

# OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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## **Final Resolutions of UBCIC Chiefs Council February 21<sup>st</sup>-22<sup>nd</sup>, 2024**

- 2024-01 UBCIC Meeting Schedule for the 2024-2025 Fiscal Year
- 2024-02 Continuation of Funding at Actuals for Capital for Child and Family Services and Jordan's Principle
- 2024-03 Support for Gitanyow in Defending Appeal on Nisga'a Participation in Title Case
- 2024-04 Support for the First Nations Wild Salmon Alliance Broughton Roadmap Fish Farm Transition Planning Process
- 2024-05 Support for the Repatriation and Redress around First Nations Tangible and Intangible Cultural Property and Heritage
- 2024-06 Amendment of the Heritage Conservation Act
- 2024-07 Resolution to Reject the Prioritization of Michif Language Classes in B.C. Schools
- 2024-08 Call for the Protection of Bear Dens
- 2024-09 Protection for the Northern Spotted Owl and its Old-Growth Habitat
- 2024-10 Modernization of Timber Supply Review
- 2024-11 Multi-Generational and Interconnected Definition of Ecosystem Health
- 2024-12 Support for the B.C. First Nations Critical Minerals Strategy
- 2024-13 Inclusion of Youth at BC-First Nations Leadership Gathering
- 2024-14 Support for Families and Survivors of MMIWG2S+

- 2024-15 Support for the Coalition on Murdered and Missing Indigenous Women, Girls and Two-Spirit+ People
- 2024-16 Model for Multilateral Emergency Management Services Funding Negotiations
- 2024-17 Ensuring Free, Prior and Informed Consent for FNCFS Long-Term Reform and Compensation Distribution

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 21<sup>ST</sup> – 22<sup>ND</sup>, 2024 VIRTUAL MEETING

**Resolution no. 2024-01**

#### **RE: UBCIC Meeting Schedule for the 2024-2025 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 2024-2025 fiscal year.

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

- June 5<sup>th</sup> - June 6<sup>th</sup>, 2024
- September 24<sup>th</sup> – September 26<sup>th</sup>, 2024 (56<sup>th</sup> Annual General Assembly)
- February 12<sup>th</sup> – February 13<sup>th</sup>, 2025; and

**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 Arnold Lampreau, Shackan Indian Band  
**Seconded:** Kukpi7 James Hobart, Spuzzum First Nation  
**Disposition:** Carried  
**Date:** February 21, 2024

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 21<sup>ST</sup> TO 22<sup>ND</sup>, 2024 VIRTUAL MEETING

#### Resolution no. 2024-02

#### **RE: Continuation of Funding at Actuals for Capital for Child and Family Services and Jordan's Principle**

**WHEREAS** in 2021 CHRT 41 (para. 545), the Canadian Human Rights Tribunal (CHRT) ordered Canada to fund the actual cost of capital projects for child and family services and Jordan's Principle, as determined by First Nations and First Nations Agencies until:

- i. A "Nation (Indigenous)-to Nation (Canada) agreement respecting self-governance to provide its own child welfare services.
- ii. Canada reaches an agreement that is Nation-specific even if that Nation is not yet providing its own child welfare services and the provisions for major capital in the agreement for child and family services or Jordan's Principle are more advantageous for the Nation than the orders in the ruling.
- iii. Long-term reform is completed in accordance with best practices recommended by the experts and the parties and interested parties, and funding for the purchase or construction of major capital assets is no longer based on discriminatory funding formulas or programs, including as set out in a Final Order by the Tribunal approving a Final Settlement Agreement signed by 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 B.C., passed legislation committing to implement, affirms:

**Article 2:** Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous identity or origin.

**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 22(1):** Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.  
**(2):** States shall take measures, in conjunction with Indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination;

**WHEREAS** the lack of capital funding for First Nations child and family services was found by the CHRT to be a major source of discrimination in 2016 CHRT 2;

**WHEREAS** pursuant to the Agreement-in-Principle on Long-Term Reform of the First Nations Child and Family Services Program and Jordan’s Principle, executed December 31, 2021, Canada agreed to fund capital costs for child and family services and Jordan’s Principle at their actual cost as determined by First Nations and First Nations agencies;

**WHEREAS** Indigenous Services Canada has imposed a deadline of March 31, 2024, for the end of funding at actuals for capital and a move toward implementing capital funding based on a formula of “recapitalization”; and

**WHEREAS** most First Nations have not had the opportunity to access funding at actuals for capital for child and family services and Jordan’s Principle due to short timelines, lack of awareness, and capacity challenges, despite the significant demonstrated need for capital.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council calls upon Indigenous Services Canada to comply with the provisions of the Canadian Human Rights Tribunal order 2021 CHRT 41, to withdraw its deadline to access funding at actuals for capital for First Nations and First Nations agencies for child and family services and Jordan’s Principle, and to continue access to funding for capital at its actual cost until such time as a funding model can be developed that meets distinct community needs (including remoteness), that is consistent with substantive equality, and that is endorsed by First Nations.

**Moved:** Chief Greg Gabriel, Penticton Indian Band  
**Seconded:** Chief Victor Isaac, ‘Namgis First Nation  
**Disposition:** Carried  
**Date:** February 21, 2024

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CHIEFS COUNCIL  
FEBRUARY 21<sup>ST</sup> – 22<sup>ND</sup>, 2024  
VIRTUAL MEETING

**Resolution no. 2024-03**

**RE: Support for Gitanyow in Defending Appeal on Nisga’a Participation in Title Case**

**WHEREAS** the UBCIC’s mandate is to work towards the implementation, exercise and recognition of our inherent title and rights and to the protection of our Lands and Waters through the exercise and implementation of our own laws and jurisdiction and UBCIC works to promote and protect each Nation’s exercise of sovereignty within their traditional territories;

**WHEREAS** the Provincial and Federal Crown negotiated and signed the Nisga’a Final Agreement (NFA) and created the Nass Wildfire Area, which overlaps with 84% of the Gitanyow Lax’yip (territory), without requiring any evidence in support of the Nisga’a Nation’s title and rights claims;

**WHEREAS** the Provincial and Federal Crown assured the Gitanyow that the NFA would not affect their title and rights;

**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 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.

**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** by Resolution 2018-27 “UBCIC Intervention in Gitanyow”, UBCIC fully supported the Gitanyow in their appeal of *Gamlaxyeltxw v. MFLNRO* and recognized the importance of a case that sets a precedent that prioritizes reconciliation with some First Nations peoples through the BC Treaty Commission (BCTC) process that can only occur at the expense of the rights of other First Nations peoples, including potentially the de facto extinguishment of the rights of neighboring nations;

**WHEREAS** the Nisga’a Nation sought to be added as a defendant in the Gitanyow title litigation, *Malii v. British Columbia*, 2024 BCSC 85, putting at risk the Gitanyow’s access to justice and their trial date of October 1, 2024;

**WHEREAS** the BC Supreme Court in *Malii* declined to add the Nisga’a as a defendant, and affirmed the importance of access to justice for the Gitanyow and other Indigenous Nations and the public interest in the timely resolution of Aboriginal title and rights litigation;

**WHEREAS** the BC Supreme Court decision in *Malii* represents one of the most significant developments since the *Delgamuukw* litigation for the cost effective and timely resolution of Aboriginal title claims; and

**WHEREAS** the Nisga’a Nation have appealed the *Malii* decision to the British Columbia Court of Appeal.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council unanimously and fully supports the Gitanyow in defending their appeal against adding the Nisga’a Nation as a defendant to the Gitanyow title litigation case *Malii*, affirming the importance of access to justice for the Gitanyow and other First Nations, and the public interest in the timely resolution of Aboriginal title and rights litigation; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to provide public support through media and other forums for the appeal of *Malii*, subject to resources.

