

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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Final Resolutions of UBCIC Chiefs Council June 7th – 8th, 2023

- 2023-15 Appointment to UBCIC Credentials Committee
- 2023-16 UBCIC Appointment to BC First Nations Gaming Commission
- 2023-17 Support for the FNLC Relationship Protocol with the Ministry of Water, Land, and Resource Stewardship
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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 7TH-8TH, 2023

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

Resolution no. 2023-15

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
- 4) Spokesperson Charmaine Thom, Taku River Tlingit First Nation

Moved: Chief William Yovanovich, Skidegate Band Council
Seconded: Chief George Lampreau, Simpcw First Nation
Disposition: Carried
Date: June 7, 2023

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MUSQUEAM COMMUNITY CENTRE, X^wMƏƏK^wƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2023-16

RE: UBCIC Appointment to BC First Nations Gaming Commission

WHEREAS First Nations in British Columbia were neither consulted nor were party to the 1985 federal-provincial agreement that transferred the authority to operate gaming facilities to the provinces and retain the associated revenues;

WHEREAS First Nations in BC require more consistent and predictable funding in order to support ongoing programs, improve band capacity and infrastructure, develop effective long-range planning, and pursue development opportunities for the economic, social and cultural needs of their communities in a crucial effort to combat systemic poverty;

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

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

WHEREAS First Nations in BC have been discussing the issue of shared revenues and jurisdiction over gaming in British Columbia since 1993, and successfully negotiated the Interim BC First Nations Gaming Revenue Sharing and Financial Agreement dated August 2, 2019, between the BC First Nations Gaming Commission (BC FNGC), First Nations Leadership Council (FNLC), and BC;

WHEREAS in September 2020, First Nations and the provincial government signed a 23-year agreement, which will result in the sharing of approximately \$3 billion in gaming revenue, which supports Indigenous self-government and self-determination;

WHEREAS gaming revenue for 2020-2021 was approximately 80% lower than anticipated due to the COVID-19 Pandemic, and a \$74 million one-time provincial grant was provided to mitigate the lost revenues for First Nations;

WHEREAS by UBCIC Resolution 2010-42, the UBCIC Chiefs-in-Assembly confirmed UBCIC's position that BC gaming legislation does not apply to gaming activities on First Nations lands in BC and supported the establishment of the BCFNGC;

WHEREAS by UBCIC Resolution 2010-55, the UBCIC Chiefs Council endorsed and adopted the draft Terms of Reference Framework (November 2010) for the BCFNGC;

WHEREAS the Terms of Reference Framework requires the appointment of seven (7) senior and knowledgeable provincial leaders with expertise in the gaming initiative as the First Nations Gaming Commissioners;

WHEREAS the Terms of Reference Framework sets out that three (3) Commissioners will be appointed, one from each of the respective provincial First Nations organizations:

- One (1) from the Union of BC Indian Chiefs
- One (1) from the First Nations Summit
- One (1) from the BC Assembly of First Nations;

WHEREAS the Terms of Reference Framework also sets out that the remaining four (4) Commissioners will be selected from the list of former Chairs of the BC FNGC based on their long-standing efforts and commitment to this initiative;

WHEREAS the UBCIC appointed a Commissioner through Resolution 2020-10 and their term ran from February 2020 to June 2023. The UBCIC circulated notice seeking an application for one (1) representative to the BC First Nations Gaming Commission, for a three-year term beginning June 7, 2023, and ending June 7, 2026, to be chosen in accordance with the UBCIC Elections Procedures; and

WHEREAS UBCIC received two applicants for the Commissioner position and an election was held on June 7, 2023, during the UBCIC Chiefs Council meeting.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby appoints Judy Wilson of Neskonlith as the UBCIC Representative to the BC First Nations Gaming Commission (BCFNGC); and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Representative to the BCFNGC to provide regular updates to the UBCIC Executive and the UBCIC Chiefs Council on the activities of the BCFNGC.

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Chief Rick Johnson, Kwikwasut'inuxw Haxwa'mis First Nation
Disposition: Carried
Date: June 7th, 2023

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JUNE 7TH – 8TH, 2023

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

Resolution no. 2023-17

RE: Support for the FNLC Relationship Protocol with the Ministry of Water, Land, and Resource Stewardship

WHEREAS the Ministry of Water, Land, and Resource Stewardship (WLRS) has been created by the Government of British Columbia to advance integrated land and natural resource management, including objective setting for land and marine environments, effectively managing cumulative effects, and advancing reconciliation with Indigenous peoples, environmental sustainability, and economic growth;

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 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;

WHEREAS the *Joint Agenda: Implementing the Commitment Document - Concrete Actions: Transforming Laws, Policies, Processes and Structures* (Concrete Actions) commits the Province and the UBCIC, the BC Assembly of First Nations, and the First Nations Summit, working together as the First Nations Leadership Council (FNLC) to the following priorities:

Action 3, Goal 1: Design and implement new models of: Strategic planning, including land use planning; Decision-making approaches, models and structures; Management; and Inter-governmental relations and understanding of jurisdictions and accountabilities that recognize Aboriginal title and rights and the UN Declaration.

Action 4, Goal 4: Land Use/Territory Planning: Consider legislation and policy development and/or amendments to support First Nations land use/territory planning with legal recognition by the Crown;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples Action Plan* commits the Province to the following actions:

Action 2.4: negotiate new joint decision-making and consent agreements under section 7 of the Declaration Act that include clear accountabilities, transparency and administrative fairness between the Province and Indigenous governing bodies.

Action 2.6: co-develop strategic-level policies, programs and initiatives to advance collaborative stewardship of the environment, land and resources, that address cumulative effects and respects Indigenous Knowledge. This will be achieved through collaborative stewardship forums, guardian programs, land use planning initiatives, and other innovative and evolving partnerships that support integrated land and resource management; and

WHEREAS the FNLC has developed in collaboration with WLRS a draft Relationship Protocol which aims to create a process for joint dialogue, action, and cooperation that respects and recognizes the human rights of Indigenous Peoples and advances joint commitments described in Concrete Actions and the Declaration on the Rights of Indigenous Peoples Act Action Plan.

THEREFORE BE IT RESOLVED that UBCIC Chiefs Council directs the UBCIC Executive to sign the attached draft Relationship Protocol between the UBCIC, working collectively with the BC Assembly of First Nations, and the First Nations Summit as the First Nations Leadership Council (FNLC), and the Ministry of Water, Land, and Resource Stewardship (WLRS);

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to clearly articulate to WLRS that the Protocol is not a substitute for WLRS to engage directly with First Nations and is not a delegation of authority in any way, and any key decisions must be brought back to the UBCIC Chiefs Council for consideration; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the FNLC, and WLRS to provide regular reports to the UBCIC Chiefs Council on the ongoing collaborative objectives and efforts as identified in the attached Relationship Protocol.

Moved: Judy Wilson, Osoyoos Indian Band (Proxy)
Seconded: Melissa Moses, UBCIC Women's Representative
Disposition: Carried
Date: June 7, 2023

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JUNE 7TH – 8TH, 2023

MUSQUEAM COMMUNITY CENTRE, xʷMƏKʷƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2023-18

RE: Application of the UN Declaration in National, Provincial, and Municipal Parks, Conservancies, and Other Protected Areas

WHEREAS First Nations have effectively cared for their territories since time immemorial, managing and maintaining healthy, abundant and biodiverse ecosystems throughout what is now known as British Columbia pursuant to and consistent with their inherent laws, legal systems, systems of governance, and jurisdictions;

WHEREAS Parks Canada, BC Parks and settler populations have benefitted from colonial policies of land dispossession, land seizure, and land transfer for the creation of national, provincial and municipal parks, conservancies, and other ‘protected’ areas on unceded First Nations territories in BC. This sordid history of forcibly removing First Nations from the land and the creation of Parks by state governments has robbed many First Nations of the ability to exercise their inherent, constitutional, and human rights in such areas;

WHEREAS the colonial ideology surrounding parks is often tied to racist and romantic notions of wilderness, upheld by problematic language like ‘pristine’, ‘untouched’, or ‘wild’, which is divorced from First Nations cultures and ignores their inherent laws, legal systems, systems of governance, and jurisdictions;

WHEREAS First Nations in BC have the right to manage, protect, and make decisions with respect to their lands, territories, and resources pursuant to their inherent laws, legal systems, systems of governance, and jurisdictions, which flow from First Nations’ sovereignty and inherent title and rights, self-determination, and sovereignty;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the Government of BC and Canada have adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement Indigenous rights. Articles **3, 10, 18, 19, 24(1), 25, 26(1)(2)(3), 28(1), and 29(1)** affirm Indigenous peoples right to self-determination, rights not to be forcibly removed from their lands, right to participate in decision-making, right to traditional plants, animals, medicines, and minerals, right to their lands and to maintain their distinctive spiritual relationship with the land, right to redress and equitable compensation for lands, and the right to conservation and protection of the environment, as well as the responsibility of the state to consult, to give legal recognition and protection of Indigenous lands;

WHEREAS the impacts from the state-led and unilateral establishment and control of parks on First Nations in BC are significant and include cumulative impacts over time. Irreparable harm has taken place including desecration and destruction of traditional resources, lands and sacred grounds, seizure and mismanagement of tangible and intangible cultural heritage, and infringement of First Nations’ inherent, constitutional, and human rights;

WHEREAS many First Nations in BC have never received redress by way of compensation or restitution for the loss of land, territories, and resources and the infringement of their inherent, constitutional, and human rights due to the state-led and unilateral establishment and control of parks;

WHEREAS the crown’s assertion of ownership over, and seizure of, First Nations cultural heritage and misappropriation of sacred sites for recreation and camping within Parks is a paternalistic and colonial practice that denies First Nations’ ongoing connection to their history and culture;

WHEREAS the province of BC and Canada’s approaches to conservation, stewardship, and land management, including their approaches to managing Parks and protected areas, is wholly inadequate and fails to uphold and enforce protections for First Nations cultural heritage and sacred sites. The crown’s ineffective land management continues to disregard the inherent title, rights and jurisdiction of First Nations in BC, as well as the critical role of First Nations’ inherent laws, legal systems, systems of governance, and jurisdiction and both traditional and scientific knowledge;

WHEREAS the province of BC and Canada continue to wrongfully consult the Métis in BC in rights-based consultative matters despite the Métis holding no land, water, or air-based inherent, human or constitutionally protected rights or associated jurisdiction in BC. The Métis are visitors in BC, and do not have the same relationship and history with colonialism in BC as First Nations;

WHEREAS First Nations in BC are proper title and rights holders within our territories, who hold inherent, constitutional, and human rights, and inherent laws, legal systems, systems of governance, and jurisdictions, which First Nations have applied and exercised throughout the entirety of our territories prior to contact, and which continue to exist and be applied and exercised throughout the entirety of our territories today. There is no persuasive legal, factual, or moral justification for the existence of land and water-based inherent and constitutionally protected Métis rights in BC, or Métis jurisdiction over any lands, waters, or resources in BC; and

WHEREAS all levels of state government bear the responsibility of aligning colonial laws with the UN Declaration and working in consultation and cooperation with First Nations in BC in a manner that upholds First Nations’ free, prior, and informed consent in making decisions and respecting First Nations lands, resources, including with respect to parks.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports First Nations in BC in the exercise of their title and inherent, constitutional, and human rights with respect to parks, and supports First Nations seeking just and fair redress for the loss of land and waters and impacts to title and rights as a result of the state-led and unilateral establishment and management of parks; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the Province of BC and Canada to immediately eliminate barriers to the exercise of First Nations’ inherent, constitutional and human rights with respect to parks; to work in consultation and cooperation with First Nations in BC in a manner that upholds First Nations’ free, prior, and informed consent to align parks policies and practices, particularly regarding the management of land, resources and cultural heritage, with the UN Declaration; and, where desired by First Nations, to return decision-making, stewardship, and management of all parks to First Nations in BC who are the proper title and rights holders.

