



BC ASSEMBLY OF FIRST NATIONS

BCAFN Special Chiefs Assembly

Moccasin Square Garden, Tk'emlups te Secwepemc, Kamloops, BC
March 27 – 28, 2017

RESOLUTIONS LIST

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10(i)/2017	SUPPORT FOR FIRST NATIONS MAJOR PROJECTS COALITION



BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

312-345 Chief Alex Thomas Way
Kamloops, BC V2H 1H1
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BCAFN SPECIAL CHIEFS ASSEMBLY
Moccasin Square Garden, Kamloops, BC
March 27-28, 2017

Resolution 01/2017

SUBJECT: ELECTION OF REGIONAL CHIEF

MOVED BY: GRAND CHIEF DOUG KELLY, PROXY, SOOWAHLIE FIRST NATION

SECONDED BY: CHIEF WILF ADAM, LAKE BABINE NATION

DECISION: CARRIED

WHEREAS:

- A. On June 25, 2015, Shane Gottfriedson was elected Regional Chief of the British Columbia Assembly of First Nations (BCAFN) for a three-year term;
- B. The election for the next BCAFN Regional Chief is currently scheduled for the Annual General Meeting (the "AGM") in June 2018;
- C. Effective March 4, 2017, Shane Gottfriedson resigned from the office of BCAFN Regional Chief;
- D. The BCAFN Board of Directors (the "Board") issued a public statement on March 6, 2017, indicating their support for Chief Maureen Chapman to continue to act as Regional Chief until the AGM in June 2018;
- E. BCAFN by-laws and Governance Manual are not entirely clear what happens when a resignation of this nature occurs;
- F. On March 27, 2017, BCAFN's legal counsel Ratcliff & Company LLP presented an 'options' paper to the BCAFN Chiefs-in-Assembly outlining four potential directions to handle the transfer of leadership:
 - a. General Election in October 2017
 - b. General Election in June 2018

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A handwritten signature in black ink, appearing to read "Maureen Chapman".

Maureen Chapman, BC Acting Regional Chief

- c. By-Election in October 2017
 - d. By-Election Immediately;
- G. Direction from the BCAFN Chiefs-in-Assembly is being requested by the Board to determine the best course of action to be pursued.

THEREFORE BE IT RESOLVED THAT:

1. The BC Assembly of First Nations Chiefs-in-Assembly direct the Board to call upon the Electoral Officer to hold a general election for the Regional Chief at the BCAFN Annual General Meeting in October 2017. The elected Regional Chief will immediately begin a term of three years.

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BCAFN SPECIAL CHIEFS ASSEMBLY
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Resolution 02/2017

SUBJECT: GOVERNANCE COMMITTEE

MOVED BY: GRAND CHIEF DOUG KELLY, PROXY, SOOWAHLIE FIRST NATION

SECONDED BY: CHIEF HARVEY MCLEOD, UPPER NICOLA FIRST NATION

DECISION: CARRIED

WHEREAS:

- A. On June 25, 2015, Shane Gottfriedson was elected Regional Chief of the British Columbia Assembly of First Nations (BCAFN) for a three-year term;
- B. The election for the next BCAFN Regional Chief is currently scheduled for the Annual General Meeting (the "AGM") in June 2018;
- C. Effective March 4, 2017, Shane Gottfriedson resigned from the office of BCAFN Regional Chief;
- D. The BCAFN Board of Directors (the "Board") issued a public statement on March 6, 2017, indicating their support for Chief Maureen Chapman to continue to act as Regional Chief until the AGM in June 2018;
- E. BCAFN by-laws and Governance Manual are not entirely clear what happens when a resignation of this nature occurs;
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- G. Direction from the BCAFN Chiefs-in-Assembly is being requested by the Board to determine the best course of action to be pursued.

THEREFORE BE IT RESOLVED THAT:

1. The BC Assembly of First Nations Chiefs-in-Assembly direct the Board of Directors to engage membership to appoint a Governance Committee to review the BCAFN Constitution, Bylaws and Policy Manuals, and provide recommendations at the BCAFN Annual General Meeting in October 2017.
2. The BC Assembly of First Nations Chiefs-in-Assembly direct the Chair of the Special Chiefs Assembly to call for nominations from the floor to participate in the BCAFN Governance Committee.
3. The BC Assembly of First Nations Chiefs-in-Assembly hereby recognize the following persons as the BCAFN Governance Committee:
 - 1) Tyrone McNeil, Proxy for Seabird Island Band
 - 2) Kukpi7 Ryan Day, Bonaparte Indian Band
 - 3) Ken Watts, Proxy for Toquaht Nation
 - 4) Chief Byron Louis, Okanagan Indian Band

