

OUR LAND IS OUR FUTURE

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Draft Resolutions of UBCIC Annual General Assembly September 29th-30th, 2020

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**UNION OF B.C. INDIAN CHIEFS
52ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 29TH- 30TH, 2020
VIRTUAL MEETING**

Draft Resolution no. 2020-16

RE: Adoption of 51st AGA Minutes

THEREFORE BE IT RESOLVED that the UBCIC Chiefs-in-Assembly adopt the minutes of the 51st Annual General Assembly (October 2019) as presented in the 52nd Annual General Assembly kit.

Moved:

Seconded:

Disposition:

Date:

WHEREAS over the course of a month-long data gathering initiative, UBCIC contacted 161 UBCIC members who provided UBCIC with extensive testimonial data attesting to the substantial social and economic impacts of the pandemic and the province’s inequitable and uncoordinated response to it;

WHEREAS the feedback and perspectives provided by the UBCIC membership were used to create a comprehensive report that identified First Nations priority concerns – including community isolation and territorial jurisdiction, access to PPE and medical supplies, developing and implementing Emergency Response Plans, and accessing economic benefits – as well as a list of recommendations from First Nations for addressing these concerns and creating a more coordinated and comprehensive approach to aiding Nations as the pandemic continues; and

WHEREAS the report’s recommendations included vital advocacy and action points around improved government communications, funding increases, respecting Aboriginal Title and Rights, addressing racial discrimination, and fulfilling requests for administrative and/or service support.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly recognize UBCIC’s membership feedback report and recommendations on COVID-19 as a critical document identifying immediate remedies to social injustice and economic insecurity BC First Nations need and are requesting as a result of the COVID-19 pandemic;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with like-minded organizations to continuing advancing the needs and requests of First Nations, and to urge the provincial and federal governments to rectify any inequities in their efforts to aid and support First Nation communities during the pandemic; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to advance and bring UBCIC’s feedback report and recommendations to the provincial and federal governments, and will call upon them to actively address the concerns and needs of UBCIC members by providing informed and organized support, funding, and resources.

Moved:

Seconded:

Disposition:

Date:

WHEREAS in recent months the Black Lives Matter movement has highlighted the disproportionate number of Black and Indigenous lives lost to police brutality and negligence, and mobilized Black, Indigenous, and minority communities at local and international levels to advocate for greater police accountability and to protest the policing and justice systems that enable hate and colonial violence;

WHEREAS the Immediate Action Points outline how the provincial and federal governments can end the unjust criminalization of Indigenous peoples for drug addictions, mental illnesses, impoverishment, and intergenerational trauma by re-directing funds from the police into community safety supports and crisis intervention programs that are low-cost, effective, and allow medics and crisis workers to de-escalate situations and help people access medical, housing, and mental health supports in lieu of armed police;

WHEREAS the BC First Nations Justice Council (BCFNJC), established in 2016 through resolutions of the BC First Nations Summit, the Union of BC Indian Chiefs, and the BC Assembly of First Nations, entered into to a Memorandum of Understanding (MOU) with the Province of British Columbia on September 7, 2017, committing to the development and implementation of a joint justice strategy to transform the criminal justice system and its relationship with Indigenous peoples; and

WHEREAS by UBCIC Resolution 2020-12, the UBCIC Chiefs Council endorsed the joint BC First Nations Justice Strategy (“the Strategy”) that was developed through regional engagement sessions with First Nations throughout 2018-2019, and calls upon the provincial government to continue to work collaboratively with the BCFNJC to implement the Strategy and uphold its principles of change in all areas of the justice system.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support and endorse the Immediate Action Points from the National Indigenous Justice Summit as a strong framework of reform that complements and strengthens the ongoing work by the BC First Nations Justice Council (BCFNJC) to implement the BC First Nations Justice Strategy and re-build the relationship between Indigenous peoples and the criminal justice system;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call upon the federal and provincial governments to work collaboratively with First Nations to implement the Indigenous Justice Summit’s Immediate Action Points, including the transformative redistribution of justice service funding toward community-based safety practices, programs, and initiatives that are culturally appropriate, reflective of Indigenous people’s needs, and non-reliant on the institution of policing; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with like-minded organizations and the BCFNJC to continue advancing the BC First Nations Justice Strategy, the Immediate Action Points, and advocacy related to the vast inequities in Canada’s human rights, policing, and justice systems that lead to the overincarceration and overcriminalization of Indigenous people.

