

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### FINAL RESOLUTIONS UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL JUNE 17<sup>TH</sup>-19<sup>TH</sup>, 2019

#### MUSQUEAM COMMUNITY CENTRE, X<sup>w</sup>MƏƏK<sup>w</sup>ƏYƏM (MUSQUEAM TERRITORY)

- |         |  |
|---------|--|
| 2019-21 | Interim Appointments to the UBCIC Credentials Committee  |
| 2019-22 | Amendment to the UBCIC Constitution and By-Laws  |
| 2019-23 | Draft Principles to Guide Negotiations and Agreements with the Crown   |
| 2019-24 | Development and Implementation of BC First Nations Forest Strategy   |
| 2019-25 | Implementation of Recommendations from the National Inquiry into Missing and Murdered Indigenous Women and Girls |
| 2019-26 | First Nations Children and Youth in Care Strategy  |
| 2019-27 | Fair and Equitable Access for First Nations to Credit Rating System  |
| 2019-28 | Economic Discrimination and First Nations Access to International Markets and Trade                              |
| 2019-29 | Canada's Efforts to Overhaul the Four Policies   |
| 2019-30 | Draft Recognition and Reconciliation of Rights Policy for Treaty Negotiations in BC                              |
| 2019-31 | Advancing a Pact for Canada's Green New Deal   |
| 2019-32 | Opposition to Mining in Headwaters   |
| 2019-33 | Support for Caribou Recovery Agreement and Anti-Racism Investigation   |
| 2019-34 | Minerals on Reserve Reform   |
| 2019-35 | Kamloops Land Title Office   |
| 2019-36 | BC <i>Water Sustainability Act</i> Consultation Framework  |
| 2019-37 | Support for BC First Nations Cannabis Framework and Action Plan  |
| 2019-38 | UBCIC Remuneration and Expenses  |

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-21**

#### **RE: Interim Appointments to the UBCIC Credentials Committee**

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

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

**WHEREAS** by Resolution 2016-27 the UBCIC Chiefs-in-Assembly directed the Chair of the Assembly to call for nominations from the floor to participate in the UBCIC Credentials Committee and appointed the following persons for a three-year term ending at the Annual General Assembly in September 2019:

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

**WHEREAS** because two of the elected members, Susan Miller and Nathan Matthew are no longer Chiefs of their respective Nations, the UBCIC Credentials Committee requires at least two interim members to fill the vacant positions; and

**WHEREAS** the UBCIC Chair of the Chiefs Council called for nominations from the floor to participate in the Credentials Committee until the upcoming Annual General Assembly in September 2019.

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

- 1) Chief Janet Webster, Lytton First Nation (continuing)
- 2) Andy Callicum, Ehattesaht First Nation
- 3) Councillor Debbie Abbott, Lytton First Nation
- 4) Kukpi7 Rosanne Casimir, Tk'emlúps te Secwepemc

**Moved:** Chief Byron Louis, Okanagan Indian Band  
**Seconded:** Chief Dalton Silver, Sumas First Nation  
**Disposition:** Carried  
**Date:** June 17, 2019

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

#### Extraordinary Resolution no. 2019-22

#### RE: Amendment to the UBCIC Constitution and By-Laws

**WHEREAS** the *Societies Act* came into effect November 28, 2016, necessitating UBCIC's need to update and revise our organizational structure and By-Laws as required under the new Act;

**WHEREAS** by Resolution 2018-15, the UBCIC Chiefs Council approved the striking of a Constitution Committee in light of the *Societies Act* to review and process requests for By-Law amendments;

**WHEREAS** the UBCIC Chiefs Council directed the Constitution Committee to draft amendments, extraordinary resolutions and policy changes as per Section XV of the UBCIC Constitution and By-Laws for the Consideration of the Chiefs Council; and

**WHEREAS** Section XV of the UBCIC Constitution and By-Laws states:

*An extraordinary resolution shall be passed by two-thirds of the members of the U.B.C.I.C. present at a General Meeting or Special Meeting of the U.B.C.I.C. of which notice specifying the intention to propose the resolution as an extraordinary resolution has been given at least one month previous to the meeting.*

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council hereby approves the necessary and advisable amendments to the UBCIC Constitution and By-Laws brought forth through proposals to the Constitution Committee.

**Moved:** Chief Don Tom, Tsartlip First Nation  
**Seconded:** Debbie Abbott, Lytton First Nation (Proxy)  
**Disposition:** Carried  
**Date:** June 17, 2019

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏΘK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

#### Resolution no. 2019-23

#### RE: Draft Principles to Guide Negotiations and Agreements with the Crown

**WHEREAS** for decades many First Nations have rejected policies and practices of negotiations, including those through the BCTC Treaty Process, that are not based on the recognition and implementation of the inherent Title and Rights of Indigenous peoples and are not respectful of the rights of all Nations;

**WHEREAS** the courts have affirmed that Aboriginal title is real, meaningful, and territorial in scope, and not dependent on court declaration or recognition by the Crown for its existence and legal strength. As such, the standard of consent must be met before any lands and resources may be used by the Crown or third parties;

**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:

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

**WHEREAS** all negotiation policies and practices by the federal and provincial governments must be transformed to align with the *UN Declaration* and be based on the recognition and implementation of the inherent Title and Rights of Indigenous Nations;

**WHEREAS** the province has indicated it is making some changes to negotiations and agreements, and we see a few examples of progress, but these changes are not coherent, consistent, or fully transparent;

**WHEREAS** it has been four years since Canada committed to new relationships with First Nations based on recognition, respect, co-operation and partnership, yet we see no new legislation or policies to guide negotiation and agreements about lands and resources in a manner that upholds Indigenous Title and Rights;

**WHEREAS** both BC and Canada have worked in isolation with the First Nations Summit and the British Columbia Treaty Commission to develop a new policy for treaty negotiations without any notice or dialogue with the vast majority of First Nations in the province, who this policy stands to impact;

**WHEREAS** First Nations leaders in BC met on September 9-10<sup>th</sup>, 2014 and clearly laid out the following Four Principles as foundations that must be the basis of recognition and reconciliation work:

1. Acknowledgement that all our relationships are based on recognition and implementation of the existence of Indigenous peoples' inherent Title and Rights, and pre-confederation, historic and modern treaties throughout British Columbia.
2. Acknowledgement that Indigenous systems of governance and laws are essential to the regulation of lands and resources throughout British Columbia.
3. Acknowledgement of the mutual responsibility that all of our government systems shall shift to relationships, negotiations and agreements based on recognition.
4. We immediately must move to consent-based decision-making and Title-based fiscal relations, including revenue sharing, in our relationships, negotiations and agreements;

**WHEREAS** by Resolution 2016-30, the Chiefs-in-Assembly endorsed a draft UBCIC political and legal action plan titled "Moving Beyond the BCTC Process and into Proper Negotiations Based on Recognition and Implementation of Aboriginal Title and Rights" which included an action item to "develop, announce and advance the implementation of a new and detailed approach to negotiations and agreement-making grounded in the recognition and implementation of Aboriginal Title and Rights, and Proper Title and Rights holders, that can benefit all First Nations in BC"; and

**WHEREAS** on May 22–23, 2019, the UBCIC held a symposium, "Implementing our Title and Rights: Upholding Self-Determination through Nation-to-Nation, Consent-Based Negotiations and Agreement-Making," with a goal of articulating principles that First Nations in BC could use to guide negotiations with the Crown and build upon the Four Principles.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the outcomes of the Chiefs symposium contained in the "Draft Report- Implementing our Title and Rights: Upholding Self-Determination through Nation-to-Nation, Consent-Based Negotiations and Agreement-Making";

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council endorses the Draft Principles contained in the report as reflecting a starting point for negotiations and agreements

based on the recognition and implementation of inherent Title and Rights and the standards of the *UN Declaration*;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council may continue to revise or add to the Draft Principles based on comments and input from First Nations;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with like-minded organizations to ensure the following further work takes place:

1. Development of a strategy for advancing and implementing the principles in negotiations through coordinated action to ensure governments respect them;
2. Development of an action plan for transforming negotiations that in addition to the principles, includes models of agreements, steps and processes that may be applied, and standard tools that may assist First Nations (such as language identifying approaches to certainty that reject reliance on legal techniques) in negotiations; and
3. Planning of more forums on key negotiation topics, starting with consent-based decision-making.

