

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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Final Resolutions of the UBCIC Chiefs Council: February 24th-25th, 2021

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- 2021-12 Support for ʔEsdilagh First Nation and Condemning the Gibraltar Mines Discharge Permit
- 2021-13 In Plain Sight Independent Review of Indigenous-Specific Racism in B.C.'s Health Care System
- 2021-14 First Nations Health Governance Structure Renewal
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| 2021-17 | Decolonizing the Persons with Disabilities Designation (PWD) Application and Appeal Process |
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| 2021-23 | Call for the Development of an Indigenous Youth Housing Action Plan |
| 2021-24 | Property Transfer Tax Exemption for First Nations in British Columbia |
| 2021-25 | Rejection of Métis Assertion of Rights Outlined in the Métis Nation British Columbia Report: A Tale of Two Nations: Highlighting the Inequities of the Treatment of the Métis in BC |
| 2021-26 | Development of a First Nations Cannabis Strategy |
| 2021-27 | Improvements to CRAB Park to Address Environmental and Indigenous Concerns |
| 2021-28 | Support for FNEESC to Develop a BC-Specific Model for Capital Funding for First Nation Schools and Teacherages |
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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-01

RE: UBCIC Meeting Schedule for the 2021-2022 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 2021-2022 fiscal year.

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

- June 2nd- June 3rd, 2021
- September 28th- September 30th, 2021 (53rd Annual General Assembly)
- February 23rd- February 24th, 2022

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: Jordan Muldoe, Kispiox (Proxy)
Seconded: Chief Don Svanvik, 'Namgis First Nation
Disposition: Carried
Date: February 24, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-02

RE: Appointment to UBCIC Resolutions Committee

WHEREAS the UBCIC By-Laws state that:

XI (a): Prior to the end of each meeting, the Chiefs Council or Chiefs-in-Assembly shall appoint a Resolutions Committee comprised of no less than three and no more than five Full or Active Members who will be responsible with the Executive Committee and UBCIC staff for receiving and reviewing resolutions to be presented at the next Chiefs Council, AGA, or Special General Assembly. If a new Resolutions Committee is not appointed prior to the next meeting, the current Resolutions Committee will continue to sit;

WHEREAS there is one vacancy on the UBCIC Resolutions Committee; and

WHEREAS the UBCIC Chiefs Council directed the Chair of the Assembly to call for nominations from the floor to participate in the UBCIC Resolutions Committee.

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

- 1) Chief James Hobart, Spuzzum
- 2) Chief Greg Louie, Ahousaht (continuing)
- 3) Debbie Abbott, Councillor, Lytton First Nation (continuing)

Moved: Kukpi Lee Spahan, Coldwater Indian Band
Seconded: Chief Stu Jackson, Lower Nicola Indian Band
Disposition: Carried
Date: February 24, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-03

RE: Removal of \$150-million Cap in New Independent Specific Claims Process

WHEREAS the historic actions illegally undertaken by the colonial government of British Columbia and successive governments of Canada since B.C. 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 redress of these historical wrongs is Canada's lawful obligation and the honour of the Crown necessitates right action on the part of the federal government, including the full, fair negotiation of all claims, regardless of estimated settlement value;

WHEREAS in 2007, with the introduction of Justice At Last, Canada imposed an arbitrary monetary limit ("cap") of \$150 million on claim settlements such that 1) claim settlements awarded by the Specific Claims Tribunal (SCT) are capped at \$150 million, meaning that claims with an estimated higher settlement value are excluded from adjudication by this body; and 2) claims negotiated at over \$150 million require a Cabinet mandate to settle the claim, and are subject to a secret Cabinet process that excludes First Nations claimants from all proceedings, sometimes resulting in unilaterally altered and reduced settlement mandates;

WHEREAS the monetary cap was explicitly identified as a necessary policy issue to resolve jointly by Canada and the Assembly of First Nations (AFN) in the November 27, 2007 political agreement related to specific claims reform signed by then INAC Minister Chuck Strahl and former AFN National Chief Phil Fontaine;

WHEREAS shortly after the 2007 political agreement was signed, Canada's representatives at the Specific Claims Branch informed the AFN that they no longer had a mandate to discuss co-development of a process to resolve claims over \$150 million and it should be removed as a topic of joint talks moving forward and to

date no fair, transparent, credible approach to claims over \$150 million has been developed, despite the repeated demands of First Nations;

WHEREAS Canada's exclusion of these claims from the SCT and its unilateral Cabinet process is discriminatory and constitutes a significant barrier to Indigenous peoples' right of redress for past wrongs, fails to uphold the honour of the Crown, and undermines the credibility of the project of reconciliation that specific claims are meant to support;

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.

Article 40: Indigenous people have the right to access to prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights;

WHEREAS B.C. Nations have been unequivocal in articulating the need to fundamentally transform the specific claims process to eliminate Canada's conflict of interest by jointly developing a fully independent body to manage and evaluate claims that integrates Indigenous laws and legal principles to address all claims, including those of large-value, in a truly fair, transparent, and impartial way;

WHEREAS the Canada-AFN Joint Technical Working Group (JTWG), tasked with addressing the systemic problems within the specific claims process, has developed a proposal for a new fully independent process in response to calls from Indigenous Nations across Canada, and this proposal is currently undergoing a multi-stage review process. UBCIC Research Director, Jody Woods, sits on the JTWG to articulate and advance the concerns of Indigenous Nations in B.C.; and

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” and therefore necessitates an open and joint approach to negotiating large-value claims.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls for the elimination of the discriminatory \$150-million cap in all parts of the current process and for no cap to exist in the future independent process under development, to ensure all First Nations have access to a just, effective, and timely remedy for each of their historical losses, regardless of value;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on Canada to publicly commit to the creation of a fully independent specific claims for ALL claims, including large-value claims;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to advocate for the elimination of the cap in all current and future specific claims processes such that all claims can be advanced in a fair, transparent, Nation-to-Nation approach, in keeping with the honour of the Crown and Canada’s commitments under the *UN Declaration on the Rights of Indigenous Peoples* and all other relevant international instruments; and

THEREFORE BE IT FINALLY RESOLVED that efforts to reform the specific claims process will not prejudice claims currently under negotiation or at the Specific Claims Tribunal.

Moved: Chief Dean Nelson, Lil’wat
Seconded: Kukpi7 Ron Ignace, Skeetchestn
Disposition: Carried
Date: February 24, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 24TH-25TH, 2021
VIRTUAL MEETING

Resolution no. 2021-04

RE: Impacts of Current Drivers Licensing Regime on First Nations in B.C.

WHEREAS for many years rural and remote First Nation communities have identified driver's licensing and training as a key barrier to employment and have had to endure the detrimental impacts that the inequity of access to a driver's license has on the safety of Indigenous women and girls, health and education, access to traditional territories, socio-economic advancement, institutionalized racism, and over-incarceration;

WHEREAS driver's licensing and training barriers and their ripple effect on First Nation communities have been inadequately documented in British Columbia, and there remains significant gaps in policy and research due to driver's licensing being insufficiently examined as not only a determinant of health, but a broader determinant underlying First Nations education, housing, justice and employment;

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;

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

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

WHEREAS driving licensing has long been implicated in a cycle of disempowerment and exclusion in which vehicles are a tangible, complex symbol of colonialism— a vehicle for trauma, violence and loss – that was historically used to remove Indigenous children from their homes and place them in residential schools, and is a charged site of sexual assault and violence for many Indigenous women and girls who are made vulnerable, as a result of the inaccessibility of driver’s licensing, to violence as they are forced to hitchhike along dangerous stretches of highways, including the notorious Highway of Tears;

WHEREAS understanding the critical role a driver’s license plays in empowering individuals, advancing self-determination, and supporting local economic and community development, Lucy Sager established the All Nations Driving Academy – a training program that addresses the transportation challenges and barriers confronting First Nation communities in Northern B.C. and aims to break the cycle of unlicensed driving by equipping local community members with the tools to own and operate driving schools;

WHEREAS building upon her leadership in facilitating driver’s licensing and training and her firsthand experience closing the gaps in social and physical mobility for First Nations, Lucy Sager has collaborated with UBCIC to produce a discussion paper that examines the impacts and implications of driver’s licensing and training in rural and remote First Nations communities;

WHEREAS Lucy Sager’s discussion paper, *The Road to Reconciliation: UBCIC Discussion Paper on Driving Licensing*, provides a critical understanding of how an inability to access drivers licensing strengthens the systemic inequality and marginalization experienced by First Nations, and includes a strong, comprehensive set of recommendations for ICBC, the Ministry of Public Safety and the office of the Attorney to overhaul the current driver’s licensing and training system for First Nations; and

WHEREAS Lucy Sager presented the Discussion Paper to the UBCIC Chiefs Council on February 24, 2021.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports and endorses the set of recommendations contained in *The Road to Reconciliation: UBCIC Discussion Paper on Driving Licensing* prepared by Lucy Sager, as critical calls to action that will dismantle the barriers that restrict access to the driver’s licensing process, pave the way to a culturally appropriate system of driver’s licensing and training that empowers First Nations, and support the implementation of the Truth and Reconciliation *Calls to Action*, MMWIG *Calls for Justice*, and the provincial *Declaration on the Rights of Indigenous Peoples Act*;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council urges the provincial government to recognize the profound influence driver’s licensing and training has upon Indigenous health, safety, and welfare, and to begin addressing the shortcomings of its licensing process; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with Lucy Sager to advance the Discussion Paper and its recommendations to the provincial government and ICBC, and to work with other like-minded organizations to ensure steps are taken by the province, ICBC, and other relevant agencies and offices to consider and use the Discussion Paper as a foundation for more substantive work and advocacy in this area.

Moved: Kukpi7 Wayne Christian, Splatsín
Seconded: Jordan Muldoe, Kispiox (Proxy)
Disposition: Carried
Date: February 24, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-05

RE: UBCIC Mandate on Hunting

WHEREAS Indigenous Nations in British Columbia have been stewards of their lands and waters since time immemorial, upholding the sacred responsibility, reflected in Indigenous laws and legal orders, of protecting and managing their territories including the wildlife species that reside within;

WHEREAS the Province has not consistently treated or regarded hunting as the immensely important aspect of the Nations' Title, Rights, culture, and livelihoods that it is, and has instead sought to control Indigenous hunting through prohibitive provincial policy and legislation, denying Aboriginal Title and Rights, and disregarding and disrespecting traditions, laws, and protocols;

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 B.C., committed to implement, affirms:

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

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

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

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

WHEREAS following discussions held at the February 26-27th 2020 UBCIC Chiefs Council meeting, in which UBCIC members expressed the need to treat hunting as a priority issue, and to dedicate attention and

discussion on advancing hunting rights, on June 3, 2020, UBCIC facilitated a two-hour webinar entitled “Hunting Rights, COVID-19, and the Path Forward”;

WHEREAS recognizing the additional challenges to Indigenous welfare incurred by the current COVID-19 pandemic, UBCIC’s hunting webinar provided the crucial opportunity for the Chiefs to express and identify common concerns and needs, and was intended to be the first step towards building a renewed approach for the advancement of Indigenous Nations’ hunting rights;

WHEREAS drawing upon the perspectives and concerns brought forward in the webinar, UBCIC representatives prepared a discussion paper “Renewing A Strategic Direction for Hunting in BC” that surveys the current landscape of Indigenous hunting rights, legislation, and policy in the Province, while also identifying key barriers and challenges to the fulfilment and advancement of Indigenous hunting rights;

WHEREAS the UBCIC hunting discussion was intended to outline and establish a framework for collaboratively advancing Indigenous hunting rights and contains 12 recommendations and principles that can be used to inform and shape UBCIC’s hunting mandate to better reflect the current hunting landscape and the Province’s stance on Indigenous hunting. These include:

1. The provincial government has failed to provide jurisdictional space for the operation of Indigenous laws and legal orders to prioritize sustainability and the preservation and operation of Indigenous Title and Rights, customs, and traditions in their management of hunting.
2. Once legal pluralism is addressed, and the Province exits from the jurisdictional space that they've illegally assumed, mechanisms need to be built so that provincial and Indigenous jurisdictions can co-exist and function together over matters of mutual concern.
3. Indigenous Nations need to shift the legal paradigm in B.C. that discounts Aboriginal Title and hunting rights and use their own laws to incur and guide this shift to a new model of self-sufficiency and cooperation
4. Hunting rights should be wielded not only as an inherent right, but as a critical instrument in securing and exercising other rights and protecting Indigenous territories and resources from the government’s influence.
5. The government needs to rethink its systems of governance and apply a broad, holistic lens to sustainability that supports the precautionary principle and is not driven by economic windfall.
6. The provincial government must provide transparent, accessible hunting related information and data to Indigenous Nations, region by region, so they can see what is going on in their communities. Part of this data needs to be supported by food and social assessments that accurately determine the numbers and types of animals per year that Nations consume/use for food, social, and ceremonial purposes.
7. As Indigenous communities continue to develop, write and formalize their hunting protocols, the Province must respect and support them.
8. Collaboration, coexistence, and communication between Nations and between the public is critical; we need protocols with each other to work together and protect traditional sustenance.
9. Hunting management and regulation should be driven by the Elders and the youth – we need the wisdom and cultural practices of our Elders to instill land-based values and protocols in our youth, and to re-teach them skills that have been lost over the generations.
10. The *Wildlife Act* remains an outdated and colonial piece of legislation that regulates hunting of Indigenous Nations in the Province; as the Province begins to amend and modernize it, Indigenous Nations need to continue to engage with the Province and ensure the Act reflects their needs and interests.
11. More funding is needed to help Indigenous Nations in all areas of conservation and hunting.

