

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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Resolutions of UBCIC Chiefs Council February 17th- 18th, 2016 **(passed unless otherwise noted)**

- 2016-01 UBCIC Meeting Schedule for 2016-2017 Fiscal Year
- 2016-02 Upholding the Title and Rights of Indigenous Peoples of BC Not Participating in BCTC
- 2016-03 UBCIC Participation in the Office of the Auditor General of Canada's Audit of the Specific Claims Process
- 2016-04 Support for the Landmark Canadian Human Rights Tribunal Ruling in *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*
- 2016-05 Support for Federal Act to End Violence Against Indigenous Women
- 2016-06 Respect and Recognition of Indigenous Rights in Canada's Climate Change Plan
- 2016-07 Support for the Annual BC Elders Gathering
- 2016-08 INAC Evaluation and Audit Branch Review of Tripartite Education Framework Agreement
- 2016-09 Support for UBCIC entering into a *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* with the BC Wildlife Federation [TABLED]
- 2016-10 UBCIC Appointment to BC First Nations Gaming Commission
- 2016-11 UBCIC Appointments to First Nations Technology Council
- 2016-12 UBCIC Appointment to BC Specific Claims Working Group
- 2016-13 Women's Review Committee to Address Auditor General Report on FNHA

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

FEBRUARY 17TH-18TH, 2016

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

Resolution no. 2016-01

RE: UBCIC Meeting Schedule for 2016-2017 Fiscal Year

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

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

WHEREAS the UBCIC will host one (1) Annual General Assembly and two (2) Chiefs Council meetings in the 2016-2017 fiscal year.

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

- June 1-2, 2016
- September 21- 23, 2016 (48th Annual General Assembly)
- February 15-16, 2017

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

Moved: Kukpi7 Wayne Christian, Splat sin
Seconded: Chief Byron Louis, Okanagan Indian Band
Disposition: Carried
Date: February 18, 2016

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FEBRUARY 17TH-18TH, 2016

X^WMƏӨK^WƏYƏM (MUSQUEAM TERRITORY), VANCOUVER, B.C.

Resolution no. 2016-02

RE: Upholding the Title and Rights of Indigenous peoples of BC Not Participating in BCTC

WHEREAS the British North America Act of 1867, the Canada Act of 1982, and the British Columbia Treaty Commission (BCTC) Tripartite Treaty Process of 1993 were established without the full and informed consent of Indigenous nations within the un-ceded territories of the area now known as British Columbia;

WHEREAS the Lillooet Declaration of May 10, 1911 states “We are aware the BC government claims our country, like all other Indian territories in BC; but we deny their right to it. We never gave it nor sold it to them. They certainly never got the title to the country from us, neither by agreement nor conquest, and none other than us could have any right to give them title”;

WHEREAS in advancing the Title and Rights of Indigenous peoples in BC, First Nations continue to seek full implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* states:
Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples’ laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process;

WHEREAS the BCTC process allows First Nation Bands to indiscriminately identify and designate lands for negotiations in a geographic area as part of their ‘Statement of Intent to Negotiate a Treaty’;

WHEREAS these ‘Statement of Intent’ geographic area maps often designate boundaries that extend into the un-ceded territorial land-base of neighboring Indigenous nations;

WHEREAS the outcome means that Indigenous peoples in BC who have never entered into the BCTC process, have their un-ceded territorial lands on the treaty negotiation tables;

WHEREAS the un-ceded territorial lands of non-treaty indigenous peoples are in jeopardy of being extinguished through these BCTC processes; and

WHEREAS there are no viable avenues or equitable means for addressing this through existing processes.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby directs the UBCIC Executive to seek legal advice and advance the best legal action possible to uphold the Title and Rights and responsibilities of Indigenous peoples in BC not involved in the BC Treaty Commission process (BCTC); and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with non-treaty groups across the province, the BC Regional Assembly of First Nations Chief and Staff, and the Interior Alliance to address this important matter.

Moved: Kukpi7 Wayne Christian, Splatsin
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: February 18, 2016

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FEBRUARY 17TH-18TH, 2016

X^wMƏӨK^wƏYƏM (MUSQUEAM TERRITORY), VANCOUVER, B.C.