**Moved:** Simon Smith, Tsartlip First Nation (Proxy)  
**Seconded:** Debbie Abbot, Lytton First Nation (Proxy)  
**Disposition:** Carried  
Abstention- Cheryl Casimer, ʔaq'am (Proxy)  
**Date:** June 18, 2019



# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-24**

## **RE: Development and Implementation of BC First Nations Forest Strategy**

**WHEREAS** Premier John Horgan sent a mandate letter, July 18, 2017, to the Minister of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD) setting out priority areas of work that included reviewing forest policies, programs and legislation to determine how to bring the Principles of the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* into action in BC;

**WHEREAS** in January 2019 the development of a revised BC First Nations Forest Strategy was included as a priority in the MFLNRORD Action Plan to support the implementation of the *UN Declaration* and the Truth and Reconciliation Commission (TRC) Calls to Action in the program areas of work of the ministry;

**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.

**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) have a right to own, use, develop and control lands, territories...

**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 resource; and

**WHEREAS** the BC First Nations Forest Strategy has been informed by direct feedback received from several engagement sessions with BC First Nations in 2015, 2017 and 2018 led by the First



Nations Forestry Council. The Implementation Plan provides an outline of the key work to be advanced in years 1 to 5, as a starting point for the long term and on-going implementation of the Strategy.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the draft BC First Nations Forest Strategy and Implementation Plan (2019), which affirms joint decision-making and an increased role of First Nations in the governance and stewardship of forest lands and resources;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the First Nations Forestry Council to provide regular reports to the UBCIC Chiefs Council and the UBCIC Executive regarding progress of the draft BC First Nations Forest Strategy and Implementation Plan.

**Moved:** Councillor Cora Anthony, Neskonlith Indian Band (Proxy)  
**Seconded:** Chief Byron Louis, Okanagan Indian Band  
**Disposition:** Carried  
**Date:** June 17, 2019

## **BRIEFING NOTE**

**TO: UNION OF BC INDIAN CHIEFS**  
**FROM: BC FIRST NATIONS FORESTRY COUNCIL**  
**DATE: JUNE 7, 2019**  
**RE: DEVELOPMENT AND IMPLEMENTATION OF A BC FIRST NATION FOREST STRATEGY (2019)**

---

### **PURPOSE**

The development and implementation of a BC First Nations Forest Strategy outlines actions needed to increase revenue sharing, recognize First Nations as governments, supports joint decision-making and the meaningful involvement of BC First Nations as full partners in the forest sector.

### **RECOMMENDATIONS**

1. The BC First Nations Forestry Council (FNFC) is seeking continued support of the UBCIC for the BC First Nations Forest Strategy and work on the actions needed to implement the Strategy.

### **BACKGROUND**

Premier John Horgan sent a mandate letter, July 18, 2017, to the Minister of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) setting out priority areas of work that includes reviewing forest policies, programs and legislation to determine how to bring the Principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) into action in BC. In January 2019 the development of a revised BC First Nations Forest Strategy was included as a priority in the MFLNRORD Action Plan to support the implementation of UNDRIP in the program areas of work of the ministry.

The Forest Strategy has been developed to support the modernization of the government to government relationship between the Province of BC and First Nations through a collaborative approach to forest governance and stewardship.

The Forest Strategy has been informed by feedback received through a series of engagement sessions with First Nations in 2015, 2017 and 2018. The Implementation Plan provides an outline of the key work to be advanced in years 1 to 5, as a starting point for the long term and on-going implementation of the Strategy. Two provincial forums were held in Vancouver and Kamloops with First Nations in May 2019 to identify priority areas of action. This work is on-going.

The Implementation Plan requires significant investment in First Nations communities for governance capacity and lands and resources offices. There is a need to significantly increase revenue sharing, access to forest tenure, and change forest policy, legislation and practices to accomplish this goal and mandate. The MFLNRORD has not changed the revenue sharing model, or made a commitment to provide the resources needed to implement the Forest Strategy. Nations have made it clear, they are tired of talk, they want to see action to implement the Strategy.

The province of BC is making significant changes to transform the forest sector through forest policies, legislation and regulations regardless of the impacts on Aboriginal title and rights. A new BC First Nations Forest Strategy is needed to transition to a new forest sector that recognizes First Nations as governments, shares the benefits and includes First Nations as full partners.

## **CURRENT STATUS**

The BC First Nations Forestry Council is continuing to work with the Nations on the Strategy and Implementation Plan.

## **APPENDICES (OPTIONAL)**

- Draft BC First Nations Forest Strategy and Implementation Plan (2019)

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>M</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-25**

#### **RE: Implementation of Recommendations from the National Inquiry into Missing and Murdered Indigenous Women and Girls**

**WHEREAS** there is a responsibility by all to redress the systemic racism and to eliminate the gendered colonial violence perpetrated against Indigenous women, girls, and two-spirit, lesbian, gay, bisexual, trans, queer, questioning, intersex and asexual (2SLGBTQQIA) people within Canada;

**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 women, girls, and 2SLGBTQQIA people, 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, 2013-12, and 2018-06;

**WHEREAS** a National Inquiry into Missing and Murdered Indigenous Women and Girls (“the National Inquiry”) was launched September 1, 2016, with a Terms of Reference to inquire into

and report on systemic causes of all forms of violence against Indigenous women and girls in Canada, and to report by April 30, 2019. The Inquiry held Part I – Family, Part II – Institutional, and Part III – Expert Hearings, led by Chief Commissioner Marion Buller, and released its final report on June 3, 2019, in Gatineau, QC;

**WHEREAS** the final report of the National Inquiry included 231 Calls for Justice, which “represent important ways to end the genocide and to transform systemic and societal values that have worked to maintain colonial violence.” The first Call for Justice states “We call upon federal, provincial, territorial, municipal, and Indigenous governments (hereinafter “all governments”), in partnership with Indigenous Peoples, to develop and implement a National Action Plan to address violence against Indigenous women, girls, and 2SLGBTQQIA people”;

**WHEREAS** the National Inquiry found that Indigenous women are twelve times more likely to be murdered or to go missing than members of any other demographic group in Canada, and found that the deaths and disappearances constitute genocide, which Indigenous peoples and their allies have known and said for decades; and

**WHEREAS** Indigenous, front-line, grassroots, and women’s organizations participated in the movement created by the National Inquiry by producing their own submissions, and reports, which notably included the seminal report prepared by the Downtown Eastside Women’s Centre titled *Red Women Rising: Indigenous Women Survivors in Vancouver's Downtown Eastside*, including 200 recommendations.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the immediate implementation of the Calls for Justice from the National Inquiry into Missing and Murdered Indigenous Women and Girls (“the National Inquiry”) and also the recommendations coming directly from Indigenous, front-line, grassroots, and women’s organizations, and particularly the recommendations from *Red Women Rising: Indigenous Women Survivors in Vancouver's Downtown Eastside*;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council recognizes that the implementation of these recommendations must include the full and meaningful implementation of the *UN Declaration on the Rights of Indigenous Peoples*, including recognition of Indigenous peoples’ inherent Title and Rights, and the restoration of collective Indigenous women’s rights and governance;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council supports the call for a “comprehensive national-level integrated action plan to eliminate violence against Indigenous women, girls, trans and two spirit people must address all the socio-economic factors impacting Indigenous women’s, girls’, trans and two-spirit’s safety including equitable access and self-determination over land, culture, language, housing, child care, income security, employment, education, and physical, mental, sexual and spiritual health,” as called for in *Red Women Rising: Indigenous Women Survivors in Vancouver's Downtown Eastside*, along with an appropriate budget and resources, before the fall 2019 federal election; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with Indigenous, front-line, grassroots, and women's organizations, and other like-minded organizations to advocate for the full and immediate, Indigenous-women led implementation of these recommendations.

