

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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## **Final Resolutions of UBCIC Annual General Assembly September 27<sup>th</sup>-29<sup>th</sup>, 2021**

- 2021-48 Adoption of 52<sup>nd</sup> AGA Minutes
- 2021-49 Recognizing Indigenous Survivors as Thrivers and Veterans
- 2021-50 Visit and Formal Apology from the Pope for the Catholic Church's Role in the Missing and Unidentified Children of Residential Schools in Canada
- 2021-51 Removal of the Specific Claims Tribunal from the ATSSCA and Amending the SCTA
- 2021-52 Updated UBCIC Political and Legal Action Plan to Move Beyond the BC Treaty Process
- 2021-53 Adoption of UBCIC Negotiations Strategy Report, 2021
- 2021-54 Call for Implementation of UNDRIP at the Local Government Level in BC
- 2021-55 LNG, Fracking and a Just Transition to a Clean Energy Economy
- 2021-56 Support for a BC First Nations Salmon Advocate
- 2021-57 Support for Core and Capacity Funding for First Nations-Mandated Post-Secondary Institutes
- 2021-58 Call for a Moratorium on All Pending and Future Water Bottling Licenses in BC
- 2021-59 Adoption of 2020-2021 Audited Financial Statements
- 2021-60 Support for the BC First Nations Data Governance Strategy and the Development of First Nations Information Governance Centres

2021-61 New Law for Biodiversity and Ecosystem Health

2021-62 Support for Phasing Out Industrial Fur Farming in BC

2021-63 Appointment to New Relationship Trust Board of Directors

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53<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 27<sup>TH</sup>- 29<sup>TH</sup>, 2021  
VIRTUAL MEETING

**Resolution no. 2021-48**

**RE: Adoption of 52<sup>nd</sup> AGA Minutes**

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs-in-Assembly adopt the minutes of the 52<sup>nd</sup> Annual General Assembly (September 2020) as presented in the 53<sup>rd</sup> Annual General Assembly kit.

**Moved:** Kukpi7 Wayne Christian, Splotsin  
**Seconded:** Chief Byron Louis, Okanagan Indian Band  
**Disposition:** Carried  
**Date:** September 28, 2021

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Grand Chief Stewart Phillip, President

2021-48  
Page 1 of 1

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53<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 27<sup>TH</sup> TO 29<sup>TH</sup>, 2021  
VIRTUAL MEETING

Resolution no. 2021-49

**RE: Recognizing Residential School Survivors as Veterans and Thrivers**

**WHEREAS** the ongoing confirmation of mass unmarked burial sites by First Nations across Canada provides evidence of state-sanctioned genocide, human rights and humanitarian law violations, and fits within a pattern of violence inflicted upon Indigenous peoples by the government of Canada and the churches through the Residential School system and other colonial laws and policies;

**WHEREAS** those that experienced and lived through the atrocities of the Residential School system, including Day Scholars and Day Students, endured the loss of culture and language, and were subjected to emotional, spiritual, sexual, physical, and psychological abuse and other injustices that severely affected them and their families – for which many have not been compensated or received reparations for;

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

**Article 7(2):** Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group;

**Article 8(1):** Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture;

**(2):** States shall provide effective mechanisms for prevention of, and redress for:

(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

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- (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;
- (d) Any form of forced assimilation or integration;
- (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them;

**WHEREAS** the ongoing recoveries of missing and unidentified Indigenous children at former Residential School sites have triggered and re-traumatized Residential School Survivors, including intergenerational survivors, and have highlighted and brought to public attention the immense trauma, violence, and abuse they continue to heal from with courage and resiliency;

**WHEREAS** it has been recognized that some Residential School Survivors, including intergenerational survivors, prefer to be referred to by other terms, including as “thrivers” and “veterans,” to better reflect their resiliency and agency, to better capture the respect and honour they deserve to be treated with, and to better reflect the calculated, violent cultural eradication and hostile forces they confronted and emerged from with their dignity and strength intact;

**WHEREAS** Resolution 2021-29 is a comprehensive document that identifies the vast legal implications and challenges that have arisen from the failings of Canada and the Catholic Church to document and protect the deceased children of the residential schools; and

**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.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly recognize the immense courage, resiliency, and strength from all those who have experienced and been impacted by Residential Schools and Day Schools, and fully supports their different pathways of healing, including recognizing that they prefer language and terminology, such as being referred to as “veterans” and “thrivers,” that better reflects their agency and power in overcoming the hostile colonial forces that threatened the survival of their peoples and cultures; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly will be sensitive to the preferences of Residential School Survivors, Thrivers, Veterans, etc., and commits to using their preferred language and terminology around Residential Schools when identified and appropriate.

**Moved:** Chief Byron Louis, Okanagan Indian Band  
**Seconded:** Kukpi7 Wayne Christian, Splatsin  
**Disposition:** Carried  
**Date:** September 28, 2021

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SEPTEMBER 27<sup>TH</sup> TO 29<sup>TH</sup>, 2021  
VIRTUAL MEETING

**Resolution no. 2021-50**

**RE: Visit and Formal Apology from the Pope for the Catholic Church's Role in the Missing and Unidentified Children of Residential Schools in Canada**

**WHEREAS** on May 27, 2021, information became public about the Tk'emlúps te Secwépemc (TteS) efforts to learn the truth about the missing children who attended the former Kamloops Indian Residential School (KIRS), and since TteS began the challenging but critical work to identify and honour the 215 children found buried on the grounds of the former KIRS, the number of confirmed mass graves in Canada has risen as First Nations collectively work to obtain truth and justice from the governments and institutions accountable;

**WHEREAS** while local Catholic dioceses and regional Catholic archdioceses have issued apologies and expressed remorse since the news of the mass unmarked burial sites in Canada broke, no apology has come from the highest level of the church, and a [Tweet](#) from the Pope expressing his "closeness with the Canadian people" fails to constitute an adequate or formal papal apology 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 through legislation, affirms:

**Article 7 (2):** Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

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Grand Chief Stewart Phillip, President

2021-50  
Page 1 of 4

**Article 8 (1):** Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture;

**(2):** States shall provide effective mechanisms for prevention of, and redress for:

- (a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
- (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;
- (d) Any form of forced assimilation or integration;
- (e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them;

**WHEREAS** although the mass unmarked burial sites are irrefutable evidence of the state-sanctioned genocide inflicted upon Indigenous peoples by Canada and the Roman Catholic Church, the Catholic Church is the only church or government body which has not yet formally apologized for its role in the Indian Residential School System, despite having operated over 70% of all Indian Residential Schools in Canada;

**WHEREAS** although the Canadian Conference of Catholic Bishops has confirmed that Pope Francis has invited Indigenous delegations to the Vatican in December 2021 and will meet separately with three groups — First Nations, Metis, and Inuit — such meetings are meaningless gestures if there is no formal apology issued and if the Church continues its harmful pattern of refusing to accept responsibility or formally apologize for its direct role in the forced assimilation and genocide committed against Indigenous children through the Residential School System;

**WHEREAS** by Resolution 2021-29, the UBCIC Chiefs Council points to the Catholic Church's refusal to accept responsibility or formally apologize for its direct role in the Residential School System, including its attempts to reduce its obligation to contribute funds to reconciliation purposes, and calls upon the Church and Holy See to help fulfill the Truth and Reconciliation Commission of Canada's Calls to Action to make amends for their actions and help identify the missing children and the locations of unmarked graves. This includes:

- 1) As per TRC Call 58, issuing a meaningful formal apology to Indigenous peoples in Canada that includes acknowledging and working toward redress of the atrocities committed, renouncing the doctrines of moral superiority that justified the church imposing its spirituality and beliefs through a harsh environment and reimposition of *Sublimis Deus* 1537, and working with individual interested Nations, including Tk'emlúps te Secwépemc, on agreements that acknowledge these truths and outline commitments to action moving forward;
- 2) As there is serious evidence 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, the Catholic Church must cooperate and release all school records in its possession to ensure they inform the investigation needed;

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Grand Chief Stewart Phillip, President

2021-50  
Page 2 of 4

- 3) Taking tangible steps to support healing and remembering; the Church must acknowledge the continuing impact of the genocide on First Nations in BC and take active steps to support survivors, including intergenerational survivors, as they heal from the trauma and harm they have borne witness to;