**Moved:** Chief Don Tom, Tsartlip First Nation

**Seconded:** Chief Don Harris, Xa’xtsa

**Disposition:** Carried

**Date:** February 21, 2024

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
FEBRUARY 21<sup>ST</sup> - 22<sup>ND</sup>, 2024  
VIRTUAL MEETING

**Resolution no. 2024-04**

**RE: Support for the First Nations Wild Salmon Alliance Broughton Roadmap Fish Farm Transition Planning Process**

**WHEREAS** First Nations in B.C. have inherent title, rights, and jurisdiction to our respective territories, and, as the original caretakers of these territories, we continue to exercise our laws and jurisdiction to protect and steward the environment, lands and waters;

**WHEREAS** open net-pen fish farming has long generated public concern for both its environmental devastation and its health consequences for wild aquatic species, becoming focal points for salmon-related diseases and viruses, for hazardous levels of parasitic sea-lice impacting wild migratory juvenile salmon, and for unnatural levels of predation targeting vulnerable herring stocks;

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

**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 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.

**2024-04**

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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;

**WHEREAS** the First Nations Wild Salmon Alliance (FNWSA) has advocated for the removal of open-net pen fish farms and related activities in coastal waters to protect BC Wild Pacific Salmon;

**WHEREAS** the FNWSA’s Open Net Pen Transition Plan based upon the Principles of the Transition Plan that was successfully implemented from the Broughton Fish Farm LoU Broughton roadmap fish farm transition planning process, is a path to protect wild salmon and the timely elimination of open-net pen farms from coastal waters while focusing on the protection and conservation of fish and the protection of the Aboriginal right to fish;

**WHEREAS** by Resolution 2020-08 “Transition from Open Net-Pen Fish Farming” the UBCIC Chiefs Council fully supports a transition away from open net-pen aquaculture led by First Nations in favour of a more humane and sustainable practice; and

**WHEREAS** the 2021 mandate letter calls for the DFO Minister to continue to work with the Province of British Columbia and Indigenous communities on a responsible plan to transition from open net pen salmon farming in coastal British Columbia waters by 2025.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports the First Nations Wild Salmon Alliance’s (FNWSA) Open Net Pen Transition plan based upon the Transition Plan that was successfully implemented from the Broughton Fish Farm Letter of Understanding with the Province of B.C.; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to communicate its endorsement of the FNWSA inputs to the Open Net Pen Transition Planning Process of the Department of Fisheries and Oceans.

**Moved:** Chief Arnold Lampreau, Shackan Indian Band

**Seconded:** Kukpi Lee Spahan, Coldwater Indian Band

**Disposition:** Carried

**Abstentions:** Melissa Willie, Dzawada'enuxw

**Date:** February 21, 2024

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CHIEFS COUNCIL  
FEBRUARY 21<sup>ST</sup> TO 22<sup>ND</sup>, 2024  
VIRTUAL MEETING

**Resolution no. 2024-05**

## **RE: Support for the Repatriation and Redress of First Nations Tangible and Intangible Cultural Property and Heritage**

**WHEREAS** First Nations have had their sacred cultural property and heritage, both tangible and intangible, including ancestral remains, stolen, damaged, appropriated, or sold through a legislative framework that has allowed this to happen through government policies, practices and frameworks;

**WHEREAS** First Nations have the right to practice and revitalize their cultural traditions and customs 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 also as recognized and affirmed under section 35 of the *Constitution Act*, 1982;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of B.C., passed legislation committing to implement including developing action plans, affirms:

**Article 11:** Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their culture, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

**Article 12:** Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to repatriation of their human remains.

**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.

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**2024-05**

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**Article 32(3):** States shall provide effective mechanism 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 Province of B.C. committed in the 2022 Declaration Act Action Plan (Declaration Action Plan) to work with First Nations to “co-develop a policy framework to support repatriation initiatives” (Action 4.33), but this focuses solely on co-developing a new policy, rather than including repatriation in the Heritage Conservation Act (HCA) legislation which First Nations have called for to ensure there are proper legislative frameworks in place to support repatriation work, as captured in “What We Heard” reports; and

**WHEREAS** by UBCIC Resolution 2016-33, the UBCIC Chiefs-in-Assembly affirmed their support for Canada and B.C. to provide redress through effective mechanisms that include First Nations as decision-makers in the management of our heritage, consistent with the UN Declaration.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council calls upon Canada to uphold the UN Declaration; to advance redress including by returning tangible and intangible cultural properties and heritage, including ancestral remains, to First Nations; and to advance repatriation of all such First Nation cultural belongings and related information held by any respective institution to communities upon request, in addition to providing capacity funds for First Nations to operate, build and maintain repositories for storing their repatriated belongings and for supporting related community needs;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls upon the Province of B.C. to uphold the UN Declaration; to advance redress by not only meeting their commitment set out in the Declaration Act Action Plan, but also to commit to amending the *Heritage Conservation Act* legislation to include and prioritize repatriation, in addition to providing supportive funds to First Nations to ensure capacity within community to build and maintain repositories for storing repatriated items and for supporting related community needs; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council calls upon the Province to commit to co-developing with First Nations, standard guidelines for B.C. institutions that require said institutions to return cultural belongings, including ancestral remains, to First Nations upon request.

**Moved:** Chief Arnold Lampreau, Shackan Indian Band  
**Seconded:** Susan Savoie, K’omoks First Nation (Proxy)  
**Disposition:** Carried  
**Date:** February 21, 2024

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 21<sup>ST</sup> TO 22<sup>ND</sup>, 2024 VIRTUAL MEETING

#### Resolution no. 2024-06

#### RE: Amendment of the *Heritage Conservation Act*

**WHEREAS** the *Heritage Conservation Act*, RSBC 1996, c 187 (HCA), is founded upon and perpetuates racist colonial worldviews and does not recognize First Nations title and rights, nor does it adequately address the needs and interests of First Nations as it relates to our culture and heritage resources. The regulatory framework provided for in the HCA prevents First Nations from protecting our sacred sites, the sanctity of our belongings and the remains of our ancestors in accordance with our traditional laws and customs;

**WHEREAS** the Province of BC and the Federal Government, which has no heritage protection, have failed to protect our cultural heritage resources through heritage protection legislation such as the provincial HCA, which has resulted in the widespread destruction of our sacred sites, burial grounds and other significant cultural heritage sites. This legislative failure has left our sacred cultural heritage vulnerable to further threat from development and resource extraction, despite First Nations' consistent calls for years to amend the HCA to better protect our aforementioned resources;

**WHEREAS** First Nations have the right to practice and revitalize our cultural traditions and customs as an aspect of their inherent right of self-determination, including self-government, as affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) and also as recognized and affirmed under section 35 of the *Constitution Act, 1982*;

**WHEREAS** the UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

**Article 11:** Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

**Article 12(1):** Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy

to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

**Article 18:** Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

**Article 19:** States shall consult and cooperate in good faith with the Indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them.

**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 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;

**WHEREAS** the UBCIC Chiefs Council supported the creation of the Joint Working Group on First Nations Heritage Conservation (JWGFNHC) by Resolution 2007-48, with the purpose of identifying First Nations issues and concerns, developing options and make recommendations to 1) create a meaningful role for First Nations in provincial heritage conservation; 2) improve the protection and conservation of First Nations heritage sites, cultural property and ancient human remains in BC; and 3) protection for sacred and spiritual sites or areas. One of the areas the JWGFNHC has focused on is the need to update the HCA and associated management regime;

**WHEREAS** in 2019, the Province of B.C. unanimously passed the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) committing to implement the UN Declaration, which requires the Province of B.C., in consultation and cooperation with Indigenous peoples, to take all measures necessary to ensure that the laws of B.C. are consistent with the UN Declaration, and to develop and implement action plans to achieve the objectives of the UN Declaration;

**WHEREAS** by Resolution 2021-34, the UBCIC Chiefs Council called on the Province of B.C., in partnership with the UBCIC, BC Assembly of First Nations, and the First Nations Summit, working collaboratively as the First Nations Leadership Council (FNLC), to engage with BC First Nations and legal experts on additional measures to ensure that all new and existing provincial laws are consistent with the UN Declaration and are developed in consultation, cooperation and collaboration with B.C. First Nations;

**WHEREAS** the Province of B.C. committed in the 2022 Declaration Act Action Plan (Declaration Action Plan) to work with First Nations to “reform the *Heritage Conservation Act* to align with the UN Declaration including shared decision-making and the protection of First Nations, cultural, spiritual, and heritage sites and objects” (Action 4.35);