Resolution no. 2016-03

RE: UBCIC Participation in the Office of the Auditor General of Canada's Audit of the Specific Claims Process

WHEREAS the Government of Canada introduced the Specific Claims Action Plan: *Justice At Last* on June 12, 2007 resulting in new legislation, *The Specific Claims Tribunal Act* (SCTA), to ensure the just, fair and timely resolution of specific claims by creating an independent tribunal to review First Nations specific claims rejected by Canada or stalled in negotiations;

WHEREAS the Office of the Auditor General (OAG) of Canada contacted the UBCIC Research Department in December 2015 regarding a planned performance audit of the specific claims process since the announcement of *Justice At Last* in 2007, likely to begin in March 2016 and be completed by the fall of 2016;

WHEREAS the OAG, currently in the planning stages of the audit, expressed a wish to hold a regional meeting with representatives of BC Claims Research Units (CRUs) in Vancouver and a small number of meetings with members of BC First Nations communities that have been involved in the specific claims process since the introduction of *Justice At Last*, to hear First Nations' experiences with and perspectives on the totality of the specific claims process to inform the audit's framework and focus;

WHEREAS staff from the OAG met with the Sumas and Skawahlook First Nations on January 25, 2016 at their respective Administration Offices, the Williams Lake Indian Band on January 26, 2016 at the UBCIC office in Vancouver, and with BC CRUs on January 28, 2016 at the UBCIC office in Vancouver and those in attendance at each meeting delivered formal presentations and provided written materials to the OAG;

WHEREAS BC CRUs and First Nations may have the opportunity to make formal submissions to the audit prior to the OAG preparing its final report;

WHEREAS participation in the audit provides an excellent opportunity to present evidence of Canada's failure to honour its commitment to resolving specific claims in a just, fair and timely manner as articulated in *Justice At Last*, through the following actions:

1. Administering drastic cuts to specific claims research and development funding;
2. Accepting minor, partial portions of claim submissions while rejecting and demanding legal releases on the same claim's substantive allegations;
3. Substituting time limited "take it or leave it" offers for meaningful negotiations with First Nations whose claims Canada has accepted for negotiation and closing these files if a First Nation rejects the offer;
4. Routinely denying First Nations' requests for mediation services;
5. Rejecting the majority of claims and failing to provide adequate resources to the Specific Claims Tribunal legislated to make final, binding decisions on claims Canada rejects;

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

Article 8: States shall provide effective mechanisms for prevention of, and redress for... Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

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

Article 28:

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

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

WHEREAS First Nations must insist that the fair, timely and just resolution of specific claims as promised in *Justice At Last* requires the Government of Canada to uphold its commitments as articulated in *Justice At Last*, including its commitment to resolving claims through honorable negotiations with First Nations and an independent, fully operational and properly resourced Tribunal as legislated in the *Specific Claims Tribunal Act*.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Research Department and the Specific Claims Working Group to participate in the Office of the Auditor General's audit of the specific claims process by preparing formal submissions and attending meetings if necessary, either individually or with like-minded organizations to ensure our position is made clear to the Auditor General of Canada.

Moved: Chief Jonathan Kruger, Penticton Indian Band

Seconded: Chief Janet Webster, Lytton First Nation

Disposition: Carried

Date: February 18, 2016

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FEBRUARY 17TH-18TH, 2016

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

Resolution no. 2016-04

RE: Support for the Landmark Canadian Human Rights Tribunal Ruling in *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada*

WHEREAS on January 26, 2016, the Canadian Human Rights Tribunal issued a landmark ruling in *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*;

WHEREAS the Tribunal found that the Canadian government is racially discriminating against 163,000 First Nations children and their families by providing flawed and inequitable child welfare services and failing to implement Jordan's Principle which is designed to ensure equitable access to government services available to other children;

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

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

WHEREAS the Tribunal found that the federal funding formula provides First Nations child and family services agencies with fewer resources than their provincial counterparts;

WHEREAS the Tribunal noted that several years ago, federal funding formula provides First Nations child and family services agencies with fewer resources than their provincial counterparts; and

WHEREAS the Tribunal found that federal funding formulas and policies create a perverse incentive to place First Nations children in foster care and do not address the cultural needs of children.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to send the federal government a letter urging Canada to:

- (a) Not appeal, but uphold the landmark Canadian Human Rights Tribunal ruling in *First Nations Child & Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2; and
- (b) Take immediate steps to implement all of the recommendations put forth by the First Nations Child & Family Caring Society and the Assembly of First Nations to address the fiscal inequities, deficiencies in human resource capacity and overall child and family funding inadequacies.

