

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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**FINAL RESOLUTIONS
UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 21ST -22ND, 2018**

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

- 2018-01 UBCIC Meeting Schedule for 2018-2019 Fiscal Year
- 2018-02 Recognition and Implementation of Rights Forum
- 2018-03 BC Legislative Framework for the Implementation of the UN Declaration
- 2018-04 Support for the Women's Declaration Against Kinder Morgan Man Camps
- 2018-05 Support for Treaty 8 Litigation and Public Opposition to Site C
- 2018-06 National Inquiry into Missing and Murdered Indigenous Women & Girls
- 2018-07 Consent-Based Process for Fish Farms in the Broughton Area
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- 2018-10 Support for Gitksan and Wet'suwet'en Jurisdiction over Children and Families
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- 2018-12 Engagement with the BC Cannabis Legalization and Regulation Secretariat
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- 2018-14 Support for the Urban Native Youth Association's New Native Youth Centre
- 2018-15 Appointment to the UBCIC Constitution Committee
- 2018-16 Family Homes on Reserves and Matrimonial Interest or Rights Act
- 2018-17 Justice for Colten Boushie and Reform of Justice System

2018-18	Support for Quatsino First Nation Forestry Negotiations
2018-19	Right to Play's Programming in Indigenous Communities across BC
2018-20	Effectiveness of the First Nations Health Authority [TABLED]

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CHIEFS COUNCIL

FEBRUARY 21ST TO 22ND, 2018

MUSQUEAM COMMUNITY CENTRE, X^WMƏӨK^WƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-01

RE: UBCIC Meeting Schedule for 2018-2019 Fiscal Year

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

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

WHEREAS the UBCIC will host one (1) Annual General Assembly and two (2) Chiefs Council meetings in the 2018-2019 fiscal year.

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

- June 27-28, 2018
- October 2-4, 2018 (50th Annual General Assembly in Kamloops)
- February 27-28, 2019; and

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

Moved: Chief Lee Spahan, Coldwater Indian Band
Seconded: Andy Callicum, Ehattesaht (Proxy)
Disposition: Carried
Date: February 22, 2018

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FEBRUARY 21ST TO 22ND, 2018

MUSQUEAM COMMUNITY CENTRE, X^WMƏØK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-02

RE: Recognition and Implementation of Rights Forum

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 conversations and reflections about the path of reconciliation are happening all across the country – in communities, with provincial, regional and national organizations, in the Canadian court system and with all levels of government;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, provides a mechanism to protect the individual and collective rights of Indigenous peoples, as well as their rights to culture, identity, language, employment, health, education, and protection of traditional lands;

WHEREAS the First Nations Summit, the Union of BC Indian Chiefs and the BC Assembly of First Nations (working together as the First Nations Leadership Council “FNLC”), have been invited to jointly host along with Canada and BC, a two-day BC specific forum to begin the dialogue on rights recognition and implementation;

WHEREAS the forum would extend an invitation to all First Nations in BC to participate in an initial discussion of a recognition and implementation of rights approach for a new First Nations-Crown relationship, to gain the input of Chiefs and Leadership;

WHEREAS the forum is not intended to be the only point of engagement on rights recognition and implementation, but rather is intended to be an initial step in participating in this dialogue. Canada has proposed that this session take place in the spring of 2018;

WHEREAS the aim of the forum is to hear directly from First Nations about their various perspectives regarding the path of reconciliation: what does it look like, what are key interests, what are the elements that should be included; and the kind of strategies or models that can be advanced to go about implementing a recognition of rights approach;

WHEREAS there are a number of outcomes that may be generated from the dialogue session, including the co-development of strategies for implementing a recognition of rights approach inclusive of the *United Nations Declaration on the Rights of Indigenous Peoples* and Indigenous legal orders; and opportunity for First Nations to begin shaping key elements and strategies of a recognition and implementation of rights approach;

WHEREAS input and strategies arising from the forum may help to guide continued political discussion and policy development regarding a recognition and implementation of rights approach, and it is understood that Canada will also use this forum as an opportunity to further inform its national section 35 policy reforms, the development of a national Recognition of Rights Framework, and the role of the Minister of Crown-Indigenous Relations in advancing progress towards self-determination; and

WHEREAS the BC Assembly of First Nations will dedicate a portion of its Special Chiefs' Assembly agenda (March 8- 9, 2018) to provide Chiefs and Leadership time to discuss and prepare for the 2-day Recognition and Implementation of Rights Forum.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the First Nations Summit and the BC Assembly of First Nations as the First Nations Leadership Council, to engage with Canada and BC to jointly organize and host a BC-specific forum for First Nations, Canada and BC to engage in dialogue on the recognition and implementation of rights;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to advise Canada and BC that engagement on a recognition and implementation of rights framework will not impede Indigenous Nations in any manner from practicing and pursuing their inherent Title and Rights.

Moved: Kukpi7 Ryan Day, Bonaparte Indian Band

Seconded: Chief Donna Aljam, Nicomen Indian Band

Disposition: Carried

Date: February 22, 2018

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MUSQUEAM COMMUNITY CENTRE, X^WMƏӨK^WYƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-03

RE: BC Legislative Framework for the Implementation of the UN Declaration

WHEREAS we are sovereign Indigenous Nations with the right to protect and manage, and derive social, cultural and economic benefits from the wealth of our lands, waters and resources;

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

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

WHEREAS the UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms:

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

WHEREAS the Government of British Columbia, through Premier Horgan’s Ministerial Mandate Letters and the 2017 Confidence and Supply Agreement between the BC Green Caucus and the BC NDP Caucus, has committed to make substantive progress on and work collaboratively and respectfully with First Nations to establish a clear, cross-government vision of reconciliation to guide the adoption of the UN Declaration, the Truth and Reconciliation of Canada’s (TRC) Calls to Action, and the *Tsilhqot’in* Supreme Court Decision;

WHEREAS the 43rd item in the TRC’s Calls to Action calls upon the federal, provincial, territorial, and municipal governments to fully adopt and implement the *United Nations Declaration on the Rights of*

2018-03

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Indigenous Peoples as the framework for reconciliation, and the government of BC has stated its commitment to implement those *Calls to Action*;

WHEREAS many articles contained in the UN Declaration fall under provincial jurisdiction;

WHEREAS the UBCIC has formally endorsed and supported the full implementation of the UN Declaration via UBCIC Resolution 2008-03;

WHEREAS UBCIC Resolution 2016-14 called on the Canadian government to engaged with Indigenous Peoples through a meaningful and substantive process to create a legislative framework for the unqualified implementation of the UN Declaration;

