Final Resolutions of UBCIC Chiefs Council February 26-27, 2020

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RE: UBCIC Meeting Schedule for the 2020-2021 Fiscal Year

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

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

WHEREAS the UBCIC will host one (1) Annual General Assembly and two (2) Chiefs Council meetings in the 2019-2020 fiscal year.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council has reviewed and commits the following as tentative dates:
- May 20-21, 2020
- September 29-October 1 (52\textsuperscript{nd} Annual General Assembly)
- February 24-25, 2021; and

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

Moved: Chief Don Svanvik, ‘Namgis First Nation
Seconded: Chief Chad Eneas, Penticton Indian Band
Disposition: Carried
Date: February 26, 2020
Resolution no. 2020-02

RE: Incorporating Indigenous Rights and Identity into the BC Human Rights Framework

WHEREAS Indigenous peoples continue to experience discrimination and racism both in Canadian society and the Canadian justice system, despite current discourse around reconciliation;

WHEREAS the BC Human Rights Tribunal (BCHRT) recently released a report authored by Ardith Walpetko We’dalx Walkem QC, titled Expanding Our Vision – Cultural Equality and Indigenous Peoples’ Human Rights, which provides a snapshot of Indigenous people’s understanding of the BC human rights framework, includes recommendations for considerable changes and amendments based on surveys of over 100 Indigenous people about their use of BCHRT, and highlights the need for the BCHRT to engage Indigenous communities on a collective basis to develop a shared plan moving forward;

WHEREAS recent events – including the wrongful arrest of Maxwell Johnson and his granddaughter at a BMO bank and the RCMP’s intimidation and arrest of Wet’suwet’en land defenders – highlight the vulnerability of Indigenous people’s human rights and as the Expanding Our Vision report confirms, most Indigenous people never heard of the BCHRT despite the daily or weekly instances of discrimination they confront and their feelings that they had no recourse to have their rights protected;

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, the exercise of their rights, in particular that based on their indigenous origin or identity.

Article 15(1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.
(2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding, and good relations among indigenous peoples and all other segments of society;

WHEREAS advancing the human rights of Indigenous peoples must be a matter of urgent priority for the Province who has committed to a respectful relationship with Indigenous peoples; and

WHEREAS *Expanding Our Vision* identified a prevailing sense of isolation and lack of protection of fundamental human rights experienced by Indigenous peoples that is reflected across all aspects of society, including the overrepresentation of Indigenous peoples in the child welfare and criminal justice systems, the racial profiling and service denial seen in the BMO bank situation, and the excessive force and pervasive bias shown in the Crown and law enforcement response to Indigenous land defenders opposing pipelines that infringe upon their territories and rights.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls upon the provincial government to pass legislation to incorporate Indigenous identity comprehensively into the *BC Human Rights Code*, recognizing that it is used as a ground of discrimination, and to further the purposes of s.3 of the *Human Rights Code* by broadening the concept of human rights to incorporate Indigenous Legal Traditions and international human rights principles as reflected in the *United Nations Declaration on the Rights of Indigenous Peoples* and other appropriate international instruments;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to call upon the government, BCHRT and other Indigenous, legal and human rights organizations to create education materials and training opportunities that will help transform relationships between Indigenous peoples and Canadian society, increase Indigenous legal representation, and improve the quality of legal representation for Indigenous peoples;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully supports the implementation of the recommendations for amending and improving the BC human rights framework contained in *Expanding Our Vision*, and calls upon the Province to recognize that the report is a call to action that it must collaboratively work to fulfill; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council commits to working with the BCHRT and Ardith Walkem, author of *Expanding our Vision*, to remove the obstacles that lie between the experience of discrimination and translating that experience into a human rights complaint, including seeking funding from the Law Foundation of British Columbia, the First Nations Health Council, the Province, and other relevant organizations to support a project that, guided by *Expanding Our Vision* recommendations, will create a practical, educational guide on how to file a human rights complaint and include video shorts, written materials and other informative resources that are created from an Indigenous perspective and are accessible to Indigenous community members.

Moved: Chief Ed Hall, Kwikwetlem First Nation
Seconded: Kukpi7 Ron Ignace, Skeetchestn Indian Band
Disposition: Carried
Date: February 26, 2020
Resolution no. 2020-03

RE: Call for Action to Declare Indigenous Incarceration Rates a State of Emergency

WHEREAS the number of Indigenous people represented in the federal inmate population has continued to rise while the number all other federally sentenced inmates has consistently decreased – Indigenous people currently represent 30% of the federal inmate population generally and 42% of the female federal inmate population, causing the Chief Correctional Officer to declare this a “national travesty”;

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

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

Article 38: States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.
WHEREAS First Nations justice issues have been consistently mismanaged, understated, and ignored at every phase of the criminal justice system, and by provincial and federal governments;

WHEREAS by Resolution 2007-25, the UBCIC Chiefs Council recognized that Indigenous peoples in British Columbia are disproportionately over-represented in all areas of the justice system and endorsed the implementation of the BC First Nations Justice Action Plan, which called for the formation of a BC First Nation Justice Council;

WHEREAS there is a direct and causal link between Indigenous survivors of the child welfare system and the criminal justice system, tagged as the “child welfare to prison pipeline,” further implicating the role of the colonial state in oppressing and assimilating Indigenous peoples through colonial law; and

