

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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## **Final Resolutions of UBCIC Chiefs Council February 23<sup>rd</sup>-24<sup>th</sup>, 2022**

- 2022-01 UBCIC Meeting Schedule for 2022-2023 Fiscal Year
- 2022-02 Support for Gitxaala Litigation and Call to Reform the *Mineral Tenure Act*
- 2022-03 Support for UBCIC Intervention in *Gitxaala Nation v British Columbia et al*
- 2022-04 Support for the BC First Nations Climate Strategy and Action Plan
- 2022-05 Call to Action for the Provincial Government to Recognize, Support and Implement Indigenous Protected and Conserved Areas (“IPCAs”) and Indigenous Guardians in BC
- 2022-06 Support for Saik’uz and Stelat’en First Nations’ Appeal of Rio Tinto Ruling
- 2022-07 Call for National Inquiry into the Sixties Scoop and Indigenous Child Removal by the Government of Canada
- 2022-08 Abolition of the Deplorable use of Solitary Confinement in BC Detention Centres
- 2022-09 Support for BC First Nations’ Territorial Management and Protection of Caribou and Wolf Populations
- 2022-10 Support for the Development of the British Columbia First Nations Tripartite Post-Secondary Education Model
- 2022-11 Support for the First Nations Public Service Secretariat’s Renewed First Nations Public Service Capacity Support Strategy
- 2022-12 Ending the Criminalization and Human Rights Violations of Indigenous Land Defenders

- 2022-13 Support for an Indigenous Land Defense Fund and Establishing Financial and Legal Assistance for Indigenous Land Rights Cases
- 2022-14 Support for the Wet'suwet'en Declaration
- 2022-15 Upholding First Nations Jurisdiction and Sovereignty Over Gaming
- 2022-16 Call to Ensure the Final Settlement Agreement on Long-Term Reform of the FNCFS Program and Jordan's Principle Include Legally-Binding Funding Requirements
- 2022-17 Support for the Indigenous Digital Equity Strategy

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 23<sup>RD</sup>-24<sup>TH</sup>, 2022 VIRTUAL MEETING

#### Resolution no. 2022-01

#### RE: UBCIC Meeting Schedule for the 2022-2023 Fiscal Year

**WHEREAS** the Union of BC Indian Chiefs (UBCIC) Annual General Assembly and Chiefs Council meetings constitute the primary mechanisms through which the member communities are informed of new legislation, policies, and initiatives;

**WHEREAS** the UBCIC Annual General Assembly and Chiefs Council meetings are the mechanisms by which UBCIC Executive and staff receive ongoing mandates and direction from UBCIC members; and

**WHEREAS** the UBCIC will host one (1) Annual General Assembly and two (2) Chiefs Council meetings in the 2022-2023 fiscal year.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council has reviewed and commits the following as tentative dates:

- June 1<sup>st</sup>- June 2<sup>nd</sup>, 2022
- September 27<sup>th</sup>- September 29<sup>th</sup>, 2022 (54<sup>th</sup> Annual General Assembly)
- February 22<sup>nd</sup>- February- 23<sup>rd</sup>, 2023

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC staff to confirm dates, locations and draft agendas, and provide notice to the UBCIC Chiefs Council.

**Moved:** Chief Maureen Chapman, Skawahlook  
**Seconded:** Chief Byron Louis, Okanagan Indian Band  
**Disposition:** Carried  
**Date:** February 23, 2022

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022 VIRTUAL MEETING

#### Resolution no. 2022-02

#### **RE: Support for Gitxaala Litigation and Call to Reform the *Mineral Tenure Act***

**WHEREAS** British Columbia's *Mineral Tenure Act* is founded upon and perpetuates racist colonial worldviews that ignore Indigenous peoples, including through an automatic internet-based registration system for mineral claims through which British Columbia purports to grant "free miners" significant rights to Indigenous territories without Indigenous consent, nor any consultation or notice, including rights to minerals, initial exploration rights, and a right to replace a mineral claim with a long-term mining lease;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (the UN Declaration), which the government of Canada has adopted without qualification, and which British Columbia and Canada have committed to implement through legislation, 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 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 23:** Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development.

**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 resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

**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 the 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.

**(3):** States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact;

**WHEREAS** the provincial *Declaration on the Rights of Indigenous Peoples Act* requires:

**(3):** In consultation and cooperation with the Indigenous peoples in British Columbia, the government must take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration;

**WHEREAS** the Gitxaala, in the case of *Sm'ooygit Nees Hiwaas, also known as Matthew Hill, on behalf of the Smgyigyem Gitxaala, and Gitxaala Nation v British Columbia et al*, are pursuing a legal challenge to quash or set aside certain mineral claims granted in their territories on Banks Island and to obtain declarations that British Columbia has failed to meet its duty to consult and accommodate, as well as to obtain Court declarations that British Columbia's process for granting those mineral claims under the *Mineral Tenure Act* is inconsistent with the honour of the Crown, inconsistent with the UN Declaration, and further that the Crown has a duty to cooperate with Gitxaala (and other Indigenous peoples) to bring the *Mineral Tenure Act* into alignment with the UN Declaration;

**WHEREAS** the *Mineral Tenure Act* directly and significantly impedes the exercise of inherent Indigenous title, jurisdiction, laws and rights; and

**WHEREAS** legislative reform is required to bring the *Mineral Tenure Act* into full alignment with the UN Declaration and British Columbia's constitutional obligations, as well as to better care for lands, waters and ecosystems, and develop public confidence in mineral tenure decision-making.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the Gitxaala in their legal challenge regarding the grant of mineral claims under the *Mineral Tenure Act*;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Province of British Columbia to swiftly and publicly commit to legislative reform of the *Mineral Tenure Act*, to be carried out in cooperation with Indigenous peoples and in full alignment with the UN Declaration; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Council directs the UBCIC Executive and staff to work with Indigenous peoples and like-minded organizations to advance legislative reform of the *Mineral Tenure Act*.

**Moved:** Bruce Watkinson, Gitxaala Nation (Proxy)

**Seconded:** Chief Francis Laceese, Tl'esqox

**Disposition:** Carried

**Date:** February 23, 2022

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2021 VIRTUAL MEETING

#### Resolution no. 2022-03

#### **RE: Support for UBCIC Intervention in *Gitxaala Nation v British Columbia et al***

**WHEREAS** mining free entry (“free entry”) dates back to the gold rush period, where the Crown felt that natural resources were infinite and wilderness should be tamed, and is a system that does not recognize constitutionally recognized Aboriginal Title and Rights, defers the Crown’s legal duties to consult with First Nations, and has no requirement for consultation before a third party right is established for subsurface minerals;

**WHEREAS** on October 26, 2021, the Gitxaala First Nation filed a first-of-its kind legal challenge in the British Columbia Supreme Court against the province’s “free entry” mineral claim staking regime. The Nation is seeking to overturn multiple mineral claims granted by the province between 2018 and 2020 on Banks Island in Gitxaala territory, without the First Nation’s consent, consultation, or even notification;

**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 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 resources. States shall



establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination;

**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 the 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.

**(3):** States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact;

**WHEREAS** the Gitxaala Nation’s first-of-its-kind legal challenge has enormous implications for mining laws and Crown-Indigenous relations in BC, with the outcome of the case set to directly and significantly impact the exercise of inherent Indigenous title, jurisdiction, laws and rights;

**WHEREAS** legislative reform is required to bring the *Mineral Tenure Act* into full alignment with the UN Declaration and British Columbia’s constitutional obligations, as well as to better care for lands, waters and ecosystems, and develop public confidence in mineral tenure decision-making;

**WHEREAS** the December 2012 decision of the Yukon Court of Appeal in *Ross River Dena Council v. Yukon* confirmed that the free entry system of mineral tenure is inconsistent with the duty of the Crown to consult First Nations. This decision provided the opportunity to challenge the mining free entry system of mineral tenure in other Canadian jurisdictions, particularly British Columbia;

**WHEREAS** by Resolution 2011-22 the UBCIC Chiefs Council recognized the need to change the mining free entry system to a permitting system that includes the impacted First Nation(s) in the decision-making process, and by Resolution 2016-07 the UBCIC Chiefs Council supported member First Nations who wished to challenge the constitutionality of British Columbia’s Mineral Tenure Act in court;

**WHEREAS** apart from UBCIC’s resolutions and history of advocacy around transitioning free entry into a permitting system, UBCIC has precedent to intervene in cases to support First Nations who are championing for the implementation, exercise and recognition of their inherent Title, Rights and Treaty Rights (i.e., see Resolution 2018-17 “[UBCIC Intervention in Gitanyow](#)” and Resolution 2018-24 “[Support for Intervention in Ahousaht Nation v. Canada](#)”). UBCIC also has a mandate to work to promote and protect each Nation’s exercise of Sovereignty within their traditional territories; and

**WHEREAS** Gitxaala Nation and their legal team have sought UBCIC’s support and UBCIC has the opportunity to apply for Intervenor Status in their legal challenge that seeks to quash certain mineral claims granted in their territories on Banks Island, to obtain declarations that British Columbia has failed to meet its duty to consult and accommodate, and to obtain Court declarations that British Columbia’s process for granting those mineral claims under the *Mineral Tenure Act* is inconsistent with the honour of the Crown and the UN Declaration.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports Gitxaala Nation in their call for the reform of the outdated *Mineral Tenure Act* and their legal challenge filed in the British Columbia Supreme Court against the province’s “free entry” mineral claim staking regime in their traditional, ancestral, and unceded territories;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council recognizes the critical importance of this legal challenge setting a precedent for transforming a colonial and racist system and ensuring that the Crown fulfills its duty to cooperate with Gitxaala (and other Indigenous peoples) to bring the *Mineral Tenure Act* into alignment with the UN Declaration;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council supports and approves UBCIC's application for Intervenor Status in *Gitxaala Nation v British Columbia et al*, contingent upon funding and resources.