Moved:

Seconded:

Disposition:

Date:

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the First Nations Summit and the BC Assembly of First Nations as the First Nations Leadership Council, and the BC Office of the Human Rights Commissioner to provide regular reports to the UBCIC Chiefs-in-Assembly on the ongoing collaborative objectives and efforts as identified in the attached Protocol.

Moved:

Seconded:

Disposition:

Date:

WHEREAS the Province of BC continues to advance legislation that is not consistent with its obligations under the Declaration Act and needs to be aligned with the UN Declaration; and

WHEREAS progress has been slow to meaningfully undertake consultation and cooperation with BC First Nations and conclude the Declaration Act action plan that was intended to be complete prior to the end of the calendar year.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to remind the Province of BC that the *Declaration on the Rights of Indigenous Peoples Act* (“Declaration Act”) places a positive obligation on the Attorney General and Government of British Columbia to ensure that all laws, policies and practices in British Columbia be brought in alignment with the UN Declaration in consultation and cooperation with Indigenous peoples;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to oppose the Province of BC’s introduction of any legislation that has not been reviewed for alignment with the UN Declaration in consultation and cooperation with Indigenous peoples, as consistent with the *Declaration on the Rights of Indigenous Peoples Act*;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the BC Assembly of First Nations (BCAFN) and the First Nations Summit (FNS) as the First Nations Leadership Council (FNLC), and with the Province of BC to immediately identify and implement reforms to the legislative process to ensure that all new and amended legislation is aligned with the UN Declaration and, wherever possible, enable implementation of shared decision-making agreements described in section 7 of the Declaration Act; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with BCAFN and FNS as the FNLC, and with the Province of BC to urgently develop a draft Declaration Act action plan for review by BC First Nations that reflects the mandates provided by UBCIC through resolutions, the “Summary of Advice from First Nations Organizations for Implementation of the Declaration on the Rights of Indigenous Peoples Act” and any additional submissions from BC First Nations.

Moved:

Seconded:

Disposition:

Date:

experts to develop a strategy to rebuild salmon stocks and identify a comprehensive package of mitigation measures; and with the Pacific Salmon Commission's First Nations Caucus, working to re-position the Caucus' relationship with DFO and with the Canadian Caucus, in order to more effectively bring forward BC First Nations interests and priorities.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the First Nations Fisheries Council's (FNFC) development of a cohesive BC First Nations Fisheries Strategy that would let First Nation regional fishery organizations work together to advise the government and coordinate strategic action to restore salmon stocks;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with the BC Assembly of First Nations and the First Nation Summit, as the First Nations Leadership Council (FNLC), to help the FNFC develop a coherent strategic approach to salmon fisheries in BC by identifying key priorities, including the status of Pacific salmon and priority access, as well as providing resourcing and support for leadership participation and coordinated engagement with the Crown;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly urge the federal and provincial governments, alongside the relevant ministries and officials, to re-invigorate their working relationship with the FNFC and FNLC by committing to meet regularly to discuss and advance action on Pacific Salmon, including the development and implementation of a cohesive BC First Nations Wild Fisheries Strategy;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly call upon the federal and provincial governments to support the FNFC and FNLC's work on developing a First Nations Wild Fisheries Strategy by providing adequate resourcing and funding so that the FNLC and FNFC can consult and engage with First Nation communities and communities, ensuring priority dialogue to inform the Strategy.

Moved:

Seconded:

Disposition:

Date:

reform and the First Nations Fisheries Council's (FNFC) report's recommendations are prioritized within the Province's action plan to implement the *Declaration on the Rights of Indigenous Peoples Act*;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly urge the BC government to commit to enabling collaborative approaches to water governance and the development of water policy and regulations, in accordance with the *Declaration on the Rights of Indigenous Peoples Act* and the FNFC report's recommendations.

