk'emlúps te Secwépemc along with the City of Kamloops, have won the right to represent British Columbia (BC), competing against Calgary, to host the 2027 North American Indigenous Games;

WHEREAS the Tk'emlúps te Secwépemc bid is the only Indigenous-led bid competing to host the 2027 NAIG;

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.

(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 31(1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

(2): In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights;

WHEREAS Indigenous communities in BC are committed to building stronger and healthier communities and acknowledge the important role that sport can play in building self-esteem, leadership skills and achieving positive social change;

WHEREAS the NAIG Council estimates an economic impact of \$20 million for the region that hosts the games;

WHEREAS the chance for Tk'emlúps te Secwépemc to host the 2027 NAIG represents an opportunity to showcase diversity and pride in Indigenous cultures;

WHEREAS the Truth and Reconciliation Commission of Canada Calls to Action uphold the rights of Indigenous peoples in sport and state:

88: We call upon all levels of government to take action to ensure long-term Aboriginal athlete development and growth, and continued support for the North American Indigenous Games, including funding to host the games and for provincial and territorial team preparation and travel;

90: We call upon the federal government to ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:

(i): In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse cultures and traditional sporting activities of Aboriginal peoples;

(ii): An elite athlete development program for Aboriginal athletes;

(iii): Programs for coaches, trainers, and sports officials that are culturally relevant for Aboriginal peoples; and

WHEREAS the Tk'emlúps te Secwépemc are committed to safely hosting the 2027 NAIG Games, in a manner that upholds the cultural integrity of our people, provides economic opportunities to our businesspeople and artisans, as well as showcases the talent of First Nations athletes in BC.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports Tk'emlúps te Secwépemc and the City of Kamloops in their pursuit of hosting the 2027 North American Indigenous Games;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council asks Tk'emlúps te Secwépemc to provide regular updates on the progress of the North American Indigenous Games if Tk'emlúps te Secwépemc and City of Kamloops win the bid; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on Tk'emlúps te Secwépemc and City of Kamloops bid Committee, and subsequent NAIG Society, to continue to work with the UBCIC and like-minded organizations to ensure that, if the Tk'emlúps te Secwépemc Bid is selected, that they have the opportunity to showcase the diversity of First Nations cultures across BC.

Moved: Kukpi7 Rosanne Casimir, Tk'emlúps te Secwépemc

Seconded: Kukpi7 Stu Jackson, Lower Nicola Indian Band

Disposition: Carried

Date: February 22nd, 2023

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

FEBRUARY 22ND – 23RD, 2023

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

Resolution no. 2023-06

RE: Membership with the Jay Treaty Border Alliance

WHEREAS the Union of BC Indian Chiefs does not recognize the artificial border imposed between Canada and the United States which has the impact of artificially dividing many Indigenous peoples, both territorially and culturally;

WHEREAS First Nations peoples were self-governing societies with protocols with our neighbours and had an inherent and pre-colonial right to trade, commerce and live in areas that pre-dates arbitrary colonial borders and the *Treaty of Amity, Commerce and Navigation of 1794*, known as the Jay Treaty, which First Nations peoples were not a signatory to;

WHEREAS the Jay Treaty, signed by the British Crown and United States of America states that:

Article III: “It is agreed that it shall at all times be free to His Majesty’s subjects, and... also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson’s Bay Company only excepted) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other...”;

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

Article 36(1): Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

(2): States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right; and

WHEREAS Canada refuses to recognize the Jay Treaty and First Nations in Canada with Indian Status cards continually face racially biased difficulties at the border crossings, including confiscation of cultural items, traditional foods, and lack of understanding of familial and community relations on both sides of the colonial border;

WHEREAS the Jay Treaty does not give all First Nations and Native Americans equal border crossing rights and represents a limitation on our inherent right to engage in commerce, trade and residency, including the entry of goods (duties and tariffs), and identification requirements, such as blood quantum requirements;

WHEREAS border crossing rights are meaningful for community building and rebuilding familial relations including sharing traditional foods and plants, cultural gatherings, and ability to live on our traditional territories without interruption by colonial borders and laws;

WHEREAS by UBCIC Resolution 1999-21, “Jay Treaty Implementation”, the UBCIC Chiefs Council committed to work to have the Jay Treaty implemented to the benefit of First Nations peoples within BC;

