

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 27TH TO 28TH, 2018

RICHMOND, B.C., X^wMƏӨK^wƏY^əM (MUSQUEAM TERRITORY)

FINAL RESOLUTIONS

- 2018- 20 Child Welfare Legislation to Affirm the Rights of First Nations Self-Determination and to Reduce the Number of First Nations Children in Care
- 2018-21 UBCIC Appointment to BC Aboriginal Justice Council
- 2018-22 FNFC Submission to the Minister of Transport Canada re Navigation Protection Act Review
- 2018-23 FNFC Coalition Submission to the Standing Committee on Fisheries and Oceans regarding the Fisheries Act Review
- 2018-24 Support for Intervention in Ahousaht Nation v. Canada
- 2018-25 Support for Further Study on the Targeted Management of Seal and Sea Lion Populations
- 2018-26 Ensuring Tripartite Engagement on Education is Consistent with UN Declaration and TRC Calls to Action
- 2018-27 UBCIC Intervention in Gitanyow
- 2018-28 UBCIC Appointment to BC First Nations Gaming Commission
- 2018-29 Support for the First Nations Public Service Secretariat
- 2018-30 Recommendations for a Recognition and Implementation of Rights Framework
- 2018-31 Transition of BC First Nations Health Benefits to PharmaCare Plan W BC

- 2018-32 Support-in-Principle for Tripartite Memorandum of Understanding between the First Nations Leadership Council, Indigenous Services Canada, and Emergency Management BC/BC Wildfire Service
- 2018-33 Medical Student Education Funding
- 2018-34 Support for Indigenous Tourism BC
- 2018-35 Calling on Oil companies to pay Climate Change Costs

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JUNE 27TH TO 28TH, 2018

RICHMOND, B.C., X^wMƏØK^wƏY^əM (MUSQUEAM TERRITORY)

Resolution no. 2018-20

RE: Child Welfare Legislation to Affirm the Rights of First Nations Self-Determination and to Promote Healthy Families and Reduce the Number of First Nations Children in Care

WHEREAS the Truth and Reconciliation Commission's (TRC) 94 Calls to Action have been supported by the Chiefs of BC and Canada;

WHEREAS the TRC's first 5 Calls to Action address the legacy of residential schools and the ongoing humanitarian issues pertaining to the continued over-representation of First Nations children in provincial and territorial child welfare systems, as well as the systemic denial of rights of those children and of First Nations peoples and communities to protect the children and transmit the culture, language and family customs to those children, and to have proper legal recognition of the collective right to set family law and policy for First Nations peoples;

WHEREAS the Touchstones of Hope have been endorsed by Chiefs across Canada, and one of the critical touchstones for change is full recognition of the rights to self-determination of First Nations in relation to child welfare, and the full authority and inherent rights to protect, support and care for our children and families;

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 the framework to move forward in a progressive way to address the underlying problems that have caused the legacy of residential schools, such as outmoded, racist and offensive doctrines of the cultural and moral superiority of European society, doctrines of discovery and *terra nullius*, and colonial approaches that impose the beliefs and will of the settler society on First Nations peoples;

WHEREAS the Canadian Human Rights Tribunal has found Canada to be in breach of its human rights obligations to First Nations children and has issued four compliance orders that Canada improve its laws, policies and practices to appropriate funds and support the rights of First Nations peoples, consistent with the UN Declaration and other international and domestic human rights standards;

2018-20

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WHEREAS BC has introduced amendments to their child welfare legislation and is making piecemeal improvements to give greater attention to First Nations children and families matters, within their own jurisdiction, but these changes have occurred unilaterally and without engagement with First Nations leadership, communities and families;

WHEREAS the province and the First Nations Leadership Council signed a Reconciliation Charter that committed the parties to work in partnership to achieve First Nations Child Welfare Reform via a Tripartite Working Group made up of Canada, British Columbia and the First Nations Leadership Council to implement concrete actions to support legislative reform, program and policy development and an effective fiscal model to support First Nations Child Welfare in BC;

WHEREAS by Resolution 2017-06, the UBCIC Chiefs Council recognizes that each First Nation has the right to determine and develop their own child, youth and family safety and well-being 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, youth and families;

WHEREAS by UBCIC Resolution 2017-06, the UBCIC Chiefs Council fully supports any and all First Nations' efforts to exercise and secure recognition of their jurisdiction and authority regarding children, youth and families;

WHEREAS while UBCIC respects the rights of Inuit and Métis Peoples to pursue legislation regarding child, youth and family safety and well-being for their citizens, it is important that First Nations specific legislative approaches be pursued and not adjoined to or made conditional to an "Indigenous" legislative approach; and

WHEREAS as discussed at the AFN Special Chiefs Assembly May 1-2, 2018 in Gatineau, Quebec, legislation must involve direct engagement and input of First Nations as the proper Title and Rights Holders.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls on Canada to recognize that child and family safety and wellbeing (including child welfare) requires Canada to provide sustained, culturally-based and needs-based funding and legislative recognition to enable First Nations to exercise their right to care for their children, youth and families. Such legislation therefore must not be prescriptive given the diversity of First Nations cultures and the need for First Nations to reaffirm culturally-based approaches, nor should legislation re-trench or support the bureaucratic control or imposition of child, youth and family philosophies, policies and practices on First Nations peoples that have proven ineffective; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on Canada to co-create guidelines for implementation of such recognition legislation, based on self-determination, human rights, the TRC's 94 Calls to Action and the UN Declaration on the Rights of Indigenous Peoples, and which provide a stable and lasting framework for funding and support of the work of First Nations to address the legacy of residential schools and other failed government policies that have harshly impacted children, youth, families and communities.

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Chief Don Tom, Tsartlip First Nation
Disposition: Carried
Date: June 28, 2018

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

Resolution no. 2018-21

RE: UBCIC Appointment to BC Aboriginal Justice Council

WHEREAS Aboriginal people are overrepresented 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 the UBCIC Chiefs Council endorsed and adopted the draft Terms of Reference for the BC Aboriginal Justice Council by Resolution 2015-03;

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 by Resolution 2015-22, the UBCIC Chiefs Council ratified the appointment of Chief Aaron Sam, Lower Nicola Indian Band, as the UBCIC representative to the BC Aboriginal Justice Council for a three-year term ending July 15, 2018;

WHEREAS the UBCIC circulated notice seeking application for one (1) representative to the BC First Aboriginal Gaming Commission, for a three-year term, from July 16, 2018 to July 15, 2021, to be chosen in accordance with the UBCIC Elections Procedures; and

WHEREAS Boyd Peters, Sts' ailes, applied for the UBCIC appointment to the BC Aboriginal Justice Council.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby appoints Boyd Peters, Sts' ailes, as the UBCIC representative to the BC Aboriginal Justice Council for a three-year term, from July 16, 2018 to July 15, 2021, by acclamation; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC appointment to the BC Aboriginal Justice Council to provide updates to the UBCIC Chiefs Council.