WHEREAS the First Nations Justice Council has created and tabled a First Nations Justice Strategy in which a comprehensive approach to reform the current justice system, and to revitalize affirm First Nations justice systems is proposed.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council joins the call to declare that the rates of Indigenous incarceration in BC and Canada constitute a State of Emergency, requiring immediate and concrete action by the federal and provincial governments, including a commitment to decreasing the number of Indigenous people in custody at least 5% by 2022;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls upon the federal government to take immediate steps to address the overincarceration of Indigenous people in federal prisons, including but not limited to: ensuring access to and full implementation of Gladue, and by amending the Criminal Code to allow judicial discretion in mandatory minimum sentences, and in determining a sentence based upon the specific circumstances of the offence and the individual;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council Calls upon the provincial governments for the immediate decarceration of Indigenous youth, recognizing the colonial and intergenerational causes of Indigenous youth criminality, including the causal relationship of the child welfare system, and affirming the need for a trauma-informed approach which fully implements the Gladue decision and the intentions of the Youth Criminal Justice Act (YCJA);

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls upon the federal and provincial governments to transfer jurisdiction over the care, custody and supervision of Indigenous offenders to First Nations, through the transformation of the criminal justice system and through ensuring that sections 81 and 84 of the Corrections and Conditional Release Act be utilized to their full legislative intent, including by ensuring First Nations are adequately resourced and supported to resume jurisdiction over justice matters;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls upon the federal government to immediately re-establish the Law Reform Commission with a specific mandate to address the systemic and legislative factors that impact overincarceration and substantive inequality for Indigenous people involved in the criminal justice system;

THEREFORE IT BE FURTHER RESOLVED the UBCIC Chiefs Council calls upon the Law Society of BC to meet with the FNLC and the FNJC to immediately begin a dialogue to address the historical and ongoing systemic issues that perpetuate these issues and to immediately identify and address issues with the criminal and Indigenous bars that around this topic; and
THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the First Nations Justice Council and other like-minded organizations to implement the First Nations Justice Strategy, which contains critical recommendations that will ultimately reduce the rate of Indigenous incarceration in BC and Canada.

Moved: Chief Donna Aljam, Nicomen Indian Band
Seconded: Travis Hall, Heiltsuk Nation (Proxy)
Disposition: Carried
Date: February 27, 2020
Resolution no. 2020-04

RE: Opposition to Teck Frontier Oilsands Mine

WHEREAS Teck Resources Ltd. (Teck) proposed the construction of a bitumen mine (Frontier) 110 km north of Fort McMurray, which would produce up to 260,000 barrels of bitumen per day and more than 4 million tonnes of greenhouse gas (GHG) emissions per year over 40 years, and would have significant effects on the Title and Rights of Indigenous Nations in the affected area;

WHEREAS shortly before the federal Cabinet’s deadline to approve or reject the project, Teck withdrew their application for the Frontier mine on February 23, 2020, citing a lack of clarity around how the development of Canada’s energy sector will be reconciled with climate change and climate policy considerations. There remains a chance that Teck could bring the proposal back at a later date;

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 25**: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

**Article 29(1)**: Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
Article 32(1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources;

**WHEREAS** the construction of the mine would constitute a violation of the rights of Indigenous Nations who have not consented to the project and those Nations whose consent is contingent on conditions that need to be met throughout the project’s lifetime;

**WHEREAS** by Resolution 2016-06, the UBCIC Chiefs Council demanded that any climate change plan developed by Canada must stop the further expansion of fossil fuel production and exportation; and

**WHEREAS** by Resolution 2019-32, the UBCIC Chiefs Council fully opposed mining and its associated activities in the headwaters of sacred river systems, and near any aquifers, salmon-bearing streams, or riverways of cultural and environmental significance.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports First Nations asserting their inherent and constitutionally-protected Title, Rights, and Treaty Rights regarding the development of natural resources in their territories, including their opposition to any future oilsands developments such as a revived Teck Frontier mine proposal that would pose an unacceptable risk to their rights;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Government of Canada to get the consent of all Indigenous Nations whose rights would be affected by the construction, operation, and reclamation of proposed resource extraction projects on their territories, in line with Canada’s commitment to uphold the *United Nations Declaration on the Rights of Indigenous Peoples*; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council urges the Government of Canada to recognize the adverse global climate effects of expanding Canada’s fossil fuel industry, including the jeopardization of Canada’s ability to reach net-zero emissions by 2050.

