

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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### **Resolutions of UBCIC 48<sup>th</sup> Annual General Assembly - September 21<sup>st</sup> – 23<sup>rd</sup> , 2016** **(passed unless otherwise noted)**

- 2016-27 Appointment to the UBCIC Credentials Committee
- 2016-28 Appointment to the UBCIC Elections Appeal Committee
- 2016-29 Appointment to the UBCIC Recall Committee
- 2016-30 UBCIC Political and Legal Action Plan to Move Beyond the BC Treaty Process
- 2016-31 Adoption of 47<sup>th</sup> AGA Minutes
- 2016-32 Adoption of 2015-2016 Audited Financial Statements
- 2016-33 Recognizing and Protecting First Nations Sacred Heritage Sites and Ancestral Burial Grounds
- 2016-34 Support for WSÁNEĆ First Nations' Opposition to Steelhead LNG
- 2016-35 Support for the Standing Rock Sioux Tribe's Opposition to the Dakota Access Pipeline
- 2016-36 Rejection of Ministerial Special Representative Report on the Five Year Review of the SCTA
- 2016-37 Meaningful Engagement on Specific Claims Policy Reform
- 2016-38 Support for the FNWSA Strategic Dialogue Session Final Report
- 2016-39 Implementation of Principles from the Cohen Commission
- 2016-40 Support for Closed Containment Aquaculture
- 2016-41 Support for Scientific Efforts to Research Decline in Wild Salmon Stocks

2016-42	Endorsement of UBCIC Review Committee Recommendations and Extension of Term
2016-43	Respect Stk'émłúpsəmc te Secwepəmc Nation Project Assessment Process
2016-44	Draft Action Framework: Reconciliation, Self-Determination, and Self-Government for Indigenous Children, Families and Nations in BC
2016-45	Support for the Indian Residential School Survivors Society's Continued Funding
2016-46	Canada – USA Softwood Lumber Dispute
2016-47	New Approach to ESDC Labour Market Agreement Funding for First Nations in BC
2016-48	Mandate the BC Aboriginal Child Care Society to Coordinate and Convene Community Engagement Process on Early Learning and Child Care in BC
2016-49	Support for the Tsilhqot'in Nation and Condemning the Provincial Amendment Process for the “Prosperity” Mine
2016-50	Reconciliation in Education

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MUSQUEAM COMMUNITY CENTRE, xʷməθkʷəyəm (MUSQUEAM TERRITORY)**

**Resolution no. 2016-27**

**RE: Appointment to the UBCIC Credentials Committee**

**WHEREAS** the Union of BC Indian Chiefs' By-Laws state that:

VIII (f): The Chiefs-in-Assembly at the start of each AGA where an election for President is taking place will appoint a Credential Committee, comprised of three Full or Active Members in good standing who are members of three separate Indian Nations (and not merely Indian Bands), and are not standing for election; and

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

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly hereby appoint the following persons as the Credentials Committee of the Union of BC Indian Chiefs for the upcoming three year term ending at the Annual General Assembly in September, 2019:

- 1) Chief Janet Webster, Lytton First Nation
- 2) Chief Nathan Matthew, Simpcw First Nation
- 3) Chief Susan Miller, Katzie First Nation

**Moved:** Chief Don Tom, Tsartlip First Nation  
**Seconded:** Chief Byron Louis, Okanagan Indian Band  
**Disposition:** Carried  
**Date:** September 21, 2016

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**Resolution no. 2016-28**

**RE: Appointment to the UBCIC Elections Appeal Committee**

**WHEREAS** the Union of BC Indian Chiefs' By-Laws state that:

IX (a): The Chiefs-in-Assembly on the first day of an Assembly where the election for the position of President is to occur shall appoint an Elections Appeal Committee comprised of three Full or Active Members in good standing who are not standing for election for the position of President and who are members of three separate Indian Nations (and not merely Indian Bands); and

**WHEREAS** the UBCIC Chiefs-in-Assembly directed the Chair of the Assembly to call for nominations from the floor to participate in the UBCIC Elections Appeal Committee.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly hereby appoint the following persons as the Elections Appeal Committee of the Union of BC Indian Chiefs for the upcoming three year term ending at the Annual General Assembly in September, 2019:

- 1) Chief Angie Bailey, Aitchelitz First Nation
- 2) Chief Don Tom, Tsartlip First Nation
- 3) Chief Vivian Tom, Wet'suwet'en First Nation

**Moved:** Chief Lee Spahan, Coldwater Indian Band  
**Seconded:** Chief Janet Webster, Lytton First Nation  
**Disposition:** Carried  
**Date:** September 21, 2016

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**Resolution no. 2016-29**

**RE: Appointment to the UBCIC Recall Committee**

**WHEREAS** the Union of BC Indian Chiefs' By-Laws state that:

VI (b): At each AGA at which an election is taking place the Chiefs-in-Assembly shall appoint five Full or Active Members in good standing who are members of five separate Indian Nations (and not merely Indian Bands) to sit on the Recall Committee for a term of three years; and

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

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly hereby appoint the following persons as the Recall Committee of the Union of BC Indian Chiefs for the upcoming three year term ending at the Annual General Assembly in September, 2019:

- 1) Coola Louis, UBCIC Women's Representative
- 2) Chief Harvey Paul, Sts'ailes
- 3) Chief John Wesley, Snuneymuxw First Nation
- 4) Chief Russell Myers Ross, Yunesit'in Government
- 5) Chief Leslie Dickie, Kwakiutl

**Moved:** Art Anthony, Neskonalith Indian Band (Proxy)  
**Seconded:** Chief Don Tom, Tsartlip First Nation  
**Disposition:** Carried  
**Date:** September 21, 2016

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### Resolution no. 2016-30

#### RE: UBCIC Political and Legal Action Plan to Move Beyond the BC Treaty Process

**WHEREAS** the UBCIC Executive was directed by the UBCIC Chiefs Council in Resolution 2016-02, 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 to work with like-minded groups across the province to address this important matter;

**WHEREAS** Canada has fully endorsed the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) 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

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which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process;

**WHEREAS** in follow-up to UBCIC Resolution 2016-02, UBCIC legal counsel and St'at'imc Chief Don Harris, Xa'xtsa, 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** by Resolution 2016-25, the UBCIC Chiefs Council directed the UBCIC Executive and legal counsel to organize a full day, facilitated session at the UBCIC Annual General Assembly in September, 2016, on the BCTC 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 on a Nation to Nation and Government to Government basis;

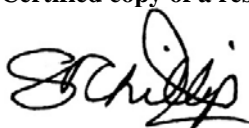
**WHEREAS** to further advance this work, a draft UBCIC political and legal action plan titled "Moving Beyond the BCTC Process and into Proper Negotiations Based on Recognition and Implementation of Aboriginal Title and Rights" was prepared for dialogue and review at the UBCIC AGA on September 21, 2016, along with expert presentations and dialogue on the standards of UNDRIP v. the BCTC Process, the standards of *Tsilhqot'in* v. the BCTC Process, and developing a model of negotiations based on recognition and implementation of Aboriginal Title and Rights; and

**WHEREAS** the draft action plan outlines six complementary strategies, and concrete actions to advance each of those strategies:

1. Directly advocate for the Federal Crown to align their negotiations approaches with the UNDRIP and the established law.
2. Directly and publicly make the insufficiency of the current BCTC Process for the purposes of recognition and reconciliation based on *Tsilhqot'in* Nation and UNDRIP a matter of election debate in the run-up to the May Provincial election.
3. Support current and on-going legal actions that challenge proposed land transfers that have been agreed to in the BCTC Process on the basis that they are a Crown infringement of the Title and Rights of neighbouring Nations.
4. Collectively identify and support a potential new legal challenge to a specific instance of Crown infringement by a proposed Treaty.
5. Develop, announce, and advance the implementation of a new and detailed approach to negotiations and agreement-making grounded in the recognition and implementation of Aboriginal Title and Rights, and Proper Title and Rights holders, that can benefit all First Nations in British Columbia, including through a new reconciliation framework.
6. Establish options and approaches for advocacy and resolution of territorial boundary issues through collaborative work between First Nations.

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**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly hereby endorse the UBCIC Political and Legal Action Plan “Moving Beyond the BC Treaty Commission Process and into Proper Negotiations Based on Recognition and Implementation of Aboriginal Title and Rights”;

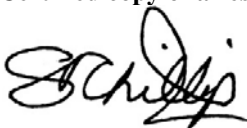
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, legal counsel and staff to identify necessary resourcing and timelines, and carry out the UBCIC Political and Legal Action Plan; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to provide a report on progress at the February, 2017 UBCIC Chiefs Council meeting.

**Moved:** Chief Nathan Matthew, Simpcw First Nation  
**Seconded:** Chief Don Tom, Tsartlip First Nation  
**Disposition:** Carried  
**Date:** September 21, 2016

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MUSQUEAM COMMUNITY CENTRE, xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)**

**Resolution no. 2016-31**

**RE: Adoption of 47<sup>th</sup> AGA Minutes**

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs-in-Assembly adopt the minutes of the 47<sup>th</sup> Annual General Assembly (September 2015) as presented in the 48<sup>th</sup> Annual General Assembly kit.

**Moved:** Chief Don Tom, Tsartlip First Nation  
**Seconded:** Art Anthony, Neskonlith Indian Band (Proxy)  
**Disposition:** Carried  
**Date:** September 22, 2016

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MUSQUEAM COMMUNITY CENTRE, xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)**

**Resolution no. 2016-32**

**RE: Adoption of 2015-2016 Audited Financial Statements**

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly hereby adopt the 2015-2016 Audited Financial Statements as presented at the UBCIC 48<sup>th</sup> Annual General Assembly meeting of September 21<sup>st</sup>-23<sup>rd</sup>, 2016.