12. Further webinars or in-person gatherings (pending the state of the COVID-19 pandemic and public health orders) are needed to continue dialogue and to get a sense of what UBCIC's membership want to advance and how they want to be involved in hunting advocacy; and

WHEREAS since 1974, the UBCIC Chiefs Council has advanced and endorsed a suite of resolutions (including Resolution 2003-15, 2009-16, and 2015-11) collectively aimed at providing jurisdictional space for Indigenous Nations to hunt and manage game within their territories under their own laws, and through these resolutions, UBCIC has built a strong and principled approach to hunting that is premised on recognizing hunting as an integral aspect of Indigenous Title, Rights, and laws.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the UBCIC discussion paper "Renewing A Strategic Direction for Hunting in BC" and its set of principles and recommendations around Indigenous hunting that can be used to support and develop topics, proposals, and resolutions for future discussions and sessions on hunting, and forms the framework for UBCIC's renewed hunting mandate;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council adopts the twelve principles and recommendations from the UBCIC discussion paper, outlined above, as the critical components of UBCIC's mandate on hunting that fundamentally rests on ensuring First Nations guide the opening of jurisdictional and legal space in the province for the operation of Indigenous laws and legal orders, Title and Rights, and traditions in the management of hunting; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to advance UBCIC's hunting mandate and the critical issues and concerns outlined in UBCIC's hunting discussion paper to the Minister of Forests, Lands, Natural Resource Operations, and Rural Development, the Minister of Indigenous Relations and Reconciliation, and the Attorney General of British Columbia, recognizing that shifting the legal landscape for Indigenous rights requires the collaboration and action of all three respective ministries.

Moved: Chief Keith Crow, Lower Similkameen Indian Band
Seconded: Chief Greg Gabriel, Penticton Indian Band
Disposition: Carried
Date: February 24, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-06

RE: Appointment to Political Steering Committee on Wild Salmon

WHEREAS by UBCIC Resolution 2020-09 the Political Steering Committee on Wild Salmon (Steering Committee) was established;

WHEREAS The purpose of the Steering Committee is to create alignment between relevant organizations and develop a shared political vision and strategic pro-active provincial plan amongst BC First Nations in BC with respect to the protection, rehabilitation and management of wild salmon, wild salmon habitat, and wild salmon fisheries;

WHEREAS the mandate of the Steering Committee, as set out in the Wild Salmon Summit Summary Report (attached) and endorsed through the respective resolutions of the FNLC, the Working Group is directed to:

- a. Develop and identify recommended province-wide priorities
- b. Supported by sustainable and equitable funding sources, build a model of collaborative governance and decision-making that inclusive of Tier 1 relations (First Nations – Intertribal Relations) and Tier 2 relations (Nation-to-nation, government-to-government
- c. Complete an environmental scan and develop a plan to recognize, coordinate, and activate the technical knowledge, Indigenous knowledge, and experiences of Indigenous Fisheries Organizations and Nations
- d. Advocate for the full implementation of Canada's Policy for the Conservation of Wild Pacific Salmon ("Wild Salmon Policy");

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 the UBCIC Chiefs-in-Assembly endorsed the recommendations arising out of the 2018 Wild Salmon Summit via Resolution 2018-40, 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 circulated notice seeking nominations for one (1) political representative to the Political Steering Committee on Wild Salmon to be chosen in accordance with the UBCIC Elections Procedures, and received no applications; and

WHEREAS at the UBCIC Chiefs Council on February 24-25, 2021, the Chair called for nominations from the floor for one (1) political representative to the Political Steering Committee on Wild Salmon for a three-year term beginning February 26, 2021 and ending February 26, 2024.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council appoints Chief Byron Louis, Okanagan Indian Band to the Political Steering Committee on Wild Salmon for a three-year term commencing February 26, 2021, and ending February 16, 2024:

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: Chief Keith Crow, Lower Similkameen Indian Band

Seconded: Chief Donna Aljam, Nicomen Indian Band

Disposition: Carried

Abstentions (1): Chief Byron Louis

Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 24TH-25TH, 2021
VIRTUAL MEETING

Resolution no. 2021-07

RE: Support for Intervention in Judicial Reviews of Federal Decision to Phase out Fish Farms in Discovery Islands

WHEREAS Wild Salmon is integral to many First Nations livelihoods, culture, traditions and spirituality. First Nations continue to protect wild salmon from the threats of today, including climate change and the impacts of open net pen fish farms, in accordance with our ancestral stewardship obligations;

WHEREAS consultations with the Homalco, Klahoose, K'ómoks, Kwiakah, Tla'amin, We wai Kai, and Wei Wai Kum First Nations provided important guidance and heavily informed the December 17, 2020, announcement by Bernadette Jordan, Minister of Fisheries, Oceans and the Canadian Coast Guard, of the decision to phase out existing salmon farms in the Discovery Islands;

WHEREAS Mowi Canada West Inc, Cermaq Canada Ltd, Grieg Seafood BC Ltd, and 622335 BC Ltd have applied for a judicial review in Federal Court, challenging the Minister's decision;

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 20(1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities;

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

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

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

(3) States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

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 decision to phase out salmon farms in the Discovery Islands came from a lengthy review prompted by Cohen Commission recommendations that included the completion of research the Minister was to rely upon to determine whether there is more than a minimal risk of serious harm to health of migrating Fraser River sockeye, and if so, prohibit net-pen salmon farming in the Discovery Islands.

WHEREAS the position of the First Nations involved in the consultation is that the DFO must not renew the aquaculture licenses for the fish farms located in the Discovery Islands, and that renewing those licenses would be contrary to the precautionary principle and a breach of the Minister's duty to preserve Aboriginal rights and prioritize those rights over commercial fisheries.

WHEREAS it is the position of First Nations outside of the Discovery Islands area that open net pen farms in the Discovery Islands area pose serious harm to wild salmon migrating to the Fraser river watershed;

WHEREAS an injunction and overturn of the Minister's decision through a judicial review would continue harm to wild pacific salmon and be contrary to the *United Nations Declaration on the Right of Indigenous Peoples* and severely impact the inherent Title and Rights of First Nations in the Discovery Islands Area and the Fraser watershed; and

WHEREAS the First Nations Fisheries Council (FNFC), First Nations Summit, and UBCIC are seeking to develop a First Nations coalition to intervene in the judicial review.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports participating in a First Nations coalition to intervene in the Discovery Islands decision judicial review; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work in coordination with the First Nations Fisheries Council, BC Assembly of First Nations and First Nations Summit to coordinate the creation of a First Nations coalition to intervene in the Discovery Islands decision judicial review, subject to resources.

Moved: Chief Byron Louis, Okanagan Indian Band

Seconded: Chief Don Svanvik, 'Namgis

Disposition: Carried

Date: February 24, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-08

RE: Call for the Immediate Cancellation of Enbridge Inc. Line 3 Replacement Program

WHEREAS as Indigenous Peoples we continue to exercise our Title, Rights, and Treaty Rights to protect our lands, our waters, and our coasts, and we have the responsibility and jurisdiction to take care of the lands and resources for our future generations, including protecting them against forceful and environmentally destructive activities;

WHEREAS the Line 3 pipeline is an oil sands pipeline owned and operated by the Canadian company Enbridge Inc., and in 2014 Enbridge Inc. proposed, in what would be its largest and most expensive project to date, the construction of a new route for the Line 3 pipeline between Hardisty, Alberta and Superior, Wisconsin which would increase the volume of crude oil the company could transport daily;

WHEREAS Indigenous and environmental groups have voiced their concerns that the construction of Line 3 impacts their Aboriginal and Treaty Rights, increases the impacts to women due to transient workers housed in man camps, and has the potential to contaminate sacred watersheds, effect food security and, and damage sacred sites;

WHEREAS in 2016, First Nation and Tribal Chiefs from Canada and the United States, including members of the UBCIC Chiefs Council, signed a continent-wide Indigenous Treaty — the [Treaty Alliance Against Tar Sands Expansion](#) — that commits to working together to stop all proposed tar sands pipeline, tanker and rail projects in their respective territorial lands and waters;

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(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 29(2): States shall also take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of Indigenous peoples without their free, prior, and informed consent.

Article 32(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;

WHEREAS the UBCIC has been mandated by the Chiefs Council to assert our respective Title and Rights obligations to protect, steward and benefit from the resources on our respective territories through resolutions including No. 2001-05 “Indigenous Peoples Declaration on Water,” 2011-54 “Support for the Save the Fraser Declaration, the Coastal First Nations Tanker Ban, and the Indigenous laws Banning Crude Oil Pipeline and Tanker Shipments through British Columbia,” 2013-48 “Upcoming Meetings with Federal Ministers regarding Resource Development in BC,” 2016-06 “Respect and Recognition of Indigenous Rights in Canada’s Climate Change Planning,” 2017-05 “Protection of Water, Salmon and Health from Diluted Bitumen,” 2018-35 Climate Impacts and Fossil Fuel Company Accountability,” and 2019-04 “Free, Prior and Informed Consent (FPIC)”;

WHEREAS on January 20, 2021 the President of the United States in recognition of the significant climate impacts of the Keystone XL Pipeline, signed an executive order revoking the March 2019 Presidential permit for the Keystone XL Pipeline to construct, connect, operate, and maintain pipeline facilities at the international border of the United States and Canada;

WHEREAS Indigenous peoples on both sides of the border have been defending their lands and waters from pipeline encroachment, unsustainable resource extraction, the devastation of ecosystems, cultural heritage; and

WHEREAS the unclear economic benefits, lack of consent from First Nations, forced removal of First Nations from traditional territory, and increased militarized police presence are endemic of a lack of respect for the self-determination of First Nations in resource projects.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports a just transition from fossil fuels to the utilization of sustainable renewable resources;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council stands in solidarity with those who stand in the defense of their territories and urges the Canadian and US federal government to uphold the principles of Free, Prior and Informed Consent in planning for a just transition to sustainable renewable resources by working to cancel its authorization for the Line 3 replacement;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with First Nations, Tribes and other like-minded organizations to advocate for the cancellation of the Line 3 replacement and for the associated governments and stakeholders to set a precedent for strong action that supports environmental and Indigenous priorities; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC calls for the immediate cancellation of the Enbridge Inc. Line 3 replacement which not only stands to have critical impacts on the Title, Rights, and

Treaty Rights of Indigenous Nations on the pipeline route, but will greatly influence the trajectory of the relationship between First Nations in BC and pipeline development projects.