**Moved:** Kukpi7 Doug Thomas, Splotsin  
**Seconded:** Chief Maureen Chapman, Skawahlook First Nation  
**Disposition:** Carried  
**Date:** February 23, 2022



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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022 VIRTUAL MEETING

**Resolution no. 2022-04**

#### **RE: Support for the BC First Nations Climate Strategy and Action Plan**

**WHEREAS** climate change and environmental destruction have exacerbated systemic social, environmental, and economic injustices by disproportionately affecting First Nations communities in BC;

**WHEREAS** climate change threatens the security and way of life of Indigenous peoples throughout Canada and the world through the escalating impacts of climate-exacerbated disasters and through the breakdown of the ecological conditions under which human civilizations developed;

**WHEREAS** First Nations have the right to determine and direct their own environmental strategies and policies concerning the climate crisis and its impacts, as well as the continued development of projects that directly affect the welfare and conservation of their lands, territories, and resources;

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

**Article 18:** Indigenous peoples have the right to participate in decision-making in matters which 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 25:** Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

**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.

**2022-04**

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**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.

**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 the 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 or exploitation of mineral, water or other resources.

**(3):** States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact;

**WHEREAS** the Intergovernmental Panel on Climate Change (IPCC) has identified and assessed pathways that are consistent with limiting the effects of global warming to 1.5° C above pre-industrial average global temperatures in order to avoid the most severe impacts of a changing climate;

**WHEREAS** provincial and federal climate mitigation and adaptation strategies are insufficient in meeting Canada's and BC's emission reduction targets, and include overreliance on unproven technologies concurrent with increased support for fossil fuel production;

**WHEREAS** by Resolution 2019-02, the UBCIC Chiefs Council directed the UBCIC Executive, working with the BC Assembly of First Nations (BCAFN) and the First Nations Summit (FNS) as the First Nations Leadership Council (FNLC), to prepare and develop a BC First Nations Climate Change Strategy and Action Plan (the Strategy) aligned with the IPCC's recommended emissions reduction targets and to establish the importance of ensuring that climate planning protects traditional ecological knowledge; and

**WHEREAS** the FNLC created an advisory group for and circulated draft versions of the Strategy to First Nations in BC, including presentations at the UBCIC Chiefs Council meetings, and updated the Strategy to be reflective of input from First Nations.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully respects and supports First Nations continued exercise and defense of their inherent and constitutionally protected Title, Rights, and Treaty Rights and efforts to ensure the protection of their respective territories amid the ongoing climate emergency;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council fully endorses the joint BC First Nations Climate Strategy and Action Plan as presented on February 23, 2022;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls upon the provincial and federal governments to work collaboratively with the UBCIC, the First Nations Summit (FNS), and the BC Assembly of First Nations (BCAFN), as the First Nations Leadership Council (FNLC), and relevant partner organizations to implement the Strategy and First Nations' climate priorities;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with the BCAFN and FNS as the FNLC to plan a climate action session for First Nations in BC that will involve planning to implement the Strategy, subject to funding.

**Moved:** Chief James Hobart, Spuzzum First Nation  
**Seconded:** Jackie Thomas, Saik'uz First Nation (Proxy)  
**Disposition:** Carried  
**Date:** February 23, 2022

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022  
VIRTUAL MEETING

**Resolution no. 2022-05**

**RE: Call to Action for the Provincial Government to Recognize, Support and Implement Indigenous Protected and Conserved Areas (“IPCAs”) and Indigenous Guardians in BC**

**WHEREAS** Indigenous peoples have the right and responsibility to manage, protect and make decisions with respect to their traditional territories. These rights and responsibilities are at the root of Indigenous Nationhood and the highest expression of Indigenous Title and Rights;

**WHEREAS** Indigenous peoples have successfully taken care of their territories for millennia, managing and maintaining healthy, abundant and biodiverse ecosystems throughout what is now known as British Columbia;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government has adopted without qualification, and has, alongside the government of British Columbia (BC), committed to implement through legislation, 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.

**(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 resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

**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 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 the 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.

**(3):** States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact;

**WHEREAS** BC, since its inception, has unjustly enriched itself at the expense of Indigenous peoples, using colonial laws to dispossess Indigenous peoples of their lands, criminalize Indigenous cultures and ways of life, and forcefully disrupt Indigenous governance systems, legal orders and economies, based on wrongful and racist assumptions that their ways were/are superior to Indigenous peoples. This exploitation has caused significant harm to Indigenous peoples, territories, and ways of life and has caused significant damage to the land, waters, animals, plants, environment and ecosystems that have sustained Indigenous peoples since the beginning of time;

**WHEREAS** BC's approach to conservation, stewardship and land management, including its approach to managing parks and protected areas, has and continues to disregard the Title and Rights and jurisdiction of Indigenous peoples, as well as the critical roles played by Indigenous knowledge, governance and decision-making in caring for First Nations territories;

**WHEREAS** First Nations communities, have felt the devastating effects of the climate and ecological crises first-hand. Recent droughts, heat waves, and floods; declines in pacific salmon, herring, caribou and other vital food sources for Indigenous peoples; and wildfires demonstrate the urgent need for change and Indigenous-led action that restores Indigenous knowledge and decision-making in conservation and stewardship efforts;

**WHEREAS** BC enacted the *Declaration on the Rights of Indigenous Peoples Act* in 2019 and pursuant to its obligations to implement the objectives of the UN Declaration thereunder, has committed to “undo 150 years of colonial harms that continue to be felt to this day” by Indigenous peoples;

**WHEREAS** Indigenous Protected and Conserved Areas (“IPCAs”) and Indigenous Guardians represent one of the most promising ways to help reverse both environmental and colonial harms. IPCAs and Indigenous Guardians are proven Indigenous-led conservation and stewardship models that create wide-ranging benefits for the land, the people, and the economy, showing that: Indigenous approaches to caring for the land are more effective than non-Indigenous approaches, leading to healthier lands, waters, and higher rates of biodiversity; IPCAs and Guardians enhance the social, cultural and economic well-being of Indigenous communities and beyond; and IPCAs and Guardians are good investments that yield immediate economic benefits, significant returns on investment, and lead to more stable and diversified economies;

**WHEREAS** Indigenous peoples have the right to establish IPCAs and Indigenous Guardian programs pursuant to their inherent rights and jurisdiction, Aboriginal Title and Rights, and the rights set out under *UN Declaration* which clearly stipulate Indigenous peoples have ownership rights with respect to their territories, the right to conserve and protect their territories, and the right to make decisions with respect to their

territories, which is affirmed in the aforementioned Articles;

**WHEREAS** despite the rights of Indigenous Peoples to establish and implement IPCAs and Indigenous Guardians programs within their territories, and despite repeated calls for BC to recognize and support IPCAs and Indigenous Guardians, BC continues to take the position that it has no mandate to recognize, support, or implement IPCAs or Indigenous Guardians, and instead chooses which IPCAs and Guardian programs to support based on BC's priorities. Moreover, there is no legal or policy framework that requires BC to recognize or implement IPCAs or Indigenous Guardians when established by First Nations;

**WHEREAS** Resolution 2020-23 directs the UBCIC Executive and staff to work with other like-minded organizations to urge the provincial and federal governments to provide dedicated funding for IPCAs and First Nations land use plans;

**WHEREAS** the Indigenous Leadership Initiative ("ILI"), with the support of the First Nations Energy and Mining Council ("FNEMC") and other like-minded organizations have engaged with First Nations leaders across BC and with leaders of Indigenous Guardians initiatives and emerging IPCAs to prepare a Discussion Paper called: [Good for the Land, Good for the People, Good for the Economy: A Call to Action to Recognize, Support and Implement IPCAs and Indigenous Guardians in British Columbia](#), ("Discussion Paper") which presents the urgent need for IPCAs and Indigenous Guardians in BC and sets out the path forward through a series of key recommendations for BC to recognize, support, and implement IPCAs and Indigenous Guardians initiatives in BC; and

**WHEREAS** the Discussion Paper was delivered to Premier Horgan and key Ministers in January of 2022 with the expectation that the key recommendations developed therein will be implemented and that BC will begin to work with First Nations immediately to create a framework for recognizing, supporting, and implementing IPCAs and Indigenous Guardians in BC.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the call to action for the provincial government to establish a mandate for recognizing, supporting, and implementing Indigenous Protected and Conserved Areas (IPCAs) and Indigenous Guardians' initiatives in BC as a matter of upholding the Title, Rights and jurisdiction of BC First Nations and to demonstrate BC's commitment to "undo the colonial harm";

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the provincial government to take immediate steps to implement the recommendations set out in the Discussion Paper in full collaboration with BC First Nations and Indigenous organizations, along with sufficient resourcing required for doing this work; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with First Nations and Indigenous organizations to advance the recommendations set out in the Discussion Paper, as well as other efforts to secure provincial recognition and support for IPCAs and Indigenous Guardians in BC.