Moved: Chief Don Tom, Tsartlip First Nation
Seconded: Kukpi7 Ryan Day, Bonaparte Indian Band
Disposition: Carried
Date: June 28, 2018

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RICHMOND, B.C., X^wMƏӨK^wƏY^əM (MUSQUEAM TERRITORY)

Resolution no. 2018-22

RE: FNFC Submission to the Minister of Transport Canada re *Navigation Protection Act* Review

WHEREAS without consultation with BC First Nations, in 2012 the Conservative Federal Government introduced changes to the *Navigation Protection Act* (NPA) as part of Omnibus Bill C-45, which drastically reduced the number of waterways protected by the NPA, leaving 99% of lakes, rivers and oceans in Canada unprotected under this legislation, and exempting several major industrial projects from federal purview;

WHEREAS Prime Minister Trudeau has directed the Minister of Transport to review the 2012/2013 changes to the NPA. The Parliamentary Standing Committee on Transport, Infrastructure and Communities was tasked with conducting the review, which was announced in June 2016. The First Nations Fisheries Council of British Columbia (FNFC) made submissions to the Standing Committee in the first 2 phases of engagement (December 2016 and August 2017);

WHEREAS *Bill C-69: An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts* was tabled in Parliament on February 8, 2018. Bill C-69 was assigned to the Minister of Environment and Climate Change for review, and the Standing Committee on the Environment and Sustainable Development (ENVI) was tasked with the review;

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 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.

Article 26(1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied, or otherwise used or acquired.

Article 29(1): 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 by UBCIC Resolution 2017-03 “Support for FNFC Submission to the Parliamentary Standing Committee on Transport, Infrastructure and Communities’ regarding *Navigation Protection Act Review*,” the UBCIC Chiefs Council fully supported the First Nations Fisheries Council of BC’s (FNFC) submission to the Standing Committee on Transport, Infrastructure and Communities regarding the review of changes to the *Navigation Protection Act*;

WHEREAS by UBCIC Resolution 2017-43 “FNFC Submission to the Minister of Transport Canada on the *Navigation Protection Act Review*,” the UBCIC Chiefs Council fully supported the First Nations Fisheries Council of BC’s (FNFC) submission to the Minister of Transport regarding the Government Response to the Report of the Standing Committee on Transport, Infrastructure and Communities entitled “A Study of the *Navigation Protection Act*”;

WHEREAS the FNFC retained Ratcliff & Company to conduct a legal analysis of proposed amendments to the NPA under Bill C-69. The FNFC made a submission to ENVI on April 5, 2018. This submission focuses on constructive proposals to improve the Act, to restore protections for water and navigation, and to confirm the central role for Indigenous Peoples in governing navigable waters; and

WHEREAS the FNFC’s submission reflects the need for the Government of Canada to properly consult with all First Nations Rights holders on matters related to water protection, policy, management and legislation, and to engage in co-management with First Nations. Implementation of the recommendations put forward in the submission would improve the environmental protection of navigable waterways on which First Nations across the province have always relied for health and for cultural, spiritual and economic wellbeing. The submission also seeks to uphold the Section 35(1) Rights of all BC First Nations.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the First Nations Fisheries Council of BC’s (FNFC) submission to the Minister of Transport regarding the review of the *Navigation Protection Act*”; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate its support to the Government of Canada for the First Nations Fisheries Council’s April 2018 submission to ENVI regarding Bill C-69 and proposed changes to the *Navigation Protection Act*.

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Chief Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: June 28, 2018

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RICHMOND, B.C., X^wMƏӨK^wƏY^əM (MUSQUEAM TERRITORY)

Resolution no. 2018-23

**RE: FNFC Coalition Submission to the Standing Committee on Fisheries and Oceans regarding the
Fisheries Act Review**

WHEREAS without consultation with BC First Nations, in 2012 the Conservative Federal Government introduced changes to the *Fisheries Act* as part of Omnibus Bill C-38, which weakened habitat protections, attempted to limit the scope of Aboriginal fisheries, and reduced oversight of projects that could negatively affect aquatic resources and habitats;

WHEREAS in June 2016, Prime Minister Trudeau directed the Minister of Fisheries, Oceans and the Canadian Coast Guard to review the 2012/2013 changes to the *Fisheries Act*, to restore lost protections and incorporate modern safeguards. The Standing Committee on Fisheries and Oceans (FOPO) was tasked with conducting the review. The First Nations Fisheries Council of British Columbia (FNFC) made submissions to FOPO and to the Minister of Fisheries and Oceans in the first 2 phases of engagement (November 2016 to January 2017, and August 2017);

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 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.

Article 26(1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied, or otherwise used or acquired.

Article 29(1): 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 by UBCIC Resolution 2017-02 “Support for FNFC Submission to the Parliamentary Standing Committee on Fisheries and Oceans regarding the *Fisheries Act* Review,” the UBCIC Chiefs Council fully supported the First Nations Fisheries Council of BC’s (FNFC) submission to the Parliamentary Standing Committee on Fisheries and Oceans regarding the review of the 2012/2013 changes to the *Fisheries Act*;

WHEREAS by UBCIC Resolution 2017-42 “FNFC Coalition Submission to the Department of Fisheries and Oceans Canada on the *Fisheries Act Review*,” the UBCIC Chiefs Council fully supports the FNFC’s Coalition submission to the Minister of Fisheries and Oceans and the Canadian Coast Guard regarding the review of changes to the *Fisheries Act*, including recommendations on restoring lost protection, modernizing the Act, and the necessary systemic and comprehensive changes to truly achieve transformation and evolve First Nations-Crown relations from the colonial denial that has resulted from over a century of conflict and distrust, to effective and efficient nation-to-nation, government-to-government relations on how fish, fish habitat and fisheries are governed and managed;

WHEREAS *Bill C-68: An Act to amend the Fisheries Act and other Acts in Consequence* was tabled in Parliament on February 6, 2018. Bill C-68 was assigned to the Minister of Fisheries, Oceans and the Canadian Coast Guard for review, and FOPO was tasked with the review;

