

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

March 31, 2022

Honourable Murray Rankin  
Minister of Indigenous Relations and  
Reconciliation  
Via Email Only: [IRR.Minister@gov.bc.ca](mailto:IRR.Minister@gov.bc.ca)

Honourable David Eby  
Attorney General and Minister responsible for  
Housing  
Via Email Only: [AG.Minister@gov.bc.ca](mailto:AG.Minister@gov.bc.ca)

Honourable Mike Farnworth  
Ministry of Public Safety and Solicitor General  
Via Email Only: [PSSG.Minister@gov.bc.ca](mailto:PSSG.Minister@gov.bc.ca)

Honourable David Lametti  
Minister of Justice and Attorney General of Canada  
Via Email Only: [mcu@justice.gc.ca](mailto:mcu@justice.gc.ca)

Honourable Marc Miller  
Minister of Crown-Indigenous Relations  
Via Email Only: [minister@aadnc-aandc.gc.ca](mailto:minister@aadnc-aandc.gc.ca)

Honourable Marco E. L. Mendicino  
Minister of Public Safety  
Via Email Only: [marco.mendicino@parl.gc.ca](mailto:marco.mendicino@parl.gc.ca)

### **Open Letter: UBCIC Resolution 2022-12 “Ending the Criminalization and Human Rights Violations of Indigenous Land Defenders”**

Dear Ministers,

We are writing with respect to Union of BC Indian Chiefs (UBCIC) Resolution 2022-12 “Ending the Criminalization and Human Rights Violations of Indigenous Land Defenders” which was presented, affirmed, and endorsed by consensus at the UBCIC Chiefs Council on February 24, 2022 (enclosed).

In B.C. and Canada, Indigenous land defenders have been criminalized and subject to harassment, violence, discrimination, intimidation, surveillance, and forceful land dispossession that constitute a severe breach in the human rights standards entrenched in the *United Nations Declaration of the Rights of Indigenous People* as well as constitutional law. Recognizing this, the UN Committee on Eliminating Racial Discrimination (CERD) issued its December 13, 2019, Decision 1(100) under the Early Warning and Urgent Action Procedure to express concern about the large-scale projects in Canada that were threatening the safety and freedom of peaceful land defenders. CERD called upon Canada to take several actions to comply with the obligations under the Convention on the Elimination of All Forms of Racial Discrimination.

Consequently, by Resolution 2022-12, the UBCIC Chiefs Council urges your governments to address the human rights violations and criminalization of Indigenous land defenders, including fulfilling your international law obligations and complying with the Convention on the Elimination of All Forms of Racial Discrimination and other United Nations directives regarding the safety and freedom of peaceful land defenders. Furthermore, the UBCIC Chiefs Council calls upon the Governments of British Columbia and Canada to address critical concerns and priorities around the criminalization and illegal surveillance of Indigenous land defenders, and to develop effective remedies regarding human rights violations and gender-based violence. These remedies must include providing Indigenous land defenders and impacted First Nation communities unimpeded access to comprehensive financial supports and resources, as well as deleting any Canada Security Intelligence Service (CSIS) files that are being held on Indigenous land defenders.

We look forward to your response.

**On behalf of the UNION OF BC INDIAN CHIEFS**



Grand Chief Stewart Phillip  
President



Chief Don Tom  
Vice-President



Kukpi7 Judy Wilson  
Secretary-Treasurer

CC: UBCIC Chiefs Council  
Premier John Horgan

Encl: UBCIC Resolution 2022-12

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Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022 VIRTUAL MEETING

**Resolution no. 2022-12**

#### **RE: Ending the Criminalization and Human Rights Violations of Indigenous Land Defenders**

**WHEREAS** UBCIC's mandate is to work towards the implementation, exercise and recognition of the inherent Title, Rights and Treaty Rights of First Nations in B.C. and to protect First Nations' Lands and Waters, through the exercise, and implementation of their own laws and jurisdiction;

**WHEREAS** just as European settlers used the Doctrine of Discovery and *terra nullius* to justify the forceful dispossession of Indigenous peoples from their lands, the Crown-military complex in Canada continues to advance a nullifying perspective that First Nations Title and Rights are conditional and that lands and waters can be wrested from Indigenous possession, divested of their cultural and spiritual ties to Indigenous peoples, and treated as a commodity to be exploited and industrialized for financial gain;

**WHEREAS** the militarization of Indigenous lands as a violent means of advancing the Crown's two-fold project of controlling lands and resources and undermining First Nations Title, Rights, and sovereignty is part of a colonial legacy of deploying armed police forces to invade Indigenous lands and targeting, criminalizing, and disempowering Indigenous land defenders, especially Indigenous women and girls;

**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 through legislation, 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.