**Moved:** Chief Harvey McLeod, Upper Nicola Band  
**Seconded:** Eddie Gardner, Skwah First Nation (Proxy)  
**Disposition:** Carried  
**Date:** February 24, 2022



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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2021 VIRTUAL MEETING

#### Resolution no. 2022-06

#### **RE: Support for Saik'uz and Stellat'en First Nations' Appeal of Rio Tinto Ruling**

**WHEREAS** Saik'uz and Stellat'en First Nations have been fighting to protect their fisheries, territorial and marine rights, and the health of the Nechako River, a river in central BC that has been diverted for 70 years to generate hydroelectricity for Rio Tinto Alcan Inc.'s (RTA) operations;

**WHEREAS** RTA's operations have had adverse environmental, social, cultural, spiritual, and economic impacts upon the Nechako Nations for the past 70 years and the company has not made the necessary reparations for these destructive impacts;

**WHEREAS** Saik'uz and Stellat'en First Nations are bringing a limited appeal from a January 7, 2022 BC Supreme Court decision which found that although RTA's management of the Kenney Dam breaches constitutionally protected Aboriginal rights and causes longstanding and ongoing harm to important Nechako fisheries, as well as the Indigenous cultures that depend upon them, the company could not be legally responsible since the dam and RTA's operations were authorized by Canada and British Columbia;

**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 through legislation, 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;

**(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 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 they 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. **(2):** Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress

**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;

**WHEREAS** the unnatural flow caused by the Kenney Dam has led to massive flooding along runoffs of the Nechako Lake, which forced the Cheslatta First Nation to relocate shortly after the dam's construction, and has caused or contributed to a substantial decline in local sturgeon and salmon populations;

**WHEREAS** since there has been no opportunity for the just and fair resolution of the impacts that RTA has had on the lands, waters, and traditional territories of the Nechako Nations and no effective remedy proposed for the infringement of RTA and its activities on the rights of the Nechako Nations, in 2019 the Saik'uz and Stellat'en First Nations sought relief through the courts in the form of injunctions to restrain RTA;

**WHEREAS** Saik'uz and Stellat'en First Nations will now appeal so that RTA is held responsible for the company's role in the harm to Indigenous fisheries and request the Court of Appeal order the restoration of flows to the Nechako River which are needed to reestablish the natural functions of the river, and to support the fish populations dependent upon it, including sockeye salmon and the highly endangered Nechako white sturgeon;

**WHEREAS** a result of RTA's operations, the Saik'uz and Stellat'en First Nations continue to suffer adverse impacts including interference with their ability to use fisheries resources and the loss of use, enjoyment, and value of their fisheries; and

**WHEREAS** by Resolution 2019-09 the UBCIC Chiefs Council fully supported the relief sought by the Saik'uz and Stellat'en First Nations in their case against RTA and committed to providing and coordinating support, subject to funding availability.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports Saik'uz and Stellat'en First Nations in their appeal of the BC Supreme Court's ruling that absolved Rio Tinto Alcan of any legal responsibility for the nuisance and negative environmental, social, cultural, spiritual, and economic impacts upon the Nechako Nations and Nechako River;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council urges the federal and provincial governments to fulfill their obligation to protect and enforce First Nations' constitutionally protected rights, including the right to fish, and to take the necessary actions to hold Rio Tinto Alcan accountable for their infringements upon the Title and Rights and Free, Prior and Informed Consent of the Saik'uz and Stellat'en First Nations; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to coordinate support as requested for by the Nechako Nations, subject to funding availability, including an intervention in the Court of Appeal to ensure that the views of all UBCIC First Nations are brought forward in support of Saik'uz and Stellat'en First Nations at that level, or in further legal proceedings.

**Moved:** Chief James Hobart, Spuzzum First Nation  
**Seconded:** Chief Ed Hall, Kwikwetlem First Nation  
**Disposition:** Carried  
**Date:** February 24, 2022

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022 VIRTUAL MEETING

**Resolution no. 2022-07**

#### **RE: Call for National Inquiry into the Sixties Scoop and Indigenous Child Removal by the Government of Canada**

**WHEREAS** the Truth and Reconciliation Commission of Canada (TRC) estimates that 150,000 children were forced to attend Indian Residential Schools (IRS) nationwide, identifying that more than 4,100 children died at these facilities – although Survivors and families say that that number is much higher;

**WHEREAS** the recent discovery of the remains of 215 children who were forced to attend the former Kamloops Indian Residential School in unmarked graves has led to the discovery of the remains of thousands of children in other former Indian Residential facilities across the country;

**WHEREAS** thousands of First Nations children were taken and adopted or placed in care with non-Indigenous families throughout Canada from approximately 1951-1991 as another means of assimilation and genocide in what is now known as the Sixties Scoop;

**WHEREAS** there has been no national inquiry into the precise numbers of children and families affected by the Sixties Scoop, the number of children murdered or killed while in care or adopted by non-Indigenous families, the geographical displacements of Survivors still living abroad, and the far-reaching long-term psychological and physical effects of permanent child removal on Survivors, their families, and communities;

**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 through legislation, affirms:

**Article 7(2):** Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

**Article 8(1):** Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture;

**(2):** States shall provide effective mechanisms for prevention of, and redress for:

**2022-07**

Page 1 of 2

- (a): Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;
- (b): Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
- (c): Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
- (d): Any form of forced assimilation or integration;
- (e): Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them;

**WHEREAS** the 60s Scoop Legacy of Canada - formed in 2017 - is a national non-profit organization based in Manitoba that has repeatedly called on the Trudeau government for a national inquiry, funding, and amendments to the First Nations/Inuit Sixties Scoop Settlement;

**WHEREAS** Former TRC Chair and Senator Hon. Murray Sinclair has publicly supported the need for a national inquiry;

**WHEREAS** in Manitoba, Chiefs of Manitoba Keewatinowi Okimakanak (MKO) and Southern Chiefs Organizations (SCO) have passed unanimous resolutions supporting the call for a national inquiry in the Sixties Scoop, long term healing funding, a federal apology, as well as an MOU with the 60s Scoop Legacy of Canada; and

**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 forced removal of Indigenous children from their homes, and has emphasized need for comprehensive healing supports for survivors, families and communities. Further, 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.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council supports the call for a national inquiry into the Sixties Scoop and permanent child removal;

**THEREFORE BE IT FINALLY RESOLVED** the UBICC Chiefs Council directs the UBCIC Executive and staff to work with likeminded organizations to:

1. Call on the federal government to launch a national inquiry in partnership with the 60s Scoop Legacy of Canada;
2. Call on the federal and provincial governments for long-term funding to support a First Nations Repatriation program;
3. Call on the federal government to consider reopening the application deadline in the First Nations/Inuit Sixties Scoop Settlement provided it does not interfere with processing current applications and payments to claimants;
4. Work with the Assembly of First Nations (AFN) to Develop a Memorandum of Understanding with the 60s Scoop Legacy of Canada with the objective to support Survivors of the Sixties Scoop; and
5. Amplify this call by releasing a press statement and supporting the AFN in directing the National Chief to hold a joint press conference with the 60s Scoop Legacy of Canada to call on the federal government to commission a national inquiry, and to call on other First Nations in Canada to support the call for a national inquiry.

