

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 24<sup>TH</sup>-25<sup>TH</sup>, 2021 VIRTUAL MEETING

**Resolution no. 2021-05**

#### **RE: UBCIC Mandate on Hunting**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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