**Moved:** Viola Thomas, Tk'emlúps te Secwepemc (Proxy)  
**Seconded:** Chief Don Tom, Tsartlip First Nation  
**Disposition:** Carried  
**Date:** September 22, 2016

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### Resolution no. 2016-33

#### RE: Recognizing and Protecting First Nations Sacred Heritage Sites and Ancestral Burial Grounds

**WHEREAS** the Semá:th First Nation, as part of the Stó:lō-Coast Salish Indigenous Peoples of the Salish Sea, maintain strong and ancient cultural connections to our sacred places including Sumas Mountain, and specifically Lightning Rock and associated ancestral burial grounds;

**WHEREAS** Lightning Rock is a large boulder that connects us to our ancient oral history of Thunderbird, and which marks our ancestral burial grounds related to the devastating impact of the smallpox epidemic;

**WHEREAS** these significant elements of our ancestral cultural heritage are under threat from development and encroachment by private property;

**WHEREAS** these sacred sites are not recognized or protected by federal or provincial law;

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

**Article 11:** Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

**Article 12:** Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have

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access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to repatriation of their human remains.

**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 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; and

**WHEREAS** by UBCIC Resolution 2011-49, the UBCIC Chiefs-in-Assembly fully supports Indigenous Nations to continue the exercise and defense of their inherent right to ensure the protection of their respective territories, through the implementation of their laws principled upon Indigenous values through cultural, family and community interconnectedness.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully recognize the importance of, and need to protect, First Nations sacred cultural landscapes and places of heritage value throughout Canada, including Lightning Rock and our burial grounds, including mass gravesites;

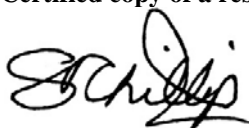
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to urge the Provincial and Federal Governments to provide redress through effective mechanisms that include First Nations as decision-makers in the management of our heritage, consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the BC Joint Working Group on First Nations Heritage Conservation, the Assembly of First Nations, and like-minded organizations to draft a declaration on the recognition and protection of First Nations sacred cultural landscapes and places of heritage value throughout Canada.

**Moved:** Chief Don Tom, Tsartlip First Nation  
**Seconded:** Chief Ernie Crey, Cheam First Nation  
**Disposition:** Carried by Omnibus Motion  
**Date:** September 22, 2016

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### Resolution no. 2016-34

#### RE: Support for WSÁNEĆ First Nations' Opposition to Steelhead LNG

**WHEREAS** First Nations continue to exercise our laws and jurisdiction to protect our lands, our waters, our coasts and our rivers, as we have done for thousands of years;

**WHEREAS** the Chiefs of the WSÁNEĆ First Nations located on the Saanich Peninsula (Pauquachin, Tsartlip, Tsawout, Tseycum) have publically announced their opposition to the Malahat LNG project proposed by Steelhead LNG and Malahat First Nation;

**WHEREAS** the WSÁNEĆ First Nations are the successor Nations and beneficiaries of the rights recognized and confirmed by the Treaty of 1852 with the Crown. The Treaty provides unqualified protection and recognition of their right to carry on their fisheries as formerly done;

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

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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 National Energy Board export license was issued last year to the proponent without the free, prior and informed consent of the WSÁNEĆ First Nations;

**WHEREAS** the WSÁNEĆ First Nations are opposed to the proposed floating liquefied natural gas terminal, the proposed sub-sea gas pipeline or the proposed shipping activity in the Saanich Inlet;

**WHEREAS** the Saanich Inlet is a critical source of food, recreation and ceremony;

**WHEREAS** this project poses an unacceptable risk to the health, safety and livelihoods of First Nations throughout the Saanich Inlet, and will contribute to the negative environmental and health impacts experienced by Indigenous peoples throughout the world as a result of accelerating global climate change; and

**WHEREAS** as Indigenous Peoples, we have experienced time and time again, third party industrial interests being granted access to the resources of our territories. The Federal and Provincial Governments continually fail to recognize our Indigenous Title, Rights and Treaty Rights which reflect and enshrine the deep environmental values that many British Columbians share with us.

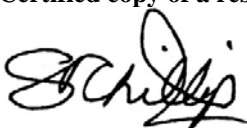
**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support the WSÁNEĆ First Nations' opposition to the Steelhead LNG project; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly urge the governments of Canada and British Columbia to respect the laws and authority of First Nations and to protect the environment, fisheries, and the health and safety of all BC communities by opposing and rejecting the Steelhead LNG project.

**Moved:** Chief Don Tom, Tsartlip First Nation  
**Seconded:** Chief Susan Miller, Katzie First Nation  
**Disposition:** Carried  
**Date:** September 22, 2016

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48<sup>TH</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 21<sup>ST</sup> TO 23<sup>RD</sup>, 2016  
MUSQUEAM COMMUNITY CENTRE, xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)

### Resolution no. 2016-35

#### RE: Support for the Standing Rock Sioux Tribe's Opposition to the Dakota Access Pipeline

**WHEREAS** on July 25<sup>th</sup>, 2016, the U.S. Army Corps of Engineers approved the construction of the over 1,100-mile Dakota Access Pipeline to carry over a half-million barrels of crude oil through Lake Oahe, only a half-mile from the Standing Rock Sioux Reservation;

**WHEREAS** the Dakota Access Pipeline poses a dangerous threat to the health and wellbeing of the Dakota and Lakota people of the Standing Rock Sioux tribe, threatening to contaminate their waters, crops, and sacred burial grounds, and the construction of the pipeline violates United States federal law requiring meaningful consultation of Indigenous tribes, the 1868 Fort Laramie Treaty, and the *United Nations Declaration on the Rights of Indigenous Peoples*;

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

**Article 26(3):** States shall give legal recognition and protection to these lands, territories, and resources. Such recognition shall be conducted with due respect to the customs, traditions, and land tenure systems of the Indigenous peoples concerned.

**Article 29(2):** States shall also take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous peoples without their free, prior, and informed consent.

**Article 32(2):** States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to

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the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization, or exploitation of mineral, water, or other resources;

**WHEREAS** the UBCIC Chiefs Council has passed numerous resolutions opposing the construction of pipelines through traditional territories, the contamination of water and other resources by dangerous mining and oil projects, and supporting Indigenous groups in their fight for the protection of their ancestral lands;

**WHEREAS** on August 15<sup>th</sup>, 2016, the UBCIC Executive sent a letter of support to the citizens of the Standing Rock Sioux Reservation, reaffirming the UBCIC's opposition to dangerous pipeline projects and support of Aboriginal Title and Rights, environmental conservation, resource preservation, and cultural protection;

**WHEREAS** on September 14<sup>th</sup>, 2016, UBCIC President Grand Chief Stewart Phillip traveled to support the Standing Rock Sioux Tribe in the historic defense of their water and territory, met with tribal leadership, and honoured the incredible Indigenous solidarity by meeting and speaking with defenders at the site.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support the Standing Rock Sioux Tribe and allies in their opposition to the construction of the Dakota Access Pipeline;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly recognize and affirm the importance of standing with and supporting Indigenous peoples internationally who are defending their Title and Rights, and Treaty Rights;

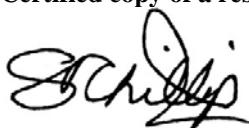
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to support the Standing Rock Sioux Tribe and those protesting the construction of the Dakota Access Pipeline through support letters, showcases of solidarity, social media posts, and, subject to resources, monetary and resource donations as requested by the Standing Rock Sioux Tribe and those protesting at the construction site;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to circulate this resolution to other First Nations organizations across Canada in order to garner nationwide support for international Indigenous collaboration against environmental destruction, government-sanctioned poisoning of Indigenous resources, and denial of inherent Indigenous rights to the land that Indigenous peoples have inhabited since time immemorial.

**Moved:** Chief Don Tom, Tsartlip First Nation  
**Seconded:** Chief Ernie Crey, Cheam First Nation  
**Disposition:** Carried by Omnibus Motion  
**Date:** September 22, 2016

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MUSQUEAM COMMUNITY CENTRE, xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)

### Resolution no. 2016-36

#### RE: Rejection of Ministerial Special Representative Report on the Five Year Review of the SCTA

**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** Articles 8, 27, and 28 of the *United Nations Declaration on the Rights of Indigenous Peoples* call for the creation, implementation, and enforcement of robust mechanisms and processes to prevent the dispossession of lands and resources, to recognize and protect Indigenous laws, rights, and tradition, and to ensure adequate compensation and possibilities for redress when lands and resources have been non-consensually alienated or otherwise damaged;

**WHEREAS** October 16, 2013 marked the fifth anniversary of the coming into force of the *Specific Claims Tribunal Act* (SCTA);

**WHEREAS** sections 41(1) and (2) of the SCTA stipulate that  
41.(1) Within one year after the fifth anniversary of the coming into force of this Act, the Minister shall undertake a review of the mandate and structure of the Tribunal, of its efficiency and effectiveness of operation and of any other matters related to this Act that the Minister considers appropriate. In carrying out this review, the Minister shall give First Nations an opportunity to make representations.