WHEREAS the Jay Treaty Border Alliance (JTBA) is a voluntary-run organization formed in 2017 by American tribal governments and First Nations to work collaboratively to address the constraints and problems with the Jay Treaty and create relationships with the United States Customs and Border Protection and Canada Border Services Agency; and

WHEREAS the JTBA is seeking members with a one-time buy-in of \$5,000 which goes towards the cost of meetings that facilitate dialogue with American tribal governments and First Nations. The Union of BC Indian Chiefs has an opportunity to engage in this dialogue by becoming a member of the JTBA and participate in submissions to the Canadian government on the full implementation of the UN Declaration and the National Action Plan.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the conversation and dialogue facilitated by engagement with the Jay Treaty Border Alliance (JBTA) and directs the UBCIC Executive to seek membership in the JTBA to further engage, subject to available resources; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the Jay Treaty Border Alliance and other like-minded organizations to work together and form a solution to the problems of the Jay Treaty, including creating our own process to border crossings, while recognizing our inherent right to border crossings without harassment and perversion of our rights to trade, commerce and residency.

Moved: Councillor David Marchand, Okanagan Indian Band (Proxy)
Seconded: Chief Arnie Lampreau, Shackan Indian Band
Disposition: Carried
Date: February 22nd, 2023

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FEBRUARY 22ND – 23RD, 2023

MUSQUEAM COMMUNITY CENTRE, xʷMƏKʷƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2023-07

RE: Appointment to the UBCIC Constitution Committee

WHEREAS Section XI(b) of the UBCIC Constitution and By-Laws provides that “Where the UBCIC at the direction of the Chiefs Council is considering amendments to its By-Laws, a Constitution Committee will be created to receive and process requests for By-Law amendments”;

WHEREAS the UBCIC wishes to allow for electronic participation by its members in Annual and Special Chiefs Council and Executive Meetings in order to remove geographic, health, economic and any other barriers to their participation;

WHEREAS this would require the UBCIC to review and amend its By-Laws to allow for electronic participation; and

WHEREAS the Constitution Committee must have between 3 to 5 Full Members and will consider and propose any amendments it deems necessary or advisable to the UBCIC.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council appoints a UBCIC Constitution Committee, and appoints the following Full members of the UBCIC to be ready to consider potential amendments to the UBCIC Constitution and By-Laws that may be proposed by the UBCIC Chiefs Council:

1. Chief Arnie Lampreau, Shackan Indian Band
2. Councillor Debbie Abbott, Lytton First Nation
3. Chief Ed Hall, Kwikwetlem First Nation

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Constitution Committee to work with UBCIC legal counsel and staff to consider any potential By-Law amendments that may be suggested by the UBCIC Chiefs Council, and bring forward to the UBCIC Chiefs Council for discussion and review.

Moved: Chief William Yovanovich, Skidegate Band Council
Seconded: Chief Darrel Bob, Xaxli'p First Nation
Disposition: Carried
Date: February 23rd, 2023

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FEBRUARY 22ND – 23RD, 2023

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

Resolution no. 2023-08

RE: Support for Development of a Tripartite Nature Agreement

WHEREAS Nature Agreements are framework mechanisms to describe clear and strong commitments to nature conservation and protection and include mutually agreed upon actions and financial commitments from federal and provincial governments to reach conservation goals, and should be codeveloped with inherent title and rights holders as partners. More specifically, Nature Agreements may include:

- Creation and expansion of protected and conserved areas, as well as key biodiversity areas, Indigenous-led conservation, and other effective area-based conservation measures;
- Protecting critical habitat and adopting land use planning measures to improve outcomes for species at risk and migratory birds;
- Facilitating information and data exchange to improve conservation outcomes;
- Mitigating and building resilience to climate change by reducing land use change and practices with greenhouse gas emission impacts, and facilitating carbon sequestration and storage through ecosystem restoration;

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 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.

2023-08

Page 1 of 3

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

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

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

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

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

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

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

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

(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.

