

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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## Final Resolutions of UBCIC 51<sup>st</sup> Annual General Assembly October 1-3, 2019

- 2019-39 Adoption of 50th AGA Minutes
- 2019-40 Adoption of 2018-2019 Audited Financial Statements
- 2019-41 Appointment to the UBCIC Elections Appeal Committee
- 2019-42 Appointment to the UBCIC Credentials Committee
- 2019-43 Amendments to UBCIC Conflict of Interest and Ethics Policy
- 2019-44 Addressing the Incarceration and Overcriminalization of Indigenous Women and Girls
- 2019-45 Support for the Penticton Indian Band in its Efforts to Obtain Justice for its Valid South Okanagan Commonage Specific Claims
- 2019-46 Big Bar Landslide
- 2019-47 Interim Appointments to Wild Salmon Summit Committee
- 2019-48 Sport Fishing Monitoring and Catch-and-Release
- 2019-49 First Nation Operator Waters Net for BC & Yukon Territories
- 2019-50 Call to Action to Cease the Removal of Newborns from Hospital
- 2019-51 Support for the First Nations Leadership Council Memorandum of Understanding with the Representative for Children and Youth of British Columbia
- 2019-52 Call for Transparency and Accountability of the First Nations Health Council and First Nations Health Authority
- 2019-53 Full Implementation of Interim First Nations Health Authority Consensus Paper 2012 – FNHA Regional Offices
- 2019-54 Call for Trauma-Informed Approaches and Practices to be Adopted by British Columbia

- 2019-55 Call for Immediate, Meaningful and Substantive Engagement of First Nations in BC Hydro's Phase II Review
- 2019-56 UBCIC Appointment to Tripartite First Nations Labour Market Skills Steering Committee
- 2019-57 Support for Protocol on Cooperation and Communication on Fiscal Discussions
- 2019-58 Support for Co-developing Provincial Indigenous Languages Legislation
- 2019-59 Protecting Fraser River Salmon Habitat
- 2019-60 Developing Policy to Address Elders Abuse, Exploitation, and Neglect
- 2019-61 Appointment to the UBCIC Constitution Committee

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UNION OF B.C. INDIAN CHIEFS  
51<sup>ST</sup> ANNUAL GENERAL ASSEMBLY  
OCTOBER 1<sup>ST</sup>- 3<sup>RD</sup>, 2019  
MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-39**

**RE: Adoption of 50<sup>th</sup> AGA Minutes**

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs-in-Assembly adopt the minutes of the 50<sup>th</sup> Annual General Assembly (October 2018) as presented in the 51<sup>st</sup> Annual General Assembly kit.

**Moved:** Chief Chad Eneas, Penticton Indian Band  
**Seconded:** Chief Keith Crow, Lower Similkameen  
**Disposition:** Carried  
**Date:** October 2, 2019

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Certified copy of a resolution adopted on the 2<sup>nd</sup> day of October of 2019 in Musqueam Territory



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Grand Chief Stewart Phillip, President

2019-39  
Page 1 of 1

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UNION OF B.C. INDIAN CHIEFS  
51<sup>ST</sup> ANNUAL GENERAL ASSEMBLY  
OCTOBER 1<sup>ST</sup>- 3<sup>RD</sup>, 2019  
MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-40**

**RE: Adoption of 2018-2019 Audited Financial Statements**

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly hereby adopt the 2018-2019 Audited Financial Statements as presented at the UBCIC 51<sup>th</sup> Annual General Assembly meeting of October 1<sup>st</sup>-3<sup>rd</sup>, 2019.

**Moved:** Kukpi7 Wayne Christian, Splatsin  
**Seconded:** Cora Anthony, Neskonalith (Proxy)  
**Disposition:** Carried  
**Date:** October 2, 2019

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

**Resolution no. 2019-41**

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

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

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

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

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly hereby appoint the following persons as the Elections Appeal Committee of the Union of BC Indian Chiefs for the upcoming three-year term ending at the Annual General Assembly in October, 2022:

- 1) Chief Stuart Alec, Nazko First Nation
- 2) Chief Janet Webster, Lytton First Nation
- 3) Chief Christine Minnabarriet, Cooks Ferry Indian Band

**Moved:** Kukpi7 Wayne Christian, Splatzin  
**Seconded:** Chief Keith Crow, Lower Similkameen  
**Disposition:** Carried  
**Date:** October 2, 2019

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2019-41  
Page 1 of 1

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Resolution no. 2019-42

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

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

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

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

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly hereby appoint the following persons as the Credentials Committee of the Union of BC Indian Chiefs for the upcoming three year term ending at the Annual General Assembly in October 2022:

- 1) Cora Anthony, Neskonlith (Proxy)
- 2) Chief Lee Spahan, Coldwater Indian Band
- 3) Kukpi7 Rosanne Casimir, Tk'emlúps te Secwépemc

**Moved:** Cora Anthony, Neskonlith (Proxy)  
**Seconded:** Chief Stuart Alec, Nazko First Nation  
**Disposition:** Carried  
**Date:** October 2, 2019

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2019-42  
Page 1 of 1

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Resolution no. 2019-43

## RE: Amendments to UBCIC Conflict of Interest and Ethics Policy

**WHEREAS** by Resolution 2010-24 the UBCIC Conflict of Interest and Ethics Policy proposed by the Constitution Committee was endorsed and formally adopted by the Chiefs-in-Assembly in September 2010;

**WHEREAS** at the UBCIC 51<sup>st</sup> Annual General Assembly, UBCIC legal counsel reviewed the Conflict of Interest and Ethics Policy with the Chiefs-in-Assembly to consider revisions;

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

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**WHEREAS** UBCIC legal counsel proposed further revisions to the Conflict of Interest and Ethics Policy, including:

- A clear definition of “conflict of interest”
- A detailed procedural outline for the complaint-making process
- The inclusion of regional representatives on the Conflict Review Committee.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly hereby endorse the updated Conflict of Interest and Ethics Policy (attached).

**Moved:** Kukpi7 Wayne Christian, Splatsin  
**Seconded:** Chief Joe Pierre Jr., ʔaḡam  
**Disposition:** Carried  
**Date:** October 2, 2019

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2019-43  
Page 2 of 2



**Union of B.C. Indian Chiefs**  
**Conflict of Interest and Ethics Policy**  
**[Draft – Revised – September 2019]**

**1.0 General**

1.1 This Conflict of Interest and Ethics Policy applies to all U.B.C.I.C.

- (a) Executive Committee Members (President, Vice-President, and Secretary-Treasurer),
- (b) Active Members (Women’s Representative, Youth Representative, Elders Representative), and
- (c) Committee Members (persons appointed by the U.B.C.I.C. to represent the organization as a member of a committee or working group).

(collectively, the “EAC Members”).

1.2 In exercising their duties, EAC Members will act honestly, in good faith and in the best interests of the U.B.C.I.C. and its Members. Executive Committee members and Active members will take an oath of office in which they pledge to uphold the U.B.C.I.C. Constitution and By-laws, Aboriginal Title and Rights Position Paper, Aboriginal Title, Rights and Treaty Rights Mandate and to uphold and honour this Conflict of Interest and Ethics Policy.

**2.0 Ethical Conduct**

2.1 Consistent with the principles and objectives set out in the U.B.C.I.C. Constitution and By-laws, Aboriginal Title and Rights Position Paper, and Aboriginal Title, Rights and Treaty Rights Mandate, EAC Members shall:

- (a) Conduct themselves with integrity and in an ethical manner that is in keeping with the dignity of their office or appointment with the U.B.C.I.C.;
- (b) Establish and maintain good working relations with U.B.C.I.C. Members and staff based on principles of loyalty, trust and transparency;
- (c) Respect the principles of collective responsibility and confidentiality, including not misrepresenting or making comments which would call into question the reputation or any decision taken by the U.B.C.I.C., or disclose or use to their personal benefit any information obtained in confidence in the exercise of their role with the U.B.C.I.C.;
- (d) Value and respect Indigenous values of diversity and commit to act in ways that are free from discrimination, including on the basis of gender, sexual orientation or gender expression; and
- (e) Neither seek nor take any instruction from any other organization or body which may compromise their duty of loyalty and obligations to the U.B.C.I.C.

**3.0 Conflict of Interest**

3.1 A conflict of interest occurs when any EAC Member exercises their position or influence within or through the U.B.C.I.C. to further their own interests, or to change or interfere with policies, procedures or operations to gain – or appear to gain – personal or financial benefit or advantage for themselves closely related people or to a business interest that they (or a closely related person) is involved in.

3.2 Closely related people include a person's: immediate family, including their spouse, children, parents, grandparents, siblings, aunts, uncles, nieces, nephews, first cousins, and in-laws (mother, father, daughter, son, sister and brother) or other personal and familial relationships (including friendships) which are so close that they are defined by the people involved (or could be reasonably seen) as closely related or intimately involved.

3.3 Examples of conflict of interest include, but are not limited to:

- A member of the Executive being actively involved in considerations about support for the "Resource Industry ABC" when their spouse has a controlling interest in "Resource Industry ABC-Company".
- An Executive member being involved in discussions about whether to hire their family member.
- An EAC Member assumes responsibilities outside of the organization that may, or be perceived to, divide their loyalty.
- An EAC Member uses information they have learned through their position within the U.B.C.I.C. to influence or gain financial or personal benefit from a decision.

#### 4.0 Conflict of Interest Procedure

##### Self-reporting

4.1 EAC Members must declare in writing to the Executive Director and Executive Committee (or remaining members of the Executive Committee if the person making the declaration is a member of the Executive) any real or perceived conflict of interest as soon as they become aware that such a conflict exists or might be reasonably be perceived to exist.

EAC Members will be removed from decisions where a real or perceived conflict of interest exists

4.2 EAC Members who have a conflict of interest (or perceived conflict of interest) will remove (recuse) themselves and not participate in their official capacity in any discussions, activities, or decision-making regarding the matter.

##### Process for reporting a conflict of interest by Full or Active Members

4.3 Any Full or Active Member in good standing who believes that a conflict of interest (or perceived conflict of interest) exists regarding an EAC Member can report the alleged conflict in writing (stating the nature of the alleged conflict) to the Executive Director.

(a) The Executive Director and Executive will communicate with the parties involved and make a decision about whether a real, or perceived, conflict exists and give direction about appropriate steps to avoid the conflict of interest, which could include referring it to a Conflict Committee. This initial decision will be made within two weeks (fourteen days) of receipt of the complaint, and will be communicated to the party(ies) raising the complaint.

(b) If the Full or Active Members are satisfied that the resolution proposed by the Executive Director and Executive has resolved the issue, it will be considered settled. The Executive Director will make a report to the U.B.C.I.C. Membership at the next regularly scheduled Chiefs Council or Annual General Assembly about the complaint and its resolution.

(c) If the Full or Active Members who raised the complaint are not satisfied with the proposed resolution, or if the recommendation is that it be referred to a Conflict Committee, at the next regularly scheduled U.B.C.I.C. Chiefs Council or Annual General meeting which occurs after the complaint is received (or at the meeting where the complaint is received, if time reasonably permits, and if the Executive Director makes an immediate decision to refer the matter to a Conflict Committee) a Conflict Committee will be struck which includes at least three Full or Active Members in good standing who represent three separate Indigenous Nations, not involved in the complaint.