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41.(2) Within one year after a review is undertaken, the Minister shall cause to be prepared and sign a report that sets out a statement of any changes to this Act, including any changes to the Tribunal's functions, powers or duties, that the Minister recommends and the representations which have been made by First Nations;

**WHEREAS** Canada appointed Benoit Pelletier as Ministerial Special Representative (MSR) to the five year review to oversee the review process and lead engagement with First Nations and other interested parties based on an "engagement paper" titled *Seeking Comment on the Five Year Review of the Specific Claims Tribunal Act*, a paper that has been heavily criticized for its narrow parameters and leading questions;

**WHEREAS** the UBCIC met with the MSR on February 27, 2015 and made formal written submissions to the five year review, as did other Claims Research Units, National Claims Research Directors, Tribal Councils, individual First Nations across Canada, and the Specific Claims Tribunal Chair;

**WHEREAS** the Assembly of First Nations (AFN) convened a parallel Expert Panel to hear presentations over two days (March 10, 2015 in Toronto; March 26, 2015 in Vancouver) and receive written submissions from First Nations, legal counsel working on their behalf, Claims Research Units, and specific claims technicians about their experiences regarding all aspects of Canada's specific claims policy, *Justice At Last* (research, assessment, negotiation and mediation), the SCTA, and the Specific Claims Tribunal process;

**WHEREAS** the AFN Expert Panel produced a comprehensive report of its findings based on the presentations heard and submissions received by the panel, including a series of recommendations, and submitted this report and all written materials and submission received to the MSR on May 15, 2015;

**WHEREAS** the MSR produced a final report (MSR Report) based on all meetings held and submissions received as part of the engagement process, and presented this report to the former Minister Bernard Valcourt, who in turn must table his own report in Parliament in the fall of 2016;

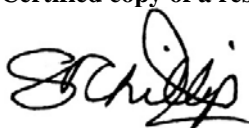
**WHEREAS** since the spring of 2015 and in their submissions, First Nations across Canada made requests for the MSR Report to be released to the public in the interests of government transparency and accountability, particularly as this report is intended to inform possible amendments to an Act that directly effects First Nations and has already informed a review conducted by the Office of the Auditor General of the specific claims process;

**WHEREAS** after over a year, Minister Bennett finally released the MSR Report *Re-Engaging: Five-Year Review of the Specific Claims Tribunal Act Report*, on September 16<sup>th</sup>, 2016;

**WHEREAS** the federal Liberal government has made explicit public statements and commitments to renew and reconcile its relationship with First Nations in Canada. As part of this renewal, the federal government pledged to take "serious, concrete actions to demonstrate its commitment to recognizing,

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respecting, and fulfilling its obligations and commitments to First Nations” which includes addressing outstanding land claims;

**WHEREAS** the MSR Report dismisses the concerns raised by First Nations; characterizes First Nations recommendations as unreasonable, unrealistic and not feasible; and, ignores key issues brought forward by First Nations, including calls for adequate funding for specific claims research and for First Nations to participate in the Tribunal and calls for Canada to fairly negotiate all claims; and

**WHEREAS** the MSR Report contributes to the already significant barriers that Indigenous peoples face in accessing a fair process to resolve their specific claims and is a reflection of the former Harper Government’s destructive relationship with First Nations.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly reject the Ministerial Special Representative (MSR) Report as contrary to the Federal Government’s commitments to reconciliation and a new Nation-to-Nation relationship with First Nations;

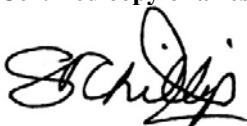
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call on Indigenous and Northern Affairs Minister Carolyn Bennett to disavow and disregard the MSR Report and engage directly with Indigenous Nations and organisations to bring about the fair resolution of specific claims; and

**THEREFORE BE FINALLY RESOLVED** that the UBCIC Chiefs-in-Assembly direct UBCIC Executive to prepare a response and seek endorsements from like-minded First Nations, claims research units and organizations.

**Moved:** Chief Dalton Silver, Sumas First Nation  
**Seconded:** Chief Don Tom, Tsartlip First Nation  
**Disposition:** Carried  
**Date:** September 22, 2016

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MUSQUEAM COMMUNITY CENTRE, xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)

**Resolution no. 2016-37**

**RE: Meaningful Engagement on Specific Claims Policy Reform**

**WHEREAS** the historical actions illegally undertaken by the colonial government of British Columbia and successive governments of Canada, since BC entered confederation in 1871, have resulted in the dispossession of our Indigenous Nations, including the illegal alienation of our lands; the failure to protect Indian reserves, villages and fishing areas; the systematic denial of rights to fish and access to water; and the illegal disruption and removal of sacred sites and grave sites;

**WHEREAS** compensation and redress for these illegal actions has either been improperly administered or systematically denied;

**WHEREAS** these illegal actions continue to impact Indigenous Peoples both economically and spiritually and have resulted in many specific claims;

**WHEREAS** Articles 8, 27, and 28 of the *United Nations Declaration on the Rights of Indigenous Peoples* call for the creation, implementation, and enforcement of robust mechanisms and processes to prevent the dispossession of lands and resources, to recognize and protect Indigenous laws, rights, and tradition, and to ensure adequate compensation and possibilities for redress when lands and resources have been non-consensually alienated or otherwise damaged;

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**WHEREAS** for almost 50 years, Indigenous Nations have sought an independent, impartial and just process for the resolution of specific claims and for a dispute resolution mechanism designed to provide redress by resolving these grievances without conflict of interest and unfairness;

**WHEREAS** in 2007, Canada announced *Justice At Last*, a new process to resolve Canada's obligations to First Nations with respect to specific claims which promised to "restore confidence in the integrity and effectiveness of the process to resolve specific claims" in a fair, just and timely manner;

**WHEREAS** Canada's *Justice At Last* commitment highlighted "four independent pillars" as the basis for resolving First Nations specific claims: impartiality and fairness; establishing greater transparency; faster processing; and better access to mediation;

**WHEREAS** Canada controls and determines all funding for specific claims development and resolution and has committed to providing secure and adequate funding for specific claims as part of the first pillar of *Justice at Last*;

**WHEREAS** contrary to the commitments articulated in *Justice At Last* the actions of Indigenous and Northern Affairs Canada (INAC) continue to undermine the principal objectives of *Justice At Last* to bring about the fair, just and timely resolution of specific claims and to ensure justice for First Nations;

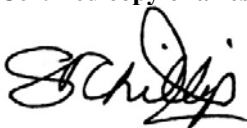
**WHEREAS** the UBCIC and the BC Specific Claims Working Group have communicated our concerns to the Minister in briefing notes, numerous letters and in person, and have highlighted key areas for engagement and recommendations, including but not limited to:

1. Immediate and unqualified restoration of specific claims research and development funding to 2009 levels, which were cut by 30% to 60% in 2014.
2. Eradicating the Specific Claims Branch's (SCB) practice of accepting minor, partial portions of claim submissions while rejecting and demanding legal releases on the same claim's substantive allegations.
3. Reinstating meaningful negotiations with First Nations whose claims Canada has accepted for negotiation and abolishing SCB's practice of substituting for negotiations time limited "take it or leave it" offers and closing files if a First Nation rejects the offer.
4. Establishing fair and viable mediation services.
5. Addressing the skyrocketing claims rejection rate under *Justice At Last* and adequately resourcing the Specific Claims Tribunal, legislated to make final, binding decisions on claims Canada rejects.
6. Respecting the authority of the Specific Claims Tribunal's decisions which are supposed to be final and binding.
7. Eliminating barriers to obtaining requisite information for the development of specific claims and ensuring access to information from national records repositories; and

**WHEREAS** the Minister has acknowledged on record the need to work directly with First Nations on issues related to specific claims policy reform as part of the process of reconciliation.

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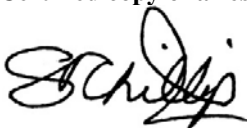
**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and the BC Specific Claims Working Group to work with the Minister of Indigenous and Northern Affairs Canada and with like-minded bodies such as the Assembly of First Nations Chiefs Committee on Claims to bring about meaningful reform to specific claims in accordance with the above recommendations and related briefing notes; and,

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the BC Specific Claims Working Group and invite Minister Bennett to attend an initial meeting to develop a schedule for concrete reengagement on specific claims policy reform.

**Moved:** Chief Kevin Whitney, T'it'q'et  
**Seconded:** Chief Dalton Silver, Sumas First Nation  
**Disposition:** Carried  
**Date:** September 22, 2016

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MUSQUEAM COMMUNITY CENTRE, x̓m̓əθk̓w̓əy̓əm (MUSQUEAM TERRITORY)

Resolution no. 2016-38

## RE: Support for the FNWSA Strategic Dialogue Session Final Report

**WHEREAS** wild Pacific salmon are an integral keystone in the culture, economy and livelihood of First Nations throughout BC;

**WHEREAS** there are serious and proven impacts resultant from the development and continual activity of current aquaculture practices on the sustainability and survival of wild salmon stocks;

**WHEREAS** the steady decline of healthy and abundant wild salmon stocks has reached a crisis point;

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

**Article 26:** 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...

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

**WHEREAS** the First Nations Wild Salmon Alliance (FNWSA) seeks to bring First Nations together to speak with a common voice for the protection and conservation of wild salmon throughout BC;

**WHEREAS** First Nations in BC have diverse interests, perspectives and priorities with respect to the management of marine finfish, shellfish and aquaculture, and as self-determining Nations share a

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responsibility to manage resources in a manner that respects the interdependence we have with one another;

**WHEREAS** First Nations in BC have a common interest in increasing decision-making and control with respect to the regulation, policy, planning and management of marine finfish, shellfish and aquaculture to promote the protection, restoration and sustainability of fisheries, aquatic and ocean resources and ecosystems;

**WHEREAS** the FNWSA convened a Strategic Dialogue Session on April 18<sup>th</sup> and 19<sup>th</sup>, 2016, to develop a cohesive voice and a comprehensive set of recommendations to ensure the health of BC's wild salmon stocks;

**WHEREAS** following the successful conclusion of the FNWSA Strategic Dialogue Session, the FNWSA prepared the Strategic Dialogue Session Final Report which contains eighteen recommendations designed to ensure the safeguarding of BC's wild salmon stocks;

**WHEREAS** UBCIC Resolution 2012-19 reaffirms UBCIC's role to strongly advocate for Aboriginal Title, Rights and Treaty Rights with respect to fisheries and aquaculture, as mandated through existing resolutions; and

**WHEREAS** UBCIC Resolution 2012-36 calls for the UBCIC to advocate for the protection, conservation and safeguarding of wild salmon stocks, in particular reproduction areas.

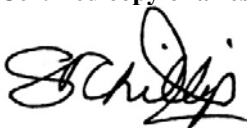
**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully endorse the First Nations Wild Salmon Alliance (FNWSA) Strategic Dialogue Sessions Report on Proceedings and Recommendations;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to communicate its endorsement of the FNWSA Strategic Dialogue Sessions Report on Proceedings and Recommendations to the Department of Fisheries and Oceans Canada.

