

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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August 18<sup>th</sup>, 2020

Dear Chief and Council,

### **RE: UBCIC 2020-2021 Membership**

We write today to invite your community to become a Member in Good Standing with the Union of BC Indian Chiefs (UBCIC) for the 2020–2021 fiscal year. The UBCIC greatly appreciates your ongoing direction and support.

### **About the UBCIC**

The UBCIC is a non-profit Indigenous political organization representing over 100 First Nations in BC. In 2019–2020, under direction from the Chiefs Council, we continued to be a strong, principled voice for the political and territorial rights of Indigenous Peoples in British Columbia and the full and unqualified implementation of the *UN Declaration on the Rights of Indigenous Peoples* across all levels of government. We have also continued to support and advance initiatives essential to the well-being of our communities, in areas such as energy and mining, justice, specific claims, children and families, citizenship, heritage and language, fisheries, forestry, water and addressing missing and murdered Indigenous women and girls.

### **Benefits for member communities**

In order to carry out its mandate, the UBCIC relies in part on membership dues and other contributions by First Nations. The UBCIC offers member communities the following services and opportunities:

- **Political advocacy:** The UBCIC advances the rights and priorities of our member communities at provincial, national, and international levels. The UBCIC works with the BC Assembly of First Nations and the First Nations Summit as the First Nations Leadership Council to address areas of common interest at the provincial and national level and works with First Nation Councils to advance sectoral issues. We are a recognized Non-Governmental Organization (NGO) in Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations and we support Indigenous Nations who seek to participate in UN processes.

- **Legal and policy analysis:** The UBCIC engages legal counsel and employs policy staff to provide advice, research, and technical support in areas relevant to our members. We provide legal and policy documents, briefings and position papers to the Chiefs Council for consideration. Policy staff coordinate projects and proposals and help draft resolutions, press releases, and public statements.
- **Specific claims research and advocacy:** The Specific Claims Research Program (SCRCP) conducts band-directed research and legal analysis at no cost to individual bands. The program also advocates for specific claims policy reform by participating in regional and national committees and providing policy updates to Chiefs Council and member communities.
- **Use of our renowned Library and Archives:** The UBCIC Library and Archives houses one of the largest collections of research materials in BC related to Indigenous lands, resources, legal issues, and Indian Affairs materials in BC.
- **Community outreach:** The UBCIC offers free research workshops to our membership and continues to develop research publications on topics such as Indigenous use-and-occupancy mapping and historical research on Indigenous lands.
- **Travel support:** Dependent on funding, the UBCIC offers support for travel and accommodation for the Chief or designated proxy for each Full Member to attend the Chiefs Councils and Annual General Assembly.
- **Support for media activities:** The UBCIC helps members organize press conferences and distribute press releases
- **Use of meeting facilities:** The UBCIC provides meeting facilities, free of charge for member communities, at our downtown Vancouver office. The UBCIC meeting rooms have served as off-reserve polling stations and are ideal for pre-meetings or meetings with government or industry.

### **UBCIC's Work in 2019-2020**

Over the last year, at the direction of the Chiefs Council, the UBCIC has played a prominent advocacy role on many critical files. It is important to note that the COVID-19 pandemic has intensified this role as it has exacerbated pre-existing systemic discrimination and socioeconomic inequities and created new challenges to Indigenous peoples' Title and Rights, health, and safety. Please see Appendix B: 2020 UBCIC Key Advancements and Advocacy Roles.

### **Membership dues and support contributions**

UBCIC operates through a combination of external funding and membership dues. Membership dues are calculated on a sliding scale based on community size.