Moved:

Seconded:

Disposition:

Date:

UNION OF B.C. INDIAN CHIEFS
52ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 29TH TO 30TH, 2020
VIRTUAL MEETING

Draft Resolution no. 2020-23

RE: Implementation of an Old Growth Strategy that Protects First Nations' Welfare and Endangered Old Growth Forests

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

WHEREAS old-growth forests are considered “heritage habitats” with ancient trees, some up to 2,000 years old, that not only play an integral ecological role in the biodiversity and health of BC ecosystems, but possess incalculable cultural value and significance for First Nations who use old-growth yellow and red cedar for traditional purposes, such as clothing and regalia, canoes, totem poles, and long houses;

WHEREAS logging has reduced the grandest stands within the ancient temperate rainforest in BC to [less than 3% of its original size](#) and despite Vancouver Island’s old-growth forests approaching extinction, the government agency BC Timber Sales (BCTS) and private corporations are responsible for the logging of irreplaceable swathes of ancient trees, including those in Nuu-chah-nulth territories and the Nahmint Valley in Hupacasath and Tseshaht First Nations territories;

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

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

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

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

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

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

WHEREAS around 4/5ths of old-growth logging done on Crown land is attributed to private companies who are encroaching into increasingly controversial and endangered areas of ancient forests that hold irreplaceable cultural value for Indigenous Nations and, rather than being destroyed in the short-term, could be left standing to accrue long-term value as part of a diverse economy;

WHEREAS although the provincial government claims 55% of old-growth forests on Crown land in B.C.'s coastal region are protected from logging, the majority of the protection extends over the Great Bear Rainforest and fails to protect much of the old-growth on Vancouver Island where there are several private companies which — combined with BCTS logging — are clearcutting about 10,000 hectares of old-growth a year, or more than 30 soccer fields per day;

WHEREAS logging in the Nahmint Valley has led to the felling of some of the largest and oldest trees in the province, and after the Ancient Forest Alliance submitted a complaint in 2018 to the compliance and enforcement branch at B.C.'s Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD), two subsequent [investigations](#) revealed that the BCTS was violating old-growth management plans and protection rules, as well as Vancouver Island's official [Land Use Plan](#) which designates the Nahmint Valley as a Special Management Zone with a critical mass of old-growth that needs to be retained;

WHEREAS it is deeply concerning that despite making recommendations that the BCTS should put a hold on future harvesting tenures and be prevented from legalizing new old-growth management areas until they address ongoing overcutting, the senior compliance and enforcement specialist conducting the internal investigation of BCTS was told to close his investigation and that the government would not charge the agency;

WHEREAS the current landscape of old-growth logging has been exacerbated by years of the BC government fostering an economic dependence on old-growth for First Nations communities by arranging agreements for revenue-sharing, employment, joint ventures, and tenures in old growth timber in contentious areas for First Nation bands who face limited economic opportunities as a result of years of colonialism and racism;

WHEREAS the provincial government has allowed BCTS and logging companies to over-harvest old growth and to operate with no accountability and repercussions for their infractions and compliance issues, allowing low enforcement standards to jeopardize salmon-bearing streams and other wildlife habitat already under duress from the climate crisis, forest fires, and carbon emissions linked to intensive development and logging;

WHEREAS a conservation financing model similar to the one administered by Coast Funds in the Great Bear Rainforest can be applied to Vancouver Island in order to permanently finance First Nations stewardship, sustainable economic development, and the conservation of old growth;

WHEREAS the First Nation Forestry Council (FNFC) has a mandate that includes advocating on forestry matters on behalf of BC First Nations, and by UBCIC Resolution 2012-14 "Support for First Nations Leadership Council Renewing its "Declaration & Protocol of Recognition, Support, Cooperation and Coordination with the First Nations Forestry Council" and UBCIC Resolution 2016-15 "Support for First Nations Forestry Council and Improved Forest Range Revenue Sharing and Tenure Solution," UBCIC has consistently supported the work of the FNFC;

WHEREAS the FNFC has worked to develop and implement a BC First Nations Forest Strategy that will allow for increased revenue sharing, shared decision-making, and the meaningful involvement of BC First Nations as full partners in the forest sector, and by UBCIC Resolution 2019-24 the UBCIC Chiefs Council fully supported the draft [BC First Nations Forest Strategy and Implementation Plan](#), which

provides a supportive framework for increasing the role of First Nations in the management and protection of old-growth forests;

WHEREAS the BC government must consult with and learn from First Nations land and forestry plans and practices, and work in partnership with First Nations to develop sustainable timber harvesting policies that support the UN Declaration, the BC First Nations Forestry Strategy, and First Nations' need to retain sufficient old-growth for spiritual and cultural purposes;