Moved: Chief Dalton Silver, Sumas Indian Band
Seconded: Chief Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: February 24, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-09

RE: Advancement of First Nations Rights, Values and Principles in Changes to Forest Legislation, Policies and Regulations

WHEREAS in 2018 the Province committed to developing a B.C. First Nations Forest Strategy (Forest Strategy) in collaboration with First Nations to advance reconciliation, modernize the government-to-government relationship, and support the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration); which requires that Indigenous peoples are involved in developing changes to forest legislation policies and regulations that affect their rights;

WHEREAS a draft Forest Strategy and Implementation Plan (2019) was developed collaboratively with the Province to support the implementation of the UN Declaration, informed by direct feedback received from First Nations for over a decade;

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

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

Article 26(1): Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied, or otherwise used or acquired, 2) have a right to own, use, develop and control lands, territories...[and]...;

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;

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

WHEREAS by Resolution 2019-24 the UBCIC Chiefs Council fully supported the draft Forest Strategy and Implementation Plan (2019) that affirms joint decision-making, and an increased role of First Nations in the governance and stewardship of forest lands and resources;

WHEREAS the Forest Strategy and the Implementation Plan outline 6 Goals and concrete steps for action that supports the implementation of the UN Declaration, and advance the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) through changes to forest policy, legislation, and regulations that support shared decision-making, collaborative stewardship, and increasing First Nations' governance and jurisdiction;

WHEREAS the Province has yet to endorse the Forest Strategy or commit to the implementation of the Forest Strategy;

WHEREAS the Forestry Council has technical expertise to lead key areas of work to advance the implementation of the Forest Strategy through ongoing communications and outreach to First Nations to gather input and inform changes to forest legislation, policies and regulations in BC to reflect Indigenous rights, values and principles;

WHEREAS Concrete Action 4 “Legislation, Policy and Practice Review and Reform” of the Commitment Document identifies forestry as an initial subject matter where substantive work is underway, and which can create space for reconciliation and achieving progress. Specifically, the forestry work identified is to “Consider statutes and policy in the forestry sector, taking into account work underway by the Forestry Council and BC and direction that has been provided by First Nations leadership, and evaluate options for reform”;

WHEREAS the Province continues to propose and pass changes to forest legislation, policies and regulations that are focused on provincial objectives and do not reflect Indigenous rights, values and principles outlined in the Forest Strategy, or input the Forestry Council has received from Nations through direct communications and outreach.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls on the Province to endorse the BC First Nations Forest Strategy and commit to the development of a joint BC-First Nations Forestry Council workplan that supports the timely implementation of the Forest Strategy, which will, in part, inform and support the work under Concrete Action 4 of the Commitment Document regarding forestry legislation, policy review and reform;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully supports the role of the Forestry Council to lead key areas of work at the direction of First Nations who are the Title and Rights holders to advance the implementation of the Forest Strategy through ongoing communications and outreach to First Nations to ensure that provincial forest policy and legislation is informed by, and developed in collaboration with, BC First Nations; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the Province to work collaboratively with the BC First Nations Forestry Council, which includes the provision of resources required for the Forestry Council to carry out its role as a technical council to support First Nations Leadership Council and First Nations leadership and communities.

Moved: Chief Dalton Silver, Sumas First Nation
Seconded: Kukpi Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: February 24, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 24TH-25TH, 2021
VIRTUAL MEETING

Resolution no. 2021-10

RE: Call for Canadian Banks to Cease Financing the Climate Crisis and Indigenous Rights Violations

WHEREAS global fossil fuel pollution has contributed to the climate crisis and its range of devastating effects – including rising sea-levels, critical loss of wildlife species, and an increase in flooding, wildfires and other extreme weather events – that disproportionately endanger the lives and cultures of Indigenous peoples who have stewarded a holistic relationship with their lands and waters since time immemorial;

WHEREAS while fossil fuel expansion and emissions continue to rise in the world, the global banking industry persists in financing the fossil fuel industry and loaning trillions of dollars to fossil fuel producers, effectively aiding and abetting the climate breakdown, the exploitation of Indigenous Title and Rights, and the disregard for the mitigation, adaptation, and finance commitments ratified in the Paris Agreement, the international treaty on climate change;

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

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

(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 equal status or of monetary compensation or other appropriate redress.

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

WHEREAS although Canadian banks are climate actors who can positively and substantially lead climate action, international studies report that Canadian banks are financing the fossil fuel industry at a far greater rate than their peers, with Rainforest Action Network’s 2020 report, [Banking on Climate Change](#), not only identifying Canadian banks among the global institutions that have invested \$2.7 trillion into fossil fuels since the Paris Agreement in 2016, but placing RBC, TD, and Scotiabank in the global Top 10 for financing fossil fuels;

WHEREAS since the Paris Agreement, fossil fuel lending has grown at all five major Canadian banks –in 2019 alone RBC, TD, and Scotiabank provided more than \$89 billion to oil and gas companies, while the Bank of Montreal and CIBC solidified their positions as the 16th and 21st top financiers of fossil fuels with total contributions of nearly \$42 billion;

WHEREAS the International Institute for Sustainable Development (IISD) released a [2019 report](#) that concluded that the BC government provided at least \$830 million in subsidies in 2017-18 for the production and consumption of fossil fuels – allowing hundreds of millions of dollars in public cash support the oil and gas industry’s undermining of BC’s climate efforts – and in 2020 IISD [ranked](#) Canada last among countries in the Organization for Economic Co-operation and Development in its attempts to end the public financing of oil and gas;

WHEREAS it is evident that governments and Canadian banks are implicated in a dangerous system that allows the financing of not only the fossil fuel industry, but other damaging industrial practices, including deforestation and the peatland destruction, which have dire implications for Indigenous peoples who must deal with both violations of their Title and Rights and the brunt of environmental fallout;

WHEREAS so long as banks continue to fund and support the fossil fuel industry, Canada’s plans to achieve net-zero emissions by 2050 and achieve emissions lower than the current 2030 reduction target will remain unfeasible, and Canada’s emerging position as usurper of global climate change commitments will be solidified;

WHEREAS by Resolution 2016-06, “Respect and Recognition of Indigenous Rights in Canada’s Climate Change Planning,” the UBCIC Chiefs Council demanded that any climate change plan developed by Canada must stop the further expansion of fossil fuel production and exportation;

WHEREAS by Resolution 2018-35, “Climate Impacts and Fossil Fuel Company Accountability,” the UBCIC Chiefs Council addressed how fossil fuel companies lack any financial incentive to act on the global risks of fossil fuel pollution, and called upon the fossil fuel industry, all levels of government, and others who have benefited from the fossil fuel economy to take responsibility for the harm caused to Indigenous peoples and their territories, and to ensure that addressing climate impacts and should not fall primarily to Indigenous communities; and

WHEREAS a small network of groups in Canada are currently leveraging their grassroots power and leadership in policy to launch a climate finance campaign aimed at exposing Canadian banks and galvanizing public support for these big banks to hold themselves accountable, end their carbon-intensive investments, and move from the fossil fuel industry to renewable energy.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council recognizes the direct and debilitating influence Canadians banks have upon on global carbon emissions as a result of their investments in fossil

fuel companies, and that these banks, through their inaction and lack of accountability, also fuel the endangerment of Indigenous Title and Rights, livelihoods, security, and welfare;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls upon the Canadian banking industry and Canada’s “big five” banks to take accountability for their direct contributions to global emissions and fossil fuel expansion, to immediately take substantive action to phase out fossil fuel financing, and to create resilient, low-carbon economies by funding clean energy and the electrification of vehicles;

THEREFORE BE IT FURTHER RESOLVED UBCIC Chiefs Council urges the federal and provincial governments to get Canada back on track to meet its climate targets, as well as the limits for global warming called for in the Paris Agreement, by fully supporting and incentivizing big banks in Canada to divest from fossil fuels, and by conducting the fossil fuel subsidy reform needed to strengthen the shift to clean energy and low-carbon economies; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with other like-minded organizations in supporting the efforts of a climate finance campaign, ensuring there is continued space for Indigenous people to assert their rights and advance their concerns around fossil fuel financing to the provincial and federal governments, the “big five banks,” and others who benefit from diverting financial resources to polluting forms of energy.

Moved: Kukpi Lee Spahan, Coldwater Indian Band
Seconded: Terry Dorward, Tla-o-qui-aht (Proxy)
Disposition: Carried
Date: February 24, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 24TH-25TH, 2021
VIRTUAL MEETING

Resolution no. 2021-11

RE: Parity in Carbon Tax Application

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

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

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

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

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

WHEREAS In January 2011, the B.C. Government introduced several measures aimed at reducing the burden of carbon tax on certain B.C. property owners and taxpayers (Northern and Rural Homeowner Benefit of up to \$200 for homeowners; Industrial Property Tax Credit of 50% of school property taxes payable by light and major industrial businesses rising to 60% in 2011; and school property taxes for farmlands cut by 50%);

WHEREAS these carbon tax relief measures are currently not available for any taxpayer on reserve lands, even though residents on-reserve pay carbon taxes at the same level as residents located off-reserve. This creates a government-imposed artificial barrier to development on reserve lands. Developers choosing to invest in and partner with First Nations are penalized by the provincial government by not having access to similar grants;

WHEREAS carbon tax relief offers social and economic benefits for those who reside off-reserve and do not benefit the non-members and members that reside on-reserve; and

WHEREAS First Nations should be able to implement a carbon pricing regime on their territories and retain the funds allocated from the regulatory charge.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to lobby the provincial government to engage in meaningful dialogue regarding provincial carbon taxes with First Nations, to support the development of a collaborative task force to work together on resolving the carbon tax regime, and for the provincial government to share those revenues that are taken from Title lands;

THEREFORE BE IT FINALLY RESOLVED that UBCIC supports Tk'emlúps te Secwépemc and other First Nations in implementing a carbon pricing regime and retaining the funds allocated from the regulatory charge.

Moved: Jeanette Jules, Tk'emlúps te Secwépemc (Proxy)

Seconded: Kukpi7 Ron Ignace, Skeetchestn

Disposition: Carried

Date: February 24, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 24TH-25TH, 2021
VIRTUAL MEETING

Resolution no. 2021-12

RE: Support for ʔEsdilagh First Nation and Condemning the Gibraltar Mines Discharge Permit

WHEREAS the T̓silhqot̓in Nation, including the community of ʔEsdilagh First Nation, with the support of the Union of BC Indian Chiefs (UBCIC), the BC Assembly of First Nations and the First Nations Summit, successfully defended their Aboriginal Title, Rights and integrity of the land and waters within parts of the territory through the landmark *T̓silhqot̓in* Supreme Court of Canada decision;

WHEREAS Gibraltar Mines Ltd. operates in the caretaker area of the ʔEsdilagh First Nation, less than half a kilometre from its Indian Reserve #12, and discharges tailings effluent via a pipe from the tailings pond directly to the Fraser River, approximately 4km downstream of ʔEsdilagh First Nation's main Indian Reserves near Alexandria, B.C. and immediately above their traditional fishing sites;

WHEREAS in March 2019, the B.C. Ministry of Environment approved a discharge permit amendment for Gibraltar Mines Ltd. to increase its effluent discharge by 50% into the Fraser River. The location of such discharge is near vital fishing sites and home to numerous species of fish, including the endangered white sturgeon which is protected under the Federal *Species at Risk Act*;

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

Article 27: States shall establish and implement, in conjunction with Indigenous Peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous Peoples' laws, traditions customs and land tenure systems, to recognize and adjudicate the 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 the process.