For existing member communities and First Nations interested in becoming members of the UBCIC Chiefs Council, the following section of the *UBCIC Constitution and Bylaws* outlines membership dues for April 1st, 2020 to March 31st, 2021:

#### A. By-law Section 1(b):

Each Full Member shall pay a membership fee to the U.B.C.I.C. depending on their registered Band Membership as follows:

- I. For members with up to 100 registered Band Members the sum of \$100.00,
- II. For members with between 101–300 registered Band Members the sum of \$200.00,

- III. For members with between 301–500 registered Band Members the sum of \$300.00,
- IV. For members with between 501–800 registered Band Members the sum of \$400.00,
- V. For members with 801 or more registered Band Members the sum of \$500.00.

**Support UBCIC Library and Archives, Legal Challenges and Outreach**

In addition, each member Band is asked to provide a voluntary contribution toward the following aspects of our work:

1. Operation of the UBCIC Library and Archives, one of the largest Indigenous land rights research facilities in BC;
2. Timely legal analysis and assistance;
3. Community outreach initiatives, through which the UBCIC provides our membership with materials, information, and support.

We encourage amounts of \$500, \$1000 or \$1500 and welcome all contributions.

**To Pay your Membership Dues:**

1. By Cheque: Send cheque payable to: “Union of BC Indian Chiefs” to:

Union of BC Indian Chiefs  
209 - 345 Chief Alex Thomas Way  
Kamloops, BC, V2H 1H1

2. By Credit card: Email Mildred Chartrand at [mildred@ubcic.bc.ca](mailto:mildred@ubcic.bc.ca) to arrange credit card payment
3. By Interact E-Transfer: Send interact E transfer to [membership@ubcic.bc.ca](mailto:membership@ubcic.bc.ca). Please use password: UBCIC2020.

In closing, we sincerely extend our gratitude to communities who will be renewing their dues and contributions for their ongoing involvement in the Union of BC Indian Chiefs.

If you have any questions, please contact Jody Woods, Acting Administrative Director, at the Vancouver Office (1-800-793-9701) or Arnold Peters, Finance Manager, at the Kamloops Office (250-828-9746).

In solidarity,



Grand Chief Stewart Phillip  
President



Chief Don Tom  
Vice-President



Kukpi7 Judy Wilson  
Secretary-Treasurer

**Enclosed:** Union of BC Indian Chiefs Mandate

## **Appendix A: Union of BC Indian Chiefs Mandate**

It is a guiding principle of the Union of B.C. Indian Chiefs (“UBCIC”) that our Aboriginal Title and Rights are inherent – a gift and responsibility given by the Creator to our Peoples, together with the laws to carry out these responsibilities. The UBCIC’s mandate is to work towards the implementation, exercise and recognition of our inherent Title, Rights and Treaty Rights and to protect of our Lands and Waters, through the exercise, and implementation of our own laws and jurisdiction.

The UBCIC strengthens Indigenous Nations to assert and implement their Aboriginal Title, Rights, Treaty Rights and Right of Self-Determination as Peoples. The UBCIC works collectively amongst Indigenous Nations in B.C. and to act as an advocacy body to provide a cohesive voice (regionally, nationally and internationally) in support of Indigenous Nations and communities, and to promote and protect each Nation’s exercise of Sovereignty within their traditional territories.

The UBCIC upholds the principles and standards articulated in the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) for the establishment and maintenance of a universal framework of minimum standards for the survival, dignity, well-being and rights of Indigenous Peoples. The UBCIC advocates for Indigenous Peoples’ Right of Self-Determination under international law including to freely determine their political status and pursue economic, social and cultural development. The UBCIC affirms Indigenous rights to own, use, develop and control our lands, waters and resources, according to our own laws, and the requirement of states to give legal recognition and protection to these rights.

The UBCIC seeks to provide open, respectful communications with membership and people of the land and citizens of the Province. The UBCIC is collectively directed by Indigenous Nations and communities, to support and strengthen Indigenous governments in the exercise of our inherent rights and responsibilities, including in the areas of political, social, economic, cultural, and spiritual Sovereignty and development.