**WHEREAS** First Nations have identified and endorsed by resolution the following key aspects for inclusion in the amended HCA, including but not limited to:

- Enhanced First Nations authority as key decision-makers;
- Amending privatization and governments giving preferential treatment to land owners;
- Repatriation of artifacts and the need for repositories in First Nations territories;
- Increased recognition of title, rights, and ownership of cultural heritage;
- Amendment of language to clearly reflect First Nations values and rights recognition;
- Inclusion of intangible cultural heritage, for example, protection of ancestral burial grounds;
- Elimination of blanket permits given without the Free, Prior, and Informed Consent of First Nations;
- Extending the protection of cultural and heritage sites post 1846;
- Increased focus on protection of First Nations values, rather than just scientific values;
- Increased resourcing for public education and for First Nations to develop methods and policies for Training Programs; and

**WHEREAS** the JWGFNHC, which includes members appointed by the FNLC following engagement with First Nations in 2007, and the Provincial government, has been leading the HCA transformation process (HCATP), guided by the mandate established by resolutions of BC First Nations and other inputs provided through engagement; and

**WHEREAS** efforts were made to develop a near-term package of legislative amendments which would be the first phase of incremental transformation of the HCA, and these legislative amendments were presented to First Nations and stakeholders in fall 2023. As described in “What We Heard” reports, First Nations participants shared that the near-term package was insufficient to ensure full alignment with the UN Declaration and the mandate previously established by resolution.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council rejects an incremental approach to the *Heritage Conservation Act* (HCA) reform and calls for a comprehensive transformation of the HCA, consistent with the UN Declaration, to be developed for a future legislative session in order to ensure that the mandate established by resolution, the feedback received from First Nations including in the “What We Heard Reports”, and the standards of the UN Declaration are all integrated;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to work with the B.C. Assembly of First Nations and First Nations Summit, together as the First Nations Leadership Council, and the Joint Working Group on First Nations Heritage Conservation, in leading an overhaul of the HCA to ensure it is consistent with the UN Declaration; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council calls upon the Province of B.C. to consult and cooperate with title and rights holders in the process of HCA transformation to ensure it is consistent with the UN Declaration, and to report to First Nations about how their feedback has been substantively addressed in legislative materials.

**Moved:** Katisha Paul, UBCIC Youth Representative  
**Seconded:** Kukpi7 James Hobart, Spuzzum First Nation  
**Disposition:** Carried  
**Date:** February 21, 2024

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 21<sup>ST</sup> – 22<sup>ND</sup>, 2024 VIRTUAL MEETING

**Resolution no. 2024-07**

#### **RE: Resolution to Reject the Prioritization of Michif Language Classes in B.C. Schools**

**WHEREAS** First Nations languages and cultures are one and the same and comprise the core of First Nations identities and Nationhood;

**WHEREAS** First Nations languages are granted to us by our Creator and every First Nations child has the right to acquire the knowledge skills to survive, in their respective First Nations language;

**WHEREAS** First Nations in BC are the proper title and rights holders within our territories, who hold inherent, constitutional, and human rights, and inherent laws, legal systems, systems of governance, and jurisdictions, which First Nations have applied and exercised throughout the entirety of our territories prior to contact, and which continue to exist and be applied and exercised throughout the entirety of our territories today;

**WHEREAS** the Métis Nation is an “indigenous people” within the meaning of the *United Nations Declaration on the Rights of Indigenous Peoples* and an “aboriginal people of Canada” within the meaning of section 35 of the *Constitution Act, 1982*, however the Métis Nation is not Indigenous to BC and Métis individuals are visitors to and settlers on the lands of First Nations in B.C.;

**WHEREAS** not all rights of Indigenous peoples are uniform or the same, rather they are diverse, distinct, and contextual under both domestic Canadian law and international law, arising from and in relation to their unique histories, circumstances, laws, legal systems, and systems of governance, and the scope of rights enjoyed by an Indigenous People is also contextual;

**WHEREAS** the *Indigenous Languages Act, SC 2019 c 23* recognizes that the rights of Indigenous peoples recognized and affirmed by section 35 of the *Constitution Act, 1982* include rights related to Indigenous languages;

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

**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;

**WHEREAS** the UBCIC Chiefs Council is aware that discussions have been occurring about schools in B.C. offering Michif language courses, and that some schools in B.C. may already be offering such courses; and

**WHEREAS** the Métis Nation has inherent and constitutionally protected rights related to their languages, including Michif, but those rights cannot and must not be prioritized over the inherent and constitutionally protected language-related rights of First Nations in B.C.

**THEREFORE BE IT RESOLVED** that the UBCIC Chiefs Council rejects the prioritization of Michif language classes in B.C. schools over those of First Nations, and affirms that Michif language classes must only be established and implemented in B.C. schools once the language classes of those First Nations whose territories the schools are located in are sufficiently and predictably funded and properly established, and those First Nations have confirmed that such classes are sufficiently and predictably funded and properly established;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council affirms that any funding provided by the provincial, federal, or other Crown governments for the establishment and implementation of Michif language classes in B.C. schools must not diminish or reduce language-related funding for First Nations in B.C.;

**THEREFORE BE IT FURTHER RESOLVED** that the UBCIC Chiefs Council directs the UBCIC Executive and staff to raise this issue with the Ministry of Education, the British Columbia School Trustee Association, and other relevant entities to reject the prioritization of Michif language classes in B.C. Schools; and

**THEREFORE BE IT FINALLY RESOLVED** that the UBCIC Chiefs Council continues to invite collaboration with Indigenous organizations on matters of anti-racism and social and health improvement initiatives, where this collaboration is properly grounded in historic reality and available evidence and respect for First Nations title and rights holders in B.C., and where past and ongoing transgressions by those organizations are acknowledged and satisfactorily remedied.

**Moved:** Councillor Marie Baptiste, Tk'emlúps te Secwépemc (Proxy)

**Seconded:** Chief Arnold Lampreau, Shackan Indian Band

**Disposition:** Carried

**Date:** February 21, 2024



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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
FEBRUARY 21<sup>st</sup> – 22<sup>nd</sup>, 2024  
VIRTUAL MEETING

**Resolution no. 2024-08**

**RE: Call for the Protection of Bear Dens**

**WHEREAS** First Nations in B.C. have inherent title, rights, and jurisdiction to our respective territories, and, as the original caretakers of these territories, we continue to exercise our laws and jurisdiction to protect and steward the environment, lands and waters;

**WHEREAS** First Nations peoples have a right to our sacred relationships with bears and these relationships have co-existed since time immemorial and continue to have complex and powerful kinship relations in our shared territories where we steward healthy habitat together;

**WHEREAS** the sacred relationship between First Nations peoples and bears continues to be endangered by the ongoing destruction of the bear's homelands, including their winter homes and birthing dens on the B.C. Coast and the B.C. Interior;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of B.C., passed legislation committing to implement, 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 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(3):** States shall provide effective mechanisms for just and fair redress for any such activities, and 24 appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact;

**2024-08**

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**WHEREAS** a “bear den” is a cavity below ground, within a tree, a snag, a stump or a log, greater than 0.80 meters in diameter, that is used by bears, shows evidence of use by bears, or is capable of being used by bears;

**WHEREAS** specific legal protections for bear dens only exist under the Haida Gwaii and Great Bear Rainforest Crown Land Use Orders, and outside of these areas, there are no legislated protection mechanisms to protect bear dens in B.C.;

**WHEREAS** in winter, bears survive low temperatures and low food availability by hibernating in dens that protect them and their offspring from the elements, as well as from other predators and ideal den sites have characteristics that provide bears with essentials needed to survive the winter months, including warmth, protection from inclement weather, and security from disturbance and predation;

**WHEREAS** lack of adequate den sites can lead directly to the death of both cubs and mothers as den sites are essential for bear reproduction and population sustainability;

**WHEREAS** research has shown that coastal and interior bears rely heavily on dens associated with (standing and downed) large-diameter trees which occur primarily in old-growth forests;

**WHEREAS** a century of logging old-growth forests has greatly reduced the supply of suitable denning trees and in second-growth forests, existing dens are naturally decaying and will not likely be replaced without large diameter trees that often take hundreds of years to grow;

