

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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### Resolutions of the UBCIC Chiefs Council - June 28<sup>th</sup>-29<sup>th</sup>, 2017 (passed unless otherwise noted)

- 2017-20 Working Group on Preventing Elder Abuse
- 2017-21 Appointments to the UBCIC Review Committee
- 2017-22 Support for the *American Declaration on the Rights of Indigenous Peoples*
- 2017-23 Striking a Nation-to-Nation Chiefs' Working Group
- 2017-24 *BC Water Sustainability Act* Consultation Framework
- 2017-25 *Ewert v. Canada* Intervention [**TABLED**]
- 2017-26 UBCIC Appointment to First Nations Technology Council [**TABLED**]
- 2017-27 BC Representative to and Co-Chair of the AFN Chiefs Committee on Claims
- 2017-28 UBCIC Appointment to BC Specific Claims Working Group
- 2017-29 UBCIC Research Director's Participation in the AFN-INAC Joint Technical Working Group for Specific Claims Reform
- 2017-30 Support "In-Principle" for Outcomes of Strategic Dialogue Session, "Defining a New First Nations Fiscal Relationship with the Crown" & Principles for a New Fiscal Relationship
- 2017-31 Appointment to the UBCIC Recall Committee
- 2017-32 UBCIC Rejects Canada150 Celebrations
- 2017-33 First Nations Health Council [**DEFEATED**]
- 2017-34 FNSA and the Negotiations of the Tripartite Education Framework Agreement Renewal [**TABLED**]
- 2017-35 Appointment to UBCIC Resolutions Committee
- 2017-36 Indigenous Language Experts Council
- 2017-37 Support for the 2017 Confidence and Supply Agreement between the BC Green Caucus and the BC NDP Caucus

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

**Resolution no. 2017-20**

**RE: Working Group on Preventing Elder Abuse**

**WHEREAS** Elders and vulnerable adults are valued members of our Nations deserving of utmost care and respect. Elder Abuse can be defined as “a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.” Elder Abuse can take various forms such as physical, psychological or emotional, sexual and financial abuse. It can also be the result of intentional or unintentional neglect. Financial abuse is the most commonly reported type of Elder Abuse;

**WHEREAS** Elder Abuse often occurs because of the abuser’s power and control over an older or vulnerable person. Older and vulnerable adults affected by abuse often know and trust the person mistreating them. Elder Abuse can be caused by a family member, friend, someone who provides assistance with basic needs or services, or health care providers. In many situations of elder abuse, the abuser is dependent on the older adult for money, food, or shelter. The risk of Elder Abuse increases when any of the following factors are present: social isolation, disability, reduced cognitive ability, dependency or residing with someone who has an addiction;

**WHEREAS** approaches to define, detect and address Elder Abuse need to be placed within a cultural context and considered alongside culturally specific factors. Culturally appropriate resources need to be coordinated and shared across BC to raise awareness of Elder Abuse and how to respond;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which Canada has adopted without qualification, affirms:

**Article 21(2):** States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and special needs of indigenous elders, women, youth, children and persons with disabilities.

**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; and

**WHEREAS** the UBCIC Elder's Representative has been requested to provide information and resources to Elders across BC regarding Elder Abuse. First Nations Health Authority, Vancouver Coastal Health, BC Association of Community Response Networks, and Seniors First BC have a variety of resources, to be shared with a First Nations specific perspective; and

**WHEREAS** at the UBCIC Chiefs Council meeting on June 28-29, 2017, the Chair of the UBCIC Chiefs Council called for nominations from the floor for two (2) appointees to the UBCIC Working Group on Preventing Elder Abuse.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports that a Working Group on Preventing Elder Abuse be formed, consisting of the Elder's Representative, and two members of the Chiefs Council, and supported by UBCIC policy staff;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council appoints the following members of the UBCIC Chiefs Council to the UBCIC Working Group on Preventing Elder Abuse to carry out its work and report out at the Chiefs Council in February 2018, at which point its mandate will be complete:

1. George Saddleman, UBCIC Elder's Representative
2. Chief Wayne Christian, Splatsin First Nation
3. Kyle Alec, UBCIC Youth Representative

**THEREFORE BE IT FURTHER RESOLVED** this Working Group seeks to educate and raise awareness of Elder Abuse through the development of First Nations culturally specific materials. These educational materials are to be shared and distributed widely at Chiefs Councils, Assemblies, and other gatherings to educate Elders of their rights and caregivers of their responsibilities;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council direct the UBCIC Executive and staff to work with like-minded organizations and seek funding to support the UBCIC Working Group on Preventing Elder Abuse;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to urge the provincial government to ensure that culturally appropriate resources and services for First Nations be included within the *BC Action Plan to Strengthen Home and Community Care*.

**Moved:** Chief Ralph Jr. Leon, Sts'ailes Band  
**Seconded:** Kukpi7 Wayne Christian, Splatsin First Nation  
**Disposition:** Carried  
**Date:** June 28, 2017

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CHIEFS COUNCIL  
JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

**Resolution no. 2017-21**

**RE: Appointments to the UBCIC Review Committee**

**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;

**WHEREAS** by Resolution 2016-42 Endorsement of UBCIC Review Committee Recommendations and Extension of Term, UBCIC extended the term of the Review Committee to carry on its workplan;

**WHEREAS** by Resolution 2016-42 the UBCIC Chiefs Council appointed the following members to participate in the UBCIC Review Committee:

1. Kukpi7 Judy Wilson, UBCIC Secretary-Treasurer
2. Coola Louis, UBCIC Women's Representative
3. Kukpi7 Ryan Day, St'uxwtéws, Bonaparte Indian Band
4. Chief Marjorie McRae, Gitanmaax
5. Chief Leslie Dickie, Kwakiutl Indian Band
6. Chief Harvey Paul, Sts'ailes, to the UBCIC Recall Committee on September 21, 2016;

**WHEREAS** by Motion on February 16, 2017, Elaine Alec (UBCIC Women's Representative), Chief Cynthia Dick (Tseshah) and Chief Vivian Tom (Wet'suwet'en First Nations) were appointed to the UBCIC Review Committee;

**WHEREAS** Chief Harvey Paul has resigned from the UBCIC Review Committee, and as such there is one (1) space to be filled on the UBCIC Review Committee; and

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

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly hereby appoint the following persons as the Review Committee of the Union of BC Indian Chiefs:

1. Kukpi7 Judy Wilson, UBCIC Secretary-Treasurer (continuing)
2. Elaine Alec, UBCIC Women's Representative (by Motion February 2017)
3. Kukpi7 Ryan Day, St'uxwtéws, Bonaparte Indian Band (continuing)
4. Chief Vivian Tom, (by Motion February 2017)
5. Chief Cynthia Dick, (by Motion February 2017)
6. Chief Mark Point, Skowkale First Nation (new appointment, June 2017)

**Moved:** Archie Little, Councillor, Nuchatlaht First Nation (Proxy)

**Seconded:** Chief Harvey McLeod, Upper Nicola Band

**Disposition:** Carried

**Date:** June 29, 2017

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CHIEFS COUNCIL  
JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, Stó:lō Territory, B.C.