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

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

(2): States shall consult and cooperate in good faith with indigenous 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 by Resolution 2019-32 “Opposition to Mining in Headwaters,” the UBCIC Chiefs Council fully opposes mining and its associated activities in the headwaters of sacred river systems, near any aquifers, salmon-bearing streams, or river-ways of cultural and environmental significance, and further, 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. Finally by this Resolution, the UBCIC Chiefs Council demanded that the provincial government deny permits for any mines or mining activities in the headwaters of sacred river systems, and near any aquifers, salmon-bearing streams, or river-ways of cultural and environmental significance, that could negatively impact the environment and the rights of Indigenous peoples;

WHEREAS in April 2019, the T̓silhqot’in National Government filed a notice of application to the B.C. Environmental Appeal Board, challenging the three-year discharge permit;

WHEREAS ̓Esdilagh First Nation and the T̓silhqot’in Nation have demanded for many years that any and all mine waste effluent should be fully treated before discharge and that the Fraser River is too critically important to be used as a dumping ground for waste matter;

WHEREAS ̓Esdilagh First Nation and the T̓silhqot’in Nation invite all Indigenous Nations and communities that share the very same waters and depend on the same fish to oppose the flow of untreated effluent to the Fraser River;

WHEREAS the middle-Fraser River white sturgeon population have been assessed as endangered by the Committee on the Status of Endangered Wildlife in Canada (“COSEWIC”) and the B.C. Conservation Data Centre currently (2018) designates White Sturgeon in the upper Fraser River (upstream of Hells Gate) as a Red Listed species, which is defined as “any species or ecosystem that is at risk of being lost (extirpated, endangered or threatened); and

WHEREAS the UBCIC Chiefs Council has consistently shown support for Nations to protect water and assert our respective Title and Rights obligations to protect, steward and benefit from the resources on our respective territories, as evidenced through Resolutions 2001-05 “Indigenous Peoples Declaration on Water”, 2010-32 “Support for the T̓silqot’in Nation and Call for Federal Rejection of the Proposed Prosperity Mine”, 2011-35 “UBCIC Support for the T̓silqot’in Nation and Call for Rejection of the “New Prosperity” Mine”, 2011-54 “Support for the Save the Fraser Declaration, the Coastal First Nations Tanker Ban, and the Indigenous laws Banning Crude Oil Pipeline and Tanker Shipments through British Columbia”, and 2013-48 “Upcoming Meetings with Federal Ministers regarding Resource Development in B.C.”.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the efforts of ̓Esdilagh First Nation to protect the waters that run through their traditional territories, that are of profound cultural value, from the increase in discharge from Gibraltar Mines Ltd. and will stand behind the T̓silhqot’in Nation and

ʔEsdilagh First Nation in defense of these waters regardless of any decision made by the Environmental Appeal Board or B.C. Ministry of Environment;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council condemns the B.C. Ministry of Environment's decision to grant a permit that allows a 50% increase of effluent discharge from Gibraltar Mines' tailings pond when the effluent does not meet B.C. Water Quality Guidelines before it enters the Fraser River;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council advises the provincial government that First Nations across the province are bearing witness and are opposed to the pollution of the Fraser River, and all life that it supports, occurring in part by B.C.'s disregard for the principles of non-degradation and Indigenous stewardship laws which consider water to be sacred; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the T̓silhqot'in Nation and other like-minded First Nations and organizations to publicly communicate the impacts the Gibraltar Mines discharge has on the health of the Fraser River and Indigenous peoples it supports, along with the efforts by the T̓silhqot'in Nation and ʔEsdilagh First Nation to protect this water and food source for future generations.

Moved: Chief Troy Baptiste, ʔEsdilagh First Nation
Seconded: Chief Ralph Leon, Sts'ailes
Disposition: Carried
Date: February 24, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-13

RE: *In Plain Sight* Independent Review of Indigenous-Specific Racism in B.C.'s Health Care System

WHEREAS centuries of colonial rule and marginalization has imperiled the mental and physical integrity and security of Indigenous peoples, and has contributed to and proliferated a surge in cases of anti-Indigenous racism and discrimination in the Province, including media reports of specific racist comments made in emergency departments in B.C. and cases wherein Indigenous patients have been unjustifiably denied access to care;

WHEREAS in June 2020, the B.C. Minister of Health launched an independent review into Indigenous-specific racism in the provincial health care system and appointed former judge Dr. Mary Ellen Turpel-Lafond to lead a team to examine data, undertake key informant interviews, conduct surveys, and document cases brought forward by Indigenous peoples and health care workers;

WHEREAS after significant consultations with nearly 9,000 people, on November 30, 2020, a final report entitled [*In Plain Sight: Addressing Indigenous-specific Racism and Discrimination in BC Health Care*](#) was released that described 11 findings and 24 recommendations affirming the existence and impacts of racism against Indigenous peoples in health care in B.C., and describing necessary pathways for change;

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 B.C., committed to implement, affirms:

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 the *In Plain Sight* report has been broadly accepted and supported by health organizations across the Province, and the BC Ministry of Health accepted the *In Plain Sight* recommendations which call for significant changes in systems, behaviours, and beliefs in order to root out anti-Indigenous racism from the health care system in B.C. and has established an Associate Deputy Minister position and a Task Team to propel this work forward in consultation and collaboration with First Nations and their representative organizations; and

WHEREAS swift action is needed to improve the experience of care for Indigenous peoples in all health care settings, as clearly supported by the evidence and engagement described in the *In Plain Sight* report.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the *In Plain Sight* report and endorses its recommendations to eliminate anti-Indigenous racism from the B.C. health care system;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council urges the provincial government to advance the *In Plain Sight* report recommendations without delay, and with appropriate reporting and accountability mechanisms to ensure the results are transparently reported back to First Nations patients, communities, and Indigenous Governing Bodies;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council urges the federal government to take systemic actions to eliminate racism from Canada's health care system and establish proper recognition and legislation including section 9.1 of the Tripartite Health Framework Agreement, and tools to support First Nations governments to exercise their rights and jurisdiction in health;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council, to provide any necessary support to the implementation of the *In Plain Sight* reports, including integration into the action plan pursuant to the *Declaration on the Rights of Indigenous Peoples Act* and relevant international instruments; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to ensure that regular progress reports on the implementation of the *In Plain Sight* report be provided to the UBCIC Chiefs Council.

Moved: Kukpi7 Wayne Christian, Splat-sin
Seconded: Patrika McEvoy, Old Massett Village Council (Proxy)
Disposition: Carried
Date: February 24, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-14

RE: First Nations Health Governance Structure Renewal

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

WHEREAS the First Nations Health Authority (FNHA) has been mandated to work with B.C. First Nations, government partners and others to improve health outcomes for BC First Nations people;

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

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

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

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 FNHA is mandated by several health agreements (collectively, “the Health Plans”) and direction given by BC First Nations leadership, including the:

1. Transformative Change Accord: First Nations Health Plan (2006)
2. Tripartite First Nations Health Plan (2007)
3. Tripartite Framework Agreement on First Nations Health Governance (2011);

WHEREAS FNHA receives its funding for community health services, health benefits and other activities through the Canada Funding Agreement, a 10-year agreement which expires on March 31, 2023;

WHEREAS In May 2011, through the *Consensus Paper 2011: BC First Nations Perspectives on a New Health Governance Arrangement*, the First Nations of BC established the following 7 directives that set the fundamental standards for the new First Nations health governance structure and process:

1. Community - Driven, Nation based
2. Increased FN decision making and control
3. Improve services
4. Foster meaningful collaboration and partnership
5. Develop human and economic capacity
6. Be without prejudice to FN interests
7. Function at a HIGH operational standard;

WHEREAS in 2019 there was a change in leadership at the FNHA resulting in a shift in how the FNHA operates that has been to the detriment of First Nations communities, particularly when it comes to honouring First Nations sovereignty and governance, the provision of services and the management the COVID pandemic response;

WHEREAS First Nations communities have found an increase in decisions being made by FNHA and health systems organizations without the involvement of, or input from, the communities;

WHEREAS UBCIC has supported and enacted a suite of Resolutions, including Resolutions 2018-20, 2018-31, 2019-52, and 2019-53, that have strengthened the working relationship between FNHA and UBCIC and established clear objectives and challenges for the FNHA to fulfill and address; and

WHEREAS the recent *In Plain Sight* report into anti-Indigenous racism in BC’s health care system described a set of issues in Finding #10 related to the need for the First Nations Health Plans and structures to be renewed and strengthened, and made Recommendation #6 calling for an engagement process with BC First Nations to establish expectations, the concept of legislation, and changes to the First Nations health

governance structure to align with the standards of the UN Declaration and utilize the tools available under the *Declaration on the Rights of Indigenous Peoples Act*.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports a comprehensive engagement and decision-making process among the Chiefs to review the First Nations health governance structure's mandate and performance and alignment with the 7 directives, and make decisions regarding necessary structural changes and potential legislation in light of the *Declaration on the Rights of Indigenous Peoples Act*;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls for this engagement and decision-making process to be immediately initiated, and for a renewed mandate and structure to be agreed upon by First Nations throughout BC including co-developing legislation as described in section 9.1 of the Tripartite Health Framework Agreement prior to renewal of the First Nations Health Authority's (FNHA) Canada Funding Agreement;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls for this engagement and decision-making process to include all First Nations in B.C., and be developed and overseen by an arms-length group from the FNHA, including but not limited to a sub-set of representatives of the First Nations Health Council and the First Nations Leadership Council organizations, and other Chiefs and leaders identified through an open process who will communicate with all First Nations in B.C. in a public and transparent way; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to advance to the FNHA the clear concerns and priorities First Nation communities have regarding their involvement in the planning and delivery of health services to their membership, as well as the concerns Nations have about the disconnect between them and the FNHA that is adversely impacting the delivery and quality of health services in their communities.

Moved: Jeanette Jules, Tk'emlúps te Secwépemc (Proxy)
Seconded: Kukpi7 Ron Ignace, Skeetchestn
Disposition: Carried
Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-15

RE: Inclusive and Transparent COVID-19 Vaccination Rollout

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

WHEREAS the First Nations Health Authority (FNHA) has been mandated to work with BC First Nations, government partners and others to improve health outcomes for BC First Nations people;

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

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

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

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 FNHA is mandated by several health agreements (collectively, “the Health Plans”) and direction given by BC First Nations leadership, including the:

1. Transformative Change Accord: First Nations Health Plan (2006)
2. Tripartite First Nations Health Plan (2007)
3. Tripartite Framework Agreement on First Nations Health Governance (2011);

WHEREAS In May 2011, through the *Consensus Paper 2011: BC First Nations Perspectives on a New Health Governance Arrangement*, the First Nations of BC established the following 7 directives that set the fundamental standards for the new First Nations health governance structure and process:

1. Community - Driven, Nation based
2. Increased FN decision making and control
3. Improve services
4. Foster meaningful collaboration and partnership
5. Develop human and economic capacity
6. Be without prejudice to FN interests
7. Function at a HIGH operational standard;

WHEREAS in 2019 there was a change in leadership at the FNHA resulting in a shift in how the FNHA operates that has been to the detriment of First Nations communities, particularly when it comes to honouring First Nations sovereignty, the provision of services, and the management the COVID pandemic response;

WHEREAS First Nations communities have found an increase in decisions being made by FNHA and health system organizations including Interior Health Authority without the involvement of, or input from, the communities;

WHEREAS some community health services staff have not been privy to COVID test results in their communities, nor involved in contact tracing, and many frontline nurses and health care aids have not been provided with vaccinations, nor received any information on the vaccine rollout;

WHEREAS the lack of communication regarding the vaccination rollout and other COVID-related information has put our membership at unnecessary additional risk during the COVID pandemic, resulting in the endangerment of front-line staff who are forced to treat COVID positive membership without the benefit of a COVID vaccine, as well as an increase in the spread of COVID in First Nations communities due to delays in contact tracing;

WHEREAS UBCIC has supported and enacted a suite of Resolutions, including Resolutions 2018-20, 2018-31, 2019-52, and 2019-53, that have strengthened the working relationship between FNHA and UBCIC and established clear objectives and challenges for the FNHA to fulfill and address; and

WHEREAS the recent *In Plain Sight* report into anti-Indigenous racism in BC's health care system described a set of issues in Finding #4 related to the pandemic response and the lack of proper alignment with the *Declaration on the Rights of Indigenous Peoples Act*, and made Recommendations #3 and #15 to develop and Indigenous Provincial Health Officer and a robust Indigenous pandemic response planning structure that addresses these jurisdictional issues and upholds the standards of the UN Declaration.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, on behalf of First Nations communities that are being left out of the COVID planning and management process, to provide direction to the First Nations Health Authority (FNHA), the Ministry of Health, and Health Authorities on taking the necessary steps to ensure prompt delivery of vaccines for frontline workers that have been left out of the initial vaccination process, Elders, language speakers, and other high-risk parties in our communities;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBICC Executive to request that the FNHA and the provincial health system ensure that the frontline workers, Elders, language speakers, and other high risk parties are immediately provided with information on the vaccine rollouts for their communities and are actively involved in that process; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council urges and directs the FNHA, Ministry of Health, and the Health Authorities to take the immediate and necessary steps to ensure that there are fair and equitable processes developed for COVID management and vaccination for all First Nations throughout the Province, so that no communities are left behind.

