

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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### Resolutions of UBCIC Chiefs Council June 1<sup>st</sup>- 2<sup>nd</sup>, 2016

- 2016-14 Support for the Unqualified Implementation of UNDRIP in Legislative Framework
- 2016-15 Continued Support for the BC First Nations Forestry Council and Engagement with the Province of BC Regarding a Forest Range Revenue Sharing and Tenure Solution
- 2016-16 Transparency and Accountability of FNHC-FNLC Meetings
- 2016-17 Increasing Funding for Aboriginal Head Start Program
- 2016-18 Aboriginal Service Innovations Child Safety and Permanence Program
- 2016-19 Reforming the *BC Environmental Assessment Act*
- 2016-20 Support for Aboriginal Tourism BC Board Representation on Aboriginal Tourism Association of Canada Board of Directors
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- 2016-22 Appointment to UBCIC Resolutions Committee
- 2016-23 Support for Increased and Separate Infrastructure/Capital Funding for First Nations On-Reserve Schools
- 2016-24 Reform of Indigenous Child Welfare System in BC
- 2016-25 Moving Beyond the BCTC Process
- 2016-26 UBCIC Review Committee to Address AG Report on FNHA and Sexual Assault and Violence

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**UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
JUNE 1<sup>ST</sup>-2<sup>ND</sup>, 2016  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.**

**Resolution no. 2016-14**

**RE: Support for the Unqualified Implementation of UNDRIP in Legislative Framework**

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) was overwhelmingly adopted by the General Assembly in September 2007, after more than 20 years of discussions;

**WHEREAS** the UNDRIP is the most comprehensive, universal international human rights instrument explicitly addressing the economic, social, cultural, political, spiritual and environmental rights of Indigenous Peoples;

**WHEREAS** Australia, New Zealand, the United States and Canada originally voted against the UNDRIP, and have all now reversed their positions;

**WHEREAS** the UBCIC has formally endorsed and supported the full implementation of the UNDRIP via UBCIC Resolution 2008-03 “Support for the UN Declaration on the Rights of Indigenous Peoples”;

**WHEREAS** directed by UBCIC Resolution 2010-33 “UNDRIP and Canada’s Intention to Endorse,” the UBCIC has formally urged the Canadian government to endorse the UNDRIP without qualifications in a manner that:

- 1) Ensures the survival, dignity, security and well-being of present and future generations of Indigenous Peoples;
- 2) Upholds the April 2008 House of Commons motion calling for the Canadian Parliament and government to “fully implement” the standards in the UNDRIP; and
- 3) Fully respects the UNDRIP in all relevant international forums and strengthens the international human rights systems for Indigenous Peoples throughout the world;

**WHEREAS** on May 10, 2016, Minister Carolyn Bennett, Indigenous and Northern Affairs Canada, announced that Canada is “a full supporter of the Declaration, without qualification. We intend nothing less than to adopt and implement the Declaration in accordance with the Canadian Constitution”;

**WHEREAS** on May 10, 2016, Minister Bennett further stated, “Canada believes that our constitutional obligations of meaningful consultation and accommodation serve to fulfill the principles of ‘free, prior and informed consent’ in the Declaration”;

**WHEREAS** to limit the UNDRIP in this qualified manner would defeat the purpose of having international standards, which serve to inspire and guide improved protection for human rights and not simply reinforce the status quo;

**WHEREAS** the government’s qualification could serve to legitimize existing injustices in Canada and undermine the principle of universality that applies to all human rights; and

**WHEREAS** contrary to Canada’s constitutional and international obligations, the government has failed since 2006 to consult Indigenous Peoples on matters relating to the UNDRIP that potentially affect Indigenous rights.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council calls on the Canadian government to engage with Indigenous Peoples through a meaningful and substantive process to create a legislative framework for the unqualified implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), a framework which will have particular focus on:

- 1) Reforming federal laws, regulations and policies to ensure that the free, prior and informed consent of Indigenous Peoples is required for any decisions that have the potential to impact on Indigenous Title and Rights, and Treaty Rights;
- 2) Any such process must develop an independent oversight body to review and report on implementation progress;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council reminds the Canadian Government that free, prior, and informed consent is more than a process of consultation, and that recognition of this right will lead to greater peace and security for all;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Canadian Government, as it embraces the UNDRIP, to recognize Indigenous peoples’ “right to say yes” or “right to say no” to development on their traditional lands; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to draft a discussion paper on implementation of the UNDRIP, circulate for input by the UBCIC Chiefs Council, and provide a final copy for discussion at the UBCIC Annual General Assembly in September, 2016.

**Moved:** Chief Byron Louis, Okanagan Indian Band  
**Seconded:** Kukpi7 Ryan Day, St’uxwtéws, Bonaparte Indian Band  
**Disposition:** Carried  
**Date:** June 1, 2016

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL JUNE 1<sup>ST</sup>-2<sup>ND</sup>, 2016 SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

#### Resolution no. 2016-15

#### **RE: Continued Support for the BC First Nations Forestry Council and Engagement with the Province of BC Regarding a Forest Range Revenue Sharing and Tenure Solution**

**WHEREAS** in 2002, the Province of British Columbia embarked on a forestry revenue sharing process called Forest and Range Agreements. A per capita sharing of \$500/per person was unilaterally imposed and small volume, non-replaceable forest licenses, in many cases considered economically unviable, were provided;

**WHEREAS** in 2009, the Province undertook a Forestry Roundtable to discuss and make recommendations for changes to the forest sector. These recommendations included input from First Nations. The Province responded to a few of the First Nations recommendations (and ignored others) and then publicly announced they came to a solution with First Nations. The Forestry Roundtable recommendations report includes 1 of 6 Priorities as First Nation becoming full partners in forestry;

**WHEREAS** In 2010, the Province unilaterally developed a new forestry agreement process and template to be used with First Nations called Forest and Range Consultation and Revenue Sharing Agreements (FCRSA). The Province decided to share stumpage revenues based upon a percentage of wood harvested within the First Nations territories. In most cases, the amount of resource revenue sharing was reduced from the original formula of \$500 per person;