WHEREAS a legislative framework for the implementation of the UN Declaration must have particular focus on:

- 1) Reforming federal laws, regulations and policies to ensure that the free, prior and informed consent of Indigenous Peoples is required for any decisions that have the potential to impact on Indigenous Title and Rights, and Treaty Rights;
- 2) Providing Indigenous Peoples the necessary resources and capacity to fully participate in the review of federal laws and policies
- 3) The development of an independent oversight body to review and report on implementation process;
- 4) A public education component providing information and knowledge of Human Rights as they pertain to Indigenous peoples to BC Public Service Employees and the BC public at large; and

WHEREAS implementation of the UN Declaration constitutes a principled framework for justice, reconciliation, healing and peace.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports the development of a provincial legislative framework for the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration);

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to call on the government of BC to engage with Indigenous Peoples through a meaningful and substantive process to create a legislative framework for the unqualified implementation of the UN Declaration; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to prepare a draft discussion paper on the implementation of the UN Declaration in a provincial context, circulate for input prior to the UBCIC Chiefs Council in June, 2018, and provide a final draft version for discussion at the UBCIC Chiefs Council in June, 2018.

Moved: Kukwpi7 Kevin Whitney, T'it'q'et
Seconded: Art Anthony, Neskonalith Indian Band (Proxy)
Disposition: Carried
Date: February 22, 2018

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MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-04

RE: Support for the Women's Declaration Against Kinder Morgan Man Camps

WHEREAS major resource projects rely on the establishment of temporary work camps to provide labour to remote areas;

WHEREAS “man camps” provide temporary employee housing to thousands of mostly non-Indigenous male workers, who are legally disallowed from bringing their families;

WHEREAS these work camps harbor a hyper-masculine industrial camp culture which can result in increased risk of sexual harassment and assault; increase levels of violence against women in sex work and hitchhiking; child care and gender inequity; vulnerability of women and road safety concerns; capacity strains on already limited social and health services; traditional use and rights impacts as non-aboriginal people hunt and fish on their time-off; and pressures on community based and regional infrastructure;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada adopted without qualification, and, alongside the government of BC committed to implement, affirms:

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;

Article 24(2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right;

Article 32

- (1) Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources;
- (2) States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources;

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

WHEREAS Indigenous communities, particularly women and children, are the most vulnerable and at risk of experiencing the negative effects of industrial camps;

WHEREAS last year Amnesty International released a report calling for the National Inquiry on Murdered and Missing Indigenous Women and Girls to specifically examine violence tied to resource development;

WHEREAS Kinder Morgan is applying for a 1000-worker Blue River Campsite on 16 hectares of our lands where the Secwepemc harvest berries;

WHEREAS the Secwepemc Women's Warrior Society and the Tiny House Warriors have developed the *Women's Declaration Against Kinder Morgan Man Camps*, which calls on all signatories to "stand together against any and all threats to our peoples, our women, our two-spirits, our children, our lands, the wildlife, the salmon, the waterways;" and

WHEREAS by UBCIC Resolution 2017-15 the UBCIC Chiefs Council directed the UBCIC Executive to work with affected members to seek adequate resources to support its work and engage technical advisors to develop and implement an integrated strategy to oppose the Kinder Morgan Trans Mountain tankers and pipelines project, including determining the most effective ways to support:

- Strategies grounded in Indigenous territorial authority and the exercise of Indigenous law;
- Legal challenges to the federal approval of the Trans Mountain project and other future legal proceedings that may be filed;
- A Citizens Initiative focused on preventing threats to water and health from the transportation of diluted bitumen, and related organizing efforts;
- Financial pressure and divestment strategies; and
- Collaboration between coastal and interior Indigenous peoples, with Indigenous and non-Indigenous allies, and with aligned local governments.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby endorses the Secwepemc Women's Warrior Society and the Tiny House Warriors' *Women's Declaration Against Kinder Morgan Man Camps* and directs the UBCIC Executive to sign the Declaration;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council commits to actively support the Women's Warrior Society and the Tiny House Warriors in their continued fight against man camps and strongly opposes the development of man camps in Indigenous territories; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with the Secwepemc Warrior Society and the Tiny House Warriors to urge the federal and provincial governments to respect the laws and authority of First Nations, and to protect against any and all threats to our peoples, our women, our two-spirits, our children, our lands, the wildlife, the salmon and the waterways.

Moved: Kukpi7 Ryan Day, Bonaparte Indian Band
Seconded: Luke George, Tseshah First Nation (Proxy)
Disposition: Carried
Date: February 21, 2018

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MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-05

RE: Support for Treaty 8 Litigation and Public Opposition to Site C

WHEREAS the Peace River valley is and has always been more than a place to the Dunne-za (Beaver people). It is a vital part of their cultural identity, the main artery of their territory, connecting them to their ancestors, kin, and the spirit world. Since time immemorial it has been where they fish, trap, gather, camp, and teach children the Dunne-za way of life;

WHEREAS this way of life is protected by Treaty 8 and is unextractable from the Peace;

WHEREAS the Site C dam will permanently destroy the last remaining portion of the Peace capable of sustaining the Dunne-za way of life. It will flood 83 kilometers of river valley, increase health risks from methylmercury contamination, extirpate multiple species of preferred fish, destroy rare plants, medicines, and sensitive ungulate habitat, and destroy sacred sites community gathering places;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms:

Article 37(1): Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements;

WHEREAS the British Columbia New Democratic Party, in opposition, recognized that Site C would infringe constitutionally entrenched rights under Treaty 8, committed itself to the implementation of *United Nations Declaration on the Rights of Indigenous Peoples*, and promised to refer Site C to the BC Utilities Commission for an independent assessment;

WHEREAS the BC Utilities Commission concluded on November 1, 2017 that there is an alternative portfolio of assets (wind, geothermal and conservation) that can meet BC Hydro’s forecasted energy demand at approximately the same price as completing Site C;

WHEREAS the impacts of Site C on the environment and on Indigenous peoples far outweigh the alternatives, with a permanent land disturbance footprint approximately 40 times larger than the BCUC’s alternative portfolio;

WHEREAS subsequent to the BCUC’s November 1, 2017 conclusions, the price of the alternatives has continued to decrease, while the budget for Site C’s completion has increased to \$10.7 billion (upon Premier Horgan’s December 11, 2017 decision to continue construction), with recent estimates that it could exceed \$12 billion (filed affidavit of former BC Hydro CEO, Marc Eliesen);