WHEREAS the FNFC worked as a Coalition in partnership with regional First Nations organizations throughout the province and Mandell Pinder LLP to develop a brief to FOPO, submitted April 20, 2018. The Coalition submission provides recommended revisions to Bill C-68, *An Act to amend the Fisheries Act and other Acts in consequence* for the Standing Committee’s consideration. The Coalition submission focuses on revisions to modernize fisheries governance and management in a manner that protects, conserves and restores fish and fish habitat and supports reconciliation with Indigenous peoples;

WHEREAS the Coalition submission stresses that the *Fisheries Act* needs to enable, facilitate, and support the proper recognition and respect for First Nations’ inherent and constitutional rights and responsibilities within all aspects of the governance and management of fish, fish habitat and fisheries, and as such the fundamental purpose of reconciliation with Indigenous peoples, including respect for the existing rights of the Indigenous peoples of Canada recognized and affirmed under section 35 of the *Constitution Act, 1982*, and that the inherent Indigenous rights and responsibilities affirmed by the *United Nations Declaration on the Rights of Indigenous Peoples* needs to be embedded in the purpose section of the *Fisheries Act*; and

WHEREAS implementation of the recommendations put forward in the submission would recognize and respect First Nations’ inherent and constitutional rights and responsibilities, improve fisheries management practices and increase protection for the fish and aquatic resources on which First Nations across the province have always relied for nutritional, cultural, spiritual and economic wellbeing.

THEREFORE BE IT RESOLVED the UBCIC Council fully supports the First Nations Fisheries Council’s Coalition submission to the Standing Committee on Fisheries and Oceans regarding Bill C-68 and proposed revisions to the *Fisheries Act* including recommendations on restoring lost protections, modernizing the Act, and the necessary systemic and comprehensive changes to truly achieve transformation and evolve First Nations-Crown relations from the colonial denial that has resulted in over a century of conflict and distrust, to effective and efficient nation-to-nation, government-to-government relations in how fish, fish habitat and fisheries are governed and managed; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate their support to the Standing Committee on Fisheries and Oceans regarding Bill C-68 and the proposed revisions to the *Fisheries Act*.

Moved: Kukpi7 Shelley Loring, Simpcw First Nation
Seconded: Chief Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: June 28, 2018

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

Resolution no. 2018-24

RE: Support for Intervention in *Ahousaht Nation v. Canada*

WHEREAS in 2009, five Nations (Ahousaht, Ehattesaht/Chinekintaht, Hesquiaht, Tla-o-qui-aht, Mowachaht/Muchalaht) won a major court victory when the BC Supreme Court recognized and formally declared that the Nations have the right to fish for any species of fisheries resources in their territories and sell that fish into the commercial marketplace;

WHEREAS in 2018, Canada used a justification trial to persuade the Court that it should redefine the proven right to something much narrower;

WHEREAS in 2018, three commercial and recreational fishing industry groups successfully applied to intervene in the justification trial and supported Canada's efforts to narrow the proven right and to remove certain species from it. They also argued that Canada could not accommodate the proven right without involving industry groups in the negotiations;

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 20

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

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;

WHEREAS the five Nations are seeking support from First Nations leadership, including from the UBCIC Chiefs Council, to develop a First Nations coalition to intervene in support of the five Nations who are appealing the justification decision; and

WHEREAS the justification decision has significant implications for all First Nations. It is the first time that a court has expansively considered the application of the justification test to a broad-based proven right and, if left in place after appeals, would govern all future justification cases.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the five Nations (Ahousaht, Ehattesaht/Chinekintaht, Hesquiaht, Tla-o-qui-aht, Mowachaht/Muchalaht) in their appeal of the justification decision in *Ahousaht v. Canada*;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to seek resources in order to apply for Intervenor Status in the appeal by the five Nations; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to coordinate support for any First Nations to collectively join the appeal as intervenors in support of the five Nations, subject to resources.

Moved: Chief Mark Point, Skowkale First Nation
Seconded: Chief Clifford White, Gitxaala Nation
Disposition: Carried
Date: June 27, 2018

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RICHMOND, B.C., X^wMƏӨK^wƏY^əM (MUSQUEAM TERRITORY)

Resolution no. 2018-25

RE: Support for Further Study on the Targeted Management of Seal and Sea Lion Populations

WHEREAS the Salish Sea covering the Strait of Georgia to Puget Sound is home to a concentrated population of harbour seals, which are consumers of juvenile Chinook salmon and herring, which may have serious impacts on Chinook and herring stocks in the Salish Sea;

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 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;

WHEREAS the reduction in the availability of Chinook salmon and herring has negative impacts upon the local orca populations, which rely upon Chinook salmon as a key food source, as well as impacting the availability for human consumption purposes;

WHEREAS a 2017 study published by the Canadian Journal of Fisheries and Aquatic Sciences, indicated that seals and sea lions in the Puget Sound area of the Salish Sea consume roughly nine times the amount of Chinook salmon that they consumed before 1970;

WHEREAS wildlife managers in the Puget Sound are working to recover the diminished Chinook salmon population, which are impacted by the over 50,000 harbor seals occupying the Salish Sea and consuming salmon;

WHEREAS US tribal leaders, as well as the Puget Sound Leadership Council, the governing body of the Puget Sound Partnership, are calling for a study of “targeted management” of seals and sea lions. This is in response to recent scientific findings suggesting that harbor seals and sea lions may be impacting and reducing the population of Chinook in Puget Sound (see the attached article, “Study would explore changes to protections for seals and sea lions” as published in the Encyclopedia of Puget Sound); and

WHEREAS in the US, a proposed white paper is expected to review the intersections and impacts of the seal and sea lion populations on Chinook.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Fisheries Council to call upon the Department of Fisheries and Oceans Canada to conduct necessary management studies regarding impacts associated with the growing population of seals and sea lions in the Salish Sea upon fisheries, in particular salmon and herring stocks, and the potential decline of the population numbers.