**Resolution no. 2017-22**

**RE: Support for the *American Declaration on the Rights of Indigenous Peoples***

**WHEREAS** the Organization of American States' *American Declaration on the Rights of Indigenous Peoples*, adopted June 15<sup>th</sup>, 2016, recognizes that Indigenous Peoples have the right to self-determination and by virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development;

**WHEREAS** the *American Declaration* also affirms that 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;

**WHEREAS** the *American Declaration* recognizes that nothing within it may be interpreted so as to limit, restrict, or deny human rights in any way, or so as to authorize any action that is not in keeping with international human rights law;

**WHEREAS** by UBCIC Resolution 2008-03 "Support for the UN Declaration on the Rights of Indigenous Peoples", the UBCIC Chiefs Council formally supported and endorsed the full implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*;

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

- 1) Ensures the survival, dignity, security and well-being of present and future generations of Indigenous Peoples;
- 2) Upholds the April 2008 House of Commons motion calling for the Canadian Parliament and government to "fully implement" the standards in the *UN Declaration*; and



- 3) Fully respects the *UN Declaration* in all relevant international forums and strengthens the international human rights systems for Indigenous Peoples throughout the world;

**WHEREAS** the *UN Declaration*, adopted September 13<sup>th</sup>, 2007, by the General Assembly of the United Nations, and adopted by Canada without qualification, also explicitly affirms and elaborates upon Indigenous Peoples' human rights and related State obligations. The *American Declaration* includes some provisions that fall below the *UN Declaration* and others that go beyond; while both include provisions that the other does not have. In any specific situation, the minimum standard is the one that is *higher* in either the *American Declaration* or the *UN Declaration*; and

**WHEREAS** in analyzing both the *American Declaration* and the *UN Declaration* no specific provision should be interpreted in isolation. Rather, each provision should be interpreted in the context of the whole instrument and other regional and international human rights law.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council supports and endorses the full implementation of the *American Declaration on the Rights of Indigenous Peoples*;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council encourages Indigenous Nations to utilize the *American Declaration* and the *UN Declaration* in agreements with the Governments of Canada and BC applying to appropriate articles applicable to each Indigenous Nations' inherent jurisdiction, Title and Rights;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council encourages each First Nation Government of their respective Indigenous Nation to endorse the *American Declaration* by formal resolution; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to call on the Governments of Canada and British Columbia to adopt and implement the highest standards affirmed by the *American Declaration on the Rights of Indigenous Peoples* and the *United Nations Declaration on the Rights of Indigenous Peoples*.

**Moved:** Kukpi7 Wayne Christian, Splats'in First Nation  
**Seconded:** Kukpi7 Ron Ignace, Skeetchestn Indian Band  
**Disposition:** Carried  
**Date:** June 29, 2017

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

**Resolution no. 2017-23**

**RE: Striking a Nation-to-Nation Chiefs' Working Group**

**WHEREAS** the Right Honourable Justin Trudeau, Prime Minister of Canada announced his 5-point plan for a new relationship with Indigenous peoples in December 2015. The 5-point plan includes:

- a. Launch a national public inquiry into missing and murdered Indigenous women.
- b. Make significant investments in First Nations education.
- c. Lift the two per cent cap on funding for First Nations programs.
- d. Implement all 94 recommendations from the Truth and Reconciliation Commission.
- e. Repeal all legislation unilaterally imposed on Indigenous people by the previous government;

**WHEREAS** the Minister of Indigenous and Northern Affairs Canada has been tasked “to renew the relationship between Canada and Indigenous Peoples. This renewal must be a Nation-to-Nation relationship, based on recognition, rights, respect, co-operation, and partnership.”;

**WHEREAS** the Minister of Indigenous and Northern Affairs Canada must re-engage First Nations in a renewed Nation-to-Nation process with Indigenous Peoples to make real progress on issues such as housing, employment, health and mental health care, community safety and policing, child welfare and education;

**WHEREAS** the Federal Government often limits engagement and consultation with national, provincial, and territorial First Nations organizations to programs and services. Currently, the Government of Canada is consulting with the Assembly of First Nations, a national advocacy, which is not a Nation. Further, provincial or territorial First Nations advocacy organizations are not nation;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which Canada has endorsed without qualifications, states:



**Article 3:** Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development;

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

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

**Article 19:** States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures;

**WHEREAS** BC First Nations are diverse and are taking many paths to rebuilding their Nations. Taking Canada up on their offer for a Nation to Nation relationship requires BC First Nations to organize, develop a Nation to Nation governance structure, and prepare plans and approaches;

**THEREFORE BE IT RESOLVED** that the Union of BC Indian Chiefs strike an inclusive “Nation to Nation Chiefs Working Group” made up of volunteer Chiefs and Tribal Leaders to carry out the following:

- a. Review the Mandate Letters for the Minister of Indigenous and Northern Affairs Canada, Minister of Justice, Minister of Status of Women, Minister of Finance, Minister of Natural Resources, Minister of Environment and Climate Change, Minister of Fisheries, Oceans, and the Canadian Coast Guard, Minister of Health, Minister of Families, Children and Social Development, Minister of Infrastructure and Communities, Minister of Employment, Workforce Development, and Labour, and Minister of Innovation, Science and Economic Development to identify opportunities and priorities for Nation to Nation collaboration with Canada.
- b. Review the All Chiefs’ Task Force Report & Recommendations and be informed by the advice of the Operational – Technical Working Group, Political – Legal Working Group, and the Coordinated Action Working Group. Build upon the advice and recommendations to organize BC First Nations, develop a governance structure, and coordinate advocacy efforts.
- c. Engage the Chairs of the following Indigenous Nations Councils – Fisheries, Forestry, Energy & Mining, Education and Health, and other like-minded organizations, to gather information, advice and recommendations to support the development of a province wide strategy to support Nation rebuilding.
- d. Consider and propose a new broad Governance Model that would reflect a true Nation to Nation relationship between and amongst Indigenous Nations and Canada based on traditional, linguistic, and historical governance structures of each Nation, not Indian Act systems.
- e. Develop a high level political and leadership strategy to assist Indigenous Nations to achieve a Nation to Nation Relationship with Canada.
- f. Prepare a report setting out the findings, conclusions, and recommendations of the Nation to Nation Chiefs’ Working Group by late October/November, 2017;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with the BC Assembly of First Nations and the First Nations Summit, as the First Nations Leadership Council to:

- a. Identify volunteer Chiefs and Tribal Leaders to participate on the Nation to Nation Chiefs' Working Group by July 30, 2017;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with the BC Assembly of First Nations and the First Nations Summit, as the First Nations Leadership Council, to identify a provincial/territorial organization to take the lead in supporting this work; and

**THEREFORE BE IT FINALLY RESOLVED** that the Union of BC Indian Chiefs direct the Executive to work with the First Nation Summit, and the BC Assembly of First Nations as the First Nations Leadership Council to call upon the BC AFN to resource and host a 2-day BC All Chiefs Meeting in late October/November 2017 for discussion and consideration of the report and recommendations from the Nation-to-Nation Working Group and for planning next steps.

**Moved:** Kukpi7 Wayne Christian, Splots'in First Nation

**Seconded:** Chief Darrell Bob Sr., Xaxli'p Indian Band

**Disposition:** Carried

**Abstentions:** 1

**Opposed:** 3

**Date:** June 28, 2017

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JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

**Resolution no. 2017-24**

## **RE: BC *Water Sustainability Act* Consultation Framework**

**WHEREAS** water is our lifeblood. All living things depend on it. It is a sacred element of our Aboriginal Title, Rights and Treaty Rights;

**WHEREAS** without a clearly defined and adequate consultation process with BC First Nations, in 2010 the BC Provincial Government initiated the Water Act Modernization process, and in 2016 passed into legislation the *Water Sustainability Act (WSA)*;

**WHEREAS** the BC government is undertaking a phased approach to implementing the *Water Sustainability Act* and will continue to develop key regulations over the next three to four years, including those that have high potential for significant and direct impact on Aboriginal Rights and Title and Treaty Rights;

**WHEREAS** the BC Government has still not articulated or implemented a framework for consulting with First Nations on the *Water Sustainability Act*;

**WHEREAS** the Crown has a constitutional duty to consult with Aboriginal peoples when it contemplates conduct or a decision that may have an adverse impact on a recognized or asserted Aboriginal or Treaty Rights;

**WHEREAS** the *United Nations' Declaration on the Rights of Indigenous Peoples*, which Canada has endorsed without qualification, states:

**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;

**Article 26:**

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

**Article 32:**

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources;
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources;
3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact;

**Article 39:** Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

**WHEREAS** by UBCIC Resolution 2013-38, “British Columbia’s *Water Sustainability Act*”, UBCIC Chiefs-in-Assembly directed the UBCIC Executive to work with the First Nations Summit and the BC Assembly of First Nations to immediately pursue a bi-lateral Memorandum-of-Understanding to establish a collaborative and constructive relationship to address First Nations concerns with respect to the *Water Sustainability Act* based on UBCIC Resolution 2001-05, “*Indigenous Peoples Declaration on Water*”, and UBCIC Resolution 2009-30, “Support for Work Regarding the Recognition of First Nations Water Rights”;

**WHEREAS** the UBCIC and in partnership with the First Nations Summit and BC Assembly of First Nations requested on numerous occasions for the immediate engagement of the Province on the proposed Water Sustainability Act (WSA) and further to this, has requested and been denied an opportunity to enter into a Memorandum-of-Understanding.