WHEREAS the West Moberly First Nations and Prophet River First Nation (the “Treaty 8 First Nations”) have opposed Site C from its earliest days, and in January 2018 commenced civil actions to permanently enjoin Site C, along with an interim injunction application to suspend construction until a decision is reached at trial;

WHEREAS UBCIC has consistently opposed Site C and has supported the Treaty 8 First Nations in their opposition, as stated in Resolutions 2011-25 and 2015-14; and

WHEREAS the approval and ongoing construction of Site C is in violation of Treaty 8 and the *United Nations Declaration on the Rights of Indigenous Peoples* and is contrary to the interests of all British Columbians.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls upon the Government of British Columbia to immediately and permanently terminate the Site C project, and to work collaboratively with all Treaty 8 First Nations to remediate the lands disturbed by construction to date;

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls upon all British Columbians wishing to respect Indigenous rights and avoid billions of dollars of unnecessary debt to urge Premier John Horgan and all other Members of the Legislative Assembly to immediately terminate Site C and to pursue the alternatives recommended by the BC Utilities Commission;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully supports the civil claims and interim injunction brought by the West Moberly First Nations and Prophet River First Nation to prevent Crown approvals for and the ongoing construction of Site C; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with the staff of the West Moberly First Nations and Prophet River First Nation to identify additional opportunities to support the aforementioned litigation against Site C, which may include (without limitation) fundraising, lobbying, and communications.

Moved: Kukpi7 Ryan Day, Bonaparte Indian Band
Seconded: Chief Chad Eneas, Penticton Indian Band
Disposition: Carried
Date: February 21, 2018

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MUSQUEAM COMMUNITY CENTRE, X^WMƏӨK^WƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-06

RE: National Inquiry into Missing and Murdered Indigenous Women & Girls

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

WHEREAS in order to redress the systemic racism and to eliminate the violence perpetrated against Indigenous girls and women within Canada, there is a responsibility by all;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, 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 Union of BC Indian Chiefs (UBCIC) has consistently worked with like-minded organizations to take action and bring attention to the critical and devastating issue of violence against Indigenous girls and women, including joining the call for a National Inquiry, and has been mandated by the UBCIC Chiefs Council to continue this work via Resolutions 2008-30, 2010-13, 2011-30, 2012-37, and 2013-12;

WHEREAS a National Inquiry into Missing and Murdered Indigenous Women and Girls was launched September 1, 2016, with a Terms of Reference to inquire into and report on systemic causes of all forms

2018-06

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of violence against Indigenous women and girls in Canada, and to report by December 2018. The Inquiry has stated that they will fulfill this mandate by holding Part I – Family, Part II – Institutional, and Part III – Expert Hearings, led by Chief Commissioner Marion Buller;

WHEREAS meaningful opportunities for engagement in the National Inquiry are key to making the systemic and societal changes that are needed to end the ongoing tragedy of missing and murdered Indigenous women and girls; and

WHEREAS ‘meaningful opportunities for engagement’ may include, but are not limited to:

- Sufficient funding such that Indigenous, front-line, grassroots, and women’s organizations can be represented by legal counsel of their choosing and without restriction on how funding can be used for legal counsel;
- That legal counsel is not restricted by participation at the discretion of the Commissioners or the Privy Council Office;
- That ample time is afforded to hearings on subjects such as police accountability/the child welfare system/the criminal justice system/etc., and that organizations with standing have adequate time to cross examine witnesses and provide legal submissions;
- That ample time is afforded to hearings to examine all forms of violence against Indigenous Women and Girls in Canada, including underlying socio-economic, cultural, institutional, and historical causes contributing to the ongoing violence and vulnerabilities of Indigenous Women and Girls in Canada;
- That organizations and their legal counsel are provided with access to all documents disclosed to the National Inquiry into Missing and Murdered Indigenous Women and Girls with a minimum of one month’s notice to effectively prepare for hearings;
- That Indigenous women and survivors are considered experts on these subjects and are called to provide testimony at these hearings;
- That organizations and their legal counsel are provided with an opportunity to address the National Inquiry into Missing and Murdered Indigenous Women and Girls with closing submissions and recommendations based on the evidence heard at the Part I Part II and Part III Hearings; and
- That organizations and their legal counsel are provided with a minimum of two months of advanced notice for hearing dates;

WHEREAS only two Part I Family Hearings have been announced for the region of British Columbia, and only one Part III Expert Hearing has been held nationally, with no announced plan or schedule of further Part II or Part III Hearings. Part II and Part III Hearings are the key hearings to investigate the actions of government, institutions, and experts in order to make lasting change on this issue. Furthermore, the UBCIC and like-minded organizations are only able to participate, in a limited manner, in Part II and III Hearings; and

WHEREAS UBCIC and like-minded organizations have repeatedly formally requested further information, schedules, and plans from the Inquiry regarding Part II and III Hearings to no avail, preventing the preparation of materials, submissions, and thus limiting the UBCIC’s ability to meaningfully participate in this Inquiry.

THEREFORE, BE IT RESOLVED the UBCIC Chiefs Council fully supports families, survivors, friends, and families of the heart who have bravely shared their stories with the National Inquiry into Missing and Murdered Indigenous Women and Girls through the Part I Family Hearings;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to share information regarding the Part I Regional Hearings in Vancouver, April 4-8, 2018, in addition to any Statement Gatherings held in BC;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, staff, and legal counsel to fully participate in the National Inquiry, including participation at hearings and making a written submission, provided there is opportunity for meaningful engagement and subject to available resources; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to call on the Prime Minister, Minister Carolyn Bennett, Minister Jane Philpott, and Minister Jody Wilson-Raybould to ensure that the Terms of Reference of this Inquiry (to inquire into and report on systemic causes of all forms of violence against Indigenous women and girls in Canada) are met through an effective systemic review (Parts II and III of this Inquiry) to fulfill the promise to families that change will result from their contributions and stories.

Moved: Chief Janet Webster, Lytton First Nation
Seconded: Chief Donna Aljam, Nicomen Indian Band
Disposition: Carried
Date: February 22, 2018

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MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-07

RE: Consent-Based Process for Fish Farms in the Broughton Area

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

WHEREAS after many months of protests and active occupations, on January 30, 2018, the Minister of Forests, Lands, Natural Resources Operations and Rural Development, the Minister of Agriculture, the Minister of Indigenous Relations and Reconciliation, the Minister of Environment and Climate Change Strategy, and the Mamalilikulla First Nation, 'Namgis First Nation, Dzawada'enuxw First Nation, the Gwawaenuk Tribe and the Kwikwasut'inuxw Haxwa'mis First Nations confirmed a joint commitment to a consent-based government-to-government process focused on the current fish farm operations in the Broughton area, and protection of wild salmon;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms:

Article 26: Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use...