Moved: Terry Dorward, Tla-o-qui-aht First Nation (Proxy)
Seconded: Chief Keith Crow, Lower Similkameen Indian Band
Disposition: Carried
Date: February 26, 2020
Resolution no. 2020-05

RE: Federal Legislation to Create a Framework for Implementation of the UN Declaration

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

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

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

WHEREAS Canada and British Columbia have adopted, without qualification, and committed to implement the UN Declaration, which sets out minimum standards for the survival, dignity and well-being of Indigenous peoples and affirms:

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

Article 38: States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislatives measures, to achieve the ends of this Declaration;

WHEREAS the Truth and Reconciliation Commission of Canada Calls to Action state:
Call to Action 43: We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation;
Call to Action 44: We call upon the Government of Canada to develop a national action plan, strategies, and other concrete measures to achieve the goals of the United Nations Declaration on the Rights of Indigenous Peoples;

WHEREAS by Resolution 2019-05, the UBCIC Chiefs Council called upon Canada and all members of Senate to immediately pass Bill C-262 *An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples* without delay. Bill C-262 did not make it through the Senate and died on the order paper;

WHEREAS the Liberal Party of Canada, the Green Party of Canada and Canada’s New Democratic Party each committed to introduce a government bill, supported by First Nations, to implement the *UN Declaration* that is at least as strong as Bill C-262, if elected. In his mandate letters, Prime Minister Trudeau instructed the Attorney General and Minister of Justice, working with the Minister of Crown-Indigenous Relations, to “introduce co-developed legislation to implement the *United Nations Declaration on the Rights of Indigenous Peoples* by the end of 2020”;

WHEREAS the UBCIC, the First Nations Summit (FNS), and the BC Assembly of First Nations (BCAFN), working together as the First Nations Leadership Council (FNLC), were mandated through resolutions at their respective assemblies to co-develop provincial legislation to implement the *UN Declaration*. This process was ground-breaking, and represents a successful exercise of collaboration and included extraordinary steps to ensure First Nations leaders were fully informed of the content of the proposed legislation through non-disclosure agreements before it was introduced in the legislature;

WHEREAS on November 26, 2019, the province of British Columbia passed Bill 41, the *Declaration on the Rights of Indigenous Peoples Act* (the “Act”), to implement the *UN Declaration*, making it the first province in Canada to develop legislation to implement the *UN Declaration*;

WHEREAS by way of example, the provincial Act includes the following critical elements:
   a) Section 3 requires the Province, “in consultation and cooperation with Indigenous peoples in British Columbia” to “take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration;”
   b) Section 4(1) requires the Province to “prepare and implement an action plan to achieve the objectives of the Declaration;”
   c) Section 7 authorizes the Province to enter into an agreement with Indigenous governing bodies relating to:
      i. the joint exercise of a statutory power of decision by the Province, or another decision-maker, and the Indigenous governing body; or
      ii. the consent of the Indigenous governing body before the exercise of a statutory power of decision; and

WHEREAS BC First Nations, by virtue of having co-developed the provincial Act with British Columbia, have unique interests and experience that could benefit the co-development of federal legislation to implement the *UN Declaration*. The interests of BC First Nations include but are not limited to the following:
   a) Ensuring that any federal legislation that is developed to implement the *UN Declaration* is consistent with and does not detract from the Act;
b) Ensuring that the Act serves as a floor, rather than a ceiling in connection with development of federal legislation to implement the UN Declaration;

c) Co-developing federal legislation to implement the UN Declaration with Canada through a BC-specific process.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls upon the Government of Canada to:

a) establish a BC-specific collaborative process to fulfill its commitment to “introduce co-developed legislation to implement the United Nations Declaration on the Rights of Indigenous Peoples by the end of 2020” as set out in the Prime Minister’s December 2019 mandate letter to the Minister of Justice and Attorney General of Canada;

b) work in collaboration and partnership with First Nations in BC and First Nations organizations including the UBCIC, FNS and BCAFN, working together as the FNLC, in any co-development process regarding federal legislation to implement the UN Declaration;

c) work in collaboration and partnership with First Nations in BC and the FNLC to develop a BC-specific action plan to implement the UN Declaration, which is to be informed by other United Nations instruments upholding Indigenous rights, such as the Universal Declaration of Human Rights and international human rights law, as well as the Organization of American States' American Declaration on the Rights of Indigenous Peoples; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the FNS and BCAFN as the FNLC, to:

a) engage with First Nations in BC to seek input and direction to inform participation on the co-development of federal legislation to implement the UN Declaration, including the development of a BC-specific action plan to implement the UN Declaration and federal legislation; and

b) report back to the UBCIC Chiefs Council on progress made, and to seek further input and direction on any drafts of federal legislation to implement the UN Declaration and the BC-specific action plan.

Moved: Kukpi7 Ron Ignace, Skeetchestn Indian Band
Seconded: Cora Anthony, Neskonlith Indian Band (Proxy)
Disposition: Carried
Date: February 27, 2020
Resolution no. 2020-06

RE: Call for USMCA and Signatories to Uphold the UN Declaration

WHEREAS the US-Mexico-Canada Agreement (USMCA) represents a free trade deal that will replace the North American Free Trade Agreement (NAFTA) and introduce new policies around labour and environmental standards, intellectual property protections, and digital trade;

WHEREAS US, Canada, and Mexico are perpetuating historic patterns of Indigenous rights abuses and violations of free, prior and informed consent (FPIC) through large-scale development projects that the USMCA must be contextualized alongside. The Dakota Access Pipeline in the States, the Coastal Gaslink Pipeline in Canada, and the Maya Train project in Mexico have been criticized by various bodies of the UN for their failure to comply with the international standards of consultation and FPIC, and for the harassment and intimidation land defenders opposed to these projects have faced;