**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; and

**WHEREAS** although on September 24, 2021, the Canadian Conference of Catholic Bishops issued a formal apology and expressed “profound remorse” for the suffering experienced in the schools, this apology is not reflected and upheld at all levels and entities of the Catholic Church until Pope Francis expressly issues a formal papal apology and follows up with concrete actions to rectify the intergenerational harm the Catholic Church has inflicted upon the Indigenous peoples of Canada.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support First Nations communities conducting guardianship over unmarked Indian Residential School burial sites, survivors and veterans of the Residential School system, their families, and the families of the children that did not survive who need resources and supports to heal and gain closure, including receiving a formal apology from the Roman Catholic Church;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly renew their call for the Roman Catholic Church and the Holy See to carry out the critical actions that were outlined in Resolution 2021-29 “Demanding Justice and Accountability for the Missing and Unidentified Children of Residential Schools,” including fulfilling TRC Call to Action 58 which requires issuing a formal apology to Indigenous peoples in Canada that acknowledges and works towards redress of the atrocities committed;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call upon Pope Francis to visit Canada so he can issue this formal apology directly to veterans, survivors, their families, and communities for the Roman Catholic Church’s role in the abuse of Indigenous children in Catholic-run residential schools, recognizing that Indigenous peoples and delegations should not be responsible for visiting and entreating him on matters that the Church are responsible for taking the first steps to rectify;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call upon Pope Francis to revoke, in his apology, the destructive Doctrine of Discovery that the colonial Canadian government and Church used to justify their malignant actions, and to commit to concrete actions, including providing funding and supports to Residential School Survivors and veterans, to rectify the ongoing intergenerational trauma and harm the Catholic Church has inflicted upon Indigenous peoples in Canada;

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Grand Chief Stewart Phillip, President

2021-50  
Page 3 of 4

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call upon the Holy See and Catholic Church to recognize that the continued absence of a papal apology constitutes a grievous threat to reconciliation and sends a message to the world that the Catholic Church is continuing its efforts to leave Indigenous children in Canada buried and silenced beneath the foundations of its colonial institutions; and

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with the other like-minded organizations to call upon the Canadian Conference of Catholic Bishops, per Vatican and church protocol, to invite the Pope to come to Canada to deliver the apology requested in TRC Call to Action 58.

**Moved:** Chief Byron Louis, Okanagan Indian Band  
**Seconded:** Kukpi7 Wayne Christian, Splatstin  
**Disposition:** Carried  
**Date:** September 28, 2021

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2021-50  
Page 4 of 4

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53<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 27<sup>TH</sup> TO 29<sup>TH</sup>, 2021  
VIRTUAL MEETING

**Resolution no. 2021-51**

**RE: Removal of the Specific Claims Tribunal from the ATSSCA and Amending the SCTA**

**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 as well as the honour of the Crown necessitate right action on the part of the federal 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 through legislation, 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;

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**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;

**WHEREAS** the Government of Canada introduced its Specific Claims Action Plan: Justice At Last on June 12, 2007 to “ensure impartiality and fairness, greater transparency, faster processing and better access to mediation” for specific claims, resulting in new legislation, the *Specific Claims Tribunal Act* (“SCTA”), which came into force on October 16, 2008;

**WHEREAS** the Specific Claims Tribunal (Tribunal) was established in October 2008 as an independent adjudicative body able to make final, binding decisions on specific claims;

**WHEREAS** the 2008 SCTA provided that the Tribunal’s adjudicative membership would consist of independent superior court judges, and that the Tribunal would have its own dedicated Registry (section 10), with an office in the National Capital Region. Additionally, the Act provided that the Tribunal’s judges would have the power to make rules regarding Tribunal and Registry staff (section 12), and that the registrar (a “Deputy Head” under the *Financial Administration Act*) would be responsible for managing the Tribunal’s work, including the duties and staff of the Tribunal, and be accountable to the Tribunal as an institution;

**WHEREAS** First Nations agreed to the establishment of the Tribunal on the basis of its independence as guaranteed in the 2008 SCTA and regard the independence of the Tribunal and its ability to make final and binding decisions as a fundamental aspect of its legitimacy as an adjudicator of First Nations’ historical claims against the Crown;

**WHEREAS** the Tribunal has an exceptionally high requirement for independence due to the national importance of resolving First Nations’ claims in a just and fair manner in accordance with Tribunal’s

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Grand Chief Stewart Phillip, President

2021-51  
Page 2 of 3

reconciliatory aims, the need for First Nations to have confidence in the fairness and impartiality of Tribunal processes, and the relative complexity of specific claims;

**WHEREAS** in 2014, the Harper government passed the *Administrative Tribunal Support Services of Canada Act* (“ATSSCA”) to “provide registry, administrative and other support services to 11 administrative tribunals”, which resulted in amendments being made to the SCTA resulting in the Tribunal’s loss of its dedicated Registry (repealing of section 10) and loss of control over its administrative operations, such as staffing and budgets (repealing of section 12), and relocating its administrative offices within a federal government department, accountable to the Minister of Justice;

**WHEREAS** the passing of the ATSSCA and amendments to the SCTA were done unilaterally by Canada without any consultation with First Nations, and in advance of the legislative five-year review of the SCTA, contrary to what was explicitly promised to First Nations by Canada when it announced Justice At Last and established the Tribunal;

**WHEREAS** the former Chairperson of the Tribunal, Justice Harry Slade, publicly expressed his concerns on numerous occasions about the impact of the ATSSCA and amendments made to the SCTA on the Tribunal’s judicial and institutional independence, concerns that were echoed by the Canadian Bar Association via resolution 15-02-A (passed in August 2015), and the UBCIC via Resolution 2015-38 (passed in September 2015); and

**WHEREAS** the ATSSCA and amendments made to the SCTA have removed the statutory mechanism that guaranteed and protected the full judicial and institutional independence of the Tribunal, and pose significant threats to First Nations’ confidence in the Tribunal’s independence.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly demand the removal of the Specific Claims Tribunal from the *Administrative Tribunal Support Services of Canada Act* (ATSSCA), the return of the Tribunal’s dedicated registry, the resumption of control over its administrative operations, such as staffing and budgets, and the removal of its administrative offices from a federal government department; accountable to the Minister of Justice, reinstatement of sections 10 and 12 in the 2008 full review of the impacts of the ATSSCA on the Tribunal’s independence; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly demand that the current *Specific Claims Tribunal Act* be amended, in full partnership with First Nations, to return legislative protections to the Tribunal’s judicial and institutional independence to align with Canada’s legal obligations under the UN Declaration.

**Moved:** Chief James Hobart, Spuzzum First Nation  
**Seconded:** Kukpi7 Judy Wilson, Neskonlith Indian Band  
**Disposition:** Carried  
**Date:** September 28, 2021

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Grand Chief Stewart Phillip, President

2021-51  
Page 3 of 3

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VIRTUAL MEETING

Resolution no. 2021-52

**RE: Updated UBCIC Political and Legal Action Plan to Move Beyond the BC Treaty Process**

**WHEREAS** by Resolution 2016-02, the UBCIC Executive was directed by the UBCIC Chiefs Council to seek legal advice and advance the best legal action possible to uphold the Title and Rights and responsibilities of First Nations in BC not involved in the BC Treaty Commission Process (BCTC), and to work with like-minded groups across the province to address this important matter;

**WHEREAS** by Resolution 2016-30, the UBCIC Executive was further directed by the UBCIC Chiefs Council to implement the political and legal action plan “Moving Beyond the BC Treaty Commission Process and into Proper Negotiations Based on Recognition and Implementation of Aboriginal Title and Rights”;

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

- 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.