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

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

WHEREAS UBCIC Resolution 2012-19, 2012-36, 2012-65, 2016-40 calls for the UBCIC Chiefs Council to work with First Nations to conserve wild salmon stocks and advocate for and support the recovery and restoration of wild salmon stocks; and

WHEREAS open net-pen aquaculture has been linked to the decline of salmon stocks worldwide and is correlated with increased levels of sea-lice, Piscine Reo-Virus (PRV) and Heart and Skeletal Muscle Inflammation (HSMI) disease specifically impacting juvenile wild salmon smolts.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council recognizes and supports the Government of BC and the Mamalilikulla First Nation, 'Namgis First Nation, Dzawada'enuxw First Nation, and the Kwikwasut'inuxw Haxwa'mis First Nation's commitment to a consent-based government-to-government process to address the current fish farm operations in the Broughton area, to ensure the continued survival of wild salmon fish stocks for future generations; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to issue a letter of support for consent-based government-to-government solutions to the current fish farm operations in the Broughton area, as committed to by the Government of BC and the Mamalilikulla First Nation, 'Namgis First Nation, Dzawada'enuxw First Nation, the Gwawaenuk Tribe, and the Kwikwasut'inuxw Haxwa'mis First Nations.

Moved: Chief Dalton Silver, Sumas First Nation
Seconded: Chief Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: February 22, 2018

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FEBRUARY 21ST TO 22ND, 2018
MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-08

RE: UBCIC Appointment to First Nations Energy and Mining Council

WHEREAS the Union of BC Indian Chiefs members are actively involved in First Nations Energy and Mining Council (FNEMC) activities, and have held one appointed position there since 2008;

WHEREAS there is currently one (1) vacant UBCIC appointment to the FNEMC;

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

WHEREAS the UBCIC circulated notice seeking application for one (1) representative to the FNEMC, for a three-year term ending on the date of the Society's annual general meeting for the year 2021, to be chosen in accordance with the UBCIC Elections Procedures; and

WHEREAS at the UBCIC Chiefs Council meeting on February 21-22, 2018, the Chair of the UBCIC Chiefs Council called for nominations from the floor for one (1) new appointee to the FNEMC.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council appoints George Saddleman, Upper Nicola Indian Band, to serve as a designated representative member and as a director of the First Nations Energy & Mining Society ("Society") (FNEMC) and such appointment expires on the date of the Society's annual general meeting for the year 2021;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the UBCIC representative to the FNEMC to provide regular updates to the UBCIC Chiefs Council.

Moved: Tom Konek, Westbank First Nation (Proxy)
Seconded: Chief Harvey McLeod, Upper Nicola Band
Disposition: Carried
Date: February 22, 2018

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MUSQUEAM COMMUNITY CENTRE, X^WMƏӨK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-09

RE: UBCIC Interim Appointment to BC First Nations Gaming Commission

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

WHEREAS there is currently one (1) vacant UBCIC appointment to the BC First Nations Gaming Commission;

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 February 21-22, 2018, the Chair called for nominations from the floor for one (1) interim appointee to the First Nations Gaming Commission, until the UBCIC Chiefs Council can formally appoint someone at the June 2018 Chiefs Council.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby appoints Tom Konek, Westbank First Nation, to the BC First Nations Gaming Commission, on an interim basis until the June 2018 Chiefs Council;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC interim representative to the BC First Nations Gaming Commission to provide regular updates to the UBCIC Chiefs Council.

Moved: Chief Chad Eneas, Penticton Indian Band
Seconded: Art Anthony, Neskonlith Indian Band (Proxy)
Disposition: Carried
Date: February 22, 2018

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MUSQUEAM COMMUNITY CENTRE, X^WMƏӨK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-10

RE: Support for Gitxsan and Wet'suwet'en Jurisdiction over Children and Families

WHEREAS on June 2, 2015 the the Truth and Reconciliation Commission (TRC) released its 94 *Calls to Action*, which called for specific actions by all levels of government to advance reconciliation. *Calls to Action* 1-5 focused exclusively on Indigenous child welfare, and called for significant reforms;

WHEREAS as the two nations who brought forward the *Delgamuukw* decision, the Gitxsan and Wet'suwet'en communities have achieved recognition of the inherent right self-government, which includes caring for children as significant components of Gitxsan and Wet'suwet'en families. Gitxsan and Wet'suwet'en communities have long been in the process of strengthening the exercise of that right within their respective communities, house groups and territories whether through the creation of delegated agencies or direct protocols with governments;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms;

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

Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

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

WHEREAS the Gitxsan and Wet'suwet'en communities are of the view that the "Perspectives on a New Health Governance Agreement (2011)" does not mandate the First Nations Health Council (FNHC) to delve into the jurisdiction of child welfare;

WHEREAS in 2016 the FNHC entered into a memorandum of understanding with the Province of British Columbia, leading to the *Ten-Year Social Determinants Strategy*. The Gitksan and Wet'suwet'en communities are of the view that the 2016 MOU brought the FNHC beyond its initial accountability and mandate. In entering into the MOU the FNHC has inserted itself as an entity to be consulted by the Province of BC and Canada on issues regarding First Nations children, youth and families. This is contrary to Nation-to-Nation approaches;

WHEREAS by UBCIC Resolution 2017-06, the UBCIC Chiefs Council:

- A. Recognizes that each First Nation has the right to determine and develop their own child welfare models, legislation, regulations, policies and practice standards, and fully support any and all First Nations in exercising their respective jurisdiction and authority over the care and well-being of their children and families;
- B. Fully supports any and all First Nations' efforts to exercise and secure recognition of their jurisdiction and authority over children and families;
- C. Fully supports all Indigenous Nations' inherent Right to care for their children, a Right protected by the Constitution of Canada and recognized by the *United Nations Declaration on the Rights of Indigenous Peoples*;

WHEREAS on February 14, 2017, the First Nations Health Council (FNHC) signed a Memorandum of Understanding (MOU) with Indigenous and Northern Affairs Canada (INAC) regarding services to First Nation children and families in BC. The FNHC did not consult or receive support from the Northern Caucus to negotiate such an agreement, and at no time did the FNHC or the Northwest sub-regional representative inform, consult or receive consent from the Gitksan and Wet'suwet'en communities to negotiate such an agreement and receive funds on behalf of Gitksan and Wet'suwet'en communities;