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; and

WHEREAS the Government of Canada and the Province of British Columbia have confirmed interest in codeveloping a tripartite Nature Agreement to address the dual crises of biodiversity loss and climate change and which is grounded in recognition of First Nations' rights and jurisdiction given that First Nations in BC have land-based title and rights in BC and are disproportionately affected by global biodiversity and climate impacts and that First Nations' leadership and knowledge is critical to achieving transformative changes and sustained actions to address these crises.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working collectively with the BC Assembly of First Nations, and the First Nations Summit as the First Nations Leadership Council, to engage in tripartite discussions with the Government of Canada and the Province of British Columbia to co-develop a draft tripartite Nature Agreement for consideration by the Chiefs;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to ensure that any draft Nature Agreement:

- is consistent with and upholds Indigenous human rights described in the *United Nations Declaration on the Rights of Indigenous Peoples*;
- takes a distinctions-based approach to ensure that the unique rights, interests, and circumstances of titleholding First Nations peoples in BC are acknowledged, affirmed, and respected;
- ensures that First Nations are full partners in the identification of areas for conservation and protection and in habitat enhancement and restoration initiatives;
- ensures that First Nations are full partners in any planning and decision-making processes, including for land use and species at risk protection and recovery; and
- includes a strong and central role for Indigenous knowledge and science, while upholding and respecting Indigenous data sovereignty;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to ensure that the draft Nature Agreement enables and does not in any way constrain or impact the individual negotiations, joint decision-making, and joint planning that rightfully belongs between the Crown and title-holders;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to work with the Government of Canada and Province of BC develop and implement a process for consultation and cooperation with First Nations on the draft Nature Agreement, and provide regular reports to the UBCIC Chiefs Council on the ongoing tripartite discussions; and

THEREFORE BE IT FINALLY RESOLVED that UBCIC Chiefs Council directs the UBCIC Executive to bring any recommended draft Nature Agreement to the UBCIC Chiefs Council for review and endorsement by resolution.

Moved: Kukpi7 James Hobart, Spuzzum First Nation
Seconded: Judy Wilson, Osoyoos Indian Band (Proxy)
Disposition: Carried
Date: February 23rd, 2023

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FEBRUARY 22ND – 23RD, 2023

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

Resolution no. 2023-09

RE: Rejection of Métis Involvement in the Protection and Restoration of First Nations Title Lands and Waters on the West Coast

WHEREAS it has come to the attention of the UBCIC Chiefs Council that the BC Métis Federation (BCMF) has a five-year agreement with the Canadian Coast Guard (Department of Fisheries and Oceans) (DFO) on the “Co-Developing Community Response” project, and has begun work on a new two-year project with DFO, the “Aquatic Habitat Restoration Fund” (the Projects);

WHEREAS the UBCIC Chiefs Council understands that the Projects directly involve the BCMF in, among other things, co-developing and establishing a meaningful role for BCMF in marine incident management, and habitat restoration activities in freshwater and marine ecosystems, on the west coast of what is now referred to as British Columbia;

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

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

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

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

WHEREAS First Nations in BC are proper title and rights holders and have inherent, constitutional, and human rights and title, and inherent laws and legal systems and jurisdictions which we have exercised prior to contact, and which continue to exist;

WHEREAS there is no legal foundation for any claim that Métis peoples have site-specific inherent or Aboriginal rights within BC as required to meet the test in *R v Powley*, and the courts have confirmed that there is no evidence of a historic or contemporary Métis community within BC;

WHEREAS the Métis are an “Indigenous people” under the *United Nations Declaration on the Rights of Indigenous Peoples*, but the *Declaration on the Rights of Indigenous Peoples Act*, SBC 2019, c44 (DRIPA) and *United Nations Declaration on the Rights of Indigenous Peoples Act*, SC 2021, c 14 (UNDRIPA) both appropriately require a distinctions-based approach in acknowledgement that not all Indigenous peoples have the same rights, as provided in Section 1(2) of DRIPA, and the preamble of UNDRIPA;

WHEREAS by Resolution 2022-55, the UBCIC Chiefs-in-Assembly called 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;

WHEREAS the federal and provincial governments have adopted principles respecting their relationships with Indigenous peoples, which include the principle of the adoption of a distinctions-based approach to ensure that the unique rights, interests, and circumstances of First Nations, Métis, and Inuit are acknowledged, affirmed, and implemented. The Province of BC has committed to a distinctions-based approach in the Declaration Act Action Plan; and