Moved: Kukpi7 James Hobart, Spuzzum First Nation
Seconded: Chief Dean Nelson, Lilwat Nation
Disposition: Carried
Date: June 7, 2023

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JUNE 7TH – 8TH, 2023

MUSQUEAM COMMUNITY CENTRE, xʷMƏƏKʷƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2023-19

RE: Call to Strengthen Animal Farming Practices and Address the Significant Environmental Impacts of Factory Farming

WHEREAS it is our spiritual and ethical responsibility to treat our animal relations with respect, reciprocity, and dignity. We walked beside our animal relatives with an understanding that we needed each other to survive. Animals sustained our people, providing food, medicine, tools, clothing, shelter, warmth, culture, knowledge and identity. When animals sustained us, we treated their sacred bodies with respect. Nothing was wasted and we understood our responsibilities to protect the land, water and air for future generations, including our animal relatives;

WHEREAS the UBCIC Chiefs Council supports an ethical and cruelty-free stance towards animals and recognizes First Nations' rights to co-exist with animals as we have always done, grateful for the ways animals have sustained us since time immemorial through hunting, fishing, trapping, harvesting and wildlife management that is guided by principles of stewardship, sustainability, and accountability, as affirmed by Resolution 2021-05 and Resolution 2021-62;

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 that Indigenous peoples have the right to participate in decision-making matters which would affect their rights choosing their own representatives, maintain and develop their own decision-making institutions, determine and develop priorities and strategies for the development or use of their lands or territories or other resources, they have the rights to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals (**Articles 18, 24 and 32**). States shall consult and cooperate in good faith with Indigenous peoples through their own representative institutions in order to obtain free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them (**Article 19**);

WHEREAS poor treatment of animals in factory farming practices contravenes the customs, laws, traditions and values of First Nations in BC who maintain deep spiritual connections to all living things, including new animal kin that were brought over by colonization and European settlement. Legislation related to factory farming and the treatment of animals is non-existent, and the regulations in place derive from National Farm Animal Care Council, which severely lacks oversight, transparency and accountability and is not aligned with the UN Declaration, nor is it properly regulated with animal care management programs;

WHEREAS the environmental impact of factory farming, which is a system of farming where a lot of animals are kept in a small closed area in order to produce a large amount of meat, eggs, or milk as cheaply as possible, has significantly contributed to [climate change](#). Factory farming produces greenhouse gases throughout the 'supply chain'. For example, forest clearance to grow the crops and rear the animals reduces vital carbon 'sinks' and releases gases previously stored in the soil and vegetation, and gases including methane and nitrous oxide, also produced in significant quantities, are released through various sources including animal waste and fertiliser use in large quantities. Factory farming leads to habitat disturbance, biodiversity loss, predation, and other human activities that have resulted in the [displacement](#) of Indigenous peoples and our animal kin to make room for mass and over-producing factory farms that primarily produce meat and dairy products, thereby creating further welfare, ecosystem and biodiversity loss;

WHEREAS the rampant wildfires throughout Alberta, Saskatchewan and BC are indicative of climate change and the mismanagement of the environment by municipal, provincial, and federal governments actors has resulted in habitat loss, biodiversity loss and economic disasters for Indigenous communities; and

WHEREAS animals on factory farms are one of the most unregulated and unprotected groups of animals in BC and Canada, and their mistreatment during raising, transport and unethical slaughtering practices is a punishable act under the *Criminal Code*, but the lack of regulation and oversight bodies prevents it from occurring.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council reaffirms support for First Nations exercising inherent title and rights over their territories and caring for animals in those territories, including through farming, with respect, reciprocity, and dignity;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully rejects the current legal and regulatory landscape of factory farming, a system of farming where a lot of animals are kept in a small closed area in order to produce a large amount of meat, eggs, or milk as cheaply as possible, due to the lack of accountability and oversight of generally accepted practices of animal management and protections on factory farms, and the lack of available funding to support better animal welfare practices;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on Canada and BC to work with First Nations farmers and ranchers to support First Nations farmers and ranchers who have been impacted by climate change, including forest fires, catastrophic floods and habitat degradation;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on Canada and BC to work with First Nations to co-develop legislation and regulations in alignment with the UN Declaration that reduce the impacts of climate change and habitat loss due to factory farming, and reduce the risk of disease and suffering of animals on factory farms, and that provide funding to communities in order to support the transition to better animal welfare practices more aligned with a cruelty-free stance toward animals.

Moved: Judy Wilson, Osoyoos Indian Band (Proxy)
Seconded: Chief Don Tom, Tsartlip First Nation
Disposition: Carried
Date: June 8, 2023

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

Resolution no. 2023-20

RE: Illegal Dumping on First Nations Reserves

WHEREAS amidst chronic underfunding, infrastructure gaps, and a lack of municipal garbage and recycling services, First Nations contend with waste management of unsustainable materials and a proliferation of illegal dumping and burning on reserve. First Nations not only face capacity obstacles within community, but increasingly from off-reserve settler communities who dump to avoid transporting waste and paying waste management fees at the landfill. The issue is particularly pronounced in small, rural and remote communities where waste management facilities are few and far between;

WHEREAS colonial policies and ways of being, and the violent dispossession and subjugation of land have forcibly disrupted First Nations' cultural connections and systems of land, resource, and water management which once relied on natural materials that were easily composted and recycled back into the environment, giving way to non-recyclable and toxic materials that take many years to dissolve in landfills;

WHEREAS there are insufficient regulations, laws and enforcement to prevent open dumping on First Nations reserves, leading to severe social, economic, health, and environmental issues including soil and water contamination and lasting health impacts such as asthma, reproductive challenges, disabilities, and cancer;

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

Article 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.

Article 29: Indigenous peoples have the right to the conservation and protections of the environment and the productive capacity of their lands or territories and resources;

WHEREAS [environmental racism](#) is a form of systemic racism which enables disproportionate proximity and greater exposure of Indigenous, Black and racialized communities to contamination and pollution from industry and other environmentally hazardous activities. In Canada this includes proximity of First Nations to burning, dumping, landfills, mining and pipeline projects, pulp mills, and chemical runoff; and

WHEREAS federal [Bill C-226](#), *An Act respecting the development of a national strategy to assess, prevent and address environmental racism and to advance environmental justice* is currently in its second reading before the senate and [Bill C-230](#) *An Act respecting the development of a national strategy to redress environmental racism* is before the Standing Committee on Environment and Sustainable Development in the House of Commons.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls on Canada and the Province of BC to develop and disseminate widespread public education around the social, health, and environmental impacts of unsustainable waste management including burning and dumping, and to legislate an end to industrial pollution;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council urges Canada to pass and fully implement Bill C-226 and Bill C-230 to address and develop a national strategy to prevent environmental racism in consultation and cooperation with First Nations;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the Province of BC to co-develop legislation with First Nations to enforce and regulate illegal dumping on reserves; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on Canada to fully fund and work in coordination with all levels of government and First Nations to create infrastructure and waste management programs free of financial and infrastructure barriers to sustainably dispose of waste.

Moved: Chief Victor Isaac, 'Namgis First Nation
Seconded: Katisha Paul, UBCIC Youth Representative
Disposition: Carried
Date: June 8, 2023

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CHIEFS COUNCIL

JUNE 7TH – 8TH, 2023

MUSQUEAM COMMUNITY CENTRE, x̱m̱əθ̱ḵw̱əy̱əm (MUSQUEAM TERRITORY)

Resolution no. 2023-21

RE: Call for Change to the Civilian Monitor Role with the Independent Investigations Office of BC

WHEREAS First Nations in British Columbia have experienced and continue to experience the harm of police brutality and systemic racism in policing that disproportionately targets Indigenous people and is rooted in colonial violence;

WHEREAS systemic discrimination runs through Canada's justice system, with increasing rates of police intervention, questioning, arrest, use of force, surveillance towards Indigenous people and members of other racialized communities;

WHEREAS in BC, there have been 141 police-involved deaths since 2000 and Indigenous peoples are over-represented in the numbers of police use of force-involved deaths. While Indigenous peoples comprise 5.1 percent of the population living in Canada, they are represented in 16.2 percent of police-involved deaths and 18.5 percent of police-involved shooting deaths;

WHEREAS the Union of BC Indian Chiefs has made several calls for independent investigations in different contexts, such as a demand for an independent investigation and public inquiry in the death of Rojun Alphonse (Williams Lake First Nation), Frank Paul (Elsipogtog First Nation), and the many missing and murdered women of the Downtown Eastside in Vancouver, BC and those found or disappeared from Highway 16 in Northern BC: the Highway of Tears;

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 British Columbia, passed legislation committing 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.

(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 forcible removing children of a group to another group.

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.

Article 46(3): The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith;

WHEREAS the Independent Investigations Office (IIO) is a civilian-led police oversight agency responsible for investigating incidents of police-involved serious harm or death involving on and off-duty police in British Columbia and derives its authority from the *Police Act*, RSBC 1996, c 367 (Police Act);

WHEREAS under section 38.08 of the Police Act, the IIO may appoint a person to take on the role of a civilian monitor, often referred to as an Indigenous civilian monitor in matters involving an Indigenous person, to review and assess the integrity of a specific investigation;

WHEREAS the Police Act is restrictive in that the civilian monitor is given complete access to the assigned file, but must follow strict confidentiality requirements and are not allowed to discuss the file with anybody due to privacy laws, which can be challenging for those who are appointed and are either a member of or have close connections to the impacted family and community; and

WHEREAS the civilian monitor is responsible for writing a final report and providing that to the IIO, but these reports are not required to be made publicly available or to be shared with the impacted family or community and there is no legislative requirement for the IIO to take any specific action following report findings.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the reform of legislation and policy governing and giving authority to the Independent Investigations Office (IIO) to reduce systemic racism against Indigenous peoples in policing, to improve police accountability and to ensure the appropriateness of police responses to mental health, addictions and other complex social issues;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the provincial government to implement specific changes to the Police Act regarding updating the IIO related portions of the legislation, as part of its ongoing review and reform of the legislation to ensure alignment with the UN Declaration and to, among other things, strengthen and reduce barriers of effective Indigenous specific oversight as part of investigations conducted by the IIO; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff, working with the BC Assembly of First Nations and First Nations Summit as the First Nations Leadership Council, and with the BC First Nations Justice Council, to advocate for a new vision of policing and community safety rooted in decolonization, anti-Indigenous racism, community, and accountability, with a focus on strengthening Indigenous specific civilian oversight within IIO investigations.