WHEREAS among other things, the 2017 MOU between the FNHC-INAC provides:

- A. For engagement that is community-driven and Nation-based, as endorsed by BC First Nations in the 2012 Consensus Paper (s.3);
- B. That the MOU is "without prejudice" to First Nations' interests (s.4); and
- C. Acknowledgement of the expectations of BC First Nations to jointly review proposals for reforming services for First Nations children and families in BC and a process for shared preparation for engagement efforts (s.8); and

WHEREAS the 2016 final report, "Indigenous Resilience, Connectedness and Reunification – From Root Causes to Root Solutions" prepared by Grand Chief Edward John sets out 85 recommendations. In particular, recommendations 68-74 are consistent with the Gitksan and Wet'suwet'en communities' concerns and views regarding jurisdiction over the wellbeing of Gitksan and Wet'suwet'en children, youth and families.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the Gitksan and Wet'suwet'en communities in the exercise of their inherent right of self-determination, self-government and their efforts to develop approaches to caring for their children, youth and families;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to remind the Government of British Columbia that the BC Supreme Court in the *Campbell et. al. v. Nisga'a Nation* determined that the Aboriginal right to self-government has not been extinguished, but in fact, continues to exist independent of the constitutional division of powers, and that central to the right of self-government is the ability of Indigenous communities to exercise and secure recognition of their jurisdiction and authority over children and families; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate to the First Nations Health Council that each First Nation has the right to determine and develop their own child welfare models, legislation, regulations, policies and practice standards, and that the First Nations Health Council has not received the mandate to work on jurisdiction of child welfare.

Moved: Chief Louise Johnson, Kispiox First Nation
Seconded: Chief Robert Sampson, Sik-e-dakh (Glen Vowell)
Disposition: Carried
Date: February 22, 2018

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MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-11

RE: BC Chiefs Council on Housing and Infrastructure

WHEREAS there is a significant gap in housing and infrastructure conditions between First Nations and other British Columbians. This gap is linked with a number of other social and economic factors and the poor conditions faced by many First Nations negatively affects their development, health, education and other social conditions;

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

Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

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

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

WHEREAS by Resolution 2016-21, the UBCIC Chiefs Council objected to the ongoing, critically low levels of federal funding for First Nations housing and recognizes the devastating impacts that overcrowded and inadequate housing has on our communities;

WHEREAS the UBCIC, BC Assembly of First Nations, First Nations Summit, the Province of British Columbia, and the Government of Canada signed a tripartite *First Nations Housing Memorandum of*

Understanding (MOU) in May 2008. This MOU establishes a framework for ongoing discussions and the development of interlinked on and off-reserve housing action plans, but has been inactive for several years;

WHEREAS on March 13 & 14, 2017 in Songhees Territory, the BC Assembly of First Nations (BCAFN) hosted the BC Housing and Infrastructure Forum: Moving Forward on First Nations Housing and Infrastructure Reform in BC. The purpose of the Forum was to assist in determining the path forward in relation to First Nations authority for housing and infrastructure in the BC Region within the context of a national First Nations housing and infrastructure initiative;

WHEREAS following the March 13 & 14 Forum, the BCAFN distributed the Forum Report, “Creating a First Nations Housing & Infrastructure Authority: From Concept to Design,” which provides a summary of thoughts and input from Housing Forum delegates regarding the creation of First Nations controlled housing and infrastructure authority in BC; and

WHEREAS on September 14, 2017, BCAFN issued an Expression of Interest for volunteer leaders to serve on a BC Chiefs Council on Housing and Infrastructure. This Chiefs Council would coordinate the process to design and implement a Housing and Infrastructure Authority that will provide authority and control to BC First Nations for all housing and infrastructure delivery in British Columbia.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports the recommendations from the BCAFN 2017 Housing Forum Report, “Creating a First Nations Housing & Infrastructure Authority: From Concept to Design”;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with the newly formed Chiefs Council on Housing and Infrastructure to implement action items from March 13-14, 2017 Housing Forum Report; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council requests that the Chiefs Council on Housing and Infrastructure provide written updates to the UBCIC Chiefs Council on a quarterly basis, and provide regular updates at Chiefs Council meetings when requested.

Moved: Chief Harvey McLeod, Upper Nicola Band
Seconded: Art Anthony, Neskonlith Indian Band (Proxy)
Disposition: Carried
Date: February 22, 2018

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MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-12

RE: Engagement with the BC Cannabis Legalization and Regulation Secretariat

WHEREAS in April 2017, the Government of Canada introduced the Cannabis Act, and amendments to the Criminal Code to address cannabis-impaired driving, with plans to make non-medical cannabis legal in Canada by July 2018. In addition, the federal government plans to move as quickly as possible to bring into force the amendments related to drug-impaired driving;

WHEREAS the proposed Cannabis Act provides that the federal government will regulate commercial production, and provinces and territories will have authority to regulate certain aspects such as distribution, retail, and a range of other matters;

WHEREAS the Province has invited the UBCIC, working as part of the First Nations Leadership Council (FNLC), to engage on the provincial regulatory framework for non-medical cannabis;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms:

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

WHEREAS the Province has asked the FNLC, including representation from UBCIC, to consider establishing a joint sub-group with the Province to provide an ongoing forum for engagement on the regulation of non-medical cannabis in BC.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the UBCIC's participation in the establishment and work of a joint sub-group with the Province and the First Nations Leadership Council, to provide an ongoing forum for engagement on the regulation of non-medical cannabis in BC;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to report back to the UBCIC Chiefs Council at the June 2018 Chiefs Council meeting regarding progress made by the joint sub-group.