WHEREAS BCMF is a contemporary non-profit association and not a Nation or people in British Columbia with distinct territories, traditions, and legal systems at the time of contact with Crown representatives and colonial explorers, Métis cannot be considered to be a people with connection to the territories within British Columbia, and Métis are not Indigenous peoples that hold land, water, or air-based inherent or recognized and affirmed section 35 rights that can be exercised in BC.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council rejects the BC Métis Federation (BCMF)’s involvement in the Projects or any other project or initiative which engages or relates to the inherent, constitutional, and human rights and title of First Nations in BC;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls upon and fully expects the federal government, and specifically DFO, to remove BCMF from the Projects and to cease involving or engaging with BCMF, the Métis Nation of British Columbia, and/or other Indigenous peoples or organizations who are visitors to our territories, on matters relating to our inherent, constitutional, and human rights, and rights and title in our territories; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council confirms commitment to working alongside Métis people on issues of shared concern, such as improvement of social, health, and economic outcomes, and elimination of racism and discrimination; however, these collaborations must be founded on the recognition of the different histories of First Nations and Métis people in what is now British Columbia and be grounded in appropriate data and evidence.

Moved: Councillor Fred Sam, Nak’azdli Whut’en (Proxy)
Seconded: Chief Marilyn Slett, Heiltsuk Nation
Disposition: Carried
Date: February 23, 2023

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

Resolution no. 2023-10

RE: Call for Federal MMIWG2S+ Legislation

WHEREAS gendered colonial violence perpetrated against Indigenous women, girls, and two-spirit+ people continues in the form of a deadly and unrelenting genocide, causing extreme harm to families and communities across Turtle Island;

WHEREAS on October 10, 2020, the United States passed federal legislation for the protection of Native Americans, in particular for Missing and Murdered Indigenous Peoples (MMIP), titled *Savanna's Act* and the *Not Invisible Act*, in response to overwhelming violence against Indigenous peoples and the crisis of MMIP;

WHEREAS *Savanna's Act*, named after Savanna LaFontaine-Greywind – a 22 year old member of the Spirit Lake Nation of North Dakota who was brutally murdered while she was eight months pregnant in August 2017 – is aimed at increasing communication and coordination among law enforcement agencies, improving tribal access to resources and information in order to respond effectively to MMIP cases, strengthening data collection relating to MMIP, and directs U.S. attorneys to develop regionally appropriate guidelines for responding to MMIP;

WHEREAS the *Not Invisible Act* is intended to increase intergovernmental coordination to identify and combat violent crime within Indigenous lands through the creation of a Joint Committee on Reducing Violent Crimes Against Indians of local, tribal, and federal stakeholders. Under this Act, the Committee will make publicly available recommendations to the Department of Interior and of Department of Justice on best practices both departments can take to combat disappearances, murder, trafficking, and other violent crimes against Native Americans and Alaska Natives. Within 90 days after their receipt, the Secretary of the Interior and Attorney General must each make public written responses to the recommendations;

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.

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

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

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

WHEREAS the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls (the National Inquiry) reveals the persistent and deliberate human and Indigenous rights violations and abuses as a root cause behind Canada's staggering rates of violence against Indigenous women, girls, and two-spirit+ people;

WHEREAS the National Inquiry's Calls for Justice, *Red Woman Rising: Indigenous Women Survivors in Vancouver's Downtown Eastside*, and *Highway of Tears Symposium Recommendations Report* provide concrete actionable recommendations and a clear path to creating systemic change and ending violence by calling on government in the areas of culture, human security, health, and justice; on industries, institutions, service providers and partners, including the media, health providers, transportation and hospitality providers, educators, social workers, extractive industries, police services, and justice actors; and the Canadian public;

WHEREAS the National Inquiry's Calls for Justice 1.5, 1.6, 1.8, 3.3, 3.5, 5.6, 5.8, 9.1, 9.2 and 9.5 specifically call for governments to take all necessary measures to prevent and investigate violence against Indigenous women; to enact missing persons legislation; to eliminate jurisdictional gaps and neglect that result in improperly regulated and delivered services; to provide long-term funding and trauma-informed supports for survivors and victims of crime; the creation of crisis response teams; and call for police training and the standardization of justice protocols in the investigation of all cases of missing and murdered Indigenous women – including communication with families, coordination across government departments and jurisdictions, and standardized response times;