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

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

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

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

Article 38: States, in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration;
WHEREAS in September 2019 Tonatierra, a non-profit Indigenous rights organization based in Arizona, appealed to the USCMA Working Group of the US House of Representatives and called for a public hearing to address the systemic disregard for the rights of Indigenous people, stating: “There can be no approval of USMCA without recognition, respect, and effective mechanisms for the protection of the internationally recognized Human Rights of Indigenous Peoples in the trade zone encompassing the three countries, specifically the right of Free, Prior, and Informed Consent (FPIC)

WHEREAS Tonatierra pointed to the Indigenous Peoples of Mexico who convened in the Zapatista territories to make known their “determined opposition to the imposition of the USCMA scale mega development projects that are already being illegally implanted,” and stated that if the US Congress should approve the USCMA they would be “complicit in a deliberate act of international aggression against the Indigenous Peoples of Mexico”;

WHEREAS after their messages were ignored and the Senate Finance Committee passed the USMCA on January 9, 2020, Tonatierra renewed their calls for the signatories of the USCMA to meet the minimum standards of FPIC, and wrote to US Senator Kyrsten Sinema about the legal imperative to hold a public hearing that would inform US congressional representatives and the public about the right of Indigenous peoples to FPIC; and

WHEREAS the USCMA has now been ratified by Mexico and the US, and is currently awaiting ratification from Canada, upon which the agreement will go into effect after 90 days.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the call for a public hearing to inform the public and the appropriate legislative representatives on the violations of FPIC that have resulted from government backed projects and to communicate to the American, Mexican, and Canadian governments that any international commercial agreement must be accompanied and contextualized by the UN Declaration on the Rights of Indigenous Peoples;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council opposes any actions by the US, Canada, and Mexico that breach the international standards of FPIC and consultation, and calls upon the federal government of Canada to delay ratification of the USCMA until they can ensure that the USCMA meets Canada’s constitutional and international human rights obligations and is consistent with their commitment to federal legislation that will implement the UN Declaration; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work alongside Tonatierra and other like-minded organizations to compel Canada, Mexico and the US to take immediate action to ensure that the USMCA will be fully inclusive of Indigenous rights and will not prioritize investment deals or development projects over the welfare of Indigenous peoples.

Moved: Ruby Manilla, Da'naxda'xw/Awaetlala Nation (Proxy)
Seconded: Chief Donna Aljam, Nicomen Indian Band
Disposition: Carried
Date: February 27, 2020
Resolution no. 2020-07

RE: Xinka People’s Right to Self-Determination and Free, Prior and Informed Consent

WHEREAS the Xinka Indigenous people of Guatemala and their neighbours have peacefully defended their territory for more than a decade from the exploitative activities of their own government and Canadian mining companies, demanding respect for their right to self-determination and free, prior, and informed consent;

WHEREAS the Xinka people have resisted the Escobal mine, one of the largest silver mines in the world that is currently owned by Vancouver-based Pan American Silver who have supported the mining project despite the already tangible impacts the mine has had on Xinka culture, spirituality, and social fabric, and the potential impacts on their water, health, and agriculture;

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

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

Article 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 32(2): States shall consult and cooperate in good faith with the indigenous people concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources;

WHEREAS the tension and conflict in Xinka territory caused by the imposition of the mining project persists and has increased threats of the criminalization and stigmatization of the Xinka people and their representatives—threats that have intensified during the consultation process in reprisal for demanding respect for their rights;
WHEREAS respect for human and Indigenous rights in the context of the consultation, at every stage, is vital to prevent more violence against the Xinka people and their neighbours;

WHEREAS the Union of B.C. Indian Chiefs and the Xinka Parliament of Guatemala stand in solidarity and demand respect from governments and Canadian mining companies for the Indigenous rights affirmed and consecrated in the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration);

WHEREAS by Resolution 2019-32, the UBCIC Chiefs Council supports those organizations and individuals advocating for responsible mining and opposing mining activities that could negatively impact the environment and the rights of Indigenous peoples;

WHEREAS the Xinka Parliament is the maximum and legitimate authority and interlocutor of the Xinka people composed of Xinka communities in the departments of Jutiapa, Jalapa and Santa Rosa;

WHEREAS the Guatemalan Constitutional Court Resolution No 4785-2017 finds that the State of Guatemala violated Xinka people’s right to consultation, legislative procedures, and other rights;

WHEREAS the State of Guatemala, with participation of the company, has continued to disrespect the Constitutional Court’s decision by carrying out pre-consultation meetings that excluded the Xinka Indigenous people, among other irregularities; and

WHEREAS governments must respect the decisions of Indigenous people regarding whether a project should start, continue, be modified or rejected, and made according to their own laws, customs and traditions, exercising their right to self-determination and free, prior, and informed consent enshrined in the UN Declaration and invoked in the Constitutional Court Resolution No 4785-2017.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council affirms its solidarity with the Xinka people and directs the UBCIC Executive to collaborate with the Xinka Parliament and other like-minded organizations to compel governments and corporations to fulfill the Xinka people’s right to self-determination and free, prior, and informed consent;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council calls on the government of Guatemala and Pan American Silver, through its wholly owned subsidiary Minera San Rafael, to carry out a consultation process that respects the rights of the Xinka People of Guatemala, especially the right to self-determination and free, prior, and informed consent, as enshrined in the UN Declaration and in fulfillment of the Constitutional Court Resolution No 4785-2017;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council calls on the government of Guatemala and Pan American Silver, through its wholly owned subsidiary Minera San Rafael, to respect the right of Indigenous peoples to be represented by their legitimate and representative organization, the Xinka Parliament, and to elect their delegates to the consultation process based on their own uses and customs; and

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council calls on Pan American Silver to support the consultation process only once anomalies are resolved and the discrimination against the Xinka people ceases.