**WHEREAS** UBCIC Resolution 2001-05, “*Indigenous Peoples Declaration on Water*”, affirms that the preservation and protection of Water is crucial to the survival of Indigenous Peoples and cultures, and this precious resource is currently being threatened through the actions of the federal and provincial governments which include:

1. The licensing of water as though it were a commodity to be bought, sold or traded;

2. The extraction and alienation of lands and resources (such as logging, mining, and fish farms), activities which destroy the ecosphere necessary to sustain and protect the quantity and quality of Waters;
3. The federal and provincial governments are currently considering lifting the moratorium on off-shore oil and gas exploration;
4. Canadian governments do not recognize our Aboriginal Title to, and Inherent Right and Responsibility to protect the Water to sustain our own lives, the lives of our future generations, and the lives of all living things;

**WHEREAS** UBCIC Resolution 2009-30, “Support for Work Regarding the Recognition of First Nations Water Rights” affirmed water rights are essential to support hunting, trapping, fishing, the production of food, the economic development of the land, and as part of the spiritual and cultural existence of First Nations peoples;

**WHEREAS** by UBCIC Resolution 2010-10, “*British Columbia’s Water Act Modernization (WAM) Discussion Paper*” the UBCIC called on the Provincial Government to address and give priority to BC First Nations and our unextinguished water rights before the Province moves ahead with legislative water reform;

**WHEREAS** the 2013 Liberal Party’s platform, Strong Economy, Secure Tomorrow includes a commitment to finish consultation on the WSA with the intention to pass legislation in 2014;

**WHEREAS** UBCIC provided a submission on the WAM discussion paper in 2010 and the First Nations Leadership Council provided comprehensive letters on numerous occasions setting out our collective position on the WSA policy proposal;

**WHEREAS** the work of the First Nations Leadership Council pertaining to the *Water Sustainability Act* does not replace any existing discussions or negotiations respecting water sustainability that any Nations may currently have underway with additional partners, including Ministries, First Nation communities and/or Aboriginal organizations, nor does it preclude Nations from initiating new discussions or negotiations or any challenges that Nations feel need to be brought forward; and

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Summit and the BC Assembly of First Nations, as the First Nations Leadership Council, to call upon the BC provincial government to immediately co-develop with Indigenous Nations in BC a framework for, and to provide adequate resources to, First Nations to appropriately engage on the regulations pertaining to the *Water Sustainability Act* which has high potential for significant and direct impact on Aboriginal Rights and Treaty Rights, specifically Water Objectives, Area Based Regulations, and Water Sustainability Plans, to be undertaken with a Nation based approach ensuring Nation based interests are taken into account and accommodated.

**Moved:** Archie Little, Councillor, Nuchatlaht First Nation (Proxy)

**Seconded:** Ken Watts, Tseshah First Nation (Proxy)

**Disposition:** Carried

**Abstentions:** 2

**Date:** June 29, 2017

**UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.**

**Draft Resolution no. 2017-25**

**RE: *Ewert v. Canada* Intervention**

**WHEREAS** Indigenous peoples are over represented in the criminal justice system, and ensuring equitable access to safety, justice, and preventative and rehabilitative services is a key priority for First Nations communities;

**WHEREAS** on May 14-16, 2007, the Union of BC Indian Chiefs (UBCIC), BC Assembly of First Nations, and First Nations Summit (FNS), working together as the First Nations Leadership Council (FNLC) held the BC First Nations Justice Forum. UBCIC Resolution no. 2007-25 endorses and supports the implementation of the BC First Nations Justice Action Plan, which outlined a vision, goals and principles for changes in the administration of the justice system as it pertains to First Nations peoples in British Columbia;

**WHEREAS** the BC First Nations Justice Action Plan recognizes that First Nations view justice as a way to restore the peace and balance within the community; there is a sense that the entire community has been affected and that reconciliation needs to occur with everyone involved: the accused, the victim, and the community. This difference in perspective challenges the appropriateness of the present legal and justice system for First Nations;

**WHEREAS** Jeffery Ewert won a trial judgment in 2015, with the Federal Court finding that psychological assessment tools were susceptible to cross cultural bias and therefore were not necessarily reliable for use with Aboriginal inmates. The Court found this to be a breach of section 7 of the *Canadian Charter of Rights and Freedoms* as well as certain provisions of the *Corrections and Conditional Release Act*, SC 1992, c 20 (“CCRA”). The Federal Court of Appeal overturned the judgment and dismissed the action. The Supreme Court of Canada on March 9, 2017, granted leave to appeal the Federal Court of Appeal’s decision;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which Canada has adopted without qualification, affirms:

**Article 21 (2):** States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

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

**WHEREAS** the *Ewert* case raises important matters involving prison law and the interpretation of the *Corrections and Conditional Release Act*. Risk assessment and security classification tools can have a significant impact on an individual’s liberty as they impact on parole eligibility, access to programs, early



or temporary release, and whether an inmate is placed in minimum, medium or maximum security. *Ewert* also confronts the problems of overrepresentation of Aboriginal people in federal penitentiaries and their treatment by correctional authorities. The Courts have been increasingly concerned about the systemic factors leading to the overrepresentation, and has suggested that all actors in the criminal justice system need to take into account the unique circumstances of Aboriginal peoples when making decisions that may affect their liberty. The *Ewert* case is the first one to consider this issue from within prison walls; and

**WHEREAS** the BC Civil Liberties Association and the Union of BC Indian Chiefs have the opportunity to be co-intervenors in the *Ewert v. Canada* case before the Supreme Court of Canada.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council declares and acknowledges that risk assessment and security classification tools can have a significant impact on an individual's liberty and all actors in the criminal justice system need to take into account the unique circumstances of Indigenous peoples when making decisions that may affect their liberty; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to intervene with the BC Civil Liberties Association in *Ewert v. Canada* on behalf of the UBCIC Chiefs Council, focusing on the proper interpretation and application of section 7 of the Charter, and particularly the framework for recognizing new principles of fundamental justice.

