

# OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS  
ANNUAL GENERAL ASSEMBLY  
OCT 2<sup>ND</sup> TO 4<sup>TH</sup>, 2018  
MOCCASIN SQUARE GARDENS, Tk'emlúps te Secwépemc Territory

**Resolution no. 2018-43**

## **RE: BC First Nations Gaming Revenue Sharing Approvals**

**WHEREAS** First Nations were not consulted, nor were party to the 1985 Federal-Provincial agreement that unconstitutionally transferred the authority to operate gaming facilities to the provinces, who then retained the associated revenues;

**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 British Columbia, committed to implement, affirms:

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

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

**Article 21(2):** States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. ... ;

**WHEREAS** First Nations require consistent, predictable and sustainable funding in order to support the rebuilding of our nations, our governments, and our economies, to improve the capacity and infrastructure of First Nations communities, to develop effective long-range planning, and to pursue development

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opportunities to address the economic, social and cultural needs of our communities in an effort to combat systemic poverty;

**WHEREAS** First Nation communities in all other provinces enjoy the annual benefits of multi-million-dollar gaming revenues. First Nations in BC have never received a share of annual gaming revenues (\$1.4 billion in net revenue in 2017);

**WHEREAS** First Nations have been discussing the issue of shared revenues and jurisdiction over gaming in British Columbia since 1993. In 2006, a Steering Committee of the BC First Nations Gaming Revenue Sharing Initiative (the “Steering Committee”) was established for the purpose of supporting research and developing a gaming revenue sharing proposal, supported by UBCIC Resolution 2007-02. Further, the UBCIC Chiefs Council endorsed and adopted the draft Terms of Reference Framework (November 2010) for the BC First Nations Gaming Commission by Resolution 2010-55, and has continued to provide appointments to the BC First Nations Gaming Commission for the purpose of pursuing and realizing First Nation benefits from BC Gaming;

**WHEREAS** negotiations between the BC First Nations Gaming Commission and British Columbia have reached an advanced stage;

**WHEREAS** the BC First Nations Gaming Commission and British Columbia are nearing substantive agreement on the terms of the sharing of annual gaming revenues with First Nations in BC, as the first phase of a renewed relationship between BC First Nations and British Columbia with respect to gaming;

**WHEREAS** the formula utilized in Ontario for the distribution of annual gaming revenues to First Nations has resulted in meaningful and measurable benefits to First Nation communities across the province;

**WHEREAS** the BC First Nations Gaming Commission is proposing the use of an Initial Distribution Formula for distributing gaming revenues to First Nations across BC based upon the Ontario experience, and broadly set out as follows:

- 50% of revenues distributed to each Band,
- 40% of revenues distributed by population, and
- 10% of revenues distributed for isolated and remote First Nations communities, in addition to the above amounts;

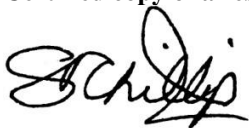
**WHEREAS** the Initial Distribution Formula will be reviewed after the initial five-year gaming revenue sharing period and at subsequent five-year reviews. Any proposed amendments will be returned to UBCIC, BC Assembly of First Nations and the First Nations Summit for approval;

**WHEREAS** the implementation of gaming revenue sharing requires a legal entity to receive and distribute gaming revenues pursuant to the Initial Distribution Formula and to oversee the implementation of the revenue sharing agreement; and

**WHEREAS** an agreement on the terms of sharing of gaming revenues with British Columbia requires approval by the Executives of the UBCIC, the BC Assembly of First Nations and the First Nations Summit, in accordance with their respective approval processes.

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**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly affirm the mandate for the BC First Nations Gaming Commission to negotiate gaming revenue sharing with the Government of BC;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly authorize the use of the Initial Distribution Formula for distributing gaming revenues to First Nations in BC, and that the Initial Distribution Formula will be used unless amended as a result of any five-year gaming revenue sharing review;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly authorize the BC First Nations Gaming Commission to develop and establish a BC First Nations Gaming Revenue Distribution Agency, modeled after the Ontario First Nations Limited Partnership, to receive and distribute gaming revenues pursuant to the Interim Distribution Formula and to oversee the implementation of the revenue sharing agreement, with transparency and accountability to the recipient First Nations; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly authorize the UBCIC Executive, on behalf of the UBCIC Chiefs Council, to enter into an agreement with British Columbia on the sharing of annual gaming revenues with First Nations in BC, in conjunction with the First Nations Summit and the BC Assembly of First Nations.

**Moved:** Chief Maureen Chapman, Skawahlook First Nation

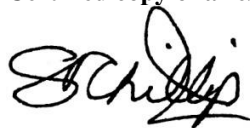
**Seconded:** Kukpi7 Wayne Christian, Splotsin

**Disposition:** Carried

**Date:** October 4, 2018

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