Moved: Kukwpi7 Kevin Whitney, T'it'q'et
Seconded: Chief Nicole Remple, K'ómoks Indian Band
Disposition: Carried
Date: February 22, 2018

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Resolution no. 2018-13

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 appointment to the First Nations Technology Council, and the other two (2) UBCIC appointments are:

1. Eric Alex, Cheam First Nation (continuing)
2. Chief Robin Billy, Adams Lake Indian Band (continuing);

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

WHEREAS the UBCIC circulated notice seeking application for one (1) representative to the FNTC, for the remainder of a three-year term ending February 28, 2019, to be chosen in accordance with the UBCIC Elections Procedures; and

WHEREAS at the UBCIC Chiefs Council meeting on February 21-22, 2018, the Chair of the UBCIC Chiefs Council called for nominations from the floor for one (1) new appointee to the FNTC.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby appoints Cindy Brewer, Okanagan Indian Band, to the First Nations Technology Council for the remainder of the three-year term ending February 28, 2019:

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

Moved: Tom Konek, Westbank First Nation (Proxy)
Seconded: Terry Denault, Skeechestn (Proxy)
Disposition: Carried
Date: February 22, 2018

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MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-14

RE: Support for the Urban Native Youth Association's New Native Youth Centre

WHEREAS the Indigenous youth population in Vancouver is large, growing, and especially vulnerable to ongoing crises in the region. Indigenous people are Canada's fastest growing demographic. Almost 60% of Indigenous people in BC live in large urban settings and almost 60% are under the age of 25. Indigenous people in Vancouver are experiencing some of the biggest impacts of the region's housing crisis, including vast overrepresentation in the city's homeless population, and Indigenous youth are particularly vulnerable to homelessness. Urban Indigenous youth and their families are also especially vulnerable to the impacts of the opioid crisis;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualifications, and has, alongside the government of BC committed to implement, affirms:

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

Article 24(2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right;

WHEREAS the Truth and Reconciliation Commission of Canada's Calls to Action state:

#66: We call upon the federal government to establish multiyear funding for community-based youth organizations to deliver programs on reconciliation, and establish a national network to share information and best practices;

WHEREAS the Urban Native Youth Association (UNYA) has a 30-year history and a proven model of success in delivering prevention-focused culturally-responsive programs and services to Indigenous youth,

including First Nation members who have relocated to Metro Vancouver from communities across the province;

WHEREAS the UNYA is one of four youth hubs in Vancouver supported by the Ministry of Children and Family Development (MCFD) and is the only hub serving culturally appropriate programming to Indigenous youth. Two of these youth hubs have recently received approximately \$7 million each from MCFD to redevelop their youth centres;

WHEREAS the UNYA is planning a significant expansion in physical size and programming to address the service needs of the growing Indigenous youth population in and around Vancouver. This project, the Native Youth Centre (NYC), will be the Centre of Excellence for Indigenous youth in Vancouver, where they can access resources, programs, and services that will help build their confidence, leadership, and independence;

WHEREAS the NYC will bring 15 of UNYA's programs together under one roof with expanded and enriched programs and services, including education and training, health and wellness, sports and recreation, and arts and culture. The project will include an affordable housing component with at least 180 units, built in partnership with the City of Vancouver, with priority housing provided to Indigenous youth and their families;

WHEREAS the UNYA, through major partnerships, has already secured the land for the NYC, valued at \$19 million, and completed much of the background work for the project. UNYA has a goal of securing \$20 million from the provincial government and \$20 million from federal social infrastructure funding, as well as private sector contributions, in order to make the NYC and the Indigenous housing project a reality; and

WHEREAS the First Nations Leadership Council expressed support for the NYC in a letter to Premier Clark dated November 17, 2016.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the Urban Native Youth Association (UNYA) in their provision of Indigenous youth programming and services;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully supports the UNYA's Native Youth Centre expansion and complementary housing project to address the growing need for culturally relevant Indigenous youth programming and services in Vancouver; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work in partnership with the First Nations Summit, the British Columbia Assembly of First Nations and the Urban Native Youth Association (UNYA) in calling on the provincial and federal governments to provide adequate financial and political resources to support the UNYA Native Youth Centre project in the next budget cycle and beyond.

Moved: Kukpi7 Ryan Day, Bonaparte Indian Band
Seconded: Chief Nicole Remple, K'ómoks First Nation
Disposition: Carried
Date: February 22, 2018

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Resolution no. 2018-15

RE: Appointment to the UBCIC Constitution Committee

WHEREAS the *Societies Act* came into effect November 28, 2016 and governs how societies (not-for-profit corporations) are created and run in BC;

WHEREAS the UBCIC has completed initial steps to transform the Society as required under the new Act, but there are additional portions of the Act which may impact the UBCIC including:

1. Accessibility of UBCIC Register of Members
2. Accessibility of UBCIC Financial Statements
3. UBCIC's fees, benefits or amounts in salary paid to directors
4. UBCIC's Conflict of Interest by-laws
5. UBCIC's Executive Recall by-laws; and

WHEREAS the UBCIC By-Laws require the striking of a Constitution Committee to receive and process requests for By-Law Amendments which is composed of "not less than three and no more than five Full members of the UBCIC."

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council strikes the UBCIC Constitution Committee, and appoints the following Full members of the UBCIC to consider potential amendments to the UBCIC Constitution and By-Laws that may be necessary or advisable as a result of the changes to the Society Act:

1. Chief Donna Aljam, Nicomen Indian Band
2. Art Anthony, Neskonlith Indian Band
3. Ernie Henderson, Gwa'sala-'Nakwaxda'xw Nations
4. Chief Louise Johnson, Kispiox Band
5. Chief Nicole Remple, K'ómoks Indian Band

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Constitution Committee to work with UBCIC legal counsel Ardith Walkem to present potential By-Law amendments to the June 2018 UBCIC Chiefs Council, where the changes to the UBCIC Constitution and By-Laws will be ratified by an extraordinary resolution, requiring a two-thirds vote, and will provide direction to the Constitution Committee to submit the agreed-upon amendments to BC's Corporate Registry by the November 2018 deadline; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council, as per the UBCIC By-Laws, directs the UBCIC Executive to provide notice specifying the intention to propose the resolution as an extraordinary resolution, which will be provided one month previous to the June 2018 meeting.

Moved: Chief Harvey McLeod, Upper Nicola Band
Seconded: Chief Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: February 22, 2018

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FEBRUARY 21ST TO 22ND, 2018

MUSQUEAM COMMUNITY CENTRE, X^WMƏØK^WƏY'ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-16

RE: Family Homes on Reserves and Matrimonial Interest or Rights Act

WHEREAS the division and allocation of Matrimonial Real Property is an important concern for all First Nations and First Nations have unextinguished and inherent jurisdiction for law-making with regard to the treatment of Matrimonial Real Property in their communities;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms:

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

Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to 4.Resolution 217 A (III). 5 their internal and local affairs, as well as ways and means for financing their autonomous functions.