Moved: Jeanette Jules, Tk'emlúps te Secwépemc (Proxy)
Seconded: Kukpi7 Ron Ignace, Skeetchestn
Disposition: Carried
Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-16

RE: Support for the Permanent Reinstatement of the \$300-Per-Month COVID-19 Crisis Supplement

WHEREAS the COVID-19 pandemic continues to have far-reaching and disproportionate impacts on vulnerable and marginalized communities in B.C., and Indigenous communities are facing new and intensified barriers to their wellbeing, including those related to healthcare, employment, housing, justice, and gendered violence;

WHEREAS on April 22, 2020 the NDP government issued a temporary \$300-per-month COVID-19 Crisis Supplement to social assistance rates – for a total of \$1,060 a month for a single person and \$1,483 a month for someone with a disability – with the intent of helping approximately 205,000 British Columbians on income and disability assistance and 58,000 low-income seniors;

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 B.C., 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;

(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(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 on December 9, 2020, the NDP government announced that it would cut the \$300 benefit in half for the next three months before its termination in April 2021. While the supplement still leaves social

assistance rates below the poverty line, the supplement has had tangible, critical impacts for many disabled, neurodivergent, and impoverished people who rely upon every dollar to afford basic necessities such as food, medicine, and shelter, as well as additional expenses related to the pandemic, including personal protective equipment, transportation, and internet and cellular connectivity;

WHEREAS many organizations and advocates have rallied around the “[300 to Live](#)” campaign, a movement launched by a coalition of disabled and neurodivergent people to call upon the provincial government to:

1. Maintain the \$300/month increase to income and disability assistance rates;
2. Permanently raise income assistance rates to at least the poverty line, indexed to inflation; and
3. Ensure that increases to income assistance and disability assistance include a clear, earmarked increase to the shelter portion;

WHEREAS an expert panel on basic income struck by the NDP government in 2018 released a [500-page report](#) on January 28, 2021 that contained 65 recommendations to improve the efficacy and benefits of existing social programs, including recommendations to raise disabilities rates by \$500 per month to reach the poverty line, to make the \$300 pandemic top-up permanent, to provide extended health-care benefits to all low-income individuals, and to enhance financial and support services for young adults and youth in care;

WHEREAS prior to the NDP government’s election in 2017, the previous government had frozen basic social assistance rates at \$610/month for nearly a decade, effectively fortifying the barriers confronting disabled and impoverished people, and since 2007 there have been no increases to the \$375-per-month shelter allowance given to people with disabilities to pay for rent and housing – a fact that is particularly alarming given that rental and living costs in B.C. have soared since then, and many single-room occupancy (SRO) hotels in Vancouver charge \$800 for a room;

WHEREAS the current insufficient social assistance rates do not consider the full spectrum of challenges disabled and low-income individuals must confront, including the financial challenges and living restrictions created by COVID-19, and serves to exacerbate other social crises that are harming Indigenous lives, including intergenerational trauma, homelessness, substance abuse, and mental health issues; and

WHEREAS by Resolution 2012-41, the UBCIC Chiefs-in-Assembly called upon Canada to increase funding towards social assistance programs for First Nations Elders, pensioners, and those with disabilities in order to ensure their basic living requirements are met and that comprehensive support is accessible and readily supplied.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council acknowledges that the \$300-per-month COVID-19 crisis supplement has been vital for First Nations and especially Elders on income and disability assistance who are at higher risk of contracting severe COVID-19, and rely on the funds to overcome the added challenges of the pandemic while still fulfilling their basic living requirements;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully supports the “300 to Live” campaign and the calls to action advanced by the coalition of disabled and neurodivergent people to the provincial government, including the call to permanently install the \$300-per-month COVID-19 crisis supplement;

THEREFORE BE IT FURTHER RESOLVED UBCIC Chiefs Council fully supports the B.C. Basic Income Panel’s 65 recommendations that are aimed at revitalizing an outdated and stagnant social assistance framework and ensuring social assistance rates are suitably raised to meet the needs of disabled, neurodivergent, and low-income populations;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council condemns any reductions in social assistance funds and programs that support the most vulnerable populations, and calls upon the provincial government to immediately begin working to address and implement the \$300 to Live Campaign's key directives and the BC Basic Income Panel's 65 recommendations, including prioritizing the permanent installation of the \$300 social assistance supplement; and

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with other like-minded organizations to advance the current issues around social assistance rates, including communicating to Premier John Horgan and the Minister of Social Development and Poverty Reduction the critical need to make the \$300-per-month supplement permanent.

Moved: Chief Byron Louis, Okanagan Indian Band
Seconded: Chief Ralph Leon, Sts'ailes
Disposition: Carried
Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 24TH-25TH, 2021
VIRTUAL MEETING

Resolution no. 2021-17

RE: Decolonizing the Persons with Disabilities Designation (PWD) Application and Appeal Process

WHEREAS applying for disability assistance in BC is a challenging, inequitable, and alienating process for Indigenous applicants who already confront barriers to their health and welfare that stem from centuries of colonization, systemic discrimination, and disenfranchisement;

WHEREAS to be eligible for disability assistance, a person must meet the criteria for the Persons with Disabilities (PWD) designation and be designated as such by the Ministry of Social Development and Poverty Reduction, yet the design of provincial PWD forms and the process of applying for PWD creates an experience for Indigenous applicants that is degrading, emotionally demoralizing, and has frequently led to an applicant losing the life altering supports they otherwise would have qualified for;

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;

(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(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.

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 the current PWD application and appeals process does not adequately support, respect, and respond to the cultural, mental, and physical needs of Indigenous applicants, and instead reinforces cultural divisions and inequities between Indigenous peoples and non-Indigenous peoples;

WHEREAS the PWD application and appeals process strengthens and continues the institutionalized colonial practice of denying and/or minimizing the truths and experiences of survivors/claimants seeking reparations and support for the trauma and harm in their lives that is caused and exacerbated by an ongoing colonial regime;

WHEREAS Kelly Dede-Marshall, advocate, has identified a set of critical recommendations aimed at addressing and rectifying problems in the current PWD process, including:

1. Insert spaces on the form specifically for *traditional ways* that an applicant's disability prevents them from doing (and therefore from healing, strengthening); this will inform and encourage the adjudicator to consider the cost, effort and necessity of harvesting, canning, fishing, hunting, attending and preparing for ceremony, supporting Elders etc., that a person with a disability must rely on for their spiritual, emotional and physical healing.
2. Have shorter, brief written forms and personal face to face interviews to witness truth and establish trust in a respectful manner, and to expedite decisions.
3. To combat the degrading style of the assessment that asks devaluing questions such as "how bad is your life?" and "how many things can't you do?," train the assessor (writer of the form) or the advocate for the applicant to facilitate the process in a way that is culturally appropriate; they can disclose and outline the applicant's knowledge and gather enough information in a kind and respectful (non-probing) way which clearly represents the reality of the applicant's disability and loss of function.
4. The appeal process should be a verbal interview, in which the adjudicator can ask for clarity and active conversation allows succinct details and understanding to render an immediate and informed decision; often the appeals process is a long, written process in which people and Elders, who are already suffering through great pain, are at great emotional risk and must work hard to find a trained advocate to support their appeal.
5. Assessors need to be closely selected and monitored for their quality and capability; they should be paid their provincial fee (\$75.00) when they have submitted an invoice, accounting for quality service, as attested to and signed by the applicant. The current practice allows the assessor to be paid without accountability for their poor quality of assessment service, and lack of follow-up;
6. Applicants should have access to a culturally safe and, where possible, an Indigenous health practitioner or physician who can maintain the cultural integrity of the applicant, support the application process, and ensure Section 2 of the PWD form, the "Physicians Report," is filled out expediently and accurately, free from discrimination of any kind;

WHEREAS by UBCIC Resolution 2000-20, 2012-40, and 2014-12, the UBCIC Chiefs Council brought to attention the challenges that continue to keep Indigenous people with disabilities at a disadvantage, and called for better funding, social assistance, programs, and action from the government to ensure these challenges were resolved and that their basic needs were met; and

WHEREAS the government of British Columbia has committed to developing new accessibility and inclusion legislation that will help create a barrier-free B.C. through the proactive identification, removal and prevention of accessibility barriers, and has committed to introducing this legislation by Spring 2021.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully recognizes that the Persons with Disabilities (PWD) Designation application and appeal process is a grueling, demoralizing, and colonized experience for vulnerable Indigenous applicants that mirrors the experience survivors of colonial violence undergo when their truths and experiences are invalidated and denied by a colonized system;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully supports all the recommendations put forward by Kelly Dede-Marshall, advocate, to reform the PWD application and appeals process so that Indigenous peoples' cultural, mental, and physical needs are adequately respected by and reflected in the applications form and process;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council urges the provincial government, the Ministry of Social Development and Poverty Reduction, and other relevant ministries and agencies to address the critical shortcomings in the PWD application and appeals process, and to take substantive action to implement Kelly Dede-Marshall's recommendations, including ensuring that there is space in the application process to address and advance the traditional and cultural practices that Indigenous applicants depend upon for their spiritual, mental, and physical wellbeing; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with Kelly Dede-Marshall and other like-minded organizations to continue advocating for the decolonization and reform of the PWD application and appeals process, and to advance the recommendations outlined in this resolution to the provincial government for inclusion in the new accessibility legislation, as part of province's commitment to align legislation with the *UN Declaration* as set out in the *Declaration on the Rights of Indigenous Peoples Act*.

Moved: Cora Anthony, Neskonlith Indian Band (Proxy)
Seconded: Chief Harvey McLeod, Upper Nicola Indian Band
Disposition: Carried
Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-18

RE: Support for the FNLC Relationship Protocol with the Canadian Red Cross

WHEREAS emergency management continues to be a priority for First Nations as the impacts of natural disasters, pandemics, climate change and other events continue to exacerbate challenges faced by First Nations communities;

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

Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior, and informed consent of the Indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

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

WHEREAS the UBCIC, the BC Assembly of First Nations, and the First Nations Summit, working together as the First Nations Leadership Council, have developed in collaboration with the Canadian Red Cross a draft Relationship Protocol which aims to create a path forward that respects and recognizes the human rights of Indigenous Peoples; and

WHEREAS the draft Relationship Protocol between the First Nations Leadership Council and the Canadian Red Cross has been developed to establish a process for joint dialogue, action, and cooperation on promoting safe and resilient First Nation communities.

THEREFORE BE IT RESOLVED that UBCIC Chiefs Council directs the UBCIC Executive to sign the attached draft Relationship Protocol between the UBCIC, the BC Assembly of First Nations, and the First Nations Summit, working collectively as the First Nations Leadership Council, and the Canadian Red Cross;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to clearly articulate to the Canadian Red Cross that the Protocol is not a substitute for the Canadian Red Cross to engage directly with Nations regarding on the ground support and is not a delegation of authority in any way;

THEREFORE BE IT FINALLY RESOLVED that 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, and the Canadian Red Cross to provide regular reports to the UBCIC Chiefs Council on the ongoing collaborative objectives and efforts as identified in the attached Relationship Protocol.

Moved: Chief Byron Louis, Okanagan Indian Band
Seconded: Kukpi Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL

Resolution no. 2021-19

RE: Support for Removal of Ongoing Discrimination in the *Indian Act*

WHEREAS Indigenous women are the foundation of our cultures, our communities, and our governments, yet the discrimination against Indigenous women has been used as a colonial tool to destabilize our communities through the inevitable reduction of our membership rolls, the undermining of our ability to maintain and protect the legal status and existence of our present and future citizens, and the threatening of our connection to our land base, our Title and Rights, our cultures, languages, knowledges and our resources;

WHEREAS Indigenous women and their descendants who have now become entitled to Indian registration through amendments to the *Indian Act* continue to face unreasonable delays in becoming registered which constitutes ongoing discrimination and a denial of their rights, including access to essential health services during the COVID-19 pandemic;

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 B.C., committed to implement, affirms:

Article 8: Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture....States shall provide effective mechanisms for prevention of, and redress for...Any form of forced assimilation or integration...

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;

WHEREAS by Resolutions 2010-08, 2012-18, and 2019-11, the UBCIC Chiefs Council has expressed concerns with government-imposed definitions of citizenship and has called upon Canada to immediately end sex-based discrimination in the *Indian Act*;

WHEREAS through their December 2020 Report to Parliament on the implementation of Bill S-3, Canada stated that all remaining sex-based inequities in the registration provisions of the *Indian Act* have been removed; and

WHEREAS despite numerous amendments to the *Indian Act*, Indigenous women who were involuntarily enfranchised pursuant to a husband's application for enfranchisement remain unable to transmit their Indian status to their grandchildren, resulting in ongoing sex-based discrimination against such women and their descendants.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports an immediate course of action to address all remaining sex-based inequities in the *Indian Act*, ensuring all actions and measures are aligned with the *UN Declaration on the Rights of Indigenous Peoples* and enable the inherent rights of First Nations peoples to self-determine their own citizenship processes;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to call on the government of Canada to immediately take steps, including legislative amendments, to address all remaining sex-based inequities in the *Indian Act*, including sex-based discrimination flowing from the involuntary enfranchisement of Indigenous women, and to declare Indian registration as an essential service during the COVID-19 pandemic; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to call on Canada, as per their legal and statutory obligations, to provide First Nations peoples the opportunity to engage with Canada, as full partners, in developing the necessary mechanisms, reparations, and processes by which we can recognize the full rights of all Indigenous women and their descendants.