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Chief Harvey McLeod, Upper Nicola Indian Band
Disposition: Carried
Date: February 18, 2016

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FEBRUARY 17TH-18TH, 2016

X^wMƏӨK^wƏYƏM (MUSQUEAM TERRITORY), VANCOUVER, B.C.

Resolution no. 2016-05

RE: Support for Federal Act to End Violence Against Indigenous Women

WHEREAS in Canada, Indigenous women are five times more likely than other women to die as a result of violence and this problem is a national and international crisis, and it is recognized that violence against Indigenous women and girls must be addressed and eliminated;

WHEREAS the Union of BC Indian Chiefs (UBCIC) has consistently worked with like-minded organizations to take action and bring attention to the critical and devastating issue of violence against Indigenous women and girls including through Resolutions 2008-10, 2009-47, 2010-13, 2011-29, 2011-30, 2012-37, and 2013-12;

WHEREAS key international documents ratified by Canada confirm Canada's positive obligation to address violence against women, including: the Universal Declaration of Human Rights; the International Covenant on Civil and Political Rights, acceded to by Canada in 1976; the Convention against Torture ratified in 1987; and the Convention on the Elimination of all Forms of Discrimination against Women ratified by Canada in 1981;

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

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;

WHEREAS Canada has assumed the obligation to address violence against women, whether perpetrated by government authorities or others, and international law requires that Canada exercise due diligence to prevent, investigate, prosecute and punish acts of violence against women;

WHEREAS in response to decades of advocacy by Indigenous women, communities and organizations including the UBCIC, the newly elected Liberal Government under Prime Minister Trudeau has committed to immediately hold a national inquiry into missing and murdered Indigenous women and girls (the “national inquiry”);

WHEREAS violence against Indigenous women and girls is part of the broad, systemic problem of violence against women experienced throughout Canada;

WHEREAS Carrier Sekani Family Services circulated a petition to develop and implement a Federal Act to end violence against Indigenous women in Canada, which currently has over 60,000 signatures including those from Prime Minister Justin Trudeau, NDP leader Thomas Mulcair, and Green Party leader Elizabeth May;

WHEREAS a Federal Act to end violence against Indigenous women in Canada would compel the Treasury Board to ensure that resources are available to execute and accomplish any recommendations that result from the national inquiry; and

WHEREAS the national inquiry could provide a foundation to begin consultations on creating a Federal Act to end violence against Indigenous women in Canada.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports Carrier Sekani Family Services’ call for a Federal Act to end violence against Indigenous women in Canada, which is of great importance given the disproportionately high level of violence that Indigenous women in Canada experience; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the government of Canada, in partnership with First Nations, to commit to developing a Federal Act to end violence against Indigenous women in Canada through broad participation and input, as part of the systemic changes necessary to address the longstanding and previously neglected injustices, vulnerabilities and violence that Indigenous women of Canada face every day.

Moved: Kukpi7 Ron Ignace, Skeetchestn
Seconded: Chief Janet Webster, Lytton First Nation
Disposition: Carried
Date: February 18, 2016

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FEBRUARY 17TH-18TH, 2016

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

Resolution no. 2016-06

RE: Respect and Recognition of Indigenous Rights in Canada's Climate Change Planning

WHEREAS Indigenous Peoples continue to exercise our laws and jurisdiction to protect our lands, our waters, our coasts and our rivers, as we have done since time immemorial;

WHEREAS climate change threatens the security and way of life of Indigenous peoples throughout Canada and the world, which has been evident in British Columbia as record-breaking temperatures in the summer of 2015 contributed to rampant forest fires, drought, and elevated water temperatures impacting wild salmon and other fish. Indigenous peoples bear the disproportionate brunt of climate change while having contributed relatively little to the problem;

WHEREAS Indigenous peoples are intricately connected to ecosystems where we have thrived for thousands of years, and we depend on these diverse systems for our nutritional, economic, social and spiritual existence. We seek to be full partners in the urgently needed energy revolution in Canada and want to make sure that green-washed projects like the proposed Site C dam, which the UBCIC Chiefs Council have opposed through resolution, do not see the light of day; that investments in truly green technology target our long deprived communities; and we want to make sure that unlike past developments, we benefit as well from the new energy infrastructure;

