

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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Final Resolutions of UBCIC Chiefs Council June 30, 2021

- 2021-29 Demanding Justice and Accountability for the Missing and Unidentified Children of Residential Schools
- 2021-30 Full Involvement of First Nations in All Aspects of Specific Claims Policy Development
- 2021-31 Sexual Assault Nursing Examiner (SANE) Training for Indigenous Nurses
- 2021-32 UBCIC Appointment to BC First Nations Justice Council
- 2021-33 Support for UBCIC Intervention in Maxwell Johnson's Human Rights Complaint
- 2021-34 Implementation of the *Declaration on the Rights of Indigenous Peoples Act*-Action Plan and Alignment of Laws
- 2021-35 Supporting Anti-Racism Legislation and Framework
- 2021-36 BC Poverty Reduction and First Nations Self-Determination
- 2021-37 Meaningful Involvement of First Nations in the Restructuring of BC's Natural Resource Sector
- 2021-38 Support for the Protect Our Elder Trees Declaration
- 2021-39 Governance and Stewardship Responsibilities in Nuu-chah-nulth Territories
- 2021-40 Appointment to BC First Nations Forestry Council
- 2021-41 Support-in-Principle for the Relationship Protocol between the BC Ministry of Energy Mines and Low Carbon Initiatives and the First Nations Leadership Council
- 2021-42 BC Hydro Phase 3 Interest Paper – First Nations Response to BC Ministry of Energy Mines and Low Carbon Innovation

- 2021-43 Support for the Advancement of First Nations Water Rights
- 2021-44 Support for Development of a BC First Nations Regional Action Plan for Disaster Risk Reduction
- 2021-45 Call for Independent Investigation and Report into Indigenous-Specific Racism and Discrimination in Provincial Public Education System
- 2021-46 Call for the Parole Board of Canada to Uphold the Rights of Indigenous Victims and their Families
- 2021-47 Support for the NRT's Proposal for a BC Indigenous Clean Energy Legacy Fund

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 30TH, 2021
VIRTUAL MEETING

Resolution no. 2021-29

RE: Demanding Justice and Accountability for the Missing and Unidentified Children of Residential Schools

WHEREAS on May 27, 2021, information became public about the Tk'emlúps te Secwépemc efforts to learn the truth about the missing children who attended the former Kamloops Indian Residential School which has been a matter of concern for generations and a matter raised by the survivors who shared statements with the Truth and Reconciliation Commission and Canada;

WHEREAS the Kamloops school – which operated until 1978 and was run by the Catholic church from 1890 to 1969 before the federal government took it over – was one of the largest residential schools in the country with more than 500 students at its peak, and a place where massive human rights violations against Indigenous children and peoples were experienced, including but not limited to cultural, physical and sexual abuse in the state-sanctioned program to assimilate First Nations, including to condition us to succumb to the Catholic faith and renounce our spirituality and traditions;

WHEREAS the Tk'emlúps te Secwépemc is carrying the burden of being the first of our beloved and respected Nations where unmarked burials of children at a former residential school site have come to public attention, bringing national and international attention. The Chiefs across Turtle Island have unwavering respect for the Tk'emlúps te Secwépemc, their people, and all of the families and Nations from whom the children were forcibly removed and compelled to attend the school under threat of arrest and imprisonment;

WHEREAS the Chief of the Cowessess First Nation in Saskatchewan has announced that the First Nation's own investigation at a suspected grave site near the Marieval Residential School in Southern Saskatchewan has located 715 burials, and it is expected that further issues surrounding mass burials and missing children will be revealed in the years ahead;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the governments of Canada and British Columbia have adopted without qualification and passed into federal and provincial law, affirms the fundamental human rights of Indigenous peoples to practice and revitalize our cultural traditions and customs, including the right to maintain, protect and develop the past, present and future manifestations of our culture, such as historical sites, and the right to privacy in our religious and cultural sites, as well as the right to the repatriation of the human remains of our people;

WHEREAS there is information and evidence regarding the loss of life of children at Indian Residential Schools, disappearances, and instances where there was a failure to document or protect the deceased children, who were deprived of their identity, culture and values raising evidence of mass human rights violations of national and international concern, and this must be gathered, protected and made known to Canada and the world within an appropriate context that does not minimize or deny the magnitude of the wrongs committed;

WHEREAS the confirmation of this mass unmarked burial site points to state-sanctioned genocide, human rights and humanitarian law violations, and fits within a pattern of violence inflicted upon Indigenous peoples by Imperial governments, colonial governments, the government of Canada, and the churches through the Residential School system and other colonial laws and policies;

WHEREAS the Crown's racist, colonial attitude towards Indigenous peoples, which persists today, is evidenced in the June 2008 apology issued by former Prime Minister Harper in the House of Commons to survivors of Indian Residential Schools across Canada (the "Apology"). The Apology acknowledged that the objective of the Residential school system was to remove and isolate children from the influence of their homes, families, traditions and cultures, and to assimilate them into the dominant settler culture. However, the government of Canada has refused to fully document and investigate the concerns of survivors and has not acknowledged or recognized the full genocide inflicted upon Indigenous peoples through the Residential School system;

WHEREAS the Roman Catholic Church has repeatedly refused to accept responsibility or formally apologize for its direct role in the numerous and horrific abuses, forced assimilation and genocide, committed against Indigenous children through the Residential School system, despite having operated over 70% of all Indian Residential Schools in Canada, and sought to reduce their obligation to contribute funds to reconciliation purposes, and in 2016 Canada permitted the Catholic entities to escape their requirement to raise at least \$25 million as part of the class action settlement, leaving only 4 million that they raised for these purposes, excusing the \$21 million obligation that was unfulfilled;

WHEREAS all of the churches have sought to minimize their role and withhold their records pertaining to the Indian Residential Schools, in an attempt to reduce their financial liability and skirt fulsome engagement with First Nations through impactful investments in reconciliation initiatives;

WHEREAS the international and humanitarian laws applicable to Canada at the time of the residential school system, including the laws applicable to war time conduct, prohibited unmarked or undocumented graves and burials, and required respect for the basic rights of people to proper identity in burial, ceremony and last rites, and involvement and participation of next-of-kin;

WHEREAS by UBCIC resolutions 2003-14, 2008-04, 2010-34, 2013-16, 2013-42, 2016-45 the UBCIC Chiefs Council has cited the numerous horrors of Residential Schools and the need for comprehensive healing supports for survivors, families and communities, and by UBCIC resolution 2015-28, the UBCIC Chiefs Council called upon the government of Canada to take immediate steps to develop a legal framework

and take immediate steps to fully implement all recommendations of the Truth and Reconciliation Commission of Canada;

WHEREAS the Truth and Reconciliation Commission of Canada dedicated a specific volume to the missing children and unmarked graves of Indigenous children who did not return from Canada's Residential Schools, and issued several Calls to Action (71-76) to the Federal Government and the churches to identify the locations of these unmarked graves and to identify the missing children. These Calls to Action have not been honoured by Canada, even after 6 years since the final report of the Commission, nor have there been any proper legal frameworks put into place to address the human rights of Indigenous peoples or authorities established which are required to conduct proper investigations including identification and guardianship of sites where human remains are located near residential schools; and

WHEREAS protecting and managing such burial sites must be self-determined by the proper Title and Rights holders, and they should work with all Nations from which children were removed and forced to attend school, and Crown governments must ensure they are appropriately resourced and funded to protect the site and support a complete investigation which meets national and international standards and accountability.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council stands in solidarity with the Tk'emlúps te Secwépemc, and all survivors of the residential school system, their families, and the families of the children that did not survive, and asserts that the mass grave discovered at the former Kamloops Indian Residential School reveals Crown conduct reflecting a pattern of mass human rights violation including genocide against Indigenous peoples that must be thoroughly documented, investigated and examined in terms of Canada's accountability for actions taken and their continuing effects, including potential breaches of international humanitarian and human rights law;

THEREFORE IT BE FURTHER RESOLVED the UBCIC Chiefs Council calls upon the federal and provincial governments to provide immediate funding and supports to Tk'emlúps te Secwépemc, and other First Nations such as Cowessess First Nation, as they develop and implement frameworks and processes to further identify, document, maintain, commemorate, and protect the remains of the children found buried at the Kamloops Indian Residential School and the site itself, and any additional supports required by the Tk'emlúps te Secwépemc in undertaking this difficult work as the first Nation to confirm the presence of mass, unmarked graves;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council fully supports UN Resolution 60/147: "*UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*," and asserts that there is serious evidence that Canada and the churches have violated International human rights and humanitarian law through the hiding, damaging, interfering with and destroying mass graves, and the concealment of records and archival material about the schools with an intent to delay or hide identification of the sites;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the federal and provincial governments, in full partnership with First Nations, to take immediate action to identify, seize and control all records of the schools in the possession of all churches and Crown governments to ensure they inform the investigation needed, and to provide Indian Residential School Survivors, their families and First Nations, full and complete access, including funding the necessary resources to access, review and analyze the records held by the federal government;

THEREFORE IT BE FURTHER RESOLVED the UBCIC Chiefs Council calls upon the government of Canada to work with First Nations impacted and identify and appoint a Special Rapporteur to conclude and establish a guardianship structure that respects the laws of Tk'emlúps te Secwépemc, ensuring the entity has proper legal protection and takes all necessary measures to address this situation and comply with international and humanitarian standards, including powers to identify all unmarked burial sites connected to residential schools and protect these from erosion, destruction, manipulation or disturbance;

THEREFORE IT BE FURTHER RESOLVED the UBCIC Chiefs Council calls upon all Crown governments to recognize and uphold the inherent jurisdiction of First Nations, as self-determining Nations and peoples, to access, hold and maintain all records, remains, and physical sites pertaining to our children, lands and territories as per the principles of OCAP, and to ensure that all domestic, humanitarian, and international legal interests and rights of First Nations are respected;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on Canada to provide a verified list of all known locations of mass graves, and undertake with First Nations, a proactive search for additional sites, including those that might have been desecrated or concealed by religious or state officials, or other private or Crown entities, and to work in full partnership with First Nations to establish, fund, and regulate a proper framework regarding the use of digital technologies to discover mass burial sites which ensures complete accountability for the death or inhumane disposal of the remains of our children;

THEREFORE IT BE FURTHER RESOLVED the UBCIC Chiefs Council calls upon the Roman Catholic Church and Holy See, having operated the Kamloops Indian Residential School, and over 70% of all Residential Schools in Canada, to issue a meaningful formal apology here in Canada and commit to acknowledging and working toward redress of this atrocity through the Pope during a visit to meet with survivors, and to renounce the doctrines of moral superiority that justified the church imposing its spirituality and beliefs through a harsh environment and reimposition of *Sublimis Deus* 1537. This must involve working with individual interested Nations including Tk'emlúps te Secwépemc on agreements that acknowledge these truths and outline commitments to action moving forward;

THEREFORE IT BE FURTHER RESOLVED the UBCIC Chiefs Council, in support of the TteS meeting and letter sent June 24, 2021 to Minister David Eby, calls upon the Attorney General of British Columbia to appoint a Special Prosecutor jointly chosen with TteS, to investigate, collect information and report on whether criminal charges are warranted in relation to the discovery of the mass graves at the Kamloops Indian Residential School; and

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council calls upon the government of Canada and the churches to acknowledge the continuing impact on First Nations in British Columbia of the genocide, and to take active steps to support survivors, including intergenerational survivors, to find support for the trauma and harm they have borne witness to, and to take tangible steps to support healing and remembering, including a permanent exhibit developed by Indigenous peoples, to serve as a National reminder to all of the truth of what happened to our peoples, so that this grievous mass violation of human rights will never be forgotten or repeated.