4.4 The Conflict Committee will inquire into the complaint and determine what, if any, action (including legal action) should be taken. The Conflict Committee will provide the EAC Member against whom the complaint has been brought with the opportunity to respond to the allegation(s) before they make a decision.

4.5 Factors that the Conflict Committee will take into account include:

- (a) The EAC Member's responsibilities and obligations to the U.B.C.I.C.;
- (b) The seriousness of the real or perceived conflict;
- (c) Value and type of assets or benefits involved;
- (d) Perception of the U.B.C.I.C. members and the public and impact on the U.B.C.I.C.; and
- (e) Other factors the Conflict Committee deems relevant.

4.6 Where the Conflict Committee determines that an EAC Member has breached this Policy, they may:

- (a) Decide that the complaint does not warrant taking any action;
- (b) Provide a written warning or recommendations for specific actions to remedy the real or perceived conflict of interest to the EAC Member, copied to the Executive Committee and Executive Director; and/or
- (c) Suggest other actions as they deem necessary to remedy the situation to the Executive Committee, including recommending any decisions for consideration of the U.B.C.I.C. Membership.

4.7 The Conflict Committee will report on the status of their consideration to the U.B.C.I.C. Membership at the next regularly scheduled Chiefs' Council or Annual General Meeting.

## **5.0 Conduct of U.B.C.I.C. Incumbents During Elections**

5.1 The purpose of this part of the Policy is to ensure the proper conduct of sitting Executive Committee and Active Members of the U.B.C.I.C. during elections, and to ensure that U.B.C.I.C. resources are not used for the benefit of any candidate standing for election to the U.B.C.I.C.

5.2 Where an incumbent Executive Committee Member or Active Member is nominated and decides to stand for re-election to the position which they currently hold within the U.B.C.I.C., or decides to seek the nomination and election to any other political office external to the U.B.C.I.C. they must take a leave of absence from their position as a member of the Executive or Active Member of the U.B.C.I.C. from the date they file their nomination papers until the election ends.

5.3 An incumbent running for election within the U.B.C.I.C. or election to any other political office, shall not use U.B.C.I.C. resources to support or further their election campaign. This includes not using any membership or confidential information, finances, office, equipment, personnel, or any other property or resource of the U.B.C.I.C.

5.4 The Chiefs' Council or remaining members of the Executive Committee may ask that Executive Committee Members or Active Members continue any of their duties necessary for the proper functioning of the U.B.C.I.C. during the campaign period.

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

Resolution no. 2019-44

## RE: Addressing the Incarceration and Overcriminalization of Indigenous Women and Girls

**WHEREAS** First Nations women and girls are an integral part of the culture, well-being, and survival of all First Nations in BC, and there is a sacred responsibility of all to ensure their safety and wellness;

**WHEREAS** Indigenous women represent almost 40% of all federally and provincially sentenced inmates, while Indigenous female youth make 49% of all youth in custody, 12 times and 7 times higher respectively than their non-Indigenous counterparts;

**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.

**Article 34:** Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the

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Grand Chief Stewart Phillip, President

cases where they exist, juridical systems or customs, in accordance with international human rights standards;

**WHEREAS** the rates of incarceration for Indigenous women and girls continues to rise, with the number of provincially sentenced Indigenous women having risen by 66% and federally sentenced Indigenous women having risen by 51% in the ten-year period between 2007/08 and 2017/18. In BC alone, the number of federally and provincially sentenced women has risen by 40%. In 2016/17, Indigenous female youth represented 60% of admissions to youth custody;

**WHEREAS** Indigenous women experience violent crime and spousal violence at rates 3 times higher than non-Indigenous women and are 8 times more likely to be victims of homicide. These high rates of violence inflicted upon Indigenous women directly correlate to the high numbers of federally sentenced women who are serving time for a violent offence – 71.9% of Indigenous women, compared to 46.3% of non-Indigenous women;

**WHEREAS** Indigenous women are more likely than non-Indigenous women to plead guilty to an offence, even if it results in a lengthy or life-sentence, often to avoid a trial process which may be oppressive and biased, and/or to spare their children and families from the trial in cases of gendered violence. Indigenous women are in turn more likely to receive a life sentence and to serve longer sentences before being approved for parole;

**WHEREAS** Gladue Reports are inconsistently ordered, resourced, and applied across provincial jurisdictions, limiting Indigenous women's access to informed sentencing decisions;

**WHEREAS** by Resolution 2015-20 the UBCIC Chiefs Council called upon Canada to strike down Mandatory Minimum Sentences, which disproportionately impact Indigenous peoples, and to uphold the principles of the *Gladue* decision by allowing judicial discretion in sentencing that is culturally appropriate and which considers the unique circumstances of the offender and the offence;

**WHEREAS** Indigenous women are more likely to be unfairly rated as high-risk on custodial rating scales, which do not adequately reflect the experiences of Indigenous peoples and are directly influenced by colonialism. These ratings translate into a greater likelihood of being deemed maximum-security offenders, which results in restrictions in programming, access to cultural supports in the institution, limitations in external visits, longer and more frequent rates of involuntary segregation, and harsher institutional living conditions. This in turn creates poorer physical and mental health outcomes for Indigenous women in prison;

**WHEREAS** the criminalization and over-incarceration of Indigenous women and girls is a modern manifestation of the ongoing colonial oppression and marginalization of Indigenous women and girls.

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Grand Chief Stewart Phillip, President

2019-44  
Page 2 of 4

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

**WHEREAS** the final report of the National Inquiry into Missing and Murdered Indigenous Women and Girls 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” has called upon federal, provincial and territorial governments to thoroughly evaluate and address the impact of mandatory minimum sentences on the over-incarceration of Indigenous women and girls (Call 5.14), to evaluate the impacts of the *Gladue* decision and to ensure sentencing equity as it relates to violence against Indigenous women and girls (Call 5.18), and to fully implement recommendations made via multiple reports and commissions which identify ways to address the “gross overrepresentation of Indigenous women and girls in the criminal justice system” (Call 5.21);

**WHEREAS** the criminal justice system at all levels has failed to protect and support Indigenous women and girls, including in the provision of culturally appropriate and gender-appropriate services, despite numerous calls for reform;

**WHEREAS** there is an urgent need to address the ongoing systemic and colonial violence toward Indigenous women and girls, and the over-incarceration and criminalization of Indigenous women and girls; and

**WHEREAS** in 2019 the First Nations Justice Council held regional engagement sessions with First Nations in BC to form the basis of a BC First Nations Justice Strategy.

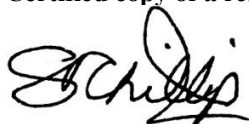
**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly call upon Canada and British Columbia to address the over-incarceration and criminalization of Indigenous women and girls through wholly reforming the federal and provincial justice systems in partnership with First Nations, including, but not limited to, the development of further alternatives to incarceration, recognition, and resourcing for Indigenous justice models and courts, and the development of more Healing Lodges for Indigenous women under Section 84, *Corrections and Conditional Release Act (CCRA)*;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call upon the Correctional Service of Canada to ensure that Gladue Reports are not being used to determine custodial risk in the federal prison system, to ensure that the writing of Gladue Reports is consistently funded and resourced across all provinces, and to undertake a review of their application by the judiciary;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call upon Canada to amend the *Criminal Code* to allow judicial discretion in mandatory minimum sentences, and to determine a sentence that is based upon the specific circumstances of the offence and the individual, in order to address the disproportionate number of Indigenous women serving life sentences;

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Grand Chief Stewart Phillip, President

2019-44  
Page 3 of 4

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, and the First Nations Justice Council, to develop a strategy for addressing the over-incarceration and criminalization of Indigenous women and girls, and ensure this strategy is included in the BC First Nations Justice Strategy; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the First Nations Justice Council to provide an update on progress made to address the over-incarceration and criminalization of Indigenous women and girls at the UBCIC Annual General Assembly in 2020.

**Moved:** Chief James Hobart, Spuzzum  
**Seconded:** Chief Ed Hall, Kwikwetlem First Nation  
**Disposition:** Carried  
**Date:** October 2, 2019

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Grand Chief Stewart Phillip, President

2019-44  
Page 4 of 4

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51<sup>ST</sup> ANNUAL GENERAL ASSEMBLY  
OCTOBER 1<sup>ST</sup>- 3<sup>RD</sup>, 2019  
MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-45

**RE: Support for the Penticton Indian Band Seeking Justice for its Valid South Okanagan  
Commonage Specific Claims**

**WHEREAS** specific claims are intended to address past wrongs against Indigenous Nations by the Government of Canada relating to the administration of Indigenous land and other assets and are separate and distinct from comprehensive land claims or modern treaties;

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

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

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

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Grand Chief Stewart Phillip, President

2019-45  
Page 1 of 3



**WHEREAS** in December 2011, the Penticton Indian Band (PIB) filed a specific claim regarding the Colony's, and later Canada's, failure to preserve and protect its 32,000-acre South Okanagan Commonage lands adjacent to Okanagan Lake;

**WHEREAS** on February 18, 2015, Canada accepted the specific claim for negotiation;

**WHEREAS** the federal government provides funding to Indigenous Nation claimants to enable them to participate in the specific claims negotiation process;

**WHEREAS** in February, in response to national hearings, the House Standing Committee on Indigenous and Northern Affairs released its final report, *Indigenous Land Rights: Toward Respect and Implementation*, which concluded that the current system of providing Indigenous Nations with negotiation loan funding results in significant power imbalances in the negotiation of claims and recommended to Parliament that Canada "work in partnership with First Nations to reform the funding model for the specific claims process to convert the current structure of repayable loans to one of non-repayable grants";

**WHEREAS** despite its commitment to implement this recommendation, Canada has since backed away from this promise;

**WHEREAS** on July 27, 2016, Canada agreed to withdraw its requirement that the Penticton Indian Band cap any negotiated settlement of its South Okanagan Commonage claim at \$150 million due to the size of the claim;

**WHEREAS** since the October 2015 Federal Election, Canada has issued multiple statements and policy documents affirming its commitment to honour its obligations to Indigenous peoples, to right past wrongs, and to work collaboratively to settle outstanding claims and advance reconciliation between Indigenous peoples and the Crown;

**WHEREAS** on June 18, 2019, the Penticton Indian Band and Canada signed a Negotiations Protocol to find a solution to this claim and address the scope and limitations of the current specific claims process to demonstrate Canada's commitment to recognition and reconciliation;

**WHEREAS** the UBCIC has a long history of advocating for specific claims policy reform, in particular calling for an independent claims resolution process to eliminate Canada's conflict of interest, equality and fairness in resourcing all parts of the process, and eliminating multiple existing systemic barriers to justice; and

**WHEREAS** the UBCIC Resolutions 2008-20, 2008-42, 2009-15, 2009-62, 2010-07, 2010-58, 2011-40, 2012-07, 2012-28, 2012-52, 2012-53, 2012-43, 2013-24, 2016-36, 2016-37, 2017-44, and 2019-29 support reform that will bring about the fair, just, and timely resolution of specific claims.