**Moved:** Jordan Muldoe, Kispiox Band (Proxy)  
**Seconded:** Kukpi7 Rosanne Casimir, Tk'emlúps te Secwepemc  
**Disposition:** Carried  
**Date:** February 24, 2022

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022 VIRTUAL MEETING

#### Resolution no. 2022-08

#### **RE: Abolition of the Deplorable and Unconstitutional Use of Solitary Confinement in Carceral Facilities in BC**

**WHEREAS** the criminal justice system is a state-created mechanism which upholds colonial laws, Western values, and attitudes and has historically and contemporarily been used to control, abuse, and traumatize Indigenous peoples in Canada, including the use of police forces to uphold colonial policies and violently suppress Indigenous assertions of Title and Rights, rampant discrimination undermining Indigenous and human rights in the judicial process, and the overrepresentation of Indigenous peoples in the deplorable conditions of the prison system;

**WHEREAS** the 1996 Royal Commission on Aboriginal Peoples, the 2015 Truth and Reconciliation Commission (TRC) and the Supreme Court of Canada recognize that fundamental issues of historical and ongoing colonialism, residential schools, intergenerational trauma, systemic discrimination and racism, social and economic marginalization, destruction of culture, poverty and unequitable opportunity, are core causes of the overrepresentation of Indigenous people in the criminal justice system;

**WHEREAS** despite government commitments to address this overrepresentation through the implementation of Gladue Principles into the justice system, on Dec 17, 2021, the Correctional Investigator announced that Indigenous women and men are overrepresented in federal corrections at a rate of 32%, with almost 50% of federally sentenced women being of Indigenous ancestry;

**WHEREAS** solitary confinement is used in all prisons in Canada – federal (individuals sentenced to two years or more), provincial and territorial (under two years), and in youth detention. Solitary confinement, as defined by the United Nations, refers to any confinement, seclusion or segregation of individuals for 22 hours or more a day without meaningful human contact;

**WHEREAS** solitary confinement disproportionately impacts Indigenous peoples, in particular Indigenous women and girls; has debilitating mental and physical repercussions; and is a re-traumatizing, abusive, and colonial form of control over Indigenous bodies that inhumanely limits their agency and freedom;

**WHEREAS** the criminal justice system as a colonial institution has been weaponized to extinguish Indigenous women's existence, and today creates and maintains violence against them. It has historically been used to oppress, abuse, and traumatize Indigenous women and girls through policing, racism, sexism and discrimination, including by the deployment of the RCMP to uphold genocidal colonial policies of forced assimilation and the removal of First Nations children from their families to Residential Schools, as well as by the continued use of police to displace children from their families and cultures through the child welfare system. Indigenous women experience the legacies of colonial violence through the criminal justice system as police violence, over-policing, under-protection, victim-blaming, stereotyping, a lack of will by authorities to believe Indigenous victims, bias in prosecution and judging, and gross overrepresentation and violence in incarceration;

**WHEREAS** for the fiscal year 2020/21, 24% of individuals with at least one day of solitary confinement in BC provincial custody self-identified as Indigenous. On average, 28% of the 66 individuals in solitary confinement on any one day in BC provincial custody self-identified as Indigenous;

**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 34:** Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

**Article 35:** Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

**Article 40:** Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

**Article 43:** The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

**Article 44:** All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

**Article 46 (3):** The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith;

**WHEREAS** emotional, cognitive, social and physical harms are widely documented and can develop with only a few days of solitary confinement. Solitary confinement results in increased suicides and attempted suicides, self-harm, and new and exacerbated mental illnesses;

**WHEREAS** in 2019, the BC Court of Appeal ruled that prolonged solitary confinement is inhumane and unconstitutional, consistent with a United Nations Mandela rule which states that prolonged solitary confinement of >15 days is torture;

**WHEREAS** in June, 2021, the BC Ombudsperson published a scathing [report](#) of the use of prolonged solitary confinement for youth in custody in BC which disproportionately impacted Indigenous youth, among them almost exclusively Indigenous and racialized girls, and recommended the establishment of meaningful alternatives to solitary confinement and significant law reform to address the shortcomings in the current legislative and regulatory framework;

**WHEREAS** abolition is an attainable shorter-term goal, but legislation is needed for the abolition of solitary confinement in provincial correctional centres and youth detention centres; and

**WHEREAS** the BC First Nations Justice Strategy, signed March, 2020 and being led by the BC First Nations Justice Council, will address vast systemic injustices by specific actions to lessen the daily negative impacts of the justice system on Indigenous peoples.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the abolition of solitary confinement in BC to ensure that all First Nations adults and youth have access to international human rights standards;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls for the Province of BC to introduce legislation to abolish solitary confinement in line with BC and Canada's commitments under the *Declaration on the Rights of Indigenous Peoples Act*; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the BC First Nations Justice Council, the BC Assembly of First Nations, and the First Nations Summit, to communicate critical concerns around solitary confinement to the government of BC and the government of Canada, including requesting that they adopt a distinctions-based approach that supports the unique rights, circumstances and needs of Indigenous peoples impacted by the use of solitary confinement, and publish accessible, annual data about the number of incarcerated individuals in BC who are placed in solitary confinement, the number of days they are incarcerated for, as well as disaggregated data that includes specifics for youth, Indigenous persons, persons of colour, and persons with mental health needs.

**Moved:** Chief Don Svanvik, 'Namgis First Nation  
**Seconded:** Chief James Hobart, Spuzzum First Nation  
**Disposition:** Carried  
**Date:** February 24, 2022



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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022  
VIRTUAL MEETING

**Resolution no. 2022-09**

## **RE: Support for BC First Nations' Territorial Management and Protection of Caribou and Wolf Populations**

**WHEREAS** First Nations in B.C. have been stewards of their lands and waters long before colonial contact, upholding the sacred responsibility – reflected in Indigenous laws and legal orders – of protecting and managing their territories including the wildlife species that reside within. Despite centuries of colonial laws and policies, First Nations continue their sacred holistic relationship with the environment and its wildlife in order to guide, shape, and empower their Title, Rights, and way of life;

**WHEREAS** habitat disturbance, predation, climate change, and human activities have contributed to the decline in caribou populations and have led to caribou recovery and wolf culls becoming complex, interlinked issues for B.C. First Nations that are fundamentally rooted in the provincial government's mismanagement of caribou habitat and unilateral decision-making;

**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 through legislation, 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 resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination;

**WHEREAS** a wolf cull program was commenced in the South Selkirk and South Peace regions in 2015 that has made wolves targets for inhumane aerial killings, despite the wolf cull being the direct result of the government's failure to stop the human encroachment and habitat destruction that has pushed BC's mountain caribou to the edge of extinction;

**WHEREAS** wolves are not only a keystone species whose demise creates imbalance in critical ecosystems, but are sacred animals that hold a special, spiritual connection to First Nations – Indigenous peoples have co-existed with wolves for millennia and they are deeply entrenched in our lifeways and belief systems, and are an important part of our ceremonies, regalia, and stories;

**WHEREAS** the root, underlying cause of the decline in caribou herds in B.C. is not predation, but rather the destruction and fragmentation of caribou habitat by logging and the construction of resource access roads and other infrastructure such as utility lines, oil and gas pipelines, and hydro transmission corridors;

**WHEREAS** the endangered status of caribou herds in B.C. is a result of decades of mismanagement of their critical habitat that has forced many First Nations to shoulder the impacts of the provincial government's failure to protect, recover, and conserve caribou habitat, and to choose between two wildlife species they value greatly;

**WHEREAS** faced with numerous challenges stemming from years of mismanaged, ineffective, and colonial government policies and practices, First Nations uphold and exercise the right to make decisions regarding the management and stewardship of their lands, including the wildlife species that reside within;

**WHEREAS** until the Province can prioritize rehabilitation and reclamation work in core habitats zones, remove linear disturbances (pipelines, roads, railways, etc.) and reduce development in areas of critical importance to caribou, the only alternative for many First Nations is to move forward with their Caribou Recovery Programs and protect caribou from further wolf predations; and

**WHEREAS** First Nations hunt, fish, and trap sustainably and ethically for social, economic, or ceremonial reasons and UBCIC Chiefs Council passed Resolution 2015-11 and Resolution 2021-05 to strengthen this position and to articulate a renewed UBCIC [mandate](#) on hunting and wildlife management that is founded upon strong principles of conservation, stewardship, and accountability, and that highlights how First Nations have governed and cared for their traditional territories since time immemorial and maintain deep spiritual connections to wildlife that is reflected in their identities, cultures, and livelihoods.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully recognizes that the challenges wolf culls and caribou recovery present to First Nations are rooted in the provincial government's mismanagement of caribou habitat, and that until the Province can prioritize rehabilitation and reclamation work in core habitat zones and reduce development in areas of critical importance to caribou, the only alternative for many First Nations is to protect caribou from predation and support selective wolf culls;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council continues to prioritize and respect Title and Right Holders and their territorial laws, and supports all First Nations in upholding conservation and stewardship of wildlife, including protecting wildlife from any killing contests and unethical hunting and culling practices that oppose Indigenous traditional values, ways of life, and fundamental rights;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council urges the provincial government to stop imposing unilateral state decisions on wolf culling and caribou recovery, and to recognize that territorial management must be up to the proper Title Holders whose laws, jurisdiction, and legal orders must be recognized and upheld;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the other like-minded organizations to ensure the provincial government advances not a full-stop end to wolf culls, but a selective approach that respects First Nations jurisdiction and territorial management, supports caribou habitat and recovery areas, and does not jeopardize First Nations caribou recovery programs and efforts.