WHEREAS the governments of British Columbia and Canada have committed to ending the cycle of violence that has fueled the Missing and Murdered Indigenous Women, Girls, and Two-Spirit+ (MMIWG2S+) crisis through a National Action Plan with regionally distinct plans to action the National Inquiry's Calls for Justice; however, without statutory requirements, the governments' policy commitments have fallen desperately short of immediate actionable strategies to protect Indigenous women, girls and two-spirit+ people and end the genocide; and

WHEREAS gendered violence transcends provincial and territorial boundaries and as such requires concrete federal legislation that applies across jurisdictions.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls on Canada to work with Indigenous peoples, including families and loved ones of missing and murdered Indigenous women and girls and two-spirit+ people, to co-develop federal legislation creating accountability and legal standards for preventing and responding to cases of missing and murdered Indigenous women, girls and two-spirit+ people; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to commission a memo, subject to resources, providing the legal landscape of policies and legislation pertaining to protections against gender-based violence and to work with like-minded organizations to help shape the proposed legislation.

Moved: Melissa Moses, UBCIC Women's Representative
Seconded: Judy Wilson, Osoyoos Indian Band (Proxy)
Disposition: Carried
Date: February 23, 2023

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FEBRUARY 22ND – 23RD, 2023

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

Resolution no. 2023-11

RE: Distortion of Science in DFO's Decision-Making

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 and preserve all marine resources for future generations;

WHEREAS recent information, including a public letter from reputable experts and internal Fisheries and Oceans Canada (DFO) documents that were released under a Freedom of Information (FOI) request, exposes that DFO's scientific and decision-making process enables senior bureaucrats to alter scientific reports to support presupposed conclusions and prioritize the interests of industry and continuation of the status quo above the protection of marine life and respect for First Nations title and rights;

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

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

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

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

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

WHEREAS DFO's Canadian Science Advisory Secretariat (CSAS), which is housed within DFO and responsible for peer review and scientific advice to DFO, permits employees responsible for promoting aquaculture and industry-associated academics to author and review reports that are used as the basis for decision-making, excluding evidence that contradicts predetermined conclusions and manipulating data in a manner inconsistent with the scientific method;

WHEREAS DFO employees altered a scientific report (2022/045) to misrepresent the significant association between fish farms and wild juvenile salmon's infestation with sea lice, altering the content to claim that there is no connection between fish farms and sea lice in wild stocks – an act of research fraud. This report, released January 2023, informs DFO's management of Atlantic salmon farms in BC, including the Fish Farm Transition Plan;

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, and 2022-42 have consistently opposed the siting and expansion of open net-pen fish farms in British Columbia, in part due to the infestation of wild stocks with sea lice, and have emphasized the need for free, prior, and informed consent for any existent farms; and

WHEREAS DFO has continuously defended its internal scientific and decision-making processes, despite numerous subject matter experts identifying these critical issues. This includes evidence provided in spring 2022 to the federal Standing Committee on Fisheries and Oceans that outlined how DFO repeatedly ignored and misrepresented scientific research on fish farms and over-represents the interests of industry.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council demands that DFO immediately issue a retraction of and public apology for the Science Response Report 2022/045, acknowledging that it is flawed, misleading and not in accordance with scientific principles;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council demands that the Government of Canada fully and independently audit the Canadian Scientific Advisory Secretariat's and DFO's research, review and decision-making processes to restore the credibility of DFO to make decisions consistent with the scientific method and its mandate of sustainably managing marine resources, and ensure that employees responsible for promoting aquaculture and industry-associated academics are no longer able to exclude relevant evidence, manipulate data, alter scientific reports and impose bias;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the Government of Canada to investigate how these flawed processes have corrupted currently ongoing decision-making processes, such as the Fish Farm Transition Plan and risk assessment of sea lice in BC, and implement interim measures to ensure that upcoming DFO decisions are not based on unscientific, manipulated, predetermined conclusions;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls upon the Prime Minister to provide leadership to ensure that these serious allegations are properly investigated and addressed, DFO's longstanding infringement on First Nations title and rights ends, transparency and accountability are restored, and reconciliation can be carried out, in alignment with the *United Nations Declaration on the Rights of Indigenous Peoples*; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the federal and provincial governments as well as like-minded organizations to promote decision-making grounded in the precautionary principle, respect for First Nations title and rights, Indigenous knowledge, and rigorous science-based evidence.