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Grand Chief Stewart Phillip, President

2019-45  
Page 2 of 3

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support the Penticton Indian Band (“PIB”) in its efforts to reach a fair, just, and timely resolution of its South Okanagan Commonage specific claim by moving beyond the current, outdated, and unfair specific claim process;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly support the PIB’s request to meet with the Assembly of First Nations Chiefs Committee on Lands Territories and Resources, the resolution of claims in BC are unique because of the terms of union;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly urge the federal government to return to its 2018 commitment to forgive negotiation loans and immediately implement a system of providing funding in the form of grants to Indigenous Nations to ensure equality and justice, as Indigenous Nations should not have to pay for the rightful restitution of their lands and territories or increase their financial debt while negotiating specific claims; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly call on Canada to take immediate steps to develop, with the full participation of Indigenous Nations, a truly independent specific claims process that makes equal space for the inclusion of Indigenous legal orders and is aligned with the *United Nations Declaration on the Rights of Indigenous Peoples*.

**Moved:** George Saddleman, Upper Nicola Indian Band (Proxy)

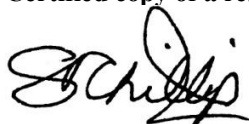
**Seconded:** Cynthia Brewer, Okanagan Indian Band (Proxy)

**Disposition:** Carried

**Date:** October 2, 2019

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Grand Chief Stewart Phillip, President

2019-45  
Page 3 of 3

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

Resolution no. 2019-46

## RE: Big Bar Landslide

**WHEREAS** in the fall of 2018, a landslide occurred on the Fraser River, creating a five-meter-high barrier that obstructed salmon from travelling upstream on their migration route to spawning beds;

**WHEREAS** the Big Bar landslide is an extreme crisis for our sacred salmon; the numbers of Early Chinook and Early Stuart Sockeye have diminished to a point of serious concern and the slide stands to have long-lasting and severe repercussions not only on this season's salmon run, but on future salmon runs;

**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(1):** Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands, 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.

**Article 34:** Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the

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Grand Chief Stewart Phillip, President

2019-46  
Page 1 of 3

cases where they exist, judicial systems or customs, in accordance with international human right standards;

**WHEREAS** through UBCIC Resolution 2008-18 and 2008-19, the UBCIC Chiefs Council emphasized the importance of advocating and supporting the recovery and restoration of salmon stocks and called upon the Minister of Fisheries and Oceans to exercise an allocation policy of conservation first and food, social, and ceremonial purposes second;

**WHEREAS** the Cohen Commission Report previously investigated the decline of sockeye salmon stocks in the Fraser River, concluding that the protection and conservation of Pacific salmon cannot be achieved by the DFO or governmental agencies alone, but in collaboration with Indigenous groups and partners;

**WHEREAS** the Fraser Salmon Management Council passed an Emergency Resolution calling for the provincial and federal governments to work together with concerned First Nations, including the Canoe Creek Band, High Bar Band, and Esketeme, to create and implement a plan that immediately allows salmon to make it safely past the slide area and meets First Nations' priority needs;

**WHEREAS** while an incident command team was formed and recovery efforts are underway, the First Nation Emergency Services Society (FNESS) was excluded from the emergency response team and key decision-making processes, as well as key leaders from Indigenous nations and organizations;

**WHEREAS** there have been concerns that the Department of Fisheries and Oceans (DFO) have made decisions regarding the Big Bar landslide in an ad-hoc and delayed manner, highlighting the need for a decision-making process regarding mitigation efforts and strategies that is founded upon predictability and transparency, as well as for the need to finalize the FNLC-DFO Memorandum of Understanding (MOU), which itself has been a slow and fraught process for three years; and

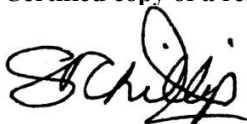
**WHEREAS** the First Nations Leadership Council called upon the federal and provincial governments to immediately recognize and treat the landslide as a state of emergency, to support a ban on all recreational and commercial fisheries fishing Fraser River salmon stocks until the obstruction in the river is removed, and to remedy the dire impacts on migrating salmon.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly call for the immediate and effective implementation and circulation of the recently signed tripartite MOU on emergency management, and the addition of an emergency response protocol that is inclusive of Indigenous nations and organizations and is founded upon transparent communication;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call on the federal and provincial governments to work with impacted Indigenous Nations and partner Indigenous organizations, to do a review of the response to the Big Bar landslide and examine the long-lasting and severe repercussions the landslide will have on future salmon runs, local economies, community livelihoods, food security, tourism, recreational and commercial fishing, and the survival of vulnerable salmon

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Grand Chief Stewart Phillip, President

2019-46  
Page 2 of 3

species, and to develop plans to address these impacts and ensure better travel for the salmon, as well as build a better response if/when this happens again;

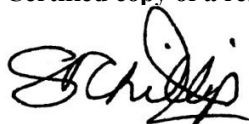
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with other like-minded organizations to ensure that the DFO and associated provincial ministries honour their commitments to conserve and protect the wild salmon and to uphold the Cohen Commission recommendations; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly call upon the DFO to adopt an approach that addresses both the short-term and long-term effects of the slide, considers and incorporates traditional Indigenous knowledge, and takes climate change and the future cycles of salmon stocks into account. We also request that the DFO take note of the low returns in salmon and provide the UBCIC Chiefs-in-Assembly with a thorough review of the exact numbers of fish that were unable to pass through the obstruction caused by the slide.

**Moved:** Jordan Muldoe, Kispiox (Proxy)  
**Seconded:** Chief Ralph Leon, Sts'ailes  
**Disposition:** Carried  
**Date:** October 2, 2019

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Grand Chief Stewart Phillip, President

2019-46  
Page 3 of 3

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

Resolution no. 2019-47

## RE: Interim Appointments to Wild Salmon Summit Committee

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

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

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which the governments of Canada and British Columbia have adopted without qualification and committed to implement, affirms:

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

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

**WHEREAS** First Nations in BC have diverse interests, perspectives, and priorities with respect to the management, rehabilitation, and protection of wild salmon, and as self-determining Nations, share a responsibility to manage resources in a manner that respects the interdependence we have with one another;

**WHEREAS** First Nations in BC have a common interest in increasing decision-making and control with respect to the regulation, policy, planning, management, protection, and rehabilitation of wild salmon, salmon habitat, and salmon fisheries;

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Grand Chief Stewart Phillip, President

2019-47  
Page 1 of 3

**WHEREAS** the First Nations Leadership Council (FNLC), a collaborative working partnership between the UBCIC, the First Nations Summit (FNS), and the BC Assembly of First Nations (BCAFN), hosted the “Wild Salmon Summit: In a Time of Reconciliation a Summit to Protect and Restore Wild Salmon Through Indigenous Jurisdiction and Authority” (“Wild Salmon Summit”), with the following goals:

1. Conduct an environmental scan of the mandates and operations of First Nations Fisheries Organizations in BC in relation to wild salmon;
2. Discuss the current state of wild salmon health and identify barriers to ensuring healthy wild salmon populations; and
3. Develop a shared strategic vision for wild salmon in BC;

**WHEREAS** delegates at the Wild Salmon Summit proposed the following recommendations as they relate to the protection, rehabilitation, and management of wild salmon, wild salmon habitat, and wild salmon fisheries:

1. Develop a shared political vision, and strategic pro-active provincial plan, amongst BC First Nations, for the rehabilitation, protection and management of wild salmon/salmon habitat and fisheries through the implementation and recognition of our inherent jurisdictions, authorities, titles, rights and responsibilities:
  - i. FNLC strike a Political Steering Committee to develop/identify recommended immediate province-wide priorities (FNLC, BC First Nations representatives, Pacific Salmon Commission, FNFC);
  - ii. Governance Models: Tier 1 (First Nations-Intertribal relations), Tier 2 (Nation-to-Nation, government-to-government: Tripartite Processes/DFO-FNLC MOU/BC Wild Salmon Advisory Council); and
  - iii. Access equitable, sustaining funding sources.
2. Complete an environmental scan and develop a plan to recognize, coordinate and activate the technical knowledge, Indigenous knowledge, and experiences of our own Indigenous Fisheries Organizations and Nations in relation to the political table/governance model;
3. Suggest purposes and priorities that the shared table can bring forward; and
4. Short Term Goals: Implementation of the Wild Salmon Policy; and

**WHEREAS** the UBCIC Chiefs-in-Assembly endorsed the recommendations arising out of the 2018 Wild Salmon Summit via Resolution 2018-40 at the UBCIC 2018 AGA, which also directed the UBCIC Executive to “work collectively with the FNLC to identify interim political and technical representation to populate a, ‘Political Steering Committee on Wild Salmon’”;

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

**WHEREAS** because there was not time to do a call out for appointments prior to the UBCIC Annual General Assembly on October 1-3, 2019, the Chair called for nominations from the floor for one (1) political representative and one (1) technical representative to the Political Steering Committee on Wild Salmon, to be interim appointments until representatives can be appointed at the next Chiefs Council meeting in accordance with the UBCIC Elections Procedures.

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Grand Chief Stewart Phillip, President

2019-47  
Page 2 of 3

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council to work to secure funds to support the Political Steering Committee on Wild Salmon, and to work with the First Nations Fisheries Council to provide staff support for this Committee;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly appoint the following political representatives to the Political Steering Committee on Wild Salmon on an interim basis until the next UBCIC Chiefs Council meeting:

1. Chief Jerry Jack, Mowachaht/Muchalaht First Nation (political representative)
2. Jordan Muldoe, Kispiox (Proxy) (technical representative); and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly call on the UBCIC interim representatives to the Political Steering Committee on Wild Salmon to provide regular updates to the UBCIC Executive and the UBCIC Chiefs Council.

**Moved:** Chief Donna Aljam, Nicomen Indian Band  
**Seconded:** Kukpi7 Wayne Christian, Splatsin  
**Disposition:** Carried  
**Date:** October 3, 2019

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Grand Chief Stewart Phillip, President

2019-47  
Page 3 of 3



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Resolution no. 2019-48

## RE: Sport Fishing Monitoring and Catch-and-Release

**WHEREAS** First Nation communities have derived their livelihood, way of life, health, and well-being from the marine resources in the ocean and rivers since time immemorial and continue to do so today;

**WHEREAS** First Nations communities are being devastated by the effects of climate emergencies, the failures of crown fisheries management, declining catch rates, and marginalization in the industry;

**WHEREAS** a large number of First Nations have fishery-based economies and are now suffering economically, culturally, socially, and environmentally;

**WHEREAS** First Nation access to marine resources for food, social, and ceremonial purposes is protected under the Constitution Act, Section 35 (1) and further defined by subsequent case-law according to the Doctrine of Priorities defined in Sparrow, Jack John John, and Gladstone cases;

**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 29(1):** Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands, territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

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Grand Chief Stewart Phillip, President

**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.

**Article 34:** Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, judicial systems or customs, in accordance with international human right standards;

**WHEREAS** through UBCIC Resolution 2008-18 and 2008-19, the UBCIC Chiefs Council emphasized the importance of advocating and supporting the recovery and restoration of salmon stocks and called upon the Minister of Fisheries and Oceans to exercise an allocation policy of conservation first and food, social, and ceremonial purposes second;

**WHEREAS** the incremental and cumulative impacts of sport fishing is putting conservation and access to these food, social, and ceremonial fisheries at risk;

**WHEREAS** the sport fishing monitoring practice by the Department of Fisheries and Oceans remains unclear and inconsistent, while fishing by First Nations is heavily monitored; and

**WHEREAS** the sport fishing practice of catch-and-release is commonly held by First Nations to be akin to torture and unacceptable due to the violent traumatization of the fish.