Moved: Kukpi7 Wayne Christian, Splatsin
Seconded: Chief Donna Aljam, Nicomen Indian Band
Disposition: Carried
Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 24TH-25TH, 2021
VIRTUAL MEETING

Resolution no. 2021-20

RE: Call to Reform Canada's Nominal Roll Policy

WHEREAS First Nations in BC have been working together and with the First Nations Education Steering Committee (FNESC) to advance quality educational opportunities and outcomes for First Nations students, as well as working to ensure discriminatory practices or policies do not negatively impact First Nations students' access to or experience of education;

WHEREAS the nominal roll is defined by Indigenous Services Canada (ISC) as "the registry of all eligible elementary and secondary students who are funded by ISC to attend a First Nations, federal, provincial, or private or independent school," yet there has been great uncertainty and concern from First Nations regarding eligibility requirements and the differing practices used across provinces to determine which students are ordinarily residents on reserve lands, as only those with reserve status can access nominal roll funds;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and which the government of B.C., committed to implement in the *Declaration Act on the Rights of Indigenous Peoples*, affirms:

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

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

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

WHEREAS the current nominal roll registry is discriminatory towards First Nation students who do not live on-reserve and does not take into account the many extenuating circumstances that necessitate students living away from reserve lands;

WHEREAS the current federal nominal roll requirements exclude First Nation students who live off-reserve, even if they have Indian status, and reinforces a discriminatory, colonial framework that supports inequitable educational funding;

WHEREAS by UBCIC Resolution 2009-64, 2011-39, 2014-16, and 2017-14, the UBCIC Chiefs Council continues to support the ongoing efforts of FNEC to advance the educational success of First Nations learners in BC and to work with the provincial government to increase First Nation participation and completion in post-secondary education;

WHEREAS FNEC, Canada and the Province of British Columbia jointly committed in the BC Tripartite Education Agreement (BCTEA) to work toward improvements in education outcomes for all First Nations students in BC regardless of where they live or attend school; and

WHEREAS Canada and the Province have both committed to implement the Truth and Reconciliation Commission *Calls to Action*, which, along with the UN Declaration and BCTEA, form a strong foundation for a comprehensive, culturally appropriate, and accessible BC First Nations education system.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council acknowledges critical issues and concerns around the federal nominal roll registry, as well as the numerous barriers linked to a colonial legacy, that obstruct or hinder access to the funding, resources, and education that First Nations students need to thrive; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to advance the concerns around the nominal roll registry with the government of Canada to seek changes to the nominal roll so that it is more reflective of and responsive to the reality of First Nation students and treats First Nation students equitably.

Moved: Chief Christine Minnabarriet, Cooks Ferry Indian Band
Seconded: Kukpi Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-21

RE: Enhancing Bill C-15 Federal Legislation to Implement the *United Nations Declaration on the Rights of Indigenous Peoples*

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 debate and discussion;

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

WHEREAS the UN Declaration, which Canada has adopted without qualification, and has, along with the Province of British Columbia, committed to implement, affirms, among other things:

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 legislative measures, to achieve the ends of this Declaration;

WHEREAS the Truth and Reconciliation Commission of Canada Calls to Action, accepted by both Canada and the Province of British Columbia, 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; however, Bill C-262 did not make it through the Senate and died on the order paper;

WHEREAS by Resolution 2020-05 the UBCIC Chiefs Council called upon Canada to develop a government Bill which was premised on former Bill C-262 with improvements, and requested the following processes:

1. 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;
2. work in collaboration and partnership with First Nations in BC and First Nations organizations including the UBCIC, FNS and BCAFN, working together as the First Nations Leadership Council, in any co-development process regarding federal legislation to implement the UN Declaration;
3. work in collaboration and partnership with First Nations in BC and the First Nations Leadership Council 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*;

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 enact such legislation;

WHEREAS the federal government tabled Bill C-15 an *Act respecting the United Nations Declaration on the Rights of Indigenous Peoples* in the House of Commons on December 3, 2020;

WHEREAS the UBCIC Executive wrote to the Minister of Justice and Attorney General David Lametti on December 17, 2020 to outline main issues that were identified with Bill C-15;

WHEREAS Bill C-15 contains many areas of concern for First Nations that will need to be addressed and improved to ensure legislation comprehensively and duly implements the *UN Declaration*, including:

1. Clause 2(2) is not consistent with Bill 262 and should return the word “diminish” used in Bill 262 to the clause. The clause, and the Bill must be clear that Canada is repudiating colonialism and not in any form attempting to have the United Nations Declaration subordinated or domesticated to an inferior Canadian standard.
2. The word “racism” must be added in preambular paragraph 8, and in section 6 (2) to be clear that all forms of racism must be eradicated in Canada as well as all violence and discrimination against Indigenous peoples;
3. The removal of the words “a framework” in Section 4(b) of the purposes clause is necessary as recent experience with frameworks imposed on our peoples makes this phrase offensive and inappropriate;

4. The “three” year reference in Section 6(4) should be removed and replaced with a “one” year timeframe for the preparation of the action plan, as this work is urgent and should not be delayed for up to three years from the date of commencement of the Bill; and,
5. The Bill needs to be clear that colonial and moral superiority approaches that are rejected include both the doctrines of discovery and *terra nullius*, and these should be explicitly added to the preambular paragraph 9 or added in another provision;

WHEREAS the Indian Residential School History and Dialogue Centre (IRSHDC) and Mary Ellen Turpel-Lafond released a discussion paper in January 2021, entitled “[A Commentary on the Federal Government’s Legislation to Implement the United Nations Declaration on the Rights of Indigenous Peoples](#),” to provide an overview of Bill C-15 and support informed dialogue about the legislation; and

WHEREAS First Nations in B.C. will continue to assess Bill C-15 through dialogue and legal review to identify improvements for recommendation to strengthen the Bill as much as possible.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council support Bill C-15 advancing through the parliamentary process with further improvements, including the ones outlined in this resolution, that will clarify and strengthen areas of concern to the UBCIC Chiefs Council;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the First Nations Summit and BC Assembly of First Nations as the First Nations Leadership Council, to prepare a submission outlining the areas of the Bill identified by the Chiefs in need of further enhancements, and request to appear before any Standing Committee examining Bill C-15 to advocate for and advance these improvements; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to make any additional submission to the standing committee (written or verbal) on amendments that may benefit the interests identified by the Union of BC Indian Chiefs, that may not be addressed in a First Nations Leadership Council submission.

Moved: Chief Dean Nelson, Lil’wat
Seconded: Kukpi Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 24TH-25TH, 2021
VIRTUAL MEETING

Resolution no. 2021-22

RE: Application of Section 18(2) of the Indian Act for Affordable Indigenous Housing in B.C.

WHEREAS Indigenous peoples in B.C. need safe, equitable and affordable housing both on and off reserve that reflects their values, culture and identity;

WHEREAS Indigenous housing and infrastructure are in a state of crisis as disproportionate rates of homelessness, overcrowding on reserve, and largely undignified and deteriorating existing housing infrastructure endanger Indigenous health, safety and welfare, as well as the economic and political stability for the wider Canadian public as a whole;

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 B.C., 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;

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

Article 23(1): Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 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 since 1972, UBCIC has passed resolutions bringing to attention to the poor quality of on-reserve housing and inadequate funding for First Nation bands, including Resolution 2006-25, 2011-20, 2013-55, 2016-21, 2019-16, and 2020-34 that called upon the Government of Canada and its housing corporations to rectify the critically low levels of federal funding for First Nations housing, recognize and meet the need and demand for on-reserve housing that is surpassing subsidy and housing allocations each year, and to treat the resolution of affordable housing, on and off reserve, with the highest priority on the national agenda;

WHEREAS B.C. Housing is a Crown Corporation for the Province of British Columbia and administers funding for affordable housing projects built on First Nation reserve lands in B.C.;

WHEREAS in 2020, Indigenous communities and Indigenous housing organizations were awarded Provincial funding through the Community Housing Fund to build affordable housing projects;

WHEREAS section 18(2) of the *Indian Act* states “The Minister may authorize the use of lands in a reserve for the purpose of Indian schools, the administration of Indian affairs, Indian burial grounds, Indian health projects or, with the consent of the council of the band, for any other purpose for the general welfare of the band, and may take any lands in a reserve required for those purposes, but where an individual Indian, immediately prior to the taking, was entitled to the possession of those lands, compensation for that use shall be paid to the Indian, in such amount as may be agreed between the Indian and the Minister, or, failing agreement, as may be determined in such manner as the Minister may direct”;

WHEREAS the departments of Indigenous Services Canada (“ISC”) and Canada Mortgage and Housing Corporation (“CMHC”) are currently considering the potential of Canada issuing leases pursuant to section 18(2) and whether these instruments might be mortgageable;

WHEREAS Section 18(2) presents Indigenous groups and government with a win-win opportunity as it would permit Indigenous groups a low-cost, timely and democratic pathway to housing, lands and infrastructure development not currently available to us;

WHEREAS some First Nations Councils have approved the enactment of Section 18(2) for on-reserve housing and infrastructure development, especially because this affordable housing is exclusively for their First Nations members and for furthering the general welfare of the Nation, and these projects are set to go to construction in 2021 and are at risk of being halted if Nations are prevented from enacting Section 18(2) to get a mortgageable interest in land; and

WHEREAS land designations under the *Indian Act*, the treaty settlement process, and land code adoption are all costly, time consuming and risky processes, and there is a material risk of failure inherent in all options.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council support the use of section 18(2) of the *Indian Act* for on-reserve housing and infrastructure development and 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 and call upon Canada to make a favourable final decision on the use of section 18(2) for mortgageable Indigenous affordable housing projects.

Moved: Spokesperson & Councillor, Khelsilem (Dustin Rivers), Squamish Nation
Seconded: Chief Harvey McLeod, Upper Nicola Indian Band
Disposition: Carried
Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-23

RE: Call for the Development of an Indigenous Youth Housing Action Plan

WHEREAS Indigenous youth face significant challenges when aging out of care, including a lack of access to safe, accessible, and affordable housing;

WHEREAS there is an urgent need for the development of a youth housing policy framework, which has been exacerbated by the COVID-19 pandemic;

WHEREAS the emergency measures put in place to pause youth aging out of care by allowing them to remain in their placements is a short-term solution, which does not address the ongoing housing and homelessness crisis faced by youth aging into independence;

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

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

WHEREAS due to lack of available housing, a youth tent encampment was established in the Cowichan Valley as a desperate measure to assist vulnerable youth at risk. This measure does not meet the basic human rights that Indigenous youth are entitled to and deserve; and

WHEREAS there is an urgent need to respond to this crisis and to address the increasing level of Indigenous youth homelessness and youth who are housing insecure. A distinct Indigenous Youth Housing Strategy, that meets the developmental and cultural needs of youth people, is required to respond to this issue;

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls upon the Ministry of Children and Family Development to provide information on the cohort of youth expected to age out of care on March 31, 2022, by July 1, 2021, to the UBCIC Chiefs Council. This information should include the number of youth aging out of care per community and what type of housing intervention is needed to prevent homelessness for each individual young person, to allow for the development of a comprehensive youth housing strategy;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls upon the provincial government and agencies to ensure all Indigenous youth have a housing plan, and comprehensive transition plans that address the needs of youth in a holistic way that is sustainable, safe, and secure prior to aging out of care during COVID-19, including an extension of emergency measures post March 31st 2022 for youth who do not have the appropriate housing or support to thrive, and;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff, working with the BC Assembly of First Nations and First Nations Summit as the First Nations Leadership Council, to work with the BC Coalition to End Youth Homelessness and other likeminded organizations to develop youth housing strategies and an Indigenous Youth Housing Action Plan and to ensure that these strategies and plans incorporate wrap-around services and holistic supports; and

THEREFORE IT BE FINALLY RESOLVED the UBCIC Chiefs Council calls on the UBCIC Executive to report to the UBCIC Chiefs Council on the development of the Indigenous Youth Housing Action Plan.