Moved: Kukpi7 James Hobart, Spuzzum First Nation
Seconded: Chief Arnie Lampreau, Shackan Indian Band
Disposition: Carried
Date: February 23rd, 2023

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

FEBRUARY 22ND – 23RD, 2023

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

Resolution no. 2023-12

RE: Support for Indigenous Justice Centre Expansion Plan

WHEREAS following engagement with First Nations over two years (2018-19), in 2020, the BC First Nations Justice Strategy (the Strategy) was finalized and endorsed by the Province of BC;

WHEREAS in 2020, the Chiefs Councils of the BC Assembly of First Nations, the First Nations Summit, and the Union of BC Indian Chiefs (UBCIC), working together as the First Nations Leadership Council, provided a mandate for the BC First Nations Justice Council (BCFNJC) to implement the Strategy;

WHEREAS in 2021, Canada signed on to a tripartite memorandum of understanding with BCFNJC and the Province of BC;

WHEREAS the Strategy 4 calls for the establishment of a network of 15 Indigenous Justice Centres (IJC) across British Columbia by 2025, and for BCFNJC to engage with First Nations in BC on the plan for the roll-out of IJC across BC;

WHEREAS IJCs provide wrap around services for Indigenous people in conflict with the law, including legal advice and representation on child protection and criminal law matters; advocacy and support for dealing with police service agencies; social services and matters involving the Ministry of Children and Family Development; Gladue Report writing and aftercare services; referrals, and more;

WHEREAS IJCs are intended to be built with the consent of the host community and reflective of their needs and vision for legal services. IJCs are also intended to be strategically located in areas with existing justice infrastructure (e.g., First Nations Court, Provincial Court, local justice service provision agencies etc.), demonstrated need (e.g., caseloads), and where organizational capacity at the community level is available to assist with staffing, operations, and other matters;

WHEREAS in 2020, despite the challenges brought about by the COVID-19 pandemic, following engagement with local First Nations and justice service providers, three (3) brick and mortar IJC's were established in Merritt, Prince George, and Prince Rupert;

WHEREAS born out of the pandemic, in 2021, a Virtual Indigenous Justice Centre (VIJC) was created to provide even greater access to justice for Indigenous peoples in BC and to also serve Indigenous peoples who fall outside the catchment areas of the first three (3) IJC's;

WHEREAS in November 2022, Premier David Eby announced the Safer Communities Action Plan, which included funding tied to a strict 2-year timeline for the creation of 10 IJC's: five (5) regional/urban IJC's in 2023, and five (5) hub IJC's in 2024;

WHEREAS due to the strict funding timeline imposed by the Province of BC, the Directors of the BC First Nations Justice Council made the decision to open the first five (5) of the ten (10) IJC's in the following urban centers: Vancouver, Surrey, Victoria, Nanaimo, and Kelowna;

WHEREAS in December 2022, the BCFNJC issued a Request for Proposals for external support for engagement with First Nations and Indigenous justice service providers in both the initial 5 urban IJC's (to open in 2023), and the yet to be determined locations for the remaining 5 IJC's (to open in 2024);

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

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

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

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

WHEREAS BCFNJC acknowledges that providing quality access to justice for all BC First Nations will require a network greater than just 15 IJC's and is actively advocating for solutions to address this;

WHEREAS the tight funding timeline and the many demands on time for First Nations leadership, the BCFNJC is seeking support from the Chiefs Council for the IJC expansion plan and in particular, engagement regarding IJC site selection and host communities for the 5 yet to be determined IJC's to open in 2024; and

WHEREAS BCFNJC is hosting a Justice Forum in Vancouver on March 6-8, 2023, at the Fairmont Hotel Vancouver. All members are invited as this forum will provide an opportunity for leadership to assist in designing the framework for determining where future IJC's will be placed.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council supports the BC First Nations Justice Council (BCFNJC) plan for opening ten (10) Indigenous Justice Centres (IJC) in the next two years to meet the needs of First Nations peoples in BC; and

THEREFORE BE IT FINALLY RESOLVED that UBCIC Chiefs Council directs the UBCIC Executive to seek other organizations who have a shared interest in working with the BCFNJC, to work collaboratively and develop a business plan for hosting an IJC within their traditional territories.