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Resolution 03/2017

SUBJECT: INTERIM REGIONAL CHIEF

MOVED BY: GRAND CHIEF DOUG KELLY, PROXY, SOOWAHLIE FIRST NATION

SECONDED BY: KUKPI7 WAYNE CHRISTIAN, SPLATSIN FIRST NATION

DECISION: CARRIED

WHEREAS:

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- B. The election for the next BCAFN Regional Chief is currently scheduled for the Annual General Meeting (the "AGM") in June 2018;
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- E. BCAFN by-laws and Governance Manual are not entirely clear what happens when a resignation of this nature occurs;
- F. On March 27, 2017, BCAFN's legal counsel Ratcliff & Company LLP presented an 'options' paper to the BCAFN Chiefs-in-Assembly outlining four potential directions to handle the transfer of leadership:
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- c. By-Election in October 2017
 - d. By-Election Immediately;
- G. Direction from the BCAFN Chiefs-in-Assembly is being requested by the Board to determine the best course of action to be pursued.

THEREFORE BE IT RESOLVED THAT:

1. The BC Assembly of First Nations Chiefs-in-Assembly direct the Board of Directors to continue to guide the work of BCAFN until a new Regional Chief is elected at the 2017 October BCAFN Annual General Assembly. Chief Maureen Chapman will continue to be the designated Board Member to carry out any duties and activities related to the office of the Regional Chief.

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Resolution 04/2017

SUBJECT: SUPPORT FOR THE REVITALIZATION OF INDIGENOUS LANGUAGES

MOVED BY: KUKPI7 RON IGNACE, SKEETCHESTN INDIAN BAND

SECONDED BY: BONNIE LEONARD, PROXY, SHUSWAP INDIAN BAND

DECISION: CARRIED

WHEREAS:

- A. The *United Nations Declaration on the Rights of Indigenous Peoples* states:
- a. 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; and
 - b. 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.
- B. The Truth and Reconciliation Commission of Canada Call to Action #14 states: We call upon the federal government to enact an Aboriginal Languages Act that incorporates the following principles:
- i. Aboriginal languages are a fundamental and valued element of Canadian culture and society, and there is an urgency to preserve them;
 - ii. Aboriginal language rights are reinforced by the Treaties;
 - iii. The federal government has a responsibility to provide sufficient funds for Aboriginal language revitalization and preservation;

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- iv. The preservation, revitalization, and strengthening of Aboriginal languages and cultures are best managed by Aboriginal people and communities; and
 - v. Funding for Aboriginal language initiatives must reflect the diversity of Aboriginal languages.
- C. As stated in the report of the Fifteenth session of the United Nations Permanent Forum on Indigenous Issues (the “Report”), Indigenous languages form the bedrock of continuity for the survival and well-being of Indigenous cultures from one generation to the next. This important intergenerational responsibility has been severely disrupted by colonialism and colonial practices, laws, policies and practices of discrimination, assimilation, forced relocation, and residential and boarding schools, among others;
- D. The Report further states there is a growing crisis of indigenous language loss and in many cases an urgent, and even desperate need to preserve and revitalize languages. It is estimated that more than half of the world’s Indigenous languages will become extinct by 2100;
- E. A significant underlying objective of all preservation and revitalization efforts is the absolute necessity of producing ever-growing numbers of fluent language speakers;
- F. On December 6, 2016, in an address to the Assembly of First Nations Special Chiefs Assembly, Prime Minister Justin Trudeau committed to the development and enactment of an *Indigenous Languages Act*, co-developed with Indigenous Peoples, with the goal of ensuring the preservation, protection, and revitalization of First Nations, Métis, and Inuit languages in this country; and
- G. First Nations in British Columbia have a vested interest in ensuring that initiatives aimed at the revitalization of Indigenous languages:
- a. are developed collaboratively with the full participation of First Nations in BC; and
 - b. successfully accomplish revitalization for all Indigenous languages.

THEREFORE BE IT RESOLVED THAT:

1. The BC Assembly of First Nations Chiefs-in-Assembly:
 - a. support the development and enactment of an *Indigenous Languages Act*, co-developed with First Nations, organizations and relevant councils in British Columbia;
 - b. call on the governments of Canada and British Columbia to ensure that all government funded efforts and initiatives respecting Indigenous languages are consistently guided by the objectives of revitalization, preservation and protection of First Nations, Métis, and Inuit languages in Canada;
 - c. call on the governments of Canada and British Columbia to recognize the number of languages and current state of languages in BC;
 - d. call on the governments of Canada and British Columbia to provide the necessary funds to revitalize and maintain BC Indigenous Languages beginning with Budget 2017; and
 - e. call for that comparable and supporting provincial legislation be co-developed with BC First Nations.

