

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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July 30, 2021

Honourable John Horgan
Premier of BC
Via Email: premier@gov.bc.ca

Honourable Katrine Conroy
Minister of Forests, Lands, Natural Resource Operations and Rural Development
Via Email: FLNR.Minister@gov.bc.ca

Honourable Nathan Cullen
Minister of State for Lands and Natural Resource Operations
Via Email: LNRO.Minister@gov.bc.ca

RE: UBCIC Resolution 2021-37 “Meaningful Involvement of First Nations in the Restructuring of BC’s Natural Resource Sector”

Dear Premier and Ministers:

We are writing with respect to Union of BC Indian Chiefs (UBCIC) Resolution 2021-37 “Meaningful Involvement of First Nations in the Restructuring of BC’s Natural Resource Sector” which was presented, affirmed, and endorsed by consensus at the UBCIC Chiefs Council on June 30, 2021 (enclosed).

By Resolution 2021-37, the UBCIC Chiefs Council seeks to gather more information on the work of the Lands and Natural Resource Operations Secretariat in their options for restructuring the natural resource sector. To that end, we request a meeting with you to provide an update to us on the current work of the Lands and Natural Resource Operations Secretariate in restructuring the natural resource sector. We remind you that any change to the organizational structure of the natural resource sector requires a new process that includes First Nations as the proper Title and Rights holders and is consistent with the BC *Declaration on the Rights of Indigenous Peoples Act*, the UN Declaration, and Section 35 of the *Constitution Act, 1982*.

We look forward to your response.

On behalf of the UNION OF BC INDIAN CHIEFS



Grand Chief Stewart Phillip
President



Chief Don Tom
Vice-President



Kukpi7 Judy Wilson
Secretary-Treasurer

CC: UBCIC Chiefs Council
BC Assembly of First Nations
First Nations Summit

Encl: UBCIC Resolution 2021-37

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

Resolution no. 2021-37

RE: Meaningful Involvement of First Nations in the Restructuring of BC's Natural Resource Sector

WHEREAS as part of the provincial governments' new restructuring after the provincial election in November 2020, Premier Horgan appointed Honorable Nathan Cullen as the Minister of State for Lands and Natural Resource Operations (MSLNRO);

WHEREAS the mandate letter from Premier Horgan to Minister Cullen includes several expectations including (but not limited to):

- a) Our government – and every ministry – must remain focused on creating opportunities for Indigenous peoples to be full partners in our economy and providing a clear and sustainable path for everyone to work toward lasting reconciliation;
- b) Our efforts to address systemic discrimination must also inform policy and budget decisions by reviewing all decisions through a Gender-Based Analysis Plus (GBA+) lens;
- c) With support from the Minister of Forests, Lands, Natural Resource Operations and Rural Development, bring forward a plan to create a new Ministry for Lands and Natural Resource Operations that will develop and implement land use policies that support B.C.'s goals for economic activity, environmental sustainability and reconciliation with Indigenous peoples.
- d) Work with and support provincial efforts on wildlife management, modernizing land use planning, freshwater strategies, parks and wilderness management, and CleanBC;

WHEREAS this decision by the Premier to restructure the Ministry of Forests, Lands and Natural Resource Operations will have significant impacts to land-based activities that will have inevitable impacts to First Nations Title and Rights, and interests in BC;

WHEREAS there has been limited information provided to the First Nations in BC about the processes Minister Cullen intends to consider when developing options for restructuring of the natural resource sector, including the plans to engage First Nations governments in BC;

2021-37

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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 15:(2) States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

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.

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 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

WHEREAS the UBCIC seeks to work with the First Nations Summit and the BC Assembly of First Nations as the First Nations Leadership Council (FNLC) to gather more information from Minister Cullen and Premier Horgan about the work of the Lands and Natural Resource Operations Secretariat to develop options for the restructuring of the natural resource sector to inform the UBCIC Chiefs Council.

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Summit (FNS) and the BC Assembly of First Nations (BCAFN), as the First Nations Leadership Council (FNLC), to gather more information about the work of the Lands and Natural Resource Operations Secretariat in their options for restructuring the natural resource sector;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BCAFN and FNS as the FNLC, to provide a briefing to the Chiefs in BC regarding the work of the Lands and Natural Resource Operations Secretariat including recommendations on next steps for the FNLC, Chiefs, and BC government including respecting First Nations exercising management and protection over their territories, and identifying adequate resource revenue sharing based on Title and Rights with regular review for First Nations; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive, working with the BCAFN and FNS as the FNLC, to advocate and communicate to Minister Cullen, Minister Conroy, Premier Horgan and any other applicable ministry, that any change to the organizational structure of

the natural resource sector requires a new process that includes First Nations as the proper Title and Rights holders, and is consistent with the BC *Declaration on the Rights of Indigenous Peoples Act*, the UN Declaration, and Section 35 of the *Constitution Act, 1982*, and includes all current ministerial mandate letters related to resources and resource development.

Moved: Chief Byron Louis, Okanagan Indian Band
Seconded: Kukpi Lee Spahan, Coldwater Indian Band
Disposition: Carried
Date: June 30, 2021