**Moved:** Cora Anthony, Neskonlith Indian Band (Proxy)  
**Seconded:** Chief Dalton Silver, Sumas First Nation  
**Disposition:** Carried  
**Date:** June 17, 2019



# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏY<sup>Ə</sup>M (MUSQUEAM TERRITORY)

**Resolution no. 2019-26**

#### **RE: First Nations Children and Youth in Care Strategy**

**WHEREAS** despite widespread recognition that the disproportionate number of Indigenous children and youth in child welfare has become a national human rights and humanitarian crisis, Indigenous children and youth remain vastly over-represented in British Columbia's child welfare system. In British Columbia, Indigenous children and youth comprise 64% of all students in government care, while Indigenous students only compose 11% percent of the province's total student population that is not in care;

**WHEREAS** First Nations leadership in BC has consistently called for an overhaul of the child welfare system and resumption of First Nations' jurisdiction over child and family well-being, and to wholly reform the current Indigenous child welfare system in BC;

**WHEREAS** by Resolution 2017-06, the UBCIC Chiefs Council recognized 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 supported 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** the Governments of Canada and British Columbia have finally responded to these calls and have embarked upon systemic reform, in partnership with First Nations through tripartite political processes, with focus on the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* and the Truth and Reconciliation Commission Calls to Action;

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

**WHEREAS** the First Nations Education Steering Committee (FNESC) has a mandate to serve as the lead policy and advocacy body on First Nations education in BC, and has a formal working relationship with the First Nations Leadership Council (FNLC) through a protocol entered into in 2015 and as directed by the Chiefs through Resolution 2015-05, whereby FNESC and the FNLC agree to work collaboratively based on their respective technical and political mandates;

**WHEREAS** FNESC has long called for systemic changes in the provincial child welfare and education systems to better support Indigenous children and youth in care to achieve improved education outcomes. Data has continued to demonstrate that Indigenous children and youth in the care of the child welfare system produce significantly poorer educational outcomes than their non-Indigenous counterparts;

**WHEREAS** the provincial public education system has not paid sufficient attention to the systemic barriers that persist and that prevent Indigenous students in care from realizing their potential and benefitting the most from their education. A cross-government approach, developed jointly with First Nations, is required to improve education outcomes for Indigenous students in care;

**WHEREAS** many studies and reports collectively highlight the urgent need for all levels of government to address the educational outcome gaps experienced by Indigenous students in care through a comprehensive and coordinated strategy, inclusive of new policy, practices and, potentially, new laws. The strategy must include both immediate and long-term actions; must be developed in partnership with Indigenous communities; and needs to include the voices of affected children and youth; and

**WHEREAS** it is in response to this urgent need, and within the evolving political and legal landscape, that FNESC seeks to develop, in collaboration with the FNLC, a comprehensive strategy to improve the education outcomes of First Nation children and youth in care, which is supportive of and complementary to the tripartite work to reform Indigenous child welfare in British Columbia.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the First Nations Education Steering Committee (FNESC) in the development of a First Nation children and youth in care education strategy that focuses on achieving systemic shifts that support improved education outcomes of First Nation children and youth in care and addressing the Province's legal obligations to First Nation children and youth in care in relation to education;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive, working with the First Nations Summit and BC Assembly of First Nations as the First Nations Leadership Council, to work in collaboration with FNESC to effectively advance the

strategy through engagement with the Province and Canada, as appropriate, consistent with the protocol between the First Nations Leadership Council and FNEC, the *United Nations Declaration on the Rights of Indigenous Peoples* and the Truth and Reconciliation Commission Calls to Action; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council calls on the UBCIC Executive and FNEC to provide progress reports on this strategy to the UBCIC Chiefs Council.

**Moved:** Andy Callicum, Ehattesaht First Nation (Proxy)

**Seconded:** Chief James Hobart, Spuzzum First Nation

**Disposition:** Carried

**Date:** June 17, 2019

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-27**

#### **RE: Fair and Equitable Access for First Nations to Credit Rating System**

**WHEREAS** First Nations individuals residing on reserve, employees of Bands and Band owned businesses, along with Bands as a collective entity, have been held separate and excluded from full enjoyment and benefit of the credit rating system as a critical component of the national and international economy;

**WHEREAS** this exclusion continues to impact the economic advancement of this class of individuals by restricting their access to meaningful employment, hindering their health and security by limiting access to all form of insurance of person or property, constraining their mobility and freedom by limiting access to safe and secure housing, and limiting the access to the economy of Band Councils and businesses located on reserve;

**WHEREAS** this exclusion is considered a form of economic discrimination and increases the vulnerability of on-reserve individuals, government and business entities to predatory and discriminatory lending and financial practices;

**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 15(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.

**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.

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

**WHEREAS** it is recognized that credit bureaus, banks and other related entities involved in the collection, consolidation, analysis and dissemination of credit information do not recognize a social responsibility to work toward the inclusion of critical First Nation consumer and commercial credit data; and

**WHEREAS** this discrimination also impacts First Nations and other Indigenous peoples on all reserves across Canada and in the northern territories on First Nation and Inuit settlement lands.\

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council recognizes the economic and social harm caused by the discriminatory exclusionary practices of the credit rating system in Canada and is committed to working to increase the access of First Nations to the credit rating system in a manner that is fair, equitable, transparent and economically recognized;

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council calls upon the Province of British Columbia and the Government of Canada to work together to ensure equal and fair access of First Nations to the credit rating system and that any such effort be conducted in full collaboration with First Nations and that any actions be co-developed as equal partners;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to prepare a letter requesting that the Solicitor General of the Province of British Columbia acts to end these discriminatory practices of the Credit Bureaus and Financial Institutions; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council calls upon the Province of British Columbia and the Government of Canada to require credit bureaus, through legislation if necessary, to collect, on an opt-in basis, credit-building transactions for individuals living on reserve (including but not limited to on time housing payments and utility bills) and transactions for Band Governments (CMHC loans) to improve credit ratings.