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

**WHEREAS** in the past five years many aspects of the political and legal action plan have been implemented including, but not limited to, development of legal options, intervention in legal cases, and establishment of a set of negotiations principles and approaches;

**WHEREAS** in the past five years there have been many developments including the endorsement of the UN Declaration by British Columbia and Canada, the passage of the *Declaration on the Rights of Indigenous Peoples Act*, and a commitment made that all relations and agreements will be based on the recognition and implementation of First Nations Title and Rights;

**WHEREAS** in 2019 Canada, BC, and the First Nations Summit adopted the *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia* which does not resolve matters of fundamental concern to First Nations outside of the BCTC process, including how treaties and agreements in the BCTC process infringe the rights of First Nations outside of the process;

**WHEREAS** updated strategies are needed to advance change to the BCTC process, ensuring the UN Declaration is upheld, including the standard of free, prior, and informed consent, and that the Title and Rights of First Nations are not violated by treaties and agreements in the BCTC process; and

**WHEREAS** an updated Political and Legal Action Plan "Moving Beyond the BC Treaty Commission Process and into Proper Negotiations Based on Recognition and Implementation of Aboriginal Title and Rights" has been developed that updates the strategies in the 2016 plan.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly hereby endorse the updated 2021 UBCIC Political and Legal Action Plan "Moving Beyond the BC Treaty Commission Process and into Proper Negotiations Based on Recognition and Implementation of Aboriginal Title and Rights";

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, legal counsel and staff to identify necessary resourcing and timelines, and to carry out the updated UBCIC Political and Legal Action Plan; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to provide reports on the progress of this work to the UBCIC Chiefs Council.

**Moved:** Colin Linger, Xa'xtsa (Proxy)  
**Seconded:** Terry Dorward, Tla-o-qui-aht (Proxy)  
**Disposition:** Carried  
**Date:** September 28, 2021

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Grand Chief Stewart Phillip, President

2021-52  
Page 2 of 2

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UNION OF B.C. INDIAN CHIEFS  
53<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 27<sup>TH</sup>-29<sup>TH</sup>, 2021  
VIRTUAL MEETING

**Resolution no. 2021-53**

**RE: Adoption of UBCIC Negotiations Strategy Report, 2021**

**WHEREAS** it is imperative that all negotiations and agreements with the Crown be consistent with the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), and respect Indigenous sovereignty, self-determination, and self-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 27:** States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process;

**WHEREAS** British Columbia and Canada have never had principled policies and mandates for negotiations that meet the minimum standards of the UN Declaration, and that further place emphasis, focus, and resources on the British Columbia Treaty Process and limited negotiations outside of that process;

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**WHEREAS** on May 21-22<sup>nd</sup> 2019 the UBCIC held a symposium on negotiations beyond the BC Treaty Commission (BCTC) process that included the development of a set of principles for negotiations aligned with the UN Declaration;

**WHEREAS** by Resolution 2019-23 “Draft Principles to Guide Negotiations and Agreements with the Crown” the UBCIC Chiefs Council endorsed the UBCIC negotiation principles, and mandated further work to develop and implement strategies that will support Nations in their negotiations beyond the BCTC process;

**WHEREAS** on April 22<sup>nd</sup>, 2021 the UBCIC held a second negotiations symposium where a number of strategies were discussed for supporting the implementation of the UBCIC negotiations principles and transforming approaches to negotiations;

**WHEREAS** a Negotiations Strategies Report was prepared for the Chiefs Council which recommends a four-pronged strategy: (1) Regular Nation Information Sharing on Progress and Challenges; (2) Collective Advocacy; (3) Advance Legislative and Policy Initiatives to Implement the UBCIC Principles; (4) Development of Negotiation Tools; and

**WHEREAS** the above four-pronged strategy must be grounded in inherent Indigenous laws and legal orders, and Indigenous jurisdiction.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council endorses the Negotiations Strategies Report and four-pronged strategy in the Report dated May, 2021; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to implement the four-pronged strategy, including ensuring First Nations are regularly updated on the progress of the strategy, and opportunities are made for technical and legal experts from First Nations to contribute to the implementation of the strategy, including ensuring that the strategy is culturally grounded throughout the process and that inherent jurisdiction and inherent laws provide the basis and work to redress and transform colonial systems.

**Moved:** Kukpi7 Judy Wilson, Neskonlith Indian Band

**Seconded:** Colin Linger, Xa’xtsa (Proxy)

**Disposition:** Carried

**Date:** September 28, 2021

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Grand Chief Stewart Phillip, President

2021-53  
Page 2 of 2

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SEPTEMBER 27<sup>TH</sup> TO 29<sup>TH</sup>, 2021  
VIRTUAL MEETING

**Resolution no. 2021-54**

**RE: Call for Implementation of UN Declaration at Local Government Level in BC**

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) provides a “universal framework of minimum standards for the survival, dignity and well-being of the indigenous peoples of the world and it elaborates on existing human rights standards and fundamental freedoms as they apply to the specific situation of indigenous peoples”;

**WHEREAS** the Truth and Reconciliation Commission called on “federal, provincial, territorial, and municipal governments” to use the *United Nations Declaration on the Rights of Indigenous Peoples* as the “framework for reconciliation” (Call to Action #43) and through Resolutions 2008-03, 2016-14, and 2018-03, the UBCIC has fully endorsed and supports the full implementation of the UN Declaration calling on the Provincial and Federal governments to engage with First Nations to that end;

**WHEREAS** the UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement through legislation, 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 the right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

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

**WHEREAS** the Province of British Columbia passed the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) in November 2019 and affirmed the principles of the UN Declaration into law;

**WHEREAS** the Government of Canada passed the *United Nations Declaration on the Rights of Indigenous Peoples Act* (UNDRIPA) in June 2021 and affirmed the principles of the UN Declaration into law;

**WHEREAS** the laws affirm UN Declaration application in Canadian and British Columbia law;

**WHEREAS** the City of Vancouver recognizes the implementation of the UN Declaration as the minimum standard for the survival, dignity, well-being and rights of the Indigenous peoples and aspires to implement the UN Declaration at a local government level in the City of Vancouver;

**WHEREAS** under the Constitution Act, Provincial legislatures are assigned the jurisdiction to make laws in relation to “Municipal Institutions in the Province”;

**WHEREAS** there are currently 162 municipalities and 27 regional districts in British Columbia that are established under Provincial law that assert jurisdiction throughout First Nations territories in British Columbia;

**WHEREAS** the Union of BC Indian Chiefs (UBCIC), the BC Assembly of First Nations (BCAFN), and the First Nations Summit (FNS), working together as the First Nations Leadership Council (FNLC) have passed resolutions to work with the Province to advance the Province’s obligations under the Declaration Act to: take all measures necessary to ensure that the laws of British Columbia are consistent with the UN Declaration as described in section 3; to prepare and implement an action plan to advance the objectives of the UN Declaration as described in section 4; and, to enable implementation of shared decision-making agreements described in section 7;

**WHEREAS** although efforts have been underway jointly between the FNLC and the Province of BC to advance the implementation of the Declaration Act, including engagement with First Nations Organizations and conducting analysis and working group processes, the Province continues to advance and implement existing legislation that is not consistent with its obligations under the Declaration Act and needs to be aligned with the UN Declaration; and

**WHEREAS** while the Government of Canada and the Government of British Columbia have taken steps to affirm and implement the UN Declaration, the Province must support Indigenous Governing Bodies and local governments to implement the UN Declaration at the local level including resourcing for

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Grand Chief Stewart Phillip, President

2021-54  
Page 2 of 3

implementation at the local government level in order to achieve the full enjoyment of the Indigenous Rights contained in the UN Declaration.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with First Nations and other like-minded organizations to advocate for funding and technical support for First Nations seeking to work on the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* at the local government level;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff write to the Province on this matter and remind the Province of Article 39 of the UN Declaration and that failure to provide funding and technical support is a breach of the articles of the UN Declaration;

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs-in-Assembly urge the Province of BC to work with the UBCIC, the BC Assembly of First Nations, and the First Nations Summit, working together as the First Nations Leadership Council (FNLC), and other like-minded organizations to develop directives, guidelines and best practices for local governments on the implementation of the UN Declaration; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly urge the Province of BC to work with the FNLC to prioritize a process, in collaboration and cooperation with Indigenous Peoples in BC, to review and align the laws of British Columbia related to municipal governments with the UN Declaration as per section 3 of the Declaration Act, and to secure funding for First Nations involvement in this process.