Moved: Kukpi7 Ron Ignace, Skeetchestn Indian Band
Seconded: Simon Smith, Tsartlip First Nation (Proxy)
Disposition: Carried
Date: February 27, 2020
RE: Transition from Open Net-Pen Fish Farming

WHEREAS First Nations rely on marine resources in the ocean and rivers for their livelihoods, way of life, health, and well-being, and have a sacred responsibility to protect fish from the devastating impacts of open net-pen aquaculture;

WHEREAS open net-pen fish farming has long generated public concern for both its environmental devastation and its health consequences for wild aquatic species, becoming focal points for salmon related diseases and viruses, including Heart and Skeletal Muscle Inflammation (HSMI), Piscine Reo-Virus (PRV), for hazardous levels of parasitic sea-lice impacting wild migratory juvenile salmon, and for unnatural levels of predation targeting vulnerable herring stocks;

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

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

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

WHEREAS the containment of hundreds of thousands of fish effectively transfers the economic burden of managing fish waste to the environment and surrounding communities;

WHEREAS fish are economically exploited and suffer immensely due to the cramped conditions and lack of space in fish farms, with high rates of injury and mortality;
WHEREAS in Delgamuukw v. British Columbia, the Supreme Court of Canada affirmed Indigenous Peoples’ rights in the land (including waters) and rights to determine its usage, requiring full consent of Indigenous Nations for government actions on Aboriginal Title Lands;

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

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

WHEREAS UBCIC Resolutions 1998-01, 2002-06, 2006-42, 2018-07 have consistently opposed the siting and expansion of fish farms in British Columbia, and have emphasized the need for free, prior, and informed consent for any existent farms; and

WHEREAS the Government of Canada has committed to work with the province of British Columbia and Indigenous communities to create a responsible plan to transition from open net-pen salmon farming by 2025 and develop an Aquaculture Act.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports a transition away from open net-pen aquaculture led by First Nations in favour of more humane and sustainable practices;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with like-minded organizations and the Governments of Canada and BC on a plan to transition from open net-pen aquaculture to lower-impact alternatives by 2025; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls upon the Department of Fisheries and Oceans to ensure Indigenous rights are foundational to federal aquaculture legislation and to co-develop legislation with Indigenous Title and Rights holders.

Moved: Chief Dalton Silver, Sumas First Nation
Seconded: Travis Hall, Heiltsuk Nation (Proxy)
Disposition: Carried
Date: February 27, 2020
Resolution no. 2020-09

RE: Appointments to Political Steering Committee on Wild Salmon

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

WHEREAS the steadying 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;

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:
   a. FNLC strike a Political Steering Committee to develop/identify recommended immediate province-wide priorities (FNLC, BC First Nations representatives, Pacific Salmon Commission, FNFC);
   b. 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
   c. 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;

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 because there was no 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; and

WHEREAS a call for nominations for one (1) political representative and one (1) technical representative to the Political Steering Committee on Wild Salmon were distributed in advance of this meeting in accordance with the UBCIC Elections Procedures.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council to 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 Council appoints the following representatives to the Political Steering Committee on Wild Salmon for a three-year term commencing March 1, 2020:

1. Chief Chad Eneas, Penticton Indian Band (political representative)
2. Bob Chamberlin (technical representative)

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the UBCIC representatives to the Political Steering Committee on Wild Salmon to provide regular updates to the UBCIC Executive and the UBCIC Chiefs Council.

Moved: Ruby Manilla, Da'naxda'xw/Awaetlala Nation (Proxy)
Seconded: Chief Janet Webster, Lytton First Nation
Disposition: Carried
Date: February 27, 2020
Resolution no. 2020-10

RE: Support for the Blue Communities Project

WHEREAS water is crucial to the survival of First Nations and all actions which threaten and degrade water also threaten and degrade the spiritual, cultural, and physical health of Indigenous peoples;

WHEREAS the Blue Communities Project, initiated by the Council of Canadians and the Canadian Union of Public Employees, encourages Indigenous communities and municipalities to adopt principles that recognize that water is a shared resource and responsibility by passing resolutions that:
   1) Recognize water and sanitation as human rights
   2) Ban or phase out the sale of bottled water in municipal facilities and at municipal events
   3) Promote publicly financed, owned, and operated water and wastewater service;

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

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

   Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard;

WHEREAS there are Indigenous communities across Canada that do not have clean drinking water or access to proper sanitation systems, and must continue to fight for their welfare while their traditional territories and lands are being polluted and degraded by industrial development, urbanization, and climate change;

2020-10
WHEREAS water is a precious resource that sustains all living things that is being negligently cared for by the Canadian government and corporate interests that have allowed it to be contaminated and polluted by resource extraction projects such as the Mount Polley Mine;

WHEREAS by Resolution 2001-7, the UBCIC Chiefs-in-Assembly committed to be actively involved in working to protect water – especially in reference to Indigenous rights domestically and internationally – and endorsed the Indigenous Declaration on Water, which recognizes the collective responsibility of all Indigenous peoples to ensure the protection of water and its ability to sustain future generations; and