## **Appendix B: 2020 UBCIC Key Advancements and Advocacy Roles**

Over the last year, at the direction of the Chiefs Council, the UBCIC has played a prominent advocacy role on many critical files. It is important to note that the COVID-19 pandemic has intensified this role as it has exacerbated pre-existing systemic discrimination and socioeconomic inequities and created new challenges to Indigenous peoples' Title and Rights, health, and safety. The following is a summary of UBCIC's critical advancements and advocacy current to August 2020:

### **Negotiations**

- As mandated by the Chiefs Council, the UBCIC is in preliminary discussions with BC on an ongoing basis to discuss negotiations for those outside of the BCTC and are in the process of drafting a framing document for that work. The shared goal of the UBCIC-BC table is to develop technical and principled guidance to elevate negotiations with First Nations external to the BCTC process, which ultimately would build into a single process that meets the needs of all First Nations. Draft negotiation principles for the Province to follow as a minimum standard will be brought to the Chiefs Council for review.

### **Cannabis**

- UBCIC continues to participate on the BC First Nations Leadership Council (FNLC) Cannabis Working Group, and the UBCIC political representative is Chief Don Tom.
- The First Nations members of the Cannabis Working Group are advancing several key priorities regarding First Nations jurisdiction and the government-to-government relationship with respect to cannabis, collaboration at the FNLC Cannabis Working Group, and economic support for BC First Nations and business people involved in the cannabis sector.
- The Cannabis Working Group is in discussions about the impacts of COVID on the cannabis industry and First Nations involved, and the FNLC is urging the Solicitor General, in collaboration with the Honourable Michelle Mungall, Minister of Jobs, Economic Development and Competitiveness, to increase economic supports for the cannabis sector, and in particular, ensure there are targeted supports to meet the specific needs and priorities of Indigenous entrepreneurs and businesses. We continue to seek adequate funding to engage in the Cannabis Working Group.

### **Children and Families**

- UBCIC, as part of the FNLC has continued to advocate for a BC-Specific approach to the implementation of *An Act Respecting First Nations, Inuit and Metis Children, Youth and Families*, including a specific budget allocation to BC, and to ensure work continues on the implementation of the Act during the COVID-19 pandemic.
- Work has begun on the development of an Inherent Jurisdiction Working Group on children and families, with a Terms of Reference and a workplan being jointly developed. This group includes leadership from Nations who are currently engaged in child and family jurisdiction tables with Canada and BC.
- The Tri-partite Working Group continues to meet on a regular basis and to address matters related to First Nations jurisdiction over child welfare and immediate COVID-19 issues. To ensure regular and clear communications to Nations on children and families, it was agreed to co-host quarterly townhall sessions specific to children and families. The first session will occur in early August. These townhall sessions will be structured as updates information sharing and an opportunity for Nations to ask questions directly. Engagement sessions are also being planned for the early fall which will be specific to the implementation of Bill C92

## Climate Change

- Collaboration between the FNLC and the Province on the CleanBC climate plan is ongoing. The BC-FNLC Technical Working Group on Climate Change has finalized a set of engagement principles and is developing an engagement plan. Provincial engagement with First Nations regarding CleanBC is shifting to virtual engagement during COVID-19.
- Technical staff of UBCIC, the First Nations Summit, and the BC Assembly of First Nations are collaborating to produce a draft BC First Nations Climate Change Strategy and Action Plan, based on results from the *FNLC Climate Emergency Survey*. Once a draft strategy is developed, it will be shared with BC First Nations for their input and then an updated draft will be worked through with the Chiefs either virtually or in person, depending on the status of COVID-19 at the time.
- In collaboration with Indigenous Climate Action, UBCIC co-authored a [submission](#) to the United Nations Special Rapporteur in the field of cultural rights which examined how the cultural rights of Indigenous peoples in Canada are being impacted by climate change. Key points raised in the report included the need to better protect cultural rights and land defenders from violence and harassment and the recommendation for States to improve funding and capacity for Indigenous communities to develop sovereign and independent climate change adaptation and mitigation strategies.