Moved: Councillor Rick Gilbert, Williams Lake First Nation (Proxy)

Seconded: Councillor Cory Sampson, Adams Lake Indian Band (Proxy)

Disposition: Carried

Date: June 8, 2023

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JUNE 7TH – 8TH, 2023

MUSQUEAM COMMUNITY CENTRE, x̱m̱əθ̱ḵw̱əy̱əm (MUSQUEAM TERRITORY)

Resolution no. 2023-22

RE: Urgent Need for Non-Policing Emergency Response in BC

WHEREAS First Nations people are drastically overrepresented in deaths at the hands of police and experience disproportionately high rates of violence and harm in police interactions;

WHEREAS police are often an inappropriate response for calls regarding mental health, substance use or social issues due to their colonial history and ongoing discrimination and bias, lack of training, escalation tactics, fear and mistrust of police, stigma associated with a police response, and high risk of trauma and violence for Indigenous people;

WHEREAS persistent and intersecting crises, such as homelessness, the overdose epidemic and gender-based violence, exacerbate the need for a non-police emergency response to offer support and facilitate access to services in a compassionate, trauma-informed, culturally safe manner;

WHEREAS due to a dire lack of social, substance use and health services across British Columbia, a large proportion of police calls are regarding people in need of support during mental health crises, substance use and other complex social issues;

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 British Columbia, 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(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.

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.

(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 December 2020, BC's Legislative Assembly established the Special Committee on Reforming the Police Act (the Committee), including topics such as racism and governance. In April 2022, the Committee released its final report, *Transforming Policing and Community Safety in BC*, which included a recommendation to create and fund a continuum of responses to mental health, substance use and complex social issues, including an option for non-police first response to emergency calls;

WHEREAS the UBCIC Chiefs Council endorsed the implementation of the report's recommendations through Resolution 2022-26 and called upon the province to establish a committee to advance the recommendations in full partnership with First Nations;

WHEREAS police were created to provide punitive, carceral responses to criminal matters and are not the correct tool to address complex social issues, which require a holistic, compassionate, distinctions-based, human rights based, trauma-informed and non-violent approach to effectively provide support in a physically and culturally safe manner; and

WHEREAS early work to create a non-police response is underway, but may face obstacles, including funding, opposition from law enforcement and a lack of political will to implement a systemic change to emergency response.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the creation and adequate funding of a non-police emergency response for calls relating to mental health, substance use and complex social issues to provide support in a distinctions-based, rights-based, trauma-informed, culturally sensitive manner;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on BC to ensure that a non-police alternative emergency support is fully separate from law enforcement and is founded on values of anti-racism, decolonialization, transparency and accountability; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the federal and provincial governments including Indigenous Services Canada and Emergency Management and Climate Readiness and BC Emergency Health Services, as well as the BC Assembly of First Nations, First Nations Summit, the BC First Nations Justice Council, the First Nations Health Authority, and other like-minded organizations to promote a non-police response that meets the needs of First Nations people in BC.

Moved: Melissa Moses, UBCIC Women's Representative
Seconded: Councillor Frances Narcisse, Neskonlith Indian Band (Proxy)
Disposition: Carried
Date: June 8, 2023

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JUNE 7TH – 8TH, 2023

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

Resolution no. 2023-23

RE: Support for the CRCC Review of the C-IRG and Call to Immediately Disband the C-IRG

WHEREAS the Community-Industry Response Group (C-IRG) was created in 2017 by the Royal Canadian Mounted Police's (RCMP) "E" Division in anticipation of Indigenous and environmentalist resistance to resource extraction operations, in particular the Trans Mountain and Coastal GasLink pipelines. They are mandated to respond to "public order" events related to resource-extraction activities and engage in "open communication and meaningful dialogue";

WHEREAS there should be no paramilitary force in Canada that was specifically designed to manage assertion of inherent, human and constitutionally protected title and rights in the face of development that has not obtained the free, prior and informed consent of First Nations peoples in British Columbia;

WHEREAS the C-IRG, Trans Mountain and Coastal GasLink pipelines, and many other resource extraction operations, have never received the free, prior and informed consent of all impacted First Nations on whose territories they are enacting harm and violence on the land and its people;

WHEREAS Indigenous land defenders, Hereditary Chiefs, and allied persons have been on the front lines for years, putting their bodies and lives on the line to defend and protect the land, water and air from resource extraction, and they, along with media and legal observers, have faced continued harassment, violence, prosecution, surveillance, and unlawful search and seizure, exclusion zones, force, arrests, assault, and detention due to the reprehensible and brutally violent actions by the C-IRG;

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 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

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concerned and after agreement on just and fair compensation and, where possible, with the option of return.

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

Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and 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.

Article 30(1): Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

(2): States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

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 on March 9, 2023, the Civilian Review and Complaints Commission (CRCC), an agency of the federal government, announced they will be launching a [systemic investigation](#) into the activities of the C-IRG as a response to approximately 600 complaints stemming from violence and unlawful arrests against land defenders at Ada'itsx (Fairy Creek), Salisbury Creek, and Gidimte'en Checkpoint on Pacheedaht, Ktunaxa and Sylix, and Wet'suwet'en territories, respectively. The CRCC will "examine the governance, structure and operations of the C-IRG" and accordance with section 45.34(1) of the *Royal Canadian Mounted Police Act* RSC, 1985, c. R-10 (RCMP Act);

WHEREAS the Chairperson of the CRCC does not currently have the authority to issue binding recommendations to the RCMP, nor is the RCMP Commissioner under any obligations to respond to the recommendations, but the CRCC Chairperson could have expanded the current Terms of Reference to include a broader public inquiry with more robust investigatory powers, as was done during the [Commission's investigation](#) at Elsipogtog (Kent County, NB), via a parallel Chair-initiated investigation under s. 45.66(1) of the RCMP Act;

WHEREAS by Resolutions 2019-07 "UBCIC Support for Wet'suwet'en Defense of their Inherent Title and Rights," 2022-12 "Ending the Criminalization and Human Rights Violations of Indigenous Land Defenders,"

and 2022-13 “Support for an Indigenous Land Defense Fund and Establishing Financial and Legal Assistance for Indigenous Land Rights Cases,” the UBCIC Chiefs Council has supported land defenders and First Nations rights to inherent self-jurisdiction, sovereignty, and rights to defend their lands, waters, resources, and air according to their own laws and governance systems, and has made several criticisms about the connection between man camps of these extraction projects and Missing, Murdered and Indigenous Women, Girls and Two-Spirit+ peoples, continued human rights violations, and for declaring that First Nations peoples protecting their territories are a [policing emergency and threat](#);

WHEREAS in April 2023, UBCIC, as aligned with our mandate by resolution from the Chiefs Council, signed an open letter calling on BC, the Ministry of Public Safety and the Solicitor General, the federal Ministry of Public Safety, and the RCMP’s “E” Division to immediately disband the C-IRG; if not permanently, but at the very least while the CRCC conducts their review (attached); and

WHEREAS the RCMP, formerly known as the North-West Mounted Police, has operated for 150 years with a legal mandate to remove Indigenous peoples forcibly and violently from their homelands and apprehend or kill them for non-compliance to make way for European settlement and Crown resource extraction. Since 1873, little has changed. The RCMP’s mandate, training, and legislation require a drastic overhaul and must come into compliance with the UN Declaration.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the Civilian Review and Complaints Commission (CRCC) review of the RCMP’s “E” Division Community-Industry Response Group (C-IRG);

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the RCMP “E” Division to disband the C-IRG while they are under review and ask that the CRCC Chairperson expand their Terms of Reference to include a broader public inquiry with more robust investigation powers, as was done during the investigation into similar incidents involving RCMP conduct at Elsipogtog, New Brunswick in 2013; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on BC, Canada and the RCMP to support a public inquiry and increase the investigative powers of review commissions like the CRCC, ensuring that all laws and policies are in compliance with the UN Declaration.

Moved: Judy Wilson, Osoyoos Indian Band (Proxy)
Seconded: Councillor Rick Gilbert, Williams Lake First Nation (Proxy)
Disposition: Carried
Date: June 8, 2023

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JUNE 7TH – 8TH, 2023

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

Resolution no. 2023-24

RE: Support for Indigenous Mental Health Programming and Accredited Indigenous Counsellors

WHEREAS First Nations people have experienced violent intergenerational traumas as a direct result of colonialism, genocidal policies, perpetual harmful discriminatory treatment and systemic racism, notably through programs of forced assimilation, Indian Residential Schools (IRS) and the Child Welfare system;

WHEREAS the ongoing announcements of unmarked graves at former IRS across Canada have confirmed our history and brought truth-telling to the world. Unearthing such painful truths has been (re)triggering for survivors, their families, loved ones, and communities;

WHEREAS by UBCIC Resolutions 2003-14, 2008-04, 2010-34, 2013-16, 2013-42, and 2016-45 the UBCIC Chiefs Council has cited the numerous horrors of Residential Schools and the forced removal of Indigenous children from their homes, and has emphasized the need for comprehensive healing supports for survivors, families and communities;

WHEREAS First Nations are drawing on culture and community to actively heal according to their distinct cultural protocols; however, accessible culturally safe mental health supports are needed;

WHEREAS there is a province-wide shortage of counsellors, particularly Indigenous counsellors, creating long wait times and barriers to accessing mental health supports. Many of the existing Indigenous mental health and wellness workers are themselves facing burn out and are leaving their field and professions;

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

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.

(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 the government of Canada has committed funding to Tk'emlúps te Secwépemc for a Healing House and it is anticipated there will be additional funding commitments for healing centres throughout the province of BC and Canada; and

WHEREAS the programs and services offered through these healing centres, will be grounded in First Nations languages, cultures and ways of knowing and being, and will significantly expand the need for culturally safe Indigenous healing professionals, counsellors and clinicians.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports First Nations exercising their jurisdiction to enter into partnerships with accredited post-secondary institutions to develop Indigenized, culturally safe mental health /counselling programs in order to train their members to be registered clinical counsellors, including the Tk'emlúps te Secwépemc initiative to create a graduate degree counselling program with the University of Saskatchewan;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Education Steering Committee (FNESC) to advocate for the creation of additional accredited Indigenous counselling programs to fill the positions that will be created through the formation of the new province-wide healing centres; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the Province of British Columbia to fund the development of Indigenous-centered culturally safe mental health supports and education programs and to uphold First Nations jurisdiction over health, mental health, and healing.

Moved: Kúkpi7 Rosanne Casimir, Tk'emlúps te Secwépemc
Seconded: Councillor Rick Gilbert, Williams Lake First Nation (Proxy)
Disposition: Carried
Date: June 8, 2023

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MUSQUEAM COMMUNITY CENTRE, X^wMƏƏK^wƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2023-25

RE: Coordination between Provincial and Federal Housing Programs

WHEREAS First Nations housing and infrastructure are in a state of crisis. There is a significant and unacceptable disparity in housing conditions between First Nations and other British Columbians. Existing housing is wholly insufficient to meet current and future needs;

WHEREAS disproportionate rates of homelessness, overcrowding on reserve, and undignified and deteriorating housing infrastructure collectively endanger well-being and negatively affect health, education, employment, security, and other social conditions;

WHEREAS access to safe and adequate housing is critical to improving health and social outcomes and is essential for advancing self-determination and reconciliation;

WHEREAS the governments of Canada (Canadian Mortgage and Housing Corporation) and British Columbia (BC Housing) have committed significant resources to address the lack of affordable housing for First Nations, but are failing to coordinate across jurisdictions, creating burdensome bureaucratic hurdles, and putting the onus on under-resourced communities to coordinate between agencies – functionally denying critical housing supports;

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 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;

WHEREAS since 1972, UBCIC has passed resolutions bringing attention to the poor quality of on-reserve housing and inadequate funding for First Nation. UBCIC Resolutions 2006-25, 2011-20, 2013-55, 2016-21, 2019-16, 2020-34, and 2021-22 called upon the Government of Canada and its housing corporations to rectify the critically low levels of federal funding for First Nations housing; to recognize and meet the need and demand for affordable off and on-reserve housing; and to support the use of section 18(2) of the *Indian Act* for on-reserve housing and infrastructure development; and

WHEREAS First Nations in BC have not delegated their authority on housing and Nations have the inherent and constitutionally protected right to exercise jurisdiction and self-determination over housing for their communities.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls on the BC Housing Corporation and Canadian Mortgage and Housing Corporation (CMHC) to coordinate their housing programs and funding streams to remove barriers to First Nations applying for critical housing supports, and to ensure adequate overall funding for First Nations housing initiatives across jurisdictions; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the BC Housing Corporation and CMHC to create a combined list of resources for housing programs and funding streams to be distributed to First Nations in BC.