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call on the federal and provincial governments to prohibit the practice of catch-and-release fishing, and to work with impacted Indigenous Nations, partner Indigenous organizations, and sport fishing associations to improve sport fishing monitoring systems and promote a conservation first; food, social, and cultural second approach; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly call upon the Department of Fisheries and Oceans to adopt an approach to the monitoring of sport fishing that upholds their commitments to conserve and protect wild salmon and to respect the primacy of First Nations' food, social, and ceremonial uses above the practice of sport fishing.

**Moved:** Travis Hall, Heiltsuk (Proxy)  
**Seconded:** Chief Richard Thomas, Lyackson First Nation  
**Disposition:** Carried  
**Date:** October 3, 2019

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Grand Chief Stewart Phillip, President

2019-48  
Page 2 of 2

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Resolution no. 2019-49

## RE: First Nation Operator Waters Net for British Columbia & Yukon Territories

**WHEREAS** non-profit society, Corporation Number 973317-5, elected eight board members from BC & YT to promote training, education, and peer support for all First Nation Operators in Water/Wastewater Community Systems (FNOWN);

**WHEREAS** FNOWN board members wish leadership support to be involved in and engaged with reserve water/wastewater operations in order to make substantive changes;

**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(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** the FNOWN Board wishes to find solutions in partnership with Indigenous Services Canada (ISC), the First Nations Health Authority (FNHA), Academia, BC Universities, Yukon College and Industry;

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Grand Chief Stewart Phillip, President

**WHEREAS** the Federal Government is on record as proposing to end all Boil Water Advisories by 2021 by supporting and training certified First Nation operators to provide the best solutions and by committing ISC to fully fund this approach; and

**WHEREAS** FNOWN Board Members wish to review ISC's Operating Budget formula, advocate for fair wage scale for operators, help develop operator peer support through BC and the Yukon Territory, and work with BC Universities, Yukon Colleges, and industry to find cost-effective, robust water/wastewater systems that meet the needs of First Nations.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support First Nation Operators in Water/Wastewater Community Systems' (FNOWN) efforts in providing support to BC and Yukon First Nations operators;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly urges the Governments of Canada and British Columbia to endorse and advance FNOWN's efforts to support to First Nation operators in BC and the Yukon;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to assist and support the FNOWN Board to ensure First Nation operators are fairly treated, trained, and certified to the level of their infrastructure and needs, and to be made self-sufficient in training and assisting their peers.

**Moved:** Chief Joe Pierre Jr., ʔaᑭam  
**Seconded:** Jordan Muldoe, Kispiox (Proxy)  
**Disposition:** Carried  
**Date:** October 3, 2019

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Grand Chief Stewart Phillip, President

2019-49  
Page 2 of 2

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UNION OF B.C. INDIAN CHIEFS  
51<sup>ST</sup> ANNUAL GENERAL ASSEMBLY  
OCTOBER 1<sup>ST</sup>- 3<sup>RD</sup>, 2019  
MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-50

## RE: Call to Action to Cease the Removal of Newborns from Hospital

**WHEREAS** Indigenous women and families are frequently and disproportionately targeted by the practice of hospital alerts, which involves targeting and removing newborn infants from their parents immediately postnatal;

**WHEREAS** the removal of a newborn infant at birth is one of the most intrusive measures that can be taken and one which has lasting impacts upon the emotional and physical bond between parents and their children;

**WHEREAS** the Ministry of Children and Family Development has committed to cease the practice of “Birth Alerts” which involve an alert being placed on a mother prenatal, however, this does not address or prevent an alert and subsequent removal of the child once the mother has given birth;

**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 2:** Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

**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

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Grand Chief Stewart Phillip, President

2019-50  
Page 1 of 3

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 Truth and Reconciliation Commission's (TRC) 94 Calls to Action, which have been supported by the Chiefs of BC and Canada, call upon governments to address the colonial legacy and humanitarian crisis created by child welfare through the systematic removal of children from their parents, families, and communities, and subsequent denial of their rights;

**WHEREAS** the National Inquiry into Missing and Murdered Indigenous Women and Girls' 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," called upon provincial and territorial governments to immediately end the practice or targeting and apprehending infants from Indigenous mothers rights after they give birth.

**WHEREAS** *An Act respecting First Nations, Inuit and Métis children, youth and families*, which received Royal Assent on June 21<sup>st</sup>, 2019, places priority on preventative and prenatal care:

**14(1):** In the context of providing child and family services in relation to an Indigenous child, to the extent that providing a service that promotes preventive care to support the child's family is consistent with the best interests of the child, the provision of that service is to be given priority over other services.

**14(2):** To the extent that providing a prenatal service that promotes preventive care is consistent with what will likely be in the best interests of an Indigenous child after he or she is born, the provision of that service is to be given priority over other services in order to prevent the apprehension of the child at the time of the child's birth; and

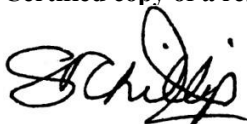
**WHEREAS** by Resolution 2017-06, the UBCIC Chiefs Council recognized that each First Nation has the right to determine and develop their own child, youth and family safety and well-being models, legislation, regulations, policies and practice standards, and fully supported any and all First Nations in exercising their respective jurisdiction and authority over the care and well-being of their children, youth, and families.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support First Nations in the exercise of their inherent rights of self-determination and self-government, and their inherent right to care for their children, youth, and families;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to advocate for a comprehensive strategy to immediately address and cease

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Grand Chief Stewart Phillip, President

2019-50  
Page 2 of 3

the practice of removing newborns from their parents as First Nations transition to the resumption of their full and inherent jurisdiction over child and family services;

**THEREFORE BE IT FURTHER RESOLVED** The UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to call upon British Columbia to take concrete and immediate actions to address the cultural and systemic bias toward Indigenous mothers and families, including increased accountability measures for social workers and healthcare professionals; and

**THEREFORE BE IT FINALLY RESOLVED** The UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to call upon Canada and BC to develop and implement a strategic funding strategy with a focus on prenatal and prevention services for new and expectant Indigenous parents.

**Moved:** Chief Donna Aljam, Nicomen Indian Band  
**Seconded:** Jasmine Thomas, Saik'uz First Nation (Proxy)  
**Disposition:** Carried  
**Date:** October 3, 2019

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Grand Chief Stewart Phillip, President

2019-50  
Page 3 of 3

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

Resolution no. 2019-51

**RE: Support for the First Nations Leadership Council Memorandum of Understanding with the Representative for Children and Youth of British Columbia**

**WHEREAS** the First Nations Leadership Council has been directed by resolution from First Nations to wholly reform the current Indigenous child welfare system in BC, including working with federal and provincial governments to develop First Nations-supported legislation, policies, and practices that recognize and affirm Indigenous child welfare systems;

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

**WHEREAS** the Representative for Children and Youth (“the Representative”) has a mandate, as legislated through the *Representative for Children and Youth Act*, [SBC 2006], c29, to provide individual and systemic

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Grand Chief Stewart Phillip, President



advocacy for children, youth, and young adults, conduct independent reviews and investigations and to monitor, review, and publicly report on designated services for children and youth;

**WHEREAS** the data and data collection mechanisms held by the Representative can assist and support First Nations in the transition to resumption of their full and inherent jurisdiction over child and family services;

**WHEREAS** it has been shown that children and youth in care have higher rates of critical injury and death by all causes, including suicide; achieve lower educational outcomes than their peers; have a greater likelihood of incarceration; and are more likely to enter the criminal justice, welfare, and mental health systems as adults;

**WHEREAS** over 50% of the children and youth in care in BC are Indigenous, creating a necessity for First Nations to work in partnership with the Representative to identify and address key issues pertaining to First Nations children and youth in care in BC;

**WHEREAS** by Resolution 2007-56, the UBCIC Chiefs-in-Assembly supported and endorsed a Memorandum of Understanding to be signed between the First Nations Leadership Council and the Representative for Children and Youth;

**WHEREAS** in 2007, the First Nations Leadership Council signed a Memorandum of Understanding with the Representative, which has since become dormant; and

**WHEREAS** a draft Memorandum of Understanding between the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs, working collectively as the First Nations Leadership Council, and the Representative for Children and Youth has been developed to establish a renewed process for dialogue and cooperation.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to support the attached draft Memorandum of Understanding between the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs, working collectively as the First Nations Leadership Council, and the Representative for Children and Youth, and direct the UBCIC Executive to sign on behalf of the UBCIC; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the First Nations Summit and the BC Assembly of First Nations as the First Nations Leadership Council, and the Representative for Children and Youth to provide regular reports to the UBCIC Executive on the ongoing collaborative objectives and efforts as identified in the attached Memorandum of Understanding.

**Moved:** Chief Joe Pierre Jr., ʔaʔam  
**Seconded:** Cora Anthony, Neskonlith (Proxy)  
**Disposition:** Carried  
**Date:** October 3, 2019

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Grand Chief Stewart Phillip, President

2019-51  
Page 2 of 2



## MEMORANDUM OF UNDERSTANDING

Between the

**FIRST NATIONS LEADERSHIP COUNCIL  
(FIRST NATIONS SUMMIT, BC ASSEMBLY OF FIRST NATIONS,  
UNION OF BC INDIAN CHIEFS)**

And the

**REPRESENTATIVE FOR CHILDREN AND YOUTH, BRITISH COLUMBIA  
("THE REPRESENTATIVE")**

Collectively referred to as "the Parties"

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### WHEREAS

- A. The First Nations Leadership Council is comprised of the political executives of the BC Assembly of First Nations, First Nations Summit, and the Union of BC Indian Chiefs.
- A. The First Nations Leadership Council has been directed by resolution from First Nations to wholly reform the current Indigenous child welfare system in BC, including working with federal and provincial governments to develop First Nations-supported legislation, policies, and practices that recognize and affirms Indigenous child welfare systems.
- B. The Representative has a mandate, as legislated through the *Representative for Children and Youth Act*, [SBC 2006], c29, to provide individual and systemic advocacy for children, youth and young adults, conduct independent reviews and investigations and to monitor, review, and publicly report on designated services for children and youth.
- C. The Parties recognize First Nations' inherent rights and responsibilities with respect to the safety and well-being of their children and youth. These rights include a special collective right to transmit a unique cultural identity and to sustain that identity including a sacred relationship from time immemorial with their ancestral territories.
- D. The Parties share the objective that First Nations children, youth and families are supported, respected throughout the society, and able to participate without barriers, while retaining and enjoying their distinct rights and identity as First Nations peoples.
- E. The Parties seek to engage in a respectful and ongoing relationship to collaborate and inform each other's work on all issues relating to the safety and well-being of all First Nations children and youth.
- F. The Parties seek to formalize their ongoing relationship by articulating a process to engage in regular dialogue on issues of mutual interest and concern, based on mutual trust and respect, while

acknowledging the protocols of First Nations in discussing matters essential to the future existence of those Nations.

**THEREFORE, the Parties have reached the following understanding:**

## **1.0 PURPOSE**

- 1.1 The purpose of this Memorandum of Understanding ("MOU") is to confirm the Parties' commitment and establish a process to engage in ongoing dialogue on general and systemic issues, and to take joint action on specific issues and initiatives, to improve the well-being of First Nations children and youth in British Columbia, in a manner that:
- a) recognizes and respects that First Nations maintain inherent jurisdiction over their children and youth, regardless of residency, as is affirmed through *An Act Respecting First Nations, Inuit and Métis children, youth, and families*;
  - b) recognizes and supports the Representative as an independent officer of the Legislature of British Columbia with a statutory mandate to advocate on behalf of children and youth and young adults, to monitor programs and services and to review critical injuries and deaths of children and youth;
  - c) aims to reduce the overinvolvement of the colonial child welfare system in the lives of First Nations children and families, in turn reducing the number of First Nations children in care or custody; and
  - d) supports First Nations children and youth in their families, extended families, communities and Nations whenever possible without jeopardizing the safety of children.