**Moved:**

**Seconded:**

**Disposition:** Tabled

**Date:** June 29, 2017

**UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.**

**Draft Resolution no. 2017-26**

**RE: UBCIC Appointment to First Nations Technology Council**

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

**WHEREAS** there is currently one (1) vacant UBCIC appointed position to the First Nations Technology Council due to the resignation of Chief Harvey Paul;

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

**WHEREAS** at the UBCIC Chiefs Council meeting on June 28-29, 2017, the Chair of the UBCIC Chiefs Council called for nominations from the floor for one (1) new appointee to the First Nations Technology Council.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council appoints the following representative to the First Nations Technology Council for the remainder of the three-year term ending February 28, 2019:

1. \_\_\_\_\_
2. Eric Alex, Cheam First Nation (continuing)
3. Robin Billy, Adams Lake Indian Band (continuing)

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

**Moved:**

**Seconded:**

**Disposition:** Tabled

**Date:** June 29, 2017

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

**Resolution no. 2017-27**

**RE: BC Representative to and Co-Chair of the  
AFN Chiefs Committee on Claims**

**WHEREAS** since 1969, the UBCIC has engaged in advocacy on Indigenous land claims, and has a clear mandate to work towards the implementation, exercise and recognition of our inherent Title, Rights and Treaty Rights and to protect of our Lands and Waters, through the exercise and implementation of our own laws and jurisdiction;

**WHEREAS** the UBCIC upholds the principles and standards articulated in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) for the establishment and maintenance of a universal framework of minimum standards for the survival, dignity, well-being and rights of Indigenous Peoples;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which Canada has endorsed without qualification, states:

**Article 8(2):** States shall provide effective mechanisms for prevention of, and redress for... (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

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

**WHEREAS** Canada's Comprehensive Claims policy reflects Canada's continuing denial of Indigenous land title and as such is unacceptable to Indigenous Nations fighting to protect our unceded homelands;

**WHEREAS** Canada's Specific Claims policy and processes have, since their inception, been plagued by delays, barriers, and systemic bias against Indigenous Nations;

**WHEREAS** BC is uniquely affected by the failures of both the Comprehensive and Specific Claims policies due to the few number of historical treaties signed, resulting in Crown governments' wide scale denial of Indigenous title to our territories and Canada's demands that we extinguish our inherent rights, as well as Canada's disproportionately high rate of rejection of our historical reserve claims;

**WHEREAS** the Assembly of First Nations (AFN) is a national advocacy organization representing Indigenous Peoples in Canada, and a crucial part of the AFN's advocacy involves policy development relating to Indigenous land title, territorial rights and land claims, particularly Comprehensive Claims, Specific Claims;

**WHEREAS** the AFN's Chiefs Committee on Claims (CCOC) is the political oversight body established in the early 1990s, comprised of regional political representatives to oversee the policy work relating to the Comprehensive and Specific Claims policies;

**WHEREAS** the recent resignation of the BC regional representative and Committee Co-Chair has left a vacancy at the CCOC that must be filled as soon as possible to ensure that the concerns and priorities of BC Indigenous Nations are fully articulated and represented;

**WHEREAS** the UBCIC and, more recently, the BC Specific Claims Working Group have played pivotal leadership roles advocating for reform of both the Comprehensive and Specific Claims policies and processes; and

**WHEREAS** UBCIC Secretary-Treasurer Kukpi7 Judy Wilson is a dedicated and forceful advocate for the reform of both the Comprehensive Claims policy and the Specific Claims policy through her work as Chief of the Neskonlith Indian Band, her role as member of the UBCIC Executive, and her active and continuing participation on the BC Specific Claims Working Group.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council nominates Kukpi7 Judy Wilson to the position of BC Regional Representative to the AFN Chiefs Committee on Claims; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council nominate Kukpi7 Judy Wilson to the position of Co-Chair of the AFN Chiefs Committee on Claims, to be approved by the AFN Chiefs Committee on Claims at a duly convened meeting, in order to advance the concerns, priorities and recommendations for claims policy reform as determined by Indigenous Nations in BC.

**Moved:** Ken Watts, Tseshah First Nation (Proxy)  
**Seconded:** Chief Harvey McLeod, Upper Nicola Band  
**Disposition:** Carried  
**Date:** June 29, 2017

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JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

**Resolution no. 2017-28**

**RE: UBCIC Appointment to BC Specific Claims Working Group**

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

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

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

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

**WHEREAS** by UBCIC Resolution 2013-25, "Creation of UBCIC Specific Claims Working Group", the UBCIC Chiefs Council created a BC Specific Claims Working Group (BCSCWG) to work toward the fair and just resolution of BC Specific Claims and appointed 3 members to the BC Specific Claims Working Group;

**WHEREAS** the *United Declaration on the Rights of Indigenous Peoples*, which Canada has endorsed without qualification, states:

**Article 27:** States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate

the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process;

**Article 28**

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

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

**WHEREAS** the resignation of the current chairperson and the need to renew the terms of two (2) additional members of the BCSCWG prompted a search for volunteer members to sit on the BCSCWG for an indefinite term; and

**WHEREAS** current BCSCWG members Kukpi7 Judy Wilson, Neskonlith Indian Band, Chief Dalton Silver, Sumas First Nation, and Sherry McIntyre, Skuppah Indian Band, have volunteered to sit on the BCSCWG.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council hereby appoints the following volunteers to the BC Specific Claims Working Group for an indefinite term:

1. Kukpi7 Judy Wilson, Neskonlith Indian Band
2. Chief Dalton Silver, Sumas First Nation
3. Sherry McIntyre, Skuppah Indian Band; and

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

**Moved:** Debbie Abbott, Oregon Jack Creek Band (Proxy)

**Seconded:** Kukpi7 Ryan Day, Bonaparte Indian Band

**Disposition:** Carried

**Date:** June 29, 2017



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CHIEFS COUNCIL  
JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

**Resolution no. 2017-29**

**RE: UBCIC Research Director's Participation in the AFN-INAC Joint Technical Working Group for Specific Claims Reform**

**WHEREAS** Canada's specific claims process has, since its inception, been plagued by delays, barriers, and systemic bias against Indigenous Nations;

**WHEREAS** BC is uniquely affected by these hindrances in the specific claims process and has a disproportionately high number of total claims (40–50 percent of all claims in Canada) and rejected claims;

**WHEREAS** the specific claims process is failing BC Indigenous Nations, as too few claims reach resolution (particularly through negotiation) and unresolved claims continue to have significant, tangible impacts on communities;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which Canada has endorsed without qualifications, states:

**Article 8(2):** States shall provide effective mechanisms for prevention of, and redress for... (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

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

**Article 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.

**WHEREAS** the UBCIC and, more recently, the BC Specific Claims Working Group have played a pivotal leadership and independent role in advocating for reform of the specific claims process;

**WHEREAS** the UBCIC made a pivotal evidence-based submission to a recent audit of the specific claims process by the Office of the Auditor General (OAG), documenting Canada’s failure to uphold the principles of Justice at Last;

**WHEREAS** in November 2016, the Office of the Auditor General released a report (*Report 6—First Nations Specific Claims—Indigenous and Northern Affairs Canada*) which concluded that INAC has grossly mismanaged the specific claims process and that implementation of Canada’s Specific Claims Action Plan, Justice at Last, has introduced many new barriers for Indigenous Nations seeking just resolution of their specific claims;

**WHEREAS** the OAG Report introduced ten recommendations for reform, emphasizing the need for a process through which INAC will work collaboratively with First Nations;

**WHEREAS** the AFN-INAC Joint Technical Working Group (JTWG) is this process, tasked with “engendering constructive dialogue” on seven topics of specific claims reform (enhanced information sharing and communication; specific claims processing and funding; negotiations; access to mediation; claims valued at over \$150 million; the *Specific Claims Tribunal Act* and other relevant policies, processes, and legislative considerations);

**WHEREAS** UBCIC Research Director, Jody Woods, was asked to participate in this JTWG process, as a full member of the JTWG, and as a member of the funding subcommittee and the mediations and negotiations subcommittee; and to date much of the technical work has been productive; and

**WHEREAS** UBCIC Resolutions 2008-20, 2008-42 2009-15, 2009-62, 2010-07, 2010-58, 2011-40 , 2012-07, 2012-28, 2012-52, 2012-53, 2012-43, and 2013-24 support reform that will bring about the fair, just and timely resolution of specific claims.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council supports UBCIC Research Director Jody Woods continued participation in the AFN-INAC Joint Technical Working Group as a forceful advocate for BC Indigenous Nations in order to advance the concerns, priorities and recommended specific claims reforms as determined by the BC Specific Claims Working Group.