**Moved:** Chief Don Tom, Tsartlip First Nation  
**Seconded:** Chief Ernie Crey, Cheam First Nation  
**Disposition:** Carried by Omnibus Motion  
**Date:** September 22, 2016

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**Resolution no. 2016-39**

**RE: Implementation of Principles from the Cohen Commission**

**WHEREAS** as Indigenous peoples we have the inherent obligation and duty to defend and protect the well-being of our communities through the protection and conservation of wild salmon within our territories;

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

**Article 26:** 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...

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

**WHEREAS** on October 31, 2012, Commissioner Cohen released his report and recommendations into the Decline of Sockeye Salmon in the Fraser River;

**WHEREAS** Commissioner Cohen recommended a number of changes to the Federal Department of Fisheries and Oceans policies, practices and management in relation to the sustainability of the Fraser River Sockeye Fishery;

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**WHEREAS** Commissioner Cohen found that the cause of long-term decline of the Fraser River Sockeye Salmon and the poor return in 2009 could not be attributed to one cause, but rather that cumulative impacts from multiple stressors in the environment must be considered;

**WHEREAS** by UBCIC Resolution 2012-65 the UBCIC Chiefs Council fully supports Commissioner Cohen's recommendations with respect to the decline of sockeye salmon in the Fraser River;

**WHEREAS** on August 09, 2016, Department of Fisheries and Oceans and the Canadian Coast Guard (DFO) Minister Dominic LeBlanc, announced DFO's renewed commitment to protect wild salmon by releasing the Federal Progress Report on the implementation of the 2012 Cohen Commission;

**WHEREAS** while the recommendations of the Cohen Commission focus on the Fraser River Sockeye Fishery, similar stressors are negatively impacting salmon runs throughout BC's coastline; and

**WHEREAS** although the Federal Progress Report announces the successful implementation of over 30 of the recommendations of the Cohen Commission, organizations including the First Nations Wild Salmon Alliance and the Watershed Watch Salmon Society note that these recommendations represent relatively minor changes to DFO's structure and policies, whereas major changes including implementing the Wild Salmon Policy and the removal of DFO's conflicting mandates remain unchanged.

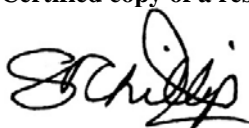
**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly call on the Provincial Government and the Government of Canada to implement the principles of the Cohen Commission coast-wide; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call on the Provincial Government and the Government of Canada to make the necessary investments for the protection and conservation of wild salmon as set out in the principles of the Cohen Commission.

**Moved:** Chief Don Tom, Tsartlip First Nation  
**Seconded:** Chief Ernie Crey, Cheam First Nation  
**Disposition:** Carried by Omnibus Motion  
**Date:** September 22, 2016

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UNION OF B.C. INDIAN CHIEFS  
48<sup>TH</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 21<sup>ST</sup> TO 23<sup>RD</sup>, 2016  
MUSQUEAM COMMUNITY CENTRE, x<sup>w</sup>məθk<sup>w</sup>əy<sup>ə</sup>m (MUSQUEAM TERRITORY)

Resolution no. 2016-40

**RE: Support for Closed Containment Aquaculture**

**WHEREAS** we have a sacred responsibility to protect wild salmon for our people today and for our future generations, and an inherent stewardship responsibility for the protection and conservation of wild salmon within our respective territories;

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

**Article 26:** 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...

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

**WHEREAS** UBCIC Resolutions 2008-19, 2009-35 and 2009-36 confirm UBCIC's commitment to work in solidarity with like-minded organizations and BC First Nations with respect to fisheries and aquaculture issues;

**WHEREAS** UBCIC Resolution 2012-19 calls for the UBCIC Chiefs Council to work with First Nations to conserve wild salmon stocks and advocate for and support the recovery and restoration of wild salmon stocks;

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**WHEREAS** UBCIC Resolution 2012-36 calls for the UBCIC to advocate for the protection, conservation and safeguarding of wild salmon stocks, in particular reproduction areas;

**WHEREAS** on October 31, 2012, Commissioner Cohen released his report and recommendations into the Decline of Sockeye Salmon in the Fraser River (Cohen Commission), which the UBCIC Chiefs Council fully supported via Resolution 2012-65;

**WHEREAS** the Cohen Commission highlights DFO conflictual mandates to both protect wild salmon and promote salmon farming, referencing open net-pen aquaculture;

**WHEREAS** open net-pen aquaculture has been linked to the decline of salmon stocks worldwide and is correlated with increased levels of sea-lice, piscine reo-virus and Heart and Skeletal Muscle Inflammation (HSMI) disease;

**WHEREAS** on May 20<sup>th</sup>, 2016, DFO announced a “Potential Diagnosis of HSMI in Atlantic Salmon at a BC Fish Farm”;

**WHEREAS** on-land, closed containment aquaculture eliminates the potential threat to wild salmon posed by farmed salmon operations;

**WHEREAS** on-land, closed-containment aquaculture operations have been shown to be economically profitable, environmentally sensitive and are gaining international repute; and

**WHEREAS** on February 24<sup>th</sup>, 2016, Member of Parliament Fin Donnelly introduced Bill C-228 *An Act to amend the Fisheries Act (closed containment aquaculture)*, to be voted on in fall, 2016, which will strengthen the *Fisheries Act* by requiring West Coast fish farms to move from harmful open-net pens to safe closed containment systems within 5 years and require the Minister of Fisheries and Oceans to develop, table and implement a transition plan to closed containment within 18 months of the bill receiving Royal Assent.

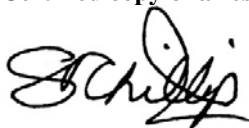
**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support Bill C-228, *An Act to amend the Fisheries Act (closed containment aquaculture)*; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-In-Assembly direct the UBCIC Executive to communicate their full support of closed containment aquaculture and Bill C-228 to the Government of Canada and Department of Fisheries and Oceans Canada, Member of Parliament Fin Donnelly, and the Province of BC.

**Moved:** Chief Don Tom, Tsartlip First Nation  
**Seconded:** Chief Ernie Crey, Cheam First Nation  
**Disposition:** Carried by Omnibus Motion  
**Date:** September 22, 2016

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Grand Chief Stewart Phillip, President

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MUSQUEAM COMMUNITY CENTRE, xʷməθkʷəyʷəm (MUSQUEAM TERRITORY)

### Resolution no. 2016-41

#### RE: Support for Scientific Efforts to Research Decline in Wild Salmon Stocks

**WHEREAS** wild salmon runs in BC have been recorded at an all-time low, with little understanding as to the cumulative effects resulting in their damage;

**WHEREAS** UBCIC has a long history of advocating for the well-being of wild salmon, critical to the well-being of many First Nations communities, as set out in Resolutions 2012-19 and 2012-36;

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

**Article 26:** 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...

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

**WHEREAS** Prime Minister Justin Trudeau's Mandate Letter to the Minister of Fisheries and Oceans called for the restoration of funds to support federal ocean science and monitoring programs, to protect the health of fish stocks, to monitor contaminants and pollution in the oceans and to use scientific evidence and the precautionary principle, and take into account climate change, when making decisions affecting fish stocks and ecosystem management;

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**WHEREAS** the Pacific Salmon Foundation's Salish Sea Marine Survival Project continues to investigate why the production of Chinook and Coho salmon within the Strait of Georgia crashed during the 1990s and has not yet recovered, and has yet to be explained or addressed, and the primary objective of the Salish Sea Marine Survival Project is to determine the principal factors affecting the survival of juvenile salmon and steelhead in the Salish Sea;

**WHEREAS** the Salish Sea Project has a significant component of tagging and tracking;

**WHEREAS** Dr. Kristi Miller, head of the molecular genetics research program in the Department of Fisheries and Oceans and the Canadian Coast Guard (DFO), conducts Genome Science which has the ability to identify stressors to outward migrating wild salmon smolts and to what degree, through genetics;

**WHEREAS** on May 20<sup>th</sup>, 2016, Dr. Miller's research contributed to the DFO's announcement and discovering of a potential diagnosis of Heart and Skeletal Muscle Inflammation (HSMI) disease in BC's farmed salmon, which has been associated with the devastating Piscine Reo-Virus observed in Norway's wild salmon runs; and

**WHEREAS** blending these two distinctly different methodologies along with First Nation interval sampling could lead to:

- A. Clear understanding of out migration patterns of wild salmon smolts across BC (Pacific Salmon Foundation);
- B. Genetic identification and degree of impacts of various stressor along the out migration route (Genome Project); and
- C. Interval samplings by First Nations in their territory could save costs and also develop a level of transparency.

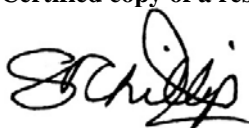
**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly support scientific efforts to research decline in wild salmon stocks, including the work of Dr. Kristi Miller and the molecular genetics research program in the Department of Fisheries and Oceans and the Canadian Coast Guard, and the Pacific Salmon Foundation's Salish Sea Marine Survival Project; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to advocate for the blending of these two distinctly different methodologies with First Nation interval sampling to better understand stressors impacting wild salmon smolts.