Moved: Kukpi7 Rosanne Casimir, Tk'emlúps te Secwépemc

Seconded: Judy Wilson, Osoyoos Indian Band (Proxy)

Disposition: Carried

Date: June 8, 2023

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

Resolution no. 2023-26

RE: Fiscal Framework Development for Resumption of Jurisdiction by First Nations over 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*, described in the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), and affirmed in Bill C-92: *An Act respecting First Nations, Inuit and Métis children, youth and families* (C-92);

WHEREAS work is underway to transform child and family services in British Columbia, including development of a new fiscal framework to support resumption of jurisdiction by First Nations over their children and families in BC, but improved information sharing and opportunities for First Nation input and involvement are necessary to ensure that the framework reflects the needs and realities of First Nations in BC;

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.

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, the Chiefs in BC have supported and endorsed work to reform FNCFS by the BC Assembly of First Nations (BCAFN), First Nations Summit (FNS), and UBCIC, working together as the First Nations Leadership Council (FNLC), including the development of an Action Framework (UBCIC Resolution 2016-44, FNS Resolution 1016.11, BCAFN Resolution 22/2016), a Tripartite process between BC, Canada and FNLC (UBCIC Resolution 2017-06, FNS Resolution 0217.19, BCAFN Resolution 06/2017), and a Reconciliation Charter;

WHEREAS in 2019, the Government of Canada enacted C-92, 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, which 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;

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;

WHEREAS in 2018, the Institute of Fiscal Studies and Democracy (IFSD) was hired by the Assembly of First Nations and the First Nations Child & Family Caring Society to research and define a funding approach and performance measurement framework for FNCFS that aligns with the requirements articulated through legislation and judicial decisions;

WHEREAS IFSD research, which is still underway, has informed negotiations on the current Agreement-in-Principle, on long-term reform of FNCFS, which was signed in 2021, and the revised Final Settlement Agreement (FSA) on FNCFS, Jordan's Principle, and the reform of Indigenous Services Canada (ISC), which was signed in 2023; and

WHEREAS IFSD research currently underway, builds on previous IFSD data collection and findings, and includes some BC-specific data. Next steps for IFSD are to 1) Build examples of funding models (with consideration of different starting points) based on findings; 2) Request regional review meetings of the models to ensure they capture different needs; and 3) Prepare a final report for December 2023 with a summary of findings.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the development of a long-term funding agreement, that ensures the holistic transformation of First Nations Child and Family Services (FNCFS) to a new fiscal framework, which supports First Nations resumption of jurisdiction over their children and families and realizes the intention and spirit of the UN Declaration and recent legislation and judicial decisions;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the Institute of Fiscal Studies and Democracy (IFSD), which is completing cost modeling work to develop a new fiscal framework, to ensure full alignment and engagement with First Nations in British Columbia, in all aspects of development;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on IFSD to engage in consistent communication with UBCIC, the BC Assembly of First Nations (BCAFN), and the First Nations Summit (FNS), working together as the First Nations Leadership Council (FNLC), to support engagement with First Nations in BC and ensure reviewal and analysis of IFSD reports, by FNLC contracted experts;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BCAFN and FNS, as the FNLC, to work with IFSD to provide input and promote opportunities for First Nations in BC to provide direct input in the development of a new fiscal framework; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on Canada and the Province of British Columbia, as members of the Tripartite First Nations Children and Families Working Group, to share information with and support IFSD's cost modelling work to ensure accurate reflection of and funding to address the needs and priorities of First Nations in BC.

Moved: Chief Ralph Leon, Sts'ailes
Seconded: Chief Donald Edgars, Old Massett Village Council
Disposition: Carried
Date: June 8, 2023

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 7TH TO 8TH, 2023

RICHMOND, B.C., X^wMƏƏK^wƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2023-27

RE: Support-in-Principle for Tripartite MOU on First Nations Early Learning and Child Care

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

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

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

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 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 MECC has a responsibility to work with First Nations to support improved outcomes for First Nation children and students regarding childcare and educational outcomes, including pursuant to the BC Tripartite Education Agreement and the Declaration Act on the Rights of Indigenous Peoples' Action Plan;

WHEREAS through resolutions at the Chiefs' Assemblies, the Chiefs in BC directed UBCIC, the First Nations Summit (FNS), and the BC Assembly of First Nations (BCAFN), working together as the First Nations Leadership Council (FNLC), to wholly reform the current Indigenous child welfare system in BC (UBCIC Resolution 2016-44, 2017-06, & 2022-52, FNS Resolution 1016.11, 0217.19, & 1022.04; BCAFN Resolution 22/2016, 06/2017, & 32-2022), which includes early learning and child care;

WHEREAS through resolutions at the Chiefs' Assemblies (UBCIC Resolution 2020-27, FNS Resolution 1020.06, & BCAFN Resolution 20/2020), the Chiefs in BC directed UBCIC, the FNS, and the BCAFN, as the FNLC, to provide political leadership for the regional partnerships that will be required to ensure the Indigenous Early Learning and Child Care (IELCC) framework best responds to and supports First Nations children, families, and communities in ways First Nations determine;

WHEREAS the FNLC, the Government of Canada (represented by Employment and Social Development Canada), and the Government of British Columbia (represented by the Ministry of Education and Child Care and the Minister of State for Child Care) have prepared a draft memorandum of understanding (MOU) as full and equal partners, to establish a formalized process to engage in regular dialogue on Indigenous Early Learning and Child Care for First Nations in BC, and on related issues of mutual interest and concern;

WHEREAS the Tripartite MOU will confirm and set out a mutual commitment to engage in dialogue, oversight, and joint action on specific issues and initiatives, including relating to governance, policy, and investment to co-develop and support a system of First Nations-led Early Learning and Child Care in British Columbia, which acknowledges and is informed by broader IELCC system and policies, and is consistent with a distinctions-based approach;

WHEREAS through resolutions at the Chiefs' Assemblies (UBCIC Resolution 2022-51, FNS Resolution 1022.05, & BCAFN Resolution 31/2022), the Chiefs in BC directed UBCIC, FNS, and the BCAFN, working as the FNLC, to continue engaging with the provincial and federal governments, along with the First Nations Education Steering Committee (FNESC) and the BC Aboriginal Child Care Society (BCACCS), as appropriate, on ways to best support First Nations with early learning and child care in their communities and with regard to any implications for First Nations education; and

WHEREAS FNESC and BCACCS are experts in the education, early learning, and childcare sectors, and provide advice to FNLC and First Nations in promoting and developing high quality education and community early learning and child care services, and have supported the FNLC in negotiating the draft tripartite MOU.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports-in-principle the draft tripartite memorandum of understanding (MOU) on First Nations Early Learning and Child Care between the UBCIC, the First Nations Summit (FNS), and the BC Assembly of First Nations (BCAFN), working together as the First Nations Leadership Council (FNLC), the Government of Canada (represented by Employment and

Social Development Canada), and the Government of British Columbia (represented by the Ministry of Education and Child Care and the Minister of State for Child Care);

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with the FNS and BCAFN, as the FNLC, to prepare a finalized tripartite MOU, with Canada and BC on Indigenous Early Learning and Child Care, with the assistance of the First Nations Education Steering Committee (FNESC) and the BC Aboriginal Child Care Society (BCACCS);

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to sign the finalized tripartite MOU, if there are no significant changes to the principles or content of the draft tripartite MOU, and work with the FNS and BCAFN, as the FNLC, and with the assistance of FNESC and BCACCS, work on an implementation work plan;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the federal and provincial governments to provide permanent, reliable, and appropriate funding for the FNLC, FNESC, and BCACCS, to be full and equal partners in this MOU, and for funding to support First Nations for their participation in implementation; and

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to work with other members of the FNLC, FNESC, and BCACCS to provide regular reports to the UBCIC Chiefs Council on implementation of the MOU.

Moved: Chief William Yovanovich, Skidegate Band Council
Seconded: Chief Victor Isaac, 'Namgis First Nation
Disposition: Carried
Date: June 8, 2023

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 7TH – 8TH, 2023

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

Resolution no. 2023-28

RE: Repatriation of First Nations Children

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*, described in the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), and affirmed in Bill C-92: *An Act respecting First Nations, Inuit and Métis children, youth and families* (C-92);

WHEREAS the UN Declaration should be the framework used to address the horrific legacy of Residential Schools, the Sixties Scoop, and the Millennial Scoop, including the forced removal of First Nations children and youth from their families, communities, and Nations, the disproportionate number of First Nations children and youth in care, the adverse outcomes of child welfare involvement, the loss of language, and denial of culture and human rights;

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 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.

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

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

WHEREAS the Truth and Reconciliation Commission of Canada (TRC) Calls to Action #1 to #5 call on federal, provincial, and territorial governments to reduce the number of First Nations children in care and improve First Nations child and family services;

WHEREAS 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;

WHEREAS the Sixties Scoop was an ongoing practice in the 1960s and 1970s which removed First Nations children from their families and communities and placed them in the care of white Canadian and International foster or adoptive homes;

WHEREAS by UBCIC Resolution 2022-07, the UBCIC Chiefs Council supported the call for a national inquiry into the Sixties Scoop and permanent child removal, directed the UBCIC Executive and staff to work with likeminded organizations to call on the federal government to launch a national inquiry in partnership with the 60s Scoop Legacy of Canada, and called on the federal and provincial governments for long-term funding to support a First Nations Repatriation program;

WHEREAS the Millennial Scoop is an ongoing practice which began in the 1980s and continues to this day, due to the sustained overrepresentation of Indigenous children and youth within the Canadian child welfare system; and

WHEREAS First Nations children continue to lose their identity, culture, and kinship links as they are removed from their homes, families, and Nations by federal, provincial, and territorial child welfare systems.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports the call made by the Assembly of First Nations for Canada to acknowledge that there are generations of lost First Nations children who were and continue to be placed outside their communities, both within Canada and internationally, and who have never been reunified with their families;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on Canada to engage with First Nations title and rights holders to develop a Repatriation Strategy to identify First Nations children who are domestically and internationally displaced and have not reconnected with their families, communities, and/or Nations; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on Canada to meaningfully engage and collaborate with First Nations to address the impacts of First Nations children who were removed from their families, communities, and Nations, both within Canada and internationally.