**WHEREAS** the UBCIC Chiefs Council, by UBCIC Resolution 2010-56 “Rejection of Forest and Range Consultation and Revenue Sharing Agreement Template,” opposes and rejects the Province of BC’s template approach regarding forest and range decisions and rejects the FCRSA template and directs the UBCIC Executive to explore all available options for a strategy to assert Aboriginal Title, Rights and Treaty Rights concerning forest and range issues;

**WHEREAS** in 2012 the bi-partisan Special Committee on Timber Supply made recommendations on how the provincial government could take action to enhance mid-term timber supply. One of the recommendations of this committee was to pursue the concept of converting existing volume-based tenures to area-based tenures;

**WHEREAS** UBCIC Resolution 2012-14 “Support for First Nations Leadership Council Renewing its “Declaration & Protocol of Recognition, Support, Cooperation and Coordination” with the First Nations Forestry Council,” directs the UBCIC Executive to work with other members of the First Nations Leadership Council and the First Nations Forestry Council;

**WHEREAS** on April 1, 2014, the provincial government initiated a public engagement process to explore area-based tenures further. Limited public engagement sessions were held in BC. The FNFC did work with BC to provide three regional input sessions with First Nations in May 2014. Recommendations from First Nations included acknowledging that First Nations have legal rights and title to land and resources in BC; meaningful consultation must occur regarding land and resource decisions such as this; a meaningful process of engagement and consultation is required; a comprehensive renewed First Nations forestry strategy is needed to identify how to move forward with goals of bringing First Nation into the forest sector; and finally it was indicated that the First Nation Forestry Council outright rejected the Provinces proposal to create enabling legislation for the transfer of volume based Forest Licenses to new or expanded Tree Farm Licenses;

**WHEREAS** in June 2014 a final report with 35 recommendations was provided for government to consider should a decision be made by the province to proceed specifically with amendments to the Forest Act that would enable the conversion of some volume based forest tenures to area-based forest tenures;

**WHEREAS** in August, 2014, the province announced that they would not be proceeding in the immediate term with legislative changes that would enable forest license conversion in fall 2014 or spring 2015. The province purported to have made this decision to allow for the more fulsome discussion of any proposed changes and in light of the recent Supreme Court of Canada *Tsilhqot’in* decision;

**WHEREAS** three regional forums were held in May 2015, hosted by the First Nations Forestry Council and the Province of BC in order to provide space for dialogue around the current nature of the forestry industry and discussion around how existing models of forestry revenue sharing can be improved and changed given the post-*Tsilhqot’in* legal reality. Existing models of agreements were a major focus of attention, particularly the FCRSA and the Forest Tenure Opportunity Agreements (FTOA);

**WHEREAS** on November 17, 2015 the First Nations Forestry Council in partnership with the First Nations Leadership Council released a report on the May 2015 Regional Forums which provided a number of key recommendations and next steps to build improved revenue sharing models, better ownership, tenure and greater access and meaningful engagement, decision-making and capacity for First Nations within the forestry sector; and

**WHEREAS** one of the key recommendations from the May 2015 Regional Forums is the concept of Transition. A BC First Nations Forest Transition Agreement was recommended, which would support policy and legislative changes, between First Nations and the Crown, which would address global adjustments to revenue sharing and the existing tenure regime, and which would help establish the framework for bilateral negotiations between First Nations and the Crown going forward.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council continues to support the First Nations Forestry Council and the work it does to engage with the Province and First Nations as a technical advocacy body for improved forestry revenue sharing models; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to endorse and support the BC First Nations Forestry Council Report on the May 2015 Regional Forums and will work with the First Nations Forestry Council and partner organizations to engage with the Province on implementing the next steps and recommendations contained within the report, specifically focusing on the need for a provincial-wide session on forestry to discuss the recommendations of the report and build a common path forward, and to achieve a BC First Nations Forest Transition Agreement.

**Moved:** Chief Greg Louie, Ahousaht First Nation  
**Seconded:** Chief Dalton Silver, Sumas First Nation  
**Disposition:** Carried  
**Date:** June 1, 2016

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JUNE 1<sup>ST</sup>-2<sup>ND</sup>, 2016  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.**

**Resolution no. 2016-16**

**RE: Transparency and Accountability of FNHC-FNLC Meetings**

**WHEREAS** fostering self-determination amongst Indigenous peoples requires the exercise of respect through the highest standards of transparency and accountability amongst all levels of representation;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* states in **Article 3** that “Indigenous peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”;

**WHEREAS** by Resolution 2015-48, the UBCIC Chiefs-in-Assembly supported the *Protocol on the Social Determinants of Health* being entered into by the UBCIC Executive on behalf of the UBCIC Chiefs Council and as part of the First Nations Leadership Council (FNLC), with the First Nations Health Council (FNHC), with a purpose to serve as a shared commitment to ongoing collaboration, information sharing and coordinated action in addressing the social determinants of health;

**WHEREAS** roles and reciprocal accountabilities set out in the *Protocol on the Social Determinants of Health* commit both the FNHC and the FNLC to work in a manner that upholds the principle of Community-Driven, Nation-Based;

**WHEREAS** the *Protocol on the Social Determinants of Health* commits the full FNHC and the full FNLC to meet twice per year, or as agreed upon, to discuss shared interests and emerging issues, establish direction on mutual priorities, and monitor the implementation of the Protocol, and also notes that in the event of a dispute that cannot be resolved, the matter will be deferred and discussed at a duly convened dinner meeting between the full FNHC and the full FNLC;

**WHEREAS** the FNHC has invited the UBCIC Executive to participate in several dinner meetings between the FNLC and the FNHC, and the FNHC has communicated that “In honour of our ancestral

teachings, the FNHC hopes that in sharing a meal we can set the table and resolve differences to maintain an effective political partnership for the benefit of all Nations in BC”;