**WHEREAS** a *Bear Den Wildlife Act Amendment Bill* was drafted and tabled in the legislature by MLA Adam Olsen but did not reach second reading. The bill is now ready to be re-tabled;

**WHEREAS** the *Bear Den Wildlife Act Amendment Bill* calls for respecting the preservation, protection and management of bear dens, including, without limitation, by:

- a) establishing classes based on the species of the genus of *Ursus* using bear dens.
- b) establishing classes based on an ecosystem or area of British Columbia in which a bear den is located.
- c) prescribing protected areas of contiguous mature or old forest around a bear den; and
- d) prescribing the minimum distance that must exist between a bear den and a road, a right of way, or other structure or activity that may cause negative effects on bears using a bear den; and

**WHEREAS** on March 02, 2022, the United Nations Environment Assembly adopted the Sustainable Development Nexus resolution, championed by Canada, to analyze the interdependence of animal welfare, the environment and sustainable development.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council Calls on the B.C. provincial government to form and fund a joint panel with the UBCIC to evolve legal orders that protect bear homelands and dens through an analysis parallel to the Sustainable Development Nexus resolution on the interdependence of animal welfare, the environment and sustainable development;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the provincial government to protect bear dens through the addition of new protections and enforcement under the *Wildlife Act* whereby it is deemed an offense when an individual or corporate entity disturbs, molests, damages or destroys a bear den whether it is located on Crown land or private land throughout B.C.;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Province of B.C. to ensure the protection of bear dens is included in the upcoming legislative changes to the *Wildlife Act* before the spring 2024 sitting of Legislature concludes;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to organize an information sharing session with policy experts, knowledge holders and bear advocates to share presentations, provide updates on bear habitat protection efforts, to affirm Indigenous legal orders and co-develop recommendations for First Nations bear den management strategies within their territories to occur in the summer of 2024, subject to resources; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the Executive and staff to work with the United Nations Environment Assembly, federal and provincial governments as well as like-minded organizations such as the Awinakola foundation and bear den experts at Artemis Wildlife Consultants, to support advancement of Indigenous legal orders that incorporate Indigenous knowledge, rigorous science-based evidence and uphold First Nations title and rights.

**Moved:** David Mungo Knox, Kwakiutl First Nation (Proxy)

**Seconded:** Katisha Paul, UBCIC Youth Representative

**Disposition:** Carried

**Date:** February 21, 2024

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 21<sup>ST</sup> - 22<sup>ND</sup>, 2024 VIRTUAL MEETING

#### Resolution no. 2024-09

#### RE: Protection for the Northern Spotted Owl and its Old-Growth Habitat

**WHEREAS** First Nations in B.C. have inherent title, rights, and jurisdiction to our respective territories, and, as the original caretakers of these territories, we continue to exercise our laws and jurisdiction to protect and steward the environment, lands and waters;

**WHEREAS** the logging and harvesting of old-growth forests have significantly impacted the habitat and population of the spotted owl through a reduction in suitable nesting and foraging areas resulting in the decline of the owl population in B.C.;

**WHEREAS** the spotted owl is part of the unique biodiversity and traditional territories of First Nations, particularly the Nlaka'pamux community of Spô'zêm (Spuzzum) First Nation in the Fraser Canyon;

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

**Article 26(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.

**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** the current population of spotted owls living in the wild is one. The historic population is estimated to have been 500 pairs, indicating there is currently insufficient protected habitat to support the owl's recovery;

**WHEREAS** by Resolution 2022-32 "Implementation of OGSR Recommendation for Old Growth Forests, including Deferrals and Resilience Planning," the UBCIC Chiefs Council called on the provincial government to defer logging in all proposed old growth deferral areas, and additional areas identified by First Nations;

**WHEREAS** clear cut logging continues in old-growth forests and there are 295 approved and pending cut blocks located within spotted owl habitat even as the province is consulting on its draft framework on Biodiversity and Ecosystem Health and old-growth action plan;

**WHEREAS** by Resolution 2023-08 "Support for Development of a Tripartite Nature Agreement", the UBCIC Chiefs Council called upon the Executive to ensure that First Nations are full partners in the identification of areas for conservation and protection and in habitat enhancement and restoration initiatives as well as ensuring that First Nations are full partners in any planning and decision-making processes, including for land use and species at risk protection and recovery; and

**WHEREAS** UBCIC recommended an emergency order to protect the spotted owl to the Governor in Council, to which the Governor in Council determined that an emergency order was not their preferred approach and have instead endorsed a collaborative approach building on the work of the Tripartite Agreement on Nature Conservation, which would require further negotiations for explicit protection of the spotted owl.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council calls on the governments of Canada and B.C. to permanently protect all remaining critical spotted owl habitat as is interpreted by First Nations throughout the Canadian range in southwest B.C., ensuring enough protected forest to accommodate a self-sustaining population of 250 spotted owls; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with like-minded organizations in calling on the Province of B.C. to immediately protect the spotted owl population and old-growth habitat.

**Moved:** Kukpi7 James Hobart, Spuzzum First Nation  
**Seconded:** Chief Arnold Lampreau, Shackan Indian Band  
**Disposition:** Carried  
**Abstentions:** Chief Don Harris, Xa'xtsa  
**Date:** February 22, 2024

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 21<sup>ST</sup> - 22<sup>ND</sup>, 2024 VIRTUAL MEETING

#### Resolution no. 2024-10

#### RE: Modernization of Timber Supply Review

**WHEREAS** First Nations in B.C. have inherent title, rights, and jurisdiction to our respective territories, and, as the original caretakers of these territories, we continue to exercise our laws and jurisdiction to protect and steward the environment, lands and waters;

**WHEREAS** the Allowable Annual Cut (AAC) is the amount of timber that the Chief Forester finds reasonable to harvest from the timber supply area (TSA) and tree farm licenses (TFL);

**WHEREAS** the Timber Supply Review (TSR) process estimates the amount of timber that is projected to be available for harvesting over a specified time;

**WHEREAS** the factors that determine the TSR include the condition of the existing forest, assumptions around growth rate of the existing harvested forest and disturbances, how the forest is managed for timber and other resource values and the choices around the rate of harvest;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of B.C., passed legislation committing 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.

**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;

**WHEREAS** by Resolution 2022-32 “Implementation of OGSR Recommendations for Old Growth Forests, including Deferrals and Resilience Planning”, UBCIC called for the province to move towards the paradigm shift and resilience planning laid out in the Old Growth Strategic Review; and

**WHEREAS** data provided by the Sierra Club confirms that in 2021, 45,700 hectares of old growth forests were cut, an increase from 2020. This indicates that the existing rate of logging annually due to the AAC is too high and threatens the viability of B.C.’s biodiversity due to a loss of essential old growth forests.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council affirms the need to improve the current Timber Supply Review (TSR) system to better reflect the paradigm shift towards conserving, preserving, maintaining and enhancing biodiversity and old growth forests committed to in the Old Growth Strategic Review (OGSR) and align the TSR with the *United Nations Declaration on the Rights of Indigenous Peoples*; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC calls on the Province, working with First Nations as well as the First Nations Forestry Council and the UBCIC, B.C. Assembly of First Nations and First Nations Summit working as the First Nations Leadership Council, to modernize the TSR process so that it is a consent-based system that does not rely on referrals or strength of claim, and establish a precautionary process that is evaluated through a cultural and ecological health lens in keeping with the shift in priorities towards ecosystem health.