Moved: Kukpi7 Rosanne Casimir, Tk'emlúps te Secwépemc
Seconded: Kukpi7 James Hobart, Spuzzum First Nation
Disposition: Carried
Date: June 30, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 30TH, 2021
VIRTUAL MEETING

Resolution no. 2021-30

RE: Full Involvement of First Nations in all Aspects of Specific Claims Policy Development

WHEREAS the historic actions illegally undertaken by the colonial government of British Columbia and successive governments of Canada since BC entered confederation in 1871 have resulted in the dispossession of First 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 international and domestic law and the honour of the Crown necessitate right action on the part of the federal government;

WHEREAS Canada's mechanism of redress for First Nations' historical grievances is the Specific Claims Process, which is built on a conflict of interest wherein (a) Canada functions as the decision-maker in claims against itself; (b) all rules and norms are based on Canadian law and legal traditions, to the exclusion of the laws and legal traditions of all First Nations participating in the process; and (c) Canada acts unilaterally in setting all policies and administrative procedures, excluding Indigenous Nations from substantive and equal roles in decision-making regarding processes that affect them;

WHEREAS for more than 50 years First Nations and their representative organizations have sought an independent, impartial, and just process for the resolution of specific claims and for a dispute resolution mechanism designed to provide redress by resolving these grievances without conflict of interest or systemic unfairness and inequality;

WHEREAS the AFN-CIRNAC Joint Technical Working Group (JTWG) is currently the body tasked with reforming the process, and the AFN members have developed a draft proposal for a fully independent specific claims process based on a shared approach to justice, founded equally on the laws of claimant Nations and of Canada, and this proposal is currently under review by First Nations throughout Canada;

2021-30

Page 1 of 3

WHEREAS in the interim, Canada and its representatives within Crown-Indigenous Relations and Northern Affairs, particularly at the Specific Claims Branch and the Negotiation Support Directorate, guided by internal federal government directives, continue to revise and develop policies, regulations, and guidelines unilaterally, without the full and equal participation of Indigenous Nations who are directly affected by the specific claims process;

WHEREAS Canada's conduct in this regard contravenes principles of fairness, equality, and transparency, fails to meet the minimum standards articulated in the *United Nations Declaration on the Rights of Indigenous Peoples* ("UN Declaration"), contradicts its public commitments to work in full partnership with Indigenous Nations to advance reconciliation through the resolution of Nations' historical claims, and jeopardizes Indigenous Nations' access to justice;

WHEREAS the UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:**Article 8:(2)**: States shall provide effective mechanisms for prevention of, and redress for:

(b): Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(c): Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

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

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

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; and

WHEREAS meaningful, direct dialogue with First Nations must be a priority and that all policy work, including revising administrative procedures, from inception to finalization, must be guided by transparency, due process, and full enactment of the government-to-government approaches articulated within the UN Declaration, First Nations' rights under section 35 of the *Constitution Act, 1982*, and the honour of the Crown.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls for Canada to make substantive, direct dialogue with First Nations, consistent with the federal *United Nations Declaration on the Rights of Indigenous Peoples Act*, on all aspects of specific claims policy and procedures, both in the development of a fully independent specific claims process and in regards to any interim changes to current policy or procedures, and that it cease undertaking unilateral policy development or revision priority, and that the goal of the UBCIC Chiefs Council is to have Canada transfer Land Back; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council insists that all representatives of Canada – its elected representatives and members of the public service and bureaucracy – must proceed in matters of policy and procedure in strict accordance with the public commitments made to First Nations by the Prime Minister and members of cabinet, as well as the legal provisions and principles that underlie them, in particular, the UN Declaration, First Nations’ rights under section 35 of the *Constitution Act, 1982*, and the honour of the Crown.

Moved: Chief Greg Gabriel, Penticton Indian Band
Seconded: Kukpi Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: June 30, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 30TH, 2021
VIRTUAL MEETING

Resolution no. 2021-31

RE: Sexual Assault Nursing Examiner (SANE) Training for Indigenous Nurses

WHEREAS the gendered colonial violence perpetrated against Indigenous women, girls, and 2SLGBTQQIA people in Canada constitutes a national crisis that has been exacerbated by a lack of services and supports that allow all Indigenous survivors of violence and trauma, including men and boys and the families and loved ones of Indigenous murdered or missing persons, to access safe pathways of healing and recovery;

WHEREAS provincial and federal governments have committed to ending the cycle of violence that has fueled the Missing and Murdered Indigenous Women and Girls (MMIWG) crisis through a National Action Plan that will have regionally distinct plans to action the National Inquiry's *Calls for Justice*;

WHEREAS per Calls 3.2, 3.4, 3.5, and 3.7 of the *Calls for Justice* – which collectively address the need for victim services, trauma care, and healing programs that are sustainable, accessible, and culturally appropriate – the provincial government has a responsibility to help Indigenous communities improve their capacity to respond to sexual violence, including ensuring they have access to the critical, specialized care of a forensic or Sexual Assault Nurse Examiner (SANE);

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

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

Article 22(2): States shall take measures, in conjunction with indigenous peoples, to ensure that

Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination;

WHEREAS SANE practitioners have the critical forensic medical expertise needed to provide sensitive, trauma-informed health care to survivors of sexual assault and violence – they are specially trained to conduct all aspects of the sexual assault examination, including provision of emotional support, physical assessment, injury documentation, forensic sample collection, provision of medications, writing a medical-legal report, communication with law enforcement and emergency staff, and testifying in court;

WHEREAS although SANE practitioners play a critical and essential role in administering Sexual Assault Evidence Kits (SAEK) and helping survivors take the first steps towards healing and obtaining justice, SANE education and training is limited in the Province and Canada as a whole, BCIT and BC Women’s Hospital being the only institutions in BC offering SANE training programs, and with certification only being available through the International Association of Forensic Nurses;

WHEREAS the inaccessibility of SANE training and education harms Indigenous survivors and communities as there are few Indigenous sexual assault nurse examiners in BC, and there remains the dire need for a forensic nurse that can travel to different rural and remote communities which cannot easily and readily access SAEK;

WHEREAS given the lack of Indigenous forensic nurses in BC, Indigenous certification is all the more important and is needed to close the gaps in culturally safe services for First Nations and to ensure First Nation communities have the capacity to respond to sexual assault and violence;

WHEREAS to support Indigenous nurses seeking SANE training and certification, mechanisms must be in place to ensure that they can gain the necessary clinical experience, including preceptorship with a senior nurse examiner, and that an educational credit system is established that allows them to seamlessly advance in their training and career pathways;

WHEREAS by Resolution 2021-13 the UBCIC Chiefs Council fully supported [*In Plain Sight: Addressing Indigenous-Specific Racism and Discrimination in BC Health Care*](#), and endorsed its recommendations to eliminate anti-Indigenous racism from the BC healthcare system and establish necessary pathways for change; and

WHEREAS action to reform the healthcare system and implement the *In Plain Sight* recommendations must be taken in coordination with the implementation of the *Calls for Justice* to ensure that Indigenous peoples have access to medical care, services, and supports that are free from discrimination and are fully supportive of their mental, physical, psychological, and cultural needs.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council recognizes that sexual assault nurse examiners (SANE) are vital for ensuring that Indigenous survivors of sexual assault and violence receive the specialized psychological, medical, and forensic care they need to heal and seek justice, and that the lack of SANE training programs in the Province poses a great obstacle to First Nation communities that need to improve their capacity to respond to sexual assault and systemic gendered violence;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council urges the provincial government to fulfill its commitment to implement the *Calls for Justice* and to end the MMIWG2S crisis by dedicating the necessary resources and funds to expand and establish permanent, sustainable, and culturally

appropriate services and supports for Indigenous survivors of violence, including ensuring rural and remote Indigenous communities have access to SANE practitioners; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with like-minded organizations to advance our concerns around the lack of Indigenous SANE practitioners and culturally appropriate victim services to the Province and the First Nations Health Authority, and call upon them to expand access to SANE training programs and support Indigenous nurses seeking certification.

Moved: Amelia Washington, UBCIC Elder's Representative
Seconded: Kukpi7 James Hobart, Spuzzum First Nation
Disposition: Carried
Date: June 30, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL JUNE 30TH, 2021 VIRTUAL MEETING

Resolution no. 2021-32

RE: UBCIC Appointment to BC First Nations Justice Council

WHEREAS Indigenous people are overrepresented in the criminal justice system, and ensuring equitable access to safety, justice, and preventative and rehabilitative services is a key priority for First Nations communities;

WHEREAS the UBCIC Chiefs Council endorsed and adopted the draft Terms of Reference for the BC Aboriginal Justice Council by Resolution 2018-21 and by Resolution 2019-15, supported the BC Aboriginal Justice Council transition to the BC First Nations Justice Council (BCFNJC), along with the amendments to the BCAJC's Terms of Reference that reflect the Council's intent to focus on justice-related issues that are specific to BC First Nations;

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

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

Article 5 Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State;

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

WHEREAS by Resolution 2018-21, the UBCIC Chiefs Council ratified the appointment of Boyd Peters, Sts'ailes, as the UBCIC representative to the BC First Nations Justice Council for a three-year term, from July 16, 2018 to July 15, 2021; and

WHEREAS the UBCIC circulated notice seeking application for one (1) representative to the BC First Nations Justice Council, for a three-year term, from July 16, 2021 to July 15, 2024, to be chosen in accordance with the UBCIC Elections Procedures, and received one application from Boyd Peters, Sts'ailes First Nation.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council hereby appoints Boyd Peters, Sts'ailes First Nation, as the UBCIC representative to the BC First Nations Justice Council for a three-year term, from July 16, 2021 to July 15, 2024; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs Boyd Peters, as the UBCIC appointment to the BC First Nations Justice Council, to provide regular updates to the UBCIC Executive and the UBCIC Chiefs Council.

Moved: Kukpi7 Wayne Christian, Splatsin
Seconded: Kukpi7 James Hobart, Spuzzum First Nation
Disposition: Carried
Date: June 30, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL JUNE 30TH, 2021 VIRTUAL MEETING

Resolution no. 2021-33

RE: Support for UBCIC Intervention in Maxwell Johnson's Human Rights Complaint

WHEREAS Indigenous peoples in Canada continue to confront discriminatory, negligent, and oppressive policing – including surveillance, racial profiling, and excessive force – that is tied to the destructive colonial legacy of institutionalized racism and violence against Indigenous peoples;

WHEREAS Maxwell Johnson and his twelve-year-old granddaughter Tori-Anne, who are members of the Heiltsuk Nation, were subjected to an appalling and traumatizing display of racism when they were racially profiled, wrongly accused of fraud, and handcuffed while trying to open a bank account at a Bank of Montreal (BMO) branch in Vancouver on December 20, 2019;

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

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

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

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

WHEREAS in an open letter sent on January 23, 2020 to the Vancouver Police Board (VPB), UBCIC condemned BMO's attempts to minimize and frame the incident as "unfortunate" and a "learning opportunity," and called on the VPB to conduct an impartial, independent review of VPD and BMO member and staff conduct that would thoroughly examine the racial profiling and racist dynamics at play;

WHEREAS the BMO bank incident highlighted the critical need for corporations and law enforcement agencies to be held accountable for any racist misconduct and violations of Indigenous Title and Rights, and for them to actively acknowledge and understand the lived experiences of Indigenous people – to understand that handcuffing an Indigenous child and forcing her to witness her grandfather’s arrest replicates and perpetuates the horrific violence that defined the Indian Residential School System and the intergenerational trauma that stemmed from it;

WHEREAS Maxwell Johnson and his granddaughter Tori-Anne have filed human rights complaints against the VPD with the BC Human Rights Tribunal (BHCRT) with the intention of holding institutions accountable for systemic racism and procuring justice for their family, their community, and First Nations so that other visible minorities can feel safe;

WHEREAS by Resolution 2018-17, 2019-25, and 2020-02, UBCIC has a strong mandate to address racism and the lack of protection afforded to Indigenous Title and Rights that is reflected across all aspects of society, including in the overrepresentation of Indigenous peoples in the child welfare and criminal justice systems, the racial profiling and service denial seen in the BMO bank situation, and the excessive force and pervasive bias shown in the Crown and law enforcement response to Indigenous land defenders stewarding their territories and lands;

WHEREAS UBCIC has precedent to intervene in Tribunal complaints to provide a better understanding of the fraught relationship between the BC police and Indigenous peoples, successfully intervening in the *Campbell v. Vancouver Police Board, 2019 BCHRT 12* case which led to the BCHRT ruling that VPD officers discriminated against an Indigenous mother, Deborah Campbell, in 2016 when they physically and forcefully blocked her from the arrest of her son; and

WHEREAS Maxwell Johnson and his legal team have sought UBCIC’s support and UBCIC has the opportunity to apply for Intervenor Status in his and Tori-Anne’s human rights complaint with the BCHRT.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports Maxwell Johnson and Tori-Anne in their complaint filed against the Vancouver Police Department with the BC Human Rights Tribunal;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council recognizes the critical importance of this complaint setting a precedent for redressing anti-Indigenous racism and holding institutions and those in positions of power accountable for their racist misconduct and violations of Indigenous Title and Rights; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council supports and approves UBCIC’s application for Intervenor Status in Maxwell Johnson and Tori-Anne’s Tribunal complaint, contingent upon funding and resources.