**Moved:** Spokesperson Khelsilem (Dustin Rivers), Squamish Nation  
**Seconded:** Kukpi7 Wayne Christian, Splatshin  
**Disposition:** Carried  
**Date:** September 28, 2021

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Grand Chief Stewart Phillip, President

2021-54  
Page 3 of 3

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UNION OF B.C. INDIAN CHIEFS  
53<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 27<sup>TH</sup> TO 29<sup>TH</sup>, 2021  
VIRTUAL MEETING

**Resolution no. 2021-55**

**RE: LNG, Fracking and a Just Transition to a Clean Energy Economy**

**WHEREAS** global fossil fuel pollution and other human-caused factors have contributed to the climate crisis and its range of devastating impacts – including rising sea-levels, critical loss of wildlife species, and an increase in flooding, wildfires and other extreme weather events – that disproportionately impact the lives and cultures of Indigenous peoples who have stewarded their lands and waters since time immemorial;

**WHEREAS** the Intergovernmental Panel on Climate Change (IPCC)'s released its sobering [2021 Report](#) that identified methane, a major greenhouse gas that frequently leaks along the Liquefied Natural Gas (LNG) supply chain, as a key contributor to the global heating and climate emergency that has severely impacted BC First Nations this summer through record-breaking forest fires and a deadly heat dome;

**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 through legislation, affirms:

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

**Article 29(1):** Indigenous peoples have the right to the conversation and protection of the environment and the productive capacity of their lands or territories and resources. States shall

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Grand Chief Stewart Phillip, President

establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

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

**WHEREAS** hydraulic fracturing, commonly known as “fracking” is a polluting and water-intensive technique used by fossil fuel companies to crack open the earth and access gas deposits in BC;

**WHEREAS** there are more than 20,000 fracking wells scattered across northeastern BC that, in addition to destroying forests and farmland and poisoning clean water, air, and soil, pose unacceptable health hazards to farmers and Indigenous communities that live near fracking operations – [1,700](#) studies, articles, and reports have linked fracking activities to birth defects, cancer, and asthma;

**WHEREAS** each fracking well can pollute over 10 million liters of fresh water and the fracking process involves toxic, carcinogenic chemicals and heavy metals that have been known to contaminate agricultural soils near fracking operations;

**WHEREAS** the LNG-fracking industry is undermining climate change action, including BC’s ability to fulfill its legislated greenhouse gas reduction targets by 2050, as methane is a potent greenhouse gas that leaks at every stage of the extraction and processing of natural gas and the BC government continues to hand out fossil fuel subsidies, spending [\\$1.3 billion](#) on fossil fuel subsidies in 2020-21, despite BC’s rising carbon emissions;

**WHEREAS** the Canadian Association of Nurses for the Environment (CANE) and the Canadian Association of Physicians for the Environment (CAPE) launched an anti-LNG and fracking campaign that included an interactive [website](#) and a petition for the provincial government to immediately enact the following:

1. **A moratorium on fracking expansion.** Because natural gas extraction harms the health of people living near fracking wells and intensifies the climate crisis, the BC government should stop all new fracking development.
2. **A just transition for workers.** Support should be provided to workers and Indigenous communities impacted by LNG production to transition to a clean-energy economy, including financial support for retraining, and a guarantee of good, zero emissions jobs.
3. **Investments in zero-emissions buildings.** Natural gas hook-ups should be banned in all new buildings by 2023, with buildings in the north given until 2025 to comply. Investments should be made in retraining programs for workers to build affordable zero-emissions buildings, and retrofitting all existing buildings for zero emissions.
4. **Ending fossil fuel subsidies.** The provincial government should end all fossil fuel subsidies as defined by the World Trade Organization, including direct spending, tax breaks, transfer of risk, and public finance.

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Grand Chief Stewart Phillip, President

2021-55  
Page 2 of 3

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

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

**WHEREAS** by Resolution 2021-20, the UBCIC Chiefs Council called upon the federal and provincial governments to get Canada back on track to meet its climate targets, including the limits for global warming called for in the Paris Agreement, by incentivizing big banks in Canada to divest from fossil fuels and by conducting the fossil fuel subsidy reform needed to strengthen the shift to clean energy and low-carbon economies.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support the Canadian Association of Nurses for the Environment (CANE), the Canadian Association of Physicians for the Environment (CAPE), and other concerned health physicians and residents across B.C. and Canada who are mobilizing an anti-LNG/fracking campaign to call attention to the devastating environmental and health hazards the industry poses;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call upon the provincial government to immediately implement the CAPE and CANE recommendations to address and mitigate the impacts of the LNG industry, including issuing a moratorium on fracking, providing financial supports and incentives for workers and Indigenous communities impacted by LNG production to transition to a clean-energy economy, investing in zero-emissions buildings, and ending all fossil fuel subsidies; and

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with the like-minded organizations to advance the CAPE and CANE recommendations and other actions to the provincial government that will address and rectify the health and environmental hazards of the fracking/LNG industry and support the just transition to a clean-energy economy.

**Moved:** Chief James Hobart, Spuzzum First Nation  
**Seconded:** Chief Maureen Chapman, Skawahlook  
**Disposition:** Carried  
**Date:** September 28, 2021

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Grand Chief Stewart Phillip, President

2021-55  
Page 3 of 3

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UNION OF B.C. INDIAN CHIEFS  
ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 27<sup>TH</sup>-29<sup>TH</sup>, 2021  
VIRTUAL MEETING

**Resolution no. 2021-56**

**RE: Support for a BC First Nations Salmon Advocate**

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

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

**WHEREAS** the mandate of the Steering Committee, as set out in the Wild Salmon Summit Summary Report and endorsed through the respective resolutions of the UBCIC, BC Assembly of First Nations and the First Nations Summit, the Working Group is directed to:

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

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**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 legislation committing to implement, affirms:

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

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

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

**WHEREAS** the Political Steering Committee on Wild Salmon has to date not had proper resources to fulfill its mandate;

**WHEREAS** the Steering Committee has identified the need for a Salmon Advocate as well as 1 (one) technical position to support the Salmon Advocate;

**WHEREAS** the role of the Salmon Advocate would be to engage with the Department of Fisheries and Oceans and parallel BC Provincial government ministries to ensure First Nations perspectives, jurisdiction and authority are reflected in Salmon initiatives going forward;

**WHEREAS** the Salmon Advocate does not replace the need for governments to consult First Nations, and does not speak on behalf of Title and Rights holders;

**WHEREAS** the Salmon Advocate would engage closely with BC First Nations on the work of the Salmon Advocate to ensure their perspectives and priorities are reflected; and

**WHEREAS** the Salmon Advocate will work in collaboration and coordination with the First Nations Fisheries Council, First Nations Energy & Mining Council, and the First Nations Forestry Council.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly support a transparent and open process to select a Salmon Advocate for the Political Steering Committee on Wild Salmon, subject to resources; and

**THEREFORE BE FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the BC Assembly of First Nations, and the First Nations Summit to secure resources to support the position of Salmon Advocate and 1(one) technical support person.

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

**Seconded:** Kukpi7 Wayne Christian, Splatstin

**Disposition:** Carried

**Date:** September 28, 2021

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2021-56  
Page 2 of 2

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SEPTEMBER 27<sup>TH</sup>-29<sup>TH</sup>, 2021  
VIRTUAL MEETING

**Resolution no. 2021-57**

**RE: Support for Core and Capacity Funding for First Nations-Mandated Post-Secondary Institutes**

**WHEREAS** First Nations-mandated post-secondary institutes are established and controlled by a First Nation or group of First Nations, and deliver post-secondary programs;

**WHEREAS** First Nations-mandated post-secondary institutes support the inherent rights of First Nations to self-determination and self-government, including their right to exercise sovereignty and control over First Nations education, and these inherent rights are recognized in section 35 of the Constitution Act, 1982, the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), and the Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples;

**WHEREAS** the Province of British Columbia has committed to lasting, meaningful reconciliation with Indigenous peoples and to implement the UN Declaration, which affirms that the establishment and operation of First Nations-mandated post-secondary institutes is a human right:

**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

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Grand Chief Stewart Phillip, President

have access, when possible, to an education in their own culture and provided in their own language;

**WHEREAS** First Nations-mandated post-secondary institutes play a unique and critical role in the post-secondary education system in British Columbia by providing programming that are relevant and responsive to the needs of their communities and that increase First Nations students' participation and success in post-secondary education. These institutes also play a key role in the revitalization of First Nations languages and cultures by providing access to accredited First Nations language and culture programming in First Nations communities across British Columbia;