Moved: Judy Wilson, Osoyoos Indian Band (Proxy)
Seconded: Katisha Paul, UBCIC Youth Representative
Disposition: Carried
Date: June 8, 2023

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JUNE 7TH- 8TH, 2023

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

Resolution no. 2023-31

RE: Support for BC Regional Energy and Resources Table Initiative

WHEREAS the urgent global push to reduce the rate of global warming and achieve carbon neutrality by 2050 is poised to transform the Canadian economy. Mining activities are forecast to increase substantially with the build out of electricity generation and transmission infrastructure to support the projects;

WHEREAS in June 2022 the government of Canada, led by Natural Resources Canada (NRCAN) in a whole-of-government approach, established the Regional Energy and Resource Tables initiative (RERT Initiative). The whole-of-government approach includes several federal institutions including Innovation, Science, and Development Canada, the Regional Development Agencies and the Canada Infrastructure Bank. To build a net-zero economy by 2050, Canada will need between \$125 billion and \$140 billion per year in investments from the public and private sectors. The RERT Initiative involves 13 regional tables, one for each province and territory. At present, nine province and territories have agreed to participate in regional tables, including BC;

WHEREAS the RERTs aim to (1) build federal-Indigenous-provincial-territorial collaboration to advance and accelerate economic growth and energy transformation opportunities, (2) recognize and implement the UN Declaration, and (3) engage key partners in every region around growth priorities and action to support them with a view to inform the development of place-based economic transformation strategies while maintaining world class environmental standards;

WHEREAS the government of British Columbia, working with the government of Canada, has established a BC regional table to develop an action plan to align resources, timelines and regulatory approaches to realize regional growth economic opportunities. In British Columbia the six opportunities identified so far are (1) Critical Minerals, (2) Clean Fuels and Hydrogen, (3) Forest Sector, (4) Carbon Management and Technology Systems, (5) Electrification (Infrastructure and End-Use), and (6) Regulatory Efficiency and Cooperation;

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 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 commencing in December 2022, Canada and British Columbia began engagement with the BC First Nations Energy and Mining Council (FNEMC) and the BC First Nations Forestry Council (FNFC) to advise on shared priorities and create opportunities for rights-holder input;

WHEREAS on May 2, 2023, a province-wide virtual roundtable for First Nations in BC was hosted by the FNEMC, the FNFC, NRCAN and the BC Ministry of Energy, Mines and Low Carbon Innovation;

WHEREAS the FNEMC and FNFC are co-drafting a report on the BC Regional Energy Table session, that includes feedback from Chiefs that will drive ongoing discussions; and

WHEREAS by Resolution 2021-55 the UBCIC Chiefs-in-Assembly fully supported the several groups of concerned health physicians and residents across BC and Canada in an anti-LNG/fracking campaign, called for the provincial government to immediately implement the recommendations by the health physicians, issue a moratorium on fracking, provide financial support and incentives for workers and Indigenous communities impact by LNG production to transition to a clean-energy economy, invest in zero-emissions building and bring an end to all fossil fuel subsidies.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports involvement in the BC Regional Energy and Resources Table (RERT) Initiative in a manner that is consistent with UBCIC's existing resolutions recognizing the climate emergency and the necessary actions that must be taken to reduce greenhouse gas emissions, and ensure that First Nations participation in this work is fully funded through a First Nations capacity fund, and seek to establish a First Nations equity fund;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the BC First Nations Energy and Mining Council (FNEMC) and the BC First Nations Forestry Council (FNFC) to facilitate discussions with BC and Canada and First Nations title and rights holders on the RERT initiative, working

with the UBCIC, BC Assembly of First Nations, and First Nations Summit, as the First Nations Leadership Council (FNLC);

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the FNEMC and the FNFC to be the primary technical contacts for engagement on the RERT Initiative with Canada and BC, liaising with policy contacts at the FNLC, ensuring that the rights holders are the decision makers, to ensure that the initiative is informed by free, prior and informed consent, and ensure its alignment with the UN Declaration, the *Declaration on the Rights of Indigenous Peoples Act* (BC) and the *United Nations Declaration on the Rights of Indigenous Peoples Act* (Canada); and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the FNEMC and FNFC to provide regular reports to the UBCIC Executive and the UBCIC Chiefs Council on the RERT initiative for review and consideration by organizations, with the proper rights holders providing their free, prior and informed consent.

Moved: Chief Stuart Jackson, Lower Nicola Indian Band
Seconded: Chief Francis Laceese, Toosey/Tl'esqox Indian Band
Disposition: Carried
Date: June 8, 2023

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JUNE 7TH – 8TH, 2023

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

Resolution no. 2023-32

RE: Search and Rescue for First Nations Missing Persons

WHEREAS First Nations communities in British Columbia are disproportionately affected by violence, domestic violence, and gender-based violence, the Missing and Murdered Indigenous Women, Girl, and Two-Spirit+ crisis (MMIWG2S+), and ongoing genocide rooted in colonialism;

WHEREAS the justice system and police are failing to protect First Nations people and prevent violence. In cases of missing First Nations people or violence towards First Nations people, police regularly demonstrate apathy, jurisdictional disorganization, mismanagement and miscommunication, and perpetuate centuries of mistrust between First Nations people and the police;

WHEREAS when a loved one goes missing, family members and First Nations are left to organize and carry out complex missing person searches with little institutional supports or organizational capacity during a period of profound distress and trauma;

WHEREAS the increase of tragic and preventable deaths has cast a light on the longstanding gaps in BC's resourcing of search and rescue (SAR) supports for First Nations people;

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.

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

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

WHEREAS existing provincial SAR programming in BC through the BC Search and Rescue Association (BCSARA) – operating under the administration of Ministry of Emergency Management and Climate Readiness (EMCR) and the Ministry of Public Safety and Attorney General (PSSG) – is underutilized to support the majority of missing Indigenous person searches;

WHEREAS the Provincial Emergency Program (PEP) is intended to organize and administer registered volunteers and temporary workers as requested or detailed in emergency response plans;

WHEREAS the PEP does not currently administer Search and Rescue training efforts targeted toward First Nations missing persons in BC;

WHEREAS BCSARA is a non-profit association that is voluntary and does not typically sustain searches for a long period of time. Further, BCSARA does not adhere to any formal protocol that trains volunteers in a culturally-safe manner when interacting with First Nations people or carrying out searches on First Nations territory, severely impacting the effectiveness and cultural safety of search efforts;

WHEREAS ground search and rescue (GSAR) response activities include searches for missing persons, persons in distress, evidence search, medical rescue, down aircraft/persons or vessel in distress, search and recovery of human remains, and domestic animal rescue using;

WHEREAS eligible search protocols currently include canine search, mounted search, tracking, rope rescue, mountain rescue, swift water rescue, helicopter operations, winter response, flat ice rescue, flatwater search and rescue;

WHEREAS GSAR tasks and volunteer resources are triggered by a responsible Requesting Agency which holds authority and jurisdiction over the GSAR event. Current Requesting Agencies include Police, BC Emergency Health Services, Canadian Forces or Canadian Coast Guard, Parks Canada, BC Coroner Service and Fire Services. First Nations are not considered a Requesting Agency;

WHEREAS across the province, there are 78 GSAR groups which operate on a volunteer basis with approximately 3000 Volunteers responding to approximately 1,800 incidents annually, 60% of which are triggered by police;

WHEREAS EMCR is responsible for conducting or coordinating training in emergency preparedness, response and recovery to ensure an effective response, and for the coordination and support of GSAR groups throughout the duration of a GSAR event and for commitment of resources. The Requesting Agency is responsible to ensure the appropriate use of SAR volunteers and that standards are upheld throughout the search;

WHEREAS the investigation of a missing person(s) within the province of British Columbia is the responsibility of the police department having jurisdiction. Missing persons includes disoriented, lost,

stranded, overdue, individuals in distress. The Police of Jurisdiction may request GSAR volunteers to conduct the rescue of persons in distress only when they are without injury. Police requests for SAR volunteer resources are made through the Emergency Coordination Centre;

WHEREAS the First Nations Emergency Services Society of British Columbia (FNESS) focuses on emergency management and services for First Nations communities to develop emergency plans, which includes conducting risk assessments, developing emergency response procedures, coordinating training and exercises for communities, and listing useful tools and resources for times of need; and

WHEREAS by Resolution 2011-18, the UBCIC Chiefs Council called on the Province of BC to provide equitable funding and training for First Nations to have their own Search and Rescue groups, which would receive and be entitled to the same benefits as all other provincial search and rescue groups and for BCSARA to seek resourcing for First Nations communities to have their own search and rescue groups.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council affirms the urgent need to improve capacity for First Nations in BC to carry out their own effective and efficient search and rescue programs for missing First Nations persons;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council encourages First Nations in BC to incorporate missing persons searches into their own Emergency Plans where possible, and to share emergency plans to promote collaboration and First-Nations led emergency responses; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the Province of British Columbia to:

- add First Nations in BC, or the designated First Nations entity of their choice, with their consent, to the list of Requesting Agencies in order be able to initiate a Search and Rescue event and access existing Ground Search and Rescue services in the same manner as other Requesting Agencies;
- provide the BC Search and Rescue Association with capacity support to develop mandatory cultural safety training for all SAR volunteers;
- develop a tool kit and training program for First Nations seeking to develop independent Search and Rescue protocols; and
- provide resourcing to First Nations directly to acquire independent search and rescue training, increase capacity and develop independent search and rescue protocols within their jurisdiction in alignment with the UN Declaration.

Moved: Judy Wilson, Osoyoos Indian Band (Proxy)
Seconded: Kukpi7 Rosanne Casimir, Tk'emlúps te Secwépemc
Disposition: Carried
Date: June 8, 2023

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JUNE 7TH – 8TH, 2023

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

Resolution no. 2023-33

RE: Support for Capacity Funding for Engagement Requests

WHEREAS First Nations in British Columbia are sovereign Nations with inherent rights to self-determination, self-government and jurisdiction over their lands, waters and traditional territories;

WHEREAS as the sole title and rights holders in BC, First Nations have been approached by state governments, corporations, organizations, and others who are pursuing consultation, collaboration, and engagement with First Nations and First Nations organizations;

WHEREAS the Supreme Court of Canada has stated that the federal government has a fiduciary relationship with First Nations and fiduciary responsibility to lands reserved for First Nations, and that both the provincial and federal governments are legally obligated to consult and accommodate First Nations, in good faith and where required, on land and resource decisions that could impact their rights and interests;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the Government of Canada has adopted without qualification, and has, alongside the Government of British Columbia, 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 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.

Article 38: States in consultation and cooperation with Indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration;

WHEREAS the provincial *Declaration on the Rights of Indigenous Peoples Act* and the federal *United Nations Declaration on the Rights of Indigenous Peoples Act* require the state to, among other things, consult and cooperate with Indigenous peoples and to take all measures necessary to ensure the laws of BC and Canada are compliant with the UN Declaration;

WHEREAS First Nations and First Nations organizations are challenged by the many requests for consultation, collaboration, and engagement from state governments, corporations, organizations, and others and do not have the capacity to fulfil such demands;

WHEREAS First Nations and First Nations organizations are often not provided with adequate notice or sufficient time for meaningful engagement and collaboration and good faith consultation which compounds capacity challenges; and

WHEREAS proper consultation, collaboration, and engagement requires a government-to-government and Nation-to-Nation foundation and approach to recognize, respect, and fulfil free, prior and informed consent as embedded in the UN Declaration.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to communicate to and seek support from the provincial and federal governments regarding the lack of capacity for First Nations in BC to respond to the overwhelming amount of consultation, collaboration and engagement requests and associated challenges, beyond implementation of currently provided funding;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to advocate for core capacity support and funding from the provincial and federal governments for First Nations in BC so that they can properly and adequately respond to requests for consultation, collaboration and engagement so that our rights to free, prior and informed consent are recognized, upheld and supported; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with legal counsel and create templates for optional use by First Nations and First Nations organizations to respond to consultation, collaboration and engagement requests from state governments, corporations, organizations, and others, subject to resources.