**WHEREAS** the FNHC does not keep a record of discussion from the dinner meetings, despite discussing topics of direct importance to communities and Nations, and most recently invited the FNLC to a dinner meeting on April 7, 2016 to “discuss recent developments and next steps” regarding the MOU on social determinants of health signed between the FNHC and Honourable John Rustad, Minister of Aboriginal Relations and Reconciliation. Given the importance of subject being discussed and the need for accountability, the FNLC subsequently requested a formal meeting;

**WHEREAS** the UBCIC Executive are accountable to the UBCIC member Chiefs they represent, who are in turn accountable to their community membership;

**WHEREAS** the effectiveness of an advocacy organizations is determined by the quality and frequency of the feedback mechanism between its representatives and its members; and

**WHEREAS** without any available record of discussion from FNHC-FNLC meetings, recognizing that some strategic discussions are sensitive and only key points might be recorded, UBCIC member Chiefs are unable to report to their respective membership, nor are they able to provide feedback to the UBCIC Executive in an accurate and timely manner.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council affirms that when matters important to our people are discussed, on behalf of the member Chiefs, there needs to be transparency and accountability;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to ensure that any meetings, including dinner meetings, between the FNHC and FNLC have full minutes recorded and available upon request by member Chiefs, in the spirit of working in a manner that upholds the principle of Community-Driven, Nation-Based, with the responsibility for recording minutes alternating between the FNHC and the FNLC; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs that should the UBCIC Executive be unable to produce minutes as a transparency and accountability mechanism to its member Chiefs from all meetings between the FNHC and FNLC, it will not participate in said meetings and formally express its non-support for any processes or decisions made in their absence.

**Moved:** Kukpi7 Ryan Day, St’uxwtéws, Bonaparte Indian Band

**Seconded:** Chief Aaron Sam, Lower Nicola Indian Band

**Disposition:** Carried

**2 opposed:** Kukpi7 Wayne Christian, Splatsin  
Kukpi7 Ron Ignace, Skeetchestn

**Date:** June 2, 2016



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JUNE 1<sup>ST</sup>-2<sup>ND</sup>, 2016  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

Resolution no. 2016-17

## RE: Increasing Funding for Aboriginal Head Start On-Reserve Program

**WHEREAS** in 1995, the Government of Canada established Aboriginal Head Start (AHS) to help enhance child development and school readiness of First Nations, Inuit and Métis children living in urban centers and large northern communities;

**WHEREAS** an expansion component of the AHS program for First Nations communities was announced on October 19, 1998. This expansion was a result of commitments made in “Gathering Strength: Canada’s Aboriginal Action Plan, Securing our Future Together,” and the September 1997 Speech from the Throne;

**WHEREAS** the AHS program funds activities that support early intervention strategies to address the learning and developmental needs of young children living in First Nations communities, with the goal of supporting early child development strategies that are designed and controlled by communities;

**WHEREAS** the AHS program was originally designed and developed to enhance early childhood education and there has been substantial research completed affirming a successful transition when early childhood education has been the primary focus for early learners;

**WHEREAS** the AHS program encourages parents, families and community members to play a key role in running the program, with programming centered around six components: education; health promotion; culture and language; nutrition; social support; and parental/family involvement;

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

### 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;

**Article 15**

(1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information;

**WHEREAS** the 2014 BC Aboriginal Child Care Society (BCACCS) study, “An Environmental Scan of Public Policy and Programs for Young Aboriginal Children in BC: A Cold Wind Blows,” found that federal government funding levels have been mostly static for several years, and further, that detailed information that would indicate what the Early Childhood Development/Early Learning and Child Care funding is spent on is sparse or unavailable;

**WHEREAS** Health Canada provides \$59 million annually to support over 9,000 children in over 300 AHS programs in First Nations communities on reserve. In Budget 2010, the AHS On Reserve Program received \$25 million in additional support to the program over five years (2010-2015);

**WHEREAS** Budget 2016 commits to undertake urgent repairs and renovations for the facilities used by the AHS On Reserve Program and the First Nations and Inuit Child Care Initiative through an investment of \$29.4 million in 2016-2017. In addition, Budget 2016 commits to provide \$100 million in 2017-2018 towards Early Learning and Child Care on reserve. The Government will be engaging with Indigenous organizations and parents to determine the best approach to delivering high quality early learning and child care on reserve as part of a new National Framework on Early Learning and Child Care; and

**WHEREAS** BCACCS has expressed concerns that the Budget 2016 will not address the critical underfunding of First Nations early childhood development and child care services in BC and Canada, with only \$3 million for facility repairs or upgrades for all 203 First Nations in BC, resulting in First Nations without child care infrastructure having to wait for a year more if they want to create programs for their youngest citizens.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council recognizes the importance of Early Childhood Development and Early Childhood Learning and Child Care programs and affirms its full support for the Aboriginal Head Start (AHS) program;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Canadian Government to increase funding dollars for Early Childhood development and Early Childhood Learning and Child Care programs including the AHS On Reserve program to an adequate and appropriate level; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to demand that the Government of Canada provides greater accountability and transparency regarding their 2016 Budget allocations for Early Childhood Learning Development and Early Childhood Learning and Child Care programs including the AHS program.