WHEREAS on February 10, 2016, Prime Minister Trudeau announced that he and the Premiers will meet with First Nations, Inuit and Métis leaders on March 2, 2016, and then will host a First Ministers Meeting with Premiers on March 3, 2016, in Vancouver, BC in follow-up to the commitments made on climate change last year at the Paris Climate Summit;

WHEREAS building off discussions with Indigenous leaders, the First Minister's Meeting will focus on developing a "pan-Canadian framework to grow our economy while reducing our emissions" and will

focus on effective ways to adapt to climate change, reduce greenhouse gas emissions, and capitalize on the opportunities presented by a low-carbon economy to create good-paying and long-term jobs;

WHEREAS the *United Nations' Declaration on the Rights of Indigenous Peoples*, endorsed by Canada on November 12, 2010 and which the newly elected Liberal Government under Prime Minister Trudeau has committed to fully implement, states:

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

Article 32

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

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

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

WHEREAS the historic *Tsilhqot'in Nation* judgment marks a watershed in the history of British Columbia and Canada, as it sweeps aside the discriminatory justifications and arguments advanced by the Crown and accepted by the B.C. Court of Appeal to deny Indigenous rights of ownership and instead recognizes that Indigenous peoples are the lawful owners and stewards of the homelands that have sustained them for generations, with the rights to decide our futures, to govern our territories, and to manage and benefit from our lands, and requires government and industry to seek the consent of First Nations to development on our traditional lands;

WHEREAS by Resolution 2011-54, the UBCIC Chiefs Council unanimously endorsed the Save the Fraser Declaration prohibiting the transportation of tar sands crude oil by pipeline and tanker on the north coast, the south coast, and through the Fraser River watershed and opposed the proposed Enbridge Northern Gateway Pipeline and the Kinder Morgan Trans-Mountain oil pipeline and tanker expansion given that they pose an unacceptable risk to the health, safety and livelihoods of First Nations throughout British Columbia, and will contribute to the negative environmental and health impacts experienced by Indigenous peoples downstream of the tar sands, and of all peoples throughout the world as a result of accelerating global climate change;

WHEREAS by Resolution 2015-41, the UBCIC Chiefs-in-Assembly directed the UBCIC Executive to support, and where appropriate participate in or convene, discussions among UBCIC members and other First Nations that seek to develop shared positions and coordinated strategies for addressing climate change and other environmental and cultural impacts of tar sands development in their territories;

WHEREAS the UBCIC Chiefs Council is concerned that the Government of Canada is quickly moving forward in development of a “pan-Canadian framework” on climate change without the appropriate consultation with and consent of Indigenous peoples; and

WHEREAS the UBCIC Chiefs Council is concerned that Canada’s proposed “pan-Canadian framework” on climate change is incompatible with its simultaneous commitment to expansion of fossil fuel production and export.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council demands that any climate change plan developed by Canada must be done so in conjunction with Indigenous peoples, and must recognize and uphold our inherent and constitutionally protected Indigenous Title, Rights and Treaty Rights and be consistent with the historic Supreme Court of Canada’s *Tsilhqot’in Nation* judgment;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the Government of Canada to ensure that any climate change plan developed by Canada must reflect and include the Trudeau Government’s commitment to fully implement the *United Nations Declaration on the Rights of Indigenous Peoples* including achieving the free, prior and informed consent of Indigenous peoples prior to any project 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; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to ensure that any climate change plan developed by Canada must stop the further expansion of fossil fuel production and export, and support development of alternative energy and alternative energy economies.

Moved: Chief Aaron Sam, Lower Nicola Indian Band
Seconded: Chief James Hobart, Spuzzum First Nation
Disposition: Carried
Date: February 18, 2016

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FEBRUARY 17TH-18TH, 2016

X^wMƏӨK^wƏYƏM (MUSQUEAM TERRITORY), VANCOUVER, B.C.