**Moved:** Kukpi7 James Hobart, Spuzzum First Nation  
**Seconded:** Chief Arnold Lampreau, Shackan Indian Band  
**Disposition:** Carried  
**Abstentions:** Chief Don Harris, Xa’xtsa  
**Date:** February 22, 2024

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
FEBRUARY 21<sup>ST</sup>- 22<sup>ND</sup>, 2024  
VIRTUAL MEETING

**Resolution no. 2024-11**

**RE: Multi-Generational and Interconnected Definition of Ecosystem Health**

**WHEREAS** First Nations in B.C. have inherent title, rights, and jurisdiction to our respective territories, and, as the original caretakers of these territories, we continue to exercise our laws and jurisdiction to protect and steward the environment, lands and waters;

**WHEREAS** Indigenous peoples sustain vital cultural and spiritual relationships with the environment and have derived our livelihoods, way of life, health, and well-being from the care and stewardship of our lands and waters since time immemorial;

**WHEREAS** maintaining and restoring the integrity of fully-functioning healthy ecosystems is foundational to upholding the inherent title and rights of Indigenous peoples and to the well-being of humans and other beings;

**WHEREAS** the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of B.C., passed legislation committing 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;

**WHEREAS** by Resolution 2021-61 “New Law for Biodiversity and Ecosystem Health” the UBCIC Chiefs-in-Assembly called on the Province to enact and develop overarching legislation for the protection of biodiversity and ecosystem health co-developed with Indigenous peoples;

**WHEREAS** B.C. has committed to enacting the Old Growth Strategic Review (OGSR), and recommendation 2 of the OGSR is enacting legislation protecting biodiversity and ecosystem health as an “overarching priority” across all sectors; and

**WHEREAS** the Province has released the draft Biodiversity and Ecosystem Health Framework with a general definition of ecosystem health as “a concept or metaphor that describes environmental conditions in relation to natural/historical benchmarks for biodiversity and ecosystem structures, functions, and processes.” This definition does not reference an interconnected or First Nations lens.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council calls on the Province to co-develop a definition of ecosystem health with First Nations in B.C. for inclusion in the draft Biodiversity and Ecosystem Health Framework that upholds distinct First Nations definitions, cultural concepts and worldviews, looking multiple generations ahead and recognizing the unceded territories of First Nations in B.C.;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Province to apply and use this distinctions-based definition of ecosystem health across all ministries and resource sectors including recognizing the need to protect unceded First Nations territories that have been subject to decisions by the Crown that directly impact the land, for example resulting in deforestation, and preventing further impacts to the land through actions such as deforestation without the free, prior and informed consent of the First Nation;

**THEREFORE BE IT FURTHER RESOLVED** UBCIC Chiefs Council directs the UBCIC Executive and staff to work with First Nations and like-minded organizations to ensure this definition is accepted and used in co-development of the new biodiversity law with the Province of B.C.; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to advance this co-developed definition of ecosystem health to the federal government for use across their departments.

**Moved:** Chief Arnold Lampreau, Shackan Indian Band  
**Seconded:** Katisha Paul, UBCIC Youth Representative  
**Disposition:** Carried  
**Date:** February 22, 2024

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 21<sup>ST</sup> - 22<sup>ND</sup>, 2024 VIRTUAL MEETING

**Resolution no. 2024-12**

#### **RE: Support for the B.C. First Nations Critical Minerals Strategy**

**WHEREAS** since time immemorial, First Nations have been the keepers and caretakers of the traditional and ecological knowledge and laws arising from their intimate and ongoing connection to their territories and resources, including air, land and waters;

**WHEREAS** it is essential to ensure that any limitations or barriers stemming from the long and troubled relationship between the Crown and First Nations are dismantled and that any restraints on the exercise of First Nations' jurisdiction to manage and care for their territories and resources are promptly removed;

**WHEREAS** a First Nations driven and led critical minerals strategy will contribute to amplifying First Nations' perspectives, approaches and voices;

**WHEREAS** all minerals are critical minerals, including their elemental constituents and raw materials they comprise;

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

**Article 18:** Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

**Article 19:** States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting 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 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 resource.

**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;

**WHEREAS** the massive push to reduce the rate of global warming and achieve carbon neutrality by 2050 is poised to transform the Canadian economy with the extraction of critical minerals on First Nations lands;

**WHEREAS** mining activities are forecast to increase substantially with the construction of electricity generation and transmission of infrastructure to support critical minerals projects;

**WHEREAS** in December 2022 the government of Canada, led by Natural Resources Canada, released the Canadian Critical Minerals Strategy and in January 2024 the government of B.C. released "phase 1" of a provincial critical minerals strategy;

**WHEREAS** the Government of Canada's budget 2022 indicated that to build a net-zero economy by 2050 in Canada, between \$125 billion and \$140 billion per year in investments is required from the public and private sectors, and in B.C. the majority of critical mineral investments will be for the construction of mines, mineral processing facilities, the manufacturing of electric vehicles and electronic devices, and for battery storage facilities located on or within unceded First Nations territories;

**WHEREAS** a First Nations critical minerals strategy has been developed by the B.C. First Nations Energy and Mining Council ("FNEMC") under the guidance, assistance and input of First Nations leadership and members in B.C., and their various technical supports;

**WHEREAS** from October 2023 to January 2024, the B.C. First Nation Energy and Mining Council hosted four province-wide online Indigenous peoples webinars with contributions from Natural Resources Canada, the B.C. Ministry of Energy, Mines and Low Carbon Innovation, and the Initiative for Responsible Mining Assurance (IRMA), with support from critical minerals and subject matter experts from academia, industry and the financial sector. The perspectives, approaches and instructions provided by First Nations leadership and members and technical supports were incorporated into the First Nations Critical Minerals Strategy;

**WHEREAS** commencing September 2023, the government of B.C. began engagement with FNEMC on developing a process to align critical mineral strategies;

**WHEREAS** inclusion of the government of Canada in a tripartite process with the government of B.C. and FNEMC is required for achieving an effective alignment that is consistent with the UN Declaration and the inherent and constitutional rights of First Nations;

**WHEREAS** the governments of Canada and B.C. have established a B.C. regional table to develop an action plan

to align resources, timelines and regulatory approaches to realize regional growth economic opportunities including critical minerals, clean fuels and hydrogen, carbon management, and electrification required for mineral extraction and processing and for infrastructure projects;

**WHEREAS** FNEMC is prepared to facilitate further discussions with the governments of Canada and B.C., and title and rights holders to ensure First Nations lands, laws and values are protected and upheld in activities contemplated in Crown and First Nations critical minerals strategies; and

**WHEREAS** FNEMC proposes the announcement of the First Nations Critical Minerals Strategy be undertaken at the Prospectors and Developers Association of Canada (“PDAC”) mineral exploration forum in Toronto from March 3-6, 2024, to set the table for further engagement with Canada and B.C. throughout 2024-2025.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council supports and endorses the B.C. First Nations Critical Minerals Strategy prepared by the First Nations Energy and Mining Council through engagement with First Nations in B.C. and sectoral experts;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council supports FNEMC releasing the B.C. First Nations Critical Minerals Strategy between March 3-6, 2024, to coincide with the annual Prospectors Developers Association of Canada mineral exploration conference;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the First Nations Energy and Mining Council to report back to the UBCIC Chiefs Council with updates and an implementation strategy; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council calls on the governments of Canada and B.C. to support discussions with First Nations right holders who hold title to unceded lands in B.C. to seek alignment between Crown and First Nation critical mineral strategies.

**Moved:** Chief Byron Louis, Okanagan Indian Band  
**Seconded:** Councillor Clint Tuttle, Sumas First Nation (Proxy)  
**Disposition:** Carried  
**Date:** February 22, 2024

# OUR LAND IS OUR FUTURE

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 21<sup>ST</sup> – 22<sup>ND</sup>, 2024 VIRTUAL MEETING

#### Resolution no. 2024-13

#### RE: Inclusion of Youth at BC-First Nations Leadership Gathering

**WHEREAS** youth are central to First Nations survival, self-determination and governance and are held up as our most precious resource who carry our traditions into the future for generations to come;

**WHEREAS** the Province of B.C. and the First Nations Leadership Council (FNLC) host a B.C.-First Nations leadership gathering once a year that brings all First Nations together with B.C. Cabinet for a three-day meeting known as the First Nations Leadership Gathering (FNLG);

**WHEREAS** FNLG is an important political space for relationship building, exchanging ideas, highlighting priority issues, holding government to account, and advancing reconciliation. First Nations youth need to be meaningfully included and made to feel safe and welcome in these spaces because they are leaders in their own right. FNLG is an opportunity to promote mentorship of, and learning from, First Nations youth for BC and First Nations leadership alike;

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

**Article 14(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 14 those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

**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.

**Article 22(1):** Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration;

**WHEREAS** opportunities to improve critical and meaningful involvement of First Nations youth at FNLG include creating youth spaces for youth to connect, debrief, and receive support; establishing a mentorship program; ensuring youth can accompany their leadership to meet with provincial Ministers and Deputy Ministers; increasing opportunities for youth to meet ahead of the gathering; creating a youth committee; collaborating with First Nations youth organizations; and increasing resourcing and transportation supports to improve accessibility and youth participation; and

**WHEREAS** the Nicola Valley Institute of Technology focuses on supporting First Nations students and would welcome the opportunity to be invited as a partner to support youth at FNLG along with the Province’s Indigenous Youth Internship Program.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council supports the full and meaningful participation of First Nations youth at the First Nations Leadership Gathering;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Province of B.C. to remove barriers and increase structural supports including funding to ensure full and meaningful participation of First Nations youth at the First Nations Leadership Gathering; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the B.C. Assembly of First Nations and First Nations Summit, together as the First Nations Leadership Council, and with other like-minded organizations to promote youth inclusion at the First Nations Leadership Gathering.