WHEREAS logging now threatens the Fairy Creek watershed near Port Renfrew, the last unlogged old-growth valley on south Vancouver Island, and activists and land defenders have set up road blockades in August 2020 to prevent clear-cutting from destroying the local environment;

WHEREAS an Old Growth Review Panel appointed by the B.C. government in 2019 was to provide a report and draft [recommendations](#) for a new approach to old-growth management in the spring of 2020 following a public engagement process, but the province did not meaningfully consult with First Nations, including the First Nations Forestry Council who had requested to be a part of the review panel;

WHEREAS on April 30, 2020, the Old Growth Review Panel presented its report to the Province which concluded that years of mismanagement and the inconsistent application of previous old-growth and conservation plans have led to the current old forest challenges, and included 14 recommendations to guide a four-phased process to develop and implement an old growth strategy that consists of immediate, near-term, mid-term, and long-term actions;

WHEREAS after significant delay, the Province finally released the old growth report and recommendations to the public on September 11, 2020, alongside the announcement of the deferral of old-growth logging within more than 350,000 hectares and the protection of up to 1,500 giant trees;

WHEREAS although the report and the Province's renewed commitment to old growth are promising steps, there are still many concerns, including how BC is continuing with plans to log old growth and critical caribou habitat in the Argonaut Valley north of Revelstoke, and how the logging deferral still leaves almost half of the province's old growth unprotected, does not include vulnerable areas such as the Fairy Creek area, and leaves the most at-risk and contentious areas for First Nations to log while privileging industrial forest corporations; and

WHEREAS although decisions regarding old-growth are a Title and Rights subject, the government has enabled a dangerous and irresponsible system that deprives Indigenous Nations of their consent and leaves them most contentious and at-risk areas for logging: their consent is only honored and recognized when it is given to protect old-growth, but it is never sought and respected by the government when it comes to the destruction of old-growth.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the First Nations and allies who are protesting the negligent logging and clear-cutting practices enabled by the BC government that have undermined First Nations Title and Rights and pushed Vancouver Island's old-growth forests to the brink of collapse;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly fully support the Old Growth Strategic Review Panel's report and recommendations that are vital to creating a new, sustainable

old growth strategy, and call upon the provincial government to take immediate and sustained action to ensure that the report's recommendations are carried out, with First Nations included and consulted every step of the way;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call upon the BC government to provide more details on its plan to shift logging deferrals to permanent protection, and working in partnership with impacted First Nations, to engage in discussions on expanding these deferrals to include all threatened old-growth forests, including areas like the Walbran Valley, Nahmint, Fairy Creek, Tsitika Valley, Mt. Elphinstone, Argonaut Creek.

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

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly urge the Ministry of FLNRORD to consult and engage with First Nation communities and organizations, including the First Nations Forestry Council and the First Nations Leadership Council, to develop and implement a renewed old-growth strategy that entrenches Indigenous consent into its processes; is aligned with the principles of the UN Declaration, the Old Growth Strategic Review recommendations, and the BC First Nations Forestry Strategy; is supported by strong enforcement and compliance standards; and is intended to support sustainable old-growth cultural harvesting as an important First Nations livelihood and source of culture.

Moved: Khelsilem, Squamish Nation
Seconded: Terry Dorward, Tla-o-qui-aht First Nation
Disposition:
Date:

UNION OF B.C. INDIAN CHIEFS
52ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 29TH- 30TH, 2020
VIRTUAL MEETING

Draft Resolution no. 2020-24

RE: Appointment to the First Nations Energy and Mining Council

WHEREAS the First Nations Energy and Mining Council (FNEMC) operates under the authority of First Nations to support and facilitate their efforts to manage and develop energy and mineral resources in ways that protect and sustain the environment while enhancing the social, cultural, economic and political well-being of First Nations in British Columbia;

WHEREAS the FNEMC works to entrench the recognition of treaty and Aboriginal rights and title in First Nations' social, political and economic relationships with the Crown, industry and other stakeholders; improve the environmental sustainability of practices in the energy and mineral sectors; enhance the economic self-sufficiency and social well-being of First Nations; incorporate traditional knowledge in management and development processes; and increase First Nations participation in all aspects of the energy and mineral sectors;