Resolution no. 2016-07

RE: Support for the Annual BC Elders Gathering

WHEREAS the BC Elders Council represents thousands of Aboriginal Elders throughout British Columbia and is working to continue the tradition of the Annual Elders Gatherings and needs to be able hold provincial meetings to be better effective;

WHEREAS the Annual Elders Gathering celebrates its 40th Anniversary in 2016 and where past gatherings have suffered due to insufficient funds to cover all of the costs for the event, including the basic food needs of the Elders;

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

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;

WHEREAS by Resolution 2006-05, the UBCIC Chiefs Council fully supports the Annual BC Elders Gathering;

WHEREAS the BC Elders Communication Center Society has been operating the provincial elder's office for the past 6 years setting up the Elders Communication Network, which continuously distributes information to the Elders in BC through the Elders Voice Newsletter and the Elders website with no core support;

WHEREAS the Annual BC Elders Gathering provides a great service by bringing First Nations together in a different host community each year; and

WHEREAS it is important that the bidding process in selection of host communities for the Annual BC Elders Gathering be transparent and accountable.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council reiterates its full support for the Annual BC Elders Gathering;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council invites the Prime Minister of Canada to attend and participate in the 2016 BC Elders Gathering; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council supports a transparent and accountable bidding process in the selection of future host communities.

Moved: Chief Fred Seymour, Tk'emlups Indian Band
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: February 18, 2016

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FEBRUARY 17TH-18TH, 2016

X^wMƏӨK^wƏYƏM (MUSQUEAM TERRITORY), VANCOUVER, B.C.

Resolution no. 2016-08

RE: INAC Evaluation and Audit Branch Review of Tripartite Education Framework Agreement

WHEREAS education is a fundamental human right. For First Nations, this right is uniquely situated within a framework of inherent rights as Indigenous people that are constitutionally protected under section 35 of the *Constitution Act, 1982*, and supported by international mechanisms and instruments, such as the *Convention on the Rights of the Child* (“*Convention*”) and the *United Nations Declaration on the Rights of Indigenous Peoples* (“*Declaration*”);

WHEREAS in 1972 First Nations in Canada endorsed the policy of *Indian Control of Indian Education*, advancing an education approach premised on parental responsibility and local control. This was updated in 2010 by the Assembly of First Nations in its *First Nations Control of First Nations Education* policy position paper. First Nations in BC, and the First Nations Education Steering Committee (FNESC), continue to consistently work toward full First Nations control of First Nations education;

WHEREAS First Nations in BC have been working together formally for more than two decades to advance quality educational opportunities and improve educational outcomes for all First Nations students and, through their collective efforts, have established a solid foundation for a comprehensive, integrated, well-supported BC First Nations education system, which is founded on First Nations’ languages and cultures, and reflects the values and traditions of First Nations communities;

WHEREAS contributing to this system is the Tripartite Education Framework Agreement (TEFA), which was signed on January 27, 2012 by Canada, British Columbia and the FNESC on behalf of First Nations, with implementation beginning September 2012;

WHEREAS the UBCIC reaffirmed their support for the BC First Nations education system through Resolution #2011-16, “Re: INAC’s New Approach to BC First Nations Education”;

WHEREAS TEFA supports the improvement of educational outcomes for all First Nations students in BC, attending both First Nation schools and provincial public and independent schools. TEFA initiated a new funding model for First Nations schools in BC, based on the provincial funding formula for provincial public schools, with specific adaptations. It also provides for core and second level services funding for FNEC to provide services to First Nations schools and advocacy for First Nations students in public schools;

WHEREAS TEFA acknowledges the package of Education Jurisdiction Agreements negotiated by Canada, British Columbia and FNEC, on behalf of BC First Nations, and supports First Nations transition to becoming Participating First Nations under that package of Agreements and corresponding legislation;

WHEREAS Canada and BC recognize in TEFA, FNEC's capacity to deliver education services. This capacity has increased through the extensive work undertaken to implement TEFA; in this process, capacity is being further developed and policy issues are being identified and addressed on either bilateral or tripartite bases, as appropriate;

WHEREAS TEFA expires on March 31, 2017 and commits the Parties to discuss its renewal six months prior to its expiration (fall 2016);

WHEREAS through the experience of implementing TEFA, FNEC is identifying key policy objectives and has begun to prepare for the renewal of TEFA. FNEC is committed to ensuring that issues of key concern and importance to First Nations and First Nations learners are effectively addressed in a renewed TEFA;