**Moved:** Melissa Moses, UBCIC Women’s Representative  
**Seconded:** Katisha Paul, UBCIC Youth Representative  
**Disposition:** Carried  
**Date:** February 22, 2024

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 21<sup>ST</sup> – 22<sup>ND</sup>, 2024 VIRTUAL MEETING

**Resolution no. 2024-14**

#### **RE: Support for Families and Survivors of MMIWG2S+**

**WHEREAS** First Nations communities in British Columbia are disproportionately affected by violence, domestic violence and gender-based violence (GBV), the Missing and Murdered Indigenous Women, Girl, and Two-Spirit+ crisis (MMIWG2S+), and ongoing genocide rooted in colonialism. The issue is so pervasive that it is not uncommon for Indigenous people in all walks of life to have experienced the loss of a relative to violence;

**WHEREAS** B.C. has the unfortunate claim to being the home of the Highway of Tears, Vancouver's Downtown Eastside, and the Robert Pickton case, all of which are notorious sites of brutal systemic GBV against Indigenous women, girls and 2SLGBTQIA+<sup>1</sup> peoples. The families and survivors of these and other sites of violence represent a diverse group who are bound together by tragedy and missteps of justice who are too often excluded from decision-making spaces. They are owed every effort and ultimate respect;

**WHEREAS** the perspectives, voices and depth of lived experience of family members and survivors must be at the heart of policy, legislation, advocacy, and initiatives pertaining to MMIWG2S+ across government and grassroots spaces;

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

**Article 7(1):** Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

**(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 22(1):** Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

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<sup>1</sup> Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Asexual+

**(2):** States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination;

**WHEREAS** five years after the National Inquiry into Missing and Murdered Indigenous Women and Girls (the National Inquiry) published the Calls for Justice on June 3, 2019, the MMIWG2S+ crisis continues to cause immense and immeasurable harm to families, friends, and entire communities whose loved ones are taken by perpetrators of GBV;

**WHEREAS** the Final Report of the National Inquiry reveals the persistent and deliberate human and Indigenous rights violations and abuses as a root cause behind Canada's staggering rates of violence against Indigenous women, girls, and 2SLGBTQQIA+ people;

**WHEREAS** the National Inquiry's Calls for Justice, "Red Woman Rising: Indigenous Women Survivors in Vancouver's Downtown Eastside", and Highway of Tears Symposium Recommendations Report clearly outline discrimination against families of MMIWG2S+ and provide concrete actionable recommendations and a clear path to creating systemic change and ending violence by calling on government in the areas of culture, human security, health, and justice; on industries, institutions, service providers and partners, including the media, health providers, transportation and hospitality providers, educators, social workers, extractive industries, police services, and justice actors; and the Canadian public;

**WHEREAS** the National Inquiry's Calls for Justice 1.5, 1.6, 1.8, 3.3, 3.5, 5.6, 5.8, 9.1, 9.2 and 9.5 specifically call for governments to take all necessary measures to prevent and investigate violence against Indigenous women; to enact missing persons legislation; to eliminate jurisdictional gaps and neglect that result in improperly regulated and delivered services; to provide long-term funding and trauma-informed supports for survivors and victims of crime; the creation of crisis response teams; and call for police training and the standardization of justice protocols in the investigation of all cases of missing and murdered Indigenous women – including communication with families, coordination across government departments and jurisdictions, and standardized response times;

**WHEREAS** by UBCIC Resolution 2023-32; Resolution 2023-10; Resolution 2022-36; and Resolution 2021-31, the UBCIC Chiefs Council has worked to address issues of missing Indigenous people and GBV and to advocate for the implementation of the Calls for Justice;

**WHEREAS** the justice system and police are failing to protect Indigenous people and prevent violence. In cases of missing Indigenous people or violence towards Indigenous people, police regularly discriminate and demonstrate apathy, jurisdictional disorganization, mismanagement and miscommunication, and perpetuate centuries of mistrust between Indigenous people and the police. These gaps in the justice system are regularly filled by families, advocates and First Nations without institutional support;

**WHEREAS** when a loved one goes missing and justice authorities are resistant to acting swiftly, family members and First Nations respond to organize and carry out complex missing person searches without resources, access to investigative technologies, financial assistance or organizational capacity during a period of profound distress and trauma;

**WHEREAS** this family and community-led advocacy is typically undervalued, unpaid, under-resourced, is deeply (re)traumatizing, and can have a profound impact on the mental, emotional, physical and spiritual well-being for individuals and entire communities alike;

**WHEREAS** long after the initial murder or disappearance of a loved one, families often assume a lifetime of advocacy for GBV prevention, justice reform, government accountability and commit themselves to filling the deep systemic gaps which perpetuate the MMIWG2S+ crisis. The unrelenting dedication of families and survivors ensures that lost relatives are not forgotten, that justice is sought, and that the issue remains front of mind for decision-makers and authorities;



**WHEREAS** provincial and federal policy and legislative work on GBV prevention is taking place within various provincial and federal Ministries; however, a lack of coordination between Ministries and across levels of government is creating silos and is weakening the response to the MMIWG2S+ crisis; and

**WHEREAS** the will of families and survivors must guide how government and justice authorities address GBV prevention work across sectors. Failure to center families and survivors and to acknowledge their lived experience will further harm those who have already suffered so much.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council fully supports families and survivors of gender-based violence and those who have lost loved ones to the crisis of Missing and Murdered Indigenous Women, Girls, and Two-Spirit+ people;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on grassroots, frontline, Indigenous and advocacy organizations doing the good work to address gender-based violence:

- to take a rights-based, gender-based analysis plus, trauma-informed and culturally safe approach when working with families and survivors;
- to ensure that families and survivors are engaged on key Missing and Murdered Indigenous Women, Girls and Two-Spirit+ initiatives;
- and for the expansion of programming to provide psychosocial and cultural healing support services as well as search supports for families responding to the disappearance of a loved one;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the Governments of British Columbia and Canada, and the police and RCMP:

- to take a rights-based, gender-based analysis plus, trauma-informed and culturally safe approach when working with families and survivors;
- to ensure families and survivors are consulted and fully involved at decision-making tables pertaining to gender-based violence prevention and the Missing and Murdered Indigenous Women, Girls and Two-Spirit+ crisis;
- to work across Ministries and between governments to advance Missing and Murdered Indigenous Women, Girls and Two-Spirit+ advocacy;
- to increase resourcing for psychosocial and cultural healing support services and capacity supports to families for missing person searches; and
- to fund First Nations women's organizations that uphold First Nations, family and survivor rights; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with like-minded organizations to advance and uphold the dignity and rights of family members and survivors of the Missing and Murdered Indigenous Women, Girls and Two-Spirit+ crisis.