**WHEREAS** First Nations-mandated post-secondary institutes do not have access to ongoing core and capacity funding and have had to rely on proposal-based funding to complete their important work in First Nations post-secondary education – the Nicola Valley Institute of Technology is currently the only publicly funded and recognized First Nations-controlled post-secondary institute in British Columbia;

**WHEREAS** [Aboriginal Post-Secondary Education in British Columbia: A Place for Aboriginal Institutes](#), published by FNEESC in 2008, recommended that First Nations post-secondary institutes in BC should have access to funding from British Columbia to strengthen their programs and enhance their contributions in an integrated British Columbia post-secondary education system;

**WHEREAS** the First Nations Education Steering Committee (FNEESC) and the Indigenous Adult and Higher Learning Association (IAHLA), under the direction of British Columbia First Nations, are developing a British Columbia First Nations Tripartite Post-Secondary Education Model (“the PSE Model”), one of the pillars of which is the provision of ongoing, core funding for First Nations-mandated post-secondary institutes;

**WHEREAS** the Province of British Columbia is exploring the expansion of the Aboriginal Service Plan funding to all 25 BC public post-secondary institutions, and the FNEESC Board has called upon the Province of British Columbia to identify ongoing core funding for First Nations mandated institutes prior to increasing funding to the public post-secondary system for Indigenous education initiatives;

**WHEREAS** over 30 years ago, in its report to the then-Minister of Advanced Education, the BC Provincial Committee on Post-Secondary Education for Native Learners recommended that core funding be provided to existing and developing First Nations post-secondary institutes in BC;

**WHEREAS** Recommendation 3.5.26 of Volume 3: Gathering Strength of the Report of the Royal Commission on Aboriginal Peoples states: “Federal, provincial and territorial governments collaborate with Aboriginal governments and organizations to establish and support post-secondary educational institutions controlled by Aboriginal people, with negotiated allocation of responsibility for

(a) core and program funding commensurate with the services they are expected to provide and comparable to the funding provided to provincial or territorial institutions delivering similar services;

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Grand Chief Stewart Phillip, President

2021-57  
Page 2 of 4

- (b) planning, capital and start-up costs of new colleges and institutes;
- (c) improvement of facilities for community learning centres as required for new functions and development of new facilities where numbers warrant and the community establishes this as a priority; and
- (d) fulfilment of obligations pursuant to treaties and modern agreements with respect to education”;

**WHEREAS** in 2012 British Columbia committed to work with Canada to explore mechanisms to mutually support Indigenous post-secondary institutes in the 2012 Aboriginal Post-Secondary Education and Training Policy Framework and Action Plan (the “Policy Framework”), a commitment that has not yet been fulfilled despite the BC New Democratic Party committing to implement the Policy Framework in response to a questionnaire from the First Nations Leadership Council in 2017;

**WHEREAS** the Declaration on the Rights of Indigenous Peoples Act requires British Columbia, in consultation and cooperation with the Indigenous peoples in British Columbia, to take all measures necessary to ensure the laws of British Columbia are consistent with the UN Declaration;

**WHEREAS** in 2017, the Ontario government passed the Indigenous Institutes Act, which recognizes the unique and complementary role of Indigenous post-secondary institutes in the Ontario post-secondary education system and commits to providing ongoing, core operating funding for Indigenous institutes;

**WHEREAS** in response to a proposal from FNEC and IAHLA to provide ongoing core funding for First Nations-mandated post-secondary institutes, the Ministry of Advanced Education and Skills Training has provided \$4 million in one-time core funding to support the core costs of First Nations-mandated institutes and \$750,000 in one-time capacity funding to support activities such as needs assessments, community engagement, program evaluation, institutional planning and partnership development, but has not committed to providing additional core and capacity funding beyond the 2021-22 fiscal year; and

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

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully support a BC First Nations Tripartite Post-Secondary Education Model (“the PSE Model”), one of the pillars of which is the provision of ongoing, core funding for First Nations-mandated post-secondary institutes, that is being developed by the First Nations Education Steering Committee (FNEC) and the Indigenous Adult and Higher Learning Association (IAHLA);

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Grand Chief Stewart Phillip, President

2021-57  
Page 3 of 4

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call on the provincial government to immediately provide ongoing core and capacity funding to First Nations-mandated institutes; and

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs-in-Assembly call on the Province and the Ministry of Advanced Education and Skills Training to work with FNEC and IAHLA to co-develop legislation that recognizes the unique and critical role of First Nations-mandated post-secondary institutes in the British Columbia post-secondary system and that commits British Columbia to providing ongoing core funding for First Nations-mandated post-secondary institutes.

**Moved:** Yasmin Prince, McLeod Lake Indian Band (Proxy)

**Seconded:** Chief Don Tom, Tsartlip First Nation

**Disposition:** Carried

**Date:** September 28, 2021

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Grand Chief Stewart Phillip, President

2021-57  
Page 4 of 4

# Briefing Note



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**SUBJECT:** Support for Core and Capacity Funding for First Nations-Mandated Post-Secondary Institutes  
**TO:** Union of BC Indian Chiefs  
**FROM:** First Nations Education Steering Committee and the Indigenous Adult and Higher Learning Association  
**DATE:** September 27-29, 2021

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Immediate Action Required       Future Action Required       Information Only

**ISSUE**

The First Nations Education Steering Committee (FNESC) and the Indigenous Adult and Higher Learning Association (IAHLA) are seeking support from First Nations Leadership, including the Union of BC Indian Chiefs (UBCIC), to call on the Provincial Government to recognize the unique and critical role of First Nations-mandated post-secondary institutes through the provision of ongoing core funding and the development of legislation for these institutes. The Province is providing \$4.75M in one-time, year-end funding to cover core expenses and support capacity-building for 2021-2022, but a commitment to ongoing funding is required immediately for these institutes to operate sustainably.

**BACKGROUND**

First Nations-mandated post-secondary institutes play a unique and critical role in First Nations post-secondary education and training in BC. They are established and controlled by a First Nation or group of First Nations, and provide relevant and responsive post-secondary programs that meet the needs of their students and communities. First Nations-mandated post-secondary institutes support the inherent rights of First Nations to self-determination and self-government, including First Nations control of First Nations education. They play a key role in the revitalization of First Nations languages and cultures by providing access to accredited First Nations language and culture programming.

Despite this important work, First Nations-mandated institutes do not have access to ongoing core funding and are not recognized in provincial legislation as part of British Columbia’s post-secondary system. Recognition of the integral role of Indigenous-controlled post-secondary institutions in the province through the development of legislation and provision of core funding is a proposed action in the consultative draft of the *Declaration on the Rights of Indigenous Peoples Act* (DRIPA) Action Plan.

IAHLA and FNESC have long been advocating for the Provincial Government to recognize the role of these institutes through the provision of core funding, anchored in legislation. In July 2020, FNESC and IAHLA submitted a proposal for core funding to the Ministry of Advanced Education and Skills Training (AEST). The proposal requested \$4M per year for core funding for ten institutes that meet criteria established by IAHLA and FNESC and another \$750K per year in capacity-building funding for institutes that do not yet meet the criteria. In contrast, the Province provides over \$2B annually to support the public post-secondary system; \$4.75M is 0.2% of this amount. These funding amounts were requested as an interim approach for three years during which time a more comprehensive understanding of funding needs of First Nations-mandated post-secondary institutes could be established and supported.

Following the proposal for core funding in 2020, FNEC and IAHLA have been working with AEST on this initiative. In March 2021, AEST provided one year of core and capacity building funding in the amount of \$4.75M. This will temporarily meet the need for core funding for the 2021-22 fiscal year, but does not provide a long-term, sustainable solution, and First Nations-mandated institutes will continue to face significant financial challenges if funding is not secured for future years.

AEST is currently exploring changes to the Aboriginal Service Plan initiative, which provides annual funding to 11 public post-secondary institutions to support improvements to Indigenous learners' experiences and outcomes. The Ministry is exploring changes to the initiative and may be expanding it to all 25 BC public post-secondary institutions in the 2022-23 fiscal year. FNEC and IAHLA have raised that it is inappropriate for additional funding to be committed public post-secondary institutions when First Nations-mandated institutes do not have ongoing core funding, as this would reinforce existing inequities in the post-secondary system.