WHEREAS in the meantime, the Evaluation, Performance Measurement, and Review Branch, Audit and Evaluation Sector, of Indigenous and Northern Affairs Canada (INAC) is preparing to review the implementation of TEFA and make recommendations to INAC;

WHEREAS INAC conducts a number of audits, evaluations, management practices reviews, and other special studies to "ensure the appropriate use of human and financial resources and that programs and services delivered by INAC are relevant, efficient and effective." According to the INAC website:
"The Audit Committee, as well as the Evaluation, Performance Measurement and Review Committee include external members and *ensure rigour and objectivity in the oversight of AANDC audit and evaluation reports*. With the approval and oversight of the Audit Committee and the Evaluation, Performance Measurement and Review Committee, AANDC has a three-year risk-based audit plan and a five-year evaluation and performance measurement plan. Both are updated on an annual basis." (emphasis added);

WHEREAS FNEC has engaged with INAC and representatives of the Audit and Evaluation Sector to provide input on ensuring the evaluation is objective, appropriate, transparent, fair and inclusive, and has advocated that all parties to TEFA (Canada, British Columbia and FNEC) engage appropriately in, and not unduly influence the outcome of, the evaluation process;

WHEREAS while only in its early stages, TEFA offers an opportunity to close the gap in educational outcomes by making funding increasingly more comparable to funding in the public school system with

specific adaptation, and to identify, develop and implement further supports – including core and second level services for all First Nation students - aimed at supporting their educational attainment;

WHEREAS any reversion back to old models of education funding and supports will result in huge losses of progress and opportunities for all First Nations students in BC. INAC cannot unilaterally determine the outcome of discussions to renew TEFA; and

WHEREAS the new Liberal Government, which took office in November 2015, has committed to a Nation-to-Nation relationship with Indigenous Nations, and has committed to working in partnership, respectful of regional approaches and First Nations control of First Nations education, as well as investing in First Nations education in a significant way, including lifting the 2% cap on funding, revitalizing the Kelowna Accord, and establishing a new fiscal relationship.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council confirms that the Tripartite Education Framework Agreement (TEFA) is intended to benefit and support improved educational outcomes for all First Nation students in BC, including those who attend First Nation schools, those who attend provincial public and private schools, and those who transition between the two school systems;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council acknowledges that the Evaluation, Performance Measurement, and Review Branch, Audit and Evaluation Sector, of INAC, is undertaking a formal review of the implementation of TEFA, and expect that such a review:

- a. Is objective, fair, inclusive and transparent; and
- b. Will not impact the timelines for the renewal discussions of TEFA;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully supports the First Nations Education Steering Committee (FNESC), with full partnership from the First Nations Schools Association and Indigenous Adult and Higher Learning Association, in the preparation for and negotiation of the renewal of the Tripartite Education Framework Agreement, with the overriding objective of implementing funding and other measures that continue to support all First Nation learners in achieving improved educational outcomes; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls upon FNESC to:

- a. Continue to engage with First Nations on their progress and experiences with TEFA to inform the preparation for the TEFA renewal negotiations;
- b. Continue to advocate strongly for the timely conclusion of appropriate funding arrangements to support the implementation of the Education Jurisdiction initiative; and
- c. Report back regularly to the Chiefs on any issues that may arise, and progress made.

Moved: Chief Greg Louie, Ahousaht First Nation
Seconded: Chief Maureen Chapman, Skawahlook First Nation
Disposition: Carried
Date: February 18, 2016

UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 17TH-18TH, 2016
X̣ʷMƏƏḲʷƏỴƏM (MUSQUEAM TERRITORY), VANCOUVER, B.C.