**Moved:** Chief Fred Seymour, Tk’emlups te Secwepemc  
**Seconded:** Chief Judy Wilson, Neskonlith Indian Band  
**Disposition:** Carried  
**Date:** June 2, 2016

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SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.**

**Resolution no. 2016-18**

**RE: Aboriginal Service Innovations Child Safety and Permanence Program**

**WHEREAS** children and youth are sacred and valued members of First Nations communities and represent the perpetuity of First Nations cultures, languages and ways of life, yet in BC there is a glaring inequality between First Nations children and Non-First Nations children, plagued by a chronic underfunding of First Nations youth programming;

**WHEREAS** in BC, the Aboriginal child population makes up 9% of the total child population, yet close to 61% of children living out of their parental home in the province are Aboriginal according to the BC Ministry of Children and Family Development (MCFD);

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

**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;

**WHEREAS** MCFD has provided funding for the Aboriginal Service Innovations: Child Safety and Permanence program (ASI program) to partner with Aboriginal service providers including Indigenous Approaches service providers, Delegated Aboriginal Agencies, First Nations or Aboriginal organizations, Treaty First Nations Governments, Métis Organizations and Urban Aboriginal organizations. The key objectives of the ASI program include maximizing effective, responsive, culturally appropriate and

culturally safe services that are designed to improve outcomes for Aboriginal children and youth receiving services under the *Child, Family and Community Service Act*;

**WHEREAS** on January 26, 2016, the Canadian Human Rights Tribunal ordered Indigenous and Northern Affairs Canada to: (1) end its discriminatory practices with respect to funding for First Nations Child and Family Services (FNCFS) on reserve; (2) reform the FNCFS program and the 1965 agreement; (3) take measures to immediately implement the full meaning and scope of Jordan's Principle; and

**WHEREAS** MCFD issued an allocation of \$8.2M in re-instated funding available for the 2015/16 fiscal for the ASI program. A call for applications was posted on January 7, 2015 and closed on February 4, 2015, yielding over 49 applicants with a total amount requested over \$16.7M.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to request that the Government of BC provide increased funding to the Aboriginal Service Innovations: Child Safety and Permanence program so that all First Nations wishing to participate for the betterment of their children can do so, as well as request an ongoing commitment to dialogue and partnership with First Nations communities to support the Aboriginal Service Innovations program.

**Moved:** Chief Harvey Paul, Sts'ailes  
**Seconded:** Kukpi7 Wayne Christian, Splatsin  
**Disposition:** Carried  
**Date:** June 2, 2016

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SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

**Resolution no. 2016-19**

**RE: Reforming the *BC Environmental Assessment Act***

**WHEREAS** the provincial government of British Columbia is continuing to dispose of resource rights and make land use decisions, including the authorization of major industrial projects on First Nations territories without meaningful consultation with First Nations;

**WHEREAS** to enable decisions about the acceptability of these projects, Ministers rely on the *B.C. Environmental Assessment Act* (BCEAA);

**WHEREAS** the 1995 *BC Environmental Assessment Act* represented a progressive attempt to be largely independent of government and to provide for First Nation participation in the EA process. The EA structure included a Project Committee, which conducted the EA and made recommendations to the Minister. It was intended to provide a substantive role to First Nations and stakeholders in the review of project proposals;

**WHEREAS** in 2002 legislative amendments to the BCEAA removed key features, including the Project Committee, technical rigor and meaningful First Nation participation, resulting in a poor process;

**WHEREAS** the Supreme Court of Canada clearly stated in the 2002 *Haida* decision that the Crown owes duty of consultation and accommodation to a First Nation when the Crown contemplates conduct that might adversely affect title or rights claimed by the First Nation. The Court further set out in its 2014 decision in *Tsilhqot'in Nation* that allegations of infringement or failure to adequately consult can be avoided by obtaining the consent of the interested Aboriginal group;

**WHEREAS** the provincial government of British Columbia has delegated this constitutional duty to the B.C. Environmental Assessment Office when a review of a major project is required;

**WHEREAS** the consultation function being carried out by the B.C. Environmental Assessment Office is flawed and not serving the needs of First Nations or meeting the Crown’s duty to consult and where necessary, accommodate;

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

**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 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 2009-40 “Support for Reforming the B.C. Environmental Assessment Process,” the UBCIC Chiefs-in-Assembly adopted the proposals for reform as outlined in the First Nations Energy and Mining Council (FNEMC) discussion paper titled, *Environmental Assessment and First Nations in BC: Proposals for Reform* recognizing current First Nations capacity, as a basis for engagement with British Columbia, and further directed the FNEMC to engage the Province in working towards achieving necessary reforms to the Environmental Assessment Process;

**WHEREAS** the Province of BC rejected the suggested reforms of the discussion paper, *Environmental Assessment and First Nations in BC: Proposals for Reform*, and has recently engaged with the FNEMC to propose more incremental changes to the BCEAA; and

**WHEREAS** the current iteration of the BC Environmental Assessment process has been found to be completely unacceptable to many BC First Nations, leading nations such as the Tsleil Waututh Nation and the Stk’emlupsemc te Secwepemc Nation to issue their own environmental assessment process.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports a complete review and legislative reform of the British Columbia Environmental Assessment Act; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council urges the Government of BC to undertake such reform using a process which represents proper consideration of Indigenous Title and Rights, and Treaty Rights, including their jurisdictional, economic, social, and environmental implications; the *Tsilhqot’in Nation* Decision; the Truth and Reconciliation Commission 94 Calls to Action; and full implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*.

**Moved:** Trent Moraes, Skidegate (Proxy)  
**Seconded:** Chief Ursula Drynock, Nicomen Indian Band  
**Disposition:** Carried  
**Date:** June 2, 2016

# OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
JUNE 1<sup>ST</sup> -2<sup>ND</sup>, 2016  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C

**Resolution no. 2016-20**

**RE: Support for Aboriginal Tourism BC Board Representation on Aboriginal Tourism Association of Canada Board of Directors**

**WHEREAS** the Aboriginal Tourism Association of British Columbia (AtBC) is a provincial Aboriginal cultural tourism sector organization established in 1996-1997 that supports training, product development and marketing of culturally rich Aboriginal tourism products and services on behalf of Aboriginal communities and entrepreneurs in BC, and is recognized as an international leader in developing authentic Aboriginal cultural tourism experiences;

**WHEREAS** AtBC has successfully implemented the Blueprint Strategy that supported the growth of the industry from \$20 million to \$42 million between 2006 – 2010, including the marketing success during the 2010 Olympic and Paralympic Games, with the support of First Nations leadership and communities of British Columbia;

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

**Article 15**

(1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

(2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society;