## COVID-19

- The policy team, both in UBCIC and FNLC capacities, is currently engaged in advocacy efforts around COVID in order to address the emergency, including:
  - Bi-weekly multi-agency leadership calls on COVID-19 with focused topics discussed (i.e., operational wildfire updates, the opioid crisis, the back-to-school plan and mental health for children and youth)
  - FNLC calls with individual ministries/departments/govts focused on recovery from COVID
  - Forwarding a submission to the province that includes UBCIC's recommendations around implementing an economic recovery plan that addresses and works to resolve both the economic and social impacts and challenges associated with COVID-19.
  - Tabling a July 13, 2020 FNLC letter to Premier Horgan, Minister Miller, Minister Dix, and Minister James regarding the need for First Nations' jurisdiction to be upheld through inclusion in economic restart decision-making.

## Energy and Mines

- UBCIC has continued to advance its mandate to oppose Site C, and issued a call for the [halt of Site C construction during COVID-19](#) due to the high risks of transmission in work camps, and the possibility for workers in camp to spread the virus to nearby First Nations. As directed by resolution, UBCIC also [called for a moratorium on fracking near Peace River dams](#), drawing on a report by Ben Parfitt, noting the dangers posed by fracking and disposal well operations in the Peace River Region
- UBCIC continues to back on the TMX and other energy projects and promote the safety and welfare of Indigenous land defenders, including signing on letters with Amnesty International and other human rights and Indigenous organizations
- The government introduced Bill 17, *Amendments to the Clean Energy Act*, which would strip away the self-sufficiency requirement for BC to produce its own energy and allow BC to purchase cheaper "clean" energy from outside the province. First Nations have spoken out against this Bill as it stands to directly impact First Nations by cancelling Independent Power Projects (IPPs) and making them irrelevant. UBCIC is working with FNEMC and FNLC on this Bill.

## **Environmental Assessment**

- UBCIC has been working collaboratively with the FNLC on all matters associated with Environmental Assessment. For context, Environmental Assessment (EA) is one of the priority areas identified for legislative review and change under the *Commitment Document Joint Agenda on Concrete Actions*.

## **Emergency Management**

- UBCIC is reaching out to all members about emergency preparedness in relation to COVID-19, assessing current capacity and where more support is needed
- UBCIC has prepared a rolling draft of current travel bans and safety protocol adopted by First Nations in BC
- Beyond COVID-19, UBCIC continues to focus on the long-term advocacy required for emergency management. Policy staff support the functioning of the Tripartite Emergency Management Working Group and the formation of its Sub-Committee on *Emergency Program Act* modernization. Jocelyn Stacey, who assisted UBCIC with briefings on emergency management operations throughout earlier phases of the COVID-19 response, will represent UBCIC in a technical capacity on the Sub-Committee, and will brief the Executive on the status of the EPA modernization work as it develops.

## **Fishing**

- The FNLC held a press conference with Chief Brian Assu, Chief Chris Roberts, Chief Wayne Sparrow, Bob Chamberlin, and Alexandra Morton calling on the DFO to act now to protect salmon from the spread of sea lice by transitioning open-pen fish farms to land-based containment, with First Nations as leaders and partners in the transition.
- The policy team continues to support the work of the Wild Salmon Summit Committee.
- The UBCIC is extremely concerned with the decline in returns and is working to bring attention to this devastating issue.

## **Forestry**

- Policy staff continue to support the work of the Joint Core Working Group Sub-Committee on Forestry and monitor the need for advocacy around the concerns associated with tree planting and COVID-19.

## **Gaming**

- The BC First Nations Gaming Revenue Sharing GP distributed First Nations' share of Provincial gaming revenue for 2020/2021 (Year 2 Funding). The FNLC has been advised that this year's payment was expedited with an intent to extend and reduce reporting requirements in response to the COVID-19 pandemic. Distribution was made May 8, 2020 (ahead of May 31, 2020 deadline and as an outcome of direct feedback from limited partners), and the total 2020/2021 gaming revenue share distribution was \$99,095,737. The average 2020/2021 distribution to BC First Nations was \$500,484. UBCIC will continue working with the First Nations Leadership Council to support the advancement of this file.