## **DISCUSSION**

Further action is required from the Province for First Nations-mandated institutes to operate sustainably and without risk of closure. The necessary steps are a commitment to providing core and capacity funding beyond 2021-22 and a recognition of the role of First Nations-mandated post-secondary institutes, anchored in legislation to ensure that their funding and recognition is not subject to shifting political priorities.

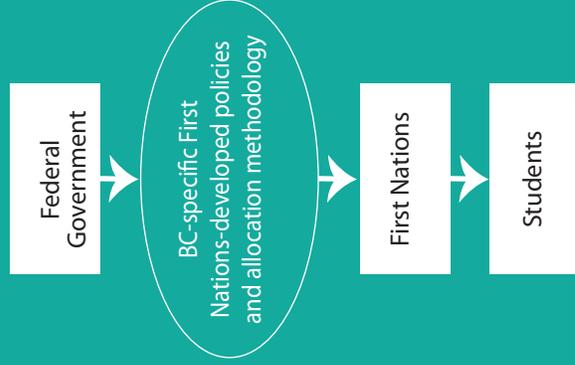
Providing core and capacity funding to First Nations-mandated post-secondary institutes is consistent with provincial commitments to implement the *United Nations Declaration on the Rights of Indigenous Peoples*, which affirms that the establishment and operation of First Nations-mandated post-secondary institutes is a human right (article 14), as well as commitments made in the Province's 2012 *Aboriginal Post-Secondary Education and Training Policy Framework and Action Plan*.

## **CONCLUSION**

IAHLA and FNEC are seeking the support of First Nations leadership (through resolutions) to call on the Province to provide ongoing core and capacity funding to First Nations-mandated post-secondary institutes and to work with FNEC and IAHLA to co-develop legislation that recognizes the unique and critical role of First Nations-mandated post-secondary institutes in the British Columbia post-secondary system and commits British Columbia to providing ongoing core funding.

# BC Tripartite PSE Model

## Student Funding



First Nations have direct access to increased funding that supports all students at the level required.

BC First Nations to develop needs-based funding allocation model that ensures equitable distribution of funds.

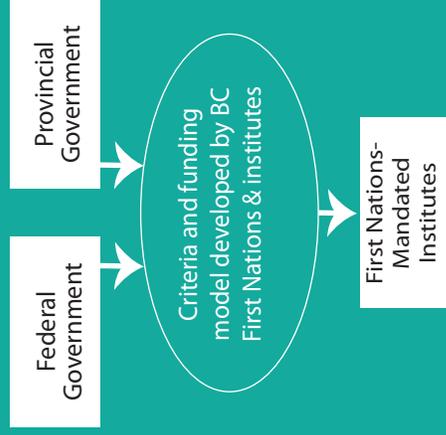
Regional program guidelines which provide for increased flexibility and First Nations control, allowing for First Nations to set out their own policies, limits of assistance, eligibility requirements, etc. in local operating guidelines.

Reduced reporting requirements.

Appropriate community funding to support actual administration and student support costs.

Explore categories of First Nations students and funding needs, e.g. former children and youth in care and students requiring upgrading.

## Core Aboriginal Institutional Funding



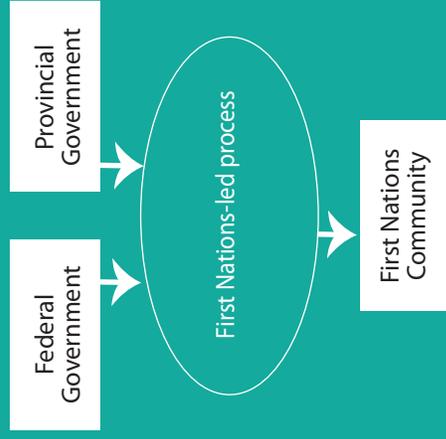
Consistent with the 2012 Aboriginal PSE and Training Policy Framework, Federal and Provincial Governments to jointly support First Nations-mandated institutes through stable, core funding.

Criteria for eligibility and funding model to be developed by First Nations and their institutes.

Development of a capital strategy for institutes.

Funding for the Indigenous Adult and Higher Learning Association to provide advocacy and support for First Nations-mandated institutes.

## Community-Based Program Delivery Funding



Recognizing that some First Nations may not establish their own institutes, Provincial and Federal governments to provide funding to bring post-secondary programming into communities.

Federal funding based on an appropriate regional allocation.

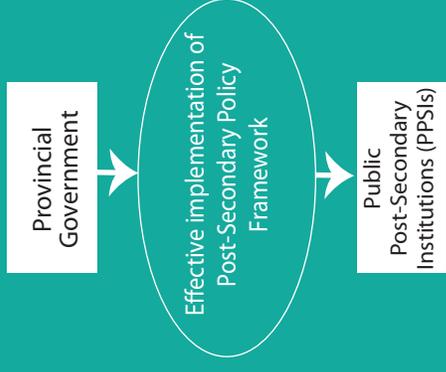
Guidelines and allocation methodology to be developed by First Nations.

Focus on addressing and responding to local priorities, such as language.

Adjudication through a First Nations-controlled process according to First Nation- determined priorities and criteria.

All funding to flow exclusively to First Nations and their institutes.

## Responsive Public Post-Secondary System



First Nations direct programs and services for First Nation students at PPSIs.

Public post-secondary institutions are accountable for First Nation student outcomes.

Appropriate reporting on First Nations student achievement.

PPSIs advance the implementation of the Truth and Reconciliation Commission Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples.

PPSIs direct core funding to support First Nation-related initiatives.

PPSI partnerships with First Nations and Aboriginal institutes are based on respect, reciprocity, relevancy and responsibility.

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UNION OF B.C. INDIAN CHIEFS  
53<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 27<sup>TH</sup> TO 29<sup>TH</sup>, 2021  
VIRTUAL MEETING

**Resolution no. 2021-58**

**RE: Call for a Moratorium on All Pending and Future Water Bottling Licenses in BC**

**WHEREAS** water is an essential element for all life on earth and our most sacred and vital resource which our inherent Aboriginal Title, Rights and Treaty Rights depend upon;

**WHEREAS** since time immemorial, First Nations have been stewards of our lands and waters and have an inherent right to protect and manage them;

**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 through legislation, 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 obtain 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 occupied and used lands, territories, waters and

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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;

**WHEREAS** First Nations have both inherent and constitutionally protected Aboriginal and Treaty Rights to water and the Province of British Columbia has a duty to consult with Aboriginal peoples when it contemplates any decision that may adversely impact Aboriginal or Treaty Rights;

**WHEREAS** in 2016, the BC Ministry of Environment reported that over 5000 water sources in BC are at risk of water shortages or restrictions, and this number will continue to rise as cumulative impacts from environmental degradation and the global warming increase throughout the Province;

**WHEREAS** First Nations in BC continue to lack access to safe and clean drinking water on their reserves. The negative impacts of climate change are imminently threatening water security across BC and First Nations communities and their access to safe drinking water will be disproportionately impacted by these threats;

**WHEREAS** UBCIC Resolution 2019-36 mandates the UBCIC Chiefs Council to work with the First Nations Summit and the BC Assembly of First Nations, as the First Nations Leadership Council, to call upon the BC provincial government to immediately co-develop a framework for, and to provide adequate resources to, First Nations to appropriately engage on the regulations pertaining to the *Water Sustainability Act*, which have high potential for significant and direct impact on Aboriginal Rights and Treaty Rights;

**WHEREAS** UBCIC Resolution 2021-43 directs the UBCIC Executive to urge the Provincial Government to recognize and affirm First Nations' inherent rights to manage and protect our waters; seek free, prior and informed consent with all First Nations rights-holders on matters related to water legislation, policy, strategies, and action plans; and provide adequate and sustainable resources for First Nations communities to meaningfully contribute to these initiatives;

**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 to provide a clear, stable and sustainable path for everyone to work together”;

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2021-58  
Page 2 of 3

**WHEREAS** according to a report published in June 2021 by the University of Victoria Environmental Law Centre titled, “[Water for the Future: Why BC needs an Immediate Moratorium on New Water Bottling Licences](#)”, there are currently six (6) pending water bottling licenses throughout BC and at least five (5) more have been identified by First Nation communities that are not yet reflective in the BC Government's referral database;

**WHEREAS** the report also identified that the current water rates set by the BC Government do not cover the administrative processes required to issue licenses which equal to less than \$.01 per bottle (or a maximum of \$2.25 per million litres) intended for either domestic sales or exports and 0% of that revenue is distributed back to First Nations communities whose traditional territories are being extracted from;