Moved: Kukpi7 James Hobart, Spuzzum First Nation
Seconded: Katisha Paul, UBCIC Youth Representative
Disposition: Carried
Date: February 23rd, 2023

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FEBRUARY 22ND – 23RD, 2023

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

Resolution no. 2023-13

RE: Legal Action for the Opioid Overprescribing and the Overdose Crisis

WHEREAS First Nations peoples have a rich history of wellness that extends back in time for thousands of years. First Nations practiced hunting, fishing, and gathering of traditional foods and medicines and enjoyed good health and wellness due to an active lifestyle, healthy diets, and ceremonial, spiritual, and emotional healing practices. However, the arrival of Europeans and colonization marked a significant change in the health and wellness of First Nations peoples and communities;

WHEREAS British Columbia continues to experience an unprecedented and escalating overdose and illicit drug toxicity crisis, which has been declared a public health emergency, that is claiming multiple lives every day;

WHEREAS the opioid and overdose public health emergency has disproportionately affected First Nations peoples and communities. In 2021, First Nations people were 5.4 times more likely than non-First Nations people to fatally overdose and First Nations people experienced 15% of all drug toxicity deaths in 2020, despite comprising only 3.3% of the British Columbia's population;

WHEREAS First Nations leadership recognize the opioid and overdose public health emergency as an epidemic in all of our communities and off-reserve populations and see the far-reaching impacts on our people through increased homelessness, poverty, addiction, and fatalities of the toxic drug supply;

WHEREAS First Nations in BC continue to experience the long-term impacts of addictive opioids in our communities as a result of deceptive marketing, poor regulation and oversight, overprescribing of opioid medication to our people, and the legacies of colonization and First Nations recognize the role of the governments of BC and Canada as well as opioid manufacturers and distributors in causing this devastating social issue;

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

Article 24(1): Indigenous peoples 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.

Article 24(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 in 2018, the government of BC, on behalf of provincial and territorial governments in Canada, launched a class action lawsuit against multiple producers and distributors of prescription opioid medication and enacted the *Opioid Damages and Healthcare Costs Recovery Act* to support the class action to recover healthcare costs of the overdose crisis;

WHEREAS the government of BC alleges in the lawsuit that opioid manufactures, distributors and their consultants engaged in deceptive marketing practices with a view to increase sales, resulting in increased rates of addiction and overdose;

WHEREAS in 2022, the *Opioid Damages and Healthcare Costs Recovery Act* was amended to allow the federal government to join the class action and permit the expansion of the number of defendants. The amended legislation enables the governments of BC and Canada to pursue recovery from opioid manufacturers, wholesalers and other potential defendants;

WHEREAS the proposed class for the class action includes all federal, provincial, and territorial governments and a subclass of that which has legislation specifically directed at recovery of damages and healthcare costs arising from the opioid epidemic. First Nations governments are not included in the proposed class;

WHEREAS in 2022, opioid manufacturer Purdue Pharma and all federal, provincial, and territorial governments agreed to a settlement totaling \$150 million in monetary benefits, plus additional benefits including access to information and documents relevant to the lawsuit; and

WHEREAS BC's application to certify its class action lawsuit has been scheduled for fall 2023, which can open the door to further settlements to recover health-care costs.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports First Nations in BC in taking legal action, including current and future class actions, for opioid-related harms and to hold entities accountable for their role in the opioid epidemic in their communities. This includes entities involved in opioid manufacturing and distribution and the regulation and oversight thereof;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the government of BC to seek to allow First Nations governments in BC to join the class action suit against producers and distributors of opioid products and all related potential settlements; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the governments of British Columbia and Canada, as well as the First Nations Health Authority, to advance compensation to First Nations in BC for the ongoing opioid and overdose public health emergency and related harms, recovery, and costs, and report back to the UBCIC Chiefs Council