WHEREAS by Resolution 2019-36 the UBCIC Chiefs Council supported recommendations for a collaborative approach to amending the Water Sustainability Act that would support Indigenous laws and authority over the governance and management of fresh water in their territories.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the Blue Communities Project, the David Suzuki Foundation’s Blue Dot Project, and the common waters framework it promotes to conserve water and achieve greater responsibility and accountability in regards to water services and resources;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with other like-minded organizations to continue fighting for clean water and proper sanitation systems for Indigenous communities, and to fully implement the core principles of the Blue Communities Project, including ending the privatization of water services and banning the sale of bottled water at public events and meetings and making water available for free and in reusable containers; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council commits to fully adopting and promoting the Blue Communities Project by supporting public, sustainable water services and practices, and by continuing to pass resolutions that recognize water and sanitation as human rights that Indigenous people are entitled to without discrimination.

Moved: Chief Byron Louis, Okanagan Indian Band
Seconded: Chief Ed Hall, Kwikwetlem First Nation
Disposition: Carried
Date: February 26, 2020
Resolution no. 2020-11

RE: Full Recognition and Integration of Indigenous Laws in Specific Claims Processes

WHEREAS the historic actions illegally undertaken by the colonial government of British Columbia and successive governments of Canada since BC entered confederation in 1871 have resulted in the dispossession of our Indigenous Nations, including the illegal alienation of our lands; the failure to protect Indian reserves, villages and fishing areas; the systematic denial of rights to fish and access to water; and the illegal disruption and removal of sacred sites and grave sites;

WHEREAS the compensation and redress for these illegal actions has either been improperly administered or systematically denied and these illegal actions continue to impact Indigenous Peoples economically, socially, culturally, and spiritually;

WHEREAS for more than 50 years Indigenous Nations and their representative organizations have been seeking a fair and independent process, with BC Nations always at the leading edge of calls for reform;

WHEREAS the current specific claims process is built on a conflict of interest wherein (a) Canada functions as the decision-maker in claims against itself and (b) all rules and norms are based on Canadian law and legal traditions, to the exclusion of the laws and legal traditions of all Indigenous Nations participating in the process;

WHEREAS a Nation-to-Nation approach and true redress for historical wrongs requires a shared approach to justice, based equally on the laws of claimant Nations and of Canada;

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

Article 26(1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
(2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
(3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

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

Article 28(1): Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent. (2) Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress;

WHEREAS the Truth and Reconciliation Commission Call to Action 45(iv) calls for the recognition and integration of Indigenous laws and legal traditions in processes involving land claims;

WHEREAS in 2016, the Office of the Auditor General of Canada released its report on INAC’s management of Justice at Last, and found that Canada had grossly mismanaged the process and created numerous barriers for First Nations seeking resolution of their specific claims;

WHEREAS in keeping with one of the OAG’s recommendations, the AFN and Canada formed a Joint Technical Working Group (JTWG) that seeks to address the systemic problems within the process. The JTWG is currently developing proposals for a new and fully independent model for specific claims resolutions, and UBCIC Research Director, Jody Woods, sits on the JTWG to articulate and advance the concerns of Indigenous Nations in BC;

WHEREAS the AFN has held two sets of engagement sessions (2017 and fall 2019) to solicit feedback from Indigenous community members on their priorities for reforming the specific claims process;

WHEREAS BC Nations have been unequivocal in articulating the need to fundamentally transform the process to fully eliminate Canada’s conflict of interest by creating a fully independent body to manage and evaluate claims and to integrate Indigenous laws and legal principles into all aspects of a new, jointly developed claims resolution process;

WHEREAS the BC Specific Claims Working Group has forwarded the views of BC Nations in two written submissions to the AFN JTWG process;

WHEREAS the BC Specific Claims Working Group’s December 18, 2019 submission to the AFN JTWG process strongly recommended the establishment of an independent body to manage and oversee all aspects of a new specific claims resolution process and in developing this body, to prioritize convening an advisory committee made up of Indigenous legal scholars and community experts to give full consideration and make
recommendations regarding the integration of Indigenous laws into a new independent claims resolution process, and to form a permanent advisory committee to provide continuing structural guidance and oversight;

WHEREAS the UBCIC Chiefs Council passed Resolution 2017-44 calling on Canada to “establish a truly independent process for the administration, assessment, and adjudication of specific claims that eliminates Canada’s conflict of interest and that includes ongoing joint reviews and oversight”;

WHEREAS the Assembly of First Nations passed Resolution 91/2017 supporting the work of the JTWG and calling on Canada to “commit to jointly develop a fully independent specific claims process with the goal of achieving just resolution of Canada’s outstanding lawful obligations through good faith negotiations”; and

WHEREAS the recognition and integration of Indigenous laws and legal principles must be included in any just, fair process for the resolution of specific claims, allowing space for each Nation to activate its own laws in its own ways, with emphasis given to the following:

- Creating equal space for a plurality of Indigenous legal traditions
- Recognizing the ongoing nature of resolution
- Foregrounding Indigenous worldviews and understandings of loss
- Expanding acceptable forms of restitution
- Undertaking shared deliberations and decision-making
- Expanding what constitutes valid evidence.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to continue to call for a fully independent process for the resolution of specific claims that includes the recognition and integration of the laws and legal traditions of Indigenous claimant Nations in accordance with Articles 26, 27, and 28 of the UN Declaration on the Rights of Indigenous Peoples and all other international instruments that Canada is a signatory to, as well as international obligations, international legal principles and international customary law regarding the rights of Indigenous Peoples;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC and like-minded organizations to continue to engage Indigenous Nations and community experts in Indigenous laws about the integration of Indigenous laws into resolution of specific claims; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on Canada to publicly commit to the creation of a fully independent specific claims process and an Indigenous legal advisory committee to ensure the recognition and integration of Indigenous laws.