**WHEREAS** the Report concludes with five (5) recommendations:

1. Place a moratorium on new water licenses for water bottling;
2. Extend the moratorium on new water licenses for water bottling purposes at least until watershed-based governance is in place;
3. Restrict water licenses for water bottling purposes to short-term licenses only;
4. Obtain the consent of Indigenous governing organizations before issuing new water licenses.
5. Charge a higher water rental for water extraction; and

**WHEREAS** under the *Water Sustainability Act* [Section 22], the First in Time, First in Right allocation system prioritizes water usage rights based on the license issue date, which affords licensees greater water access and usage rights over First Nations rightsholders.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly support the findings and recommendations in the *Water for Future* Report prepared by the University of Victoria Environmental Law Centre and direct the UBCIC Executive to call on the BC Government to:

1. Place an immediate moratorium on all new and pending water bottling licenses;
2. Commit to working with First Nations rightsholders on implementing the remaining report recommendations through watershed-based co-governance approaches; and
3. Recognize First Nations as the first water users in BC and affirm Aboriginal and Treaty rights to water as priority rights within the First in Time, First in Right system under the *Water Sustainability Act*.

**Moved:** Kukpi7 Wayne Christian, Splatstin  
**Seconded:** Chief James Hobart, Spuzzum First Nation  
**Disposition:** Carried  
**Date:** September 28, 2021

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2021-58  
Page 3 of 3

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SEPTEMBER 27<sup>TH</sup> - 29<sup>TH</sup>, 2021  
VIRTUAL MEETING

**Resolution no. 2021-59**

**RE: Adoption of 2020-2021 Audited Financial Statements**

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly hereby adopt the 2020-2021 Audited Financial Statements as presented at the UBCIC 53<sup>rd</sup> Annual General Assembly meeting of September 27<sup>th</sup>-29<sup>th</sup>, 2021.

**Moved:** Debbie Abbott, Oregon Jack Creek Band (Proxy)  
**Seconded:** Spokesperson Khelsilem (Dustin Rivers), Squamish Nation  
**Disposition:** Carried  
**Date:** September 28, 2021

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SEPTEMBER 27<sup>TH</sup>-29<sup>TH</sup>, 2021  
VIRTUAL MEETING

**Resolution no. 2021-60**

**RE: Support for the BC First Nations Data Governance Strategy and the Development of First Nations Information Governance Centres**

**WHEREAS** First Nations have asserted that all federal, provincial and territorial government investments in First Nations data governance and analysis, information management, and statistics, and reporting must align with the self-determined objectives of First Nations to achieve full data governance, to build and maintain across their governments the capacity to collect, store, protect, analyze and utilize data in their decision making and reporting, and to measure their own progress towards the outcomes defined in their community development and nation rebuilding plans;

**WHEREAS** First Nations data governance and resulting systems are a steppingstone to the resurgence and application of First Nations respective knowledge, governance systems, and laws at the interface of collaborative and shared decision making with other governments;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of 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.

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**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 31(1):** Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

**(2):** In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights;

**WHEREAS** the UBCIC Chiefs Council through Resolutions 2016-39, 2007-7, 2012-12, 2020-17 has recognized that data governance is a building block of systems transformation, and have called for timely access to quality data to plan, manage and account for investments and outcomes, management of lands and territories, and social, economic and health outcomes of their members;

**WHEREAS** as directed by AFN resolutions, the First Nations Information Governance Centre (FNIGC) has developed a [National First Nations Data Governance Strategy](#) that describes the path forward to achieving the above objectives and includes the development of regional First Nations Information Governance Centres that would serve and be governed by the Nations of that region;

**WHEREAS** ISC has committed funding, through the federal Budget 2021, for the First Nations Information Governance Centre to advance the strategy over the next three years, commencing with the next phase of work, which will focus on governance and building human resource capacity, a Data Champions Team, within the BC Region;

**WHEREAS** it is intended that BC First Nations will direct the implementation of the National Data Governance Strategy in BC and establish its plans, processes and timelines for the region;

**WHEREAS** the First Nations Public Service Secretariat has provided the national FNIGC with engagement assistance in the initial round of discussion with BC First Nations in 2021;

**WHEREAS** in November 2020 and February 2021, the *In Plain Sight* report was released and subsequently endorsed by resolutions through the BC Assembly of First Nations, First Nations Summit, and Union of BC Indian Chiefs. The report notes that current Indigenous data governance processes need to evolve to align with the latest principles in Indigenous data governance and must produce required data in a more nimble and timely manner. Specifically, recommendation 9 calls to “Accelerate the movement towards a vision of a Nation-governed and mandated regional data centre and alignment with the National Data Governance Strategy”;

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2021-60  
Page 2 of 3

**WHEREAS** as soon as funding is available, a BC First Nations Data Governance Working Group supported by a Data Champions Team will be established by BC First Nations to guide the implementation of the national First Nations Data Governance Strategy in BC and the establishment of a BC First Nations Data Centre; and

**WHEREAS** until such time as a Data Champions Team is functional, FNIGC will continue to seek assistance from relevant organizations in BC, such as the First Nations Public Service Secretariat, and will report back to the Chiefs-in-Assembly at regular intervals.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly fully endorse the First Nations Information Governance Centre's National Data Governance Strategy, recognize that BC First Nations have provided input through the BC First Nations Data Governance Discussion Paper, and acknowledge that the federal government has provided funding to implement the national strategy in BC and across the country;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call on the federal government to immediately release Budget 2021 funding to the First Nations Information Governance Centre to begin implementing the national First Nations Data Governance Strategy in BC, as directed by First Nations in BC;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly call on the Province to recognize BC First Nations' Data Sovereignty in the Declaration Act Action Plan; and

**THEREFORE, BE IT FINALLY RESOLVED** that the UBCIC Chiefs-in-Assembly direct 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 work with the First Nations Information Governance Centre, the First Nation Public Service Secretariat, and other relevant organizations to implement the national First Nations Data Governance Strategy in BC and to establish the BC First Nations Data Governance Centre, contingent upon resources and funding.

**Moved:** Chief Maureen Chapman, Skawahlook First Nation  
**Seconded:** Chief Ed Hall, Kwikwetlem First Nation  
**Disposition:** Carried  
**Date:** September 28, 2021

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2021-60  
Page 3 of 3

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SEPTEMBER 27<sup>TH</sup> TO 29<sup>TH</sup>, 2021  
VIRTUAL MEETING

**Resolution no. 2021-61**

**RE: New Law for Biodiversity and Ecosystem Health**

**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** recognizing that old growth management, ecosystem health, and biodiversity are Title and Rights issues that greatly impact the sovereignty and welfare of First Nations, by Resolution 2020-23 the UBCIC Chiefs-in-Assembly confirmed full support for the report and recommendations of the independent [Old Growth Strategic Review](#) (OGSR) and called on the provincial government to take immediate and sustained action to ensure that the report's recommendations are carried out;

**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 through legislation, affirms:

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

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

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(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** one of the key recommendations of the OGSR panel, which the Province has promised to implement in full, is that BC enact a new law to establish ecosystem health and biodiversity as an “overarching priority” across all sectors, including the alignment of “all other land-related provincial legislation, management systems and processes to this overarching goal” (OGSR Recommendation 2);

**WHEREAS** a year after the release of the OGSR Report, the Province has failed to take any concrete action to implement OGSR Recommendation 2 in cooperation with Indigenous Peoples;

**WHEREAS** maintaining and restoring the integrity of fully-functioning, healthy ecosystems is foundational to upholding the inherent Title and Rights of Indigenous Peoples and to the well-being of humans and other beings;

**WHEREAS** the legal priority given to resource extraction and large resource companies through BC’s current logging, mining, and oil and gas laws have resulted in ongoing cultural, spiritual, ecological and economic harm to Indigenous peoples and territories, and is inconsistent with the UN Declaration, including but not limited to Articles, 3, 4, 8(2), 12(1), 18, 19, 23, 26, 29 and 32;

**WHEREAS** BC’s *Declaration on the Rights of Indigenous Peoples Act* legally obligates BC to “take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration” and to do so in cooperation with Indigenous Peoples”;