Moved: Councillor Annie Silver, Cheam First Nation (Proxy)
Seconded: Judy Wilson, Osoyoos Indian Band (Proxy)
Disposition: Carried
Date: February 23rd, 2023

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FEBRUARY 22ND – 23RD, 2023

MUSQUEAM COMMUNITY CENTRE, X^MMƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2023-14

RE: Alcohol Regulation, Funding and Jurisdiction

WHEREAS alcohol is a legal substance that is widely normalized and often portrayed as low risk, despite being identified as a Class 1 carcinogen in 1987 by the World Health Organization, causing over 14,000 deaths and 88,000 hospitalizations in Canada in 2014, and being associated with at least 43 major categories of disease;

WHEREAS First Nations people experience disproportionate alcohol related harms, including a three times higher rate of deaths attributed to alcohol than other BC residents;

WHEREAS federal and provincial governments continue to regulate alcohol in ways that promote access and availability, and underfund essential services, supports and education, both for the general public and Indigenous peoples;

WHEREAS First Nations attempts to reduce consumption and availability of alcohol in their communities at times requires cooperation from local municipalities, such as limiting alcohol sales to reduce bootlegging;

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.

(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 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.

Article 24(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 alcohol contributes to wide ranging social, health, and justice issues, including domestic violence and the overdose crisis, with the BC Coroner’s Service finding that alcohol was present in 29% of illegal drug overdose deaths in 2021 and stating that it exacerbates the crisis;

WHEREAS research has established the connection between trauma and hopelessness and harmful alcohol use, including increased risk of binge drinking for those whose parents attended residential schools;

WHEREAS the In Plain Sight report found that 23% of Indigenous respondents were likely to feel “not at all safe” when using mental health or substance use services, and current alcohol treatment services are unable to meet demand, are plagued by excessive wait times, and have additional barriers for Indigenous people, such as culturally inappropriate programs and inaccessibility for remote First Nations;

WHEREAS in 2019, the Chiefs Council passed the “UBCIC Substance-Free Policy” to ensure that all UBCIC meetings and events are alcohol and substance free, and advocated to the Assembly of First Nations to implement a similar policy;

WHEREAS alcohol incurs the highest cost to society of all illegal and legal substances, while simultaneously being a revenue source for governments, with Canada-wide revenue totaling \$10.9 billion and BC’s revenue totaling \$1.6 billion in 2014;

WHEREAS although longstanding research has shown the carcinogenic harms of alcohol, there have been no public education campaigns in BC on this risk and the general population has low knowledge of the carcinogenic risks or lower risk drinking guidelines;

WHEREAS the BC government increased the availability and accessibility of alcohol during the COVID-19 pandemic, and has no plans to revoke these regulations or move forward a holistic approach to alcohol regulation, education, supports and services; and

WHEREAS the BC government’s planned approach relies on minimum alcohol pricing without a holistic approach to prevent potential unintended negative impacts on vulnerable populations. BC completed preliminary consultation on this policy with health organizations and only Treaty First Nations.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports First Nations exercise of their jurisdiction in alcohol laws, controls and initiatives, and calls upon all levels of governments to work in partnership with them;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the governments of British Columbia and Canada to take a holistic, culturally-appropriate approach to alcohol regulation that respects title and rights, and reflects the unique needs of First Nations, and to provide increased funding for both First Nations-specific and culturally-safe mainstream services and supports;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council demands that BC's future engagements and consultations related to alcohol are completed in accordance with the *United Nations Declaration on the Rights of Indigenous Peoples* and ensure engagement with all First Nations regardless of whether or not they are involved in the BC Treaty Commission process; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with federal, provincial and municipal governments and liaise with the First Nations Health Authority and other like-minded organizations, on alcohol regulations and funding to reduce alcohol related harms, increase Indigenous-specific supports, ensure cultural-safety in mainstream services, and recognize and support First Nations jurisdiction and initiatives.

Moved: Judy Wilson, Osoyoos Indian Band (Proxy)
Seconded: Chief Arnie Lampreau, Shackan Indian Band
Disposition: Carried
Date: February 23rd, 2023