## **2.0 PRINCIPLED FRAMEWORK**

- 2.1 The Parties agree to implement this MOU based on the principled framework available to us in section 35 of the *Constitution Act, 1982, An Act Respecting First Nations, Inuit and Metis Children, Youth and Families*, the *United Nations Convention on the Rights of the Child*, and the *United Nations Declaration on the Rights of Indigenous Peoples*, the *American Declaration on the Rights of Indigenous Peoples*, the Truth and Reconciliation Commission Calls to Action, and the National Inquiry on MMIWG Calls for Justice.

## **3.0 OBJECTIVES**

- 3.1 The Parties are committed to the safety and well-being of First Nations children and youth and seek to join advocacy efforts on key matters including, but not limited to:
- a) supporting the inherent jurisdiction of First Nations over their own child and family services, thus reducing the overinvolvement of the child welfare system in the lives of First Nations children, youth and families;
  - b) ensuring First Nations children and youth receive culturally-appropriate levels and types of service from governments and agencies which is based in the principles of substantive equality and Jordan's Principle;
  - c) advocating for relevant legislative, regulatory, policy, and practice reform which promotes the safety and well-being of First Nations children and youth in care and custody;

- d) supporting First Nations peoples to be effective advocates for themselves and their children and families;
- e) improving education outcomes for First Nations children and youth in and from government care and justice; and
- f) other matters, as agreed.

#### **4.0 IMPLEMENTATION**

- 4.1 The Parties agree to hold biannual meetings to:
  - a) identify priority issues and establish a mutual and focused agenda;
  - b) determine and direct follow-up work to be jointly undertaken regarding the priority issues and to advance the mutual agenda; and
  - c) discuss any other issues related to the effective implementation of this MOU.
- 4.2 The Parties may include technical or other representatives in their meetings to support their discussions and joint work.
- 4.3 To ensure ongoing dialogue is occurring, the Representative's staff and FNLC staff may undertake technical briefings for the purposes of sharing information or reviewing projects.
- 4.4 Subject to privacy laws, the Representative will share information with the FNLC that the Representative has access to in support of joint efforts and FNLC goals.
- 4.5 The Parties agree to provide advance notice, whenever possible, on actions and communications that may have significant implications for our collective work.
- 4.6 The Representative agrees to provide a copy and briefing of any report prepared by the Representative, prior to its public release, to keep the FNLC fully informed and allow adequate time for them to respond, and to integrate feedback and advice wherever possible.
- 4.7 The FNLC agrees to provide advice on how to best ensure that First Nations are meaningfully engaged in the ongoing work of the Representative.

#### **5.0 TERM AND REVIEW**

- 5.1 This MOU shall take effect from the date that this is signed by the Parties and will remain in effect for a (5) five-year period from that date.
- 5.2 This MOU and activities associated with it will be reviewed annually by the Parties.
- 5.3 The Parties may agree to or amend this protocol in writing at any time.

In witness whereof the Parties have signed this Memorandum of Understanding this \_\_\_\_ day of \_\_\_\_\_, 2019.

**SIGNED ON BEHALF OF THE REPRESENTATIVE FOR CHILDREN AND YOUTH,  
BRITISH COLUMBIA**

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*Jennifer Charlesworth*  
*Representative for Children and Youth*

**SIGNED ON BEHALF OF THE FIRST NATIONS LEADERSHIP COUNCIL**

**On behalf of the *BC ASSEMBLY OF FIRST NATIONS***

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*Terry Teegee*  
*Regional Chief*

**On behalf of the *FIRST NATIONS SUMMIT***

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*Cheryl Casimer*  
*Political Executive Member*

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*Robert Phillips*  
*Political Executive Member*

**On behalf of the *UNION OF BC INDIAN CHIEFS***

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*Grand Chief Stewart Phillip*  
*President*

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*Chief Don Tom*  
*Vice President*

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*Kukpi7 Judy Wilson*  
*Secretary-Treasurer*

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

Resolution no. 2019-52

**RE: Call for Transparency and Accountability of the First Nations Health Council and First Nations Health Authority**

**WHEREAS** Splatsin, Sto:lo Tribal Council, and the Okanagan Nation Alliance wrote to the First Nations Health Council (FNHC) on July 22, 2019 and July 26, 2019 to seek transparency and accountability on a “leadership transition.” Each of these letters set out questions and concerns about communication, due process, and liabilities and asked for a written explanation or response;

**WHEREAS** on August 7, 2019, the FNHC wrote a brief reply acknowledging receipt of the letters and indicating that they were preparing a review and would provide a full summary as soon as possible;

**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(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 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;

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Grand Chief Stewart Phillip, President

2019-52  
Page 1 of 2

**WHEREAS** the Office of the Auditor General (OAG) released a Report on the First Nations Health Authority (FNHA) on February 2, 2016. This report addressed issues including Conflicts of Interest, Nepotism, and Workplace Safety. The FNHA developed a plan to address the policy issues and OAG Recommendations in late 2016; and

**WHEREAS** since late 2016, the FNHA has not provided open and transparent reporting to Chiefs and leaders on the issues set out by the Office of the Auditor General – 1. Conflicts of Interest, Nepotism, and Workplace Safety since late 2016.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly call on the First Nations Health Council (FNHC) to provide a full, transparent, written, and verbal report that accounts for the decision to undergo a leadership transition including the legal opinion provided to the FNHC;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call on the FNHC to respond to all of the questions and issues set out in correspondence from the Splantsin, Sto:lo Tribal Council, and the Okanagan Nation Alliance at the First Nations Regional Health Caucuses in the Fall of 2019;

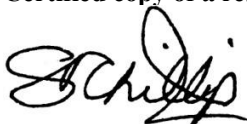
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call on the First Nations Health Authority (FNHA) to provide a full, transparent, written, and verbal accounting on all their past, current, and future actions to address and resolve the issues of Conflicts of Interest, Nepotism, and Workplace Safety at the First Nations Regional Health Caucuses in the Fall of 2019; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly urge the FNHC and FNHA to ensure that the agenda for the Fall 2019 Regional Caucuses provides ample time for reporting and for Chiefs and leaders to provide advice and give direction to achieve good governance standards, uphold reciprocal accountability, and to resolve the issues of Conflicts of Interest, Nepotism, and Workplace Safety.

**Moved:** Kukpi7 Wayne Christian, Splantsin  
**Seconded:** Chief Byron Louis, Okanagan Indian Band  
**Disposition:** Carried  
Abstentions- 1  
**Date:** October 3, 2019

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Grand Chief Stewart Phillip, President

2019-52  
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MUSQUEAM COMMUNITY CENTRE, X<sup>w</sup>MƏƏK<sup>w</sup>ƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-53

**RE: Full Implementation of Interim First Nations Health Authority Consensus Paper 2012 – First Nations Health Authority Regional Offices**

**WHEREAS** the Chiefs-in-Assembly at *Gathering Wisdom for a Shared Journey V* approved the Interim First Nations Health Authority (FNHA) “Consensus Paper 2012 – Navigating the Currents of Change – Transitioning to a New First Nations Health Governance Structure.” Through the approval of the 2012 Consensus Paper, Chiefs gave clear direction to the Interim FNHA to plan, design, build, and maintain Regional Offices;

**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(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 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;

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**WHEREAS** in 2012, Chiefs and leaders identified the workload for Regional Offices as: Engagement, Reporting, Direction to the First Nations Health Council Representatives and to Regional Tables; Guidance to the FNHA and the FNHDA; Develop and implement agreements with the Regional Health Authorities to improve regional health and wellness services to First Nations; Develop Regional Health and Wellness Plans and identify regional health initiatives and ten-year social determinants strategies; and

**WHEREAS** Chiefs and leaders set clear expectations and direction for the FNHA to create Regional Offices to provide technical capacity to support the work, contribute to the overall cost-effectiveness of regional community engagement and technical support. Chiefs gave direction that Regional Offices should then evolve into facilitating service delivery at the regional level.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly call on the First Nations Health Authority (FNHA), and the First Nations Health Council (FNHC) to report on the achievements to-date on the planning, development, and creation of Regional Offices at the 2019 Fall Caucus meetings;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call on the FNHA and FNHC to ensure that the Regional Caucus Agendas provide adequate time for Chiefs and leaders to provide clear direction for the full implementation of Regional Offices to meet local and regional priorities for health and the social determinants of health and to facilitate service delivery within the Regions. The Regional Offices must comply with the 7 Directives:

- 1) Community-driven, Nation-based
- 2) Increase First Nation decision-making
- 3) Improve services
- 4) Foster meaningful collaboration & partnership
- 5) Develop human and economic capacity
- 6) Be without prejudice to First Nations interests
- 7) Function at a high operational standard when developing, planning, and carrying out regional directives; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly call on the FNHA to review the current deployment of staff, funding, and resources to regional offices, to develop an action plan to achieve regionalization as envisioned in 2012 and directed by Chiefs and Leaders during the Fall 2019 Regional Engagement, and to provide a full report on this engagement and provide a detailed Action Plan for Regional Offices at Gathering Wisdom in January 2020.

**Moved:** Kukpi7 Wayne Christian, Splantsin  
**Seconded:** Chief Byron Louis, Okanagan Indian Band  
**Disposition:** Carried  
**Date:** October 3, 2019

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2019-53  
Page 2 of 2

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Resolution no. 2019-54

**RE: Call for Trauma-Informed Approaches and Practices to be Adopted by British Columbia**

**WHEREAS** centuries of racist and destructive colonial policies, practice, and legislation forced upon Indigenous people have resulted in intergenerational trauma and higher rates of alcohol use disorder and alcohol dependency among Indigenous communities and families;

**WHEREAS** David Dennis, who is Carrier Sekani and Nuu-chah-nulth, has end-stage liver disease and was told that BC Transplant's Abstinence Policy, which stipulates that people must abstain from alcohol for six months in order to be eligible for a liver transplant, was still in effect;

**WHEREAS** after months of advocacy by David Dennis and his supporters, including a human rights complaint filed by David Dennis, the Frank Paul Society, and the Union of BC Indian Chiefs, the Province of BC and BC Transplant stated that the policy was ended in May 2019, although not taken down from their websites. As a result, David Dennis was not able to begin procedures to get on to the liver transplant waitlist until months after his diagnosis. This is emblematic of the lack of trauma-informed, culturally appropriate approaches to Indigenous healthcare and welfare;

**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:

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Grand Chief Stewart Phillip, President

2019-54  
Page 1 of 2

**Article 2:** Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

**Article 7(1):** Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

**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 24(1):** Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

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

**WHEREAS** federal and provincial governments, service and healthcare providers, and policymakers need to address the stigmatization and alienation of those coping with the intergenerational impacts of Canada's colonial framework of oppression and impoverishment; and

**WHEREAS** social workers, health practitioners, and other allied health professions require training in trauma-informed practices in order to adequately address the mental, physical, and emotional challenges that Indigenous peoples confront; however, Western and evidence-based approaches to trauma are not sensitive to the needs of Indigenous communities and peoples and may continue a legacy of colonization.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly condemn policies and procedures, such as BC Transplant's former Abstinence Policy, that discount the trauma inflicted upon Indigenous peoples by colonialism including the Residential School system and are therefore discriminatory;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly call for Canada, BC, and service providers across Turtle Island to adopt trauma-informed, culturally sensitive practices and policies that are rooted in compassion and attune to the cultural and spiritual needs of Indigenous peoples.