**WHEREAS** in 2008 AtBC and the First Nations Leadership Council (“FNLC”- comprised of the UBCIC, BC Assembly of First Nations, and First Nations Summit) entered into a Declaration & Protocol of Recognition, Support, Cooperation and Coordination; and in 2012 AtBC obtained full support from FNLC towards AtBC’s 5 Year Plan “The Next Phase” 2012-2017;

**WHEREAS** by UBCIC Resolution 2012-11 the UBCIC Chiefs Council continues to support AtBC in the preservation of Aboriginal culture and advancement of economic development through support, facilitation and promotion of the growth and sustainability of a quality and culturally rich Aboriginal tourism industry in BC; and

**WHEREAS** in April 2015, AtBC initiated the incorporation of the Aboriginal Tourism Association of Canada (ATAC), formerly known as the Aboriginal Tourism Marketing Circle (ATMC) as a not-for-profit society. The ATAC has the purpose of improving the socio-economic situation of Aboriginal people, the provisions of economic development advisory services, conferences, professional development training and workshops, industry statistics and information for Aboriginal tourism operators and communities or those looking to start a cultural tourism business throughout Canada. This new national Aboriginal tourism organization is in the process of forming their Board of Directors, which currently lacks an Aboriginal and tourism industry-led BC representative.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council supports the Aboriginal Tourism Association of British Columbia (AtBC) to be the official BC representative on the Aboriginal Tourism Association of Canada's (ATAC) Board of Directors, as AtBC is the designated Aboriginal organization representing Aboriginal tourism in BC; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to communicate in writing its support of AtBC's appointment to the ATAC Board of Directors, as a representative of Aboriginal tourism in BC.

**Moved:** Chief Lee Spahan, Coldwater Indian Band  
**Seconded:** Chief Percy Joe, Shackan Indian Band  
**Disposition:** Carried  
**Date:** June 2, 2016



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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL JUNE 1<sup>ST</sup>-2<sup>ND</sup>, 2016 SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

**Resolution no. 2016-21**

#### **RE: CMHC Section 95 On-Reserve Non-Profit Housing Program**

**WHEREAS** First Nations experience disproportionately poor living conditions on and off reserve which remain well below the Canadian standard;

**WHEREAS** the increasingly sub-standard, inadequate and overcrowded housing directly contributes to social breakdown, critical health problems, high rates of substance abuse and domestic violence;

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

**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** the UBCIC, BC Assembly of First Nations, First Nations Summit, the Province of British Columbia, and the Government of Canada signed a tripartite *First Nations Housing Memorandum of Understanding* (MOU) in May 2008. This MOU establishes a framework for ongoing discussions and the development of interlinked on and off-reserve housing action plans, but has been inactive for several years;

**WHEREAS** Dr. James Anaya, then United Nations Special Rapporteur on the Rights of Indigenous Peoples, noted in July 2014 that housing in First Nation communities “[had] reached a crisis level”;

**WHEREAS** the Canada Mortgage and Housing Corporation (CMHC) provides funding for social housing on reserve through the On-Reserve Non-Profit Housing Program, also known as the Section 95 program;

**WHEREAS** the Section 95 program assists First Nations in the construction, purchase and rehabilitation, and administration of suitable, adequate and affordable rental housing on-reserve. CMHC provides a subsidy to the project to assist with its financing and operation. CMHC, INAC and First Nations work in partnership nationally and at the regional level to determine allocations of funds for eligible reserves;

**WHEREAS** the June 2015 Standing Senate Committee on Aboriginal Peoples report titled “On-Reserve Housing and Infrastructure: Recommendations for Change” reported that the way that the CMHC On-Reserve Non-Profit Housing Program funding is announced and dispersed creates significant hardships for communities, making proper community planning very difficult. Additionally the Committee found federal government funding support for new construction and ongoing maintenance of housing was far too low; and

**WHEREAS** in light of the aforementioned study the Standing Committee recommended:

- (1) That the CMHC allocate sufficient funds to the On-Reserve Non-Profit Housing Program, also known as the Section 95 program, in order to address the growing shortage of housing on reserve;
- (2) That the CMHC explore options to ensure greater flexibility in the way that funding is allocated for the On-Reserve Non-Profit Housing Program, in particular, to allow for multi-year commitments which would give communities adequate time to organize construction.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council objects to the ongoing, critically low levels of federal funding for First Nations housing and recognizes the devastating impacts that overcrowded and inadequate housing has on our communities;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to urge the Government of Canada and the Canada Mortgage and Housing Corporation to increase the allocated funds to the Section 95 On-Reserve Non-Profit Housing Program to an adequate and appropriate level; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to demand that the Government of Canada provide adequate funding for First Nations housing and infrastructure needs to address the crisis of increasingly sub-standard, inadequate and overcrowded on-reserve housing.

**Moved:** Andrew Victor, Cheam (Proxy)

**Seconded:** Chief Steve Tresierra, Whispering Pines/ Clinton Indian Band

**Disposition:** Carried

**Date:** June 2, 2016

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CHIEFS COUNCIL  
JUNE 1<sup>ST</sup>-2<sup>ND</sup>, 2016  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.**

**Resolution no. 2016-22**

**RE: Appointment to UBCIC Resolutions Committee**

**WHEREAS** the UBCIC By-Laws state that:

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

**WHEREAS** there is one vacancy on the UBCIC Resolutions Committee that must be filled to achieve three Full or Active Members; and

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

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs Council hereby recognizes the following persons as the Resolutions Committee of the UBCIC:

- 1) Councilor Debbie Abbott, Lytton First Nation (reappointment)
- 2) Chief Harvey Paul, Sts' ailes (reappointment)
- 3) Chief Greg Louie, Ahousaht First Nation (new appointment)

**Moved:** Chief Maureen Chapman, Skawahlook  
**Seconded:** Kukpi7 Ron Ignace, Skeetchestn  
**Disposition:** Carried  
**Date:** June 2, 2016