**Moved:** Kukpi7 Fred Robbins, Esketemc  
**Seconded:** Chief Doug Thomas, Splatstsin  
**Disposition:** Carried  
**Date:** February 24, 2022

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022  
VIRTUAL MEETING

**Resolution no. 2022-10**

## **RE: Support for the Development of the British Columbia First Nations Tripartite Post-Secondary Education Model**

**WHEREAS** colonial models of education have been used as violent tools of forced assimilation that create unsafe spaces for Indigenous youth and adult learners who experience racism and discrimination in the education system. These colonial education models do not support or respect Indigenous needs, values, and identities and need to be replaced by Indigenous-led education models that are respectful, responsive, and comprehensively resourced;

**WHEREAS** First Nations in British Columbia have worked for more than two decades to build the BC First Nations Education System, which is premised fundamentally on quality education for First Nation students and First Nations' control of First Nations education;

**WHEREAS** BC First Nations have demonstrated their capacity to build effective, relevant, responsive, and BC-specific models for First Nations education through the development of the BC Tripartite Education Agreement signed in 2018 by Canada, British Columbia, and the First Nations Education Steering Committee (FNESC);

**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 through legislation, affirms:

**Article 3:** Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

**Article 4:** Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

**Article 5:** Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

**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.

**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; and

**WHEREAS** First Nations have the right to establish and control their educational systems and institutions as an aspect of their inherent rights of self-determination and self-government, as affirmed in the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and under section 35 of the Constitution Act, 1982;

**WHEREAS** FNEC and the Indigenous Adult and Higher Learning Association (IAHLA), under the direction of First Nations in British Columbia, are developing a BC First Nations Tripartite PSE Model (“BC First Nations PSE Model”), which includes “four pillars”: Student Funding; First Nations Institutes Recognition & Core Funding; Community-Based Program Delivery Funding; and a Respectful & Responsive Public Post-Secondary System;

**WHEREAS** development of the BC First Nations PSE Model has been under the direction of First Nations leadership and informed by engagement with BC First Nations and First Nations-mandated institutes from 2018 to present;

**WHEREAS** by UBCIC Resolutions 2009-64, 2011-39, and 2014-14, the UBCIC Chiefs Council continues to support the ongoing efforts of FNEC to advance the educational success of First Nations learners in BC and to work with the provincial government to increase First Nation participation in and completion of post-secondary education; and

**WHEREAS** by UBCIC Resolution 2021-57, the UBCIC Chiefs in Assembly supported the BC First Nations PSE Model being developed by FNEC and IAHLA, called on the provincial government to provide ongoing core and capacity funding to First Nations-mandated post-secondary institutes, and called on the Province and the Ministry of Advanced Education and Skills Training to work with FNEC and IAHLA to co-develop legislation recognizing the critical role of the institutes and committing to provide ongoing core funding.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports continued development of the British Columbia First Nations Tripartite Post-Secondary Education Model (“BC First Nations PSE Model”) by First Nations Education Steering Committee (FNEC) and Indigenous Adult and Higher Learning Association (IAHLA), recognizing that the BC First Nations PSE Model will evolve as further direction is received from First Nations; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council fully supports the four pillars of the BC First Nations PSE Model: Student Funding; First Nations Institutes Recognition & Core Funding; Community-Based Program Delivery Funding; and a Respectful & Responsive Public Post-Secondary System.

**Moved:** Chief James Hobart, Spuzzum First Nation

**Seconded:** Kukpi7 Doug Thomas, Splatshin

**Disposition:** Carried

**Date:** February 24, 2022

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022 VIRTUAL MEETING

#### Resolution no. 2022-11

#### **RE: Support for the First Nations Public Service Secretariat's Renewed First Nations Public Service Capacity Support Strategy**

**WHEREAS** there is an ongoing significant need for Indigenous-designed support for BC First Nations to assist them to build capacity in their administrations, so they can effectively and efficiently carry out their expanding decision-making powers by exercising their jurisdiction, authority, and administration;

**WHEREAS** the First Nations Public Service Secretariat (FNPSS) was established in 2008 as a provincial-level body mandated to create and implement a collective plan to support First Nations communities and organizations in BC as they pursue excellence in capacity-building and human resource development;

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

**Article 4:** Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

**Article 5:** Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

**Article 23:** Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them, and as far as possible, to administer such programs through their own institutions.

**Article 34:** Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards;



**WHEREAS** by Resolution 2011-27 “The First Nations Public Service Capacity Building Strategy,” the UBCIC Chiefs Council supported the First Nations Public Service Secretariat (FNPSS) and endorsed its capacity building strategy, the *2010 Nation Building through Human Resource Development Discussion Paper*;

**WHEREAS** since its re-establishment in 2017, FNPSS has consistently delivered effective, accessible and relevant training and capacity building activities in alignment with its existing mandate and goals - these activities have received high-level participation from First Nations in BC;

**WHEREAS** by Resolution 2018-29 “Support for the First Nations Public Service Secretariat” the UBCIC Chiefs Council renewed its support for FNPSS and called on the federal and provincial governments to support public service capacity building in BC First Nations with tangible and sustainable funding;

**WHEREAS** FNPSS is currently not supported by any sustained or long-term funding, and is solely reliant on short-term project-based proposal funding;

**WHEREAS** since the development of the FNPSS 2010 capacity building strategy, First Nations in BC have made significant strides in reasserting their inherent rights through self-government, jurisdiction, and other means;

**WHEREAS** while the Governments of Canada and British Columbia have committed to work in partnership with First Nations on the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* and on various initiatives in support of First Nations self-determination and a new Government-to-Government relationship, the governments have not provided sufficient, necessary capacity support to First Nations to be full participants, neither through fiscal resources nor through support for First Nation institutions to provide coordinated capacity support;

**WHEREAS** as part of its ongoing work, from May to September of 2021, FNPSS undertook engagement with BC First Nations about their current and future administration and governance capacity building needs, and the role of FNPSS. The summary of these discussions is captured in the FNPSS 2021 [\*What We Heard Report\*](#); and

**WHEREAS** the *What We Heard Report* reinforces the need for comprehensive, coordinated, culturally relevant and accessible capacity building support for First Nation governments, and will guide FNPSS to renew and update its strategy for comprehensive and coordinated First Nation public service capacity development support in collaboration with BC First Nations.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council endorses the First Nations Public Service Secretariat (FNPSS) “*What We Heard Report*”, which summarizes FNPSS 2021 engagement with BC First Nations regarding First Nations’ current and future administration and governance capacity building needs;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the First Nations Public Service Secretariat (FNPSS) to use the “*What We Heard Report*” to develop, in collaboration with BC First Nations, a renewed comprehensive and coordinated First Nations public service capacity support strategy; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council renews its call to the federal and provincial governments to provide the necessary long-term tangible and sustainable funding supports for FNPSS to continue to deliver public service capacity building for BC First Nations.

**Moved:** Chief Harvey McLeod, Upper Nicola Band  
**Seconded:** Chief James Hobart, Spuzzum First Nation  
**Disposition:** Carried  
**Date:** February 24, 2022

# OUR LAND IS OUR FUTURE

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022 VIRTUAL MEETING

#### Resolution no. 2022-12

#### **RE: Ending the Criminalization and Human Rights Violations of Indigenous Land Defenders**

**WHEREAS** UBCIC's mandate is to work towards the implementation, exercise and recognition of the inherent Title, Rights and Treaty Rights of First Nations in B.C. and to protect First Nations' Lands and Waters, through the exercise, and implementation of their own laws and jurisdiction;

**WHEREAS** just as European settlers used the Doctrine of Discovery and *terra nullius* to justify the forceful dispossession of Indigenous peoples from their lands, the Crown-military complex in Canada continues to advance a nullifying perspective that First Nations Title and Rights are conditional and that lands and waters can be wrested from Indigenous possession, divested of their cultural and spiritual ties to Indigenous peoples, and treated as a commodity to be exploited and industrialized for financial gain;

**WHEREAS** the militarization of Indigenous lands as a violent means of advancing the Crown's two-fold project of controlling lands and resources and undermining First Nations Title, Rights, and sovereignty is part of a colonial legacy of deploying armed police forces to invade Indigenous lands and targeting, criminalizing, and disempowering Indigenous land defenders, especially Indigenous women and girls;

**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 through legislation, affirms:

**Article 25:** Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

**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.

**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.

**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;

**WHEREAS** in exercising their rights to protect the environment within their territories from human-caused climate change impacts and environmentally destructive industrial projects – in alignment with Articles 23, 29, and 32 of the UN Declaration – Indigenous land defenders face the brunt of militant police tactics; undergo state surveillance and scrutiny in their travels; confront coercive methods by state and non-state actors to create division amongst Indigenous communities; endure vilification, hate speech, blackmail, harassment, and racist attacks; and experience a systemic lack of access to justice while land dispossession continues;

**WHEREAS** civil injunctions are a legal weapon that have become a mechanism for the militarization of communities and criminalization of Indigenous people – injunctions are used to grant access to police to patrol Indigenous territory, criminalize Indigenous Title Holders, and allow companies to carry out operations regardless of whether the question of Indigenous consent has been answered;