Moved: Chief Don Svanvik, ‘Namgis First Nation
Seconded: Chief Dalton Silver, Sumas First Nation
Disposition: Carried
Date: June 28, 2018

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RICHMOND, B.C., X^wMƏӨK^wƏY^əM (MUSQUEAM TERRITORY)

Resolution no. 2018-26

RE: Ensuring Tripartite Engagement on Education is Consistent with UN Declaration and TRC Calls to Action

WHEREAS First Nations in BC have been working together formally for more than two decades to advance quality education and improve outcomes for all First Nations students and, through their collective efforts, have established a solid foundation for a comprehensive, integrated, well-supported BC First Nations education system, which is founded on First Nations' languages and cultures, and 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 First Nations Education Steering Committee (FNESC) on behalf of First Nations, complementing the Education Jurisdiction agreements and corresponding legislation. TEFA expires on June 30, 2018 and the Parties are engaged in renewal negotiations to conclude a new agreement;

WHEREAS education is a fundamental human right. For First Nations, this right is uniquely situated within a framework of inherent rights as Indigenous people that are constitutionally protected under section 35 of the *Constitution Act, 1982*, and supported by international mechanisms and instruments, such as the *Convention on the Rights of the Child* and the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration). It is also informed by the Truth and Reconciliation Commission's Calls to Action for reconciliation;

WHEREAS through the experience of implementing TEFA and advocating for First Nations students in the provincial public school system, FNESC has identified a number of key legislative and policy objectives to support improved First Nation student outcomes. FNESC and the Ministry of Education have a Bilateral Protocol signed in 2015, in addition to TEFA, to provide a forum to collaborate to support First Nations students attending provincial public and independent schools;

WHEREAS FNEESC has made numerous recommendations to the Ministry of Education and Indigenous Services Canada for:

1. increased accountability for First Nation student outcomes – e.g. legislative and policy shifts to better support the negotiation and implementation of local education agreements (LEAs) between school districts and First Nations), and
2. reinstating transportation funding to appropriately support First Nations students in accessing a full-range of education programs and services.
3. improving the ability of the provincial school system to contribute to reconciliation (e.g. First Peoples Mandatory Course, provision of transportation to First Nations students);
4. ensuring that the new TEFA aligns with the national Policy Proposal for First Nations education, including provisions that BC First Nations will be eligible for an equitable allocation of any new federal investments;

WHEREAS FNEESC’s recommendations outlined above remain outstanding matters that require immediate attention and political will to address, consistent with the Provincial and Federal commitments, and the mandates of both provincial and federal Minister’s mandates, to implement the UN Declaration and TRC Calls to Action;

WHEREAS notwithstanding the commitments in TEFA, and the Provincial and Federal commitments to endorse and implement the UN Declaration and TRC Calls to Action, the Ministry of Education is undertaking key initiatives that will impact First Nations education without meaningful involvement of First Nations or the First Nations Education Steering Committee (FNEESC), including:

1. Review of K-12 provincial funding formula (which has direct implications for the funding model under TEFA, which is based on the provincial funding formula, with specific adaptation to address First Nations unique needs); and
2. Development of a Ministry Indigenous Language Policy and implementation plan; and

WHEREAS there is an urgent need for the Ministry to work collaboratively with FNEESC to make systemic shifts that includes accountability to better support First Nations student outcomes, and to ensure that provincial processes, such as the funding review and Indigenous Language Policy, have First Nations involvement/input and ultimately support and benefit First Nation students.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls upon the Minister of Education and Minister of Indigenous Services to uphold BC and Canada’s commitments to the UN Declaration and TRC Calls to Action, and work in partnership with FNEESC to:

1. Ensure FNEESC’s direct involvement in the Ministry of Education’s funding formula review - including the technical review committee and the implementation - to ensure that the recommendations of the panel do not do negatively impact First Nation learners, TEFA, or the TEFA funding formula for First Nation schools;
2. Jointly develop the Ministry of Education Language Policy and implementation plan;
3. Commit to developing a formal mechanism to compel or require, and support, boards of education to enter into LEAs with First Nations, where requested by the First Nation;
4. Develop a solution to ensure transportation services are available for First Nation students;
5. To confirm that First Peoples as a mandatory course or bundle of credits as part of the graduation program in the provincial public school system;
6. Develop and implement other improvements for First Nation students, with associated accountability mechanisms;

7. Canada to ensure alignment of the renewed TEFA with the Policy Proposal, which was supported by Chiefs and appended to a Memorandum to Cabinet;
8. Ensure that the renewed TEFA includes provisions for BC First Nations to be eligible for new federal investments in First Nations education, based on continual progress in improving First Nation student outcomes; and
9. Develop BC-specific education program policies and guidelines, which must be maintained to support the implementation of our new tripartite agreement.

Moved: Chief Don Tom, Tsartlip First Nation
Seconded: Guy Louie, Ahousaht (Proxy)
Disposition: Carried
Date: June 27, 2018

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CHIEFS COUNCIL
JUNE 27TH TO 28TH, 2018
RICHMOND, B.C., X^mMƏӨK^wƏY^əM (MUSQUEAM TERRITORY)

Resolution no. 2018-27

RE: UBCIC Intervention in Gitanyow

WHEREAS the UBCIC's mandate is 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, and the UBCIC works to promote and protect each Nation's exercise of Sovereignty within their traditional territories;

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

WHEREAS the BCTC process allows Indian Act Bands to indiscriminately identify and designate lands for negotiations in a geographic area as part of their 'Statement of Intent to Negotiate a Treaty.' These 'Statement of Intent' geographic area maps often designate boundaries that extend into the un-ceded territorial land-base of neighboring Indigenous nations, and the outcome means that Indigenous peoples in BC who have never entered the BCTC process, have their un-ceded territorial lands on the treaty negotiation tables with which they are not involved;

WHEREAS the Provincial and Federal Crown accept the 'asserted claim territory' as the basis of Wildlife Areas in treaties with no regard for the adverse impact of accepting such bald unproven claims on neighbouring Indigenous Nations even though the treaty-created "Wildlife Areas" overlap on neighbouring Aboriginal title lands;

WHEREAS as a result of the Nisga'a Final Agreement (NFA), the Nass Wildlife Area overlaps 84% of the Gitanyow Lax'yip (territory). During the negotiations of the NFA and after it was signed, both provincial and federal governments assured the Gitanyow that the NFA would not affect Gitanyow Title and Rights;

WHEREAS in previous court decisions, Justice Tysoe and Justice Nielson of the British Columbia Supreme Court (2004, 2008) have affirmed that Gitanyow has a “good to strong” prima facie claim of aboriginal title and a strong prima facie claim of aboriginal rights to at least part of the Gitanyow Lax’yip, including where the Nisga’a Wildlife Area is located. BC did not appeal these findings, nor did they present any evidence to the contrary;

WHEREAS following the signing of the NFA in 1999, the Nass Moose Population decreased by approximately 65%. According to Nisga’a reports, the decline was caused by their overharvest, resulting from their allocation formula. Gitanyow aboriginal hunting rights have been impacted for more than ten years, with limited moose available. BC repeatedly denied Gitanyow’s consultation requests on the Total Allowable Harvest and Annual Management Plan for moose and other species within the Nass Wildlife Area. After several years of conservation efforts (Gitanyow self-imposed hunting restrictions), repeated requests for consultation and collaborative management with BC and Nisga’a, in 2015 Gitanyow was left with no choice but to seek legal remedy to protect Gitanyow aboriginal hunting rights;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the Province of BC has committed to implement, states:

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.