Moved: Ben Clappis, Huu-ay-aht (Proxy)

Seconded: Jordan Muldoe, Kispiox (Proxy)

Disposition: Carried

Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-24

RE: Property Transfer Tax Exemption for First Nations in British Columbia

WHEREAS the Province of B.C. currently charges First Nations property transfer tax (PTT) on lands to be transferred to First Nations, despite the reality that the land being transferred to First Nations in B.C. by the Province was unceded in the first place;

WHEREAS First Nations are recognized governments that should be exempt from PTT under Section 37(2)(b) of the *Property Transfer Tax Act* just as other government entities like municipalities, regional districts, and school boards are;

WHEREAS First Nations consider the Province's position on First Nations PTT exemption unjust and unfair due to the exempt status of other governments;

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

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

(2): Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

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

(2) States shall consult and cooperate in good faith with indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval

of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources;

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

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 some First Nations are engaged in a consultation process with the Province regarding the impacts of the potential sale of certain provincially owned lands on their respective Title and Rights and have been discussing with the Province the transfer of lands to First Nations owned entities as accommodation for these impacts;

WHEREAS these First Nations entities (such as corporations or limited partnerships) shares or partnership units are typically majority and beneficially owned by the First Nations;

WHEREAS It is the position of First Nations in the Province that First Nation entities, as the instrument of First Nation governments, should be exempt from paying PTT in accordance with the spirit of the Province's *Declaration on the Right of Indigenous Peoples Act* and the honour of the Crown;

WHEREAS lesser forms of government such as municipalities, regional districts, improvement districts, regional hospital districts, library boards and boards of school trustees have been granted PTT exemption pursuant to subsection 37(2)(b) of the *Property Transfer Tax Act*;

WHEREAS the imposition of PTT on First Nations negatively impacts the accommodations offered to First Nations by the Province and, in certain scenarios, the PTT paid to the Province by First Nations entities will completely dissolve the economic accommodation received by First Nations;

WHEREAS the Province takes the position that it will not attempt to resolve the PTT issue with First Nations on an individual basis and will only attempt to resolve the PTT issue on a province-wide basis for the benefit of all First Nations in B.C.;

WHEREAS Indigenous peoples in British Columbia have Indigenous Governing Bodies which should be granted exemptions to PTT similar to other government entities; and

WHEREAS, in November 2019, the Province passed the *Declaration on the Rights of Indigenous Peoples Act* ("Declaration Act") which requires that "In consultation and cooperation with the Indigenous peoples in British Columbia, the government must take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration."

THEREFORE BE IT RESOLVED that UBCIC Chiefs Council supports amendments to the *Property Transfer Tax Act* and/or its regulations to include an exemption for First Nations and First Nation Entities be made immediately;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the UBCIC Executive, working with the BC Assembly of First Nations and First Nations Summit as the First Nations Leadership Council, to support First Nations in direct negotiations with the Province of British Columbia on this issue; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BC Assembly of First Nations and the First Nations Summit as the First Nations

Leadership Council, to immediately advocate for property transfer tax (PTT) exemptions for First Nations and First Nations Entities in BC, and lobby the Province to amend the *Property Transfer Tax Act* to include an exemption for First Nation governments and entities based on the UN Declaration and principles of reconciliation, as part of the alignment of laws that the Province must do to be compliant with the *Declaration Act*.

Moved: Spokesperson & Councillor Khelsilem (Dustin Rivers), Squamish Nation

Seconded: Kukpi7 Willie Sellars, Williams Lake First Nation

Disposition: Carried

1 Abstention: Chief Byron Louis, Okanagan Indian Band

Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-25

RE: Rejection of Métis Assertion of Rights Outlined in the Métis Nation British Columbia Report: *A Tale of Two Nations: Highlighting the Inequities of the Treatment of the Métis in BC*

WHEREAS in October 2020, the Métis Nation British Columbia (MNBC) released a report entitled, *A Tale of Two Nations: Highlighting the Inequalities of the Treatment of the Métis in BC* (the “Report”);

WHEREAS the Report sets out MNBC’s position, amongst other matters, that Métis people in B.C. have a credible claim to Aboriginal rights within B.C. as a “Nation” and that they are entitled to increased recognition, equity with First Nations governments and economic engagement. The Report makes the following general claims:

1. The B.C. government should recognize and accommodate Métis Aboriginal rights in the province, including harvesting rights and other rights relating to territory, without the consent of First Nations governments.
2. MNBC is an “Indigenous governing body” (“IGB”) under the *Declaration on the Rights of Indigenous Peoples Act* (“DRIPA”) and should have been part of discussions and negotiations around the drafting and implementation of DRIPA.
3. The continued failure of B.C. to recognize Métis rights in British Columbia breaches DRIPA.
4. Funding opportunities for Métis people are inadequate and should be equitable in all areas to funding provided to 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 B.C., committed to implement, affirms:

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

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

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

(3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned;

WHEREAS First Nations in B.C. are proper title and rights holders and have inherent rights and title, inherent laws and legal systems and jurisdictions which we have exercised prior to contact and which continue to exist. There is no legal foundation for MNBC's claim that Métis peoples have site-specific Aboriginal rights as required to meet the test in *R. v. Powley* and the courts have confirmed that there is no evidence within B.C. of a historic or contemporary Métis community;

WHEREAS the Métis are an "Indigenous peoples" under the *UN Declaration on the Rights of Indigenous Peoples*, but DRIPA appropriately adopts a distinctions based approach in acknowledgement that not all Indigenous peoples have the same rights. Section 1 (2) of DRIPA reads: "For the purposes of implementing this Act, the government must consider the diversity of the Indigenous peoples in British Columbia, particularly the distinct languages, cultures, customs, practices, rights, legal traditions, institutions, governance structures, relationships to territories and knowledge systems of the Indigenous peoples in British Columbia."

WHEREAS The federal and provincial governments have adopted principles respecting their relationships with Indigenous peoples, which also include the principle of a distinctions-based approach to ensure that the unique rights, interests and circumstances of First Nations, Métis and Inuit are acknowledged, affirmed and implemented;

WHEREAS MNBC is a contemporary charitable organization and not a Nation or people in British Columbia with distinct territories, traditions and legal systems at the time of contact with Crown representatives and colonial explorers. Furthermore, those who are Métis within the meaning of section 35 have a familial connection to historic Manitoba Métis settlements. Therefore, Métis cannot be considered to be a people with connection to the territories within British Columbia, and the MNBC does not meet the definition of an Indigenous Governing Body authorized within *DRIPA* to act on the behalf of an Indigenous peoples that hold recognized and affirmed section 35 rights that can be exercised in B.C.; and

WHEREAS First Nations are committed to working alongside Métis people on issues of shared concern, such as improvement of social, health, and economic outcomes, and elimination of racism and discrimination. These collaborations must be founded on the recognition of the different histories of First Nations and Métis people in what is now British Columbia and be grounded in appropriate data and evidence.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council rejects as factually and legally inaccurate the claims advanced in the Métis Nation British Columbia report, *A Tale of Two Nations: Highlighting the Inequalities of the Treatment of the Métis in BC* which attempts to assert the existence of Métis Aboriginal rights in B.C., and claims that the Métis Nation British Columbia (MNBC) holds Indigenous Governing Body status in British Columbia under the *Declaration on the Rights of Indigenous Peoples Act (DRIPA)*;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council call upon and fully expects the Province of British Columbia to apply a principled and accurate assessment of these claims made by the MNBC, and to uphold the distinctions based requirements of DRIPA, section 35 jurisprudence and the *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples*, in order to prevent unfounded assertions of Métis rights that would infringe or interfere with the original, inherent Indigenous title and rights holders in B.C.;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council continues to invite collaboration with Indigenous organizations, including the MNBC, on matters such as anti-racism and social and health improvement initiatives, where this collaboration is properly grounded in historic reality and available evidence, and respect for First Nation Title and Rights holders in British Columbia.

Moved: Chief Byron Louis, Okanagan Indian Band
Seconded: George Lampreau, Simpcw First Nation (Proxy)
Disposition: Carried
Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-26

RE: Development of a First Nations Cannabis Strategy

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

WHEREAS despite the impact that cannabis legislation will have on First Nations governments and communities and despite First Nations expressing an interest in advancing their economic development, self-determination, and capacity building through the cannabis industry, federal and provincial legislation was passed with only limited engagement with Indigenous peoples;

WHEREAS First Nations have an expressed interest in law-making and regulation, economic development, taxation, revenues, health, safety, and education, among other matters, as they relate to cannabis, and which are tied to inherent jurisdiction;

WHEREAS First Nations have the inherent right to govern all aspects of cannabis in their territories, including but not limited to, law-making, regulation, and enforcement regarding the cultivation, processing, distribution, inter-nation trade, sale, and possession and use of cannabis and all its derivatives;

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 B.C., committed to implement, affirms:

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

Article 20(1): Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

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

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

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

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

WHEREAS by Resolution 2018-12 “Engagement with the BC Cannabis Legalization and Regulation Secretariat” and Resolution 2019-37 “BC First Nations Cannabis Framework Action Plan” the UBCIC Chiefs Council called on the provincial and federal governments to recognize First Nations jurisdiction over recreational and medicinal cannabis, including jurisdiction related to taxation, and revenue sharing, and enable First Nation participation in decision-making matters related to cannabis legislation and regulation;

WHEREAS UBCIC participates on the BC-FNLC Joint Working Group on the Legalization and Regulation of Non-Medical Cannabis in B.C. (JWG), the joint working group established by the member organizations of the First Nations Leadership Council (FNLC) that seeks to provide an ongoing forum for engagement on the regulation of non-medical cannabis in B.C. and to advance Indigenous priorities and concerns relating to cannabis legalization;

WHEREAS the COVID-19 pandemic has had negative impacts on peoples’ livelihoods and local economies and increased the need for economic diversification, making it evident that the cannabis sector provides a significant and critical opportunity for the economic revitalization and inclusion of First Nations in the B.C. economy;

WHEREAS a number of First Nations communities in B.C. are developing their own approaches to cannabis legalization and economic development, with some Indigenous peoples and communities seeking to enter into the provincially or federally regulated market; however, a number of significant barriers have made it difficult for First Nations to participate in cannabis-related economic development;

WHEREAS failure to recognize the inherent rights of First Nations in relation to cannabis by the provincial and federal governments directly contributes toward issues of community safety associated with the grey market; inhibits socio-economic development; and obstructs the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*;

WHEREAS a coordinated and strategic approach to the implementation of First Nations’ rights and interests with respect to cannabis in B.C. would strengthen First Nations advocacy in this area and contribute toward the achievement of mutual objectives; and

WHEREAS the province of British Columbia has announced the development of a number of cannabis initiatives, including:

- The Indigenous Shelf Space Program, which will highlight cannabis products from B.C. Indigenous cannabis producers, therefore providing an opportunity for increased exposure of Indigenous cannabis products and economic opportunity;

- A farm-gate sales program that will give B.C. cannabis growers the ability to sell their products from “farm-gate” stores located at their production site;
- Direct delivery, wherein government will give Health Canada-licensed small-scale producers, including nurseries, the option of delivering cannabis directly to licensed retailers.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with First Nations Leadership Council representatives on the Joint Working Group (JWG) to advance the priorities of First Nations in the sphere of cannabis through the development and implementation of a B.C. First Nations Cannabis Strategy;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with First Nations Leadership Council representatives on the JWG to develop the B.C. First Nations Cannabis Strategy through engagement with B.C. First Nations including Chiefs and leadership, relevant First Nations organizations, and those directly involved in governance and cannabis-related businesses and economic development; and that the appropriate collaboration and support be secured from the provincial and federal governments;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive working with FNLC representatives on the JWG to continue to advance First Nations rights and interests with respect to the development of the Indigenous Shelf Space Program, farm-gate sales, direct delivery, and other economic development opportunities as they arise;

THEREFORE IT BE FINALLY RESOLVED the UBCIC Chiefs Council calls on the UBCIC Executive to report to the UBCIC Chiefs Council on the B.C. First Nations Cannabis Strategy at the 2021 Annual General Assembly.