**Moved:** Chief Byron Louis, Okanagan Indian Band  
**Seconded:** Chief Clifford Lebrun, Lhatko Dené Nation  
**Disposition:** Carried  
**Date:** June 17, 2019

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-28**

## **RE: Economic Discrimination and First Nations Access to International Markets and Trade**

**WHEREAS** First Nations individuals residing on reserve, employees of Indian Bands and Indian Band owned businesses, along with Indian Bands as a collective entity, have been held separate and excluded from the full enjoyment and benefit of the national and international economy;

**WHEREAS** this exclusion is considered a form of economic discrimination by limiting the access of First Nations to international markets;

**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 15(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.

**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.

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



**WHEREAS** First Nations consider international trade to be part of their inherent rights, recognizing that as part of their pre-colonial culture, millennia of trade throughout the Americas was purposefully extinguished by colonial governments, only surviving as part of the 1795 Jay Treaty;

**WHEREAS** this discrimination also impacts First Nations and other Indigenous peoples on reserves across Canada and in the northern territories on First Nation and Inuit settlement lands; and

**WHEREAS** it is understood that Export Development Canada (EDC) has established targets related to Indigenous access to export markets and that these targets are consistently not met.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council recognizes the economic and social harm to First Nations caused by the discriminatory exclusion from international markets and trade, and are committed to working together to ensure that First Nations have access to effective tools, institutions and frameworks to permit them to fully re-establish this part of their history;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls upon the Province of British Columbia and the Government of Canada to work together and collaboratively with First Nations in BC to support our Nations in the re-engagement in international trade in a manner that is credible and recognized by the global economy;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chief Council directs the UBCIC Executive to prepare letters requesting that the Federal Minister of Small Business and Export Promotion and the Minister of International Trade Diversification require Export Development Canada (EDC) fully engage with Indigenous businesses and communities and make available the tools and supports provided to other Canadian businesses; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chief Council demands that EDC set and publish quarterly and annual targets for the number of Indigenous business and communities supported in reaching export markets as well as the total funding committed to Indigenous exporting; there must also be appropriate action taken following the performance assessment of EDC executives if they fail to meet their Indigenous participation targets.

**Moved:** Chief Byron Louis, Okanagan Indian Band  
**Seconded:** George Alfred, 'Namgis First Nation (Proxy)  
**Disposition:** Carried  
**Date:** June 17, 2019

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS

#### CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

#### Resolution no. 2019-29

#### RE: Canada's Efforts to Overhaul the Four Policies

**WHEREAS** the Government of Canada has initiated a process to reform the following existing federal policies: Comprehensive Claims Policy (CCP), Inherent Rights Policy (IRP), Specific Claims Policy (SCP), and Additions to Reserve Policy (ARP) (collectively, the "Four Policies");

**WHEREAS** UBCIC Resolution 2018-36 reaffirmed the need for broader rights recognition in the face of the Crown's failure to properly recognize and implement Aboriginal Title, Rights and treaty rights and endorsed UBCIC's commitment to working towards rights and recognition policies and legislation that are bilaterally developed in the spirit of true self-determination and reconciliation;

**WHEREAS** in February 2019, Minister Carolyn Bennett of Crown-Indigenous Relations and Northern Affairs (CIRNA) wrote to the First Nations Leadership Council (FNLC) regarding Canada's proposed process to review and replace the CCP and IRP ("CIRNA Proposal") and its objective of reviewing and replacing the CCP and IRP by June 2019;

**WHEREAS** in March 2019, the UBCIC Executive met with CIRNA to receive an update on the Four Policies reform process, including an update on the tripartite working group process among the principals of the BC Treaty process ("Summit Table") to "co-develop a BC-specific Recognition Policy... within the context of the BC treaty negotiations framework... that will apply only to First Nations in British Columbia that are engaged in treaty negotiations" as an annex to the *Interim Policy* ("BC Treaty Annex"). In this meeting, CIRNA stated that the federal objective remained to replace the CCP and IRP by June 2019 with an *Interim Policy* (including the *BC Treaty Annex*) that formalizes the Discussion Tables process and outcomes;

**WHEREAS** Canada's efforts to overhaul the Four Policies were conducted in a rushed timeframe without a clear mandate from all First Nations to proceed and without a clear process for engagement with First Nations, or approval/ratification from First Nations, in contrast to the federal 10 principles which commit the federal government to collaborate with Indigenous peoples on changes to federal laws, policies and practices;

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

**WHEREAS** UBCIC was not given adequate time to become meaningfully involved with the CCP and IRP overhaul process as CIRNA extended an invitation for input at a March 2019 meeting, which was after the February 2019 Chiefs Council meeting, making it impossible to get a mandate from the UBCIC Chiefs Council on this work by June to meet the interim policy deadline;

**WHEREAS** CIRNA has undertaken extensive work with other Indigenous organizations such as the First Nations Summit, Federation of Sovereign Indigenous Nations, and Assembly of First Nations but did not reach out to UBCIC at the beginning of the engagement process for the Four Policies overhaul; and

**WHEREAS** UBCIC has firmly opposed any models and frameworks that extinguish, surrender, or modify the rights of First Nations or that undermine or impair the rights of other First Nations not parties to agreements;

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council is committed to laws and policies that meet the minimum standards of the *UN Declaration*, the principles of *Tsilhqot'in* as stated by the Supreme Court of Canada, recognition of the proper Title and Rights holders, and ensuring agreements do not impact or infringe the rights of other Nations;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on Canada to undertake transparent engagement processes with the proper Title holders in any overhaul of the Comprehensive Claims Policy, Inherent Rights Policy, Specific Claims Policy, and/or the Additions to Reserve Policy (collectively the "Four Policies") using the *UN Declaration* as the framework and consistent with the principles and standards of free, prior and informed consent;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council firmly opposes unilaterally imposed negotiations mandates that are intended to apply to some First Nations only and the development of interim policy measures to the prejudice and diminishment of the recognition and implementation of Title and Rights and the implementation of the *UN Declaration* in the non-BCTC context.

**Moved:** Chief Byron Louis, Okanagan Indian Band  
**Seconded:** George Alfred, 'Namgis First Nation (Proxy)  
**Disposition:** Carried  
Opposed- Cheryl Casimer, ʔaq'am (Proxy)  
Abstention- Andy Callicum, Ehattesaht (Proxy)  
**Date:** June 18, 2019

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-30**

**RE: *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in BC***

**WHEREAS** the federal government was unable to advance Recognition and Implementation of Rights legislation in 2018. Subsequently, the First Nations Summit (FNS) was advised that Canada intended to replace its Comprehensive Claims and Inherent Rights policies with a new recognition policy on or before June 2019. The FNS hosted a Focus Group with Canada, BC and First Nation Chief Negotiators on January 17, 2019 to explore the willingness of Chief Negotiators to work with Canada and BC to co-develop a joint federal and provincial recognition policy for BC treaty negotiations;

**WHEREAS** by Resolution 2018-36, “Recognition and Implementation of Indigenous Rights,” and UBCIC Resolution 2018-37, “BC’s Proposed Reforms to the BCTC Process,” the Chiefs Council committed to work collaboratively with the First Nations Summit and the BC Assembly of First Nations to obtain broader rights recognition so as to facilitate true self-determination, reconciliation and the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)*;

**WHEREAS** Canada, BC, and First Nation Chief Negotiators worked in isolation throughout spring 2019 to co-develop a draft *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in BC* (“Draft Policy”), which UBCIC acquired in June 2019;

**WHEREAS** the Draft Policy is antithetical to an impartial and transparent framework of rights recognition as it stands to reenact colonial divide and conquer tactics by only applying to the First Nations within the BCTC process and privileging their rights to a territory over the rights and considerations of neighboring Nations;

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

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

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

**WHEREAS** the development of the Draft Policy was conducted without any notice, consultation or dialogue with the vast majority of First Nations in the province, despite the huge impact the policy will unequivocally have upon them;

**WHEREAS** Principles 5 and 9 of the provincial and federal 10 principles set out a framework recognizing that treaties, agreements and other constructive arrangements between Indigenous peoples and the Crown have been and are intended to be acts of reconciliation based on mutual recognition and respect, and recognizing that reconciliation is an ongoing process that occurs in the context of evolving Indigenous-Crown relationships. Both principles include acknowledgement by the provincial and federal governments that the existence of Indigenous rights is not dependent on an agreement. Importantly, there is commitment for both the provincial and federal governments to collaborate with Indigenous peoples on changes to provincial and federal laws, policies and practices;

**WHEREAS** the Draft Policy does not effectively address nor provide new solutions for the issues arising from shared territories, overlaps and neighboring Nations, and will allow for the continued violation of the rights of neighboring nations in a manner that is fundamentally at odds with the *UN Declaration*, previous government commitments, and the original design of the BCTC process; and

**WHEREAS** the Draft Policy requires sustained revisions and feedback from First Nations across the province in order to rectify any shortcomings and limitations and to clarify any technical inconsistencies.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council firmly opposes any policy or framework that is intended to reinforce divisions between First Nations and does not properly respect the Title, Rights, and free, prior and informed consent of all First Nations, regardless of whether or not they are involved in the BCTC treaty process;



**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to advance the key concerns of marginalization and divisiveness, consent, shared territories and overlaps, and application in regards to the draft *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in BC* with the Principals of the BC Treaty Process, and to discuss possible pathways forward for a recognition of rights policy that is unity-seeking and inclusive of all First Nations in BC, and made in the true spirit of the *UN Declaration*.