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 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.

Article 32

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

WHEREAS the *Gamlaxyeltxw v. MFLNRO* case was originally framed as a “mandamus” action, because the Minister had not made an actual decision on the Total Allowable Harvest or Annual Management Plan for years, despite being required to do so by the treaty, and wildlife management within the Nass Wildlife Area had been abandoned almost entirely to the Nisga’a;

WHEREAS the original pleadings sought to have the Minister fulfill his decision-making responsibilities in accordance with the NFA, including the need for consultation with Gitanyow on these decisions. The pleadings were modified when the Minister resumed his decision-making responsibilities for the 2016-17 hunting season. Gitanyow sought declarations that the Crown owed Gitanyow a duty to consult on the Total Allowable Harvest and Annual Management Plan on an annual basis, and that in accordance with the definitions established by the NFA, treaty rights were equivalent to recreational hunting rights and thus that aboriginal hunting rights should take precedence;

WHEREAS in her decision of March 21, 2018 Justice Sharma dismissed Gitanyow’s petition entirely (the “Decision”). While the MFLNRO had already commenced consultation with Gitanyow on the Total Allowable Harvest, and Justice Sharma acknowledged that consultation was warranted, the Court did not grant that declaration on an ongoing basis. The Court’s reasons stated that treaty rights in that case were to take precedence over “asserted” aboriginal rights. The Decision not only gives Gitanyow no certainty regarding ongoing consultation obligations, but pushes the legal framework for the duty to consult back to pre-*Delgamuukw* and pre-*Alphonse* and *Dick* times (1996) when the BC Court of Appeal confirmed Aboriginal hunting rights existed throughout British Columbia;

WHEREAS if the Decision stands, it will affect not only generations of Gitanyow, but also other First Nations affected by modern treaty “overlaps”;

WHEREAS if treaty rights are deemed to take precedence over aboriginal rights, and various wildlife and fish stocks are not properly managed by treaty nations, this could mean de facto extinguishment of the rights of affected neighboring First Nations for new and existing modern treaties;

WHEREAS the Decision also significantly alters the scope of the duty to consult when treaty rights bump up against aboriginal rights. The non-derogation language contained in the NFA, according to this decision, offered no protection to Gitanyow rights, in spite of the Crown’s assurances. Furthermore, the Decision fails to recognize and understand that treaty lands and harvest areas are not the result of any strength of claim assessment, but only blanket assertions and negotiated settlements. The strength of claim assessment done as a part of any consultation process is crucial where ‘overlaps’ are used to undermine First Nations’ positions;

WHEREAS the Province’s approach to this case, and to maintaining the current BCTC process, is not consistent with recognition and implementation of Indigenous rights, the UN Declaration, or the Province’s 10 Draft Principles on Relations with Indigenous Peoples, as it ignores the Rights of those Indigenous Peoples not in the BCTC process; and

WHEREAS by Resolution 2016-30, the UBCIC Chiefs-in-Assembly endorsed the UBCIC Political and Legal Action Plan “Moving Beyond the BC Treaty Commission Process and into Proper Negotiations Based on Recognition and Implementation of Aboriginal Title and Rights.”

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council unanimously and fully supports the Gitanyow in their appeal of *Gamlaxyeltxw v. MFLNRO*;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council recognizes the critical importance of this case in setting a precedent that holds reconciliation with some Indigenous peoples through the BC Treaty Commission (BCTC) process can only occur at the expense of the rights of other Indigenous peoples, including potentially the de facto extinguishment of the rights of neighboring nations;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to seek resources in order to apply for Intervenor Status in the appeal by Gitanyow;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to coordinate support for any First Nations to collectively join the appeal as intervenors in support of the Gitanyow, subject to resources;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to call on the Province to refute the Decision in accordance with their policy position supporting full implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* and the Province's 10 Draft Principles on Relations with Indigenous Peoples; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to provide public support through media and other forums for the Gitanyow appeal.

Moved: Chief Don Svanvik, 'Namgis First Nation

Seconded: Chief Vivian Tom, Wet'suwet'en

Disposition: Carried

Date: June 27, 2018

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JUNE 27TH TO 28TH, 2018
RICHMOND, B.C., X^wMƏӨK^wƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2018-28

RE: UBCIC 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 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 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 could formally appoint someone at the June 2018 Chiefs Council; and

WHEREAS the UBCIC circulated notice seeking application for one (1) representative to the First Nations Gaming Commission, 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 Thomas Konek, Westbank First Nation, applied for the UBCIC appointment to the BC First Nations Gaming Commission.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby appoints Thomas Konek, Westbank First Nation, to the BC First Nations Gaming Commission, for a three-year term ending on the date of the Society's annual general meeting for the year 2021, by acclamation;

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

Moved: Chief Don Tom, Tsartlip First Nation
Seconded: Kukpi7 Shelley Loring, Simpcw First Nation
Disposition: Carried
Date: June 28, 2018

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JUNE 27TH TO 28TH, 2018

RICHMOND, B.C., X^wMƏӨK^wƏY^əM (MUSQUEAM TERRITORY)

Resolution no. 2018-29

RE: Support for the First Nations Public Service Secretariat

WHEREAS BC First Nations Leadership determined in 2008 that there was a significant need for support for BC First Nations to build capacity in their administrations to be able to effectively and efficiently carry out their increasing decision-making powers through jurisdiction, authority and administration;

WHEREAS the First Nations Public Service Secretariat (FNPSS) was established in 2008 as a provincial-level body mandated to create and implement a collective plan to support First Nations communities and organizations in BC as they pursue excellence in capacity building and human resource development;

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 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 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 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 2011-27, “First Nations Public Service Capacity Building Strategy,” the UBCIC Chiefs Council supported FNPSS and endorsed their work and Annual Report;

WHEREAS between 2008 and 2013, the FNPSS made significant progress towards its primary goals to:

- Strengthen and support relationships between First Nations Leadership, Administration and Communities;
- Coordinate and strengthen human resource development for Nation workers in the core competencies: human, financial and information management, and policy development;
- Support and enhance human resource development efforts for Nation workers in a range of professional sectors such as health, education, children and families, resource management, etc;

WHEREAS FNPSS progress was halted when federal funding support stopped in 2013, but in November 2017 the FNPSS was re-established, with federal funding through the First Nations Summit; and

WHEREAS FNPSS confirmed through a conference in March 2018 and other outreach that it continues to have the support of BC First Nations for it to pursue its previous mandate and towards its existing goals.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the First Nations Public Service Secretariat (FNPSS) in its work to strengthen and enhance public service capacity in BC First Nations communities and organizations, on an individual and Nation level; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the federal and provincial governments to support public service capacity building in BC First Nations with tangible and sustainable funding in order to truly implement reconciliation, the principles of the *United Nations Declaration on the Rights of Indigenous Peoples*, and in order for BC First Nations to be self-determining and implement self-government agreements successfully.