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

WHEREAS the Government of Canada did not adequately consult with, or seek, the consent of First Nations prior to the enactment of *Family Homes on Reserves and Matrimonial Interest or Rights Act* (FHRMIRA);

WHEREAS UBCIC passed resolution no.2006-34, which unilaterally rejects the Federal Government's initiative to impose a law which does not recognize First Nation Nations jurisdiction regarding Matrimonial Real Property and infringes upon our Aboriginal Title, Rights and Treaty Rights;

WHEREAS UBCIC has also passed resolution no.2010-38, which rejects the 2010 Federal Government initiative as Bill S-4, and which called upon the Government of Canada to work with First Nations on a First Nations-driven approach to Matrimonial Real Property;

WHEREAS the majority of British Columbia First Nations have not had adequate time, or been provided adequate resources, to draft their own legislation dealing with, on dissolution of a relationship, the division of property and the occupation of family homes on their reserves; and

WHEREAS the Government of Canada program providing funds to First Nations for consultation with their membership on this issue and for the development of laws on this issue, the ratification votes on this issue and the post-enactment education on this issue is set to expire on April 1, 2018.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls for the federal government to provide adequate funding to First Nations to enable them to talk with their membership and if they choose to do so, implement their own laws on this issue, and to adequately resource the processes that they develop under those laws;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to call on Canada for a two-year extension to the Federal Government funding program dealing with the *Family Homes on Reserves and Matrimonial Interest or Rights Act* for First Nations groups in BC, and a two-year extension of the agreement between Canada (Indigenous Affairs) and the Centre of Excellence for Matrimonial Real Property (care of the National Aboriginal Lands Managers Association).

Moved: Chief Louise Johnson, Kispiox Indian Band
Seconded: Debbie Abbott, Boston Bar First Nation (Proxy)
Disposition: Carried
Date: February 22, 2018

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FEBRUARY 21ST TO 22ND, 2018

MUSQUEAM COMMUNITY CENTRE, X^WMƏӨK^WƏY'ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-17

RE: Justice for Colten Boushie and Reform of Justice System

WHEREAS Indigenous peoples continue to experience discrimination and racism both in Canadian society and the Canadian justice system, despite current discourse around reconciliation, and are murdered at a disproportionately higher rate than non-Indigenous peoples;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, reaffirms that Indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind. Further, the Declaration 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 on August 9, 2016, 22-year old Colten Boushie, from the Red Pheasant First Nation, was a passenger in a grey Ford Escort that pulled into the yard of a 56-year old settler farmer named Gerald Stanley in Biggar, Saskatchewan, when their car had a flat tire. Stanley armed himself with a semi-automatic handgun when he saw two men get out of the car and mount his all-terrain vehicle. When he fired two shots into the air, the two unarmed men fled and Gerald Stanley walked to the car. Seeing Colten Boushie, apparently sleeping with his back to Stanley in the front seat of the car, Stanley leaned in far enough to position the barrel of the handgun at or near the base of Colten Boushie's head and fired one shot which killed Colten Boushie.

WHEREAS the prosecutor introduced evidence through Sheldon Stanley, the son of the accused that the shooting and killing was an accident. Sheldon Stanley testified as the Crown’s witness that he heard his father Gerald Stanley say, “I don’t know what happened. It just went off. I wanted to scare them.”

WHEREAS the prosecutor admitted and the presiding judge twice told the jury that Gerald Stanley was “lawfully justified in the circumstances of this case to retrieve his handgun and fire it into the air”, no evidence was presented or law argued on this point and the presiding judge instructed the jury “You must accept the admitted facts without further proof”;

WHEREAS after Boushie was killed, several RCMP officers arrived at the home of Colten Boushie’s mother, some with guns drawn, entered and conducted a search without permission or warrant and asked Colten Boushie’s mother if she was drunk when she expressed disbelief that her son could be dead;

WHEREAS defense counsel used peremptory challenges to object to prospective jurors who appeared to be indigenous;

WHEREAS the conduct of the prosecution and trial appeared focused on exonerating Gerald Stanley, by characterizing the occupants of the car as posing a threat serious enough to justify the lethal use of a handgun;

WHEREAS on February 9, 2018, an apparently all-white jury acquitted Stanley of the murder of Colten Boushie;

WHEREAS the acquittal was widely seen as a gross miscarriage of justice resulting from systemic prejudice and racism against indigenous people and has brought the Saskatchewan criminal law system into disrepute;

WHEREAS the Saskatchewan criminal law system of police, prosecutions and trials must be reformed to eliminate institutionalized racism against indigenous people that resulted in the acquittal of Gerald Stanley;

WHEREAS peremptory challenges have been identified (e.g. in the 1991 Report of the Manitoba Aboriginal Justice Inquiry and the 2013 Report on First Nations representation on Ontario juries) as a discriminatory means of excluding indigenous people from juries, and were used in this case to exclude from the jury an estimated five apparently indigenous people;

WHEREAS the Regional Chief of the BC Assembly of First Nations (BCAFN) is the Co-Chair of the Assembly of First Nations (AFN) National Justice Portfolio;

WHEREAS the Federation of Sovereign Indigenous Nations has called for a Royal Commission into how justice is administered to Indigenous Peoples, and the AFN is supporting this call; and

WHEREAS the BC Aboriginal Justice Council acknowledged the grave injustice that occurred in the murder of Colten Boushie and acquittal of Gerald Stanley and has committed to bolster their efforts both in BC and across the country, to drive real and fundamental change to Canada’s criminal justice system.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the family of Colten Boushie in seeking justice and calls for the Gerald Stanley verdict to be appealed;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls for appointment of an independent prosecutor for the appeal;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls for appointment of a Royal Commission of Inquiry to conduct a thorough, competent and impartial investigation of the killing of Colten Boushie and to examine and determine whether the actions of the RCMP, the prosecution and the presiding judge complied with legal duties, including the applicable codes of conduct, and to recommend the reform of law and policy necessary to eliminate prejudice against indigenous people from the response and investigation processes, the prosecution and the trials involving the killing of an Indigenous person; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the UBCIC Executive, working with BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to support the BC Aboriginal Justice Council to make formal recommendations to Canada and BC on reforming the Canadian justice system including how to eliminate institutionalized racism, based on the Colten Boushie murder and the Gerald Stanley acquittal.