**Moved:** Kukpi7 Ron Ignace, Skeetchestn Indian Band  
**Seconded:** Debbie Abbott, Oregon Jack Creek Band (Proxy)  
**Disposition:** Carried  
**Date:** June 29, 2017

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JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

### Resolution no. 2017-30

**RE: Support “In-Principle” for Outcomes of Strategic Dialogue Session, “Defining a New First Nations Fiscal Relationship with the Crown” and Principles for a New Fiscal Relationship**

**WHEREAS** the Supreme Court of Canada (SCC) in *Delgamuukw* has articulated that, “Three aspects of aboriginal title are relevant here. First, aboriginal title encompasses the right to exclusive use and occupation of land; second, aboriginal title encompasses the right to choose to what uses land can be put, subject to the ultimate limit that those uses cannot destroy the ability of the land to sustain future generations of aboriginal peoples; and third, that lands held pursuant to aboriginal title have an inescapable economic component.” Excerpt: *Delgamuuk v. British Columbia*, [1997] 3 S.C.R. 1010 at para. 166;

**WHEREAS** the following resolutions, adopted by UBCIC Chiefs-in-Assembly, demonstrate the historic and ongoing problems regarding fiscal relations between First Nations and the governments of BC and Canada: UBCIC Resolution 2002-04 Funding – Freedom of Speech; Resolution 2008-38 Rejection of Federal Aboriginal Economic Development Framework and Resolution 2009-57 Resource and Revenue Sharing from Mining Projects;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which Canada has adopted without qualification, states:

**Article 21 (2):** States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities;

**WHEREAS** the current First Nation fiscal relationship is not a nation-to-nation one because it does not recognize sufficient First Nation tax or service jurisdiction. Therefore, the current relationship is failing because it does not provide stable long term revenues to support First Nation services and infrastructure at national standards;

**WHEREAS** in British Columbia, concern has been expressed in regard to statements made by the BC Government. In particular, by Minister John Rustad in regard to First Nations jurisdiction and authorities, “First Nations assertion of ownership within a geographic area and associated requests for fees to operate on Crown lands, are not consistent with provincial laws of authority. To be clear, the Province maintains full jurisdiction on Crown lands, and does not view First Nation governments as possessing the authority to require companies to make access payments in return for being allowed to work in their respective territories. In addition, the Province does not support the imposition of revenue-generating processes on Crown lands and for Crown-authorized activities from any third party, and this includes First Nations.” Excerpt: Letter from Minister John Rustad to Gavin Dirom, President and CEO, Association for Mineral Exploration B.C. June 2016;

**WHEREAS** many of the fiscal financing issues remain impediments to achieving stable First Nations governments and addressing such issues must be considered a high priority;

**WHEREAS** Minister Wilson-Raybould has stated that, “As a government, we recognize that the fundamental purpose of Section 35 is reconciliation of the prior occupation of indigenous peoples with Crown sovereignty. And we are fully committed to fulfilling the constitutional promise made to indigenous peoples in 1982...[and] reconciliation actually requires laws to change and policies to be rewritten...[but] if we are to get rid of the *Indian Act*, we need to determine how First Nations transition away from band government to something which is reflective of the proper title and rights holder...Only indigenous peoples can determine their institutions and shape their future.” Excerpt: Address given by Minister Jody Wilson-Raybould, February 15, 2017, Ottawa, Ontario;

**WHEREAS** on the national stage, it is acknowledged that Canada has initiated a nation-to-nation discussion with the AFN that includes discussions on a new fiscal relationship. Further, the Government of Canada and self-governing and negotiating Indigenous governments are engaged in a collaborative fiscal policy development initiative;

**WHEREAS** on June 7, 2017, First Nations in BC participated in a province-wide strategic dialogue session on defining a new First Nations fiscal relationship with the Crown;

**WHEREAS** the land question in BC remains largely outstanding and this must be fully addressed by the Crown. This, however, should not serve as a barrier to our Nations engaging in dialogue with the Crown to shape and inform a new fiscal relationship which will impact on our communities and provide a foundation to move our Nations forward;

**WHEREAS** at that session, a number of principles for a new First Nations fiscal relationship with the Crown (as attached) were discussed by First Nations in BC. These principles include:

- i) Expanded Tax Powers and Clear Jurisdiction & Authorities
- ii) Incentives for Economic Development
- iii) Revenues Related to Service Responsibilities
- iv) Comparability
- v) Improved Statistics
- vi) Institutional Support; and

**WHEREAS** First Nations in BC will continue to discuss the elements of a new fiscal relationship with the Crown within their respective Indigenous Nations and communities and may amend or tailor the elements to meet the specific, unique requirements of communities.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council support “in principle” the attached “*Principles for a new First Nations-Crown Fiscal Relationship*” as discussed at the province-wide June 7, 2017 strategic dialogue session of First Nations in BC with the addition of two amendments:

1. That a new first principle be added as follows: “Any discussions on a new First Nation-Crown fiscal relationship must be driven by each respective Nation, premised on our inherent Title and Rights in British Columbia”
2. The principle “Expanded Tax Powers and Clear Jurisdiction & Authorities” be amended as follows: “Expanded Tax Powers and Clear Jurisdiction & Authorities, respective of legal pluralism”

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to advance the “*Principles for a new First Nations-Crown Fiscal Relationship*” with the Assembly of First Nations (AFN) on the AFN-Canada Fiscal Relations Working Group for consideration and recommends Canada provide appropriate resources to AFN Canada Fiscal relations working group to undertake their work; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council encourage First Nations to review and discuss the principles for a new First Nations-Crown Fiscal Relationship within our respective Indigenous Nations and communities and refine the principles as necessary to meet each community’s unique circumstances.

**Moved:** Kukpi7 Ron Ignace, Skeetchestn Indian Band  
**Seconded:** Chief Lee Spahan, Coldwater Indian Band  
**Disposition:** Carried  
**Opposed:** 3  
**Date:** June 29, 2017

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JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

**Resolution no. 2017-31**

**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;

**WHEREAS** the UBCIC Chiefs-in-Assembly appointed: Chief Harvey Paul, Sts'ailes; Coola Louis, UBCIC Women's Representative; Chief John Wesley, Snuneymuxw First Nation; Chief Russell Myers Ross, Yunesit'in Government; and Chief Leslie Dickie, Kwakiutl, to the UBCIC Recall Committee on September 21, 2016;

**WHEREAS** Chief Harvey Paul and Coola Louis have resigned from the UBCIC Recall Committee, and as such there are two (2) spaces to be filled on the UBCIC Recall Committee; and

**WHEREAS** the UBCIC Chiefs Council 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 remainder of the three year term ending at the Annual General Assembly in September, 2019:

- 1) Chief Stuart Alec, Nazko Indian Band (new appointment)
- 2) Chief Marcel Shackelly, Nooaitch Indian Band (new appointment)
- 3) Chief Janet Webster, Lytton First Nation (new appointment)
- 4) Chief John Wesley, Snuneymuxw First Nation (continuing)
- 5) Chief Russell Myers Ross, Yunesit'in Government (continuing)

**Moved:** Ken Watts, Tseshaht First Nation (Proxy)  
**Seconded:** Chief Lee Spahan, Coldwater Indian Band  
**Disposition:** Carried  
**Date:** June 29, 2017



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

**Resolution no. 2017-32**

## **RE: UBCIC Rejects Canada150 Celebrations**

**WHEREAS** we were placed upon our territories by the Creator. As Indigenous Peoples, our identity is defined by our connections to our territories, to each other, to our neighbouring nations, and to the other life we share our living world with. We are the original people of this land. We have the human right to survive as distinct Peoples, contributing to the global fabric of Nations into the future (*Excerpts from UBCIC Aboriginal Title and Rights and Treaty Rights Position Paper, original 1978, revised and endorsed 2014*);

**WHEREAS** the Government of Canada is celebrating “Canada150” throughout the year 2017, contributing significant financial resources, in the amount of \$500 million, in an exercise in patriotism coming to a peak on July 1, 2017;