Moved: Kukpi7 Ron Ignace, Skeetchestn Indian Band
Seconded: Chief Chad Eneas, Penticton Indian Band
Disposition: Carried
1 Abstention: Chief William Schneider, Samahquam First Nation
Date: February 27, 2020
Resolution no. 2020-12

RE: Endorsement of the BC First Nations Justice Strategy

WHEREAS the overrepresentation of Indigenous peoples in jails represents a national crisis that is only continuing to worsen, with over 30% of inmates across the country being Indigenous;

WHEREAS the BC First Nations Justice Council (BCFNC) was established in 2016, through resolutions of the BC First Nations Summit, the Union of BC Indian Chiefs, and the BC Assembly of First Nations, to:

a. Identify the policy and program changes and resource realignments required to address the magnitude of issues contributing to the disproportionate patterns of children and youth in care and incarceration of First Nations people; and,

b. Hold the BC Government responsible and accountable to engage respectfully and work with the BC First Nations Justice Council on concrete strategies and actions to direct meaningful, fundamental change in these 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 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

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 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 other programmes affecting them and, as far as possible, to administer such programmes through their own institutions;
WHEREAS the BCFNJC and the Province of British Columbia (BC) entered into a Memorandum of Understanding (MOU) on September 7, 2017, committing to the development and implementation of a joint justice strategy to transform the criminal justice system and the relationship between Indigenous peoples and the criminal justice system;

WHEREAS the BCFNJC extensively engaged with First Nations leadership and subject matter experts throughout 2018-2019 to gather understandings and determine direction regarding the development of the Strategy; and

WHEREAS the draft BC First Nations Justice Strategy has been produced through this joint work and represents a comprehensive and integrative approach to address the crisis in First Nations overrepresentation in custody that involves two tracks of change: (1) Reform of the existing Justice System; (2) Transformation through the rebuilding of First Nations Justice Systems.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby endorses the joint BC First Nations Justice Strategy (“the Strategy”) as presented on February 27, 2020 and calls upon the provincial government to continue to work collaboratively with the BCFNJC to implement the Strategy and to uphold the principles of change encompassed by the Strategy in all areas of the justice system; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council supports the BCFNJJC in its activities to implement the Strategy and directs the BCFNJC to provide regular updates to the UBCIC Executive and UBCIC Chiefs Council.

Moved: Chief Byron Louis, Okanagan Indian Band
Seconded: Chief Don Svanvik, ’Namgis First Nation
Disposition: Carried
Date: February 27, 2020
WHEREAS First Nations in BC were neither consulted nor were party to the 1985 federal-provincial agreement that transferred the authority to operate gaming facilities to the provinces and retain the associated revenues;

WHEREAS First Nations in BC require more consistent and predictable funding in order to support ongoing programs, improve band capacity and infrastructure, develop effective long-range planning, and pursue development opportunities for the economic, social and cultural needs of their communities in a crucial effort to combat systemic poverty;

WHEREAS First Nation communities in all other provinces enjoy the annual benefits of multi-million dollar gaming revenues, while First Nations in BC receive nothing from the over $1.5 billion in existing BC gaming annual revenues;

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

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

WHEREAS First Nations in BC have been discussing the issue of shared revenues and jurisdiction over gaming in British Columbia since 1993, and successfully negotiated the Interim BC First Nations Gaming Revenue Sharing and Financial Agreement dated August 2, 2019 between the BC First Nations Gaming Commission (FNGC), First Nations Leadership Organization (FNLC), and British Columbia;
WHEREAS by UBCIC Resolution 2010-42, the UBCIC Chiefs-in-Assembly confirmed UBCIC’s position that BC gaming legislation does not apply to gaming activities on First Nations lands in BC and supported the establishment of the First Nations Gaming Commission;

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

WHEREAS the Terms of Reference Framework requires the appointment of seven (7) senior and knowledgeable provincial leaders with expertise in the gaming initiative as the First Nations Gaming Commissioners;

WHEREAS the Terms of Reference Framework sets out that three (3) Commissioners will be appointed, one from each of the respective Provincial First Nations Organizations:

• One (1) from the Union of BC Indian Chiefs
• One (1) from the First Nations Summit
• One (1) from the BC Assembly of First Nations

WHEREAS the Terms of Reference Framework also sets out that the remaining four (4) Commissioners will be selected from the list of former Chairs of the BC First Nations Gaming Committee based on their long-standing efforts and commitment to this initiative;

WHEREAS the UBCIC circulated notice seeking application for one (1) representative to the BC First Nations Gaming Commission, for a three-year term beginning March 1, 2020 and ending February 28, 2023, to be chosen in accordance with the UBCIC Elections Procedures, and received no applications; and

WHEREAS at the UBCIC Chiefs Council on February 26-27, 2020, the Chair called for nominations from the floor for one (1) new appointee to the BC First Nations Gaming Commission.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby appoints Councillor Janice Parsey, Seabird Island, as the UBCIC Representative to the BC First Nations Gaming Commission; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Representative to the BC First Nations Gaming Commission to provide regular updates to the UBCIC Executive and the UBCIC Chiefs Council on the activities of the BC First Nations Gaming Commission.