**Moved:** Melissa Moses, UBCIC Women's Representative  
**Seconded:** Chief Arnold Lampreau, Shackan Indian Band  
**Disposition:** Carried  
**Date:** February 22, 2024

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 21<sup>ST</sup> – 22<sup>ND</sup>, 2024 VIRTUAL MEETING

#### Resolution no. 2024-15

#### **RE: Support for the Coalition on Murdered and Missing Indigenous Women, Girls and Two-Spirit+ People**

**WHEREAS** disproportionate rates of violence against Indigenous women, girls and 2SLGBTQQIA+<sup>1</sup> people in British Columbia and throughout Canada is a devastating and ongoing critical issue that requires immediate attention;

**WHEREAS** the Coalition on Murdered and Missing Indigenous Women, Girls and Two-Spirit+ people (“the Coalition”) is an alliance of organizations and individuals that came together in 2010 within the context of the ongoing crisis of murders and disappearances along the Highway of Tears, the Downtown Eastside and the Robert Pickton case and the Oppal Inquiry into Missing and Murdered Women in British Columbia. Many of the Coalition members by that point had already been advocating for their missing and murdered loved ones for decades;

**WHEREAS** the Coalition includes Indigenous women, family members of Missing and Murdered Indigenous Women, Girls and 2SLGBTQQIA+ people (MMIWG2S+), survivors of gender-based violence (GBV) and their allies in women’s anti-violence, human rights, and labour organizations. Members have deep knowledge, expertise, and lived experience of discrimination and violence and many have been engaged for years in front-line, grassroots anti-violence work on the streets and in shelters across the province. Members of the Coalition also have expertise in policy development and analysis regarding Indigenous rights, child welfare, and policing, as well as knowledge and practice in human rights, civil liberties, criminal, constitutional, and international human rights law;

**WHEREAS** the purpose of the Coalition is to bring together a broad network of grassroots organizations and individuals to address the devastating issue of MMIWG2S+ in B.C. and Canada. The Coalition meets on a regular basis to respond to ongoing issues and to maintain strategic relationships that can be mobilized quickly. The Coalition membership is open to organizations and individuals who align with this purpose;

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<sup>1</sup> Two-Spirit, Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Asexual+

**WHEREAS** the Coalition engages in high-level advocacy for MMIWG2S+, drawing on the strengths and capacity of each participating body and informed by lived experience. Members of the Coalition have been instrumental in advancing advocacy for MMIWG2S+ throughout Canada and internationally through frontline grassroots advocacy, readily providing support within the Coalition, searching for missing people, providing legal aid, organizing events such as the February 14<sup>th</sup> memorial march, memorials, vigils, and public art and awareness campaigns, hosting healing ceremonies and sacred fires, calling on governments and justice authorities for action, engaging with government on GBV prevention policy and legislative alignment, testifying to the National Inquiry, and serving on working groups and government advisory tables;

**WHEREAS** the Coalition operates on a volunteer basis and receives no capacity funding as a group. Many Coalition members are life-long advocates who dedicate themselves tirelessly to advocating for MMIWG2S+; their efforts are typically undervalued, unpaid, under-resourced, deeply (re)traumatizing. Advocacy for gender-based and sexual violence prevention is a deeply (re)triggering and emotionally intense area of work with known triggers which, if left unsupported, can result in mental, emotional, spiritual and physical health concerns;

**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, passed legislation committing to implement, affirms:

**Article 7(1):** Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.

**(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 22(1):** Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration;

**(2):** States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination;

**WHEREAS** by UBCIC Resolution 2023-32; Resolution 2023-10; Resolution 2022-36; and Resolution 2021-31, the UBCIC Chiefs Council has worked to address issues of missing Indigenous people and gender-based violence and to advocate for the implementation of the Calls for Justice;

**WHEREAS** the vision of the Coalition is that the rights and lives of Indigenous women, girls and 2SLGBTQIA+ people are fully upheld, honoured and protected, and that they have the right to participate fully and effectively in all of the decisions that affect their lives;

**WHEREAS** the Coalition's mission is to eliminate systemic violence against Indigenous women, girls and 2SLGBTQIA+ people; uphold and demand justice for families of the murdered and disappeared; demand action and accountability from the provincial and federal government to stop the crisis of MMIWG2S+; and to influence the public consciousness; and

**WHEREAS** the Coalition operates using a holistic model that is flexible and responsive to the diverse backgrounds, goals, and capacity of its members. UBCIC currently hosts meetings and provides technical support to the Coalition; however, the Coalition has no permanently designated lead agency or individual. All participants have equal status. Members recognize and respect each other's respective mandates, existing workloads and limited resources and endeavor to work collectively in order to avoid diverting energy and resources from any one organization.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council recognizes the ongoing crisis of Missing and Murdered Indigenous Women, Girls and Two-Spirit+ people and acknowledges the emotional labour and deeply (re)traumatizing nature of advocacy on gender-based and sexual violence prevention. The UBCIC Chiefs Council wholeheartedly supports the Coalition’s continued work and mission; and

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the governments of BC and Canada to acknowledge the immense depth of experience and expertise of Coalition members by providing capacity support, funding, and regular communications on gender-based violence prevention work and by engaging with Coalition members on relevant policy and legislative work; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive and staff to continue to participate on the Coalition and work with other like-minded organizations to address gender-based violence prevention and the ongoing crisis of Missing and Murdered Indigenous Women, Girls, and Two-Spirit+ People.

**Moved:** Katisha Paul, UBCIC Youth Representative  
**Seconded:** Chief Arnold Lampreau, Shackan Indian Band  
**Disposition:** Carried  
**Date:** February 22, 2024

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 21<sup>ST</sup> – 22<sup>ND</sup>, 2024 VIRTUAL MEETING

#### Resolution no. 2024-16

#### **RE: Model for Multilateral Emergency Management Services Funding Negotiations**

**WHEREAS** in 2017, a 10-year bilateral Emergency Management Service Agreement was signed between Indigenous Services Canada (ISC) and B.C.;

**Whereas** in 2015 Canada and in 2018 British Columbia endorsed the Sendai Framework for Disaster Risk Reduction and its four priorities including understanding disaster risk, strengthening risk governance, investing in risk reduction and resilience, enhancing disaster preparedness, building back better in recovery, and rehabilitation and reconstruction.

**WHEREAS** the Union of BC India Chiefs (UBCIC), working with the First Nations Summit (FNS) and the BC Assembly of First Nations (BCAFN) together as the First Nations Leadership Council (FNLC) entered into a tripartite memorandum of understanding (the MOU) in 2019 with the Government of Canada (represented by ISC), and the government of British Columbia (represented by Emergency Management BC (EMBC) and B.C. Wildfire Service (BCWS)) for the purpose of working collectively to advance meaningful recognition and enhanced capacity of First Nations within all pillars of emergency management (i.e., preparedness, mitigation, response, and recovery);

**WHEREAS** by Resolution 2022-22, the UBCIC Chiefs Council supported Canada and B.C. expanding the Bilateral Agreement to a new trilateral agreement with First Nations in B.C., for the purposes of ensuring satisfactory, effective and equitable funding and resourcing within the four pillars of emergency management in First Nations communities by December 2022;

**WHEREAS** by Resolution 2022-22 the UBCIC Chiefs Council directed the UBCIC Executive, working with the BCAFN and FNS as the FNLC, to engage with First Nations in B.C. and provide possible negotiation models for First Nations consideration in order for First Nations to engage in negotiation with Canada and British Columbia on the new trilateral agreement, and further directed the UBCIC Executive to report back to the UBCIC Chiefs Council with a final negotiation model for consideration;

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

**Article 18:** Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

**Article 19:** States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior, and informed consent before adopting and implementing legislative or administrative measures that may affect them;

**WHEREAS** in accordance with resolutions endorsed by the Chiefs, the FNLC, ISC and EMCR are working towards a new multilateral agreement and began developing a framework and information sharing in November 2023. On January 31, 2024, the FNLC hosted an All Chiefs Meeting on First Nations involvement in negotiations on a new multilateral agreement for emergency management where they discussed a three phased approach;

**WHEREAS** a dedicated working group that represents the interests of First Nations in B.C. , including flood, forest fire, sea level rise and earthquake, is required to engage with ISC and EMCR towards creating a new multilateral agreement on emergency management. The team will need to consist of knowledgeable individuals who have a deep understanding of emergency management, climate change, First Nations title and rights, negotiations and multilateral processes;