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CHIEFS COUNCIL  
JUNE 1<sup>ST</sup>-2<sup>ND</sup>, 2016  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

Resolution no. 2016-23

**RE: Support for Increased and Separate Infrastructure/Capital Funding for First Nations On-Reserve Schools**

**WHEREAS** the UBCIC recognizes that the right to educate our citizens and our ability to do so will be the bedrock of our renewed and strengthened Nationhood, and that through education we call fourth our future and our survival as Self-Determining Peoples;

**WHEREAS** First Nations in BC have worked collectively for over two decades to create a strong, responsive BC First Nations Education System that is accountable and community-based;

**WHEREAS** many BC First Nations with band operated schools require an immediate injection of funds for the repair and infrastructure investments required to provide adequate educational facilities for First Nations students;

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

**Article 14**

(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** Section 91(24) of the Canadian Constitution Act of 1867 clearly assigns to the Federal Government jurisdiction over Indians and lands reserved for Indians;

**WHEREAS** the Government of Canada provides funding to First Nations to build new schools, renovate and expand existing facilities, and operate and maintain existing education infrastructure;

**WHEREAS** on-reserve schools must compete with other band infrastructure for capital funds and capital funding for on-reserve schools should be a separate and dedicated fund;

**WHEREAS** the 2014 report titled *National First Nations Consolidated Infrastructure Investment Report 2013-2014* states that Indigenous and Northern Affairs Canada (INAC) has a target of 70% of educational facilities to have a General Condition Rating score greater than “fair condition”. As of April 1, 2014, only 63% of schools met this target;

**WHEREAS** Budget 2016 proposes to invest \$969.4 million over five years to First Nations education infrastructure on reserve;

**WHEREAS** First Nations governments face unique barriers in their access to capital for infrastructure construction and repairs. Those who do not have own-source revenues are forced to apply for funding through INAC for infrastructure projects, and to wait until funding becomes available; and

**WHEREAS** a recent comprehensive study into the funding gap between provincial and on-reserve educational infrastructure funding has not been completed.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council acknowledges the challenges faced by all BC First Nations with band operated schools that require immediate funding for infrastructure/capital costs;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work directly with the BC Assembly of First Nations, First Nations Summit, the First Nations Education Steering Committee (FNESC), First Nations Schools Association and other likeminded organizations to advocate for access to immediate and separate funding for BC First Nations band operated schools who require immediate infrastructure/capital funding; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to seek the technical support from FNESC and develop further strategies or reports that assist in showing the need for immediate capital/infrastructure funding for BC First Nations with band operated schools.

**Moved:** Chief Cynthia Dick, Tseshaht First Nation  
**Seconded:** Deb Foxcroft, Ehattesaht First Nation (Proxy)  
**Disposition:** Carried  
**1 abstention:** Chief Marjorie McRae, Gitanmaax  
**Date:** June 2, 2016

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SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

**Resolution no. 2016-24**

**RE: Reform of Indigenous Child Welfare System in BC**

**WHEREAS** Indigenous Peoples have the right of self-determination which embodies our own legal orders and jurisdictions related to children and families. Canada's constitutional framework recognizes and protects the continuity of Indigenous laws and traditions. Section 91(24) of the Constitution Act, 1867, which reflects the Royal Proclamation of 1763 reflects an enduring constitutional and solemn commitment for a lasting relationship between the Federal Government and Indigenous Peoples. Section 35 of the *Constitution Act, 1982* constitutionally enshrined Aboriginal Title, Rights and Treaty Rights;

**WHEREAS** Indigenous peoples' jurisdiction in the area of children and families is not recognized in British Columbia, and the current system is one in which the Province asserts jurisdiction and control in this area;

**WHEREAS** there continues to be a disproportionately high percentage of Aboriginal children in care in BC, and Indigenous child welfare is in a crisis in BC;

**WHEREAS** the UBCIC Chiefs Council has consistently passed resolutions upholding the self-determination of Indigenous Peoples with respect to their children, including Resolutions: 2001-08, 2003-14, 2004-10, 2006-02, 2006-13, 2006-14, 2007-52, 2011-42, 2012-03, 2012-34, 2013-06, 2013-40, 2013-58, 2014-02, 2014-03, 2015-06, 2015-07, 2015-08, 2015-17, 2015-18, 2015-19, 2016-04, and as set out in the *Tsawwassen Accord*, and will never give up;

**WHEREAS** the UBCIC prepared a paper analyzing Indigenous Peoples' inherent jurisdiction over child welfare and the impact of provincial delegation in this area (*Calling Forth our Future: Options for the Exercise of Indigenous Peoples Jurisdiction in the Area of Child Welfare*) which stated that "the federal government has the overarching fiduciary duty to protect and support our jurisdiction in this area, and

must be pressured to take up these responsibilities by fully funding and supporting our assertion of jurisdiction in the area of child and family services";

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

**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;

**WHEREAS** the first five calls to action of the Truth and Reconciliation Commission 94 Calls to Action address child welfare and call upon the federal, provincial, territorial, and Aboriginal governments to commit to reducing the number of Aboriginal children in care and set out clear steps for this to take place;

**WHEREAS** the recent decision by the Canadian Human Rights Tribunal decision in *First Nations Caring for Our Children Society* determined that the federal government has been racially discriminating against 163,000 First Nations children and their families by providing flawed and inequitable child welfare services, and by failing to implement Jordan's Principle to ensure equitable access to government services available to other children;

**WHEREAS** on Dec 14, 2015, the BC Government publicly released *Plecas Review, Part One: Decision Time* ("the Plecas Report"), which presented a wide-ranging survey of child welfare and politics, including a unilateral public assessment of the value of independent oversight and the performance of the current Representative for Children and Youth (RCY);

**WHEREAS** the Plecas Report was criticized by the UBCIC, the First Nations Summit, and the BC Assembly of First Nations, working collectively as the First Nations Leadership Council, on the basis that Mr. Plecas presented a heavily biased review, which overreached the initial mandate and terms of reference of the report and was conducted with no engagement of First Nations or the RCY Office;