**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;

**WHEREAS** in exercising their rights to protect the environment within their territories from human-caused climate change impacts and environmentally destructive industrial projects – in alignment with Articles 23, 29, and 32 of the UN Declaration – Indigenous land defenders face the brunt of militant police tactics; undergo state surveillance and scrutiny in their travels; confront coercive methods by state and non-state actors to create division amongst Indigenous communities; endure vilification, hate speech, blackmail, harassment, and racist attacks; and experience a systemic lack of access to justice while land dispossession continues;

**WHEREAS** civil injunctions are a legal weapon that have become a mechanism for the militarization of communities and criminalization of Indigenous people – injunctions are used to grant access to police to patrol Indigenous territory, criminalize Indigenous Title Holders, and allow companies to carry out operations regardless of whether the question of Indigenous consent has been answered;

**WHEREAS** First Nations women and girls hold unique and sacred relationships with the land that are acutely endangered by the Crown's disregard for Indigenous land rights and by resource extraction activities that involve the establishment of worker camps or "man camps" that are linked to increased rates of gender-based violence including sexual abuse, trafficking, and violence against women;

**WHEREAS** due to B.C.'s abundance of natural resources and biodiversity, there are multiple ongoing industrial and resource extraction projects that have the potential to spark the militarization of Indigenous lands or which have already seen violent ongoing disputes between armed police forces, First Nations and land defenders, including the Coastal GasLink (CGL) pipeline on the unceded lands of the Wet'suwet'en Nation;

**WHEREAS** although Wet'suwet'en Hereditary Chiefs called for a stop work order on the pipeline February 2019 and handed an eviction notice to CGL on January 2020, Canada has forcibly removed, racially profiled, surveilled, harassed, and jailed peaceful Wet'suwet'en land defenders, Hereditary Chiefs, and matriarchs through militarized police raids on their unceded territories, including launching three large-scale police actions in 2019, 2020, and 2021;

**WHEREAS** in removing the Wet'suwet'en land defenders from their own Title land, the governments of Canada and British Columbia are blatantly ignoring the Supreme Court of Canada's precedent-setting *Delgamuukw-Gisday'wa* case which confirmed that the Wet'suwet'en's Title and Rights have never been extinguished, and are setting a dangerous precedent for violent and discriminatory treatment of Indigenous land defenders in Canada;

**WHEREAS** the UN Committee on Eliminating Racial Discrimination (CERD) issued its December 13, 2019 Decision 1(100) under the Early Warning and Urgent Action Procedure to express concern about the large-scale projects in Canada that were threatening the safety and freedom of peaceful land defenders. CERD called upon Canada to take several actions to comply with the obligations under the Convention on the Elimination of All Forms of Racial Discrimination;

**WHEREAS** the Tiny House Warriors (THW) are a group of Secwepemc land defenders protesting the ongoing expansion of the Trans Mountain Pipeline (TMX). The THW camp is located in the Blue River region of the North Thompson River Valley, B.C., and consistent with the Canada's long history of using intimidation tactics on Indigenous peoples in their own lands, there have been [reports](#) that 24/7 surveillance technology was installed,

including towers with cameras and automated sensors, as well as steel fences and concrete barriers that limit the THW's access to water and other resources;

**WHEREAS** the B.C. Civil Liberties Association (BCCLA) won a [precedent-setting lawsuit](#) against the Royal Canadian Mountain Police (RCMP) Commissioner for their failure to address and respond to a complaint stemming from 2014 that the RCMP were spying on Indigenous land defenders and climate activists opposed to the now defunct Northern Gateway pipeline project. The RCMP Commissioner's lack of accountability and extreme delay in responding to the complaint of police misconduct points to the overarching issue of how police in Canada still operate as colonial agents that criminalize Indigenous land defenders and undermine First Nations Title and Rights; and

**WHEREAS** by UBCIC Resolution 2019-04 "Free, Prior and Informed Consent (FPIC)" and Resolution 2019-07 "UBCIC Support for Wet'suwet'en Defense of their Inherent Title and Rights," the UBCIC Chiefs Council strengthened their position on protecting the FPIC, Title and Rights, self-determination, and jurisdiction of First Nations and land defenders, and called upon governments to respect when First Nations decide, according to their own laws, customs and traditions, whether a resource extraction or industrial project should proceed, be modified or be rejected.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the efforts of First Nations to ensure that their inherent Title and Rights are unconditionally recognized and upheld, including their right to steward and protect their ancestral and unceded lands, territories, and waters;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council strongly condemns the Crown and the police for criminalizing Indigenous land defenders and enabling the harassment, violence, discrimination, intimidation, surveillance, and forceful land dispossession that constitute a severe breach in the human rights standards entrenched in the *United Nations Declaration of the Rights of Indigenous People* as well as constitutional law;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council urges the federal and provincial governments to address the human rights violations and criminalization of Indigenous land defenders, including fulfilling their international law obligations and complying with the Convention on the Elimination of All Forms of Racial Discrimination and other United Nations directives regarding the safety and freedom of peaceful land defenders;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to advance to the provincial and federal governments critical concerns and priorities around the criminalization and illegal surveillance of Indigenous land defenders, and to request the development of effective remedies regarding human rights violations and gender-based violence that includes providing Indigenous land defenders and impacted First Nation communities with access to comprehensive financial supports and resources, and deleting any CSIS files that are being held on Indigenous land defenders.

**Moved:** Chief James Hobart, Spuzzum First Nation  
**Seconded:** Chief Ed Hall, Kwikwetlem First Nation  
**Disposition:** Carried  
**Date:** February 24, 2022