Draft Resolution no. 2016-09

RE: Support for UBCIC entering into a *Declaration & Protocol of Recognition, Support, Cooperation and Coordination with the BC Wildlife Federation*

WHEREAS watersheds, landscapes, air, and biodiversity are sacred to Indigenous peoples, and are fundamental for the life of all humans and other species. Current and future generations will be directly influenced by how effectively we manage and steward our natural resources. Water, land and air are the sources of ecological, social, economic and cultural well-being of all British Columbians;

WHEREAS the Union of BC Indian Chiefs (UBCIC) wishes to unite and cooperate like-minded organizations with mandates in B.C. to coordinate political and technical strengths toward the objectives of unity and advancing the protection of our environment, watersheds and wildlife;

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

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

WHEREAS the UBCIC and the BC Wildlife Federation wish to enter into a *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* with a purpose to serve as a shared commitment to ongoing collaboration, information sharing and coordinated action in advancing the health of air, watersheds and landscapes in BC.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports the attached *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* being entered into by the UBCIC Executive on behalf of the UBCIC Chiefs Council with the BC Wildlife Federation;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to execute the *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* with the BC Wildlife Federation; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Councils directs the UBCIC Executive to work with the BC Wildlife Federation to provide reports as necessary to the UBCIC Chiefs Council.

Moved: Chief Byron Louis, Okanagan Indian Band
Seconded: Chief Harvey McLeod, Upper Nicola Indian Band
Disposition: TABLED
Date: February 18, 2016

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

FEBRUARY 17TH-18TH, 2016

X^wMƏӨK^wƏYƏM (MUSQUEAM TERRITORY), VANCOUVER, B.C.

Resolution no. 2016-10

RE: UBCIC Appointment to BC First Nations Gaming Commission

WHEREAS First Nations in BC were not 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 First Nation communities in all other provinces enjoy the annual benefits of multi-million dollar gaming revenues, while First Nations in BC receive nothing from the over \$1.5 billion in existing BC gaming annual revenues;

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

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 more diligently for the last four years as the BC First Nations Gaming Revenue Sharing Steering Committee in efforts to engage the Province in negotiations with no results, including no clear position on or response to this issue from Premier Christy Clark, thus perpetuating the injustice of denying First Nations a share of these revenues;

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 supports the establishment of the First Nations Gaming Commission;

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

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 new FN Gaming Commissioners to manage and build this new entity;

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 First Nations Gaming Committee based on their long-standing efforts and commitment to this initiative;

WHEREAS the UBCIC circulated notice seeking application for one (1) representative to the First Nations Gaming Commission, for a three-year term beginning March 1, 2016 and ending February 28, 2019, to be chosen in accordance with the UBCIC Elections Procedures; and

WHEREAS UBCIC received one (1) application from Chief Jonathan Kruger, Penticton Indian Band, for the position of UBCIC representative to the First Nations Gaming Commission, and Chief Jonathan Kruger was acclaimed to the position.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby appoints Chief Jonathan Kruger, Penticton Indian Band, to the BC First Nations Gaming Commission as the UBCIC appointee, for a three-year term beginning March 1, 2016 and ending February 28, 2019; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs Chief Jonathan Kruger to provide regular updates to the UBCIC Chiefs Council on the activities of the BC First Nations Gaming Commission.

Moved: Chief Maureen Chapman, Skawahlook
Seconded: Chief Susan Miller, Katzie First Nation
Disposition: Carried
Date: February 18, 2016

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

FEBRUARY 17TH-18TH, 2016

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

Resolution no. 2016-11

RE: UBCIC Appointments to First Nations Technology Council

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

WHEREAS there are currently three (3) vacant UBCIC appointed positions to the First Nations Technology Council;

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

WHEREAS the UBCIC circulated notice seeking application for three (3) representatives to the First Nations Technology Council, for a three-year term beginning March 1, 2016 to February 28, 2019, to be chosen in accordance with the UBCIC Elections Procedures;

WHEREAS UBCIC received one (1) application from Eric Alex, Cheam First Nation, for the position of UBCIC representative to the First Nations Technology Council, and Eric Alex was acclaimed to the position; and

WHEREAS at the UBCIC Chiefs Council meeting on February 17-18, 2016, the Chair of the UBCIC Chiefs Council called for nominations from the floor for two (2) new appointees to the First Nations Technology Council.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council appoints the following representatives to the First Nations Technology Council for a three-year term beginning March 1, 2016 and ending February 28, 2019:

2016-11

Page 1 of 2

1. Eric Alex, Cheam First Nation
2. Chief Robin Billy, Adams Lake Indian Band
3. Chief Harvey Paul, Sts'ailes

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the UBCIC representatives to the First Nations Technology Council to provide regular updates to the UBCIC Chiefs Council.