**WHEREAS** on May 19, 2016, the BC Provincial Government announced that a group of independent advisors will work with government to action the Plecas Report;

**WHEREAS** the RCY's April 2016 Special Report, *Implementation of the Plecas Review, Part One: Decision Time*, recommends "that the ministry pause any implementation of the Plecas report that may be occurring and provide an opportunity for Aboriginal groups, stakeholders, and other communities of interest to provide comments on the report and recommendations through a transparent consultation process";

**WHEREAS** the BC Minister of Justice sent a letter to the RCY on May 27, 2016, setting out that the Province “is committed to working collaboratively with First Nations in implementing new approaches to self-governance and delivery of child welfare services. As Canada’s participation is also necessary, BC will be having discussions on child welfare jurisdiction and services with First Nations and Canada and will not be developing an express policy [for negotiation of jurisdiction transfer and exercise of government powers over child welfare as recommended by the RCY]”;

**WHEREAS** at the two-day BC First Nations Children and Family Gathering (May 30-31, 2016), First Nations leadership and child-serving organizations called for an end to unilateral decision making by the Province and Canada with respect to planning and decision making around First Nations children and families, and called for a unity-seeking approach to Indigenous child welfare in BC; and

**WHEREAS** First Nations are frustrated that the Province of BC did not disclose its intent to begin discussion on child welfare jurisdiction and services with First Nations and Canada at the May 30-31 meeting.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council supports the call made by First Nations leadership for wholesale reform of the current Indigenous child welfare system that was born from colonial policies that have utterly failed our children and families;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Province to pause implementation of Mr. Plecas’ December 2015 report, *Part One: Decision Time* (“the Plecas Report”) which was produced without involvement of First Nations, and by extension, disband the BC Government’s Advisory Council on Children and Families which is intended to action the Plecas Report;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations (BCAFN) and the First Nations Summit (FNS) as the First Nations Leadership Council, to advance, with First Nations and willing partners, a BC First Nations Child and Family Action Plan; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive, working with the BCAFN and FNS as the First Nations Leadership Council, to extend an invitation to both Canada and British Columbia to honourably engage in a robust and meaningful Indigenous-driven process.

**Moved:** Chief Maureen Chapman, Skawahlook  
**Seconded:** Chief Harvey McLeod, Upper Nicola Indian Band  
**Disposition:** Carried  
**Date:** June 2, 2016



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JUNE 1<sup>ST</sup>-2<sup>ND</sup>, 2016  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.**

**Resolution no. 2016-25**

**RE: Moving Beyond the BCTC Process**

**WHEREAS** the purpose of treaty-making is the reconciliation of Indigenous and Crown sovereignty. Sovereignty, at international law, speaks to a sovereign peoples' immutable right of self-determination and their decision-making authority over territory;

**WHEREAS** the British Columbia Treaty Commission (BCTC) Tripartite Treaty Process of 1993 was established without the full and informed consent of Indigenous nations within the unceded territories of the area now known as British Columbia;

**WHEREAS** the BCTC process has been happening for over 25 years, and First Nations in the BCTC Process are facing over \$500 million in loan debt. Only four treaties have been completed. At its height 150 Nations were participating; today 65 Nations are in the BCTC Process, and around 25 are active. As an indication of the challenges that the BCTC Process faces, the Province of BC has refused to appoint a Chief Commissioner;

**WHEREAS** within the BCTC Process, the Crown does not seek to understand the Title and Rights of the lands in question, which results in an unprincipled approach where lands are indiscriminately identified and designated for negotiations in a geographic area as part of their Statement of Intent to Negotiate a Treaty, and the unceded territorial lands of non-treaty Indigenous peoples are therefore in jeopardy of being extinguished;

**WHEREAS** by Resolution 1996-04, the UBCIC Chiefs Council unanimously rejected the principles of termination and extinguishment which are reflected in the BCTC as forming precedents for the Nation to Nation treaties which may be negotiated by any other Indigenous Nations;

**WHEREAS** Canada has fully endorsed the *United Nations Declaration on the Rights of Indigenous Peoples* which sets out:

**Article 26**

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

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

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

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

**WHEREAS** *Tsilhqot'in* recognizes Aboriginal Title in a way that re-enforces the purpose of section 35 as effecting a just reconciliation between Indigenous and Crown sovereignty;

**WHEREAS** by UBCIC Resolution 2016-02 "Upholding the Title and Rights of Indigenous Peoples of BC Not Participating in the BCTC," the UBCIC Chiefs Council directed the UBCIC Executive to seek legal advice and advance the best legal action possible to uphold the Title and Rights and responsibilities of Indigenous peoples in BC not involved in the BCTC, and to work with non-treaty groups across the province, the BC Assembly of First Nations Chief and Staff, and the Interior Alliance to address this important matter;

**WHEREAS** in follow-up to UBCIC Resolution 2016-02, UBCIC legal counsel and St'at'imc Chief Don Harris, Xaxtsa, provided a presentation to the UBCIC Chiefs Council on June 1, 2016 that included St'at'imc experience with the BCTC as well as an initial exploration of possible legal actions in response to the BCTC. Legal counsel highlighted that there are multiple questions about the ongoing viability and legality of the BCTC;

**WHEREAS** legal counsel identified 10 challenges to the BCTC Process:

1. Negotiations are not based on connection to Territory
2. No determinations of the boundaries of a Territory takes place for negotiations to begin
3. No assessment of Aboriginal Title or Rights takes place
4. No requirement for resolution, assessment, or appropriate consideration of interests of other Title-holders
5. No requirement to negotiate with the proper Title holder
6. Process is "political" and not "rights-based" meaning it is not guided by evolving standards of section 35(1)
7. Consideration of Aboriginal perspective typically replaced by Crown "take it or leave it" approaches
8. Requires alienation of Aboriginal title through extinguishment, surrender, and modification contrary to section 35(1)