## **Health**

- Engaging with province and other government agencies to address the opioid overdose crisis that has been exacerbated by COVID-19; advocating for more treatment and recovery beds and resources
- Protesting Bill 22 and its proposed amendments to BC's Mental Health Act (which will see youth involuntarily detained for a week following an overdose) and hosting a press conference on July 27, 2020 with BCCLA and Health Justice to call attention to key concerns
- Sending a UBCIC, BCCLA, and Pivot Legal Society letter to the Vancouver Parks Board recommending against proposed changes to the by-laws concerning temporary sheltering in parks; the

dual public health crises associated with COVID-19 and opioid overdoses cause dangerous daily displacement

### Hunting

- At the direction of the Chiefs Council in February 2020, UBCIC is working to revitalize advocacy on First Nations' hunting rights. While physically coming together has been made impossible by the pandemic, UBCIC hosted a [webinar on Hunting Rights, COVID-19, and the Path Forward](#) June 3, 2020 from 1:00-3:00pm.
- The webinar provided a forum for conversation on next steps with hunting advocacy and collaboration, and UBCIC will develop a discussion paper and resolutions based on the dialogue in advance of the 2020 Annual General Assembly.

### International

- Submitting a [report](#) to the UN Special Rapporteur on Indigenous Rights regarding the impact of COVID-19 on Indigenous peoples in Canada. The report draws attention to the gaps in government services, funding, and programs for Indigenous people, and the improvements needed in BC's response to COVID-19, including implementing better data collection and human rights oversight.
- Contracted Rachel Singleton-Polster to prepare a detailed manual, to be distributed to First Nations, on participating on UN bodies and forums and maximizing advocacy goals

### Justice

- UBCIC, BCCLA, and Hogan's Alley Society hosted a press conference June 25<sup>th</sup> condemning the inherent racism of street checks and [publishing a letter](#) received from Police Complaint Commissioner Clayton Pecknold detailing racism witnessed by researchers while conducting the Vancouver Police Board Street Check Review.
- UBCIC co-authored an [open letter](#) with 73 co-signatory organizations calling for Vancouver and the Province of BC to ban police street checks, and shared a [petition](#) for action that received more than 6400 signatures.

### MMIWG

- The Coalition on MMIWG held its first meeting via Zoom on July 9, 2020 and continues to identify and advance several action items and goals around the government's inaction, including putting forward letters to BC and Canada to hold them accountable for their failure to implement the Calls for Justice and its National Action Plan, putting forward an op-ed calling out government inaction and failures and addressing Police Act amendments, and considering a budget submission for MMIWG to the province.

### UNDRIP/DRIPA

- UBCIC continues to participate with the BCAFN and FNS as the FNLC, as part of the Commitment Document table with the Province.
- The Joint Core Working Group continues to be the main body tasked with overseeing implementation of the Commitment Document. Focus is currently on preparing an Action Plan to implement the *Declaration on the Rights of Indigenous Peoples Act*. We have identified an outline and are in process of filling it out. There will be extensive engagement with First Nations on the draft. UBCIC staff have reviewed UBCIC resolutions and pulled together a chart connecting resolutions with potential priorities in the Action Plan.
- There is a new sub-committee to work through definitions of Indigenous Governing Bodies, and there is ongoing work around alignment of legislation to the UN Declaration. UBCIC library and archives are



reviewing materials to identify legislation and policy the Chiefs have historically identified as needing to be improved with respect to Indigenous Title and Rights. This material will go to the legal team working on alignment of laws. Mary Ellen Turpel-Lafond represents UBCIC at the legal table.