**Moved:** Chris Alphonse, Cowichan Tribes (Proxy)  
**Seconded:** George Alfred, 'Namgis First Nation (Proxy)  
**Disposition:** Carried  
Opposed- Cheryl Casimer, ʔaq'am (Proxy)  
Abstention- Andy Callicum, Ehattesaht (Proxy)  
**Date:** June 18, 2019

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏΘK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-31**

#### **RE: Advancing a Pact for Canada's Green New Deal**

**WHEREAS** the climate crisis in Canada has led to dire environmental conditions that threaten vital biodiversity and the security and way of life of Indigenous peoples, as seen in rampant forest fires, drought and record-breaking, elevated temperatures throughout British Columbia;

**WHEREAS** the Green New Deal (GND), an economic overhaul to abolish fossil fuels and ensure income equality, was proposed by Democrat and US Congresswoman Alexandria Ocasio-Cortez in the United States to establish a comprehensive framework to address climate change and economic equality;

**WHEREAS** a coalition of NGOs, environmental organizations and Indigenous activists in Canada began drafting their own GND with the vision of protecting and conserving biodiversity and of “rapid, inclusive and far-reaching transition, led by the federal government, to slash emissions and create millions of jobs - while being guided by science, Indigenous knowledge and principles of justice”;

**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 18:** Indigenous people 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 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.

**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; and

**WHEREAS** UBCIC, the Treaty Alliance against the Tar Sands Expansion (Treaty Alliance), and Indigenous Climate Action (ICA) expressed their conditional support of the GND draft text, and will monitor to ensure:

- 1) Organizers do not leverage and use Indigenous human rights and perspectives as a bargaining chip or a tool to appeal to the largely non-Indigenous ENGO community.
- 2) Organizers center every aspect of the GND around the implementation and adherence to Section 35, of the Constitution Act, 1982 which recognizes and affirms Aboriginal inherent rights, with safeguards and agreements from our partners on this.
- 3) Organizers include an accepted definition of engagement with Indigenous peoples that upholds free, prior and informed consent (FPIC) as embedded in the *UN Declaration*, and according to the Duty to Consult with Indigenous peoples as Supreme Court of Canada decision to uphold the Honor of the Crown..., and the Constitution Act, 1982.
- 4) Indigenous organizations and perspectives are included in fundraising and campaigning including sharing any money raised to advance the issue.
- 5) Inclusion of Indigenous organizations, Elders and youth at the highest decision-making level of the GND, including at the level of the Coordinating Committee, upholding Indigenous peoples' rights to self-determination.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the advancement of the Pact for the Green New Deal contingent upon the fulfilment of the conditions outlined above by the UBCIC, Indigenous Climate Action and Treaty Alliance;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council fully endorses a Pact for the Green New Deal that is grounded in the foundational rights and sovereignty of Indigenous Nations; is clearly aligned with the *UN Declaration*, FPIC, and the TRC's 94 Calls to Action; and incorporates recommendations from the National Inquiry's Final Report on Missing and Murdered Indigenous Women and Girls so as to advance the equality and welfare of women in tandem with environmental initiatives;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls upon the federal and provincial political parties and governments to fully support, endorse, and implement the Pact for a Green New Deal with full cooperation, transparency, implementation and the awareness of the need to meet the scale and urgency of the climate crisis without compromising the rights, equity, or dignity of Indigenous peoples;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with the other like-minded organizations, and in particular Indigenous Climate Action, to raise awareness of Canada's Pact for a Green New Deal going into the federal election in Fall 2019 so that political parties recognize and address the work needed to transition Canada into a zero-carbon economy and to stabilize global temperatures – all while respecting the inherent Title, Rights, and Sovereignty of Indigenous peoples.

**Moved:** Chief Byron Louis, Okanagan Indian Band  
**Seconded:** Cora Anthony, Neskonalith Indian Band (Proxy)  
**Disposition:** Carried  
**Date:** June 18, 2019

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-32**

#### **RE: Opposition to Mining in Headwaters**

**WHEREAS** mining and its associated activities, whose practices are based on colonial era laws and policies, poses an unacceptable risk to the health, safety and livelihoods of First Nations throughout British Columbia, and will contribute to the negative environmental and health impacts experienced by Indigenous peoples downstream from mines, and of all peoples throughout the world as a result of accelerating global environmental degradation;

**WHEREAS** mining brings with it the associated risks of tailings pond spills and the leaching of heavy metals from these wastewater reservoirs. Copper and other heavy metals are particularly lethal to salmon and injurious to their nervous systems; any lapses in mining operations may have catastrophic consequences for the aquatic ecosystems;

**WHEREAS** the Mt Polley tailings pond disaster, the Britannia mine pollution, the Kemess mine, the Red Chris Mine, the proposed Giant Copper mine in the Skagit headwaters, and innumerable other mining and associated activities serve as warnings for the devastating impacts of mining on human and environmental health;

**WHEREAS** BC-based mining corporations continue to pursue mining practices internationally, particularly in countries where environmental and human rights protection regimes are even less stringent than in Canada. These projects systemically violate Indigenous peoples' rights, leading in many cases to fatal consequences, and cause environmental damage in the pursuit of profit and resource extraction;

**WHEREAS** natural resource extraction projects, including mining projects, systemically violate inherent Indigenous Title and Rights while allowing corporations to operate with little

supervision from the State and without the free, prior, and informed consent of 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, 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.

**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.

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

**Article 32(1):** Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

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

**WHEREAS** First Nations Women Advocating Responsible Mining, First Nations Energy and Mining Council, Salmon Without Borders, Rivers Without Borders, and other like-minded organizations have been leading opposition to irresponsible mining practices across BC and neighbouring jurisdictions; and

**WHEREAS** mining and its associated activities in the headwaters of sacred river systems, and near any aquifers, salmon-bearing streams, or river-ways of cultural and environmental significance is an unacceptable risk to the wellbeing of the environment and Indigenous peoples.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully opposes mining and its associated activities in the headwaters of sacred river systems, and near any aquifers, salmon-bearing streams, or river-ways of cultural and environmental significance;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council supports those organizations and individuals advocating for responsible mining and opposing mining activities that could negatively impact the environment and the rights of Indigenous peoples;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council demands that the provincial government deny permits for any mines or mining activities in the headwaters of sacred river systems, and near any aquifers, salmon-bearing streams, or river-ways of cultural and environmental significance, that could negatively impact the environment and the rights of Indigenous peoples; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with like-minded organizations to ensure the lands, waters, territories, and rights of Indigenous peoples are protected from the adverse impacts of mining and its associated activities.