**WHEREAS** First Nations women and girls hold unique and sacred relationships with the land that are acutely endangered by the Crown's disregard for Indigenous land rights and by resource extraction activities that involve the establishment of worker camps or "man camps" that are linked to increased rates of gender-based violence including sexual abuse, trafficking, and violence against women;

**WHEREAS** due to B.C.'s abundance of natural resources and biodiversity, there are multiple ongoing industrial and resource extraction projects that have the potential to spark the militarization of Indigenous lands or which have already seen violent ongoing disputes between armed police forces, First Nations and land defenders, including the Coastal GasLink (CGL) pipeline on the unceded lands of the Wet'suwet'en Nation;

**WHEREAS** although Wet'suwet'en Hereditary Chiefs called for a stop work order on the pipeline February 2019 and handed an eviction notice to CGL on January 2020, Canada has forcibly removed, racially profiled, surveilled, harassed, and jailed peaceful Wet'suwet'en land defenders, Hereditary Chiefs, and matriarchs through militarized police raids on their unceded territories, including launching three large-scale police actions in 2019, 2020, and 2021;

**WHEREAS** in removing the Wet'suwet'en land defenders from their own Title land, the governments of Canada and British Columbia are blatantly ignoring the Supreme Court of Canada's precedent-setting *Delgamuukw-Gisday'wa* case which confirmed that the Wet'suwet'en's Title and Rights have never been extinguished, and are setting a dangerous precedent for violent and discriminatory treatment of Indigenous land defenders in Canada;

**WHEREAS** the UN Committee on Eliminating Racial Discrimination (CERD) issued its December 13, 2019 Decision 1(100) under the Early Warning and Urgent Action Procedure to express concern about the large-scale projects in Canada that were threatening the safety and freedom of peaceful land defenders. CERD called upon Canada to take several actions to comply with the obligations under the Convention on the Elimination of All Forms of Racial Discrimination;

**WHEREAS** the Tiny House Warriors (THW) are a group of Secwepemc land defenders protesting the ongoing expansion of the Trans Mountain Pipeline (TMX). The THW camp is located in the Blue River region of the North Thompson River Valley, B.C., and consistent with the Canada's long history of using intimidation tactics on Indigenous peoples in their own lands, there have been [reports](#) that 24/7 surveillance technology was installed,

including towers with cameras and automated sensors, as well as steel fences and concrete barriers that limit the THW's access to water and other resources;

**WHEREAS** the B.C. Civil Liberties Association (BCCLA) won a [precedent-setting lawsuit](#) against the Royal Canadian Mountain Police (RCMP) Commissioner for their failure to address and respond to a complaint stemming from 2014 that the RCMP were spying on Indigenous land defenders and climate activists opposed to the now defunct Northern Gateway pipeline project. The RCMP Commissioner's lack of accountability and extreme delay in responding to the complaint of police misconduct points to the overarching issue of how police in Canada still operate as colonial agents that criminalize Indigenous land defenders and undermine First Nations Title and Rights; and

**WHEREAS** by UBCIC Resolution 2019-04 "Free, Prior and Informed Consent (FPIC)" and Resolution 2019-07 "UBCIC Support for Wet'suwet'en Defense of their Inherent Title and Rights," the UBCIC Chiefs Council strengthened their position on protecting the FPIC, Title and Rights, self-determination, and jurisdiction of First Nations and land defenders, and called upon governments to respect when First Nations decide, according to their own laws, customs and traditions, whether a resource extraction or industrial project should proceed, be modified or be rejected.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the efforts of First Nations to ensure that their inherent Title and Rights are unconditionally recognized and upheld, including their right to steward and protect their ancestral and unceded lands, territories, and waters;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council strongly condemns the Crown and the police for criminalizing Indigenous land defenders and enabling the harassment, violence, discrimination, intimidation, surveillance, and forceful land dispossession that constitute a severe breach in the human rights standards entrenched in the *United Nations Declaration of the Rights of Indigenous People* as well as constitutional law;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council urges the federal and provincial governments to address the human rights violations and criminalization of Indigenous land defenders, including fulfilling their international law obligations and complying with the Convention on the Elimination of All Forms of Racial Discrimination and other United Nations directives regarding the safety and freedom of peaceful land defenders;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to advance to the provincial and federal governments critical concerns and priorities around the criminalization and illegal surveillance of Indigenous land defenders, and to request the development of effective remedies regarding human rights violations and gender-based violence that includes providing Indigenous land defenders and impacted First Nation communities with access to comprehensive financial supports and resources, and deleting any CSIS files that are being held on Indigenous land defenders.

**Moved:** Chief James Hobart, Spuzzum First Nation  
**Seconded:** Chief Ed Hall, Kwikwetlem First Nation  
**Disposition:** Carried  
**Date:** February 24, 2022



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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022 VIRTUAL MEETING

#### Resolution no. 2022-13

#### **RE: Support for an Indigenous Land Defense Fund and Establishing Financial and Legal Assistance for Indigenous Land Rights Cases**

**WHEREAS** the land is integral to First Nations identity, culture, and sense of belonging – the reclamation and management of unceded land from which First Nations were violently dispossessed is an empowering assertion of self-determination, sovereignty and healing;

**WHEREAS** as Indigenous rights stem from the land, land rights provide the critical foundations for advancing a full spectrum of Indigenous rights, and any barriers to these rights has a ripple effect on Indigenous self-determination, jurisdiction, and legal traditions;

**WHEREAS** due to historic and ongoing Crown infringement of inherent First Nations Title and Rights, as well as the Crown's failure to uphold Articles 25-28 of the UN Declaration, there continues to be costly, lengthy court battles over the use and management of Indigenous lands and natural resources, ongoing human rights violations and the criminalization of Indigenous land, and destructive environmental impacts that are further exacerbated by climate change, corporate resource extraction, and the government's failure to prioritize the free, prior and informed consent (FPIC) of B.C. First Nations;

**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 through legislation, affirms:

**Article 25:** Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

**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.

**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 they 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. **(2):** Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

**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;

**WHEREAS** First Nations land, environmental, cultural, and human rights defenders continue to experience harassment, intimidation, discrimination, racism, surveillance, and violence in their stewardship of their lands and waters and in their assertion of their inherent Title and Rights;

**WHEREAS** First Nations women and girls hold a unique and sacred relationships that with the land that are acutely endangered by the Crown's disregard for Indigenous land rights and by resource extraction activities that involve the establishment of worker camps or "man camps" that are linked to increased rates of gender-based violence including sexual abuse, trafficking and domestic violence against women;

**WHEREAS** there have been several landmark cases in Canada that have paved the way forward for the fulfillment of Indigenous lands rights (e.g., *R v Guerin* [1984], *R v Sparrow* [1990], *Delgamuukw v British Columbia* [1997], *Tsilhqot'in Nation v. British Columbia* [2014]);

**WHEREAS** UBCIC has a mandate to support First Nations in the implementation and recognition of their Title, Rights, and Treaty Rights and intervened in cases involving systemic violations of FPIC and Indigenous Title and Rights (i.e., see Resolution 2018-17 "[UBCIC Intervention in Gitanyow](#)" and Resolution 2018-24 "[Support for Intervention in Ahousaht Nation v. Canada](#)"); and

**WHEREAS** given the substantial court cases and Indigenous and human rights violations that are intensifying, UBCIC sees the critical need to develop a fund for land defense cases that could be drawn on to provide financial and legal assistance to impacted First Nations and land defenders, and would be modelled after the [Canadian Court Challenges Program \(CCP\)](#), a non-profit organization that provides financial assistance for important cases that advance language and equality rights guaranteed under Canada's Constitution;

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to develop and advance a funding proposal for the creation of an Indigenous Land Defense Fund that could be drawn on to provide financial and legal assistance to impacted First Nations and land defenders, and to advance Indigenous rights and equality rights guaranteed under the *United Nations Declaration on the Rights of Indigenous Peoples* and Canada's Constitution.