Moved: Simon Smith, Tsartlip First Nation (Proxy)  
Seconded: Chief Chad Eneas, Penticton Indian Band  
Disposition: Carried  
Date: February 26, 2020
Resolution no. 2020-14

RE: Call for Moratorium on Fracking Near Peace River Dams

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

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

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

WHEREAS the new report “Peace River Frack-Up” by Ben Parfitt draws on internal correspondence and documents from BC Hydro and exposes the potential impacts caused by fracking and disposal sites on the Peace River Dams, finding that BC Hydro has known since the 1970’s that its Peace Canyon Dam is built on weak, unstable rock and that an earthquake triggered by a nearby natural gas industry fracking or disposal well operation could cause the dam to fail due to the foundational problems;

WHEREAS both the frequency and the intensity of earthquakes have increased in the Peace River region in tandem with increased fracking operations;

WHEREAS an independent panel of three scientists reported to the British Columbia government in 2019 that there is no scientific means of calculating how powerful an earthquake could be that is induced by fracking and disposal well operations;
WHEREAS the United Nations Declaration on the Rights of Indigenous Peoples, which the government of Canada has adopted without qualification, and has, alongside the government of BC committed to implement, affirms:

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

WHEREAS Parfitt’s report finds that the disposal sites and fracking sites will continue to trigger shifts in the existing fractures and faults which riddle the Peace River. There continues to be many risks as construction at Site C continues, while upstream the Peace Canyon Dam and W.A.C Bennett Dam could fail and cause disastrous effects downstream;

WHEREAS the most effective way to limit the risk of dam failure and the devastating potential consequences for workers and residents downstream is by banning disposal sites and fracking anywhere near BC Hydro’s Peace River Dams – this includes the massive WAC Bennett Dam, the Peace Canyon Dam and Site C; and

WHEREAS the UBCIC Chiefs Council has consistently opposed Site C and has supported the Treaty 8 First Nations in their opposition, as ratified in Resolutions 2011-25, 2015-14 and 2018-05.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council joins the call for an immediate ban on fracking activity close to BC Hydro’s two existing Peace River Dams as well as Site C; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with West Moberly First Nation and like-minded organizations to demand that the Province implement this ban immediately and ensure that the appropriate precautions and preventative measures with respect to fracking are taken in the future, with any risks found to be immediately and transparently disclosed to the public.

Moved: Chief Chad Eneas, Penticton Indian Band
Seconded: Chief Keith Crow, Lower Similkameen Indian Band
Disposition: Carried
Date: February 27, 2020
WHEREAS wild Pacific salmon are integral to 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, with 2019 yielding the lowest wild salmon returns in Canada’s history;

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

   Article 26: Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired;
   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 the Wild Salmon Initiative has called for the identification of the primary migration bottlenecks experienced by salmon, and investigation into the relative contributions of pollution, low water, high temperature, starvation, or other impediments;

WHEREAS the Department of Fisheries and Oceans (DFO) is appropriately positioned and resourced to undertake the identification of bottlenecks and use the information to provide strategic relief to wild salmon;

WHEREAS an appropriate mobilization of First Nations’ knowledge and rights is essential to effectively undertaking this work, and a dedicated position is essential to guide and inform the DFO’s approach to wild salmon recovery;
WHEREAS the Wild Salmon Initiative has proposed creating the position of Director of Wild Salmon, Pacific Region, a role which could steer the DFO and coordinate research to identify the cause(s) of or factors contributing to salmon run collapses in partnership with First Nations and municipal, provincial, and federal levels of governments;

WHEREAS First Nations people have specialized knowledge that would be an asset to the role as Director of Wild Salmon, Pacific Region. We are aware of the issues and are very knowledgeable of the salmon depletion concerns;

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

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

WHEREAS intervention by the DFO and other parties is time-sensitive and urgent due to the limited window for salmon recovery and study permitted by spawning seasons.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council demands that the Minister of the Department of Fisheries and Oceans (DFO) make immediate intervention to investigate the historically low wild salmon returns in Canada in 2019, in alignment with DFO’s mandate to prioritize rebuilding fish populations and in recognition of the importance of sustaining and protecting wild salmon; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the DFO to create a Director of Wild Salmon, Pacific Region, who is a qualified First Nations individual, chosen in partnership with First Nations, who could steer the DFO and coordinate research to identify the cause(s) of or factors contributing to wild salmon run collapses in partnership with First Nations, marine biologists and municipal, provincial, and federal levels of governments.

Moved: Chief Don Svanvik, ‘Namgis First Nation
Seconded: Ruby Manilla, Da’naxda’xw/Awaetlala Nation (Proxy)
Disposition: Carried
Date: February 27, 2020