**Moved:** Grand Chief Stewart Phillip, Penticton Indian Band (Proxy)  
**Seconded:** Chief Don Tom, Tsartlip First Nation  
**Disposition:** Carried  
**Date:** June 18, 2019



# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-33**

## **RE: Support for Caribou Recovery Agreement and Anti-Racism Investigation**

**WHEREAS** the caribou herds within Treaty 8 territory were once thousands strong;

**WHEREAS** the Crown fragmented critical caribou habitat and drove populations into decline through the construction of the WAC Bennett Dam and the Peace Canyon Dam in the 1960s and 1970s. Since then the Crown has permitted increasing levels of mining, forestry, and other industrial activities that have further fragmented critical caribou habitat and have driven populations down to emergency levels;

**WHEREAS** the Courts have confirmed that Treaty 8 guarantees the Indigenous peoples of the Treaty 8 Region the right to continue their traditional way of life without interference, including the right to maintain their cultural relationship with caribou and to harvest caribou. The Crown also promised Treaty 8 Nations that the Crown would make laws to protect the wildlife and other resources which the Indigenous peoples of Treaty 8 rely on;

**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 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. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination;

**WHEREAS** provincial government laws, regulations, policies and practices on caribou conservation and recovery have failed to remedy the emergency and endangered status of caribou herds in BC, with several caribou populations relied upon by Indigenous communities now extirpated or in danger of extirpation;

**WHEREAS** in May 2018, the federal Minister of Environment and Climate Change Canada determined under the federal *Species at Risk Act*, there is an ‘imminent threat’ to recovery of Southern Mountain Caribou in BC;

**WHEREAS** Saulteau and West Moberly First Nations have initiated and led successful emergency caribou recovery programmes to help save caribou within Treaty 8 territory;

**WHEREAS** Canada, BC, Saulteau and West Moberly First Nations have initialed a ground-breaking model partnership agreement with key conservation measures based on scientific and Indigenous knowledge to support caribou recovery in the region, entitled the *Intergovernmental Partnership Agreement for the Conservation of the Central Group of the Southern Mountain Caribou* (“the Partnership Agreement”);

**WHEREAS** the federal and provincial governments administered a ‘public engagement’ process on the Partnership Agreement, during which time the Saulteau and West Moberly First Nations were and continue to be subjected to disinformation campaigns and disgusting, vile and repulsive forms of racism in connection with their leadership on caribou recovery and intent to enter the Partnership Agreement;

**WHEREAS** the federal and provincial governments have thus far failed to take meaningful steps to acknowledge, denounce and prevent the spread of conspiracy theories and racist views, despite several requests made by the First Nations; and

**WHEREAS** the racist hostility directed towards the Nations and their peoples caused real and lasting harm to the Nations and to prospects for reconciliation.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the Partnership Agreement between Canada, BC, Saulteau and West Moberly First Nations for caribou conservation and recovery;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council urges the federal and provincial governments to immediately approve, sign and begin the implementation of the Partnership Agreement to the highest of standards, and that appropriate resources be allocated for this vital work;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council reminds the Province of BC that they do not possess the authority to extinguish an Aboriginal right through section 92 of the constitution;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council urges the federal and provincial governments to work with Indigenous peoples and take the steps necessary to

ensure the recovery of all Southern Mountain Caribou, and demand that other species and ecological communities that are threatened or endangered in British Columbia; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council calls on the federal and provincial governments to initiate an investigation, in consultation with Sauteau, West Moberly, and UBCIC, into all of the forms of racism and hate speech that arose before, during and after the public engagement process for the Partnership Agreement, and produce a public report with recommendations to ensure that future public engagement processes on initiatives involving Indigenous peoples are designed to be anti-racist and to safeguard human rights.

**Moved:** Chief Roland Willson, West Moberly First Nation

**Seconded:** Chief Byron Louis, Okanagan Indian Band

**Disposition:** Carried

**Date:** June 18, 2019

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-34**

## **RE: Minerals on Reserve Reform**

**WHEREAS** the British Columbia government asserts ownership of precious metals (primarily gold and silver) on all BC First Nations reserves. This assertion of ownership underpins reciprocal statutes enacted in 1943: Canada's *The British Columbia Indian Reserves Mineral Resources Act* and British Columbia's *Indian Reserve Mineral Resource Act* (collectively, the "1943 Mineral Acts"). The 1943 Mineral Acts codified a January 29, 1943 memorandum of agreement between the Canada and British Columbia on the administration of minerals on reserves. The 1943 Mineral Acts are a clog on exploration and mining activities on reserves, depriving First Nations of benefits who wish to exploit the value of minerals on reserve;

**WHEREAS** due to the 1943 Mineral Acts, 50% of "revenues" derived from minerals on reserve belong to British Columbia with Canada receiving the other 50%, on behalf of First Nations. The 1943 Mineral Acts were premised on Canada's Privy Council Order 208 passed in 1931 ("PCO 208") and British Columbia's Orders in Council passed in 1938 ("OIC 1036"). PCO 208 and OIC 1036 were based on the Report of the Royal Commission on Indian Affairs dated June 30, 1916 prepared under the "McKenna-McBride" agreement of September 24, 1912 between the Canada and British Columbia;

**WHEREAS** in addition to the British Columbia government's assertion of ownership of precious metals on reserves, it asserts that mining tax is not subject to sharing under the 1943 Mineral Acts as such tax is not within the definition of revenue, as negotiated between Canada and British Columbia;

**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 through **Articles 18, 19, 20, 26, 27, 28, 29, 32, 36 and 39** the need for Indigenous peoples' free, prior and informed consent on matters affecting their lands, territories and resources;

**WHEREAS** the Union of BC Indian Chiefs (UBCIC) and a small number of First Nations entered into a tripartite process in 1986 with the governments of Canada and British Columbia to address the 1943 Mineral Acts. There was no resolution of issues notwithstanding a suite of options developed by a working group on administration and control and revenue-sharing;

**WHEREAS** in late 2018 discussions were commenced by the First Nations Energy and Mining Council with Canada and British Columbia to repeal and develop a solution on matters relating to the 1943 Mineral Acts; and

**WHEREAS** the nature and scope of subsurface rights generally on reserve in British Columbia is legally uncertain, in particular subsurface rights regarding industrial minerals, petroleum and natural gas, coal, coalbed gas, geothermal resources and groundwater.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the First Nations Energy and Mining Council to develop options and solutions with the governments of Canada and British Columbia to establish a new legal and policy framework consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*, the Truth and Reconciliation Commission Calls to Action, the Calls for Justice from the National Inquiry on Missing and Murdered Indigenous Women and Girls, and Indigenous and Canadian laws and legal orders to:

1. Repeal *The British Columbia Indian Reserves Mineral Resources Act*, SC 1943-44, c. 19 and *Indian Reserve Mineral Resource Act*, RSBC 1979, c. 192 (ratifying and confirming the *Indian Reserves Minerals Resources Act*, RSBC 1960, c. 187) and confirm the title, rights and interests to the subsurface of reserves are entirely vested with First Nations including ownership, administration, control and disposition of rights, and all direct and indirect benefits derived from:
  - a. Minerals and metals, precious, base or otherwise in, upon or under reserves;
  - b. Other natural resources including industrial minerals, petroleum and natural gas, coal, coalbed gas, geothermal resources, storage reservoirs, and shallow and deep groundwater in, upon or under reserves; and
2. Cancel PCO 208 and OIC 1036;

**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 assist the First Nations Energy and Mining Council in reviewing any options and solutions and working together to advance with provincial and federal governments;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council urges the governments of Canada and British Columbia to immediately engage with the First Nations Energy and Mining Council to establish a new legal and policy framework for minerals and other subsurface natural resources on reserve within the spirit and intent of these resolutions consistent

with the *United Nations Declaration on the Rights of Indigenous Peoples*, the TRC Calls to Action, National Inquiry Calls for Justice and Indigenous and Canadian law;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the First Nations Energy and Mining Council to provide regular updates to the UBCIC Chiefs Council and the UBCIC Executive.