**Moved:** Chief James Hobart, Spuzzum First Nation  
**Seconded:** Eddie Gardner, Skwah First Nation (Proxy)  
**Disposition:** Carried  
**Date:** February 24, 2022



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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022 VIRTUAL MEETING

#### Resolution no. 2022-14

#### RE: Support for the Wet'suwet'en Declaration

**WHEREAS** it is a guiding principle of the Union of BC 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. UBCIC's mandate is to support BC First Nations working towards the implementation, exercise and recognition of their inherent Title, Rights and Treaty Rights and the protection of their Lands and Waters, through the exercise, and implementation of Indigenous laws and jurisdiction;

**WHEREAS** Wet'suwet'en people, under the governance of a group of Wet'suwet'en Hereditary Chiefs, are protecting their territories and sacred sites against Coastal GasLink (CGL) and their pipeline, which will span 670 kilometers and transport fracked gas to the proposed LNG Canada processing plant;

**WHEREAS** under Anuc niwh'it'en (Wet'suwet'en law) various clans of the Wet'suwet'en have opposed CGL pipeline proposals and environmentally and culturally destructive industrial activity, but have been faced with a lack of sustained, respectful consultation and engagement; disregard for the assertion of Wet'suwet'en jurisdiction, Title and Rights, and FPIC; and a lack of clarity and understanding about the constitution and authority of Wet'suwet'en governance;

**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 through legislation, affirms:

**Article 25:** Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

**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.

**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 they 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. **(2):** Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

**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;

**WHEREAS** although Wet'suwet'en Hereditary Chiefs called for a stop work order on the pipeline February 2019 and handed an eviction notice to CGL on January 2020, Canada has forcibly removed, racially profiled, surveilled, harassed, and jailed peaceful Wet'suwet'en land defenders, Hereditary Chiefs, and matriarchs through militarized police raids on their unceded territories, including launching three large-scale police actions in 2019, 2020, and 2021;

**WHEREAS** equipped with military assault weapons, helicopters, and dog units, the RCMP has worked with CGL to destroy and burn down buildings and desecrate ceremonial spaces. In violation of Article 26 of the UN Declaration, the RCMP have also implemented unlawful exclusion zones on Wet'suwet'en territory, blocking movement and access of Indigenous peoples, media, and legal observers, as well as undermining Wet'suwet'en law and the freedom of the press enshrined in the Canadian Charter of Freedom and Rights;

**WHEREAS** the UN Committee on Eliminating Racial Discrimination (CERD) issued its December 13, 2019 Decision 1(100) under the Early Warning and Urgent Action Procedure to express concern about the large-scale projects in Canada that were threatening the safety and freedom of peaceful land defenders. CERD called upon Canada to take several actions to comply with the obligations under the Convention on the Elimination of All Forms of Racial Discrimination, including the directive to "immediately halt the construction of the Coastal GasLink pipeline in the traditional and unceded lands and territories of the Wet'suwet'en people, until they grant their free, prior and informed consent, following the full and adequate discharge of the duty to consult";

**WHEREAS** Canada and BC have failed to comply with the Committee's recommendations and the CERD provisions, and on February 6, 2020 UBCIC, BC, BCCLA, and the Wet'suwet'en hereditary leadership released a letter that revealed that BC Minister of Public Safety and Solicitor General Mike Farnworth authorized additional RCMP resources and redeployment shortly after repeated statements by the provincial government that they lacked jurisdiction or authority over RCMP actions in Wet'suwet'en territories;

**WHEREAS** Gidimt'en land defenders from the Wet'suwet'en First Nation have accused Canada of violating international law and requested the United Nations make a field visit to their territory to investigate. Through an [official submission](#) to the United Nations Expert Mechanism on the Rights of Indigenous Peoples (EMRIP), they say that Canada continues to violate Wet'suwet'en jurisdiction and the UN Declaration on the Rights of Indigenous Peoples ([UNDRIP](#)) by proceeding with the proposed Coastal GasLink pipeline on unceded Wet'suwet'en territory;

**WHEREAS** despite British Columbia, Canada and the Wet'suwet'en Hereditary Chiefs signing a [memorandum of understanding](#) (MOU) that establishes a process for the "three equal governments" to negotiate agreements on how to implement Wet'suwet'en Title and Rights, the Crown's lack of transparency and refusal to take accountability for their actions has enabled the ongoing violations of Wet'suwet'en law and jurisdiction and the human rights violations of Indigenous land defenders;

**WHEREAS** members of the Wet'suwet'en Nation have developed and released a "Wet'suwet'en Declaration" which reaffirms, as per the Supreme Court of Canada ruling of December 11, 1997, in the historic *Delgamuukw-Gisday'wa* court case, that their status as a Hereditary Nation has not been extinguished, and demands:

- That their Wet'suwet'en Hereditary governance system be formally and universally recognized as comprising the Indigenous governing body for the entirety of the 22,000 square kilometres of Wet'suwet'en Territory;
- That the governments of Canada and British Columbia confirm their legal Interest in their Yintah and immediately commit to a Wet'suwet'en led process to transition management of our lands and waters to our Wet'suwet'en governing body;
- That the governments of Canada and British Columbia immediately cease all acts of violence directed at the Wet'suwet'en and their supporters carried out by the RCMP and industry security services; drop all legal actions against Wet'suwet'en land defenders and their supporters; and commit to a process of restorative justice in their territory focused on the safety and wellbeing of Wet'suwet'en people and others who share their territory;
- That the governments of Canada and British Columbia cease supporting industries and developments that are detrimental to the lands and authorities of the Wet'suwet'en;
- That the governments of Canada and British Columbia immediately commit to a Wet'suwet'en led process to identify and support economic activities in the Yintah that ensure food and economic security for the Wet'suwet'en people and their neighbors;
- That the governments of Canada and British Columbia commit to an independent review of its actions in Wet'suwet'en Territory with respect to the satisfaction, or otherwise, of their obligation to uphold the tenets of UNDRIP, DRIPA, and the TRC; and

**WHEREAS** by UBCIC Resolution 2019-04 "Free, Prior and Informed Consent (FPIC)" and Resolution 2019-07 "UBCIC Support for Wet'suwet'en Defense of their Inherent Title and Rights," the UBCIC Chiefs Council strengthened their position on protecting the FPIC, Title and Rights, self-determination, and jurisdiction of Indigenous Nations and land defenders, and called upon governments to respect when First Nations decide, according to their own laws, customs and traditions, whether a resource extraction or industrial project should proceed, be modified or be rejected.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the efforts of all Indigenous Nations working to ensure that their inherent Title and Rights are unconditionally recognized and upheld, including their right to steward and protect their ancestral and unceded lands, territories, and waters;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council fully supports and endorses the Wet'suwet'en Declaration and directs the UBCIC Executive and staff to communicate their support of the Declaration to provincial and federal governments, ensuring that they uphold the self-determination jurisdiction, and Title and Rights of the Wet'suwet'en Nation who have stewarded over and derived their sacred traditions and ways of life from their Yintah since time immemorial.

**Moved:** Chief James Hobart, Spuzzum First Nation

**Seconded:** Chief Ed Hall, Kwikwetlem First Nation

**Disposition:** Carried

**Abstentions:** (1) Jackie Thomas, Saik'uz First Nation (Proxy)

**Date:** February 24, 2022

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022 VIRTUAL MEETING

#### Resolution no. 2022-15

#### **RE: Support for Upholding First Nations Jurisdiction and Sovereignty Over Gaming**

**WHEREAS** First Nations organizations have been making great strides to strengthen their jurisdiction and sovereignty over gaming, including but not limited to online wagering, land-based casinos, sports betting, and lottery;

**WHEREAS** First Nations in BC were neither consulted nor were party to the 1985 federal-provincial agreement that transferred the authority to operate gaming facilities to the provinces and retain the associated revenues;

**WHEREAS** First Nations have been discussing the issue of shared revenues and jurisdiction over gaming in British Columbia since 1993. In 2006, a Steering Committee of the BC First Nations Gaming Revenue Sharing Initiative (the “Steering Committee”) was established for the purpose of supporting research and developing a gaming revenue sharing proposal (supported by UBCIC Resolution 2007-02);

**WHEREAS** the collective efforts of First Nations and the Steering Committee for the Gaming Revenue Sharing Initiative established the BC First Nations Gaming Commission in 2010 (UBCIC Resolutions 2010-42 and 2010-55), which in addition to securing a portion of Provincial gaming revenue, also serves to promote First Nations jurisdiction over gaming and reconciliation, as well as seeks to enhance gaming opportunities for First Nations in order to increase prosperity, financial security, and employment;

**WHEREAS** various aligned First Nations in BC wish to pursue and promote opportunities to enhance their participation in the conduct and regulation of gaming in Canada, including, but not limited to land-based casinos, online casinos, sports books, and lotteries;

**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 3:** Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

**Article 4:** Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

**Article 5:** Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

**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 20 (1):** Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

**Article 23:** Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions;

**WHEREAS** the Honourable David Lametti, Minister of Justice and Attorney General of Canada, has reached out to First Nations in Canada to discuss amendments to the Criminal Code which would facilitate First Nations' ownership and operation of gaming under First Nations supervision and regulation;

**WHEREAS** by UBCIC Resolution 2010-42 "The Establishment of the British Columbia First Nations Gaming Commission", the UBCIC Chiefs-in-Assembly confirmed UBCIC's position that BC's unilateral gaming legislation does not apply to gaming activities on First Nations lands in BC;

**WHEREAS** in August 2021, the AFN drafted and delivered a proposal to the Department of Justice for engagement with First Nations to make legislative and policy reforms to enhance participation of First Nations in the gaming sector, while respecting the treaty and inherent rights and jurisdictions of First Nations. The AFN anticipates developing an engagement process with Canada to explore, amongst other things, amendments to the Criminal Code;

**WHEREAS** the Assembly of First Nations Resolution 14/2021 "Support for Criminal Code Amendments" called for the AFN Chiefs-in-Assembly to support amendments to the Criminal Code of Canada and any other laws that recognize the full jurisdiction of First Nations over gaming.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports First Nations in British Columbia pursuing reconciliation through amendments to the Criminal Code, and any other laws of Canada that recognize the rights and full jurisdiction of First Nations in respect of the ownership, operation, and regulation of gaming activities and gaming facilities in Canada;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to advocate that any amendments to the Criminal Code of Canada require a full in-depth consultation process with the impacted First Nations Title and Rights holders;



**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with the First Nations Gaming Commission, interested First Nation communities, and other relevant First Nation territorial organizations to engage with the Minister of Justice and Attorney General to secure full recognition of First Nations jurisdiction over gaming, including establishing the in-depth consultation processes required for First Nations to engage in decisions pertaining to gaming policies and legislation.