9. Does not ensure continuity of Aboriginal Title for future generations contrary to section 35(1)
10. A model of negotiations where a First Nation surrenders and exchanges its Aboriginal Title and Rights for a package of lands and compensation. This exchange takes place without consideration or assessment of the actual Aboriginal interest in the lands (either those surrendered or those received), or valuation of what has been surrendered;

**WHEREAS** during the June 1, 2016 discussion on UBCIC Resolution 2016-02, which included consideration of conventional and exploratory approaches to moving beyond the BCTC Process, the UBCIC Chiefs Council noted that this issue needs further discussion; and

**WHEREAS** the UBCIC Chiefs Council emphasized the need to work collectively to develop principles and processes for negotiation based on recognition of Title and Rights that can be to the benefit of all First Nations in BC as they seek to achieve a just reconciliation with the Crown.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and legal counsel to organize a full day, facilitated session at the UBCIC Annual General Assembly in September, 2016, on the BC Treaty Commission Tripartite Treaty Process and pathways and strategies for going forward, working collectively to develop principles and processes for negotiation based on recognition of Title and Rights and Proper Title and Rights holders that can be to the benefit of all First Nations in BC as they seek to achieve a just reconciliation with the Crown.

**Moved:** Kukpi7 Wayne Christian, Splatsin  
**Seconded:** Trent Moraes, Skidegate (Proxy)  
**Disposition:** Carried  
**Abstentions:** 5  
**Date:** June 2, 2016

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CHIEFS COUNCIL  
JUNE 1<sup>ST</sup>-2<sup>ND</sup>, 2016  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.**

**Resolution no. 2016-26**

**RE: UBCIC Review Committee to Address AG Report on FNHA and Sexual Assault and Violence**

**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 (FNHC);

**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;

**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;

**WHEREAS** by UBCIC Resolution 2016-13, the UBCIC Chiefs Council invoked the Dispute Resolution mechanism of the FNLC-FNHC *Protocol on the Social Determinants of Health* (September 2015), and proposed 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;

**WHEREAS** by Resolution 2016-13, the UBCIC Chiefs Council proposed 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;

**WHEREAS** on March 3, 2016, the UBCIC Executive sent a letter, along with a copy of Resolution 2016-13, to the FNHC, FNS and the BCAFN to confirm mutual interest and strike the Women’s Review Committee;

**WHEREAS** on March 16, 2016, the BCAFN Special Chiefs Assembly passed resolution 02/2016 “Women’s Review Committee to Address Auditor General Report on FNHA”. The BCAFN Resolution 02/2016 differs to the UBCIC Resolution 2016-13 by not necessitating the participation of the FNHC in the Women’s Review Committee, and instead “encourages the First Nations Health Council to actively participate on the Review Committee in the spirit of the FNLC-FNHC Protocol on the Social Determinants of Health and in alignment with the FNHC seven (7) directives, in particular Directive 7 to function at a high operational standard”;

**WHEREAS** on April 4, 2016, UBCIC received a letter from the FNHC responding to UBCIC’s March 3<sup>rd</sup> letter. In this letter the FNHC states that it cannot support or contribute to the Women’s Review Committee as the proposal is (1) inconsistent with the health governance structure and standards and (2) the purpose and benefits of undertaking a secondary review is unclear and (3) the proposal goes beyond the bounds of the Protocol and only stands to diminish its spirit and intent when invoked in this context;

**WHEREAS** without the participation of the FNHC, as per the BCAFN resolution 02/2016 and the FNHC letter of April 4, the Committee proposed in UBCIC Resolution 2016-13 cannot be formed as it would not be able to accomplish its intended purpose;

**WHEREAS** at the UBCIC Chiefs Council on June 2, 2016, the UBCIC Chiefs Council engaged in an extensive discussion on next steps, and acknowledged that the heart of the issue is to address sexual assault, violence and healing in our communities and organizations;

**WHEREAS** members of the UBCIC Chiefs Council expressed frustration that the FNHC would not engage in the work set out in Resolution 2016-13, and agreed that this work must continue through a UBCIC Committee to review the Auditor General report and make recommendations going forward; and

**WHEREAS** the Chair of the UBCIC Chiefs Council called for volunteers from the floor to participate in the UBCIC Committee and emphasized that this Committee must be led by Indigenous women including UBCIC Secretary-Treasurer Kukpi7 Judy Wilson and UBCIC Women's Representative Coola Louis, but also include men to ensure that men are present to hear the work being done and communicate to their communities what they are learning.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to communicate to the First Nations Health Council (FNHC) the frustration felt by members of the UBCIC Chiefs Council that the FNHC will not participate in a joint review committee, as set out in UBCIC Resolution 2016-13;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council hereby strikes a UBCIC Review Committee, led by Indigenous women but including Indigenous men, to review the report of the Office of the Auditor General of Canada and specifically create recommendations to: provide a safe place to bring experiences and stories forward with appropriate support, and meaningfully address sexual assault, violence against women, healing, and women's safety;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Review Committee to also make recommendations in consideration of the UBCIC's continued participation in the Protocol on the Social Determinants of Health between the FNHC and the First Nations Leadership Council (composed of the UBCIC, BC Assembly of First Nations and First Nations Summit);

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council appoints the following members to participate in the UBCIC Review Committee:

1. Kukpi7 Judy Wilson, UBCIC Secretary-Treasurer
2. Coola Louis, UBCIC Women's Representative
3. Kukpi7 Ryan Day, St'uxwtéws, Bonaparte Indian Band
4. Chief Marjorie McRae, Gitanmaax
5. Chief Leslie Dickie, Kwakiutl Indian Band
6. Chief Harvey Paul, Sts'ailes

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Review Committee to report back to the UBCIC Chiefs at the Annual General Assembly in September, 2016, and thereafter be dissolved.

**Moved:** Chief Leslie Dickie, Kwakiutl Indian Band

**Seconded:** Chief Marjorie McRae, Gitanmaax

**Disposition:** Carried

**Date:** June 2, 2016