**Moved:** Chief Byron Louis, Okanagan Indian Band  
**Seconded:** George Saddleman, UBCIC Elders Representative  
**Disposition:** Carried  
**Date:** June 18, 2019

## **Briefing Note**

**To:** Union of British Columbia Indian Chiefs  
**From:** First Nations Energy and Mining Council  
**Date:** June 3, 2019  
**Subject:** **Minerals on Reserve**

---

### **Introduction**

The treatment of title, rights and legal interests and jurisdiction and authority over subsurface natural resources on the BC reserves is uncertain. This uncertainty also has implications for ancestral lands with unsurrendered title and rights, Treaty No. 8 and the Douglas treaties lands, modern treaties, Tsilhqot'in Aboriginal title lands and lands within s. 91(24) of the *Constitution Act, 1867*. In addition to minerals on reserve, there are implications for *all* subsurface resources, including industrial minerals, petroleum and natural gas, coal, coalbed gas and groundwater.

### **History of Minerals on Reserve in British Columbia**

In British Columbia, exploration and mining on Indian reserves is governed by *The British Columbia Indian Reserves Mineral Resources Act* and the reciprocal BC statute, *Indian Reserve Mineral Resource Act*, both enacted in 1943 (the "1943 Mineral Acts"). The 1943 Mineral Acts are an impediment to First Nations who wish to derive economic benefits from the mineral resources on their reserves.

Some BC First Nations with reserves near producing mines have expressed the desire to exploit their mineral potential but have had significant difficulty doing so due to the antiquated 1943 Mineral Acts. The last attempt by Canada, British Columbia and First Nations to address the treatment of minerals on reserve was in the mid 1980s.

First Nations in BC have no opportunity, if they so choose, to benefit from minerals on their reserves. This is in contrast to Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia and New Brunswick where First Nations receive all benefits from exploration and mining on their reserves.

### **Current Status**

For the first time in more than 30 years, there is a modest amount of political will by Canada and British Columbia to address what is, at its core, a very simple matter to resolve. Very recently, Canada and British Columbia have agreed to meet to discuss minerals on reserve with the First Nations Energy and Mining Council ("FNEMC").

FNEMC requests that the Union of British Columbia Indian Chiefs support and endorse the development of options and solutions by FNEMC with the governments of Canada and British Columbia:

- (i) to create a new legal and policy framework involving repeal of the 1943 Mineral Acts, and
- (ii) to confirm the title, rights and interests to the subsurface of reserves are entirely vested with First Nations. The nature and scope of this vesting must include ownership, administration, control and disposition of rights, and all direct and indirect benefits derived from minerals and metals, precious, base or otherwise in, upon or under reserves, and also other subsurface natural resources on reserves.

Integral to repeal of the 1943 Mineral Acts is the need to cancel both Canada's Privy Council Order 208 ("PCO 208") passed in 1931 and British Columbia Order in Council 1036 ("OIC 1036") passed in 1938. PCO 208 and OIC 1036 were the result of bilateral Canada-British Columbia negotiations that took place for more than half a century eventually culminating in the transfer of land, in tranches, by British Columbia to Canada for use as Indian reserves.

Matters arising from *The British Columbia Indian Reserves Mineral Resources Act* and OIC 1036 were the subject of the following Union of British Columbia Indian Chiefs resolutions:

- Resolution 11 [1972-11-07] (submitted by the Thompson River District).
- Resolution 23 [1973-11-20] (Neskonlith Band resolution).
- Resolution 11 [1975-11-25] (UBCIC resolution on natural resources items, including mineral licenses).



# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-35**

#### **RE: Kamloops Land Title Office**

**WHEREAS** in March 2019 it became known to UBCIC that the Land Title and Survey Authority (LTSA), which operates British Columbia's land title system, intended to move manual and historic records for the Kamloops and Nelson land title jurisdictions to Victoria;

**WHEREAS** the Kamloops Land Title Office (LTO) contains records for Kamloops and Nelson land title jurisdictions, dimensions of land parcels, Crown grants, and other sources relating to titles and charges on land that are absolutely imperative to historic title researchers, particularly those working on behalf of First Nations to sort out claims and questions regarding land ownership;

**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 11(1):** Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

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

**Article 18:** Indigenous people 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;

**WHEREAS** by Resolution 2015-09, the UBCIC Chiefs Council affirmed that the right to know and obtain access to information from public bodies in Canada is a fundamental component of Indigenous Peoples' efforts to resolve historical land rights grievances, such as specific claims, and to demand and pursue justice;

**WHEREAS** the decision to close the Kamloops LTO and relocate important documents for First Nations was done arbitrarily, without proper consultation and dialogue with First Nations, and is reductive as time, resources and money will be unnecessarily spent to move old and invaluable records that have deep roots in the Interior and are already housed in a special climate-controlled storage space;

**WHEREAS** the shuffling of the records goes beyond archival expediency, digitization and "ease of access"; it is an issue of reconciliation and cultural integrity as the vast majority of First Nations in BC, including those in the interior, have never ceded or surrendered their territory, and the records housed in the Kamloops LTO contain their narratives, the stories about their territories that for too long in Canada have been appropriated and mishandled according to colonial frameworks of *terra nullius* and the Doctrine of Discovery;

**WHEREAS** Indigenous peoples have the right to be involved in discussions and decision-making about how the information that has shaped their history and territories is handled and accessed, and the LTSA should not move land title records without the consent and engagement of the Nations whose territory is discussed in the records; and

**WHEREAS** the UBCIC Executive met with the President/CEO and the Director of Facilities and Procurement of LTSA, on June 5, 2019 to resolve the issues at hand and to discuss possible solutions. In this meeting the UBCIC Executive was made aware that (1) pursuant to the *Land, Title and Survey Authority Act*, the LTSA's Board of Directors selects a First Nations appointment in conjunction with the First Nations Summit, and (2) that the possible construction of a new facility in the Interior to house records is contingent upon the Board's approval.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council calls on the Land, Title and Survey Authority (LTSA) and the Province of BC to immediately cease any actions that do not uphold and respect the ability of First Nations to access knowledge about the history of land titles in their own territories;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls upon the Province of BC to introduce amendments to the nomination and appointment process in the *Land, Title and Survey Authority Act*, so that a representative of one of the First Nations whose territories are directly linked to the records housed in Land Title Offices can be nominated by those First Nations, and for the necessary changes to the Board's constitution to ensure that fair representation is met and the concerns and interests of First Nations are properly addressed and discussed;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council urges the provincial government and LTSA to adhere to the Province's strong public commitments to advance a renewed relationship between the Province and Indigenous peoples, aligning future actions with the standards of consent outlined in the *UN Declaration* and rejecting any notions used to justify European sovereignty over Indigenous unceded lands and peoples;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to continue engaging in meaningful dialogue with LTSA to resolve the issue, including presenting to the LTSA Board regarding possible construction of a new facility in the interior to house records; providing advice to LTSA on how to make records and material more accessible to First Nations in the interim; and identifying ways in which First Nations can be jointly involved in and informed of any activity involving the handling or moving of historic records, now and in the future.