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, states:

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

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

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

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

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

WHEREAS by Resolution 2019-32 the UBCIC Chiefs Council affirmed their opposition to mining in headwaters, and by Resolution 2019-34 the UBCIC Chiefs Council affirmed the need for a new legal and policy framework for minerals and other subsurface natural resources on reserve;

WHEREAS natural resource extraction projects, including energy and mining projects, systemically violate inherent Indigenous Title and Rights while allowing corporations to operate with little supervision from the State and without the free, prior, and informed consent of Indigenous peoples;

WHEREAS mining and its associated activities bring destructive environmental threats to First Nation lands, sacred river systems, burial and cultural sites, and UBCIC will continue to advocate alongside FNEMC to monitor and address these issues of consent, Title and Rights, and environmental destruction; and

WHEREAS the UBCIC circulated notice seeking application for one (1) representative to the FNEMC, for a permanent appointment beginning October 1, 2020, to be chosen in accordance with the UBCIC Elections Procedures and the FNEMC Bylaws, and received one application from Chief Byron Louis, Okanagan Indian Band.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly appoint Chief Byron Louis, Okanagan Indian Band, as the UBCIC representative to the First Nations Energy and Mining Council as a permanent appointment beginning October 1, 2020;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly call on the UBCIC representative to the First Nations Energy and Mining Council to provide regular updates to the UBCIC Chiefs Council and the UBCIC Executive.

Moved:

Seconded:

Disposition:

Date:

**UNION OF B.C. INDIAN CHIEFS
52ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 29TH TO 30TH, 2020
VIRTUAL MEETING**

Draft Resolution no. 2020-25

RE: Support for FNLC Representatives on Indigenous Flood Working Group

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 the climate emergency contributes to emerging environmental risks that disproportionately affect Indigenous communities, such as flooding due to increased severity of downpours, more rapid snowmelt, shifts in seasonal temperature and precipitation regimes, and sea level rise;

WHEREAS the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) is developing a provincial Flood Risk Strategy and will convene an Indigenous Flood Working Group to contribute Indigenous perspectives and knowledge to the vision, principles, and outcomes of the Flood Risk Strategy;

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

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

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

WHEREAS FLNRORD submitted an invitation to First Nations and First Nations organizations calling for Elected and Hereditary Leaders, Elders, Knowledge Holders, staff, and youth to participate in the Indigenous Flood Working Group; and

WHEREAS the UBCIC, BC Assembly of First Nations, and First Nations Summit, working together as the First Nations Leadership Council (FNLC), has proposed that a technical representative of the FNLC participate in the Indigenous Flood Working Group.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to work with the BC Assembly of First Nations (BCAFN) and the First Nations Summit (FNS) as the First Nations Leadership Council (FNLC) to identify a FNLC technical representative to participate in the Indigenous Flood Working Group;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff, working with the BCAFN and FNS as the FNLC, to monitor the development of the provincial Flood Risk Strategy to ensure that input from the Indigenous Flood Working Group and the flood risks posed to Indigenous communities are reflected in the final strategy.

Moved:

Seconded:

Disposition:

Date:

**UNION OF B.C. INDIAN CHIEFS
52ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 29TH TO 30TH, 2020
VIRTUAL MEETING**

Draft Resolution no. 2020-26

**RE: Aligning the School Act with the *UN Declaration* and Contesting the Assignment of
Personal Education Numbers to Children in BC from Birth**

WHEREAS on February 26, 2020, the Ministry of Education introduced the *Education Statutes Amendment Act* that would enable the Minister to advance the assignment of Personal Education Numbers (PEN) to BC children from the time they are born. The legislation also includes a proposed amendment to the *School Act* (BC) authorizing the Minister to “assign a personal education number to any child who is resident in British Columbia,” thereby greatly expanding the Minister’s authority to assign PEN numbers to BC children;

WHEREAS the PEN is a nine-digit identifier that currently allows the Ministry to trace individual student outcomes from pre-school to post-secondary, and is assigned to each student enrolled or registered with a BC early learning (Strong Start) program; public or independent school; BC certified offshore school; Yukon school; or, public post-secondary institution;