Moved: Louisa Housty-Jones, Heiltsuk Nation (Proxy)
Seconded: Kukpi Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: June 30, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 30TH, 2021
VIRTUAL MEETING

Resolution no. 2021-34

RE: Implementation of the *Declaration on the Rights of Indigenous Peoples Act* - Action Plan and Alignment of Laws

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* ("UN Declaration") was adopted by the General Assembly in September 2007, after more than 20 years of discussions and is the most comprehensive, universal international human rights instrument explicitly addressing the economic, social, cultural, political, spiritual and environmental rights of Indigenous peoples;

WHEREAS on November 28, 2019, Bill 41 *Declaration on the Rights of Indigenous Peoples Act* ("the Declaration Act") received Royal Assent in the British Columbia Legislature;

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

Article 1: Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

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

WHEREAS the Declaration Act establishes the UN Declaration as *the* framework for reconciliation, enabling new decision-making agreements between the Province and Indigenous governing bodies, and requires the provincial government to: ensure that new and existing laws are consistent with the UN Declaration; develop and implement an action plan in consultation and cooperation with Indigenous peoples to achieve the objectives of the UN Declaration; and, monitor progress through public annual reporting;

WHEREAS informed by dialogue with BC First Nations and First Nations Organizations, and mandated by previous resolutions at each of the UBCIC, BCAFN and FNS assemblies, the First Nations Leadership Council has been working with and informing the efforts of the Province in its obligations under the Declaration Act, including alignment of laws and the development of an action plan;

WHEREAS the Province plans to issue a consultation draft of the Declaration Act action plan in the summer of 2021 for review and input primarily from Indigenous peoples in BC and has opened an online platform to receive this feedback; and

WHEREAS the Province continues to advance legislation that is not consistent with its obligations under the Declaration Act to ensure that legislative initiatives are aligned with the standards set out in the UN Declaration. A report *Taking “All Measures Necessary” to Ensure Laws are Consistent with the United Nations Declaration on the Rights of Indigenous Peoples* issued in April 2021 by the University of British Columbia Indian Residential School Dialogue Centre proposed seven strategies to advance progress in the alignment of laws:

1. A requirement placed on the Attorney General to make a statement of the legislature that a proposed Bill, upon its introduction in the legislature, is consistent with the UN Declaration.
2. Establish a non-derogation clause through the *Interpretation Act* to confirm that all enactments are to be construed as upholding the rights of Indigenous Peoples in both section 35(1) and the UN Declaration, and not abrogating or derogating from them.
3. Establish an advisory committee made up of experts in Indigenous rights, UN Declaration, and constitutional law to provide recommendations to both Indigenous and Crown governments on the development of a process for review of existing laws for consistency, and/or reviewing proposed new laws and providing recommendations on whether they are consistent with the UN Declaration.
4. Upon tabling of a Bill, release a public opinion by an advisory committee or independent legal expert on whether a Bill is consistent with the UN Declaration, and what steps may be taken now or in the future to further advance consistency with regards to that legislation.
5. Establish a joint law review and reform process made up of leading experts, who would undertake to provide recommendations on legal changes to achieve consistency.
6. Establish a policy on working in partnership with Indigenous Peoples in the legislative development process.
7. Establish new mechanisms and forms of dispute resolution, and approaches to avoid adversarial litigation including a litigation directive similar to that of the federal government and mechanisms such as the use of mediation rosters, the creation of dispute resolution institutions, and the establishment of new oversight and accountability mechanisms.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council reiterates that First Nations in BC have their own Indigenous legal orders and laws and ways of being that take precedence over any provincial laws and processes, and that any First Nations engagement on the provincial for the Declaration Act action plan consultation draft is in no way a substitute for First Nations providing their consent;

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls on the Province of British Columbia, in partnership with the UBCIC, BC Assembly of First Nations and First Nations Summit, working collaboratively as the First Nations Leadership Council, to hold dialogue session(s) directly with Title and Rights Holders on the Declaration Act action plan consultation draft;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the Province of British Columbia to confirm how the views and input of Title and Rights Holders and their own Indigenous laws will take priority and precedence in the finalization of the Declaration Act action plan;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council calls on the Province of British Columbia to implement immediate interim improvements to ensure that laws planned to be tabled in the fall are consistent with the UN Declaration. These interim improvements must consider the advice described in the report *Taking “All Measures Necessary” to Ensure Laws are Consistent with the United Nations Declaration on the Rights of Indigenous Peoples*; and

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council calls on the Province of British Columbia, in partnership with the UBCIC, BC Assembly of First Nations, and the First Nations Summit, working collaboratively as the First Nations Leadership Council, to engage with BC First Nations and legal experts on additional measures to ensure that all new and existing provincial laws are consistent with the UN Declaration and are developed in consultation, cooperation and collaboration with BC First Nations.

Moved: Chief Greg Gabriel, Penticton Indian Band
Seconded: Kukpi7 James Hobart, Spuzzum First Nation
Disposition: Carried
Date: June 30, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 30TH, 2021
VIRTUAL MEETING

Resolution no. 2021-35

RE: Supporting Anti-Racism Legislation and Framework

WHEREAS colonialism and Indigenous-specific racism continue to underpin Canadian society, structures, and institutions, creating systems and policies of oppression that undermine the survival, dignity, well-being and safety of Indigenous peoples at both collective and individual levels;

WHEREAS despite current discourse and action around advancing reconciliation, Indigenous peoples continue to experience racism and discrimination – as proven by the continued cases of racial profiling and biased policing that showcase deeply entrenched patterns of colonial violence and intolerance, and by the 2020 [In Plain Sight](#) report on Indigenous-specific racism in BC's health care system, which the UBCIC Chiefs Council endorsed through Resolution 2021-13, calling for full implementation of its recommendations to eliminate anti-Indigenous racism from the BC health care system;

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, amongst other standards:

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

Article 15(1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information;

(2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding, and good relations among indigenous peoples and all other segments of society;

WHEREAS throughout the COVID-19 pandemic, UBCIC has spoken out repeatedly to condemn the deeply disturbing and reprehensible surge in racism, xenophobia, and hate-crimes directed at Asian Canadians, issuing a [statement of solidarity](#) with Asian, Black, Indigenous, and other racialized groups fighting the global rise in racism;

WHEREAS by Resolution 2020-02, the UBCIC Chiefs Council highlighted how Indigenous peoples' human rights are subject to injustice, disrespect, and discrimination, and called upon the provincial government to rectify this by enacting legislation that incorporates Indigenous identity comprehensively into the BC Human Rights Code;

WHEREAS recognizing that the COVID-19 pandemic has exacerbated pre-existing inequities in safety and wellbeing for Indigenous and racialized groups, by Resolution 2021-29 the UBCIC Chiefs Council called for a BC COVID-19 Immunization Plan that would help First Nations gain equitable access to culturally safe vaccination sites, supports, and resources without further racism or stigmatization;

WHEREAS in November 2020, Surrey-Green Timbers MLA Rachna Singh was appointed BC's first Parliamentary Secretary for Anti-Racism Initiatives and given the critical mandate to work with BC's new Human Rights Commissioner and other stakeholders to introduce anti-racism legislation in the province that will help reduce systemic discrimination and pave the way for race-based data collection essential to modernizing sectors like policing, healthcare and education. The *In Plain Sight* report adopted by the Chiefs includes Recommendation 2, calling for an anti-racism act that aligns with the UN Declaration as required by the Declaration Act;

WHEREAS to inform the introduction of the new Anti-Racism legislation, Parliamentary Secretary Singh is currently in the process of conducting stakeholder and public consultations that build upon the findings and recommendations of the *In Plain Sight* report and the [BC Human Rights Commission's 2020 report](#) on disaggregated demographic data collection in BC; and

WHEREAS the Province is set to begin public consultation on the Anti-Racism legislation in fall 2022, and held a preliminary engagement session with Executive members of the First Nations Leadership Council (FNLC) on May 11, 2021 to gain feedback and direction on the development of the legislation, and where the FNLC explicitly informed the Province that they need to engage directly with the proper Title and Rights holders and that engagement with the FNLC is in no way substitute for consultation with the proper Title and Rights holders.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council stands in solidarity with all Indigenous peoples and racialized minorities who are combatting racism and experiencing grievous harm, fear, trauma, and hate;

THEREFORE BE IT FURTHER RESOLVED in recognition of the rising trends of anti-Indigenous and anti-Asian racism during the COVID-19 pandemic, as well as the global focus on anti-Black racism through the marches for Black Lives Matter, the UBCIC Chiefs Council commits to advancing and strengthening a strong anti-racist perspective that is focused on identifying, challenging, and eliminating the structures, policies, and practices that enable and perpetuate systemic racism, and that centers anti-colonialism, eliminating Indigenous-specific racism, and embeds Indigenous human rights;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls upon the provincial government to ensure that that First Nations Title and Rights Holders provide their free, prior and informed consent and are included as key decision-makers in the development of the new Anti-Racism legislation; and

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the BC Assembly of First Nations and the First Nations Summit, as the First Nations Leadership Council, to continue engaging with the Province on its Anti-Racism legislation, including ensuring that the legislation addresses the cross-sectoral nature of systemic racism, adopts a holistic, inclusive approach to eliminating the root causes of racism, and establishes an equitable, transparent system for race-based data collection.

Moved: Louisa Housty-Jones, Heiltsuk Nation (Proxy)
Seconded: Melissa Moses, UBCIC Women’s Representative
Disposition: Carried
Date: June 30, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 30TH, 2021
VIRTUAL MEETING

Resolution no. 2021-36

RE: BC Poverty Reduction and First Nations Self-Determination

WHEREAS BC First Nations continue to experience disproportionate rates of poverty which has resounding impacts in the areas of income security, housing, child welfare, education, security, health and mental health;

WHEREAS the province's Poverty Reduction Strategy fails to recognize that this cycle of poverty is not only rooted in colonization, but continues to be perpetuated by land dispossession and Canada's failure to meaningfully recognize First Nation's sovereignty and right to self-determination;

WHEREAS meaningful poverty reduction in BC will require full acknowledgement of First Nations Title and Rights over their land and waters and cannot be remedied through social assistance programming alone;

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

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

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

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;

WHEREAS UBCIC advanced a submission on July 15, 2020 to the provincial government that addressed BC's Restart Plan, the provincial roadmap for economic recovery, and set a clear precedent of the need for poverty reduction that addresses systemic barriers to Indigenous wellbeing, including those related to healthcare, employment, housing, justice and gendered violence exacerbated by the COVID-19 pandemic. This submission made clear recommendations for economic recovery that included consultation and consent, economic support, quality of life, healthcare, climate change, and specific claims;

WHEREAS these recommendations highlight the need for systemic change in the way the province approaches poverty reduction as it relates to Indigenous peoples. Any action taken by the Province needs to fully consider the colonial history behind Indigenous disenfranchisement and how the poverty many First Nations experience is a direct result of institutionalized racism and years of discriminatory colonial policies, particularly land seizure and continued occupation. Further, it must address conditions that exacerbate Indigenous poverty including supports for housing, mental health, and addictions recovery; and

WHEREAS by UBCIC Resolution 2021-16, UBCIC outlined the need for increased social assistance that meets the full spectrum of challenges faced by low-income Indigenous people.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls on the provincial government to acknowledge and address the irrefutable impacts of genocide and land dispossession on poverty among First Nations; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to communicate to the Province that BC's poverty reduction strategy must be overhauled so that it is founded on the unequivocal recognition that the disproportionate level of poverty experienced by BC First Nations today is rooted in, and perpetuated by, the ongoing denial of First Nations Title and Rights to lands, resources and waters.