Moved: Chief Janet Webster, Lytton First Nation
Seconded: Chief Vivian Tom, Wet'suwet'en
Disposition: Carried
Date: June 28, 2018

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JUNE 27TH TO 28TH, 2018
RICHMOND, B.C., X^wMƏӨK^wƏY^əM (MUSQUEAM TERRITORY)

Resolution no. 2018-30

RE: Recommendations for a Recognition and Implementation of Rights Framework

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 on February 14, 2018, Prime Minister Justin Trudeau announced Canada's intention to embark on a nation-wide engagement strategy to discuss the development a new recognition and implementation of rights framework. Since then, on behalf of the federal government, Minister Carolyn Bennett has engaged First Nations and their organizations throughout the country in group dialogue sessions, and in separate meetings with First Nations who have expressed an interest in doing so;

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 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 Union of BC Indian Chiefs, the First Nations Summit, and the BC Assembly of First Nations (working together as the First Nations Leadership Council (FNLC)), along with Canada and BC jointly hosted a two-day BC-specific Recognition and Implementation of Rights Forum held in Vancouver on April 11-13, 2018 to being the dialogue on rights recognition and implementation;

WHEREAS specifically, the aim of the forum was to hear directly from First Nations about:

- The various perspectives about 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 input and strategies that arose from the forum are intended to help to guide continued political discussion and policy development regarding a recognition and implementation of rights approach;

WHEREAS Chiefs and leadership in attendance in an internal Chiefs and leadership dialogue session held on April 12, 2018 identified a number of initial, high-level recommendations regarding principles, minimum requirements and scope of what a recognition and implementation of rights framework must include. These recommendations were compiled into a rolling draft document;

WHEREAS following direction provided by First Nations Chiefs and leaders at the forum, the FNLC circulated the rolling draft document “Recognition and Implementation of Rights Forum Recommendations Generated by BC Chiefs and Leadership” to First Nations for feedback and additions.

WHEREAS comments or submissions were accepted until Tuesday June 19, 2018, to be included into the next draft for discussion at a follow-up All Chiefs and Leadership forum planned for Tuesday, June 26, 2018 in Richmond. The document was then further reviewed and updated;

WHEREAS it is the intention of the FNLC to finalize the summary document with communities’ feedback into a set of shared principles to inform a recognition and implementation of rights framework as well as a detailed appendix outlining the specific recommendations received from communities; and

WHEREAS the FNLC has clearly articulated to Canada and BC that the document is not to be interpreted as a complete response from First Nations communities in BC, but rather as an initial step which does not replace the requirement of the Crown to engage on a nation-to-nation level with First Nations in BC.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports-in-principle the document titled, “Recognition and Implementation of Rights Forum Recommendations Generated by BC Chiefs and Leadership,” recognizing that there will likely be further refinements to the document as a result of discussion and input by First Nations who are interested and able to do so, including to be qualified by a participation list;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to re-confirm with Canada and British Columbia that:

- a. Engagement and dialogue on the federal initiative on a recognition and implementation of rights framework will not serve as a barrier to progress on:
 - a. Any work or approaches currently underway with individual First Nations or negotiating tables; or
 - b. Any potential work arising from Nation-to-Nation discussions;
- b. The participation of First Nations in the Recognition and Implementation of Rights Forum and follow-up session does not replace or constrict First Nations’ opportunities to request their own respective meetings with Canada and BC, or their respective decisions to advance their own First Nation-driven priorities and recommendations through their own stand-alone documents; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to continue working with the First Nations Summit and the BC Assembly of First Nations as the First Nations Leadership Council, to support any follow-up to the June 26, 2018, All Chiefs and Leadership Recognition and Implementation of Rights Forum, including participation in related efforts.

Moved: Chief Don Tom, Tsartlip First Nation
Seconded: Chief Dean Nelson, Lil'wat Nation
Disposition: Carried
Date: June 28, 2018

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JUNE 27TH TO 28TH, 2018

RICHMOND, B.C., X^wMƏӨK^wƏY^əM (MUSQUEAM TERRITORY)

Resolution no. 2018-31

RE: Transition of BC First Nations Health Benefits to PharmaCare Plan W BC

WHEREAS Indigenous Nations have an undeniable sovereign responsibility and mandate to ensure the health, safety, and well-being of their members;

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 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;

WHEREAS the Crown has a fiduciary duty to First Nations people which includes ensuring delivery of health services;

WHEREAS on October 1, 2017, the full transfer of all First Nations Health Authority (FNHA) clients' health benefits from the Non-Insured Health Benefits program of Health Canada to the BC PharmaCare Plan W program was launched and is referred to as Plan W. FNHA was responsible for the roll-out of the transfer;

WHEREAS UBCIC members have reported new and additional out-of-pocket costs for services and prescriptions previously available to them, especially those living with chronic conditions like diabetes;

WHEREAS PharmaCare Plan W will often only cover the generic version of drugs in order to save on costs, although community members may prefer and are used to the brand-name versions of their medications. This results in PharmaCare Plan W insisting that providers demonstrate patient "failure" before the benefit will cover a more expensive drug that was previously covered under NIHB. For diabetes medication, for example, failure is defined as an episode of low blood glucose, which is a safety concern, particularly for Elders;

2018-31

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WHEREAS First Nations communities in BC were not fully consulted regarding the transition of their community members' prescription services into the BC PharmaCare Plan W program, and this lack of required Nation-based consultation and consent raises deep concerns around what cost formulas were agreed upon and the impacts this agreement will have on Title and Rights to health benefits over the immediate and long term;

WHEREAS the intent of the First Nations Health Council's 7 Directives and the Engagement and Approvals Pathway approved in Consensus Paper 2011 is to ensure that community voice is not lost in major decision making; and