WHEREAS BC First Nations were not adequately consulted regarding the assignment of PEN numbers from birth, which has the potential to negatively impact First Nations learners, despite the Province having passed the *Declaration on the Rights of Indigenous Peoples Act* in November 2019 mandating the provincial government to take all measures to meet the objectives of, and align provincial laws with, the *United Nations Declaration on the Rights of Indigenous Peoples*;

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

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

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

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

WHEREAS materials provided to the First Nations Education Steering Committee (FNESC) by the Ministry of Education state that the BC Ministers’ Working Group on Child Care asked the Ministry to “explore” assigning a unique identifier (i.e. PEN) to every child born in BC, and that the request was made on the basis of a Working Group report noting that there was limited information about the impact of childcare and early years programs;

WHEREAS according to the Ministry, assigning PENs at birth will allow both parents and the broader education system to track a child’s progress through early childcare programs so they can be better supported upon entering kindergarten. The Ministry also purports that linking PENs to the BC Services Card will streamline the school registration process by eliminating the need for birth certificates or other documents used for identification purpose;

WHEREAS on two occasions in December 2019, Ministry officials presented the PEN project as being in early exploratory stages and a “long ways away from implementation,” implying there would be sufficient time to examine and consider the implications of the proposed project with First Nations leadership. As such, the introduction of legislation on February 26th was abrupt and unexpected;

WHEREAS FNEESC communicated a number of concerns to Ministry officials at a bilateral meeting on December 6, 2019; an Indigenous Early Years Advisory Group meeting on December 9, 2019; on February 26, 2020, upon hearing that legislation was to be introduced later that day; and again on March 2, 2020 at a meeting including the BC Minister of Education, the federal Minister of Indigenous Services, and representatives from the First Nations Leadership Council (FNLC). These concerns include that:

- i. The use of childcare data could lead to further streaming of First Nations students in the public education system;
- ii. It was unclear how the initiative could impact students attending First Nations schools;
- iii. It was unclear if or how the childcare data could be used in combination with other data sources, including information from the Ministry of Children and Family Development; and
- iv. First Nations and First Nations leadership needed to be adequately consulted given the wide implications for First Nations learners and First Nations communities; and

WHEREAS by UBCIC Resolution 2017-14 UBCIC affirmed the need for the government to close the gap in Aboriginal student outcomes in a way that promotes self-determination and self-governance, and to work with FNEESC to increase Aboriginal participation and completion in post-secondary education.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the First Nations Education Steering Committee’s (FNEESC) opposition to the unexpected and abrupt amendments to the School Act, as well as the Ministry of Education’s failure to adequately consult BC First Nations and address concerns about how the assignment of Personal Education Numbers (PENs) to any child that is a BC resident, including from birth, may negatively impact Indigenous learners;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly call on the Minister of Education to:

- a) refrain from exercising the new authority under the amended School Act regarding the assignment of Personal Education Numbers (PENs) to any child resident in BC; and
- b) engage in meaningful consultation and collaboration with First Nations and the First Nations Education Steering Committee (FNEESC) to:
 - i. identify the implications of assigning PENs to any child resident in BC, including from birth; and
 - ii. make recommendations on how to align the *School Act* and related policy regarding PENs with the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), as required by the *Declaration on the Rights of Indigenous Peoples Act*;

THEREFORE BE IT FINALLY RESOLVED FNESC will regularly report back to UBCIC Chiefs Council on its discussions and work with the Ministry of Education to address concerns and issues related to the assignment of PENs to children in BC.

Moved:
Seconded:
Disposition:
Date:

UNION OF B.C. INDIAN CHIEFS
52ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 29-30, 2020
VIRTUAL MEETING

Draft Resolution no. 2020-27

RE: Support for BCACCS and Indigenous Early Learning and Childcare Framework and Strategy

WHEREAS First Nations peoples have always maintained jurisdiction over the care their children, which includes the care, teachings and responsibility of children in early learning and childcare settings;

WHEREAS the federal government has committed to, and been engaged with, First Nations with respect to a national Indigenous Early Learning and Child Care (IELCC) Framework for First Nations decision making and control in the delivery of affordable, high quality, flexible, and fully inclusive care and educational supports for First Nations children and their families;

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 13(1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons; and

Article 14(1) Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. **(2)** Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination. **(3)** States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language;