**Moved:** Chief Don Tom, Tsartlip First Nation  
**Seconded:** Chief Ernie Crey, Cheam First Nation  
**Disposition:** Carried by Omnibus Motion  
**Date:** September 22, 2016

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MUSQUEAM COMMUNITY CENTRE, xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)**

**Resolution no. 2016-42**

**RE: Endorsement of UBCIC Review Committee Recommendations and Extension of Term**

**WHEREAS** the UBCIC Chiefs Council devoted substantial time during the February and June Chiefs Council meetings in 2016 to discussion on addressing sexual harassment and violence against Indigenous women and girls, and acknowledged that at the heart of the issue is to address sexual assault, violence and healing in our communities and organizations;

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

**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** by Resolution 2016-26, the UBCIC Chiefs Council struck 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 on the First Nations Health Authority 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;

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**WHEREAS** further by Resolution 2016-26, the UBCIC Chiefs Council directed 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);

**WHEREAS** the UBCIC Chiefs Council directed the UBCIC Review Committee to report back to the UBCIC Chiefs at the Annual General Assembly in September, 2016, and thereafter be dissolved;

**WHEREAS** the UBCIC Review Committee held an initial teleconference, two in-person full-day meetings, and worked via email prior to the AGA in September, 2016 and created a Terms of Reference, Workplan, and initial report with recommendations for the UBCIC Chiefs-in-Assembly to consider at the September AGA; and

**WHEREAS** the UBCIC Review Committee report acknowledges the depth, emotion and complexity of the issue of sexual assault and harassment, violence against Indigenous women, healing and women's safety, and makes the following recommendations:

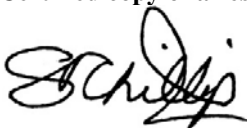
1. UBCIC Chiefs-in-Assembly endorse the UBCIC Review Committee's workplan which includes the following actions:
  - a. Create a permanent UBCIC Committee on Sexual Harassment and Safe Spaces.
  - b. Seek funding and create a culturally specific and appropriate resource booklet "Pathways to Safe Places: An Indigenous-Focused Guide to Addressing Sexual Harassment and Sexual Violence," and produce on-line and print versions that include sample policy guidelines on sexual harassment for consideration and resources for an individual who has experienced sexual harassment or violence, particularly focused on Indigenous women.
  - c. UBCIC organization adopt the sample policy guidelines on sexual harassment developed by the UBCIC Review Committee as a minimum standard and as an example to other organizations and communities.
  - d. UBCIC Executive continue to participate in the FNLC-FNHC Protocol on the Social Determinants of Health, and report out to the UBCIC Chiefs regularly in order to remain accountable to the UBCIC Chiefs Council.
  - e. The UBCIC Review Committee and/or Permanent UBCIC Committee on Sexual Harassment and Safe Spaces continue to monitor FNHA implementation of recommendations in AG report, and the UBCIC Executive will communicate concerns as per the FNLC-FNHC Protocol on Social Determinants of Health.
2. UBCIC Chiefs-in-Assembly direct that the UBCIC Review Committee not be dissolved as directed in Resolution 2016-26, but instead extend the UBCIC Review Committee term to carry out the workplan.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly accept and support the report and recommendations made by the UBCIC Review Committee regarding Resolution 2016-26;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly acknowledge the significant time and resources required for the UBCIC Review Committee to carry out its workplan in

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fulfilment of Resolution 2016-26, and direct the UBCIC Review Committee to remain in place in order to carry out the workplan;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Review Committee to report back to the UBCIC Chiefs at the Chiefs Council meeting in February, 2017, given the urgency of this work and the wide impacts that it may have on the collective work to end violence against Indigenous women and girls.

**Moved:** Chief Janet Webster, Lytton First Nation

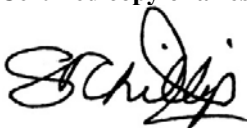
**Seconded:** Deb Foxcroft, Ehattesaht (Proxy)

**Disposition:** Carried

**Date:** September 22, 2016

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MUSQUEAM COMMUNITY CENTRE, xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)

### Resolution no. 2016-43

#### RE: Respect Stkʷemlúpsemc te Secwepemc Nation Project Assessment Process

**WHEREAS** on May 3, 2016, BC Auditor General Carol Bellringer released “An Audit of Compliance and Enforcement of the Mining Sector” and concluded that the BC government’s management of the mining industry is failing to protect the environment against significant risk. She based her decision on a two-year investigation that found the regulatory regime was underfunded, conducted infrequent inspections and had inadequate enforcement measures;

**WHEREAS** the KGHM Ajax project is a proposed copper and gold open pit mine located in Secwepemc Nation territory at a culturally significant site known as Pípsell (Jacko Lake and the surrounding area), near Kamloops, British Columbia. Stkʷemlúpsemc te Secwepemc Nation has never ceded, surrendered or given up any of their lands or interests. They uphold their sacred responsibility to protect and assert jurisdiction over their territory;

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

**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.

**Article 26 (2):** Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

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

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**Article 32 (2):** States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

**Article 32 (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** Pípsell is directly connected to the oral history of the Stk'emplúpsenc te Secwepemc Nation and together with its Secwepemc sts'ey' (indigenous laws) provides the narrative foundation for ownership and stewardship of Secwepemc lands and resources;

**WHEREAS** the project proponent for KGHM Ajax is KGHM International, a subsidiary of KGHM Polska Miedz SA, a Polish state controlled company where Poland owns an 80% stake in the proposed project. Poland is a 2007 signatory to the UN Declaration;

**WHEREAS** Stk'emplúpsenc te Secwepemc Nation asserts sovereignty and full control over their territory. By the Stk'emplúpsenc te Secwepemc Nation political declaration and subsequent Notice of Civil Claim (filed on September 21, 2015), they put the provincial government of British Columbia, the Canadian Government, and KGHM on notice of their Aboriginal Rights and Title in Pípsell and of the responsibility to preserve Stk'emplúpsenc te Secwepemc Nation's Aboriginal interests;

**WHEREAS** given the current inadequacies of the Canadian Environmental Assessment and BC Environmental Assessment processes, Stk'emplúpsenc te Secwepemc Nation has been required to undertake a precedent setting and historic first project assessment review process regarding the proposed KGHM Ajax open pit mine. The assessment was developed to ensure that their cultural perspectives, knowledge and history were duly considered in the assessment and was built on the "Principle of Walking on Two Legs"- Secwepemc and western support. The process involves an innovative community engagement program modeled to reflect a traditional governance model, respecting the role of families and the divisions, and includes both communities in Stk'emplúpsenc te Secwepemc Nation. The panel is inclusive and representative, composed of Tk'emplúps te Secwepemc and Skeetchestn Chief and Councils, family appointed representatives, elders, youth, and knowledge keepers;

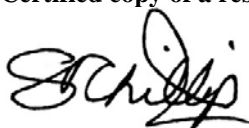
**WHEREAS** Prime Minister Justin Trudeau has publicly stated his government's commitment to renewing the relationship with First Nations in Canada embodying the following principles:

- This renewal must be a nation-to-nation relationship, based on recognition of rights, respect, cooperation, and partnership...to make real progress on the issues most important to First Nations;
- Serious, concrete actions [will be taken] to demonstrate [the government's] commitment to recognizing, respecting, and fulfilling its obligations and commitments to First Nations;
- A Federal Reconciliation Framework will be developed in full partnership with Indigenous peoples, which includes addressing outstanding land claims; and

**WHEREAS** Stk'emplúpsenc te Secwepemc Nation has requested the development of a Nation-to-Nation table regarding the KGHM Ajax Project. That request included letters sent both before (June 21, 2015) and after (November 30, 2015) Canada's 42<sup>nd</sup> General Election in October, 2015. Stk'emplúpsenc te Secwepemc Nation clearly outlined out positions in those letters and has identified its development as a key component to consultation and the development of a nation-to-nation relationship.

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Grand Chief Stewart Phillip, President

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly call on the Government of Poland to direct its KGHM Polska Miedz SA Supervisory and Management Board to uphold its commitments under the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP);

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly support the development of an agreement, whereby the KGHM Polska Miedz SA investment in the proposed KGHM Ajax project respects the Stk'emlúpsenc te Secwepemc Nation's Right to free, prior and informed consent;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly support the Stk'emlúpsenc te Secwepemc Nation in their assertion that no project must proceed without the informed consent of Stk'emlúpsenc te Secwepemc Nation as they have an Aboriginal Right to fully participate in any decision which may affect their Aboriginal Title and Rights, and to maintain and develop their own Indigenous decision-making institutions whereby Stk'emlúpsenc te Secwepemc Nation can determine and develop priorities and strategies for the development or use of their lands or territories and other resources;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to demand the Federal Government to undertake discussions on a nation-to-nation basis to ensure the Stk'emlúpsenc te Secwepemc Nation is fully involved in the Minister of Environment's decision to refer the project to the Governor in Council. This decision must include and be informed by the Indigenous Environmental Assessment Process and consider, not only the likelihood of the project to cause significant adverse environmental effects, but the development of a decision making process on the likelihood of the project to cause significant adverse effects on the Stk'emlúpsenc te Secwepemc Nation's Aboriginal Title and Rights (including provisions under the UNDRIP);

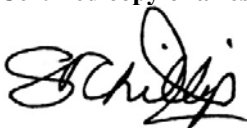
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call upon the Federal, Provincial and Territorial Governments to recognize and respect the Stk'emlúpsenc te Secwepemc Nation's Indigenous Environmental Assessment Process as it reviews and assesses the project's tangible and intangible impacts on Stk'emlúpsenc te Secwepemc Nation Aboriginal Title and Rights;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to urge the Federal Government to undertake discussions on a Nation-to-Nation basis to ensure the Stk'emlúpsenc te Secwepemc Nation is fully involved in the Federal Government's comprehensive review of the Environmental Assessment, National Energy Board, Navigable Waters, and Fisheries Acts through appointment of a Federal negotiator and financial resources for meaningful consultation and engagement.