**Moved: Chief Chad Eneas, Penticton Indian Band**

**Seconded: Chief Ed Hall, Kwikwetlem First Nation**

**Disposition: Carried**

**Date: October 3, 2019**

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Grand Chief Stewart Phillip, President

2019-54  
Page 2 of 2

# OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS  
51<sup>ST</sup> ANNUAL GENERAL ASSEMBLY  
OCTOBER 1<sup>ST</sup>- 3<sup>RD</sup>, 2019  
MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-55

**RE: Call for Immediate, Meaningful, and Substantive Engagement of First Nations in BC Hydro's Phase II Review**

**WHEREAS** the generation, transmission, and distribution of energy in British Columbia have profoundly and negatively affected our territories and our Title and Rights, while at the same time we have been denied equal access to the very same energy produced;

**WHEREAS** for too long decisions about energy have been made by the Province of British Columbia, BC Hydro, and the British Columbia Utilities Commission, without meaningful representation or participation of First Nations at the decision-making tables, both with respect to policy and with respect to specific projects, and without the free, prior, and informed consent of impacted First Nations;

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

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Grand Chief Stewart Phillip, President

2019-55  
Page 1 of 3

**WHEREAS** in December 2018, the Province released its CleanBC plan, a vision for a new low-carbon economy, which sets out ambitious goals for reductions in greenhouse gas (GHG) emissions and adapting to climate change. One of the main goals of CleanBC is to find a pathway to increase the use of clean and renewable energy. At the same time, First Nations have been working hard to reduce reliance on diesel fuel in remote communities, and to be included in the generation of clean energy and the economic opportunities presented by the transition to a low-carbon economy;

**WHEREAS** on March 7, 2019, the UBCIC Chiefs-in-Assembly passed Resolution 2019-02 which supports the efforts to develop renewable energy and alternative energy economies in First Nation communities. Additionally, in June 2019, UBCIC Resolution 2019-31 *Advancing a Pact for Canada's New Green Deal* was passed, which also prioritizes the economic opportunities presented by clean energy;

**WHEREAS** the UBCIC and the First Nations Leadership Council (FNLC) are not Aboriginal Title and Rights or Treaty Rights holders and cannot engage in processes to establish and provide free, prior, and informed consent on behalf of individual First Nations;

**WHEREAS** in 2010, the First Nations Energy and Mining Council (FNEMC) and BC Hydro signed a protocol agreement ("Energy Collaboration Agreement") to identify areas of common interest within sustainable clean energy development, to discuss pressing issues related to BC Hydro's plans and policies, and to work together to advance First Nations' interests with respect to clean energy;

**WHEREAS** BC's shift to support Independent Power Producers (IPPs) and the BC Hydro Standing Offer Program (SOP) represented a new opportunity for First Nations to participate in the energy sector as proponents and partners, and to explore energy independence. More than 100 First Nations in BC are now involved in an energy project, demonstrating strong interest and capacity in the energy sector;

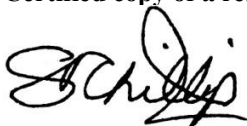
**WHEREAS** in 2017 the Minister of Energy, Mines and Petroleum Resources (EMPR) received the mandate to undertake a Comprehensive Review of BC Hydro and to work with BC Hydro to develop a refreshed plan to keep rates affordable over the long-term. In June 2018, Government announced a two-phase approach for carrying out the Minister's mandate (Phase 1 Review and Phase 2 Review). Phase 1 Review did not include any participation or consultation with First Nations, despite making findings and decisions that profoundly affect us, including the indefinite suspension of the SOP;

**WHEREAS** Phase 2 Review currently plans to inquire about the long-term future of BC Hydro, including Indigenous Participation in the energy sector. Despite this, there is no First Nation representation in the Committees conducting the review, or oversight or guidance by First Nations at any stage. In fact, the only engagement planned is an opportunity to comment, alongside other "stakeholders", on the "interim results". Phase 2 Review is currently underway and expected to be finished in early 2020; and

**WHEREAS** Phase 2 Review completely fails to meet the minimum expectations of meaningful engagement with First Nations and fails to honour the commitments made by the Provincial government to respect and implement the *UN Declaration on the Rights of Indigenous Peoples*, the Truth and Reconciliation Commission's Calls to Action, BC Hydro's Statement of Indigenous Principles, and Minister Mungall's mandate letter to BC Hydro.

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Grand Chief Stewart Phillip, President

2019-55  
Page 2 of 3

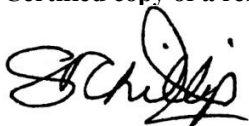
**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, and with the support of the First Nation Energy and Mining Council to:

- 1) Call on the government of British Columbia to immediately overhaul the Terms of Reference of Phase 2 of the Comprehensive Review of BC Hydro currently underway, such that there is meaningful and substantive engagement by First Nations and by representative First Nations organizations at all levels of the review, and that the Phase 2 Review recognizes and upholds our inherent and constitutionally protected Indigenous Title, Rights and Treaty Rights.
- 2) Engage BC Hydro in the Phase 2 Comprehensive Review, under the revisions to the Terms of Reference, and with the understanding that the FNLC is not an Aboriginal Title and Rights or Treaty Rights holder and cannot engage in processes to establish and provide free, prior, and informed consent on behalf of individual First Nations.
- 3) Notwithstanding current government-to-government processes that First Nations are involved in directly with regarding BC Hydro.

**Moved:** Chief Donna Aljam, Nicomen Band  
**Seconded:** Kukpi7 Wayne Christian, Splotsin  
**Disposition:** Carried  
**Date:** October 3, 2019

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Grand Chief Stewart Phillip, President

2019-55  
Page 3 of 3

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UNION OF B.C. INDIAN CHIEFS  
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OCTOBER 1<sup>ST</sup>- 3<sup>RD</sup>, 2019  
MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

**Resolution no. 2019-56**

**RE: UBCIC Appointment to Tripartite First Nations Labour Market Skills Steering Committee**

**WHEREAS** First Nations in British Columbia supported resolutions to establish a Tripartite First Nations Labour Market Skills Steering Committee tabled in February and March 2019 at the First Nations Summit, Union of BC Indian Chiefs and British Columbia Assembly of First Nations;

**WHEREAS** the Tripartite First Nations Labour Market Skills Steering Committee was established and consists of representatives from the BC ATEAM, the First Nations Leadership Council, and the Province of British Columbia (“the Committee”) who will work to identify opportunities and strengthen relationships to First Nations labour market development;

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

**WHEREAS** the UBCIC circulated notice seeking application for one (1) representative to the First Nations Tripartite Labour Market Skills Steering Committee, for a three-year term beginning October 1, 2019, and ending October 1, 2022, to be chosen in accordance with the UBCIC Elections Procedures, and received no applications; and

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Grand Chief Stewart Phillip, President

2019-56  
Page 1 of 2

**WHEREAS** at the UBCIC Annual General Assembly on October 1-3, 2019, the Chair called for nominations from the floor for one (1) new appointee to the First Nations Tripartite Labour Market Skills Steering Committee.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly appoint Chief Ralph Leon, Sts'ailes, to the First Nations Tripartite Labour Market Skills Steering Committee for a three-year term beginning October 1, 2019 and ending October 1, 2022;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly call on the UBCIC representative to the First Nations Tripartite Labour Market Skills Steering Committee to provide regular updates to the UBCIC Chiefs Council and the UBCIC Executive.

**Moved:** Cora Anthony, Neskonlith (Proxy)  
**Seconded:** Chief Byron Louis, Okanagan Indian Band  
**Disposition:** Carried  
**Date:** October 3, 2019

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2019-56  
Page 2 of 2



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UNION OF B.C. INDIAN CHIEFS  
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OCTOBER 1<sup>ST</sup>- 3<sup>RD</sup>, 2019  
MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-57

## RE: Support for Protocol on Cooperation and Communication on Fiscal Discussions

**WHEREAS** First Nations hold inherent rights of self-determination, self-government, and title to their respective lands, territories, and resources (including waters), which they have traditionally owned, occupied, or otherwise used or acquired and continue to exercise their respective inherent authorities and jurisdictions;

**WHEREAS** in British Columbia, the land question remains largely outstanding. Not every First Nation in BC has taken the same path in seeking resolution;

**WHEREAS** a coordinated and Nation-driven approach to a new fiscal framework is needed in order to close the socio-economic gap experienced by most First Nations; such gaps cannot be closed within the status quo framework instituted by the federal and provincial levels of government. There is a pressing interest in assisting all First Nations in BC in moving beyond the existing fiscal relationship with the Crown and to address the need for relevant and effective information-sharing to support First Nations in discussing key fiscal issues, capacity development, and exercising their inherent right of self-determination, self-government, including authorities and jurisdictions;

**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:

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Grand Chief Stewart Phillip, President

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

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

**WHEREAS** the overall aim of the Protocol on Cooperation and Communication (attached) is to support First Nations to drive fiscal discussions and develop capacity in a manner that supports the work of their respective First Nation governments; and

**WHEREAS** this Protocol represents a commitment by the BCAFN, FNS, UBCIC, First Nations Tax Commission (FNTC,) First Nations Financial Management Board (FNFMB), First Nations Finance Authority (FNFA), Lands Advisory Board (LAB), Aboriginal Financial Officers Association of BC (AFOABC), New Relationship Trust (NRT), and First Nations Public Services Society (FNPSS) to coordinate their political and technical strengths, work together in a cooperative manner, and to provide support for one another's efforts, and First Nations' efforts, to advance the recognition, respect, and accommodation of Aboriginal Title and Rights, and Treaty Rights to improve the lives of First Nations people in British Columbia.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to enter into the Protocol on Cooperation and Communication with the BC Assembly of First Nations, First Nations Summit, First Nations Tax Commission, First Nations Financial Management Board, First Nations Finance Authority, First Nations Lands Advisory Board, Aboriginal Financial Officers Association of BC, New Relationship Trust and First Nations Public Service Secretariat, which is designed to coordinate political and technical strength to:

- a. Support First Nations to drive fiscal discussions and develop capacity in a manner that supports the work of their respective First Nation governments;
- b. To advance the recognition, respect and accommodation of Aboriginal Title and Rights, and Treaty Rights; and
- c. To improve the socio-economic conditions of BC First Nations.