Moved: Chief Donald Edgars, Old Massett Village Council
Seconded: Chief Justin Kane, Ts'kw'aylaxw First Nation
Disposition: Carried
Date: June 8, 2023

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JUNE 7TH – 8TH, 2023

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

Resolution no. 2023-34

RE: Capacity Funding from Canada to Support Implementation of the UN Declaration

WHEREAS First Nations in British Columbia are sovereign Nations with inherent rights to self-determination, self-government and jurisdiction over their lands and waters and traditional territories;

WHEREAS in 2023, after repeated requests from First Nations, BC announced funding to support First Nations participation in the implementation of the *Declaration on the Rights of Indigenous Peoples Act* to offset costs associated with provincial engagement, consultation and collaboration;

WHEREAS Canada passed the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDA) in 2021, but has not dedicated funding to support First Nations capacity to fully participate in the implementation of the UNDA;

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

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

Article 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 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.

Article 38: States in consultation and cooperation with Indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration;

WHEREAS the federal UNDA requires Canada to, among other things, consult and cooperate with Indigenous peoples and to take all measures necessary to ensure the laws of BC and Canada are aligned with the UN Declaration;

WHEREAS the Supreme Court of Canada has stated that the federal government has a fiduciary relationship with First Nations and fiduciary responsibility to lands reserved for First Nations, and that both the provincial and federal governments are legally obligated to consult and accommodate First Nations, in good faith and where required, on land and resource decisions that could impact their rights and interests;

WHEREAS First Nations are inundated by the many requests for consultation, collaboration, and engagement and do not have the capacity to fulfil such demands, which often are on short notice and with insufficient time, compounding capacity challenges;

WHEREAS Canada can learn from BC's experience in implementing the UN Declaration and take a proactive approach by earmarking capacity funding for First Nations; and

WHEREAS consultation, collaboration and engagement on a government-to-government and nation-to-nation basis to achieve free, prior and informed consent and realize the spirit and intent of the UN Declaration requires adequate capacity for all First Nations to meaningfully and fulsomely participate.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls on Canada to proactively provide capacity funding to First Nations in BC to fully participate in consultation, collaboration, engagement and implementation regarding the *United Nations Declaration on the Rights of Indigenous Peoples Act*; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with First Nations and like-minded organizations and call on to the Government of Canada to dedicate funding to support First Nations capacity to participate as full partners in the implementation of the UN Declaration.

Moved: Chief Don Tom, Tsartlip First Nation
Seconded: Chief Justin Kane, Ts'kw'aylaxw First Nation
Disposition: Carried
Date: June 8, 2023

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JUNE 7TH – 8TH, 2023

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

Resolution no. 2023-35

RE: Strengthening the 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.

(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, and 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, and 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, and Resolution 2022-42 affirmed this opposition to open-net pen farms and called for land-based closed containment;

WHEREAS in March 2023, the federal Standing Committee on Fisheries and Oceans (FOPO) released a report, *Science at the Department of Fisheries and Oceans*, which details and makes recommendations to rectify the persistent bias, exclusion of peer-reviewed evidence and Indigenous knowledge, and prioritization of industry interests in processes and decision-making. This includes recommendations 42 to 44 for an independent audit of DFO's implementation of the 2018 report on aquaculture science by June 2023, DFO to establish an independent wild salmon position, as recommended by the 2012 Cohen Commission, and appropriately and adequately value the perspectives of the External Advisory Committee on Aquaculture Science, reflect these perspectives in recommendations and advice to the Minister and provide an annual report to parliament on the work of the Committee;

WHEREAS the 2023 FOPO report reiterates and builds upon the unaddressed recommendations of the 2021 FOPO report on pacific salmon, which called for the assessment of cumulative impacts, removal of aquaculture promotion from DFO's mandate and implementation of the UN Declaration in fisheries decision-making, and the 2012 Cohen Commission into the decline of the sockeye salmon of the Fraser River;

WHEREAS the Government of Canada has committed to work with BC and First Nations to create a responsible plan to transition from open net-pen salmon farming by 2025 and develop an Aquaculture Act. The Fish Farm Transition Plan was due to be released in June 2023, but has been delayed to allow for adequate engagement;

WHEREAS DFO's engagement on the development of a fish farm transition plan have been insufficient to meet the dire and urgent need to protect wild salmon, proposes unproven approaches, such as semi-closed containment facilities, and does not reflect the recommendations of the 2023 and 2021 FOPO reports, or the 2012 Cohen Commission;

WHEREAS in May 2023, DFO released a What We Heard Report on the first two phases of engagement on the Fish Farm Transition Plan, which obscures the details about First Nations stances on open-net pen farms through vague statements, and shares that of all 2,890 survey respondents, 70% supported a transition away

to land-based farms, and viewed the proposed policy and management tools to progressively reduce or eliminate interactions between farmed and wild salmon as ineffective; and

WHEREAS while the vast majority of First Nations oppose open-net pen fish farms, some Nations rely on these operations for economic opportunities and would face undue hardship if the farms were removed without adequate support to develop alternatives.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports a rapid and just transition led by First Nations away from open net-pen fish farms that shifts to land based closed-containment facilities, does not utilize unproven methods, such as semi-closed containment, and ends exposure of wild salmon and their migratory routes to open-net pens;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on Fisheries and Oceans Canada (DFO) to strengthen the Fish Farm Transition Plan's development through the implementation of long-standing and recent recommendations, including the 2023 and 2021 reports by the federal Standing Committee on Fisheries and Oceans (FOPO) and the 2012 Cohen Commission, to ensure that this plan does not replicate pervasive issues of prioritization of industry, exclusion of First Nations knowledge and chronic infringement on First Nations title and rights;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council asserts that all First Nations in BC relying on Fraser bound wild salmon rights are impacted by each and every open net pen fish farm on the migratory route;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council demands that the Government of Canada support First Nations that rely on fish farms as a revenue and employment source, and provide adequate funding and resources to develop alternatives; and

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

Moved: Chief Dalton Silver, Sumas First Nation

Seconded: Chief Rick Johnson, Kwikwasut'inuxw Haxwa'mis First Nation

Disposition: Carried

Abstentions: Chief Terry Walkus, Gwa'sala 'Nakwaxda'xw Nation

Date: June 8, 2023

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JUNE 7TH-8TH, 2023

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

Resolution no. 2023-36

RE: Alignment of Canada Pension Plan Investments with the UN Declaration on the Rights of Indigenous Peoples

WHEREAS the Canada Pension Plan (CPP) retirement pension is funded by contributions from the income of nearly every worker in Canada;

WHEREAS CPP contributions in excess of those used to regularly pay pension benefits are transferred to a federal Crown corporation, the Canada Pension Plan Investment Board (CPPIB), which manages the pension fund (over \$530 billion CAD in net assets internationally) independently from government with a mandate to maximize long-term investment returns without undue risk;

WHEREAS CPPIB notes in its [2022 sustainable investing report](#) that strong human rights practices are key to achieving its mandate of sustainable long-term returns, and operates as an active investor in many of the companies within its portfolio to improve the monitoring and reporting of human rights practices;

WHEREAS CPPIB does not have an 'Indigenous Rights due diligence framework' to transparently monitor and report how the activities of companies within its portfolio affect the rights of Indigenous Peoples or how those companies align their policies and practices with 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 26(1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

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

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

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

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

WHEREAS Call to Action 92 of the Truth and Reconciliation Commission's Final Report calls on the corporate sector in Canada to adopt the UN Declaration as a reconciliation framework and to apply its principles and standards to corporate policy and core operational activities involving Indigenous peoples and their lands and resources, including committing to meaningful consultation, building respectful relationships, and obtaining the Free, Prior, and Informed Consent of Indigenous peoples before proceeding with economic development projects;

WHEREAS effective guidance for respecting human rights should advise on due diligence practices, recognize the challenges that Indigenous peoples face in the jurisdictions that CPPIB invests in, and recognize barriers to effective redress stemming from the exclusion of Indigenous peoples from the full legal protection of a given jurisdiction; and

WHEREAS the violation of First Nations inherent and constitutionally protected title and rights and failure to obtain free, prior, and informed consent from First Nations affected by a given activity constitute a distinct human rights concern, and a financially relevant and material investment risk.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls on the Canadian Pension Plan Investment Board (CPPIB) to recognize that First Nations title and rights are not adequately considered in CPPIB's human rights due diligence, and to include appropriate indicators for ensuring First Nations are respected by portfolio companies in future investing reports;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on CPPIB to adopt Call to Action 92 of the Truth and Reconciliation Commission's Calls to Action and apply its principles, norms and standards to CPPIB's corporate policy and operational activities, including active investment strategies within its global portfolio; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on CPPIB to amend the Proxy Voting Principles and Guidelines to indicate CPPIB's intention to vote in favour of shareholder resolutions that would require companies to demonstrate that they have the free, prior, and informed consent of the First Nations whose lands, territories, and resources would be affected by business activities.

Moved: Chief Terry Walkus, Gwa'sala 'Nakwaxda'xw Nation
Seconded: Spokesperson Charmaine Thom, Taku River Tlingit First Nation
Disposition: Carried
Date: June 8, 2023

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JUNE 7TH – 8TH, 2023

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

Resolution no. 2023-37

RE: Development of Roberts Bank Terminal 2

WHEREAS as Indigenous peoples we continue to exercise our inherent and constitutionally protected title and rights, and treaty rights to protect our lands, our waters, and our coasts, and we have the responsibility and jurisdiction to take care of the lands and resources for our future generations, including protecting them against forceful and environmentally destructive activities;

WHEREAS the Vancouver Fraser Port Authority (VFPA) is developing the Roberts Bank Terminal 2 (RBT2) as a marine container terminal in the Salish Sea to expand import and export capacity, including increased fossil fuels exports from the under-way Trans Mountain Pipeline Expansion;

WHEREAS this development will drastically increase environmental risks in the region, such as increased marine vessels, pollution and accidents, putting further strain on species and habitat already in a precarious state, including wild salmon;

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 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.