**Moved:** Chief Don Tom, Tsartlip First Nation  
**Seconded:** Chief Ernie Crey, Cheam First Nation  
**Disposition:** Carried by Omnibus Motion  
**Date:** September 22, 2016

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Grand Chief Stewart Phillip, President

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MUSQUEAM COMMUNITY CENTRE, xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)

### Resolution no. 2016-44

#### RE: Draft Action Framework: Reconciliation, Self-Determination, and Self-Government for Indigenous Children, Families and Nations in BC

**WHEREAS** following on commitments made at the September 2015 *BC Cabinet and First Nations Leadership Gathering*, the First Nations Leadership Council (FNLC), supported by the Province of British Columbia, brought together First Nations Chiefs, advocates, experts, child-serving agencies and community members, on May 30-31, 2016, to have a serious dialogue about the crisis state of First Nations child and family welfare and, and how to ensure that there are appropriate options for First Nations children in every community, and to identify necessary policy and legislative changes;

**WHEREAS** the Truth and Reconciliation Commission's 94 Calls to Action, *United Nations Declaration on the Rights of Indigenous Peoples*, section 35 of the *Constitution Act, 1982* – along with other important legal instruments, including the *United Nations Convention on the Rights of the Child* – provide an established and principled framework for reforming Indigenous child welfare and family services in BC. Collectively, they establish minimum standards for respecting and protecting Indigenous human rights, the rights of children, Indigenous laws and jurisdiction and the common law Aboriginal rights of our Nations;

**WHEREAS** subsequent to the Gathering and in correspondence, the FNLC became aware that the Province, responding to one of many recommendations of the Representative for Children and Youth (RCY), signaled its commitment to engage in a sincere discussion about transitioning to Indigenous jurisdiction over child and family well-being;

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Grand Chief Stewart Phillip, President

**WHEREAS** on June 2, 2016, the UBCIC Chiefs Council unanimously endorsed UBCIC Resolution 2016-24, which 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, and directs the UBCIC Executive, working with the BC Assembly of First Nations (BCAFN) and First Nations Summit (FNS) as the FNLC, to advance, with First Nations and willing partners, a BC First Nations Child and Family Action Plan;

**WHEREAS** further, UBCIC Resolution 2016-24 directs the UBCIC, working with the BCAFN and the FNS as the FNLC, to extend an invitation to both Canada and British Columbia to honourably engage in a robust and meaningful Indigenous-driven process;

**WHEREAS** the FNLC has prepared a BC First Nations Child and Family Action Plan, titled Draft Action Framework: Reconciliation, Self-Determination, and Self-Government for Indigenous Children, Families and Nations in BC (“Draft Action Framework”);

**WHEREAS** the FNLC created a BC First Nations Child and Family Working Group including representation from Delegated Aboriginal Agencies, the Representative for Children and Youth office, First Nations Health Council, and community-based child and family advisors, which helped plan the BC First Nations Child and Family Gathering, and has met since to review outcomes and provide direction and feedback to the FNLC on the Draft Action Framework;

**WHEREAS** on September 6, 2016, the FNLC provided the Draft Action Framework to Chiefs at the BC Chiefs Caucus prior to the First Nations- Cabinet Gathering in Vancouver, and reviewed it again during a panel session on September 7<sup>th</sup> during the Gathering, and feedback is being incorporated; and

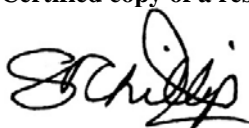
**WHEREAS** members of the FNLC are seeking feedback on the Draft Action Framework at the UBCIC AGA and upcoming FNS and BCAFN meetings, as well as the First Nations Health Council regional caucus sessions, and will meet with First Nations upon their request. The FNLC also sent out a memo to First Nations in BC on September 14, 2016, articulating the process for engagement and feedback with First Nations, and seeking all feedback by November 2, 2016.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly support in principle the Draft Action Framework: Reconciliation, Self-Determination, and Self-Government for Indigenous Children, Families and Nations in BC (“Draft Action Framework”);

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the First Nations Summit (FNS) and the BC Assembly of First Nations (BCAFN) as the First Nations Leadership Council (FNLC), to collect further feedback, input and revisions from First Nations in BC into the Draft Action Framework by November 2, 2016;

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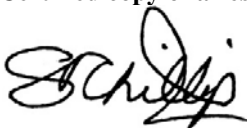
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive as members of the FNLC to bring forward the revised Action Framework to the UBCIC, BCAFN, and FNS meetings in spring, 2017 for final endorsement; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the FNLC, to continue engagement with both Canada and British Columbia to honourably engage in a robust and meaningful Indigenous-driven process to reform Indigenous child welfare in BC, informed by the Draft Action Framework.

**Moved:** Chief Harvey McLeod, Upper Nicola Band  
**Seconded:** Art Anthony, Neskonalith Indian Band (Proxy)  
**Disposition:** Carried  
**Date:** September 23, 2016

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A handwritten signature in black ink, appearing to read "Stewart Phillip", is written over a horizontal line.

Grand Chief Stewart Phillip, President

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48<sup>TH</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 21<sup>ST</sup> TO 23<sup>RD</sup>, 2016  
MUSQUEAM COMMUNITY CENTRE, xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)

### Resolution no. 2016-45

#### RE: Support for the Indian Residential School Survivors Society's Continued Funding

**WHEREAS** Prime Minister Trudeau has committed that Canada will “fully adopt and work to implement” the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) and similarly implement the Truth and Reconciliation Commission's (TRC's) 94 Calls to Action;

**WHEREAS** the TRC's 94 Calls to Action urge all levels of government to work together to change policies and programs in a concerted effort to repair the harm caused by residential schools and move forward with reconciliation, and specifically:

21. ... call upon the federal government to provide sustainable funding for existing and new Aboriginal healing centres to address the physical, mental, emotional, and spiritual harms caused by residential schools, and to ensure that the funding of healing centres in Nunavut and the Northwest Territories is a priority.
22. ... call upon those who can effect change within the Canadian health-care system to recognize the value of Aboriginal healing practices and use them in the treatment of Aboriginal patients in collaboration with Aboriginal healers and Elders where requested by Aboriginal patients;

**WHEREAS** implementing the UNDRIP in Canada will require the full co-operation of Indigenous Peoples and the support of all provinces and territories and in response to the TRC's final report, Ontario Premier Wynne recently made a “Statement of Ontario's Commitment to Reconciliation with Indigenous Peoples,” in the Legislative Assembly, and committed \$250 Million dollars to new provincial initiatives in the following areas:

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- Understanding the legacy of residential schools
- Closing the gap and removing barriers
- Creating a culturally relevant and responsive justice system
- Supporting Indigenous Culture
- Reconciliation Relationships with Indigenous Peoples;

**WHEREAS** the Indian Residential School Survivor's Society (IRSSS) has focused on Aboriginal healing practices and uses them in the treatment of Indian Residential School Survivors and their families in collaboration with Aboriginal healers and Elders where requested by IRS survivors and their families;

**WHEREAS** the IRSSS is a Healing Centre mandated to assist First Nation Peoples in British Columbia to recognize and be holistically empowered from the primary and generational effect of the residential schools by supporting research, education, awareness, establishing partnerships and advocating for justice and healing. The Society assists survivors with counselling, court support, information, referrals, and workshops;

**WHEREAS** the IRSSS funding is set on a year-to-year basis and may end March 31, 2017.

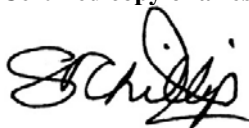
**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to advocate for continued and sustainable long-term funding support of the Indian Residential Schools Survivors' Society (IRSSS) from its current funding source, the First Nations Health Authority; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call upon the Province of BC to undertake a similar course of action as the Government of Ontario in response to the Truth and Reconciliation Commission's final report, and commit to work closely with Indigenous partners in BC to help Indigenous and non-Indigenous peoples move forward in the spirit of reconciliation, including a financial investment geared towards public education and other reconciliation initiatives.

**Moved:** Chief Harvey McLeod, Upper Nicola Band  
**Seconded:** Chief Lee Spahan, Coldwater Indian Band  
**Disposition:** Carried  
**Date:** September 23, 2016

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MUSQUEAM COMMUNITY CENTRE, xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)**

**Resolution no. 2016-46**

**RE: Canada – USA Softwood Lumber Dispute**

**WHEREAS** the Interior Alliance, comprised of Indigenous Nations in the South Central Interior of British Columbia (Southern Carrier, St'at'imc, Nlaka'pamux, Secwepemc and Okanagan Nations), became involved in the Canada-USA Softwood lumber dispute in 2000 after the Okanagan Nation Alliance issued Indigenous nation logging permits for the Westbank First Nation and the Okanagan Indian Band;

**WHEREAS** currently, Interior Alliance representatives are:

- Southern Carrier: Not yet appointed
- St'at'imc: Chief Darrell Bob
- Nlaka'pamux: Chief Aaron Sam
- Okanagan: Chief Harvey McLeod
- Secwepemc: Chief Ryan Day

**WHEREAS** the Shuswap Nation Tribal Council gave the Neskonlith, Adams Lake and Splatshin Indian Bands Indigenous nation logging permits to log on "Crown Land" to assert their Indigenous territorial authority, without provincial government approval;

**WHEREAS** the BC Government issued stop work orders to the Westbank, Okanagan, Neskonlith, Adams Lake and Splatshin Indian Bands based on BC's asserted Crown rights and the Bands responded that they could issue logging permits based on Aboriginal Title and Rights;

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

**Article 26(1):** 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...

**Article 26(2):** Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

**Article 25(3):** States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned;

**WHEREAS** the Interior Alliance formed an informal coalition with the Indigenous Network on Economies and Trade (INET), a network of Indigenous organizations who actively promote the economic aspect of Aboriginal Title and Treaty Rights at the international level, supported by the Nishnawbe Aski Nation and Grand Council Treaty 3, and pursued this matter on a 'macroeconomic level' by amicus curiae submissions in the Canada-USA Softwood Lumber Dispute that took place from 2000-2006;

**WHEREAS** these Independent Indigenous Amicus Curiae submissions were made to the World Trade Organization (WTO) and the Panel of the North America Free Trade Agreement (NAFTA) to contest Canada's policy to NOT recognize Aboriginal and Treaty Rights in the Canada-USA Softwood Lumber Agreement on the grounds that Canada provides an international trade subsidy to the Canadian forest industry, who do not have to remunerate the Indigenous owners of the resource;

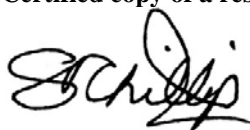
**WHEREAS** the WTO and NAFTA panels accepted these Amicus Curiae submissions in 2002 – 2003 despite that Canada disputed the Amicus Curiae submission made by INET and that two Canadians were on the NAFTA Bi-National Panel. The acceptance of these Amicus Curiae submissions by the WTO and NAFTA recognized the macro-economic argument that Indigenous Peoples have proprietary rights that need to be taken into account in international trade relations. The submissions by other organizations, including native economic development bodies, were not accepted by the panels, noting that their position mirrored that of Canada;

**WHEREAS** the Canadian federal and provincial governments still do NOT recognize Aboriginal and Treaty Rights on the ground, and Indigenous Peoples' Title and Rights and jurisdiction must be recognized before any Nation-to-Nation or Government-to-Government relationship can exist;