Moved: Chief Jonathan Kruger, Penticton Indian Band
Seconded: Chief Harvey McLeod, Upper Nicola Indian Band
Disposition: Carried
Date: February 18, 2016

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FEBRUARY 17TH-18TH, 2016

X^wMƏӨK^wƏYƏM (MUSQUEAM TERRITORY), VANCOUVER, B.C.

Resolution no. 2016-12

RE: UBCIC Appointment to BC Specific Claims Working Group

WHEREAS Canada introduced the *Justice at Last* initiative in 2007 to improve previous processes for specific claims resolution by:

1. Eliminating the Specific Claims backlog;
2. Bringing about the fair and timely resolution of specific claims through meaningful negotiations and mediation;
3. Eliminating Canada's conflict of interest;
4. Establishing an independent effective Tribunal for resolution;

WHEREAS *Justice at Last* offered great potential for Canada to improve Crown-First Nations relationships by meaningfully and finally resolving its outstanding lawful obligations pertaining to specific claims;

WHEREAS Canada has failed to fulfill the promises of Justice at Last and instead has systematically denied First Nations to the just and fair resolution of their claims;

WHEREAS Resolution 2013-25 created a BC Specific Claims Working Group to work toward the fair and just resolution of BC Specific Claims and appointed 3 members to the BC Specific Claims Working Group;

WHEREAS the *United Declaration on the Rights of Indigenous Peoples* sets out:

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

Article 28:

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

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

WHEREAS there is currently one (1) vacancy on the BC Specific Claims Working Group for an indefinite term; and

WHEREAS at the UBCIC Chiefs Council meeting on February 17-18, 2016, the Chair of the UBCIC Chiefs Council called for nominations from the floor for one (1) new appointee to the BC Specific Claims Working Group.

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

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

Moved: Chief Harvey McLeod, Upper Nicola Indian Band

Seconded: Chief Harry Spahan, Coldwater Indian Band

Disposition: Carried

Date: February 18, 2016

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FEBRUARY 17TH-18TH, 2016

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

Resolution no. 2016-13

RE: Women's Review Committee to Address Auditor General Report on FNHA

WHEREAS on February 2, 2016 the Office of the Auditor General of Canada tabled a study and performance audit to the Parliament of Canada titled *Establishing the First Nations Health Authority (FNHA) in British Columbia*;

WHEREAS the Office of the Auditor General of Canada conducted an audit of selected aspects of the FNHA's accountability and governance framework in response to an anonymous letter it received, making reports against the Authority in relation to its accountability and transparency;

WHEREAS the *United Declaration on the Rights of Indigenous Peoples* sets out:

Article 22:

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

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

WHEREAS at the UBCIC Chiefs Council meeting on February 17-18, 2016, the UBCIC Chiefs Council extensively discussed the number of issues and reports contained in the anonymous letter and the public responses of the FNHA and First Nations Health Council (FNLC);

WHEREAS the UBCIC Chiefs Council recognizes that until we collectively create a safe environment for women to come forward to report sexual abuse and/or sexual violence, women are likely to report sexual abuse and/or sexual violence anonymously; and

WHEREAS the UBCIC Chiefs Council recognizes that words like “alleged” and “claimed” are overused and can suggest doubt in the survivor. Sexual assaults or sexual harassment might be labeled as a “scandal” which can imply consent. This misrepresentation directly affects viewer’s opinions about sexual violence against women.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council invokes the Dispute Resolution mechanism of the FNLC-FNHC *Protocol on the Social Determinants of Health* (September 2015);

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council hereby proposes a Review Committee to immediately review the report of the Office of the Auditor General of Canada and specifically create recommendations for the FNHC to provide a safe place to bring experiences and stories forward regarding those issues, reports and recommendations regarding women’s safety;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council proposes the Review Committee be comprised of the five (5) members of the First Nations Health Council who are women, and six (6) women from the Union of BC Indian Chiefs, First Nations Summit and the BC Assembly of First Nations (collectively the FNLC) including Kukpi7 Judy Wilson and Coola Louis from the UBCIC Chiefs Council; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the Review Committee to report back to the UBCIC Chiefs Council at the June 1-2, 2016 Chiefs Council meeting, and thereafter be dissolved.

Moved: Chief Susan Miller, Katzie First Nation
Seconded: Chief Jonathan Kruger, Penticton Indian Band
Disposition: Carried
Date: February 18, 2016