**WHEREAS** Canada remains non-compliant with the Canadian Human Rights Tribunal Ruling (CHRT) that found Canada to be illegally discriminating against First Nations children and families. Canada continues to critically underfund First Nations education and other issues impacting Indigenous peoples across Canada;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which Canada has endorsed without qualification, states:

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

**Article 8:** Indigenous peoples have the right not to be subjected to forced assimilation or destruction of their culture; and

**WHEREAS** the statement below was discussed as a part of a panel entitled “Colonization150” at the UBCIC Chiefs Council, June 28-29, 2017:

*“Canada150” is not representative of the history of our lands and territories, or of our present realities as Indigenous Peoples. We, the Union of BC Indian Chiefs (UBCIC), cannot, in all good conscience, participate in, and will not celebrate, the federal government’s colonial notions of our Indigenous histories. A history which reflects 150 years of genocidal policies in an attempt to eradicate our cultural, spiritual, and political systems, alongside our universal fundamental human rights to exist as Indigenous Peoples. We invite and encourage all Canadians to recognize, celebrate and uphold unromanticized Indigenous’ histories, and the continual sovereignty of our Nations while participating in “Canada150” events.*

*Indigenous Peoples’ Aboriginal Title to the Lands and Resources and our Right of Self-Determination remains strong and unbroken, and has never been addressed through any agreement with Canada. A process of decolonization is required to reverse the impact of assimilation policies aimed at destroying our cultures, spiritualities, histories, languages, laws and systems of governance. Decolonization does not masquerade as a celebration of colonization that is ongoing today and continues to perpetuate cultural genocide. Decolonization will involve a fierce struggle by Indigenous Peoples to reinvigorate our own laws and systems of governance, and ignite within our own Peoples hope and vision for our tomorrows with the recognition and knowledge of our true place among the Nations of the world.*

*Canada’s sovereignty is conditional upon Canada protecting Crown obligations to Indigenous Nations. Any Crown title or jurisdiction that Canada or the Province assert remains subject to unextinguished Aboriginal Title and Rights, and further subject to the terms – yet to be fully realized – of Nation-to-Nation treaties made with Indigenous Peoples.*

*Canada must shift its exclusionary idea of sovereignty and federalism to one that is inclusive of Indigenous legal orders, Title and Rights, and Treaty Rights. Justice can only be achieved when Canada truly and meaningfully recognizes that Indigenous Nations form one of the historic and enduring levels of governance within this country.*

*We will not participate in “Canada150.” We will continue our work towards collectively forging a new path forward in the spirit of our undeniable inherent Right to Self-Determination and Sovereignty, built upon the solid foundation of the recognition of Indigenous Peoples’ Aboriginal Title and Rights, and Treaty Rights, as recognized and affirmed by the United Nations Declaration on the Rights of Indigenous Peoples.*

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the above statement concerning UBCIC’s rejection of the “Canada150” celebrations;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council encourages all First Nations to share this statement with their appointed local, provincial and federal governments; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to issue the above statements to the BC Provincial and Federal governments and reject the “Canada150” celebrations.

**Moved:** Chief Wayne Christian, Splats’in First Nation  
**Seconded:** Chief Harvey McLeod, Upper Nicola Band  
**Disposition:** Carried  
**Abstentions:** 6  
**Date:** June 29, 2017

**UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.**

**Draft Resolution no. 2017-33**

**RE: First Nations Health Council**

**WHEREAS** in 2007, the *Tripartite First Nations Health Plan (TFNHP)* was signed by the First Nations Leadership Council, Government of Canada, and the Province of British Columbia and supported by resolutions (FNS 0907.09, BC AFN 7/2007, UBCIC Resolution 2007-06). This 10-year plan supported the health actions set out in the *2006 Transformative Change Accord: First Nations Health Plan (TCA: FNHP)* and established new commitments to create and implement a new structure for the governance of First Nations health services in British Columbia including: a First Nations Health Council to provide political First Nations leadership; a First Nations Health Governing Body (First Nations Health Authority) to manage First Nations health programs and service currently administered by the federal government; and a First Nations Health Directors Association to support capacity development, training and knowledge transfer;

**WHEREAS** in 2007, First Nations and leaders in BC, through resolutions created and made appointments to the First Nations Health Council (including but not limited to FNS 0907.10, BCAFN 6/2007, UBCIC 2008-05). The First Nations Health Council was composed of three appointees each of the First Nations Summit and the Union of BC Indian Chiefs, and one appointee of the BC Assembly of First Nations and was mandated with: serving as the advocacy voice of BC First Nations in achieving their health priorities and objectives; conducting health-related policy analysis and research; participating in policy and program planning processes related to First Nations health; and providing political leadership in the implementation of the TCA: FNHP, First Nations Health Plan Memorandum of Understanding (MoU), and TFNHP and the vision of health, self-determining and vibrant BC First Nations children, families and communities;

**WHEREAS** the United Nations *Declaration on the Rights of Indigenous Peoples*, which Canada has endorsed without qualification and sets minimum standards for upholding the economic, social, cultural, political, spiritual and environmental rights of Indigenous peoples worldwide, states:

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

**WHEREAS** the First Nations Leadership Council and the First Nations Health Council previously entered into a *Declaration and Protocol of Recognition, Support, Cooperation and Coordination* in 2008, endorsed through UBCIC Resolution 2008-24 and a *Protocol of Recognition, Support, Cooperation and Coordination*, endorsed through UBCIC Resolution 2012-44;

**WHEREAS** by UBCIC Resolution 2015-48 “Support for First Nations Leadership Council Entering into a *Protocol on the Social Determinants of Health* with the First Nations Health Council” the UBCIC Chiefs-in-Assembly support the *Protocol*, and recognize that this *Protocol* replaces and supersedes the *Protocol of Recognition, Support, Cooperation and Coordination* signed by the parties in 2013;

**WHEREAS** the UBCIC Chiefs Council has endorsed resolutions directing the First Nations Health Council, the First Nations Interim Health Governance Committee, and the First Nations Health Society to implement the commitments in the *Transformative Change Accord: First Nations Health Plan* and the *Tripartite First Nations Health Plan Memorandum of Understanding*;

**WHEREAS** in 2009, the First Nations Health Council established a First Nations Health Society to act as the business arm of the First Nations Health Council, and to create a separation between the business and political functions of implementing the TCA: FNHP, MoU, and the TFNHP. The First Nations Health Council members are the members of the First Nations Health Society and appoint its Board of Directors;

**WHEREAS** in March 2010, First Nations in BC, via resolutions of the First Nations Summit and the Union of BC Indian Chiefs (FNS 0310.03 and UBCIC 2010-01), called for the First Nations Health Council to transition its composition from 7 representatives appointed by the First Nations Leadership Council member organizations to one of 15 representatives – three each appointed by the five regional caucuses (Fraser, Interior, Vancouver Coastal, Northern and Vancouver Island). Through these same resolutions, First Nations directed the newly restructured First Nations Health Council to oversee health governance negotiations pursuant to the Basis Agreement, including the negotiations, ratification and implementation of a legal Framework Agreement; and

**WHEREAS** in May 2011, the First Nations Health Council Chiefs in Assembly at Gathering Wisdom for a Shared Journey IV passed a resolution (#2011-01) that approved the *Consensus Paper*, which summarized the feedback and direction provided by First Nations in BC and established the collective wisdom and direction with respect to the new health governance arrangement, and set the standard that the arrangement must achieve in order to meet with their approval.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council accept the May 2011 decision of the First Nations Health Council Chiefs in Assembly and affirm support for resolution #2011-01 approving the *Consensus Paper*; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council direct the UBCIC Executive to work in partnership with the First Nations Summit and the BC Assembly of First Nations, working together as the First Nations Leadership Council, to oversee an independent external review of the First Nations Health Council to evaluate the effectiveness of the governance structure, processes, advocacy, engagement, and relationship with the First Nation communities, and the implementation of the consensus paper.