WHEREAS Plan W is not prevention-focused and does not support the wellness mandate of the organization. Many preventative supplies, medications or equipment are no longer covered or are not covered as they were under Non-Insured Health Benefits.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council requests that the First Nations Health Authority (FNHA) provides clarity on how the decision to transfer benefits from a Crown fiduciary duty to a provincial program was made, along with clarity on the process which mandated and provided authority to FNHA to undergo this process; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to request that the FNHA:

- Facilitate an independent review of the Health Canada transfer to BC PharmaCare Plan W, including human and financial resources to engage and evaluate client satisfaction and service provider engagement, and provide the results of this review to all First Nations communities in BC;
- Review and provide an 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;
- Provide a comprehensive report on new and additional out-of-pocket costs and non-funded services and prescriptions;
- Review and report on the total federal health dollars being transferred to the FNHA and BC PharmaCare Plan W;
- Provide immediate resourcing for community emergency funds and provide immediate reimbursement to close gaps in Health Benefits provision offloaded through the Pharmacare Plan W process.

Moved: Elaine Alec, Penticton Indian Band (Proxy)
Seconded: George Saddleman, Upper Nicola Indian Band (Proxy)
Disposition: Carried
Date: June 28, 2018

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RICHMOND, B.C., X^wMƏӨK^wƏY^əM (MUSQUEAM TERRITORY)

Resolution no. 2018-32

RE: Support-in-Principle for Tripartite MOU between the FNLC, Indigenous Services Canada, and Emergency Management BC/BC Wildfire Service

WHEREAS the impacts of climate change will continue to exacerbate emergency events in BC, including wildfires and floods;

WHEREAS wildfires in BC numbered over 1,280 in the 2017 fire-season alone, with 1.2 million hectares burned, costs nearing \$500 million, and with many First Nations impacted directly including over 15 First Nations evacuated. The wildfires in 2003 were similarly unprecedented in size, scope and impact, with nearly 2,500 fires through the fire-season;

WHEREAS significant resources, financial, natural, and human, were expended during both wildfire and flooding crises. However, these resources were insufficient and/or poorly allocated to address First Nations' priorities;

WHEREAS the Union of BC Indian Chiefs (UBCIC) wishes to unite and cooperate with like-minded organizations with mandates in BC to coordinate political and technical strengths toward the objectives of unity and advancing First Nations' inherent, inalienable rights of self-determination, Aboriginal Title and Rights, and Treaty Rights, and improving the socio-economic conditions of Indigenous Peoples;

WHEREAS the First Nations Leadership Council, the Government of Canada (represented by Indigenous Services Canada), and the Government of British Columbia (represented by Emergency Management BC and BC Wildfire Service) are preparing a memorandum of understanding (MOU) as full and equal partners to establish a collaborative and constructive working relationship through a joint high-level dialogue process that focuses on a mutually developed agenda;

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 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 the tripartite MOU will formalize a process to identify and address issues of common interest and concern regarding emergency management in BC, and also support the effective implementation of the of the renewed 10-year Emergency Management Services Agreement between the Government of Canada and the Government of BC, of which the First Nations Leadership Council (FNLC) was witness to, but *not* partners in, for the provision of provincial emergency management programs, support services and activities to on-reserve First Nations communities in BC, as those provided to local authorities across the province;

WHEREAS by UBCIC Resolution 2009-39 “Support for a *Declaration and Protocol of Recognition, Support, Cooperation and Coordination* with the First Nations Emergency Services Society of BC,” the UBCIC Chiefs Council declared their support for the work of the First Nations Emergency Services Society of BC (FNESS);

WHEREAS FNESS provides expert advice to the First Nations Leadership Council and assists First Nations in developing and sustaining safer and healthier communities through the delivery of programs and services that include training, capacity development and emergency preparedness and response services. These programs and services do not impede communities or Nations from their own initiatives with federal, provincial or municipal governments; and

WHEREAS nothing in this MOU will define or extinguish any Aboriginal or Treaty Rights and is not evidence of the nature or extent of any Aboriginal or Treaty Rights, nor will it impede upon Indigenous jurisdiction and authority, nor does it provide any financial obligations for any of the partners, nor is it legally binding.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports-in-principle the UBCIC entering into a tripartite memorandum of understanding between the UBCIC, First Nations Summit, and BC Assembly of First Nations working together as the First Nations Leadership Council, the Government of Canada (represented by Indigenous Services Canada), and the Government of British Columbia (represented by Emergency Management BC and BC Wildfire Service);

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Summit and the BC Assembly of First Nations to negotiate the tripartite MOU with Canada and BC on emergency management, with the assistance of the First Nations Emergency Services Society of BC, focusing on Indigenous specific needs and values, addressing both governance and operations, and respect for Indigenous land based knowledge and inherent responsibilities to their land and to their peoples;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to call on the federal and provincial governments to provide permanent, reliable, and appropriate funding for the FNLC, FNESS, and other like-minded organizations to be full and equal partners in this

MOU, and also for funding to support First Nations to enhance their physical and human resources capacity;
and

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to work with other members of the First Nations Leadership Council and the First Nations Emergency Services Society to provide regular reports to the UBCIC Chiefs Council.

Moved: Rick Gilbert, Williams Lake Indian Band (Proxy)
Seconded: Chief Jackie Thomas, Saik'uz First Nation
Disposition: Carried
Date: June 28, 2018

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UNION OF B.C. INDIAN CHIEFS
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JUNE 27TH TO 28TH, 2018

RICHMOND, B.C., X^wMƏӨK^wƏY^əM (MUSQUEAM TERRITORY)

Resolution no. 2018-33

RE: Medical Student Education Funding

WHEREAS *The Transformative Change Accord: First Nations Health Plan* was developed and endorsed by the Province of BC, BC Assembly of First Nations, First Nations Summit, and UBCIC, and within that health action plan, it states that one of the outcomes to improve health service for First Nations in British Columbia is to:

- #25 Increase the number of professional and skilled trades First Nations in health professions;

WHEREAS *The Transformative Change Accord: First Nations Health Plan* states, “The University of BC provides 13 dedicated seats for First Nations medical students and works with health authorities to ensure relevant community residency experience.” However, even with this in place, the current funding from Indigenous Services Canada is inadequate for a student accepted into the medical program to resource the extensive MD Undergraduate Program costs including: tuition, living expenses, textbooks and supplies, student fees, health and dental fees, accident and disability insurance fees, annual CPR course, travel costs, housing and food. First Nations families do not have the resources to cover such costs;