WHEREAS by Resolution 2015-07, the UBCIC Chiefs Council recognized that with limited resources, the BC Aboriginal Child Care Society (BCACCS) has played a critical and essential role in First Nations Early Childhood Development and Care policy development, research, training and education and service delivery since 1996, and supported BCACCS becoming a Centre of Excellence for Aboriginal Early Childhood Development;

WHEREAS by Resolution 2017-39, UBCIC Chiefs-in-Assembly supported the BCACCS to develop a province-wide First Nation engagement process on a national IELCC Framework, and to carry this framework through approval and implementation processes such that it will be a basis for First Nations and their communities to exercise their authority to determine the systems and structures, as well as the programs and services, that provide ELCC supports to them - in ways they develop and control, by way of capacities provided and developed for the purpose; and

WHEREAS BCAACS has now developed a BC-Regional IELCC framework including options for an implementation strategy.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully provide continued support to the BC Aboriginal Child Care Society (BCACCS) as the regional lead agency in the ongoing development and implementation of a regional Indigenous Early Learning and Childcare (IELCC) strategy;

THEREFORE BE IT FURTHER RESOLVED UBCIC Chiefs-in-Assembly call on BCACCS Board of Directors and staff to inform IELCC framework implementation, subject to ongoing engagement and partnership development for regional First Nations leadership via advice and direction from Chiefs, community leaders and key stakeholders;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with the BCACCS, and with the BC Assembly of First Nations and First Nations Summit as the First Nations Leadership Council, to support ongoing engagement and implementation processes in BC, as well as help provide the political leadership for the regional partnerships that will be required to ensure the IELCC framework best responds to, and supports, First Nations children, families and communities in ways they determine.

Moved:

Seconded:

Disposition:

Date:

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, working with the First Nations Summit and the BC Assembly of First Nations as the First Nations Leadership Council, and the BC Aboriginal Childcare Society to provide regular reports to the UBCIC Chiefs-in-Assembly on the ongoing collaborative objectives and efforts as identified in the attached Memorandum of Understanding.

Moved:

Seconded:

Disposition:

Date:

Article 10(1): In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family;

WHEREAS the decision of the Department of Immigration, Refugees and Citizenship Canada is contrary to Indigenous legal orders and the frameworks for the human rights of Indigenous peoples and children which have been endorsed by Canada; and

WHEREAS UBCIC recognizes the extreme importance of this case in setting a precedent in the law regarding international border crossings and Indigenous people.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the application for leave and judicial review of the Department of Immigration, Refugees and Citizenship Canada's decision regarding Kiko Montilla;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to seek resources and to apply for Intervenor Status in the Federal Court judicial review of the Department of Immigration, Refugees and Citizenship Canada decision regarding Kiko Montilla's application for permanent residence on Humanitarian and Compassionate grounds;

THEREFORE BE IT FINALLY RESOLVED that subject to resources, the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to meet the schedule for the application for leave and judicial review, with Intervener applications to be filed by November 2020.

Moved:

Seconded:

Disposition:

Date:

**UNION OF B.C. INDIAN CHIEFS
52ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 29TH- 30TH, 2020
VIRTUAL MEETING**

Draft Resolution no. 2020-30

RE: Adoption of 2019-2020 Audited Financial Statements

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly hereby adopt the 2019-2020 Audited Financial Statements as presented at the UBCIC 52nd Annual General Assembly meeting of September 29th-30th, 2020.

Moved:

Seconded:

Disposition:

Date:

**UNION OF B.C. INDIAN CHIEFS
52ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 29TH TO 30TH, 2020
VIRTUAL MEETING**

Draft Resolution no. 2020-31

RE: Support for UBCIC Specific Claims Research Program and UBCIC Library and Archives

WHEREAS the Union of BC Indian Chiefs (UBCIC) is mandated to: conduct specific claims research on behalf of First Nations in BC, encourage high standards in claims preparation and land rights research, and promote research excellence and support land rights research education in British Columbia's Indigenous communities;

WHEREAS the UBCIC Specific Claims Research Program is one of a number of designated Claims Research Units (CRUs) across Canada;

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

Article 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.