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(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 in April 2023, the Minister of Environment and Climate Change Canada approved the RBT2 development, including the planned mitigation and “offsetting” of the significant adverse effects on habitat and at-risk species identified during the environmental assessment, despite offsetting being an unreliable method that does not and cannot replace the Fraser River’s critical shoreline habitat. Canada’s environmental assessment did not consider cumulative impacts of the other current and planned industrial developments in the Salish Sea, such as the Enbridge Pipeline Expansion;

WHEREAS approval of the RBT2 Development requests the free, prior and informed consent of all impacted First Nations;

WHEREAS the Lummi Nation has publicly opposed the RBT2 Development due to its impact on their rights and efforts to revitalize fisheries and was not consulted by the provincial or federal governments. The Lummi Nation has filed a judicial review of Canada’s approval of the development, on the basis of the Supreme Court of Canada’s 2021 ruling in *R. v. Desautel* that found that First Nations rights are not extinguished by a border and the Government of Canada must consult with impacted First Nations, regardless of whether they are residents or citizens of Canada;

WHEREAS the RBT2’s location at the mouth of the Fraser River makes it a highly sensitive and vital ecosystem for many species, including wild salmon, killer whales, Dungeness crab and western sandpipers, which is already under threat from the immense environmental burdens in the area. This development will impact all First Nations that depend on the Fraser River and Salish Sea for their livelihoods, way of life, health, and well-being;

WHEREAS due to pollution and widespread environmental destruction, the Fraser River has become the southernmost bastion for wild salmon in North America. Wild salmon are a cornerstone species and in crisis, with 2019 yielding the lowest wild salmon returns in Canada’s history with some stocks facing potential

extirpation and/or extinction, representing an unjustified infringement of First Nations food, social and ceremonial use; and

WHEREAS the UBCIC Chiefs Council has consistently opposed developments that do not have the free, prior and informed consent of all impacted First Nations, especially those with devastating environmental risks, including through Resolution 2011-54 “Support for the Save the Fraser Declaration, the Coastal First Nations Tanker Ban, and the Indigenous laws Banning Crude Oil Pipeline and Tanker Shipments through British Columbia,” 2016-06 “Respect and Recognition of Indigenous Rights in Canada’s Climate Change Planning,” 2017-05 “Protection of Water, Salmon and Health from Diluted Bitumen,” 2018-35 Climate Impacts and Fossil Fuel Company Accountability,” 2019-04 “Free, Prior and Informed Consent (FPIC)”;

2021-08 “Call for the Immediate Cancellation of Enbridge Inc. Line 3 Replacement Program,” and 2022-42 “Fish Farm Transition Plan.”

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the efforts of all First Nations impacted by the Roberts Banks Terminal 2 (RBT2) development to ensure that their inherent and constitutionally protected title and rights, and treaty rights, are unconditionally respected, recognized and upheld;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls for an immediate pause of RBT2 development which stands to have critical impacts on the title, rights, and treaty rights of First Nations in BC and the USA, including infringement on the right to access marine resources for food, social and ceremonial use; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to communicate to the provincial and federal governments the critical concerns around the RBT2 development.

Moved: Chief Dalton Silver, Sumas First Nation
Seconded: Chief Terry Walkus, Gwa'sala 'Nakwaxda'xw Nation
Disposition: Carried
Date: June 8, 2023

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MUSQUEAM COMMUNITY CENTRE, xʷMƏKʷƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2023-38

RE: Repeal and Replacement of the Mineral Tenure Act (BC)

WHEREAS the *Mineral Tenure Act*, RSBC 1996, c 292 (MTA), is founded upon and perpetuates racist colonial worldviews, including by granting mineral claims in First Nations' territories through an automated system without consultation, cooperation, or consent, thus purporting to give away exclusive rights to First Nations' minerals to "free miners" for a small fee, along with initial exploration rights, and a right to replace a mineral claim with a long-term mining lease;

WHEREAS on November 28, 2019, the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) received Royal Assent in the British Columbia Legislature, making the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) applicable to the laws of what is now known as British Columbia, and requiring that, in consultation and collaboration with Indigenous peoples in BC, the Province take all measures necessary to ensure the laws of BC are consistent with the UN Declaration;

WHEREAS the MTA is not consistent or in alignment with the UN Declaration and directly and significantly impedes the inherent, constitutional, and human rights and title and violates the inherent laws, legal orders, systems of governance, and jurisdictions of First Nations in BC and must be repealed and replaced;

WHEREAS the UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the Province, 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 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.

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 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development.

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

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

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

WHEREAS by UBCIC Resolution 2022-02 “Support for Gitxaala Litigation and Call to Reform the Mineral Tenure Act” the UBCIC Chiefs Council resolved to support the Gitxaala in their legal challenge regarding the grant of mineral claims under the MTA and directed the UBCIC Executive to call on the Province to swiftly and publicly commit to legislative reform of the MTA, to be carried out in cooperation with First Nations and in full alignment with the UN Declaration, and directed the UBCIC Executive and staff to work with First Nations and like-minded organizations to advance legislative reform of the MTA;

WHEREAS on March 30, 2022, the Province released its first 5-year Declaration Act action plan which outlines 89 specific actions the Province will take toward meeting the objectives of the UN Declaration, and which commits the Province to modernizing the MTA in consultation and cooperation with First Nations and First Nations organizations through Action 2.14; and

WHEREAS despite Action 2.14 and UBCIC Resolution 2022-02 the Province has taken the position in Gitxaala’s legal challenge that the Province’s mineral tenure regime is consistent with both its constitutional duties and with the UN Declaration.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council demands that the *Mineral Tenure Act* (MTA) be repealed and replaced with mineral tenure legislation that, without limitation, must:

- reject the racist doctrines that underpin the MTA;
- be in full alignment with the UN Declaration and uphold the interconnected and indivisible human rights of First Nations;
- be co-developed in consultation and cooperation with First Nations and First Nation organizations in a manner that is consistent with the “Interim Approach to Implement the Requirements of Section 3 of the Declaration Act” and ensures that the free, prior, and informed consent of First Nations rights holders is obtained before passing into legislation;
- recognize and respect the inherent title, laws, legal orders, systems of governance, and jurisdictions of First Nations as they relate to the management of lands, waters, and natural resources in their territories in a manner that supports the exercise of First Nations’ inherent right of self-determination, including self-government, and the obligation to obtain First Nations’ free, prior, and informed consent, by removing legal barriers and creating legal space for First Nations laws, legal orders, systems of governance, and jurisdictions to operate;

- recognize and respect First Nations’ worldviews and their jurisdiction to make decisions about lands, waters, and resources within their territories consistent with their own laws and worldviews;
- protect land, air, freshwater, marine waters, the ecosystems they are part of, and the beings they sustain, for present and future generations;
- acknowledge First Nations’ ownership of minerals in their territories and respect First Nations’ economic rights and the economic component of First Nations’ title;
- include effective mechanisms for First Nation governments to be properly resourced so as to allow them to effectively govern mineral tenure regulation in their territories and participate in government-to-government relations with the Province;
- advance reconciliation and develop public confidence in mineral tenure decision-making;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate to the Province that alignment of legislation replacing the MTA with the UN Declaration must achieve the following outcomes:

- end the legislated presumption that virtually all lands in BC outside of protected areas are open for mineral claim staking regardless of their other cultural, ecological, or economic values;
- modernize default legislative restrictions on where mineral claim-staking can/cannot occur in cooperation with First Nations (e.g., community watersheds, fisheries sensitive watersheds, Indigenous Protected and Conserved Areas (IPCAs));
- First Nations determine, at a strategic level if desired, which areas of their territories are potentially open to mineral claims, through mechanisms such as First Nations-led land use planning, consent-based or joint decision-making agreements, and/or designating “no-go” areas for mineral claims, using new or existing legal tools;
- provide that existing mineral tenures granted without free, prior, and informed consent may be revoked by impacted First Nations;
- legislatively limit compensation payable by the Province to claim-holders to reduce barriers for implementing First Nations’ land use plans, IPCAs etc.;
- free, prior, and informed consent is a requirement at every stage of the mining life cycle and the practice of granting mineral claims and mining leases without First Nations free, prior, and informed consent is ended;
- remove legal barriers and create legal space for First Nations to develop and operate their own mineral tenure granting systems according to their own laws, legal orders, systems of governance, and jurisdictions if desired;
- replace or abolish the “free miner certificate”;
- limit or make conditional the rights granted with a mineral claim;
- legally ensure full financial resourcing for Indigenous governing bodies to carry out decision-making in relation to the above;
- provide for appropriate public consultation and civil society involvement; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to continue to work with First Nations and like-minded organizations to advance the repeal and replacement of the MTA, including the right of impacted First Nations to engage directly with the Province on a government-to-government basis in relation to any and all MTA reform.

Moved: Chief Linda Innes, Gitxaala Nation
Seconded: Kukpi7 Justin Kane, Ts'kw'aylaxw First Nation
Disposition: Carried
Date: June 8, 2023

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 7TH – 8TH, 2023

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

Resolution no. 2023-39

RE: Rejection and Denouncement of Métis Colonialism in British Columbia and the Crown's Past and Ongoing Facilitation of it

WHEREAS the Métis Nation of British Columbia (MNBC), through the British Columbia Métis Assembly of Natural Resources, recently released the *Laws of the Hunt, First Edition*, in which MNBC makes a number of false, unfounded, and deeply offensive claims aimed at supporting MNBC's assertion that MNBC's members have collective and independent inherent and constitutionally protected rights to harvest throughout the whole of what is now known as British Columbia, which rights include related jurisdiction and give rise to obligations for MNBC to be consulted and accommodated by the governments of Canada and the Province of British Columbia, and in which MNBC appears to make the incredible assertion that the jurisdiction of First Nations does not extend beyond reserve and/or treaty/settlement land;

WHEREAS the BC Métis Federation (BCMF), is in the process of preparing litigation in order to seek a declaration from a colonial court that BCMF has existing s. 35 rights, and BCMF previously published their Natural Resources Canada-funded Terrestrial Study in which BCMF makes the false, unfounded, and deeply offensive claim that self-determining and self-governing Métis or "halfbreed" communities existed and continue to exist in BC;

WHEREAS the foregoing examples are the most recent attempts by MNBC, BCMF, and Métis individuals, Métis Chartered "Communities", and organizations associated with MNBC and BCMF and otherwise (collectively, the "Métis"), to assert that the Métis have independent land and water-based inherent and constitutionally protected rights in BC, including related jurisdiction;

WHEREAS despite UBCIC, the BC Assembly of First Nations, and the First Nations Summit, both acting independently and collectively as the First Nations Leadership Council (FNLC), as well as First Nations, First Nations organizations, and First Nations aggregates denouncing the false, unfounded, and deeply

offensive assertions of the Métis in the past, the Métis have continued to fail to be good guests in our territories and have made such assertions with increasing frequency;

WHEREAS such assertions have resulted in the Métis being wrongfully consulted, accommodated, and involved and included in land and water-based consultative processes, matters, projects, and initiatives within BC as rights holders, including consultative processes, matters, projects, and initiatives of the governments of Canada and the Province and proponents acting on their behalf, which have caused and continue to cause undue financial and other benefits to improperly accrue to the Métis at the expense of First Nations, in violation of the inherent, constitutional, and human rights and title of First Nations, and contrary to the inherent laws, legal systems, systems of governance, and jurisdictions of First Nations;

WHEREAS the Métis have sought to justify their false, unfounded, and deeply offensive assertions with spurious, self-serving, and misinterpreted “evidence” and “legal arguments” that wholly ignore the inherent, constitutional, and human rights and title of First Nations, and seek to undercut the laws, legal systems, systems of governance, and jurisdictions of First Nations, a tactic reminiscent of the dehumanizing Doctrine of Discovery and *terra nullius* that unquestionably constitutes a form of Métis colonialism in BC which must be vigorously opposed by First Nations in BC in a coordinated and effective manner;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the Province, 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 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 32(1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources;

WHEREAS the UBCIC Chiefs Council is in possession of a letter dated May 12, 2023, sent by Minister Murray Rankin to Lissa Dawn Smith, President of MNBC, in which, among other things, Minister Rankin makes the following utterly and completely offensive and unacceptable statements and commitments on behalf of the Province:

1. the Province recognizes MNBC as the representative government of Métis in BC;
2. the Province looks forward to strengthening the Province’s and MNBC’s government-to-government relationship and establishing a reconciliation agreement with MNBC;
3. the Province is committed to a distinctions-based approach with MNBC in a manner that acknowledges the specific rights, interests, and priorities of Métis people in meaningful consultation and collaboration to implement Métis self-determination and self-government; and
4. the Province recognizes that Métis people in BC have certain Aboriginal rights as one of the three distinct Indigenous peoples under section 35;

WHEREAS FNLC sent a letter to Minister Rankin and Premier David Eby relating to Minister Rankin’s letter of May 12, 2023, demanding, among other things, that the Province:

1. immediately and publicly retract Minister Rankin's letter;
2. make its position with respect to Métis rights in BC public and clearly communicate that position to MNBC, BCMF, and any other Métis representative body that asserts inherent or constitutionally protected land, water, or air-based rights or associated jurisdiction in BC; and
3. promptly remove the Métis from any rights-based consultative processes, matters, projects, or initiatives in BC that implicate the inherent, constitutional, and human rights and title of First Nations and cease funding Métis involvement in any such consultative processes, matters, projects, or initiatives;

WHEREAS Minister Rankin sent follow-up letters to both MNBC and FNLC dated May 30, 2023, which replaced and superseded his letter of May 12, 2023, and sought to clarify the Province's position with respect to MNBC, but failed to, among other things:

1. apologize and take appropriate accountability for Minister Rankin's letter of May 12, 2023;
2. accord appropriate weight to and respect for the inherent laws, legal systems, systems of governance, and jurisdictions of First Nations; or
3. provide sufficient clarity on the Province's position with respect to Métis rights and jurisdiction in BC;

WHEREAS MNBC released a statement on May 30, 2023, in which, among other things, MNBC recognized that First Nations hold Aboriginal title to BC and retracted and apologized for the *A Tale of Two Nations* report, but failed to retract or apologize for, without limitation:

1. the various pieces of "legislation" and "policy" passed by MNBC, through which MNBC purports to exercise jurisdiction over First Nations territories in BC and the Métis who exploit them, including MNBC's Constitution, *Natural Resource Act*, Consultation Guidelines, and *Laws of the Hunt, First Edition*;
2. Thomas Isaac's assertion, who was acting in his capacity as legal counsel for MNBC in *R v Desautel*, 2021 SCC 17 at the time, that "the Kootenay region for [MNBC] is a core traditional territory";
3. MNBC's signing of a Mutual Benefits Agreement with respect to development of the Trans Mountain Expansion Project, and ongoing involvement in and support for the Trans Mountain Expansion Project; and
4. MNBC's entering into of an equity sharing deal with Enbridge with respect to the development of the Northern Gateway Pipeline;

WHEREAS First Nations in BC are the proper title and rights holders within our territories, who hold inherent, constitutional, and human rights, and inherent laws, legal systems, systems of governance, and jurisdictions, which First Nations have applied and exercised throughout the entirety of our territories prior to contact, and which continue to exist and be applied and exercised throughout the entirety of our territories today, and there is no persuasive legal, factual, or moral justification for the existence of land and water-based inherent and constitutionally protected Métis rights in BC, or Métis jurisdiction over any lands, waters, or resources in BC; and

WHEREAS it is unacceptable – and antithetical to reconciliation with the pre-existing sovereign First Nations – for the governments of Canada and the Province to stay silent on the issue of Métis rights and Métis colonialism in BC, and it is an infringement of the inherent, constitutional, and human rights and title of First Nations in BC, and wholly inconsistent with the UN Declaration, the *Declaration on the Rights of Indigenous Peoples Act*, and the *United Nations Declaration on the Rights of Indigenous Peoples Act*, for the governments of Canada and the Province to actively facilitate Métis colonialism in BC.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council rejects and denounces the past and continuing false, unfounded, and offensive assertions of the Métis of land and water-based inherent and

constitutionally protected rights in BC and related jurisdiction, including those contained within documents such as, but not limited to, the Metis Nation BC (MNBC) Constitution, MNBC Consultation Guidelines, MNBC's *Natural Resource Act*, MNBC's *Laws of the Hunt, First Edition*, BC Metis Federation (BCMF's) Guide to Métis Consultation, and BCMF's Terrestrial Study;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council forcibly re-affirms that the Métis hold no land, water, or air-based inherent and constitutionally protected rights or related jurisdiction within BC, and rejects and denounces any and all forms of Métis colonialism in BC and those who facilitate it;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on Canada and BC, and proponents acting on their behalf, to cease facilitating Métis colonialism in BC and, without limitation:

1. confirm that, with respect to MNBC, BCMF, any other Métis representative body, and Métis rights in BC, it is their position that:
 - a. MNBC, BCMF, and any other Métis representative body that asserts inherent or constitutionally protected land, water, or air-based rights or associated jurisdiction in BC are not Indigenous Nations, governments, or Indigenous governing bodies;
 - b. no Métis communities exist or have ever existed in BC;
 - c. the Métis hold no land, water, or air-based inherent and constitutionally protected rights in BC;
 - d. the Métis have no jurisdiction over any lands, waters, or resources in BC; and
 - e. to the extent that they do not infringe upon the inherent, constitutional, and human rights and title of First Nations, and are not contrary to the inherent laws, legal systems, systems of governance, and jurisdictions of First Nations, the *Métis Nation* may hold inherent and constitutionally protected rights to self-government in matters relating solely to their internal affairs that may be exercised in BC;
2. make their positions with respect to Métis rights in BC public and clearly communicate that position to MNBC, BCMF, and any other Métis representative body that asserts inherent or constitutionally protected land, water, or air-based rights or associated jurisdiction in BC; and
3. promptly remove the Métis from any of their land and water-based consultative processes, matters, projects, or initiatives in BC that implicate the inherent, constitutional, and human rights and title of First Nations and cease accommodating the Métis and funding Métis involvement in any such consultative processes, matters, projects, or initiatives as rights holders, including any processes, matters, projects, or initiatives in BC that constitute supposed "accommodation" for major projects such as the Trans Mountain Expansion Project;

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 convene an all-Chiefs strategy session dedicated to discussing and strategizing around the issues of Métis colonialism in BC; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to convene a working group comprised of Chiefs and technicians dedicated to combatting Métis colonialism in BC.

Moved: Kukpi7 Rosanne Casimir, Tk'emlúps te Secwépemc

Seconded: Chief Victor Isaac, 'Namgis First Nation

Disposition: Carried

Date: June 8, 2023

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL

JUNE 7TH – 8TH, 2023

MUSQUEAM COMMUNITY CENTRE, X^MΘΘK^WY^ΘM (MUSQUEAM TERRITORY)

Resolution no. 2023-40

RE: Civil Action to End Discriminative Funding of Indigenous Child and Family Services Provided Off-Reserve

WHEREAS the Government of Canada and the Government of British Columbia have knowingly underfunded child and family services for off-reserve Indigenous children in BC for decades, despite being cognizant of systemic discrimination and ongoing harms caused;

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

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

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 in 2007, the First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a human rights complaint to the Canadian Human Rights Commission, against Canada, alleging Canada of inequitable funding of First Nations Child and Family Services (FNCFS) and failure to implement Jordan's Principle;

WHEREAS this complaint was referred to the Canadian Human Rights Tribunal (CHRT) for a full hearing and the CHRT substantiated this complaint in 2016 CHRT 2 and ordered Canada to immediately cease its discriminatory conduct towards First Nations children and families;

WHEREAS the CHRT ruling established that First Nations children and families are legally entitled to receive prevention services and least disruptive measures;

WHEREAS Canada repeatedly refused to comply with this order, filing multiple judicial reviews, which resulted in 23 non-compliance and procedural orders, and three Federal Court orders against Canada since 2016;

WHEREAS in fall 2021, Canada admitted to ongoing discrimination and entered negotiations with the complainants (Caring Society and AFN) and the interested parties (Chiefs of Ontario and Nishnawbe Aski Nation) to resolve outstanding discrimination and prevent its recurrence pursuant to the CHRT orders;

WHEREAS on December 31, 2021, two Agreements-in-Principle (AIP) were signed, providing the frameworks for negotiations of the Final Settlement Agreements (FSA) on (1) Long-Term Reform of the FNCFS Program, Jordan's Principle, and Indigenous Services Canada (ISC) and (2) Compensation for victims of Canada's discrimination;

WHEREAS on April 3, 2023, the parties announced a revised FSA on compensation, which was endorsed by the AFN Chiefs-in-Assembly;

WHEREAS the CHRT rulings and related agreements among the parties only apply to FNCFS on-reserve, while similar off-reserve services are funded by BC, and fall beyond the CHRT's jurisdiction in this matter;

WHEREAS provincial funding for Indigenous child and family services reflects the same discrimination determined by the CHRT in federal funding;

WHEREAS since 2016, on-reserve First Nation children and families have had access to necessary prevention services from Canada, while MCFD has provided minimal funding for prevention services and no funding for Jordan's Principle services due to use and application of a dated, formulaic funding approach;

WHEREAS since 2016, the Indigenous Child & Family Services Directors (ICFSD) have repeatedly urged BC to implement the CHRT rulings to ensure substantive equality for Indigenous children and families both on- and off-reserve;

WHEREAS in January 2022, the ICFSD and MCFD agreed to strike a Fiscal Working Group (FWG) to remedy the inequities between on-reserve and off-reserve services for Indigenous children and families;

WHEREAS in March 2022, MCFD stated that they could not sign off on the Terms of Reference for the FWG because they did not have the mandate to achieve substantive equality for Indigenous children and families; and

WHEREAS on May 19, 2022, ICFSD assisted lawyers in filing a Notice of Civil Claim against BC and Canada, alleging discrimination in the funding of off-reserve Indigenous child and family services.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council fully supports the children, youth, and families who have and continue to suffer discrimination in the funding of off-reserve Indigenous child and family services;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council calls on the Government of Canada and the Government of British Columbia to:

1. Immediately cease discriminating against Indigenous children and families receiving provincially funded child and family services;
2. Ensure that discrimination never occurs again;
3. Compensate the children and families who have endured discrimination;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on Canada and BC to eschew the delay and defer tactics, which allowed the Canadian Human Rights Tribunal (CHRT) process to drag on for nearly two decades, and to resolve the alleged discrimination in the May 19, 2022 Notice of Civil Claim through a fair and just negotiation process, centered on the best interests of the child;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on Canada and BC to ensure that the systemic underfunding of off-reserve child and family services for Indigenous children and families in BC be resolved in alignment with the CHRT rulings, the Final Settlement Agreement on Compensation, and the eventual Final Settlement Agreements on Long-Term Reform and Jordan's Principle;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on Canada and BC to support the full participation of the Indigenous Child & Family Services Directors in any legal action or settlement process related to off-reserve services for Indigenous children and families; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on Canada and BC to ensure that discriminative funding and delivery of Indigenous child and family services be resolved through an evidence-informed, distinctions-based, needs-based and child-centered approach, which meets the best interests, needs, and approval of Indigenous children and families.

Moved: Judy Wilson, Osoyoos Indian Band (Proxy)
Seconded: Kukpi7 Rosanne Casimir, Tk'emlúps te Secwépemc
Disposition: Carried
Date: June 8, 2023