**Moved:** Cora Anthony, Neskonlith Indian Band (Proxy)  
**Seconded:** Chief Byron Louis, Okanagan Indian Band  
**Disposition:** Carried  
**Date:** June 18, 2019

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-36**

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

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

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

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

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

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

**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 Indigenous peoples' rights to their territories, and to exercising their self-determination in taking care of their territories, as articulated in Articles 25, 26, 32, and 39:

**WHEREAS** by Resolution 2010-10, the UBCIC Chiefs Council called on the Provincial Government to address and give priority to BC First Nations and our unextinguished water rights before the Province moves ahead with legislative water reform;

**WHEREAS** the BC Ministry of Environment and Climate Change Strategy provided the First Nations Fisheries Council with resources to advise BC on an Engagement Framework to guide the development of the remaining regulations and policies under the WSA in accordance with BC's reconciliation commitments to First Nations;

**WHEREAS** the BC First Nations Fisheries Council convened a small working group to identify recommendations for an WSA Engagement Framework; and

**WHEREAS** the May 2019 report, "Towards a *Water Sustainability Act* First Nations Engagement Framework: Working Group Recommendations for Collaborative Development of Regulations and Policies," makes the following recommendations:

1. Reset the Relationship Based on Recognition and Respect. The existing WSA and priority regulations must be reviewed and reformed on the proper foundations.
2. Adhere to UNDRIP Moving Forward. The relevant minimum human rights standards for ensuring the survival, dignity and well-being of Indigenous peoples must be complied with at all times.
3. Enable Harmonious First Nations-Crown Governance and Management Processes. First Nations must be supported in developing and implementing their own laws and policies related to the governance and management of fresh water in their territories, and the WSA should enable First Nations' own laws and policies to be exercised in a more harmonious manner and afforded due respect alongside BC laws and policies.
4. Enable Diverse, Flexible and Dynamic Options for Collaborative Development of Policies and Regulations. BC must enable and facilitate the participation of First Nations to the extent that they wish to participate and through processes and mechanisms of their choosing with no one option limiting a First Nation's ability to engage with the Crown through any means the First Nation may deem appropriate. Four options are recommended: (a) participation through existing or emerging First Nation-Crown Processes; (b) participation through a First Nations water caucus; (c) participation through regional advisory workshops; and (d) participation through a process of First Nations submissions.
5. Enable Early and Sustained Participation. Collaboration with First Nations is enabled at the very beginning of any regulation or policy development process and sustained throughout each stage of regulation and policy development under the WSA.
6. Improve Transparency in Decision-Making. First Nations must be able to understand how their collaborative efforts are demonstrably and substantively considered and addressed by BC throughout the process.
7. Provide Sufficient, Stable and Predictable Resources. First Nations must have sufficient, stable and predictable fiscal and human resources to meaningfully participate in the collaborative development of the regulations and policies under the WSA, and to develop and implement their own water laws and policies.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council supports the recommendations contained in the May 2019 report “Towards a *Water Sustainability Act* First Nations Engagement Framework: Working Group Recommendations for Collaborative Development of Regulations and Policies”; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council calls on the Provincial Government to commit to implementing these recommendations immediately and to provide the necessary financial resources to First Nations for participation in collaborative processes to develop remaining *Water Sustainability Act* regulations and policies.

**Moved:** Simon Smith, Tsartlip First Nation (Proxy)  
**Seconded:** Cora Anthony, Neskonlith Indian Band (Proxy)  
**Disposition:** Carried  
**Date:** June 19, 2019

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

JUNE 17<sup>TH</sup>- 19<sup>TH</sup>, 2019

MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-37**

#### **RE: BC First Nations Cannabis Framework and Action Plan**

**WHEREAS** On October 17, 2018 the federal *Cannabis Act* came in to force, creating a legal framework for the production, distribution, sale, and possession of cannabis in Canada. Within this framework, provincial governments are responsible for determining how cannabis is distributed and sold within their jurisdictions. The Government of British Columbia subsequently passed the *Cannabis Control and Licensing Act*, the *Cannabis Distribution Act*, and the *Motor Vehicle Act*, along with a number of new and amended regulations;

**WHEREAS** Federal and Provincial legislation was passed with only limited engagement with Indigenous Peoples, despite the impact that it will have on First Nations governments and communities;

**WHEREAS** First Nations have an interest in revenue, economic development, health, safety, and education, among other matters, as they relate to cannabis, and which are tied to inherent jurisdiction;

**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 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 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.

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

**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 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 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;

**WHEREAS** UBCIC participates on the BC-FNLC Joint Working Group on the Legalization and Regulation of Non-Medical Cannabis in BC (JWG); and

**WHEREAS** a *First Nations Cannabis Framework and Action Plan* has been prepared to support the principled and strategic direction of the UBCIC on the JWG, flowing from the existing work of the JWG and the BC First Nations Cannabis Forum held on March 27, 2019.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the UBCIC Executive in their ongoing engagement on the BC-FNLC Joint Working Group on the Legalization and Regulation of Non-Medical Cannabis in BC (JWG);

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and First Nations Leadership Council (FNLC) representatives on the JWG to advance the principled and strategic direction and activities outlined in the *First Nations Cannabis Framework and Action Plan*;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the FNLC, to call on the Provincial and Federal governments to recognize First Nations jurisdiction over recreational and medicinal cannabis, including jurisdiction related to taxation, and revenue sharing, and to secure ongoing funds to enable participation on the JWG according to the JWG Interim Terms of Reference.

**Moved:** Cheryl Casimer, ʔaq'am (Proxy)  
**Seconded:** Chief Clifford Lebrun, Lhatko Dené Nation  
**Disposition:** Carried  
**Date:** June 18, 2019



# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE  
209 - 345 Chief Alex Thomas Way  
Kamloops, B.C. V2H 1H1  
Tel: 250-828-9746  
Fax: 250-828-0319



VANCOUVER OFFICE  
401 - 312 Main Street  
Vancouver, B.C. V6A 2T2  
Tel: 604-684-0231  
Fax: 604-684-5726  
1-800-793-9701  
Email: [ubcic@ubcic.bc.ca](mailto:ubcic@ubcic.bc.ca)  
Web: [www.ubcic.bc.ca](http://www.ubcic.bc.ca)

### UNION OF B.C. INDIAN CHIEFS

#### CHIEFS COUNCIL

JUNE 17 – 19, 2019

MUSQUEAM COMMUNITY CENTRE, X"məθək"əy'əm (MUSQUEAM TERRITORY)

**Resolution no. 2019-38**

#### **RE: UBCIC Remuneration and Expenses**

**WHEREAS** the UBCIC By-Laws state that per diems and compensation for expenses for the Executive and Active Members should be set by Chiefs Council:

IV (g) Active Members, and one officially appointed representative of each Full Member, may have their expenses for attending meetings of the Chiefs' Council defrayed by the U.B.C.I.C., but otherwise they shall receive no remuneration for their service as members of Chiefs' Council. These amounts, if any, will be set by Chiefs' Council based on the availability of funds for this purpose.

IV (h) The salary, per diem and compensation for expenses for members of the Executive Committee, if any, shall be determined by Chiefs' Council;

**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 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 17(1):** Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law;

**WHEREAS** the rates for per diems for non-salaried UBCIC Executive members are considerably lower than other First Nation organizations, and for salaried Executive members should reflect cost of living increases; and

**WHEREAS** the travel rates for the Executive, staff and member travel have not been updated since 2015 and do not reflect current costs or current Treasury Board rates and are insufficient to meet the actual expenses incurred in the course of travel for UBCIC business.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council hereby approves the following increases in remuneration and travel rates:

1. An increase in the per diems for non-salaried Executive Committee members from \$300/day to \$450 per day;
2. An increase equivalent to cost of living for salaried Executive Committee members; and
3. An increase of travel rates for UBCIC Executive, staff and members to align with those of the Treasury Board for the B.C. region, current to this date.

**Moved:** Chris Alphonse, Cowichan Tribes (Proxy)

**Seconded:** Cheryl Casimer, ʔaq'am (Proxy)

**Disposition:** Carried

**Date:** June 18, 2019