- UBCIC continues to engage in efforts to pass federal legislation to implement UNDRIP; has joined the Coalition for the Human Rights of Indigenous Peoples' call for the immediate passing of Bill C-262

### **Specific Claims**

- UBCIC Research Director sits as a technical representative in an ongoing process to reform specific claims: the AFN-Canada Joint Technical Working Group (JTWG) on specific claims. The aim of JTWG work is to create a fully independent process that eliminates Canada's conflict of interest. The next step in JTWG work is to produce a proposed model of an independent specific claims process. Throughout all engagement by the JTWG, the BC Specific Claims Working Group (BCSCWG) (created by UBCIC resolution in 2013) has been a strong advocate for a process that is fully independent and which integrates Indigenous laws and legal protocols on equal footing with Canadian law.
- The BCSCWG has been leading efforts to (a) understand the effects of COVID-19 on claims processes and (b) hold Canada accountable for continuing to advance claims and uphold its lawful obligations and the honour of the Crown. This has involved reaching out to the claimant community for feedback and then communicating findings to Canada.
- The BCSCWG, working with Ardith Walkem, has launched an online resource to support Indigenous Nations in using Indigenous laws and legal protocols to resolve historical land-related grievances. Our Laws Arise from the Land ([www.ourlawsarisefromtheland.org](http://www.ourlawsarisefromtheland.org)) contains a discussion paper and videos with Indigenous experts about how Nations are articulating laws in relation to historic losses. New resources and videos are being continually added.
- The BCSCWG is overseeing research by UBCIC Research into the effect of the Trans Mountain pipeline on specific claims. So far, this research has examined which existing specific claims might be affected by the expansion of the pipeline and archaeological losses from the construction of the first pipeline in 1952–53 (i.e. significant heritage losses for which Canada has failed to provide redress).
- UBCIC Research has led the National Claims Research Directors in holding Canada accountable for recent changes related to research funding that posed risks to the autonomy, authority, and overall budgets of claims research units and Indigenous Nations across Canada. Advocacy by the NCRD has led to the reinstatement of a working group through which decisions on research funding can be made collaboratively.
- In November 2019, UBCIC led the NCRD in making a formal submission to the Department of Justice's Stakeholder Engagement Process. The submission was titled "Canada's Proposed Modernization of the Privacy Act: Issues and Concerns for Indigenous Peoples." Its key recommendation stressed the need for continued, direct engagement with Indigenous peoples and their representative organizations regarding legislative reform, obtaining their FPIC to ensure they are equal decision-making partners in matters that concern them.

### **Shared Territories and Overlaps**

- The UBCIC was directed by resolution to work with the BC Assembly of First Nations and the First Nations Summit as the FNLC to host an All Chiefs meeting on shared territories and overlaps (STO). The meeting was open to both elected and hereditary leadership. The STO meeting was intended to address the question "What is a principled approach to addressing shared territories and overlaps, and what are the components of a framework (e.g. mechanisms, structures, tools, institutions, principles, goals, and approaches) that would be helpful in addressing shared territories and overlaps?"

- A comprehensive [package of STO materials](#) includes discussion papers on Indigenous institutions, Canadian law and Indigenous laws, and a summary of previous forums and principles. During discussion at the February 2020 UBCIC Chiefs Council, the Chiefs agreed to additionally table at the STO a UBCIC document titled “Analysis of Shared Territory and Overlaps, the Recognition and Reconciliation of Rights Policy for Treaty Negotiations in British Columbia, and the United Nations Declaration on the Rights of Indigenous Peoples.”
- Although the STO meeting was scheduled to go from March 11-13, due to COVID-19 being declared a pandemic during the beginning of the meeting, the FNLC made the difficult decision to cancel the meeting midway through March 12. There was time for a governance workshop and a case study presentation. Attendees missed breakouts on principles and institutions, and summary discussion on the last day. We are currently preparing a report on the meeting that took place to share with leadership and will be soliciting further input from leadership regarding any next steps.