**Moved:** Chief Ed Hall, Kwikwetlem First Nation  
**Seconded:** Chief James Hobart, Spuzzum First Nation  
**Disposition:** Carried  
**Date:** February 24, 2022

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022 VIRTUAL MEETING

#### Resolution no. 2022-16

#### **RE: Call to Ensure the Final Settlement Agreement on Long-Term Reform of the FNCFS Program and Jordan's Principle Include Legally-Binding Funding Requirements**

**WHEREAS** *An Act respecting First Nations, Inuit and Métis children, youth, and families* (the “Act”) was brought into full force and effect on January 1<sup>st</sup>, 2020, with the purpose of affirming the inherent right of self-government, which includes First Nations jurisdiction over child and family services, and to contribute toward the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples*;

**WHEREAS** the preamble of the *Act* acknowledges the need for funding for child and family services to be predictable, stable, sustainable, needs-based, and consistent with the principle of substantive equality, but does not contain a statutory funding commitment directed at ensuring First Nations re-assuming jurisdiction over child and family services will be provided with the required funding from 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 through legislation, affirms:

**Article 18:** Indigenous peoples have the right to participate in decision-making 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 21(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 persons with disabilities;

**WHEREAS** Canada has a long-standing history of developing and implementing discriminatory funding programs, as was found by the Canadian Human Rights Tribunal which stated that Canada's “design, management and control of the First Nations Child and Family Services (FNCFS) Program, along with its

corresponding funding formulas and the other related provincial and territorial agreements have resulted in denials of services and created various adverse impacts for many First Nations children and families living on reserves”;

**WHEREAS** on December 31, 2021, the First Nations Child and Family Caring Society of Canada, Assembly of First Nations, Attorney General of Canada, Chiefs of Ontario, and Nishnawbe Aski Nation entered into an, *Agreement-in-Principle on Long-term Reform of the First Nations Child and Family Services Program and Jordan’s Principle* which sets out certain funding commitments by Canada and commits Canada to reform its First Nations Child and Family Services (“FNCFS”) Program, but does not expressly establish any funding commitments by Canada for those First Nations that are working to re-assume jurisdiction over child and family services pursuant to the *Act*;

**WHEREAS** it is in the interests of First Nations that the Final Settlement Agreement on long-term reform of the FNCFS program include legally binding commitments by Canada to provide the required funding to First Nations that are working to re-assume jurisdiction over child and family services pursuant to the *Act*; and

**WHEREAS** by Resolution 2017-06, the UBCIC Chiefs Council recognized that each First Nation has the right to determine and develop their own child, youth and family safety and well-being models, legislation, regulations, policies and practice standards, and fully supported any and all First Nations in exercising their respective jurisdiction and authority over the care and well-being of their children, youth and families.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the need for legally-binding funding commitments in the Final Settlement Agreement on Long-Term Reform of the First Nations Child and Family Services (FNCFS) Program, ensuring First Nations are adequately resourced as they stand up jurisdiction over child and family services;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls upon Canada to ensure that the Final Settlement Agreement will include a specific, clearly articulated federal commitment to provide predictable, sustainable, stable, needs-based funding, consistent with the principle of substantive equality, for First Nations who are working toward, or have re-assumed, jurisdiction over child and family services pursuant to the federal *Act respecting First Nations, Inuit and Métis children, youth, and families* (formerly Bill C-92);

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the First Nations Summit and the BC Assembly of First Nations as the First Nations Leadership Council (FNLC), and with the Assembly of First Nations to ensure the inherent rights of Nations and the proper collaboration and cooperation with Right Holders in the best interests of First Nations children and families in BC are properly acknowledged and represented within the Final Settlement Agreement; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to advocate as part of the FNLC with Canada, the Assembly of First Nations, and other parties to the case in an effort to secure a federal commitment to funding, as articulated above, is included in the Final Settlement Agreement.

**Moved:** Chief Dean Nelson, Lil’wat Nation  
**Seconded:** Chief James Hobart, Spuzzum First Nation  
**Disposition:** Carried  
**Date:** February 24, 2022

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
FEBRUARY 23<sup>RD</sup> TO 24<sup>TH</sup>, 2022  
VIRTUAL MEETING

**Resolution no. 2022-17**

## **RE: Support for the Indigenous Digital Equity Strategy**

**WHEREAS** despite widespread recognition that digital equity has become an essential issue of human rights, Indigenous peoples in British Columbia continue to disproportionately experience multiple and overlapping digital inequities. The structural and systemic reality of Indigenous experiences of digital inequity serve to further perpetuate other well-established social, economic, and political disparity gaps that have emerged from the legacy of colonial policies, practices, and approaches that fail to respect Indigenous peoples' inherent Rights;

**WHEREAS** the COVID-19 pandemic has made the urgency of accelerating progress towards realizing digital equity readily apparent as technology has become integral in facilitating the continued functionality of societies in the face of emergency shutdowns. More than ever before, individuals, communities, and governments rely on digital technology to access and disseminate information; to provide and receive education, health and other social services; to maintain social and cultural connections; to exercise and protect freedom of speech; to maintain food supply chains; to create and share art; to practice language and culture; to work and/or operate businesses; to protect and maintain land borders; and continue to engage in land stewardship practices;

**WHEREAS** in British Columbia, the technology sector's GDP has consistently outperformed the provincial economy throughout the past decade—generating over \$34.9 billion in 2019—while only 1% of workers in the technology sector identify as Indigenous. Further still, despite the Canadian Radio Television and Telecommunications Commission's recognition that well-developed broadband infrastructure is essential for individuals to participate in the digital economy, only 38% of Indigenous communities in British Columbia currently have access to the minimum service level internet speed of 50/10 Mbps;

**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 through legislation, affirms:

**Article 5:** Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

**Article 20(1):** Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

**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.

**Article 23:** Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

**Article 34:** Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards;

**WHEREAS** in recognition that digital technology has become intimately intertwined with policy, law, and economics, the United Nations General Assembly declared access to the Internet a basic human right in 2016. While Canadian law has begun to shift towards specifically recognizing Indigenous rights, the implementation of these rights has been slow and behind the pace of other human rights norms;

**WHEREAS** the First Nations Technology Council (Technology Council) has been mandated to work as sector council for technology and innovation in BC since 2002, and has a formal working relationship with the UBCIC, BC Assembly of First Nations and the First Nations Summit (working together as the First Nations Leadership Council) through protocol entered into in 2012 as directed by the Chiefs through Resolution 2012-12, whereby the Technology Council and the First Nations Leadership Council agree to work collaboratively on their respective technical and political mandates;

**WHEREAS** the Technology Council has long called for systemic changes that would meaningfully support Indigenous self-determination through equitable access to digital technology, participation in the digital technology sector, and inclusion in important policy conversations concerning the future of technology, provincial and federal governments have not yet paid sufficient attention to the pernicious barriers that limit the ability of Indigenous peoples to exercise their rights to access, influence, and engage with technology and the digital technology sector;

**WHEREAS** technology offers hope in accelerating the implementation, exercise, and recognition of inherent Indigenous Rights. However, there is concern that—left unaddressed—digital inequities will increasingly become critical impediments in the ability of First Nations to fully exercise and implement their own laws and jurisdiction;

**WHEREAS** by Resolution 2017-45, the UBCIC Chiefs-in-Assembly continue to fully support strategies that will eliminate the digital divide faced by First Nations communities in BC; and

**WHEREAS** several years of Technology Council engagement with Indigenous communities has identified and reinforced the need for a comprehensive, coordinated, and Indigenous-led approach to overcome systemic digital inequities that are experienced by Indigenous peoples across BC. It is in response to this

urgent need, and within the evolving political and legal landscape, that the Technology Council has undertaken work to initiate the co-creation of a comprehensive, coordinated, and Indigenous-led digital equity strategy.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the First Nations Technology Council in the development of the Indigenous Digital Equity Strategy which will focus on providing actionable policy recommendations that support the realization of digital equity for Indigenous peoples across BC and will call on the government to make all technologies available to First Nations including licensed and adequate space with priority access to the Remote Rural Broadband Systems (RRBS); and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the First Nations Technology Council to provide regular updates to the UBCIC Chiefs Council regarding progress on the development of that strategy.

**Moved:** Chief James Hobart, Spuzzum First Nation  
**Seconded:** Jackie Thomas, Saik'uz First Nation (Proxy)  
**Disposition:** Carried  
**Date:** February 24, 2022