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 in Article 14 that “Indigenous peoples have the right to establish and control their education systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning”;

WHEREAS the Skeetchestn Indian Band wishes to work collaboratively with the First Nations Health Authority, Department of Indigenous Services Canada, First Nations Education Steering Committee and the New Relationship Trust to pursue new funding and/or grant opportunities for all First Nations students who have been accepted into medical school;

WHEREAS *the First Nations Memorandum of Understanding* was signed November 27th, 2006 and under “Priorities and Actions” it states again, under health services that the intention is as quoted:

- “Increasing the number of trained FN health care professionals”; and

WHEREAS by Resolution 2007-18, the UBCIC Chiefs Council supported the Transformative Change Accord: First Nations Health Plan and the First Nations Health Plan Memorandum of Understanding, including the formation of a BC First Nations Health Council.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls on the First Nations Health Council to develop a committee to secure new funding resources for First Nations medical students attending UBC, and all other public post-secondary institutions that provide health-related degrees, in order to increase the number of professionals and First Nations with skilled trades in the health professions;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the First Nations Health Council to ensure the committee includes representation from the First Nations Leadership Council, First Nations Health Authority Board and Executive, Department of Indigenous Services Canada, First Nations Education Steering Committee, and the New Relationship Trust who will jointly secure new funding to resource the full costs for all First Nation students who are accepted into the UBC medical program, and all other public post-secondary institutions that provide health-related degrees thus, successfully increasing the number of First Nations medical professionals;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the committee to assert to both the Federal and Provincial governments the urgent need to fully fund First Nations health professionals enrolled in medical programs, as the current funding arrangement is completely inadequate, and because bursaries and scholarships as these sources of funding are incapable of fully resourcing a student pursuing a medical degree; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to provide assistance formulating this committee.

Moved: Kukpi7 Ryan Day, Bonaparte Indian Band
Seconded: Terry Denault, Skeetchestn Indian Band (Proxy)
Disposition: Carried
Date: June 28, 2018

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 27TH TO 28TH, 2018

RICHMOND, B.C., X^wMƏӨK^wƏY^əM (MUSQUEAM TERRITORY)

Resolution no. 2018-34

RE: Support for Indigenous Tourism BC

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

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms in Article 15:

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society;

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

WHEREAS the UBCIC Chiefs Council has consistently supported ITBC in the preservation of Indigenous culture and advancement of economic development through support, facilitation and promotion of the growth and sustainability of a quality and culturally rich Indigenous tourism industry in British Columbia, including by Resolution in 2008-07 and Resolution in 2012-11;

WHEREAS in 2008 ITBC and the First Nations Leadership Council (“FNL”- comprised of the UBCIC,

BC Assembly of First Nations, and First Nations Summit) entered into a Declaration & Protocol of Recognition, Support, Cooperation and Coordination; and again in 2012 ITBC obtained full support from FNLC towards ITBC's 5 Year Plan "The Next Phase" 2012-2017;

WHEREAS ITBC has become the leading Provincial Indigenous Tourism organization in Canada and is mandated to contribute to the preservation of Indigenous culture and advancement of economic development through support, facilitation and promotion of the growth and sustainability of a quality and culturally rich Indigenous tourism industry in British Columbia; and

WHEREAS in 2017 ITBC's Performance Audit estimated 401 Indigenous tourism-related businesses operating in BC and contributing to the visitor experiences of an estimated 3.6 million overnight travellers in BC. These businesses generate an estimated \$705 million in direct gross domestic output and create about 7,400 direct full-time jobs for Indigenous and other BC residents. ITBC has developed a 5 Year Plan for Indigenous Tourism in British Columbia, 'Pulling Together: 2017-2022'. ITBC believes that by 2022 Indigenous cultural tourism in BC could welcome 2.2 million visitors per year and help generate \$1.5 billion in spending.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports Indigenous Tourism BC (ITBC) as the lead Indigenous Provincial Tourism Organization and their Vision, Mission and implementation contained in their 5-Year Strategy titled 'Pulling Together 2017-2022'; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate in writing its support of ITBC.

Moved: Kukpi7 Ryan Day, Bonaparte Indian Band
Seconded: Chief Lee Spahan, Coldwater Indian Band
Disposition: Carried
Dated: June 28, 2018

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UNION OF B.C. INDIAN CHIEFS
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JUNE 27TH TO 28TH, 2018

RICHMOND, B.C., X^wMƏӨK^wƏY^əM (MUSQUEAM TERRITORY)

Resolution no. 2018-35

RE: Climate Impacts and Fossil Fuel Company Accountability

WHEREAS global fossil fuel pollution and other human-caused factors are causing rises in global temperature and acidification of oceans, leading to a wide range of impacts, including rising sea-levels, the loss of indigenous species, shifts in invasive and pest species, an increase in flooding, wildfires and other extreme weather events;

WHEREAS Indigenous cultures and communities are closely tied to the land, plants and animals of their territories and are therefore disproportionately impacted by changing climate and seasonal patterns and unpredictable and severe weather;

WHEREAS the global fossil fuel industry continues to make massive profits from selling products that they know cause climate change and yet fail to take any responsibility for their share of the costs caused by those products;

WHEREAS fossil fuel companies lack any financial incentive to act on the global risks of fossil fuel pollution (which they have known about since the 1950s), and consequently lobbied against global climate action, stood in the way of the development of renewable energy and low emissions technology (including failing to develop their own patents in those areas), and funded and participated in public mis-information campaigns on climate science;

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

Article 20:

(2) Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress;

2018-35

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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;

Article 29:

- (1) Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination; and

WHEREAS West Coast Environmental Law and many other organizations are calling on communities and the BC Government to identify local climate impacts and then seek means of demanding that fossil fuel companies are accountable for those local impacts.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports actions to ensure that the global fossil fuel industry takes responsibility for the harm caused by its products to Indigenous Peoples and our territories;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to sign-on to the attached letter, drafted by West Coast Environmental Law, calling on the BC Government to enact a *Liability for Climate Related-harm Act* to clarify the potential liability of fossil fuel corporations for harm occurring within the province; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with like-minded organizations to examine ways in which UBCIC and Indigenous communities can ensure that the costs of preparing for climate change and addressing climate impacts where they occur should not fall primarily to Indigenous communities, but be addressed by the fossil fuel industry, other levels of government and others who have benefited from the fossil fuel economy.

Moved: Saul Brown, Heiltsuk (Proxy)
Seconded: Chief Don Tom, Tsartlip First Nation
Disposition: Carried
Date: June 27, 2018