**Moved:** Steve Prestbakmo, Gitwangak (Proxy)  
**Seconded:** Andrew Tom, Witset First Nation (Proxy)  
**Disposition:** Carried  
**Date:** October 3, 3019

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Grand Chief Stewart Phillip, President

2019-57  
Page 2 of 2

[INSERT BCAFN, UBCIC and NRT LOGOS IF ENDORSED]



First Nations Tax Commission  
Commission de la fiscalité des premières nations

## [DRAFT] PROTOCOL ON COOPERATION AND COMMUNICATION

This Protocol is effective from the \_\_\_ day of \_\_\_\_\_, 2019,

Between the

BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS (BCAFN) [PROPOSED]

- And -

FIRST NATIONS SUMMIT (FNS)

- And -

UNION OF BC INDIAN CHIEFS (UBCIC) [PROPOSED]

- And -

FIRST NATIONS TAX COMMISSION (FNTC)

- And -

FIRST NATIONS FINANCIAL MANAGEMENT BOARD (FNFMB)

- And -

FIRST NATIONS FINANCE AUTHORITY (FNFA)

- And -

FIRST NATIONS LANDS ADVISORY BOARD (LAB)

- And -

ABORIGINAL FINANCIAL OFFICERS ASSOCIATION OF BC (AFOABC)

- And -

FIRST NATIONS PUBLIC SERVICE SECRETARIAT (FNPSS)

- And -

NEW RELATIONSHIP TRUST (NRT) [PROPOSED]

## **WHEREAS:**

- A. First Nations hold inherent right of self-determination, self-government and title to their respective lands, territories, and resources (including waters), which they have traditionally owned, occupied or otherwise used or acquired and continue to exercise their respective inherent authorities and jurisdictions.
- B. In British Columbia, the land question remains largely outstanding. Not every First Nation in BC has taken the same path in seeking resolution, rather, each making independent decisions on the best way forward: be it treaties, agreements, other constructive arrangements or litigation. Such decisions are specific to individual communities and are respected as such.
- C. Currently, not every First Nation is enjoying or realizing the full economic benefits derived from their respective territories, homelands, waters and resources. In the 1997 decision of *Delgamuukw*, the Supreme Court of Canada (SCC) articulated that, "...lands held pursuant to aboriginal title have an inescapable economic component." Moreover, the SCC *Tsilhqot'in* decision, which reaffirmed the existence of First Nation Title in Canada, reinforced the need for a reconstituted consent-based Crown-First Nations relationship, and provides further support
- D. With the understanding that the socio-economic conditions faced by our communities must not continue as previously, First Nations have been actively engaged in fiscal dialogue discussions for a number of years. In 2000-2001 First Nations in BC worked collaboratively on the First Nation Summit's Fiscal Relations Secretariat to address various challenges with the First Nations-Crown fiscal relationship, including examining tax powers, own source revenue, services and responsibilities, funding, access to capital and institutional support.
- E. A coordinated and Nation-driven approach to a new fiscal framework is needed in order to close the socio-economic gap experienced by most First Nations; such gaps cannot be closed within the status quo framework instituted by the federal and provincial levels of government. There is a pressing interest in assisting all First Nations in BC in moving beyond the existing fiscal relationship with the Crown and to address the need for relevant and effective information-sharing to support First Nations in discussing key fiscal issues, capacity development, and exercising their inherent right of self-determination, self-government, including authorities and jurisdictions.
- F. In December 2015, the Government of Canada reiterated its commitment to implement the recommendations of the Calls to Action of the Truth and Reconciliation Commission of Canada (TRC), in which Call to Action 7 states: "We call upon the federal government to develop with Aboriginal groups a joint strategy to eliminate educational and employment gaps between Aboriginal and non-Aboriginal Canadians."
- G. In May 2016, Canada announced its unqualified endorsement of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), in which articles 4 and 21 provide for Indigenous peoples right to self-determination and the right, without discrimination, to the improvement of their economic and social conditions. Further, the articles require States to implement measures to ensure the continued improvement of such conditions.
- H. Further, in July 2017, the federal government announced its commitment to achieving reconciliation with Indigenous peoples through a renewed, nation-to-nation, government-to-government, and Inuit-Crown relationship based on recognition of rights, respect, co-operation, and partnership as the foundation for transformative change. At the same time, the government identified ten

principles titled, “Principles respecting the Government of Canada’s relationship with Indigenous peoples”. Many Principles speak to nation-to-nation relationships, the responsibility of governments to shift their relationships and arrangements with Indigenous peoples to recognize and respect First Nations inherent right to self-government and the requirement for a new fiscal relationship.

- I. In May 2018, the Province of BC released the document, *Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples*. These ten draft principles are modelled after the principles introduced by the federal government in July 2017, and also speak to self-determination, the inherent right to self-government and a renewed fiscal relationship.
- J. Given the timely and important social and political shifts, the overall aim of this protocol is to support First Nations to drive fiscal discussions and develop capacity in a manner that supports the work of their respective First Nation governments.
- K. First Nations and Aboriginal organizations should coordinate their political and technical strengths, advancement of Aboriginal Title and Rights and Treaty Rights, and improvement of the socio-economic conditions of First Nations people and communities in British Columbia.

**THEREFORE, THROUGH THIS PROTOCOL:**

This protocol represents a commitment by the BCAFN (TBC), FNS, UBCIC (TBC), FNTC, FNFMB, FNFA, LAB, AFOABC, FNPSS, and NRT (TBC) to work together and to coordinate our political and technical strengths and efforts toward the aims identified in this Protocol.

**1.0 PURPOSE**

- 1. We recognize and affirm that First Nations Peoples continue to exist in British Columbia and Canada and have traditional ownership over and in their territories, homelands and resources and continue to exercise their authority in and over their territories, homelands and resources.
- 2. We recognize and affirm the Aboriginal Title and Rights, and any Treaty Rights of First Nations in British Columbia, including their autonomy, jurisdiction and authority with respect to their homelands and, within this context, the purposes of this Protocol are to:
  - a. affirm our intentions to work together in a cooperative manner, and to provide support for one another’s efforts, and First Nations efforts, to advance the recognition, respect and accommodation of Aboriginal Title and Rights, and Treaty Rights to improve the lives of First Nations people in British Columbia;
  - b. establish a mechanism by which we can:
    - i. identify areas where we can work together, within our respective mandates, to advance initiatives or processes aimed at improving the conditions of First Nations communities;
    - ii. identify how we can coordinate efforts to support capacity development in governance and governance administration in First Nation communities in British Columbia; and,
    - iii. identify how we will communicate, exchange information, effectively organize activities, and streamline our efforts;

c. deal with any other purpose we identify and agree to.

3. This Protocol is only for communications and to support advocacy for the protection of Aboriginal Title and Treaty Rights and to improve the socio-economic conditions of First Nations.

## **2.0 PRINCIPLES**

4. We agree that the implementation of this Protocol will be guided by principles endorsed by First Nations in BC and other parts of Canada via support resolutions adopted at the First Nations Summit and the Union of BC Indian Chiefs' quarterly assemblies in June 2017, which later received national endorsement of the Assembly of First Nations through a July 2017 AFN resolution of support.

- Be Nation driven, premised on Aboriginal Title and Treaty Rights;
- Reflect United Nations Declaration on the Rights of Indigenous Peoples, in particular, Article 4;
- Expand tax powers and clear revenue and service jurisdictions and authorities, (respective of legal pluralism);
- Provide incentives for economic development;
- Ensure revenues related to service responsibilities;
- Promote service comparability;
- Improve statistics; and
- Be supported by First Nations institutions.

## **3.0 IMPLEMENTATION**

5. We commit to engage in an ongoing, cooperative dialogue to achieve the purposes of this Protocol. In this regard, the Parties agree to establish a joint working group to implement this Protocol.

6. The Parties will meet quarterly to review joint initiatives and projects and to monitor progress on the purposes of this Protocol.

7. The Parties will establish and maintain a network of contact/resource people who are able to act promptly when required to do so.

8. The Parties will undertake the activities listed in Schedule 1 of this Protocol (to be updated annually) to assist First Nations communities in effectively addressing fiscal issues, consistent with the fiscal principles set out above.

9. The Parties will enhance communications between First Nations, governments, and local and regional organizations to strengthen shared partnerships.

10. Coordination of activities to implement this Protocol will be undertaken by the First Nations Public Service Secretariat, including secretariat support to the implementation activities listed above.

11. The Parties may develop strategies or work plans, and/or establish committees and working groups to advance the purposes of this Protocol.

## **GENERAL PROVISIONS**

12. This Protocol does not create any financial obligations on any of the parties to it.

13. This Protocol does not limit or affect the mandate or the ability of any member organization of the First Nations Leadership Council that has signed onto this protocol to pursue their respective mandates.
14. This Protocol shall not be used by a Party in the interpretation or application of any other agreement.
15. The Parties agree to work together throughout the duration of this Protocol in a respectful, professional and co-operative manner.
16. Where permissible, the Parties will share information, observations and documents relevant to this Protocol.
17. This Protocol is a statement of intent and does not create legally binding obligations on any Party. This Protocol does not define, create, recognize, deny or amend any of the rights, obligations or authorities of the Parties.

**TERM**

18. This Protocol shall take effect from the date that it is signed by the Parties and will continue until such time as we agree it is no longer required.
19. This Protocol may be amended or terminated at any time. Any Party to this Protocol may terminate their involvement in this Protocol by issuing written notice of such intention to the other Parties to this Protocol.
20. One year from the effective date of this Protocol, the Parties will review the effectiveness of it and identify opportunities for improvement.

In witness of this agreement, the following representatives have executed this Protocol:

On behalf of the BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS [if approved]:

\_\_\_\_\_  
INSERT NAME

On behalf of the FIRST NATIONS SUMMIT:

\_\_\_\_\_  
INSERT NAME

\_\_\_\_\_  
INSERT NAME

\_\_\_\_\_  
INSERT NAME

On behalf of the UNION OF BC INDIAN CHIEFS [if approved]:

\_\_\_\_\_  
INSERT NAME

\_\_\_\_\_  
INSERT NAME

\_\_\_\_\_  
INSERT NAME

On behalf of the FIRST NATIONS TAX COMMISSION:

\_\_\_\_\_  
INSERT NAME(S)

On behalf of the FIRST NATIONS FINANCIAL MANAGEMENT BOARD:

\_\_\_\_\_  
INSERT NAME(S)

On behalf of the FIRST NATIONS FINANCE AUTHORITY:

\_\_\_\_\_  
INSERT NAME(S)

On behalf of the FIRST NATIONS LANDS ADVISORY BOARD:

\_\_\_\_\_  
INSERT NAME(S)

On behalf of the ABORIGINAL FINANCIAL OFFICERS ASSOCIATION OF BC:

\_\_\_\_\_  
INSERT NAME(S)

On behalf of the FIRST NATIONS PUBLIC SERVICE SECRETARIAT:

\_\_\_\_\_  
INSERT NAME(S)

On behalf of the NEW RELATIONSHIP TRUST [if approved]:

\_\_\_\_\_  
INSERT NAME(S)



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

Resolution no. 2019-58

## RE: Support for Co-developing Provincial Indigenous Languages Legislation

**WHEREAS** 2019 has been designated the International Year of Indigenous Languages by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to recognize the significance of Indigenous languages to matters of sustainable development, peace building, and reconciliation;

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

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

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

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Grand Chief Stewart Phillip, President

2019-58  
Page 1 of 3

**WHEREAS** Indigenous languages in BC are an integral part of Indigenous identities and cultures and of Canadian heritage. BC is home to the greatest diversity of Indigenous languages in Canada (more than 50 per cent of all Indigenous languages in the country), with 34 unique First Nations languages and more than 90 dialects. Unfortunately, these languages are critically endangered due to Canada's colonial history of assimilation, including the residential school system, which led to the erosion of Indigenous languages and culture;

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

Call to Action #13: We call upon the federal government to acknowledge that Aboriginal rights include Aboriginal language rights.