**Moved:** Chief Willie Blackwater, Gitsegukla First Nation  
**Seconded:** Chief Robert Samson, Sik-e-Dakh (Glen Vowell)  
**Disposition:** Defeated  
**Abstentions:** 9  
**Opposed:** 13  
**Date:** June 29, 2017

UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

Draft Resolution no. 2017-34

**RE: FNSA and the Negotiations of the Tripartite Education Framework Agreement Renewal**

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

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

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

**WHEREAS** TEFA initiated a new funding model for First Nations schools in BC, based on the provincial funding formula for provincial public schools, with specific adaptations. It also provides for core and second level services funding for FNESC to provide services to First Nations schools and advocacy for First Nations students in public schools;

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

**WHEREAS** TEFA expired on March 31<sup>st</sup>, 2017, and committed the Parties to renewal discussion six months prior to its expiry;

**WHEREAS** the TEFA has been extended until June 30, 2018, to allow the negotiation of a more comprehensive agreement that will build upon and expand on the improvements made to the British Columbia First Nation Education System through TEFA;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which Canada endorsed without qualification, 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 meaning;

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

**Article 19:** States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them;

**WHEREAS** by UBCIC Resolution 2015-05 “Support for the First Nations Leadership Council Entering into a *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* with the First Nations Education Steering Committee” the UBCIC Chiefs Council supports the *Declaration* and directs the Executive to work with the other members of the First Nations Leadership Council to execute the *Declaration* with the First Nations Education Steering Committee;

**WHEREAS** by UBCIC Resolution 2016-08 “INAC Evaluation and Audit Branch Review of Tripartite Education Framework Agreement” the UBCIC confirms that the Tripartite Education Framework Agreement is intended to benefit and support improved educational outcomes for all First Nation students in BC, including those who attend First Nation schools, those who attend provincial public and private schools, and those who transition between the two school systems;

**WHEREAS** by UBCIC Resolution 2017-12 “Tripartite Education Framework Agreement Renewal” the UBCIC Chiefs Council directed the UBCIC Executive to call on the Government of Canada to:

1. Uphold and be fully accountable for the Government’s commitment to:
  - a. Support First Nations control of First Nations education;
  - b. Respect regional approaches to education;
  - c. Working in partnership with First Nations and not act unilaterally with regard to First Nations education.
2. Work in full partnership with the First Nations Education Steering Committee (FNESC), in partnership with the First Nations Schools Association (FNSA), to develop appropriate federal mechanisms (i.e. submissions to Cabinet and Treasury Board) to achieve funding that supports the continued development and evolution of the BC First Nations education system aimed at improving student outcomes;

**WHEREAS** First Nations inherent right to control our children’s education, including establishing schools in our communities as well as appointing representatives to articulate and advocate for quality education that reflects our cultures and languages, reflects the foregoing principles;

**WHEREAS** the First Nations Schools Association (FNSA) has provided support, advocacy and leadership to First Nations Schools for three decades and has received mandates from First Nations to continue in that role. The FNSA mandate is to promote quality education for First Nation learners on reserve by supporting schools in creating effective, nurturing, and linguistically and culturally appropriate education environments that provide students with a positive foundation in all academic areas;

**WHEREAS** the FNSA is an independent organization with Constitutional purposes to:

1. Support the work of First Nations Schools in developing and implementing culturally appropriate, meaningful and quality education programs;

2. Provide a forum for networking, communication and liaison amongst First Nations schools and other education organizations and governments;
3. Receive funds and assets from governments or any other source, and to apply such funds and assets to the attainment for the goals of the First Nations Schools Association;

**WHEREAS** the First Nations Schools Association (FNSA) has demonstrated effective capacity and has provided support, advocacy and leadership to First Nations schools in BC for three decades in the areas such as:

1. Sharing effective educational practices and common challenges;
2. Conducting research and developing services for First Nations schools in the areas of:
  - a. Funding needs, language and culture, instructional strategies, supervision of instruction, special needs, data gathering and management, schools assessment and certification, school governance, school operations, transportation, technology, and administration;

**WHEREAS** the First Nations Education Steering Committee (FNESC) was established to, and has a mandate from provincial First Nations organizations, to develop appropriate federal mechanisms (i.e. submissions to Cabinet and Treasury Board) to achieve funding that supports the continued development and evolution of the BC First Nations education system aimed at improving student outcomes;

**WHEREAS** the 2015 *Declaration & Protocol of Recognition, Support, Cooperation and Coordination between the First Nations Leadership Council and the First Nations Education Steering Committee* recognizes the First Nations Education Steering Committee (FNESC):

- Is an independent society led by a strong and diverse board of 105 First Nations community representatives and serves as the lead policy and advocacy body on First Nations education in BC;
- Leads the advancement of quality education, improving accountability and improving education outcomes for all First Nations students in BC;
- Leads the advancement, as directed by First Nations Governments, of First Nations control of First Nations education through capacity development support, policy, legislation and negotiated arrangements, such as the Education Jurisdiction Agreement and corresponding legislation, and the Tripartite Education Framework Agreement;
- Communicates the priorities of BC First Nations to the federal and provincial governments, and other education partners, and to support First Nations leadership and communities in working together to advance First Nations education;
- Reports and takes political direction from the First Nations Chiefs in BC; and
- Supports the First Nations Leadership Council's mandate.

**WHEREAS** through the experience of implementing TEFA, FNESC identified key policy objectives and began early preparation for the renewal of TEFA to ensure that issues of key concern and importance to First Nations and First Nations learners are effectively addressed in a renewed TEFA;

**WHEREAS** FNSA and FNESC signed a Memorandum of Understanding in good faith related to the TEFA agreement which states: "FNSA will support the TEFA implementation, with the understanding that all work that is relevant to First Nations schools will be directed by FNSA..." and that "FNSA will create and implement programs and services for First Nations schools and establish goals and objectives in regard to the determination of appropriate and effective second level services delivered to schools";

**WHEREAS** FNSA was invited by Indian and Northern Affairs Canada in 2010 to engage, with the FNESC, in the negotiation of a TEFA;

**WHEREAS** FNSA has previously participated in TEFA negotiations, with a place at the negotiation table;

**WHEREAS** FNSA has previously participated in TEFA implementation;

**WHEREAS** there exists disagreement between the FNESC and the FNSA as to which organization is mandated to negotiate, and be final signatories to, a renewed TEFA; and

**WHEREAS** TEFA negotiations face urgent Treasury Board deadlines.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council affirms that individual First Nation governments retain the right to make decisions on representation and mandate of educational institutions and organizations, including the right to mandate FNSA on matters that relate to First Nations schools, and that right continues notwithstanding participation in provincial organizations including the First Nations Leadership Council;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to call on the First Nations Education Steering Committee and the Government of Canada to recognize the First Nations Schools Association as a negotiator representing First Nations schools at the Tripartite Education Framework Agreement renewal discussions and negotiations; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to urge the FNESC and the FNSA to work on the clarification of their respective roles, responsibilities as described in the 2012 FNSA/FNESC Memorandum of Understanding as related to programs and services for First Nations students attending schools in BC.