**WHEREAS** a discussion paper was circulated in advance, presented and discussed at the All Chiefs meeting, providing collaborative models for consideration:

1. Collaborative FNLC representatives: individuals from the FNLC organizations including appointed leaders and technical experts who possess the necessary expertise, knowledge and experience to effectively represent the interests of First Nations in B.C.
2. Specialized Chief Negotiator: as an alternative approach, we could consider hiring a Chief Negotiator who specializes in emergency management and negotiation fields.
3. Other: open for discussion;

**WHEREAS** delegates at the All Chiefs meeting expressed a strong preference for a collaborative model that includes participation from expert First Nations leadership and emphasized the need for capacity to move the work forward;

**WHEREAS** delegates discussed immediate needs for the negotiating team to advance, and agreed that there is a need for ISC to provide funding to bands for Emergency Management Coordinators, funding for backlogged mitigation projects, and a need for existing Community Emergency Preparedness Funding to go directly to First Nations (not the Union of B.C. Municipalities). Subsequent phases include achieving a high-level overarching rights-based framework, inclusion of key partners and implementation of critical recommendations by 2025. By 2026, the third phase will include full recognition of First Nations jurisdiction over emergency management services, with a goal of achieving agreement and implementation by 2026; and

**WHEREAS** climate emergencies are increasing for remote Indigenous communities, yet the federal government is still more reactive than preventative when responding to them, despite First Nations communities identifying many infrastructure projects to mitigate the impact of emergencies. For every dollar spent on preparedness and mitigation, six dollars can be saved in emergency response; the work to conclude the multilateral negotiations must be swift.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council supports the creation of a First Nations collaborative negotiation team comprised of three (3) First Nations Leadership Council representatives along with

six (6) expert First Nations leadership and technical support for a total of nine (9) First Nations representatives, to enter into the multilateral emergency management services funding negotiations with Indigenous Services Canada (ISC) and Emergency Management BC (EMBC) in order to create a multilateral funding and policy models that First Nations can use immediately as a bare minimum, or draw down on to enter into their own tripartite negotiation tables with ISC and EMBC;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council directs the UBCIC Executive to appoint (1) UBCIC Executive representative to the negotiation team to work alongside (1) representative from the First Nations Summit Task Group and (1) political representative from the B.C. Assembly of First Nations for a total of three (3) representatives from the First Nations Leadership Council;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council appoints the following two (2) emergency management experts from the UBCIC membership to participate on the working group alongside the three (3) FNLC representatives, two (2) FNS representatives and two (2) BCAFN representatives:

- Tyrone McNeil, Sto:lo Tribal Council
- Chief Matt Pasco, Oregon Jack Creek

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council supports a phased negotiation model to be led by the negotiation team including (1) immediate needs and economic analysis; (2) high-level overarching rights-based framework including funding for rights holders; and (3) achieving full recognition of First Nations jurisdiction over emergency management service by 2026;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council identifies the following as phase 1 priorities: ISC and/or EMCR to provide adequate, predictable, sustainable funding directly to First Nations for Emergency Management Coordinators, funding for urgent backlogged mitigation projects, and existing Community Emergency Preparedness funding to go directly to First Nations (not the Union of B.C. Municipalities or any other third party);

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on ISC and EMCR to provide capacity funding for the multilateral negotiation team and to recognize that there may be need for capacity for sub working groups;

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council directs the UBCIC representatives to the multilateral negotiation team to report back on progress on a regular basis at Chiefs Council meetings and via monthly written updates or virtual meetings as needed and to seek regular input from the UBCIC Chiefs Council as the negotiation framework progresses. Near final positions/versions must be shared with Chiefs for review and endorsement before being signed off by the three parties.

**Moved:** Chief Arnold Lampreau, Shackan Indian Band  
**Seconded:** Kukpi7 Willie Sellars, Williams Lake First Nation  
**Disposition:** Carried  
**Date:** February 22, 2024

# OUR LAND IS OUR FUTURE

## UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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### UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL FEBRUARY 21<sup>ST</sup> – 22<sup>ND</sup>, 2024 VIRTUAL MEETING

#### Resolution no. 2024-17

#### **RE: Ensuring Free, Prior and Informed Consent for FNCFS Long-Term Reform and Compensation Distribution**

**WHEREAS** the First Nations Child and Family Caring Society (Caring Society) and the Assembly of First Nations (AFN) filed a discrimination at the Canadian Human Rights Tribunal in 2007 alleging Canada's inequitable provision of First Nations child and family services and its choice to not implement Jordan's Principle were discriminatory;

**WHEREAS** the Canadian Human Rights Tribunal substantiated the discrimination in 2016 CHRT 2 and ordered Canada to immediately cease its discriminatory conduct towards First Nations children and families, including those who are members of First Nations in British Columbia (B.C.);

**WHEREAS** consistent with the direction of the AFN Chiefs-in-Assembly (AFN resolution no. 85/2018) pursuant to the Canadian Human Rights Act, Canada has been ordered to pay \$40,000.00 per eligible victim for Canada's "willful and reckless" discrimination of the "worst order." In 2019 CHRT 30 and 2021 CHRT 7 as upheld by the Federal Court (T-1621-19 in 2021 FC 969);

**WHEREAS** on December 31, 2021, two Agreements-in-Principle (AIP) were signed, providing the frameworks for negotiations of the Final Settlement Agreements (FSA) on (1) Long-Term Reform of the FNCFS Program, Jordan's Principle, and Indigenous Services Canada (ISC) and (2) Compensation for victims of Canada's discrimination;

**WHEREAS** on April 3, 2023, the parties announced a revised FSA on compensation totaling \$23.34 billion, which was endorsed by the AFN Chiefs-in-Assembly (Resolution 04/2023); and approved by the Federal Court in a Settlement Approval Hearing on October 24, 2023;



**WHEREAS** AFN resolution 40/2022 ‘Final Settlement Agreement on Compensation for First Nations Children and Families’ calls on Canada to ensure Chiefs shall be provided with all available options and related supporting financial resources and materials to ensure First Nations can exercise their Free, Prior and Informed Consent on long-term reforms.

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

**Article 2:** Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

**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 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 22(2):** States shall take measures, in conjunction with Indigenous peoples, to ensure that Indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

**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;

**WHEREAS** at the direction of the First Nations-in-Assembly, the AFN Social Development Sector has been mandated to advance First Nations control and jurisdiction over social development programs and services as the foundation for the wellbeing of First Nations children, families and communities;

**WHEREAS** AFN Resolution 40/2022 directed Canada to fund the Assembly of First Nations National Advisory Committee (NAC) on First Nations Child and Family Services Reform and regional and other technical experts to inform the FSA;

**WHEREAS** the Federal Court of Canada, with the approval of the AFN, appointed Stuart Wuttke, Derek Nepinak, Duke Peltier, David Sterns and Robert Kugler to serve on the Settlement Implementation Committee to oversee the implementation of the FSA on Compensation in November 2023;

**WHEREAS** First Nations have been requested to provide input on compensation distribution by the end of February 2024 without yet receiving a draft distribution protocol to review, inhibiting the ability to provide free, prior, and informed consent; and

**WHEREAS** AFN Resolution 28/2022 directed for the AFN to return to the AFN First Nations-in-Assembly to provide regular progress reports and seek direction on any outstanding implementation issues.

**THEREFORE BE IT RESOLVED** the UBCIC Chiefs Council calls on the Assembly of First Nations (AFN) Settlement Implementation Committee to provide the draft compensation distribution protocol prior to

consultation, and to extend engagement timelines to allow for thorough consultation with Nations in B.C. and ensure free, prior, and informed consent;

**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs Council calls on the federal government to provide funding for regional engagement on the draft compensation distribution protocol to ensure free, prior, and informed consent; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs Council calls on the AFN to ensure direction and approval is sought from the AFN Chiefs-in-Assembly and the AFN Social Development Sector, and that such direction is adhered to in decision-making regarding long-term reform and compensation distribution.

**Moved:** Judy Wilson, Osoyoos Indian Band (Proxy)  
**Seconded:** Katisha Paul, UBCIC Youth Representative  
**Disposition:** Carried  
**Date:** February 22, 2024