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

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 then 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 (A/RES/61/295 - <http://www.un.org/esa/socdev/unpfi/en/drip.html>);

WHEREAS the UBCIC Specific Claims Research Program has been operating since the early 1970s, conducting First Nation-directed research, technical studies and legal analysis for Indigenous communities throughout BC, and provides its services, with a continuity of expertise, at no cost to all Indigenous Nations in British Columbia;

WHEREAS the UBCIC Specific Claims Research Program is a leading advocate for specific claims, policy reform, and the creation of a fully independent specific claims process that integrates Indigenous laws and supports the critical ongoing advocacy of the BC Specific Claims Working Group;

WHEREAS under the direction of the Research Department, the UBCIC Library and Archives provides library and reference services to community researchers; research support and reference services to the

UBCIC Research Department and all other UBCIC staff; acquires, preserves and makes accessible records documenting the history and activities of the UBCIC; and endeavors to increase access to its holdings by providing online digital collections and document delivery services;

WHEREAS the UBCIC Chiefs Council has endorsed the UBCIC Library and Archives' Mandate, Collections Development Policy, Ethical Research Policy, Archival and Library Preservation Policy, and the use of *The Protocols for Native American Archival Materials*;

WHEREAS the UBCIC Specific Claims Research Program and Library and Archives are committed to providing community outreach in the form of regular workshops, conferences, research assistance, facilitating access to materials, information sharing, updates concerning federal and provincial legislation and access procedures, publishing manuals, and other activities as communities request; and

WHEREAS the UBCIC Chiefs Council and Chiefs-in-Assembly have confirmed their support for the UBCIC Specific Claims Research Program and UBCIC Library and Archives through previous Resolutions (2015-37; 2014-19; 2005-06; 2007-11; 2010-57; 2011-64; 2008-44, 2007-46, 2007-13, 2005-07, 2004-02, 2004-01, 2003-08).

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the continued work of the UBCIC Specific Claims Research Program and the UBCIC Library and Archives.

Moved:

Seconded:

Disposition:

Date:

**UNION OF B.C. INDIAN CHIEFS
52ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 29TH TO 30TH, 2020
VIRTUAL MEETING**

Draft Resolution no. 2020-32

RE: Legal Strategy to Address Wildlife Mismanagement

WHEREAS Indigenous Nations in BC enjoy and exercise inherent Title, Rights, and jurisdiction to their respective territories;

WHEREAS Indigenous Peoples have always relied on wildlife populations in their territories for sustenance and for maintaining their connections to their culture, identity, lands, and resources;

WHEREAS the Crown is obligated to protect and uphold the Inherent rights of Indigenous Peoples as recognized and affirmed pursuant to section 35 of the *Constitution Act, 1982*, including by attempting to justify infringements of those rights within the framework established by the Supreme Court of Canada in *R. v. Sparrow*;

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

Article 24: Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals.

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

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

WHEREAS the government of BC is required, pursuant to section 3 of the *Declaration on the Rights of Indigenous Peoples Act*, to take all measures necessary to ensure the laws of BC are consistent with the UN Declaration;

WHEREAS the Crown has consistently failed to manage and protect wildlife populations and wildlife habitat on which Indigenous Peoples rely on to the exercise of their Inherent Rights;

WHEREAS the Crown’s failure to responsibly manage and protect wildlife populations and wildlife habitat is contrary to the honour of the Crown, the direction of the Supreme Court of Canada, the UN Declaration, and the Crown’s constitutional obligations to attempt to justify any infringement of Indigenous Peoples’ Inherent rights; and

WHEREAS the Okanagan Indian Band (“OKIB”), on behalf of the *Syilx* Okanagan Nation, has identified potential legal options to address the Crown’s failure to protect wildlife populations and habitat, and its failure to attempt to justify its infringements of Indigenous Peoples’ Inherent rights.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs-in-Assembly fully support Okanagan Indian Band's (OKIB) efforts to identify potential legal options to address the Crown's failure to protect wildlife populations and habitat, and its failure to attempt to justify its infringements of Indigenous Peoples' Inherent rights;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to help the OKIB lead and develop a comprehensive legal and political strategy to address the Crown's failure to protect wildlife populations and habitat, and its failure to attempt to justify its infringements of Indigenous Peoples' Inherent Rights;

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff seek to undertake the above actions in collaboration and coordination with other, similarly affected Indigenous groups within and outside of BC.

Moved: Chief Byron Louis, Okanagan Indian Band

Seconded:

Disposition:

Date: