

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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

Resolution no. 2021-29

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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