Call to Action #14: We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:

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

Call to Action #15: We call upon the federal government to appoint, in consultation with Aboriginal groups, an Aboriginal Languages Commissioner. The commissioner should help promote Aboriginal languages and report on the adequacy of federal funding of Aboriginal-languages initiatives

**WHEREAS** on June 21, 2019, the Governor General gave royal assent to Bill C-91, *An Act respecting Indigenous Languages*, with the explicit purpose of supporting and promoting the use of Indigenous languages, including the efforts of Indigenous peoples to reclaim, revitalize, maintain and strengthen their languages;

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

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

**WHEREAS** the First Peoples Cultural Council held regional engagement sessions with First Nations in BC to inform its recommendations regarding Bill C-91. While the resulting legislation made valuable gains, it fell short of the vision expressed by First Nations during these engagement sessions and put forward by the First Peoples Cultural Council;

**WHEREAS** the UBCIC Chiefs-in-Assembly passed Resolution 2017-05 and Resolution 2019-14 directing the UBCIC Executive to call on the Government of BC to co-develop and implement legislation to support the revitalization and protection of Indigenous languages in BC. This builds on Resolutions 2005-05 and 2010-63 in support of language revitalization; and

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Grand Chief Stewart Phillip, President

2019-58  
Page 2 of 3

**WHEREAS** the UBCIC, in partnership with the First Nations Summit, BC Assembly of First Nations, and First Peoples Cultural Council have drafted a preliminary draft Discussion Paper on BC Indigenous Languages Legislation outlining Four Pillars for a Legislative Framework.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly support the critical nature of protecting and revitalizing our Indigenous languages, and recognizes that the 34 languages spoken in British Columbia have fewer than 1000 speakers each, with many having fewer than 100 speakers each;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly support a vision for Indigenous language vitality in British Columbia wherein all Indigenous peoples from BC have access and opportunity to learn their Indigenous homeland language regardless of place of residence, and where all Indigenous children have the opportunity to be educated from preschool to Grade 12 in their mother-tongue;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and UBCIC staff to advance work with the Province of British Columbia to co-develop provincial Indigenous languages legislation, in partnership with the First Nations Summit, the BC Assembly of First Nations, and the First Peoples Cultural Council;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly support the creation of a BC Languages Legislation Working Group, to include the First Nations Education Steering Committee, to facilitate this work, which will be comprised of both political and technical leads, and will be accountable to the UBCIC Chiefs-in-Assembly and other bodies comprising its membership. The Working Group will develop Terms of Reference, and will be mandated to:

- a. Work with partners to co-develop provincial Indigenous languages legislation,
- b. Engage and seek input from First Nations in BC on the draft Discussion Paper and ensure engagement and communication with First Nations throughout the process of development;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the First Nations Summit and the BC Assembly of First Nations as the First Nations Leadership Council to call on the Government of BC to partner on, and fully fund, co-development and implementation of legislation to support the revitalization and protection of Indigenous languages in BC by working with the BC Languages Legislation Working Group; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the BC Languages Legislation Working Group to provide an update to the UBCIC Chiefs Council at the February 2020 Chiefs Council meeting.

**Moved:** Dustin Rivers, Squamish Nation  
**Seconded:** Travis Hall, Heiltsuk (Proxy)  
**Disposition:** Carried  
**Date:** October 3, 2019

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2019-58  
Page 3 of 3

# OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS  
51<sup>ST</sup> ANNUAL GENERAL ASSEMBLY  
OCTOBER 1<sup>ST</sup>- 3<sup>RD</sup>, 2019  
MUSQUEAM COMMUNITY CENTRE, X<sup>W</sup>MƏƏK<sup>W</sup>ƏYƏM (MUSQUEAM TERRITORY)

Resolution no. 2019-59

## RE: Protecting Fraser River Salmon Habitat

**WHEREAS** salmon in the Fraser Watershed are facing unprecedented challenges, with dire implications for food security, social, and ceremonial use by Indigenous Nations throughout much of the B.C. Interior;

**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 29(1):** Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands, 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.

**Article 34:** Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, judicial systems or customs, in accordance with international human right standards;

**WHEREAS** communities have already been forced to curtail or cancel food fishing this fall due to historic low salmon returns;

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**WHEREAS** Fraser River salmon rely on the health and ecological integrity of their habitat, from spawning creeks and tributaries down to the Fraser estuary and the Salish Sea;

**WHEREAS** by Resolution 2017-15 the UBCIC Chiefs Council emphasized the unacceptable risk to First Nations health, safety, and livelihoods posed by diluted bitumen, as well as to Fraser River salmon;

**WHEREAS** by the decision in *Tsilhqot'in Nation v. British Columbia*, the Supreme Court of Canada upheld the importance of the connection between Indigenous peoples and their traditional lands as necessary for the maintenance of culture, society, and way of life. Relationships between Indigenous Peoples and their lands were understood to be alive and able to support economies based on traditional practices such as fishing. Migratory patterns and cycles of salmon affect that relationship, with sustainable ocean habitats essential to its preservation, and impacts on them directly affect Aboriginal Title;

**WHEREAS** the proposed Trans Mountain Expansion pipeline would cross more than 500 streams in the Fraser Watershed;

**WHEREAS** the Trans Mountain Expansion pipeline would primarily transport diluted bitumen, a toxic heavy crude oil blend shown in the 2010 Kalamazoo River spill to sink in fresh water, fouling the river bottom and shoreline;

**WHEREAS** any significant spill of diluted bitumen from either the existing Trans Mountain pipeline, the proposed expansion or an oil tanker navigating the Salish Sea could have devastating, irreversible impacts on Fraser salmon and the communities upstream that rely on healthy fish runs;

**WHEREAS** six judicial reviews of the federal government's Trans Mountain pipeline approval are ongoing in Federal Court; and

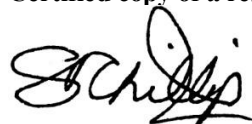
**WHEREAS** the Squamish Nation successfully challenged the provincial government's approval of the Trans Mountain pipeline and oil tanker expansion project in the B.C. Court of Appeal, forcing reconsideration by cabinet ministers of the conditions British Columbia attaches to its Environmental Assessment certificate.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly immediately call on the B.C. government to engage in deep, meaningful consultation with all upstream nations whose rights to salmon or other aquatic species could be impacted by a diluted bitumen spill in the Fraser Watershed, including tributaries, estuary ecosystems, and the Salish Sea, as to the appropriate environmental conditions for B.C. to attach to the proposed Trans Mountain expansion project in order to protect the coast, the Fraser Watershed, and salmon habitat.

**Moved:**       **Dustin Rivers, Squamish Nation**  
**Seconded:**   **Jasmine Thomas, Saik'uz First Nation (Proxy)**  
**Disposition:** **Carried**  
**Date:**        **October 3, 2019**

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Grand Chief Stewart Phillip, President

2019-59  
Page 2 of 2

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

**Resolution no. 2019-60**

**RE: Developing Policy to Address Elders Abuse, Exploitation, and Neglect**

**WHEREAS** Elders and vulnerable adults are valued members of our Nations, deserving of utmost care and respect;

**WHEREAS** Elder Abuse can be defined as “a single, or repeated act, or lack of appropriate action, occurring within any relationship where there is an expectation of trust which causes harm or distress to an older person.” Elder Abuse can take various forms such as physical, psychological, emotional, sexual, or financial abuse, and can be the result of intentional or unintentional neglect;

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

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

**Article 22(1):** Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration;

**WHEREAS** by Resolution 2017-20 “Working Group on Preventing Elder Abuse” and Resolution 2018-41 “Support for Community-Based Elder Outreach Program,” the UBCIC Chiefs Council directed the UBCIC Executive and staff to work with like-minded organizations to seek funding to support the UBCIC

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Grand Chief Stewart Phillip, President

2019-60  
Page 1 of 2

Working Group on Preventing Elder Abuse and to support the creation of workshop materials, outreach strategies, and other implementation efforts for community-based Elder outreach programs;

**WHEREAS** while there are online and printed resources available from the UBCIC, the First Nations Health Authority, and other like-minded organizations, there is a lack of comprehensive written policy that directly addresses various circumstances related to Elders abuse, exploitation, and neglect, and that also adopts an Indigenous perspective to consider culturally specific factors;

**WHEREAS** as the UBCIC Elders Representative, George Saddleman proposed the creation of a strategic focus group session, with six to eight Elders from throughout the province. The goal would be to generate a clear and concise set of recommendations that can be translated into policy and adopted at the leadership level by First Nations and First Nations organizations as an important tool for eventually mitigating and eliminating the very serious issue of Elder abuse and neglect; and

**WHEREAS** in order to prepare the policy, the UBCIC Elders Representative has identified the following next steps:

- 1) Developing a budget to complete research and bring a select group of elders to Vancouver for a one day facilitated session to discuss Elders Abuse, Exploitation, and Neglect and to achieve clarity around how to address the situation through a series of policy directives;
- 2) Making an application to the New Relationship Trust under their “policy development” funding envelope and seeking other potential funding sources for the project;
- 3) Developing a summary document of the findings from the research and focus group;
- 4) Developing policy based on this information that would be disseminated through UBCIC to First Nations and like-minded organizations; and
- 5) Testing implementation of the developed policy within two First Nation communities who agree to adopt the policies and modify as required;

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly support UBCIC Elders Representative George Saddleman’s initiative to develop an Elders Abuse, Exploitation, and Neglect policy; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with the UBCIC Elders Representative to develop an Elders Abuse, Exploitation, and Neglect policy, subject to available resources, and, upon completion, to share and distribute the policy at UBCIC Chiefs Councils, Assemblies, and other gatherings to educate Elders of their rights and caregivers of their responsibilities.

**Moved:** George Saddleman, Upper Nicola Indian Band (Proxy)

**Seconded:** Travis Hall, Heiltsuk (Proxy)

**Disposition:** Carried

**Date:** October 2, 2019

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2019-60  
Page 2 of 2

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

Resolution no. 2019-61

## RE: Appointment to the UBCIC Constitution Committee

**WHEREAS** Section XI(b) of the UBCIC Constitution and By-Laws provides that “Where the UBCIC at the direction of the Chiefs Council is considering amendments to its By-Laws, a Constitution Committee will be created to receive and process requests for By-Law amendments”; and

**WHEREAS** the Constitution Committee must have between 3 to 5 Full Members, and will consider and propose any amendments it deems necessary or advisable to the UBCIC.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly strike a UBCIC Constitution Committee, and appoint the following Full members of the UBCIC to be ready to consider potential amendments to the UBCIC Constitution and By-Laws that may be proposed by the UBCIC Chiefs Council:

1. Chief Greg Louie, Ahousaht
2. Kukpi7 Courtney Adolph-Jones, T’it’q’et
3. Chief Donna Aljam, Nicomen Indian Band

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Constitution Committee to work with UBCIC legal counsel Ardith Walkem to consider any potential By-Law amendments that may be suggested by the UBCIC Chiefs Council, and bring forward to the UBCIC Chiefs Council for discussion and review.

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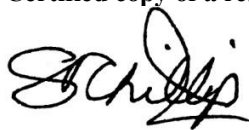
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**Moved:** Chief Donna Aljam, Nicomen Indian Band  
**Seconded:** Chief Chad Eneas, Penticton Indian Band  
**Disposition:** Carried  
**Date:** October 3, 2019

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2019-61  
Page 2 of 2