Moved: Chief Lee Spahan, Coldwater Indian Band

Seconded: Kukwpi7 Kevin Whitney, T'it'q'et

Disposition: Carried

Date: February 22, 2018

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FEBRUARY 21ST TO 22ND, 2018

MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-18

RE: Support For Quatsino First Nation Forestry Negotiations

WHEREAS Indigenous Nations have an inherent right to self-determination including jurisdiction over, Title to, and the stewardship of, our respective territories, including the ownership of our forest resources;

WHEREAS Quatsino First Nation is in discussions with licensees in the forestry sector and with the Ministry of Forests, Lands, Natural Resource Operations & Rural Development (FLNRORD) to secure fair access to resources and revenues within Quatsino territory;

WHEREAS the mandate of FLNRORD does not support negotiations with industry and does not provide fair access to resources in our territory;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms:

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; and

WHEREAS First Nations Forestry Council's mandate includes promoting forestry-related opportunities for First Nations, advocating on forestry matters on behalf of BC First Nations, providing effective communication on forestry issues, and working with governments and others to ensure that First Nations' needs, values and principles are factored into forestry-related policy and program development.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council recognizes Quatsino First Nation's right to fair access to resources in its territory and to a fair portion of revenues collected from resources extracted from its territory;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate with Minister Doug Donaldson and Cabinet, their support for Quatsino First Nation regarding forestry negotiations and request a response outlining a course of action; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the Ministry of Forests, Lands, Natural Resource Operations and Rural Development, working with the First Nations Forestry Council, to develop a Policy which requires forestry licensees to engage and share mutual benefit and gain with the First Nation in whose territory they operate.

Moved: Chief James Nelson, Quatsino First Nation
Seconded: Robert Scow, Kwikwasut'inuxw Haxwa'mis First Nation (Proxy)
Disposition: February 22, 2018
Date: Carried

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FEBRUARY 21ST -22ND, 2018

MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY), B.C.

Resolution no. 2018-19

RE: Right To Play's Programming in Indigenous Communities across BC

WHEREAS by 2026 the Indigenous population of Canada will rise to over 1.5 million, with 41% below the age of 25. Indigenous children and youth face a disproportionate amount of social and economic barriers to success: they have a 50% chance of dropping out of high school, are much more likely to be incarcerated than their non-Indigenous peers, and face significantly higher rates of mental health issues, most notably suicidal ideations, than other children and youth in this country;

WHEREAS it is critical to invest in Indigenous youth programs to set the next generation up for success. Every young person deserves the right to play;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada and BC has adopted without qualifications, and has, alongside the government of BC omitted to implement, affirms:

Article 24(2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right;

WHEREAS the Truth and Reconciliation Commission of Canada's Calls to Action state:

#66: We call upon the federal government to establish multiyear funding for community-based youth organizations to deliver programs on reconciliation, and establish a national network to share information and best practices.

#90: We call upon the federal government to ensure that national sports policies, programs, and initiatives are inclusive of Aboriginal peoples, including, but not limited to, establishing:

- In collaboration with provincial and territorial governments, stable funding for, and access to, community sports programs that reflect the diverse cultures and traditional sporting activities of Aboriginal peoples.
- An elite athlete development program for Aboriginal athletes.

- Programs for coaches, trainers, and sports officials that are culturally relevant for Aboriginal peoples.
- Anti-racism awareness and training programs;

WHEREAS since 2010, Right To Play has partnered with Indigenous communities and other youth-serving organizations across Canada to deliver consistent safe, fun and educational after-school programming for children and youth through the Promoting Life-skills in Aboriginal Youth (PLAY) program. As a result, Indigenous young people have been able to develop self-confidence, communication, leadership and resiliency skills. The PLAY program currently partners with 92 communities and organizations across Canada; and

WHEREAS since launching PLAY in BC in 2015, 81 Indigenous communities and organizations have applied to partner with Right To Play; however, due to lack of funds, Right To Play has only been able to partner with approximately 20 communities a year.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports Right To Play in its efforts to partner with and support Indigenous Communities and urban organizations across British Columbia to deliver safe, fun and educational regular children and youth programs;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council urges the Provincial, Federal, and Territorial governments to act upon the Truth and Reconciliation Commission of Canada's Calls to Action which would include funding and supporting play-based programs for Indigenous children and youth in BC, such as the Right To Play program that will reach every BC community in need; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to advocate to the governments of BC and Canada for the support and funding of play-based programs for Indigenous children and youth.

Moved: Terry Denault, Skeetchestn Indian Band (Proxy)
Seconded: Chief Nicole Remple, K'ómoks First Nation
Disposition: Carried
Date: February 22, 2018

UNION OF B.C. INDIAN CHIEFS
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FEBRUARY 21-22, 2018
MUSQUEAM COMMUNITY CENTER, MUSQUEAM TERRITORY, B.C.

Draft Resolution no. 2018-20

RE: Effectiveness of the First Nations Health Authority

WHEREAS the First Nations Health Authority was established in 2013 to assume responsibility for the administration of certain federal health programs and services in British Columbia;

WHEREAS the primary mandate of the First Nations Health Authority (FNHA) is to design, deliver, manage, and fund health and wellness programs and services for BC First Nations;

WHEREAS the *United Nations Declaration on the Right of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms:

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

Article 24 (2): Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right;

WHEREAS, the FNHA has access to up to \$4.7 billion in federal funding from the 2013–14 fiscal year to the 2022–23 fiscal year. As such, the FNHA is five years through its initial ten-year mandate;

WHEREAS the FNHA 2017/18 Summary Service Plan identifies “advancing excellence in programs and services” as one of its priority goals;

WHEREAS members of our communities report that under the FNHA, access to necessary prescription medications has been reduced or denied because certain medications have been taken off the list of those that are covered; and

WHEREAS on November 8, 2017, the UBCIC issued an open letter to the FNHA calling for the FNHA to:

1. Facilitate an independent review on the Health Canada transfer to BC PharmaCare and provide the results of this review to all First Nations communities throughout BC;
2. Review and provide analysis of the Crown’s fiduciary duty to Inherent Title and Rights Holders and the ability to delegate this duty to non-title and rights holding organizations;
3. Provide a comprehensive report on new and additional out-of-pocket costs and non-funded services and prescriptions; and
4. Review and report on the total federal health dollars being transferred to the FNHA and BC PharmaCare; and

WHEREAS on November 20, 2017, the FNHA responded to UBCIC’s open letter, committing to establishing an evaluation framework that will include an independent evaluation of the transition from Health Canada to BC PharmaCare.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls for an independent and external evaluation of the effectiveness of all services provided by the First Nations Health Authority, including but not limited to the Health Canada transfer to BC PharmaCare, with a specific focus on the Health Benefits Program. The evaluation should examine both the scope of services provided and the efficacy of services provided;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the FNHA to identify a working group of external First Nations leaders to be involved in carrying out the evaluation, and for the working group to work closely with the FNHA to further define and clarify what is meant by the goal of “advancing excellence in programs and services.”

Moved: Chief Darrell Bob, Xaxli’p
Seconded: Councilor Colin Linger, Xa’xtsa (Douglas First Nation) (Proxy)
Disposition: TABLED
Date: February 22, 2018