Moved: Kukpi7 Wayne Christian, Splatsin
Seconded: Chief Byron Louis, Okanagan Indian Band
Disposition: Carried
Date: June 30, 2021

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL JUNE 30TH, 2021 VIRTUAL MEETING

Resolution no. 2021-37

RE: Meaningful Involvement of First Nations in the Restructuring of BC's Natural Resource Sector

WHEREAS as part of the provincial governments' new restructuring after the provincial election in November 2020, Premier Horgan appointed Honorable Nathan Cullen as the Minister of State for Lands and Natural Resource Operations (MSLNRO);

WHEREAS the mandate letter from Premier Horgan to Minister Cullen includes several expectations including (but not limited to):

- a) Our government – and every ministry – must remain focused on creating opportunities for Indigenous peoples to be full partners in our economy and providing a clear and sustainable path for everyone to work toward lasting reconciliation;
- b) Our efforts to address systemic discrimination must also inform policy and budget decisions by reviewing all decisions through a Gender-Based Analysis Plus (GBA+) lens;
- c) With support from the Minister of Forests, Lands, Natural Resource Operations and Rural Development, bring forward a plan to create a new Ministry for Lands and Natural Resource Operations that will develop and implement land use policies that support B.C.'s goals for economic activity, environmental sustainability and reconciliation with Indigenous peoples.
- d) Work with and support provincial efforts on wildlife management, modernizing land use planning, freshwater strategies, parks and wilderness management, and CleanBC;

WHEREAS this decision by the Premier to restructure the Ministry of Forests, Lands and Natural Resource Operations will have significant impacts to land-based activities that will have inevitable impacts to First Nations Title and Rights, and interests in BC;

WHEREAS there has been limited information provided to the First Nations in BC about the processes Minister Cullen intends to consider when developing options for restructuring of the natural resource sector, including the plans to engage First Nations governments in BC;

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

Article 15:(2) States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 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.

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; and

WHEREAS the UBCIC seeks to work with the First Nations Summit and the BC Assembly of First Nations as the First Nations Leadership Council (FNLC) to gather more information from Minister Cullen and Premier Horgan about the work of the Lands and Natural Resource Operations Secretariat to develop options for the restructuring of the natural resource sector to inform the UBCIC Chiefs Council.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Summit (FNS) and the BC Assembly of First Nations (BCAFN), as the First Nations Leadership Council (FNLC), to gather more information about the work of the Lands and Natural Resource Operations Secretariat in their options for restructuring the natural resource sector;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BCAFN and FNS as the FNLC, to provide a briefing to the Chiefs in BC regarding the work of the Lands and Natural Resource Operations Secretariat including recommendations on next steps for the FNLC, Chiefs, and BC government including respecting First Nations exercising management and protection over their territories, and identifying adequate resource revenue sharing based on Title and Rights with regular review for First Nations; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BCAFN and FNS as the FNLC, to advocate and communicate to Minister Cullen, Minister Conroy, Premier Horgan and any other applicable ministry, that any change to the organizational structure of

the natural resource sector requires a new process that includes First Nations as the proper Title and Rights holders, and is consistent with the BC *Declaration on the Rights of Indigenous Peoples Act*, the UN Declaration, and Section 35 of the *Constitution Act, 1982*, and includes all current ministerial mandate letters related to resources and resource development.

Moved: Chief Byron Louis, Okanagan Indian Band
Seconded: Kukpi Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: June 30, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 30TH, 2021
VIRTUAL MEETING

Resolution no. 2021-38

RE: Support for the Protect Our Elder Trees Declaration

WHEREAS Indigenous peoples sustain vital cultural and spiritual relationships with the environment and have derived their livelihoods, way of life, health, and well-being from the care and stewardship of their lands and waters since time immemorial;

WHEREAS old-growth forests are heritage habitats with ancient trees that not only play an integral ecological role in the biodiversity and health of BC ecosystems, but possess incalculable cultural value and significance for First Nations who, in stewarding and caring for their elder trees and forests, have also exercised and strengthened their Title, Rights, and self-determination;

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 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resource; and

WHEREAS by Resolution 2020-23 “Implementation of an Old Growth Strategy that Protects First Nations’ Welfare and Endangered Old Growth Forests,” the UBCIC Chiefs-in-Assembly recognized the critically

2021-38

Page 1 of 3

endangered state of old growth forests in BC that is a result of years of over-logging, systemic mismanagement, inconsistent application of old growth conservation policies, and a forestry system that deprives First Nations of their consent and leaves them most contentious and at-risk areas for logging;

WHEREAS further by Resolution 2020-23 the Chiefs-in-Assembly supported the Old Growth Strategic Review Panel's Report and Recommendations and called upon the Province and the Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD) to work in partnership with impacted First Nations to shift logging deferrals to permanent protection, and to develop and implement a renewed old-growth strategy that actions the Strategic Review Panel's fourteen recommendations and builds off of First Nations' land and forestry plans and practices;

WHEREAS Resolution 2020-23 also directed the UBCIC Executive and staff to work with other like-minded organizations to urge the provincial and federal governments to provide dedicated funding for First Nations Indigenous Protected and Conserved Areas (IPCAs) and First Nations land use plans, as well as financial support for First Nations communities to manage and steward ICPAs, purchase and protect private lands with old-growth, and pursue conservation-based businesses and economies, including cultural and eco-tourism businesses, clean energy, and second-growth forestry;

WHEREAS at the direction of the UBCIC Chiefs-in-Assembly, UBCIC has continued to advocate for sustainable old growth management that relies upon Indigenous leadership and stewardship, and on May 14, 2021, held a UBCIC meeting on Old Growth Conservation which allowed First Nation Chiefs and members to participate in presentations and discussions on upholding First Nations' Title and Rights with respect to old growth and preserving old growth for future generations; and

WHEREAS to strengthen and advance a First Nations approach to old growth management that is guided by ancestral laws, responsibilities, and Title and Rights, a *Protect Our Elder Trees Declaration* has been developed which describes the critical relationship First Nations have with old growth forests, affirms support for the implementation of the Old Growth Strategic Review recommendations, and declares the following:

All Old-Growth forests within our territories are to be protected, to provide our Nations with the opportunity to decide on their management moving forward. This means immediate action to defer logging in remaining at-risk old growth forests as defined by the Old Growth Strategic Review panel in their April 30, 2020 report. If it is deemed not possible to identify these forests immediately, then all old forest should be deferred from harvest for an interim period so that irreplaceable opportunities are not lost.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the attached *Protect Our Elder Trees Declaration* as a critical guiding document that strengthens a sustainable, First Nations-led approach to old growth conservation, and encourages all First Nations in British Columbia to review, adapt, and adopt the Declaration;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the provincial government to respect and honour the *Protect Our Elder Trees Declaration*, including holding immediate, fulsome resource engagement with First Nations about how they want to manage and protect elder trees and their forests in our territories, including identification of resources First Nations need in order to manage and protect elder trees and forests in the way they want; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with other like-minded organizations to circulate and advance the *Protect Our Elder Trees*

Declaration to First Nations in the province so as to strengthen our collective efforts to transform the current forestry system into one that supports our ancestral laws and responsibilities and the survival of elder trees for future generations.

Moved: Kukpi7 Judy Wilson, Neskonlith Indian Band
Seconded: Kukpi7 James Hobart, Spuzzum First Nation
Disposition: Carried
Date: June 30, 2021

Protect Our Elder Trees Declaration

We have inhabited and governed our territories, within what's now called British Columbia, since time immemorial. Our relationships with our lands and waters are both ancient and fundamental to our cultures, identities and entire ways of life.

Much of our lands are forested, and these forests are integral parts of who we are. For millennia, we have relied on these ecosystems for food and for the other medicines and resources they contain.

For the last century, the forests with the oldest trees here have been exploited by industry, their resources extracted and the systems within them altered beyond recognition, largely without adherence to our laws or involvement of our people and governments.

The vast majority of these rich, productive, original forests here have been logged.

While this has generated tangible opportunities and benefits, it has also compromised our ability to access our resources and medicines, for our people and future generations to walk in the same forests as our ancestors, as we always have. Our cultures and laws are based in forests that are thousands of years old, not less than a hundred.

We are raising our voices together to speak for the need for remaining elder trees and their forests to be protected forever.

We support and call for the implementation of the fourteen recommendations of the report from the Old-Growth Strategic Review, and again stress that the ability to fully implement this report and achieve the "paradigm shift" it calls for requires the immediate protection of Old-Growth forests.

Our people and Nations must have a greater role in all decisions about forests -- about their conservation and their use. This requires immediate, fulsome, and resourced engagement with our Nations about what we want to happen to elder trees and their forests in our territories. It also requires a halt to logging in many

areas where the majority of elder trees and their forests has been logged, because, at current rates of cutting, much of the most valuable and important elder trees will be lost in the coming months and years.

Therefore, in upholding our ancestral laws, responsibilities, Rights and Title, we declare that:

All Old-Growth forests within our territories are to be protected, to provide our Nations with the opportunity to decide on their management moving forward. This means immediate action to defer logging in remaining at-risk old growth forests as defined by the old growth strategic review panel in their April 30, 2020 report. If it is deemed not possible to identify these forests immediately, then all old forest should be deferred from harvest for an interim period so that irreplaceable opportunities are not lost.

We are adamant and resolved in this declaration, and we call on the Government of BC to respect and honour it. Our Nations and forests here have always supported one another, and we will ensure the survival of elder trees and their forests for our future generations.

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL JUNE 30TH, 2021 VIRTUAL MEETING

Resolution no. 2021-39

Re: Governance and Stewardship Responsibilities in Nuu-chah-nulth Territories

WHEREAS the Nuu-chah-nulth Nations are stewards of the forests, fisheries and all other resources within their Hahoulthee (Traditional Territories) and have exercised this responsibility since time immemorial;

WHEREAS the Nuu-chah-nulth are guided in this important work by three sacred principles: ?iisaak (Utmost Respect); ?uu?aluk (Taking Care of); and Hišuk ma cawak (Everything is Connected), and by our responsibilities to our future generations;

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 through their Declaration on the Rights of Indigenous Peoples Act 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 29 (1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resource;

WHEREAS Nuu-chah-nulth hereditary and elected leadership draw on the teachings of their ancestors, the wisdom of their Elders, the input of their Citizens/Members, the input of their valued partners, and the best available forestry, fishery and integrated resource management advice when making stewardship decisions in their Hahoulthee;

WHEREAS as Indigenous governments, it is Nuu-chah-nulth responsibility to decide what is best for their lands, their waters, their resources, and the wellbeing of present and future generations of their people;

WHEREAS the BC Government has recently unveiled an updated [Forest Intentions Paper](#) that has a guiding principle of “increasing forest sector participation” from Title Holders and aims “to increase economic and land management opportunities for Indigenous Peoples” through “government-to-government discussions that consider the inherent rights, range of interests and values expressed by Indigenous peoples”;

WHEREAS on June 4, 2021, due to recent events and incidents in the Hahoulthee of Ditidaht First Nation, Huu-ay-aht First Nations, and Pacheedaht First Nation, the three Nations issued the following - *The Hišuk ma cawak Declaration*:

“For most of the past 150 years we have watched as others decide what is best for our lands, for our waters and for our people. Our three sacred principles are often ignored. We are too often the last to benefit from what is taken out and the last to be asked what must be put back in. That time is over. It is time for our principles, authority and responsibilities to be respected so that we can work for win-win stewardship solutions to heal our lands, our waters and our people for the benefit of our current and future generations-this will take time.

From this day forward, in accordance with our traditional laws and our constitutionally protected Aboriginal Title, Aboriginal Rights, and Treaty Rights, we declare that our governance and stewardship responsibilities in our Hahoulthee must be acknowledged and respected. Third parties - whether they be companies, organizations, other governments, or individuals - have no right to speak on our behalf, or on behalf of the lands, waters and resources in our Hahoulthee. Moreover, for third parties to be welcome in our Hahoulthee, they must respect our governance and stewardship, our sacred principles, and our right to economically benefit from our resources”; and

WHEREAS by Resolution 2020-23 “Implementation of an Old Growth Strategy that Protects First Nations’ Welfare and Endangered Old Growth Forests,” the UBCIC Chiefs-in-Assembly supported the Old Growth Strategic Review Panel’s Report and Recommendations and called upon the Province and the Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD) to work in partnership with impacted First Nations to shift logging deferrals to permanent protection, and to develop and implement a renewed old-growth strategy that actions the Strategic Review Panel’s fourteen recommendations and builds off of First Nations’ land and forestry plans and practices.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully support the *Hišuk ma cawak Declaration* issued by Ditidaht First Nation, Huu-ay-aht First Nations, and Pacheedaht First Nation;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council honours the collective efforts of the Ditidaht First Nation, Huu-ay-aht First Nations, and Pacheedaht First Nation to uphold their sacred responsibilities and principles, and remains fully supportive of all First Nations in their efforts to assert and advance their governance, perspectives, and strategies around forestry management and conservation; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with other like-minded organizations to circulate and advance the implementation of the *Hišuk ma cawak Declaration* and take any further actions and necessary steps to support the Ditidaht, Huu-ay-aht and Pacheedaht First Nations.

Moved: Chief Robert Dennis, HUU-AY-AHT First Nation
Seconded: Chief Brian Tate, DITIDAHT First Nation
Disposition: Carried
Date: June 30, 2021



The Hišuk ma c'awak Declaration

Preamble

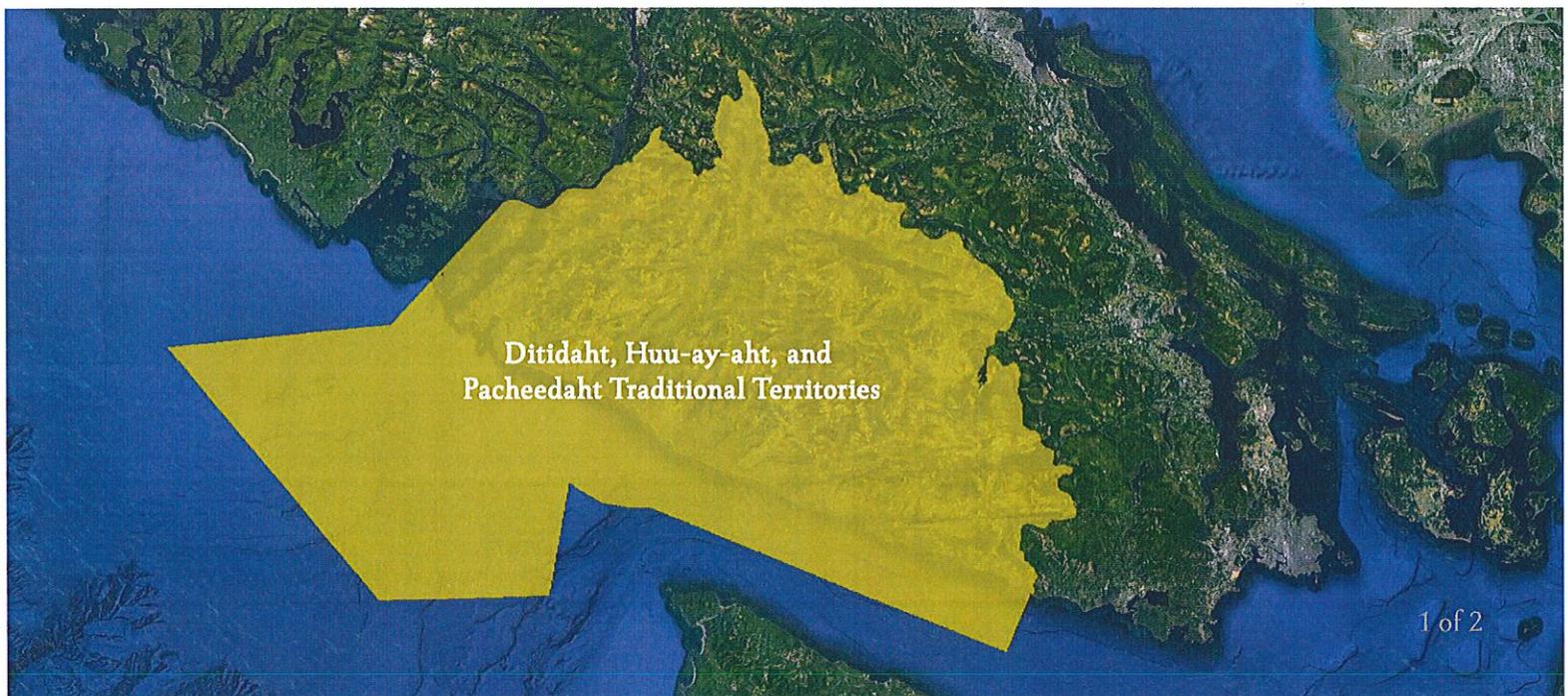
Our Nations, Ditidaht First Nation, Huu-ay-aht First Nations, and Pacheedaht First Nation, are stewards of the forests, fisheries and all other resources within our Hahoulthee (Traditional Territories). This has been our responsibility since time immemorial.

We are guided in this important work by our three sacred principles ʔiisaak (Utmost Respect), ʔuuʔaʔuk (Taking Care of), and Hišuk ma c'awak (Everything is Connected) and by our responsibilities to our future generations.

Our hereditary and elected leadership draw on the teachings of our ancestors, the wisdom of our Elders, the input of our Citizens/Members, the input of our valued partners, and the best available forestry, fishery and integrated resource management advice when making stewardship decisions in our Hahoulthee.

As Indigenous governments, it is our responsibility to decide what is best for our lands, our waters, our resources, and the wellbeing of present and future generations of Ditidaht, Huu-ay-aht and Pacheedaht people.

Hišuk ma c'awak – everything is connected.



Declaration

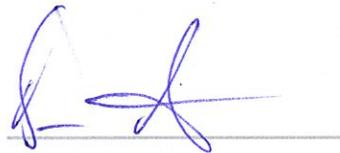
For most of the past 150 years we have watched as others decide what is best for our lands, for our waters and for our people. Our three sacred principles are often ignored. We are too often the last to benefit from what is taken out and the last to be asked what must be put back in. That time is over. It is time for our principles, authority and responsibilities to be respected so that we can work for win-win stewardship solutions to heal our lands, our waters and our people for the benefit of our current and future generations—this will take time.

From this day forward, in accordance with our traditional laws and our constitutionally protected Aboriginal Title, Aboriginal Rights, and Treaty Rights, we declare that our governance and stewardship responsibilities in our Hahoulthee must be acknowledged and respected. Third parties—whether they be companies, organizations, other governments, or individuals—have no right to speak on our behalf, or on behalf of the lands, waters and resources in our Hahoulthee. Moreover, for third parties to be welcome in our Hahoulthee, they must respect our governance and stewardship, our sacred principles, and our right to economically benefit from our resources.

Ditidaht First Nation



siituuxb
Paul Tate



Chief Councillor
Brian Tate

Huu-ay-aht First Nations



Tayii H̱awiṯ X̱iiš̱in
Derek Peters

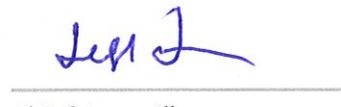


Chief Councillor
Robert J. Dennis, Sr

Pacheedaht First Nation



Hereditary Chief
Frank Queesto Jones



Chief Councillor
Jeff Jones

OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL JUNE 30TH, 2021 VIRTUAL MEETING

Resolution no. 2021-40

RE: Appointment to BC First Nations Forestry Council

WHEREAS BC First Nations have an inalienable connection to our respective lands, territories, forests, waters, and ecosystems and have always benefitted and lived in relationship with them;

WHEREAS by Resolution 2007-55, the UBCIC Chiefs Council supports the *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* entered into by the Union of BC Indian Chiefs and as part of the First Nations Leadership Council with the First Nations Forestry Council in order to coordinate political and technical strengths;

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 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 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.

WHEREAS in 2013, the First Nations Forestry Council passed bylaws which established the UBCIC as a founding member of the society with the power to appoint a UBCIC representative to the 4-person board of the First Nations Forestry Council;

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

WHEREAS the UBCIC circulated notice seeking application for one (1) representative to the First Nations Forestry Council, for a three (3) year appointment beginning June 4, 2021, to be chosen in accordance with the UBCIC Elections Procedures and the First Nations Forestry Council bylaws, and received one application from Mr. Mike Kelly, Leq'á:mel First Nation.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council appoints Mike Kelly, Leq'á:mel First Nation, as the UBCIC representative to the Board of Directors for the First Nations Forestry Council for a three-year term commencing June 4, 2021, and ending June 3, 2024; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the representative to the First Nations Forestry Council to provide regular updates to the UBCIC Executive and UBCIC Chiefs Council.

Moved: Chief Patrick Michell, Kanaka Bar Indian Band
Seconded: Kukpi7 James Hobart, Spuzzum First Nation
Disposition: Carried
Date: June 30, 2021

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 30TH, 2021
VIRTUAL MEETING

Resolution no. 2021-41

RE: Support-in-Principle for the Relationship Protocol between the BC Ministry of Energy Mines and Low Carbon Initiatives and the First Nations Leadership Council

WHEREAS the Province of British Columbia enacted the *Declaration on the Rights of Indigenous Peoples Act* (“Declaration Act”) to implement the *United Nations Declaration on the Rights of Indigenous Peoples* (“UN Declaration”), and has in place the *Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples*, respecting and promoting the inherent rights of Indigenous peoples, and is committed to upholding its constitutional obligations in relation to Aboriginal rights and treaty rights recognized and affirmed by section 35 of the *Constitution Act, 1982*;

WHEREAS after the passage of the Declaration Act, and prior to the Fall 2020 Provincial election, the BC Ministry of Energy, Mines and Low Carbon Innovation (EMLI) attempted to pass two bills: Bill C-6 the *Mines Amendment Act* and Bill C-17 the *Clean Energy Amendment Act* and, after substantial opposition from First Nations, both bills were withdrawn;

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 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 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 EMLI is responsible in British Columbia for energy, mines, and low carbon innovation and has a goal of facilitating these sectors to be globally competitive and environmentally leading in a manner that is consistent with the UN Declaration, advances reconciliation with Indigenous peoples, and is in accordance with the CleanBC plan and commitments to Crown-Indigenous reconciliation;

WHEREAS the UBCIC Chiefs Council has consistently supported Nations to assert their 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 Tsilhqot’in Nation and Call for Federal Rejection of the Proposed Prosperity Mine”, 2011-35 “UBCIC Support for the Tsilhqot’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.”, and 2019-04 “Free, Prior, and Informed Consent (FPIC)”; and

WHEREAS the Parties wish to enter into this Relationship Protocol to set out the ways they will work together with all First Nations to review legislation, policies, programs and practices related to energy and mining in BC.

THEREFORE BE IT RESOLVED that UBCIC Chiefs Council supports-in-principle 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 Ministry of Energy Mines and Low Carbon Initiatives (EMLI), and directs the UBCIC Executive to sign once finalized;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to clearly articulate to the Ministry of Energy Mines and Low Carbon Initiatives that the Protocol is not a substitute for EMLI to engage or consult directly with Nations and is not a delegation of authority in any way; and

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, the First Nations Energy and Mining Council, and the Ministry of EMLI to provide regular reports to and seek direction from the UBCIC Chiefs Council on the ongoing collaborative objectives and efforts as identified in the attached Relationship Protocol.

Moved: Kukpi7 James Hobart, Spuzzum First Nation
Seconded: Kukpi7 Dean Nelson, Lil’wat First Nation
Disposition: Carried
Date: June 30, 2021

RELATIONSHIP PROTOCOL

Between the

THE FIRST NATIONS LEADERSHIP COUNCIL

comprised of

BC ASSEMBLY OF FIRST NATIONS

a society incorporated under the laws of British Columbia, and having an office at 1004 Landooz Road,
Prince George, BC V2K 5S3

FIRST NATIONS SUMMIT

having an office at Suite 1200–100 Park Royal South, West Vancouver, BC V7T 1A2

UNION OF BC INDIAN CHIEFS

a society incorporated under the laws of British Columbia, and having an office at Suite 401–312 Main
Street, Vancouver, BC V6A 2T2

(collectively the “**FNLC**”)

And the

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA, as represented
by the Minister of Energy, Mines and Low Carbon Innovation

(the “**Minister**”)

WHEREAS

- A. The Province enacted the *Declaration on the Rights of Indigenous Peoples Act* (“*Declaration Act*”) to implement the *United Nations Declaration on the Rights of Indigenous Peoples* (“*UN Declaration*”), and has in place the *Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples*, respecting and promoting the inherent rights of Indigenous peoples, and is committed to upholding its constitutional obligations in relation to Aboriginal rights and treaty rights recognized and affirmed by section 35 of the *Constitution Act, 1982*.
- B. The Ministry of Energy, Mines and Low Carbon Innovation (“*EMLI*”) is responsible in British Columbia for energy, mines, and low carbon innovation. The goals of *EMLI* are to facilitate these sectors to be globally competitive and environmentally leading, in a manner that is consistent with the *UN Declaration*, a universal international instrument addressing the human rights of Indigenous peoples, and advances reconciliation with Indigenous peoples. *EMLI* facilitates these goals in accordance with the *CleanBC* plan and commitments to Crown-Indigenous reconciliation.
- C. The purpose of the *Declaration Act* is to affirm the application of the *UN Declaration* to the laws of British Columbia, to contribute to the implementation of the *UN Declaration*, and to support the establishment of relationships and agreements with Indigenous governing bodies.

- D. The *Declaration Act* provides 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 [the UN Declaration].” EMLI is responsible for reviewing its policies, programs, and legislation to ensure consistency with, and meet the objectives of, and determine how to bring the articles of the UN Declaration, as informed by its preambular statements, into action in British Columbia.
- E. The First Nations Leadership Council (FNLC) is a collaborative working relationship between the political executives of the BC Assembly of First Nations, the First Nations Summit and the Union of BC Indian Chiefs and reports to and takes direction from their respective Chiefs Assemblies in British Columbia. The FNLC is not a Title or Rights or treaty rights holder and cannot engage in processes to establish and provide free, prior, and informed consent on behalf of individual First Nations. Engagement by the Province with the FNLC does not replace or displace the Province’s obligations to consult and cooperate with First Nations title and rights holders.
- F. First Nations leadership have mandated the First Nations Energy and Mining Council (the “FNEMC”) through resolutions of the Chiefs in Assembly to support and facilitate First Nations’ efforts to manage and develop energy and mineral resources in ways that protect and sustain the environment forever while enhancing the social, cultural, economic and political well-being of First Nations in British Columbia.
- G. The Parties are committed to upholding Indigenous rights and achieving reconciliation for the benefit of all generations in the Province, now and in the future and, through the Relationship Protocol, acknowledge that this vision requires a new path forward, including new ways of working together, supported by structures that develop and strengthen ongoing collaborative relationships at all levels.
- H. The Parties wish to enter into this Relationship Protocol to set out the ways they will work together to review legislation, policies, programs and practices as described in (c) above, and on other issues of mutual interest.
- I. The Parties acknowledge this new path forward will be founded on the principles of collaborative relationship building, shared respect, mutual trust and accountability.

NOW THEREFORE, in the Parties agree as follows:

1. PURPOSE

- 1.1 The purpose of this Relationship Protocol is to establish and implement a collaborative and constructive relationship and supporting structures between the Parties to support the Province’s obligations in the *Declaration Act* to ensure consistency between the law and the UN Declaration and to contribute to the implementation of the Declaration Act in the areas of energy, mines, and low carbon innovation in British Columbia.

2. PRINCIPLES

- 2.1 The following principles pertain to the Relationship Protocol and the actions arising from it:

- a) Recognition of the rights of Indigenous peoples, including their inherent rights, Aboriginal rights and title, treaty rights and human rights, and of the government-to-government relationship existing between First Nations and the Province;
- b) Mutual respect, openness and transparency in support of constructive and innovative dialogue and solutions; and
- c) Cooperation and collaboration in projects and initiatives necessary to meet the purpose of this Protocol and as may otherwise be agreed.

2.2 The Parties agree to implement this Relationship Protocol in a manner consistent with section 35 of the *Constitution Act, 1982*, the UN Declaration and the Declaration Act, and that the dialogue and work under this Relationship Protocol is intended to be complementary to and supportive of the work under the bilateral *Commitment Document* (2015) between the Province and FNLC, including the:

- a) *Joint Agenda: implementing the Commitment Document – Shared Vision, Guiding Principles, Goals and Objectives* (2018); and
- b) *Joint Agenda: Implementing the Commitment Document – Concrete Actions: Transforming Laws, Policies, Processes and Structures* (2018).

3. STRUCTURE AND SCOPE OF WORK

3.1 The Parties hereby establish the following structures to support implementation of this Relationship Protocol:

a) Leadership Group

The Leadership Group (“LG”) will be comprised of the Minister and at least one Executive member of each of the FNLC organizations and will be a political oversight body that will carry out the purpose of this Relationship Protocol. The LG will:

- i. meet at least twice per year, and more frequently as may be determined by the Parties;
- ii. articulate key priorities and provide strategic direction for the joint work of the Parties;
- iii. provide direction and approval of the workplan, proposals, and initiatives related to, and supportive of, the implementation of this Relationship Protocol;
- iv. receive reports from the Senior Management Group established under section 3.1(b) to ensure oversight of progress on the workplan and accountability for funding;
- v. receive recommendations and reports on current or new work to ensure direction on shared interests and priorities are confirmed by political leadership and consistent with the approved workplan; and
- vi. confirm the terms of reference set out in Schedule “A” to guide the SMG in carrying out the direction of the LG to implement this Relationship Protocol.

b) Senior Management Group

The Senior Management Group (“SMG”) will be comprised of the FNEMC Chief Executive Officer, the Deputy Minister of EMLI, and one senior technical representative of each of the FNLC organizations. The SMG will:

- i. meet at least four times per year, and more frequently as may be directed by the Parties;

- ii. facilitate the carrying out of priorities and direction of the LG, and reporting back to the LG at its bi-annual meetings, unless otherwise directed by the LG;
- iii. establish a primary working group (“PWG”) to assist the SMG and functions as follows:
 1. meet at minimum monthly;
 2. provide a venue for the Parties to engage in regular constructive dialogue regarding issues related to energy, mines and low carbon innovation;
 3. serve as a support table to the SMG, including identifying priority issues for discussion, striking sub groups as required, and jointly establishing agendas;
 4. jointly develop and implement a workplan, proposals, and initiatives related to the implementation of this Relationship Protocol;
 5. provide strategic advice related to EMLI initiatives to ensure that First Nations perspectives and feedback are considered;
 6. prepare joint report on the progress related to implementation activities of this Relationship Protocol; and
- iv. develop terms of reference for the PWG in carrying-out direction of the LG and SMG, which will be appended as a schedule to this Relationship Protocol and may be amended at any time by agreement of the SMG in writing.

4. WORK PLAN AND REPORTING

- 4.1 Further to section 3(1)(b)(iii)(4), the SMG will be responsible for developing a workplan that addresses the priorities, direction, areas of focus determined by the LG and associated activities to be undertaken and will submit the workplan to the LG for review and approval within months of the execution of this Relationship Protocol.
- 4.2 The PWG will provide status reports on current and new activities to the SMG at its quarterly meetings and more often if requested.
- 4.3 The SMG and PWG will jointly report to the LG at least once per calendar year.
- 4.4 The Parties will jointly develop communications related to the workplan and associated activities as required.

5. OTHER AGREEMENTS

- 5.1 The Parties acknowledge that they may enter into other agreements or memoranda of understanding pursuant to and/or in connection with the purposes of this Relationship Protocol including, but not limited to, agreements in respect of cooperation relating to the work of:
 - a) the Mine Audits and Effectiveness Unit;
 - b) the Code Review Committee responsible for review of the Health, Safety and Reclamation Code for Mines in British Columbia;
 - c) other matters as may be agreed upon from time to time by the Parties; and

- d) which will be appended to this Relationship Protocol as a schedule but, for greater certainty, will not form part of this Relationship Protocol.

6. COMMUNICATION AND CONFIDENTIALITY

- 6.1 The Parties acknowledge they may have entered into confidentiality agreements with each other and those confidentiality agreements may govern confidentiality with respect to this Relationship Protocol.
- 6.2 The Parties acknowledge and agree that for the purposes of this Relationship Protocol, the Province may wish to share confidential information with the FNLC, including its sectoral councils such as the FNEMC or other organizations operating under the authority of the FNLC (“FNLC Agency”).
- 6.3 The Parties acknowledge and agree that for the purposes of this Relationship Protocol, the FNLC or a FNLC Agency may wish to share confidential information with the Province, which will be treated as confidential by the Province and will not be disclosed by the Province without the prior consent of the FNLC or FNLC Agency, as the case may be.
- 6.4 The FNLC agrees that it will not disclose any information that the Province marks or otherwise indicates to be confidential (the “Confidential Information”) without the consent of the Province and that it will ensure that any FNLC Agency with which the Province has agreed it may share the Confidential Information is aware of and agrees to the conditions set out in this section 6.2. The FNLC further acknowledges and agrees that the unauthorized disclosure of the Confidential Information by the FNLC or any FNLC Agency could cause harm to the Province.
- 6.5 The FNLC acknowledges that, prior to the Province disclosing or otherwise sharing Confidential Information as described in section 6.2, the Province may require that the recipients of the Confidential Information, including the FNLC, any FNLC Agency, their representatives, or other persons, enter into appropriate agreements with the Province to preserve the confidentiality of the Confidential Information.
- 6.6 The Parties acknowledge and agree that the disclosure by the Province of any information pursuant to this Protocol, including but not limited to the Confidential Information, is subject to applicable laws and that nothing in this Relationship Protocol will require the Province to disclose or otherwise share any information where such disclosure or sharing is prohibited by law.
- 6.7 The Province acknowledges the FNLC’s mandate and responsibility to report to and take direction from First Nations leadership and will support the FNLC to develop information and materials accordingly.
- 6.8 This Relationship Protocol and final versions of communications related to the functioning of the LG, and SMG will be made public.

7. FUNDING

7.1 The Parties agree to negotiate funding agreements to support the capacity required to implement the Relationship Protocol, its workplan and the associated activities.

8. GENERAL

8.1 For greater certainty, nothing in this Relationship Protocol is to be construed as abrogating or derogating from any rights recognized and affirmed by section 35 of the *Constitution Act, 1982* or affirmed in the UN Declaration, or as in any way altering the affirmation of the application of the UN Declaration to the laws of British Columbia as set out in the *Declaration Act*.

8.2 This Relationship Protocol is not a treaty or land claims agreement within the meaning of sections 25 and 35 of the *Constitution Act, 1982*.

8.3 For greater certainty, nothing in this Relationship Protocol limits the ability or obligation of the Province to consult and cooperate directly with Indigenous nations or other Indigenous organizations, including in relation to implementation of the *Declaration Act*.

8.4 This Relationship Protocol may be entered into by each Party signing a separate copy, including a photocopy or electronic copy, and delivering it to the other Party by electronic means of transmission.

9. AMENDMENT/TERMINATION

9.1 This Relationship Protocol will take effect on the last date it is signed by all the Parties and will remain in effect unless terminated in accordance with sections 9.3.

9.2 A Party may request that the Relationship Protocol be reviewed or amended at any time. Any amendments must be in writing and agreed to by the Parties.

9.3 A Party may terminate this Relationship Protocol by providing two months written notice to the other Party.

IN WITNESS WHEREOF THE PARTIES HAVE EXECUTED THIS RELATIONSHIP PROTOCOL AS OF THE DATE SHOWN BELOW

SIGNED ON BEHALF OF HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA,
as represented by the Minister of Energy, Mines and Low Carbon Innovation

ELECTRONIC COPY

The Hon. Bruce Ralston

Date

Draft – without prejudice, for discussion only, April 16 2021

SIGNED ON BEHALF OF THE BC ASSEMBLY OF FIRST NATIONS, as represented by the Regional Chief

ELECTRONIC COPY

Regional Chief Terry Teegee
Date _____

SIGNED ON BEHALF OF THE FIRST NATIONS SUMMIT, as represented by the Task Group Members

ELECTRONIC COPY

ELECTRONIC COPY

ELECTRONIC COPY

Cheryl Casimer
Date _____

Robert Phillips
Date _____

Lydia Hwitsum
Date _____

ON BEHALF OF THE UNION OF BC INDIAN CHIEFS, as represented by the Executive

ELECTRONIC COPY

ELECTRONIC COPY

ELECTRONIC COPY

Grand Chief Stewart Phillip
Date _____

Chief Don Tom
Date _____

Kukpi7 Judy Wilson
Date _____

Schedule “A”

Terms of Reference

The terms below are a guide to provide greater clarity regarding the purpose, scope, process and accountability and will be further developed by the LG

Senior Management Group (“SMG”)

1) Scope

- a) The scope of this terms of reference is as follows:
 - i) Establishing a workplan and associated activities based on the key priorities and strategic direction of the LG.
 - ii) Jointly reporting and making recommendations on issues and current or new work to ensure direction on shared interests and priorities are confirmed by leadership.
 - iii) Discussion and possible joint action pertaining to other ad hoc matters that may arise from time-to-time.

2) Structure

- a) Membership:
 - i) EMLI’s representative is the Deputy Minister;
 - ii) FNEMC’s representative is the Chief Executive Officer; and
 - iii) FNLC’s representatives are at least one senior technical representative of each of the FNLC organizations .
- b) Roles and Responsibilities:
 - i) Members will report back to their respective executives or board, colleagues, leadership and communities on the progress of the work undertaken through the Relationship Protocol.
 - ii) Members will work together collaboratively within a consensus model of decision making.

3) Meeting Procedures

- a) Meeting Frequency:
 - i) The SMG shall meet four times per year, unless otherwise agreed by both Parties.
 - ii) Meeting dates shall be scheduled with 30 days’ notice.
- b) Quorum:
 - i) Quorum shall be the Deputy Minister, the FNEMC Chief Executive Officer and one senior technical representative of each FNLC organization.
- c) Chairperson:
 - i) The members of the SMG will alternate as the chairperson for SMG and for LG meetings.
 - ii) The SMG will prepare materials and records for LG meetings.
 - iii) The chairperson will confirm the agenda for LG meetings. Standing agenda items shall include introductions, approval of previous meeting minutes, matters arising, new business, confirming the date, time and location of the next LG meeting, and adjournment.
 - iv) The SMG will confirm participation of guests at LG meetings.
 - v) The SMG will prepare minutes of LG meetings.
- d) Sub-Groups:
 - i) The SMG may establish sub-groups as required, at the direction of the LG or in addition to any that may be established by the LG, so long as those sub-groups do not have overlapping mandates.

Draft – without prejudice, for discussion only, April 16 2021

- e) Duration:
 - i) The SMG will endeavour to convene meetings for at least two hours to enable progress.
 - ii) Draft minutes shall be taken by an appointee of the chairperson and circulated for approval within two weeks of the meetings.
- f) Communications:
 - i) All public communication materials related to the LG shall be jointly prepared and approved by the LG. All public communications, where practicable, shall be jointly conducted by the LG.

4) Workplans and Budgets

- a) The LG will review workplans and budgets as may be developed and approved by the SMG.

Draft – without prejudice, for discussion only, April 16 2021

Schedule “B”

Terms of Reference

Primary Working Group

First Nations Leadership Council

and

Ministry of Energy, Mines and Low Carbon Innovation

Relationship Protocol

The Parties may develop terms of reference to be included in this Schedule “B” to guide the Primary Working Group (“PWG”) in carrying-out this Relationship Protocol and to provide greater clarity regarding the purpose, scope, process and accountability of the PWG.

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 30TH, 2021
VIRTUAL MEETING

Resolution no. 2021-42

RE: BC Hydro Phase 3 Interest Paper – First Nations Response to BC Ministry of Energy Mines and Low Carbon Innovation

WHEREAS in 2019 the BC Ministry of Energy Mines and Low Carbon Innovation (EMLI) commenced a comprehensive review of BC Hydro and sought input from First Nations. Subsequently, UBCIC Resolution 2019-55 “Call for Immediate, Meaningful, and Substantive Engagement of First Nations in BC Hydro’s Phase 2 Review” tasked the First Nations Leadership Council and First Nations Energy and Mining Council to ensure that a meaningful process was undertaken;

WHEREAS letters (October 18, 2019, April 16, 2020, May 27, 2020, June 17, 2020) and meetings (April 30, 2020, and May 7, 2020) with Provincial government Ministers proved unsuccessful in creating a fair process, and a Fall 2020 provincial election halted the process;

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

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

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

Article 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;

(3): States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

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

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

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

WHEREAS the BC First Nations Energy and Mining Council prepared the attached Interest Paper: A Comprehensive Review of BC Hydro Phase 3 to ensure First Nations interests are considered by the Province of BC. The paper is circulated to First Nations leadership in BC for review and consideration. The priority issues identified in this paper include:

1. Re-setting this process to ensure it is consistent with the recently passed BC *Declaration on the Rights of Indigenous Peoples Act*.
2. Resource revenue sharing on BC Hydro projects.
3. Compensation from the impacts of past infringements.
4. Ownership in:
 - a. Transmission lines
 - b. Independent power projects
 - c. Other utilities such as the local distribution system
5. Participation in governance, employment, and contracting with BC Hydro.
6. Transition from diesel to renewable power generation in remote First Nations communities in BC.
7. Legislative, regulatory and policies amendments to achieve the above.
8. Other issues as determined by the parties; and

WHEREAS the Ministry of Energy Mines and Low Carbon Innovation (EMLI) states in an April 14, 2021, PowerPoint presentation that they do not support revenue sharing, compensation, and discussions on electricity purchase agreements.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the attached *Interest Paper: A Comprehensive Review of BC Hydro Phase 3* for submission to the Minister by the First Nations Energy and Mining Council with the understanding that engagement must be with First Nations as the proper Title and Rights holders and calls on the Minister to engage in a new process to ensure all interested First Nations are full participants in this review of BC Hydro;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to clearly articulate to the Ministry of Energy Mines and Low Carbon Initiatives that the Interest Paper is not a substitute for EMLI to engage directly with Nations and is not a delegation of authority in any way; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council reminds the Province of BC that they must ensure a reasonable timeline and sufficient budget is provided for First Nations to meaningfully participate in the review of BC Hydro Phase 3.

Moved: Judith Sayers, Ehattesaht First Nation (Proxy)
Seconded: Kukpi Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: June 30, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 30TH, 2021
VIRTUAL MEETING

Resolution no. 2021-43

RE: Support for the Advancement of First Nations Water Rights

WHEREAS although water is the fabric of human existence and our most sacred and vital resource, our waters remain at imminent risk due to impacts of climate change, pollution, population increase, industrial development and mismanagement;

WHEREAS First Nations have both inherent and constitutionally protected rights to manage, conserve and ultimately govern the waters that run through our territories and this must be acknowledged by all levels of government;

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

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

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

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

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

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

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

WHEREAS First Nations rely on access to clean water to support our way of life and rely on this access to exercise constitutionally protected Aboriginal and Treaty rights including but not limited to: hunting, fishing, trapping, harvesting, cultural ceremonies, spiritual purposes, and economic wellbeing;

WHEREAS through mandate letters released in December 2020, Premier Horgan directed the Ministry of Indigenous Relations and Reconciliation to “facilitate partnership with First Nations around key decisions on regional land and resource use allocation through evolving shared decision making, building on the Declaration on the Rights of Indigenous Peoples Act (“UN Declaration”), to provide a clear, stable and sustainable path for everyone to work together”;

WHEREAS in the mandate letter provided to the Ministry of Environment and Climate Change Strategy, Premier Horgan included the development and implementation of a Water Security Strategy and a Watershed Security Fund “to plan, manage and protect local watersheds for the public good – while making sure BC gets fair rates for the bulk sale of water moving forward”;

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

WHEREAS in 2013, the First Nations Leadership Council (FNLC) engaged with First Nations communities on the development of a First Nations Water Rights Strategy which was supported and endorsed by UBCIC Resolution 2013-56. This Strategy has served as a core guiding document for the FNLC and other Indigenous water-related organizations but requires updating to more accurately identify modern strategic goals to help advance First Nations jurisdictional water rights in B.C and accurately reflect and align with the implementation of the UN Declaration.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports First Nations to continue the exercise and defense of their inherent right to ensure the protection of their respective territories, through the implementation of their laws that uphold principled Indigenous values of cultural, family and community interconnectedness;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work in solidarity with like-minded organizations with respect to advocating for First Nations jurisdictional water rights and supporting First Nations legal rights to affirm water rights and water laws on their traditional lands;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council urges the Provincial Government to recognize and affirm First Nations inherent rights to manage and protect their waters, to seek the free, prior and informed consent with all First Nations rights holders on matters related to water legislation, policy, strategies and action plans, and to provide adequate and sustainable resources for First Nations communities to meaningfully contribute to these initiatives;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls on the Ministry of Environment and Climate Change Strategy to ensure that any strategy, action plan or work related to water governance, including the BC Water Security Strategy and the Watershed Security Fund, is co-developed and in partnership with First Nations, and would encompass Indigenous-led approaches and joint-decision making with regards to water protection, conservation and overall management;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the First Nations Summit and BC Assembly of First Nations, together as the First Nations Leadership Council, to revise and update the 2013 BC First Nations Water Rights Strategy to reflect relevant and modern strategic goals to help advance First Nations jurisdictional water rights in BC; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council supports the UBCIC Executive and staff to seek funding for ongoing work and engagement related to First Nations Water rights which includes a review, amendment, and update on the First Nations Leadership Council's 2013 First Nations Water Rights Strategy.

Moved: Kukpi7 Dean Nelson, Lil'wat First Nation

Seconded: Chief Colleen Jacob, Xaxli'p

Disposition: Carried

Abstentions: (1) Khelsilem, Squamish Nation Spokesperson

Date: June 30, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 30TH, 2021
VIRTUAL MEETING

Resolution no. 2021-44

Re: Support for Development of a BC First Nations Regional Action Plan for Disaster Risk Reduction

WHEREAS First Nations must be full and equal partners in all aspects of emergency management decision making, and all phases of emergency management implementation in their territories, as recommended in “Trail by Fire: Nadleh Whut’en and the Shovel Lake Fire Report”, the Tsilhqot’in report “The Fires Awakened Us (Nagwedzižk’an Gwaneš Gangu Chinidžed Ganexwilagh)” and the Abbott-Chapman report;

WHEREAS the Government of Canada and the Province of British Columbia have adopted the United Nations Sendai Framework on Disaster Risk Reduction as the guiding approach for disaster risk reduction. The *2015-2030 Sendai Framework for Disaster Reduction* states that natural disasters are exacerbated by climate change and are increasing in frequency and intensity. The Sendai Framework also outlines a set of practical recommendations to build a culture of safety and resilience at all levels of government and across society. It calls for a people-centered, preventative approach to disaster through multi hazard and multi sectoral practices that are inclusive and accessible. Through programming and education, the Sendai framework supports empowerment through nondiscriminatory participation, paying special attention to historically marginalized people who are often disproportionately affected by disasters;

WHEREAS the *2015-2030 Sendai Framework for Disaster Reduction* further states that Indigenous peoples, through their experience and traditional knowledge, provide an important contribution to the development and implementation of plans and mechanisms, including for early warning;

WHEREAS the *2015-2030 Sendai Framework for Disaster Reduction* calls for the creation of Regional Action Plans which is meant to serve as a foundational document of a non-legally binding nature, that identifies practices and processes to advance implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030 among the Americas;

WHEREAS the *2015-2030 Sendai Framework for Disaster Reduction* has identified the four priority areas in the development of Regional Action Plans as understanding disaster risk, strengthening disaster risk governance to manage disaster risk, investing in disaster risk reduction for resilience and enhancing disaster preparedness for effective response, and to “Build Back Better” in recovery, rehabilitation and reconstruction;

WHEREAS the Tripartite Emergency Management Memorandum of Understanding (MOU) was signed in April of 2019 between the UBCIC, BC Assembly of First Nations and the First Nations Summit, working together as the First Nations Leadership Council (FNLC), the Government of Canada (represented by Indigenous Services Canada), and the Government of British Columbia (represented by Emergency Management BC and BC Wildfire Service) outlining a relationship as full and equal partners to establish a collaborative and constructive working relationship through a joint high-level dialogue process that focuses on a mutually developed agenda and Tripartite Emergency Management Working Group;

WHEREAS the FNLC and First Nations Emergency Services Society signed a *Declaration and Protocol of Recognition, Support, Cooperation and Coordination* with the First Nations Emergency Services Society of BC in 2009 with the purpose of affirming their intentions to work together in a cooperative manner, and to provide support for one another’s efforts, advance the recognition, respect, and accommodation of Aboriginal title and rights, and treaty rights, to improve the lives of First Nations people in British Columbia, and to support First Nations in their efforts;

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

Article 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 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. 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 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 32(1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources; and

WHEREAS a BC First Nations Regional Action Plan for Disaster Risk Reduction would provide the opportunity to understand disaster risk, strengthen disaster risk governance to manage disaster risk, invest in disaster risk reduction for resilience and enhance disaster preparedness for effective response and to “Build Back Better” in recovery, rehabilitation and reconstruction, including the incorporation of traditional knowledge, inherent rights, jurisdiction and the right to self-determination;

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council demands that any Regional Action Plan developed by British Columbia must be done in conjunction with Indigenous peoples and must recognize and uphold our inherent and constitutionally protected Indigenous Title and Rights, and Treaty Rights, and our Indigenous laws and legal orders, and be consistent with the historic Supreme Court of Canada’s Tsilhqot’in Nation judgment and the *United Nations Declaration on the Rights of Indigenous Peoples*;

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 develop a BC First Nations Regional Action Plan for Disaster Risk Reduction that will provide opportunity to understand disaster risk, strengthen disaster risk governance to manage disaster risk, invest in disaster risk reduction for resilience and enhance disaster preparedness for effective response and to “Build Back Better” in recovery, rehabilitation and reconstruction;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council supports the development and implementation of a BC First Nations led regional action planning session for disaster risk reduction that will strengthen and facilitate First Nation led implementation of the Tripartite Emergency Management MOU;

THEREFORE BE IT FINALLY 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, The Tripartite Emergency Management Working Group and the First Nations Emergency Services Society to prepare a draft BC First Nations Regional Action Plan for Disaster Risk Reduction for review by First Nations in BC that upholds the principles of the *United Nations Declaration on the Rights of Indigenous Peoples*, implements the recommendations of the “Trail by Fire: Nadleh Whut’en and the Shovel Lake Fire Report”, the Tsilhqot’in report “The Fires Awakened Us (Nagwedižk’an Gwaneš Gangu Chinidžed Ganexwilagh)” and the Abbott-Chapman report, and that is in alignment with the *2015-2030 Sendai Framework for Disaster Reduction*.

Moved: Kukpi7 James Hobart, Spuzzum First Nation
Seconded: Kukpi7 Judy Wilson, Neskonlith Indian Band
Disposition: Carried
Date: June 30, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 30TH, 2021
VIRTUAL MEETING

Resolution no. 2021-45

RE: Call for Independent Investigation and Report into Indigenous-Specific Racism and Discrimination in Provincial Public Education System

WHEREAS in June 2020, the BC Minister of Health launched an independent review into Indigenous-specific racism in the provincial health care system and empowered this review to examine data, undertake key informant interviews, conduct surveys and document cases brought forward by Indigenous peoples and healthcare workers;

WHEREAS on November 30, 2020, a final report entitled, *In Plain Sight* was released that described necessary pathways of change and 11 findings and 24 recommendations affirming the existence and impacts of racism against Indigenous peoples in healthcare in BC. Author Dr. Mary Ellen Turpel-Lafond stated that a number of comments and complaints about racism in the provincial public education system came forward during the process and recommended that the Minister of Education convene a similar investigation and report;

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, among other things:

- 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.

Article 15(1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

(2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society;

WHEREAS in the 2015 Audit of the Education of Aboriginal Students in the BC Public School System, the Auditor General described “racism of low expectations” in BC public schools toward Indigenous students based on “preconceptions or biases stemming from social attitudes,” and the report stated that a potential indicator of the racism of low expectations is that “Aboriginal students were almost twice as likely as non-Aboriginal students to complete courses that limit their options for entry to post-secondary education. As a result, those students may need to take additional courses to upgrade, should they choose to attend post-secondary institutions, at a cost to themselves and/or their First Nation.” The report also pointed out the “lack of leadership” within the provincial system to address this;

WHEREAS this racism is evident in data for Indigenous students which shows persistent gaps in education outcomes between Indigenous and non-Indigenous students, including:

- a) The 5-year high school completion rate of 47% for Indigenous students on-reserve in BC public schools is a stark example of racism against Indigenous peoples in BC.
- b) Indigenous students comprise 40% of all students in Alternate Programs and young Indigenous learners are over-represented among recipients of the Adult Graduation Diploma.
- c) Only 61% of surveyed Grade 7 Indigenous students reported that they felt safe at school all of the time or many times, and 15% of Indigenous respondents said they were bullied, teased or picked on;

WHEREAS events in recent months have increased awareness of the need to prioritize redressing and ending racism, including within in schools and communities, and in order to effectively eradicate systemic racism and discrimination, we need a report grounded in current data like the *In Plain Sight* report that will provide a clearer picture of the nature, scale, and scope of racism, support a comprehensive strategy to address racism and discrimination within the provincial public education system, and inform the development of programs and services to support students in their understanding and tolerance of diversity;

WHEREAS systemic and interpersonal racism and discrimination must be addressed and eliminated to uphold Indigenous human rights, to create safer learning environments for Indigenous students in public schools, to succeed in the implementation of the Declaration Act, and to fulfill the objectives of the UN Declaration in the context of education, taking a distinctions-based approach that ensures that the unique rights, interests and circumstances of Indigenous peoples in BC are acknowledged, affirmed, and implemented as required by section 35 and committed in the *Principles Respecting the Province of British Columbia’s Relationships with Indigenous Peoples*; and

WHEREAS the First Nations Education Steering Committee has consistently advocated for systemic changes to address ongoing and persistent racism and discrimination experienced by First Nation learners in the provincial public school system.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the First Nations Education Steering Committee in its continued advocacy for systemic changes to address ongoing and persistent racism and discrimination experienced by First Nation learners in the provincial public school system; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council calls on the Province of British Columbia to commission an independent and distinctions-based investigation and report into systemic and Indigenous-specific racism and discrimination in the K-12 and post-secondary provincial public education system, similar to the *In Plain Sight* report into racism in the BC public health system, in order to:

- a) draw attention to systemic discrimination and need to eliminate anti-Indigenous racism occurring within the BC public education system, and
- b) support the identification of measures to eliminate such racism and discrimination and to uphold the minimum human rights standards in the *United Nations Declaration on the Rights of Indigenous Peoples*, as mandated under the *Declaration Act on the Rights of Indigenous Peoples*.

Moved: Chief Samuel Schooner, Nuxalk
Seconded: Kukpi Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: June 30, 2021

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 30TH, 2021
VIRTUAL MEETING

Resolution no. 2021-46

RE: Call for the Parole Board of Canada to Uphold the Rights of Indigenous Victims and their Families

WHEREAS the Parole Board of Canada is part of the broader colonial justice system that continues to discriminate, discredit, and disempower Indigenous peoples, and is in need of immediate transformation;

WHEREAS Indigenous victims and their families have reported feeling retraumatized through the Parole Board of Canada processes, including recently when the family of an Indigenous woman who was brutally murdered were confronted with the non-Indigenous murderer culturally appropriating and exploiting their culture and protocols through the use of an Elder Assisted Hearing for his own benefit;

WHEREAS the appropriation of Indigenous culture to benefit a non-Indigenous offender who brutally took an Indigenous woman's life is colonial violence. Indigenous women continue to face erasure through systemic gender-based violence, and the re-victimization of their family members through the Parole Board of Canada's practices further demonstrates that the Canadian justice system was never designed to benefit or bring justice to Indigenous peoples;

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

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

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

Article 22 (2): States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

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

WHEREAS Indigenous victims and their families, alongside Victims Rights Organizations have called upon the Parole Board of Canada to immediately review and amend their policies around Elder Assisted Hearings and working with Indigenous victims; and

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

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the recommendations put forward by Indigenous victims and their families for a review and reform of the Parole Board of Canada's policies and procedures related to Elder Assisted Hearings and support for Indigenous victims;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls upon the Parole Board of Canada to ensure that Indigenous victims and their families are fully supported to meaningfully and safely participate in all decisions that impact them, without being subject to further trauma or discrimination, and that their human rights are upheld;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council calls upon the Parole Board of Canada to reserve the use of Elder Assisted Hearings for Indigenous offenders and to immediately undertake a review of all policies and procedures, in partnership with Indigenous peoples, to ensure all Parole Board of Canada process are reflective of, and respect, the needs and experiences of Indigenous victims as well as offenders;

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, and with the First Nations Justice Council and other like-minded organizations, to continue advocacy and engagement with Indigenous families in relation to the vast inequities and discrimination in Canada's human rights, policing, and justice systems.

Moved: Kukpi7 Wayne Christian, Splatsin
Seconded: Kukpi7 James Hobart, Spuzzum First Nation
Disposition: Carried
Date: June 30, 2021

OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 30TH, 2021
VIRTUAL MEETING

Resolution no. 2021-47

RE: Support for the NRT's Proposal for a BC Indigenous Clean Energy Legacy Fund

WHEREAS the advancement of Indigenous reconciliation and climate change are continually acknowledged as key priorities by the federal and provincial governments;

WHEREAS there is an emerging expectation that Canada and British Columbia will need to explore mechanisms for greater First Nation involvement in climate and energy strategies to support the future BC energy economy, meet committed climate targets, and to advance meaningful reconciliation;

WHEREAS there is also growing sentiment amongst BC First Nations that BC's energy sector could be an important path towards reconciliation if consistent and structured opportunities for First Nations funding and participation in BC's clean energy economy are empowered;

WHEREAS clean energy in the Indigenous context relates to the development of reliable energy generation and efficient infrastructure technologies that reduce greenhouse gas emissions and land-use changes that negatively impact ecosystems and quality of life while creating resilient and sustainable Indigenous communities;

WHEREAS the New Relationship Trust (NRT) is an Indigenous economic trust that supports and offers funding to First Nations in BC to build their capacity towards self-determination and nationhood within their own context;

WHEREAS the NRT was established as a legislative and institutional platform in 2006 as an outcome of the Transformative Change Accord Agreement (the "Accord") signed on November 25th, 2005 between the First Nations Leadership Council representing the First Nations in BC, the Government of BC and the Government of Canada. The Accord acknowledged the commitment to strengthen relationships between First Nations and senior level governments and that transformative change would require different and innovative funding approaches;

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

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

WHEREAS the BC Indigenous Clean Energy Initiative (“BCICEI”) is one of the successful Indigenous-led funding programs being administered by the NRT, which incorporates an innovative, robust and collaborative stakeholder governance model for Indigenous clean energy project review, approval and funding;

WHEREAS the BCICEI has been oversubscribed by an average of 260% since 2016 but has successfully funded \$11 million to 61 First Nation communities to build capacity, readiness and to accelerate and mobilize clean energy projects across First Nation communities in BC;

WHEREAS the BCICEI has been funded through the federal government’s Strategic Partnership Initiative and BC’s CleanBC plan; however, that specific funding envelope is set to end on March 31, 2022;

WHEREAS in response, the NRT has developed and delivered a funding concept proposal to Canada and BC with potential funding solutions to create a \$250 million First Nations Clean Energy Legacy Fund through the NRT Centre of Excellence approach, which would be administered as a one-stop shop funding platform to support Indigenous clean energy initiatives in BC in perpetuity; and

WHEREAS the NRT is seeking affirmation from First Nation leadership in BC to support the NRT’s work to secure a commitment from Canada and BC.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports the important work done by the New Relationship Trust to provide consistent and stable funding to build clean energy capacity in First Nation communities across all of BC;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council acknowledges that there is an opportunity and a need for senior levels of government to make strategic and lasting investments in addressing climate action, clean infrastructure, and respecting meaningful economic and social reconciliation, and that such investments should be made to Indigenous-led institutions like the New Relationship Trust which hold the capacity to deliver on BC First Nation priorities and strategies;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council supports the New Relationship Trust’s efforts to secure a commitment from Canada and BC to fund a \$250 million Indigenous Clean Energy Legacy Fund in the next budget cycle and beyond to support clean energy projects in First Nation communities for generations to come.

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work in partnership with the First Nations Summit, the BC Assembly of First Nations and the New Relationship Trust to call on the federal and provincial governments to provide innovative funding approaches and political resources to support the New Relationship Trust’s Indigenous Clean Energy Legacy Fund in the next budget cycle and beyond.

Moved: Kukpi7 Wayne Christian, Splatnin
Seconded: Kukpi7 Dean Nelson, Lil’wat First Nation
Disposition: Carried
Date: June 30, 2021