**WHEREAS** the new legislation around ecosystem health and biodiversity that the Province has committed to implement should:

- a) Advance reconciliation by implementing the standards set out in the UN Declaration with regard to all aspects of biodiversity conservation and management, and by ensuring that Indigenous title, rights, jurisdiction, laws, knowledge and worldviews shape all aspects of the new law;
- b) Ensure a robust understanding of the state of biodiversity and ecosystem health, including related cumulative impacts, is developed and consistently maintained throughout BC using standards and indicators based on Indigenous knowledge and science;
- c) Require that proactive measures are taken to protect and where necessary restore biodiversity and ecosystem health in a coordinated manner that establishes and meets measurable targets. This may include new legal tools to recognize Indigenous land use planning, Indigenous Protected and Conserved Areas (IPCAs), and the legal personality of spirited beings, and must recognize and financially support the integral role of Indigenous management in maintaining healthy ecosystem conditions;

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2021-61  
Page 2 of 3

- d) Ensure provincial decision-making across all sectors prioritizes the protection and restoration of biodiversity and ecosystem health, is consistent with the UN Declaration, and based on legally mandated requirements, standards and information that are an essential foundation for upholding inherent Indigenous title, rights, cultures and economies; and,
- e) Enhance public confidence by ensuring accessible, credible information is available regarding biodiversity and ecosystem health, meaningful public participation, and safeguards for sensitive or confidential Indigenous knowledge.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly call on the Province of BC to explicitly and publicly commit to the enactment of new, overarching legislation for the protection of biodiversity and ecosystem health, to be developed in cooperation with Indigenous Peoples and in full alignment with the UN Declaration, to advance the actions that are critical for ensuring Indigenous Title and Rights are upheld and used to strengthen biodiversity conservation and management;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with First Nations and like-minded organizations to secure and implement terms of reference for co-development of the new biodiversity law with the Province of BC, as well as funding for First Nations' involvement in this process.

**Moved:** Spokesperson Khelsilem (Dustin Rivers), Squamish Nation  
**Seconded:** Chief James Hobart, Spuzzum First Nation  
**Disposition:** Carried  
**Date:** September 28, 2021

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2021-61  
Page 3 of 3

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SEPTEMBER 27<sup>TH</sup> TO 29<sup>TH</sup>, 2021  
VIRTUAL MEETING

**Resolution no. 2021-62**

## **RE: Support for Phasing Out Industrial Fur Farming in BC**

**WHEREAS** hunting, harvesting, and wildlife management play a foundational role in Indigenous lives and the fur trade has long been an important part of First Nations' identity as First Nations have been harvesting and trading furs long before colonial contact;

**WHEREAS** UBCIC supports an ethical and cruelty-free stance towards animals that upholds the inherent and traditional rights of First Nations to respectfully harvest fur and food from abundant wildlife populations, and UBCIC has strengthened this position via Resolution 2021-05, which articulates a UBCIC renewed mandate with respect to hunting, harvesting, and wildlife management that is guided by principles of stewardship, sustainability, and accountability;

**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 through legislation, affirms:

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

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

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Grand Chief Stewart Phillip, President

2021-62  
Page 1 of 3

(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** the fur farming industry in BC contravenes the traditions and values of many BC First Nations who maintain deep spiritual connections to all living things, including mink who hold significant cultural value for many First Nations and play an integral role in Indigenous stories of Creation, and farmed fur often degrades the value of traditionally harvested fur items, while also limiting the economic opportunities for First Nations trappers and hunters;

**WHEREAS** many countries around the world have banned fur farming altogether, and with COVID-19 leading countries like the Netherlands and France to accelerate their phasing out of mink farms, the time is opportune for the Province to follow suit and begin plans to phase out all thirteen mink farms in BC which pose unacceptable health risk to the public;

**WHEREAS** throughout the COVID-19 pandemic, UBCIC, along with the BC SPCA and the Furbearers has drawn on the mandate provided through Resolution 2021-05 and consistently [communicated](#) its many concerns around mink fur farms to the provincial government and called upon them to:

- 1) Address the considerable health-related risks and longstanding ethical issues of industrial mink farms, including the role mink farms plays in the spread of COVID-19;
- 2) Make the necessary regulatory and legislative changes to phase out an industry that the vast majority of Canadians considers inhumane and unnecessary – these regulatory changes include derogating the Fur Farming Regulation (under the Ministry of Agriculture), which would render fur farming a contravention of the Wildlife Act s. 33(1), and removing section 33(3) of the Wildlife Act (under FLNRO) so that possessing wildlife for the purposes of farming overall would not be possible;

**WHEREAS** on July 26, 2021, the Province issued a moratorium on new mink farms and capped existing farms at their current numbers after two mink tested positive for the virus that causes COVID-19; and

**WHEREAS** BC SPCA invited UBCIC to the table on September 22, 2021, to discuss with the Ministry of Agriculture, Food, and Fisheries the future of mink fur farms in BC and the next steps forward, including considering a transition program for farmers and workers for Budget 2022.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly support the ethical harvesting of fur for cultural and ceremonial purposes, and for purposes that uphold Indigenous ways and values of conservation and stewardship;

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**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly do not condone the industrial breeding, confinement, and slaughtering of minks for international luxury markets especially as, besides current public health risks related to COVID-19, mink farms have long been implicated in cruel and inhumane fur farming practices that have led to unacceptable animal welfare outcomes;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly fully support the BC SPCA, likeminded organizations, and concerned members of the public in advocating for the phasing out of industrial mink fur farming in BC given the many pressing COVID-19 related health risks and ethical concerns;

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with like-minded organizations and the Ministry of Agriculture, Food, and Fisheries to advance the full phasing out of the fur farming industry in BC, ensuring that any new legislation, regulations, or policies around fur farms fully align with the *Declaration on the Rights of Indigenous Peoples Act*, and that a transition program for fur farmers and workers is implemented prior to the total closure of all fur farms in the province.

**Moved:** Chief James Hobart, Spuzzum First Nation  
**Seconded:** Kukpi7 Wayne Christian, Splatsin  
**Disposition:** Carried  
**Date:** September 28, 2021

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Grand Chief Stewart Phillip, President

2021-62  
Page 3 of 3

# OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS  
53<sup>RD</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 27<sup>TH</sup> TO 29<sup>TH</sup>, 2021  
VIRTUAL

**Resolution no. 2021-63**

**RE: Appointment to New Relationship Trust Board of Directors**

**WHEREAS** the \$100 million New Relationship Trust (NRT) was established in March 2006 by the *New Relationship Trust Act*;

**WHEREAS** the *New Relationship Trust Act* was amended through the *Miscellaneous Statutes Amendment Act 2012* to extend the terms of the directors of the New Relationship Trust from two years to three years, and to implement rolling terms;

**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;

**WHEREAS** the UBCIC may appoint one (1) representative to the NRT Board of Directors;

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**WHEREAS** by Resolution 2018-34, the UBCIC Chiefs Council appointed Chief Byron Louis, Okanagan Indian Band, to serve as the UBCIC representative to the New Relationship Trust Board of Directors for the three-year term beginning December 1, 2018 to November 30, 2021;

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

**WHEREAS** the UBCIC circulated notice seeking application for one (1) representative to the NRT Board of Directors for a three-year term beginning December 1, 2021 to November 30, 2024, to be chosen in accordance with the UBCIC Elections Procedures;

**WHEREAS** UBCIC received no applications for the position of UBCIC representative to the New Relationship Trust Board of Directors; and

**WHEREAS** the UBCIC Chiefs-in-Assembly directed the Chair of the Assembly to call for nominations from the floor for one (1) representative to the NRT Board of Directors for a three-year term beginning December 1, 2021 to November 30, 2024.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly appoint Councillor Kristen Rivers, Squamish Nation, to serve as the UBCIC representative to the New Relationship Trust Board of Directors for a three-year term beginning December 1, 2021 to November 30, 2024; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC representative to the New Relationship Trust Board of Directors to provide updates to the UBCIC Chiefs Council as necessary.

**Moved:** Spokesperson Khelsilem (Dustin Rivers), Squamish Nation  
**Seconded:** Kukpi7 Judy Wilson, Neskonlith Indian Band  
**Disposition:** Carried  
**Date:** September 28, 2021

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2021-63  
Page 2 of 2