**Moved: Chief Lee Spahan, Coldwater Indian Band**

**Seconded: Chief Percy Joe, Shackan Indian Band**

**Disposition: Tabled**

**Supporting Motion: 20**

**Opposed to Motion: 18**

**Date: June 29, 2017**



# OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

**Resolution no. 2017-35**

**RE: Appointment to UBCIC Resolutions Committee**

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

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

**WHEREAS** there is one vacancy on the UBCIC Resolutions Committee, due to the resignation of Chief Harvey Paul, that must be filled to achieve three Full or Active Members; and

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

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

- 1) Councilor Debbie Abbott, Lytton First Nation (continuing)
- 2) Chief Greg Louie, Ahousaht First Nation (continuing)
- 3) Chief Stuart Alec, Nazko Indian Band (new appointment)

**Moved:** Kukpi7 Ryan Day, Bonaparte Indian Band  
**Seconded:** Ken Watts, Tseshahat First Nation (Proxy)  
**Disposition:** Carried  
**Date:** June 29, 2017

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UNION OF B.C. INDIAN CHIEFS  
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JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2017  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

**Resolution no. 2017-36**

**RE: Nation-to-Nation Process for a Federal Indigenous Language Act**

**WHEREAS** the highest level of consultation is required to address the cultural and legal significance pertaining to Indigenous Nations' relationship to the land by which ancestral domain necessitates a Nation-to-Nation relationship. British Columbia is unceded territory, hence title and rights must be foundational to the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*;

**WHEREAS** the present consultation process is inadequate to meet the Indigenous Nation-to-Nation standard for the highest level of required consultation;

**WHEREAS** stated in the report of the fifteenth session of the United Nations Permanent Forum on Indigenous issues, Indigenous languages form the bedrock of continuity for the survival and well-being of Indigenous cultures from one generation to the next. This important intergenerational responsibility has been severely disrupted by colonialism and colonial practices, laws, policies and practices of discrimination, assimilation, forced relocation and residential and boarding schools, among others;

**WHEREAS** the report further states there is a growing crisis of Indigenous language loss and in many cases an urgent, even desperate, need to preserve and revitalize languages. It is estimated that more than half of the world's languages will become extinct by 2100;

**WHEREAS** the province of British Columbia contains the highest number of distinct languages and two thirds of the distinct languages in Canada resulting in immense diversity in relation to the state of language loss and each of their needs for recovery;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which Canada has endorsed without qualification, states:

**Article 13(1):** Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies writing systems and literatures, and to designate and retain their own names for communities, places and persons;

**Article 14(1):** Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning;

**WHEREAS** the Truth and Reconciliation Commission of Canada Call to Action #14 states: We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:

1. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there an urgency to preserve them.
2. Aboriginal language rights are reinforced by the Treaties.
3. The federal government has a responsibility to provide sufficient funds for Aboriginal language revitalization and preservation.
4. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities.
5. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages;

**WHEREAS** a significant underlying objective of all preservation and revitalization efforts is the absolute necessity of producing ever-growing numbers of fluent language speakers;

**WHEREAS** on December 6th, 2016, in an address to the Assembly of First Nations Special Chiefs Assembly, Prime Minister Justin Trudeau committed to the development and enactment of an Indigenous Languages Act, co-developed with Indigenous Peoples, with the goal of ensuring the preservation, protection, and revitalization of First Nations, Métis, and Inuit languages in this country;

**WHEREAS** First Nations in British Columbia have a vested interest in ensuring that initiatives aimed at the revitalization of Indigenous languages are:

1. Developed collaboratively, with the full participation of First Nations in BC; and
2. Successfully accomplish revitalization for all Indigenous languages;

**WHEREAS** by UBCIC Resolution 2017-05 “Supporting Revitalization of Indigenous Languages” the UBCIC Chiefs Council supported the immediate development and enactment of an *Indigenous Languages Act*, co-developed with full participation of First Nations, organizations and relevant councils in British Columbia, and called upon the governments of Canada and British Columbia to ensure that all government funded efforts and initiatives respecting Indigenous languages are consistently guided by the objectives of revitalization, preservation and protection of First Nations, Métis, and Inuit languages in this country; and

**WHEREAS** following the Assembly of First Nations Indigenous Languages Initiative Engagement Session, British Columbia and Yukon Nations on June 22 and June 23, 2017, in Vancouver British Columbia, the Interior Chiefs present at the interior consultation table, identified specific recommendations to be added to UBCIC Resolution 2017-05.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council recognizes and affirms that each Indigenous Nation is the only authority able to draft their own unique (*sui generis*) form of Language Law;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to call on the federal government to support a Nation-to-Nation process to:

1. Address the cultural and legal significance of ancestral domain in unceded territories; and
2. Address the impact of a federal Indigenous Languages Act on each Indigenous Nation's Title and Rights;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to call on the federal government to ensure that the Nation-to-Nation process, outlined above, must:

1. Build First Nations' capacity to develop First Nations legal systems to pursue legal pluralism.
2. Advise and assist First Nations in drafting their respective positions, declarations and languages laws; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to call on the Government of Canada to develop federal language legislation, through a Nation-to-Nation process, that is:

1. Nation and Treaty based;
2. Community driven;
3. Elder focused; and
4. Family and youth centred.

**Moved: Chief Harvey McLeod, Upper Nicola Indian Band**

**Seconded: Chief Lee Spahan, Coldwater Indian Band**

**Disposition: Carried**

**Date: June 29, 2017**

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UNION OF B.C. INDIAN CHIEFS  
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JUNE 28<sup>TH</sup>-29<sup>TH</sup>, 2016  
SEABIRD ISLAND BAND GYM, STÓ:LŌ TERRITORY, B.C.

**Resolution no. 2017-37**

**RE: Support for the 2017 Confidence and Supply Agreement between the BC Green Caucus and the BC NDP Caucus**

**WHEREAS** cooperation and consensus building are fundamental pillars to the first political tradition of this land, that of Indigenous peoples;

**WHEREAS** on April 28<sup>th</sup> to May 9<sup>th</sup>, 2017, nearly two million British Columbians took to the polls to give expression to their deep concerns relative to the previous sixteen years of a BC Liberal majority rule;

**WHEREAS** the BC Liberals finished one seat short of a majority, with 43 seats in the 87-seat Legislature. The BC NDP tallied 41 seats, the BC Greens won three while the Liberals have 43;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which Canada has endorsed without qualifications, states:

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

**WHEREAS** sixty percent of voters in the 2017 BC Provincial Election have overwhelmingly voted for change;

**WHEREAS** on May 29, 2017, the Green Party and the NDP announced the 2017 Confidence and Supply Agreement between the BC Green Caucus and the BC New Democrat Caucus. The Confidence and Supply Agreement gives the NDP the support of 44 MLAs, their 41 members plus the three Green MLAs, the minimum number required to have a majority of support in the 87-seat legislature. The agreement would act as a guarantee of support for any budget or confidence motions;

**WHEREAS** the Agreement states “both caucuses support the adoption of the *United Nations Declaration on the Rights of Indigenous Peoples*, the Truth and Reconciliation Commission calls-to-action, and the *Tsilhqot’in* Supreme Court decisions”;

**WHEREAS** if the NDP-Green alliance defeats the Liberals in a confidence vote, the BC Lieutenant-Governor, Judith Guichon has the power to either offer the NDP, supported by the Green Party, the chance to govern or may call for a new election; and

**WHEREAS** there are precedents from other constitutional monarchies, such as New Zealand, on how to govern in a minority and coalition context in which the office of the Governor-General actively played roles to promote co-operation.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council encourages and fully supports the Lieutenant-Governor taking actions that supports governance through co-operation and consensus building, which has elements that are consistent with both the traditions and laws of the Indigenous Nations of British Columbia, as well as principles, values and precedents of constitutional monarchies;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council fully supports the 2017 Confidence and Supply Agreement between the BC Green Caucus and the BC New Democrat Caucus, and will hold all three parties to the highest of standards in meeting the honour of the Crown; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council publicly calls upon the Lieutenant-Governor of BC, Judith Guichon, following the vote of non-confidence in the BC Liberal government, to:

- a) Recognize the 2017 Confidence and Supply Agreement; and
- b) Allow the BC NDP, supported by the BC Green Party to form the next provincial government in order for Indigenous Peoples to engage on the many issues facing our children, Elders, women and our communities.

**Moved:** Kukpi7 Wayne Christian, Splots’in First Nation  
**Seconded:** Kukpi7 Ron Ignace, Skeetchestn Indian Band  
**Disposition:** Carried  
**Date:** June 29, 2017