**WHEREAS** Canada has publicly made bold human rights commitments to honour and implement the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), which requires the recognition that we are decision-makers and that Indigenous Peoples must be able to talk independently about our economic rights to the WTO and NAFTA, the tribes in the USA, the United States government, and Canada;

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**WHEREAS** Canada is bound to implement UNDRIP and legally binding international treaties, like the International Covenants on Civil and Political Rights (ICCPR) and on Economic Social and Cultural Rights (ICESCR), both setting out our right to self-determination, which includes the right to determine our own economic systems; and

**WHEREAS** as Indigenous Peoples we can only exercise our right to self-determination and the macro-economic dimension of our rights at the international level, by acting as Indigenous Peoples or Nations, not by submitting to or acting under a nation state like Canada, whose policies continue to violate our rights.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support members of the Interior Alliance (Southern Carrier, St'at'imc, Nlaka'pamux, Secwepemc and Okanagan Nations) working with other interested Nation-based entities and the Indigenous Network on Economies and Trade (INET), to become involved in the US-Canada Softwood Lumber Dispute to do the following:

- a) Raise the issue that the non-recognition of Aboriginal Title and the non-implementation of treaty rights is a subsidy to the forestry industry; and
- b) Meet with Canada and the United States to reduce and eliminate international trade subsidies based on the non-recognition of Aboriginal and Treaty proprietary rights;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly fully support members the Interior Alliance and other interested Nation-based entities and INET, to work with the National Congress of American Indians (NCAI), Intertribal Timber Council and US Tribes impacted by the Canadian subsidy to the Canadian forest industry, and develop a strategy to eliminate trade subsidies for the benefit of Indigenous Peoples on both sides of the border;

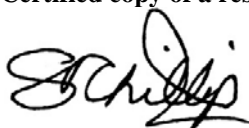
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with members of the Interior Alliance and other interested Nation-based entities, INET, BC First Nations, the First Nations Forestry Council, and other like-minded organizations to meet with the US Department of Commerce and lobby Congressman and Senators to put forward an independent Indigenous position in the Canada-USA softwood lumber dispute; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly support members of the Interior Alliance and other interested Nation-based entities, and INET to work with the First Nations Forestry Council to develop a multi-level Indigenous strategy based on the macro-economic aspects of Aboriginal and treaty rights, and to make an independent Indigenous Amicus Curiae submission in to the soft-wood lumber dispute, and provide regular reports back to the UBCIC Chiefs Council.

**Moved:** Chief Lee Spahan, Coldwater Indian Band  
**Seconded:** Terry Deneault, Skeetchestn Indian Band (Proxy)  
**Disposition:** Carried  
**Opposed:** Chief Harvey McLeod, Okanagan Indian Band (Proxy)  
**Date:** September 23, 2016

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MUSQUEAM COMMUNITY CENTRE, x̓m̓əθk̓w̓əy̓əm (MUSQUEAM TERRITORY)

### Resolution no. 2016-47

#### RE: New Approach to ESDC Labour Market Agreement Funding for First Nations in BC

**WHEREAS** First Nations Organizations in British Columbia have participated since 1992 with a national employment and training program through strategies of “Pathways,” Regional Bilateral Agreements, Aboriginal Human Resource Development Strategy (AHRDS I and II) and currently the Aboriginal Skills Employment and Training Strategy (ASETS) to improve employment opportunities for First Nations Citizens with Employment and Social Development Canada (ESDC), formerly Human Resources Development Canada;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, endorsed without qualification by the Government of Canada, sets out:

**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 21**

(1): Indigenous Peoples have the right, without discrimination, to the improvement of their social and economic conditions, including inter alia, in the areas of education, employment, vocational training, and retraining, housing, sanitation, health and social security.

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

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

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**WHEREAS** First Nations peoples in BC require a future that fosters improvements to the socioeconomic circumstances of their communities and citizens in order to increase access to the labour market;

**WHEREAS** the Federal Government is undertaking to renew the Labour Market strategy beyond March 31, 2017. First Nations are calling for a renewal that is inclusive and reflects the principles of Nation-to-Nation and Government-to-Government;

**WHEREAS** UBCIC Resolution 2007-57 continues to support the need for employment parity and bi-lateral agreement between First Nations and government upon the renewal of Labour Market Strategy agreements;

**WHEREAS** by Resolution 2009-20, the UBCIC Chiefs Council supported the *Declaration and Recognition, Support, Cooperation and Coordination* being entered into by the UBCIC Executive, on behalf of the Union of BC Indian Chiefs and as part of the First Nations Leadership Council, with the First Nations Human Resource Labour Council (now British Columbia Aboriginal Training Employment Associate Members- BCATEAM), in order to coordinate and address engagement between First Nations leadership and technical advice;

**WHEREAS** by UBCIC Resolution 2013-53, the UBCIC Chiefs Council continues to support the 14 ASETS holders in their ongoing negotiations with the Federal Government over their renewal of agreements;

**WHEREAS** the fourteen (14) ASET Agreement holders in BC (the BCATEAM) have an ongoing and evolving renewal process with ESDC and in respect of their regional service needs;

**WHEREAS** the funding for the fourteen ASETS Agreement holders is implemented in British Columbia under a process which does not allow each First Nation to determine how they wish to organize;

**WHEREAS** the discussions informing the renewal need to take into account the a new framework that recognizes, respects, and supports the culturally appropriate delivery of labour market programs and services in British Columbia; and

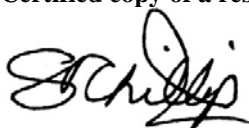
**WHEREAS** ESDC has indicated that they will accept proposals from First Nations regarding a new approach to labour market agreements, working on a provincial/territorial basis.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to apply for funding to host a province-wide meeting in coordination with the British Columbia Aboriginal Training Employment Associate Members (BCATEAM) in order to seek feedback and meaningful engagement from First Nations on a new, culturally based approach to First Nations labour market agreements funded by Employment and Social Development Canada, and provide a report with outcomes to Employment and Social Development Canada.

**Moved:** Chief Harvey McLeod, Upper Nicola Band  
**Seconded:** Viola Thomas, Tk'emlúps te Secwepemc (Proxy)  
**Disposition:** Carried  
**Opposed:** Chief Don Harris, Xa'xtsa  
**Date:** September 23, 2016

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MUSQUEAM COMMUNITY CENTRE, xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)**

**Resolution no. 2016-48**

**RE: Mandate the BC Aboriginal Child Care Society to Coordinate and Convene Community Engagement Process on Early Learning and Child Care in BC**

**WHEREAS** the federal government is committed to consulting with First Nations on a national Indigenous Early Learning and Child Care (ELCC) Framework as a first step towards delivering affordable, high quality, flexible and fully inclusive care for First Nations children from birth to six years old and their families;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* supports the mandate for Indigenous Early Learning and Child Care within an Indigenous right to strengthen and maintain distinct social and cultural institutions (Article 5), as an integral part of Indigenous cultural revitalization (Article 13.1), and a part of Indigenous educational systems for which there exists a right of Indigenous establishment and control (Article 14). Also relevant, the Declaration creates a state obligation to “specific measures” which take into account children’s special vulnerability and the importance of education for their empowerment (Article 17.2) as well as an obligation of “particular attention” to be paid to the rights and needs of Indigenous children (among others) (Article 22);

**WHEREAS** by Resolution 2015-07, the UBCIC Chiefs Council recognized that with limited resources, the BC Aboriginal Child Care Society (BCACCS) has continued to play a critical and essential role in First Nations Early Childhood Development and Care policy development, research, training and education and service delivery since 1996, and supported BCACCS becoming a Centre of Excellence for Aboriginal Early Childhood Development;

**WHEREAS** on July 14, 2016, the Assembly of First Nations (AFN) in Assembly passed Resolution 39/2016 endorsing the establishment of a First Nations national working group on ELCC from across disciplines of health, education, child and family services and early childhood with a mandate to oversee a 4-6 month community engagement process that would confirm and identify the key principles, priorities and an action plan for ELCC;

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**WHEREAS** a first meeting of First Nations early childhood experts, including BCACCS, was organized by the AFN on September 13 and 14, 2016 in Ottawa. At this meeting preliminary discussions took place regarding: a) recommendations for 2017-18 investment of \$100 million nationally for on-reserve ELCC; b) a terms of reference for the national working group; and c) principles and elements of a First Nations led community engagement process;

**WHEREAS** at the same meeting, officials from the key federal departments with a mandate for Indigenous child care and early learning confirmed that Canada is committed to co-creating a separate Indigenous ELCC framework, including funding for a national engagement process separate from the \$100 million committed in budget 2016;

**WHEREAS** a capacity-building proposal related to the work and activities of the national ELCC working group, including oversight of a regional engagement process was submitted by the AFN to Canada. The process envisioned is not dissimilar to previous national ELCC consultations conducted by the AFN. Unlike previous ELCC processes that focused more on programming, there is now an opportunity to engage Canada on a comprehensive approach to ELCC policy enablers focused toward building local control and capacity development in service delivery and governance; and

**WHEREAS** BCACCS has 20 years of experience and expertise in building and supporting Indigenous early learning and child care policies, programs and supports in BC, and has led or collaborated on numerous community engagement activities and action research projects pertaining to ELCC policy and practice.

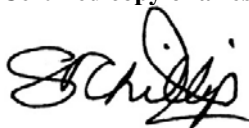
**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support the BC Aboriginal Child Care Society (BCACCS) as the lead agency to coordinate a province-wide First Nation engagement process on a national Indigenous Early Learning and Child Care (ELCC) Framework that will, among other things, seek input and direction from community leaders and key stakeholders regarding the values, principles and priorities to be included in the proposed national Indigenous ELCC framework from a BC perspective; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly fully support the participation of BCACCS in the Assembly of First Nations (AFN) national working group on ELCC and direct the UBCIC Executive to work with BCACCS and the AFN to ensure adequate resourcing of the ELCC engagement process in BC.