Moved: Chief Byron Louis, Okanagan Indian Band
Seconded: George Lampreau, Simpcw First Nation (Proxy)
Disposition: Carried
Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24TH-25TH, 2021 VIRTUAL MEETING

Resolution no. 2021-27

RE: Improvements to CRAB Park to Address Environmental and Indigenous Concerns

WHEREAS Musqueam, Squamish, and Tsleil-Waututh are the Title holders and Host Nations for the land that the City of Vancouver exists in;

WHEREAS CRAB Park, on unceded Musqueam, Squamish and Tsleil-Waututh territory, is a sacred site of great spiritual and cultural significance for Indigenous peoples that serves as a safe haven for those who are disproportionately impacted by homelessness and impoverishment, which is linked to the legacy of colonization, and is a site in which to grieve, process trauma, and remember the lives of murdered and missing Indigenous women and girls from the Downtown Eastside that are commemorated by the Downtown Eastside Missing Women Memorial Stone in the park;

WHEREAS in July 2019, the Vancouver Port Authority (VFPA) announced that \$1 million would be going toward improvements to CRAB Park in order to offset the impacts of the Centerm Expansion Project, a \$454 million project to expand the Centerm container terminal, and the subsequent opportunity to improve CRAB Park represents an opportunity to address numerous and intersecting concerns and issues, including ecological and environmental considerations, the health of aquaculture, the right of Indigenous people to the conservation and protection of the environment, the right to safe and secure housing, and reconciliation;

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

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

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

WHEREAS despite vocal opposition from First Nations leaders, Nations, and peoples to the construction of the pipeline, as well as their commitment to reconciliation, Canada is continuing the construction of the Trans Mountain Expansion (TMX) project which would drastically increase the oil barge tankers in the Burrard Inlet and subsequently increase the risk of oil spills and ecological devastation;

WHEREAS the containers and tankers present in Lot 5 of CRAB Park present ecological risks, including the risk of an oil spill that could devastate the freshwater marsh at CRAB Park that is one of the few freshwater sources for birds on the south side of the Burrard Inlet, as well as endanger the health of people in the community;

WHEREAS parks such as CRAB Park are crucial for homeless populations, particularly as the current COVID-19 pandemic has exacerbated housing and employment challenges; however, the June 16th 2020 raid at Namegan /CRAB Park Tent City in which the police forcibly displaced and removed homeless people from their shelters and arrested 46 people, is a continuation of the Province and the City of Vancouver prioritizing corporate interests and colonial property over the lives and safety of unhoused community members, which is especially damaging in the face of the dual health crisis peoples in the DTES are disproportionately at risk of – the COVID-19 pandemic and the opioid crisis;

WHEREAS the need for an Indigenous healing lodge has been brought forward by a number of groups and peoples, including the CRAB Water for Life Society, the Western Aboriginal Harm Reduction Society founders in 2000, and Indigenous members of the city's Local Area Planning Committee;

WHEREAS Vancouver Park Board commissioners unanimously approved a motion from John Irwin that will ask the Vancouver Fraser Port Authority to invest in CRAB park in light of the impending expansion of the neighboring Centerm container terminal, which would include establishing a healing centre and improving access, especially for people with mobility issues; and

WHEREAS the Vancouver City Council approved recommendations for staff to continue to work with community, health sector, foundation and government partners to plan for the development and operation of an Indigenous Healing and Wellness Centre in the Downtown Eastside.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with local Host Nations, likeminded organizations and peoples to coordinate and advance improvements to CRAB park that align with Indigenous concerns and priorities and address pressing environmental concerns;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to call upon the City of Vancouver, the Vancouver Park Board and the Vancouver Fraser Port Authority to work with local Host Nations and Indigenous organizations to establish an Indigenous healing lodge at CRAB park; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls upon the Vancouver Port Authority to immediately remove the containers and tankers in Lot 5.

Moved: Cora Anthony, Neskonalith Indian Band (Proxy)

Seconded: Chief Don Tom, Tsartlip First Nation

Disposition: Carried

1 Abstention: Spokesperson & Councillor Khelsilem (Dustin Rivers), Squamish Nation

Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 24TH-25TH, 2021
VIRTUAL MEETING

Resolution no. 2021-28

RE: Support for FNEC to Develop a BC-Specific Model for Capital Funding for First Nation Schools and Teacherages

WHEREAS for many years UBCIC and First Nations in B.C. have been working with the First Nations Education Steering Committee (FNEC) to advance quality educational opportunities and outcomes for First Nations students, including ensuring there is proper funding to improve and secure their access to and experience of education;

WHEREAS in May 2019, the First Nations Education Steering Committee (FNEC), the Government of BC, and the Government of Canada formally signed the *BC Tripartite Education Agreement* (BCTEA), committing the parties to work together to make systemic shifts to support improved educational outcomes for First Nations students regardless of where they live or attend school, and to contribute to reconciliation in education for First Nations across B.C.;

WHEREAS although BCTEA includes annual funding for school operations, including the provision of education, transportation, and routine operations and maintenance (O & M), it does not include funding for capital infrastructure projects such as new buildings and/or additions, major repairs and renovations, or teacherages;

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 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.

(2): Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

(3): States shall, in conjunction with Indigenous peoples, take effective measures, in order for Indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

WHEREAS the quality of education facilities has important and direct impacts on students' education outcomes, yet First Nations' school facilities have consistently not been adequately funded. A number of studies show that the Government of Canada's approach to funding school infrastructure on-reserve is flawed and, as a result, First Nations in BC often are not able to undertake the necessary capital projects for their children, adult learners and communities. For example:

- i. The 2009 Parliamentary Budget Office (PBO) study, *Funding Requirement for First Nations Schools in Canada*, found that ISC's (then INAC) plans for capital expenditures were under-funded by about \$169 million using the PBO's best case scenario.
- ii. The 2013 Parliamentary Budget Office study, *First Nations School Infrastructure Funding Requirements: British Columbia*, found that the base federal funding for First Nations school infrastructure in BC was \$26 million, yet approximately \$39 million was required to sustain the existing footprint of schools that year. The PBO further estimated that the funding requirement for BC First Nations schools could reach \$47 million by 2028-2029.
- iii. The recently concluded Assembly of First Nations (AFN) study, *First Nations Education Infrastructure Capital Needs Assessment Final Report*, estimates the immediate capital requirements for First Nations schools in Canada to be approximately \$1.5 billion, growing to \$5.07 billion over the next 15 years. This estimate includes costs for additions, new construction, and planning and design costs (excluding the costs of teacherages).
- iv. A 2016 review by ISC, *School Space Accommodation Standards*, found that First Nations schools offer less space per student than provincial schools;

WHEREAS the 94 Calls to Action from the Truth and Reconciliation Commission include:

Action 7: 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.

Action 8: We call upon the federal government to eliminate the discrepancy in federal education funding for First Nations children being educated on reserves and those First Nations children being educated off reserves;

WHEREAS BCTEA will expire on June 30, 2023 and FNEC has consistently indicated the need to advance negotiations for a new capital funding model as part of BCTEA renewal. In preparation, FNEC is committed to exploring an approach that is data-informed and provincially comparable (among all provinces and territories), with specific adaptations to reflect First Nations' needs, and which will:

- i. provide a business case for a separate funding envelope for education capital (schools, seismic upgrades and teacherages) and O&M;
- ii. propose a new flexible funding model with adaptations informed by provincial and territorial models, recognizing the unique circumstances of First Nation schools (e.g. half of First Nations schools in B.C. have fewer than 50 students); and
- iii. propose funding levels for all aspects of the model and adaptations, including the cost of bringing current facilities up to the new standard and the costs of serving currently under-served communities;

WHEREAS to guide this work, FNEC is working with the First Nations Schools Association and has also established an Advisory Committee that includes First Nation representatives and individuals with specific expertise in school capital issues;

WHEREAS FNEC is seeking access to relevant data from Indigenous Services Canada (ISC) to inform the business case, but with no success to date; and

WHEREAS by UBCIC Resolution 2009-64, 2011-39, 2014-16, and 2017-14, the UBCIC Chiefs Council continues to support the ongoing efforts of FNEC to advance the educational success of First Nations learners in B.C. and to work with the provincial government to increase First Nation participation and completion in post-secondary education.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the efforts of the First Nations Education Steering Committee (FNEC) and its Advisory Committee to develop a proposal for a B.C.-specific funding model for First Nation school capital that will support reconciliation in education and the provincial government's commitments under the *Declaration on the Rights of Indigenous Peoples Act*; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with FNEC, its Advisory Committee, and other likeminded organizations to advance the proposal to Indigenous Services Canada (ISC) and to call upon ISC to provide relevant data to FNEC to support the development of this proposal.

Moved: Chief Don Svanvik, 'Namgis
Seconded: Cora Anthony, Neskonlith Indian Band (Proxy)
Disposition: Carried
Date: February 25, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
FEBRUARY 24TH-25TH, 2021
VIRTUAL MEETING

Urgent Resolution no. 2021-29

RE: Ensuring B.C.'s COVID-19 Immunization Plan is Equitable and Accessible to all First Nations

WHEREAS due to a number of intersecting equity factors, B.C. First Nations are disproportionately affected by COVID-19, attack rates and mortality rates in B.C. First Nations are higher compared to the overall Canadian population, and the risk of severe COVID-19 is higher in First Nations living off reserve compared to those living on reserve;

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

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 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 the Government of B.C. is leading B.C.'s COVID-19 response and directing the strategic and operational implementation of the B.C. COVID-19 Immunization Plan, and such planning and implementation must be informed by B.C.'s lawful duties and obligations to B.C. First Nations, the commitment to reconciliation, the fulfilment of the promises set out in the *United Nations Declaration on the Rights of Indigenous Peoples* and the *Declaration on the Rights of Indigenous Peoples Act*, and B.C.'s commitment to address Indigenous-specific racism in the health system;

WHEREAS the Government of B.C. recently endorsed a change to its Phase 2 COVID-19 vaccination approach which now sets out that vaccines will only be made available to individuals 65+ and Elders, as well as home care patients and workers living in community, and this approach is inequitable, contrary to the promise of reconciliation, and inconsistent with the guidance from the National Advisory Committee on Immunization (NACI);

WHEREAS there are urgent concerns that the current vaccination approach does not consider how First Nation communities in urban and suburban settings differ from rural communities in their operation, including how discrimination may arise between their off-reserve and on-reserve populations trying to access the vaccine program, and there is consequently the need to ensure the vaccine program is informed by the complexities and differences around First Nation systems of governance and jurisdiction, and provides all Nations with equitable access to culturally safe vaccination sites, supports, and resources;

WHEREAS BC First Nations leadership and health leads have opposed COVID-19 related discrimination and advocated for a true representation and implementation of a whole-of-community approach to immunizing the adult population living in or from First Nations communities throughout British Columbia; and

WHEREAS by UBCIC Resolution 2020-17 “Addressing Priority Concerns and Needs of BC First Nations Around COVID-19” the UBCIC Chiefs Council identified First Nations priority concerns and recommendations around the pandemic– including those related to community isolation and territorial jurisdiction, access to PPE and medical supplies, and accessing economic benefits – and called for the provincial government to implement a more coordinated and comprehensive approach to aiding First Nations that is focused on improved government communications, respecting Aboriginal Title and Rights, and addressing racial discrimination.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports First Nation communities in B.C. in exercising their self-determination and jurisdiction over the health of their own members, regardless of residency on or off reserve, including full partnership with the FNHA and regional health authorities in determining how COVID-19 vaccines are rolled out to their members;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to collaborate with the First Nations Health Council and like-minded organizations to call upon the Government of B.C. to ensure the B.C. COVID-19 Immunization Plan prioritizes B.C. First Nations as a high-risk and vulnerable population and to take all efforts necessary to increase B.C. First Nations access to immunizations services in ways that reduce health inequities, and to actively engage B.C. First Nations in the immunization planning;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council urges the Government of B.C., the Ministry of Health, Provincial Health Officer, and the Health Authorities to take urgent and immediate steps to ensure the B.C. COVID-19 Immunization plan addresses health inequities without further stigmatization or discrimination to B.C. First Nations and, in consultation and cooperation with B.C. First Nations, take urgent and immediate steps to reconsider the recent change to its vaccination approach and return to a fulsome whole-of-community vaccination process, while also ensuring vaccine clinics are culturally safe and reflect B.C. First Nations rights to self-determination and self-government;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to support B.C. First Nations in advancing these recommendations for action, including ensuring the Province, with the appropriate funds and capacity, implements a whole-of-community approach to make vaccines available to members who live on-reserve and off-reserve, in both rural and urban settings, and supports the delivery of culturally safe COVID-19 immunizations for all Indigenous adults, 18 and older, living in or from B.C. First Nations communities.

Moved: Chief Don Tom, Tsartlip First Nation
Seconded: Spokesperson & Councillor, Khelsilem (Dustin Rivers), Squamish Nation
Disposition: Carried
Date: February 25, 2021