**Moved:** Chief Angie Bailey, Aitchelitz First Nation  
**Seconded:** Chief Lee Spahan, Coldwater Indian Band  
**Disposition:** Carried  
**Date:** September 23, 2016

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MUSQUEAM COMMUNITY CENTRE, x<sup>w</sup>məθk<sup>w</sup>əy<sup>ə</sup>m (MUSQUEAM TERRITORY)**

**Resolution no. 2016-49**

**RE: Support for the Tsilhqot'in Nation and Condemning the Provincial Amendment Process for the "Prosperity" Mine**

**WHEREAS** the Tsilhqot'in Nation, with the support of the Union of BC Indian Chiefs (UBCIC), the Assembly of First Nations and First Nations Summit, successfully defended their Aboriginal Title, Rights and the integrity of their lands and waters threatened by the Prosperity Gold-Copper Mine (the "Prosperity Mine"), and the revised "New" Prosperity Mine (the "New Prosperity" Mine), which would have devastated the Teztan Biny (Fish Lake) and Nabas areas;

**WHEREAS** on November 16, 2010, the Federal Government rejected the Prosperity Mine. On February 26, 2014, the Federal Government rejected the New Prosperity Mine;

**WHEREAS** in contrast, the Government of British Columbia rushed to approve the Prosperity Mine, and has actively advocated on behalf of the mine. On January 14, 2010, before the first federal panel had even started its public hearings, British Columbia approved the Prosperity Mine, on the basis of a report from the Environmental Assessment Office (EAO) that dismissed the impacts of the mine on the Tsilhqot'in people as insignificant;

**WHEREAS** the EAO has advised the Tsilhqot'in Nation that it is proceeding to consider the application by Taseko Mines Limited (TML) to amend its existing provincial certificate for Prosperity Mine to conform to the New Prosperity design. In effect, the EAO is considering provincial approval for New

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Grand Chief Stewart Phillip, President

Prosperity, notwithstanding the fact that the project is dead and cannot be built in the face of the rejection by the Federal Government;

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

**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.

**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 right 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 the process.

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

**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;

**WHEREAS** the Tsilhqot'in Nation and its communities endured two separate federal environmental assessment processes for the Prosperity and New Prosperity Mine proposals;

**WHEREAS** in each review, an independent federal panel emphasized the profound cultural and spiritual importance of Teztan Biny and Nabas to the Tsilhqot'in people, as a gathering place, as a cultural school for youth, as a place of spiritual power and healing, as sacred burial and cremation grounds, and as critical hunting, trapping, fishing and gathering areas;

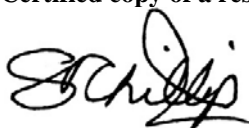
**WHEREAS** the federal panel for New Prosperity Mine warned that the mine would "endanger their ability to sustain their way of life and cultural identity";

**WHEREAS** the federal panel for Prosperity Mine expressly noted that the EAO had reached its decision without the benefit of the substantial information it received directly from First Nations members in community hearings, and without the submissions of federal departments, which raised serious concerns with the project;

**WHEREAS** the EAO has rejected the Tsilhqot'in Nation's position that it is egregious and absurd to both consider further provincial approvals at this time and to subject the Tsilhqot'in people to yet another approval process. The EAO has said it has no choice but to consider TML's application after a letter from TML to the Premier demanding the amendment, and threatening the Province with litigation;

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**WHEREAS** TML has also advised the Tsilhqot'in Nation that it intends to apply for further drilling throughout the Teztan Biny and Nabas region, despite the federal rejection of New Prosperity;

**WHEREAS** the Tsilhqot'in Nation advanced the struggle for free, prior, informed consent with the historic decision in *Tsilhqot'in Nation v British Columbia*;

**WHEREAS** Teztan Biny and Nabas are within the proven Aboriginal rights area declared in *Tsilhqot'in Nation*, within the Dasiqox Tribal Park established by the Tsilhqot'in Nation, and subject to the 1989 *Nemiah Declaration* and the Tsilhqot'in Nation *Mining Policy*, all of which emphasize the need for Tsilhqot'in consent;

**WHEREAS** by UBCIC Resolution 2016-19, "Reforming the *BC Environmental Assessment Act*", the UBCIC Chiefs Council called for a complete review and legislative reform of the *British Columbia Environmental Assessment Act*; and

**WHEREAS** as directed by UBCIC Resolution 2010-32 and 2011-35, the UBCIC Chiefs Council has provided unwavering support to the Tsilhqot'in Nation throughout the process and this support has been critical to the success of the Tsilhqot'in Nation to date.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in Assembly fully support the efforts of the Tsilhqot'in Nation to protect their lands of profound cultural and spiritual value from the proposed New Prosperity Mine, and will stand behind the Tsilhqot'in Nation in defense of these lands regardless of any amendment process or decision by the Environmental Assessment Office (EAO) or British Columbia;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in Assembly condemn the EAO's decision to consider an amendment that would approve New Prosperity, in the face of the Federal Government's firm rejection of this proposal, and under the cloud of political pressure and threats of litigation from Taseko Mines Limited (TML) against the Province;

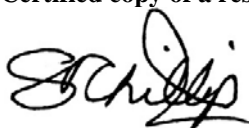
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in Assembly direct the UBCIC Executive to advise the EAO and British Columbia that First Nations across the province are bearing witness to the New Prosperity amendment process and are alarmed and deeply concerned by the EAO's apparent lack of integrity, and its disregard for the interests of First Nations in this province; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in Assembly direct the UBCIC Executive to continue advocating on behalf of the Tsilhqot'in Nation and publicly communicate the clear support of the UBCIC Chiefs-in-Assembly for the Tsilhqot'in Nation's efforts to protect their lands from the proposed New Prosperity Mine.

**Moved:** Chief Francis Laceese, Tl'esqox First Nation  
**Seconded:** Art Anthony, Neskonalith Indian Band (Proxy)  
**Disposition:** Carried  
**Date:** September 23, 2016

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**UNION OF B.C. INDIAN CHIEFS  
48<sup>TH</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 21<sup>ST</sup> TO 23<sup>RD</sup>, 2016  
MUSQUEAM COMMUNITY CENTRE, xʷməθkʷəy̓əm (MUSQUEAM TERRITORY)**

**Resolution no. 2016-50**

**RE: Reconciliation in Education**

**WHEREAS** Indigenous peoples hold an inherent and sacred right to education;

**WHEREAS** Governments of Canada, including the Provincial Government of British Columbia, have utilized education as a form of institutionalized racial discrimination with the conscious intent of destroying the collective right to pass on Indigenous practices, customs and traditions to future generations of Indigenous Peoples;

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

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**WHEREAS** BC First Nations, including the Carrier Sekani First Nations, are experiencing infringements of their right to education by the Crown and delegated entities, including school districts;

**WHEREAS** School District 57 Prince George (SD57) has specifically and unilaterally opted to eliminate the Aboriginal Education Board (AEB), which directly impacts the Carrier Sekani First Nations;

**WHEREAS** for over 20 years, the AEB volunteered their time, expertise and experience in advocating for Aboriginal students and their families for SD57, and accomplishments include:

- Increased graduation rate, that is still improving two years after the unilateral dissolution of the AEB;
- Increased number of Aboriginal staff;
- The AEB sought and won a hiring exemption for Aboriginal positions, which is a practice that is standard in most BC School districts today;
- The AEB was once considered a “Promising Practice” by the BC Ministry of Education;
- The AEB partnered with SD57 to draft, present and gain approval of SD57 policies 1230 and 1231;
- Throughout its 20-year history, the AEB was often asked to sit on various SD57 committees with senior district staff and past school boards;
- The AEB was the driving force behind the creation of BC’s very first Aboriginal choice school (Nusdeh Yoh);

**WHEREAS** in October of 2014, the Carrier Sekani Tribal Council (CSTC) and all the other AEB members were sent a letter by the superintendent of the school district informing them that their services were no longer needed and that the AEB had violated its own Terms of Reference in missing meetings. Since that date, SD57 staff and board members have refused to have a face to face meeting with the former AEB and have publicly denigrated the AEB in local media;

**WHEREAS** CSTC has shown that SD57 is in violation of not only its own policies (1230 & 1231), but also in violation of Ministry of Education guidelines around Aboriginal targeted funds;

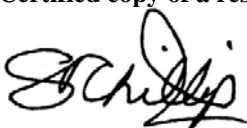
**WHEREAS** CSTC feels that their students and their parents have not been given a voice in the fundamental right of Aboriginal control over Aboriginal Education and there is no accountability for school districts by the province, and is aware that this is an issue experienced by other First Nations in BC;

**WHEREAS** the BC Government and BC First Nations now mutually identify education as a core instrument of change and reconciliation; and

**WHEREAS** on November 12, 2015, the UBCIC Executive, on behalf of the UBCIC Chiefs Council and as part of the First Nations Leadership Council (FNLC), entered into a *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* with the First Nations Education Steering Committee, as directed by UBCIC Resolution 2015-05.

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**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly support the Carrier Sekani Tribal Council in their efforts to immediately reinstate the Aboriginal Education Board, as formerly, in School District 57;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call upon the Province of British Columbia to fulfill their commitment to making education a core instrument of change and reconciliation, and develop progressive Government-to-Government relationships expressed between school boards and local First Nations in the area of First Nations education;

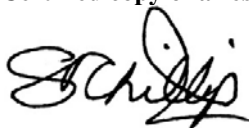
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, in coordination with the First Nations Summit (FNS) and the BC Assembly of First Nations (BCAFN) as the First Nations Leadership Council, (FNLC), and the First Nations Education Steering Committee (FNESC), to work with the Province of British Columbia to develop Government-to-Government education agreements that meet the needs and aspirations of First Nations in meaningfully participating in their children's education in the public education system; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the FNS and the BCAFN as the FNLC, and FNESC, to advance First Nations' sovereign right to education through the creation of First Nation-to-First Nation working groups within school districts to ensure First Nations are actively and meaningfully involved in their children's education.

**Moved:** Chief Ernie Crey, Cheam First Nation  
**Seconded:** Viola Thomas, Tk'emlúps te Secwepemc (Proxy)  
**Disposition:** Carried  
**Date:** September 23, 2016

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