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Resolution 05/2017

SUBJECT: TRIPARTITE EDUCATION FRAMEWORK AGREEMENT RENEWAL

MOVED BY: CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND

SECONDED BY: GRAND CHIEF DOUG KELLY, PROXY, SOOWAHLIE FIRST NATION

DECISION: CARRIED
ABSTENTION: TYRONE MCNEIL, PROXY, SEABIRD ISLAND BAND

WHEREAS:

- A. Education is a fundamental human right. For First Nations, this right is uniquely situated within a framework of inherent rights as Indigenous people that are constitutionally protected under section 35 of the *Constitution Act, 1982*, and supported by international mechanisms and instruments, such as the *Convention on the Rights of the Child* and the *United Nations Declaration on the Rights of Indigenous Peoples*;
- B. In 1972, First Nations in Canada endorsed the policy of *Indian Control of Indian Education*, advancing an education approach premised on parental responsibility and local control. This was updated in 2010 by the Assembly of First Nations in its *First Nations Control of First Nations Education* policy position paper. First Nations in BC, and the First Nations Education Steering Committee (FNESEC), continue to work toward full First Nations control of First Nations education;
- C. First Nations in BC have been working together formally for more than two decades to advance quality educational opportunities and improve educational outcomes for all First Nations students and, through their collective efforts, have established a solid foundation for a comprehensive, integrated, well-

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supported BC First Nations education system, which is founded on First Nations' languages and cultures, and reflects the values and traditions of First Nations communities;

- D. Contributing to this system is the Tripartite Education Framework Agreement (TEFA), which was signed on January 27, 2012 by Canada, British Columbia and the FNESC on behalf of First Nations, with implementation beginning September 2012;
- E. The BCAFN Chiefs-in-Assembly reaffirmed their support for the BC First Nations Education System through Resolution No. 06(i)/2011, titled "First Nations Education System", and supported the negotiation of the renewal of TEFA through BCAFN SCA Resolution No. 04/2016, "INAC Evaluation and Audit Branch Review of Tripartite Education Framework Agreement";
- F. TEFA supports the improvement of educational outcomes for all First Nations students in BC attending First Nation, provincial public, and independent schools. TEFA initiated a new funding model for First Nations schools in BC with specific adaptations, based on the provincial funding formula for provincial public schools. It also provides for core and second level services funding for FNESC to provide services to First Nations schools and advocacy for First Nations students in public schools;
- G. TEFA acknowledges the package of Education Jurisdiction Agreements negotiated by Canada, British Columbia and FNESC on behalf of BC First Nations, and supports First Nations' transition to becoming Participating First Nations under that package of Agreements and corresponding legislation;
- H. TEFA expires on March 31, 2017 and commits the Parties to renewal discussion six months prior to its expiry;
- I. Through the experience of implementing TEFA, FNESC identified key policy objectives and began early preparation for the renewal of TEFA to ensure that issues of key concern and importance to First Nations and First Nations learners are effectively addressed in a renewed TEFA;
- J. TEFA renewal discussions began in August 2016, and by December 2016, it was clarified that Indigenous and Northern Affairs Canada (INAC) did not have a mandate to renew TEFA with additional funding to meet the outstanding needs identified by First Nations and First Nation schools – in particular for language, culture and technology. Canada made assumptions and did not appropriately prepare for enhanced funding for a renewed TEFA, effectively forcing the need for an extension of TEFA;
- K. Canada released Budget 2016 and included new investments in First Nations education. However, it was clarified at the TEFA renewal table that BC Region will be held at the 2016 funding level going forward and will not be eligible for increases in 2017-18, allowing INAC to provide more funding to other regions;
- L. Despite the progress and achievements in building the BC First Nations Education System to date, there is still much work to be done to achieve parity in student results and to ensure that the gap does not widen. BC First Nations identified language, culture and technology as outstanding needs in 2012 to be meaningfully addressed in a renewed TEFA. Funding must support the revitalization and preservation of languages and cultures, and the ability of First Nations schools and students to realize parity with technological advances and to support successful student learning outcomes;

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- M. When the new Liberal Government took office in November 2015, it committed to a Nation-to Nation relationship with Indigenous Nations, and to working in partnership. This includes being respectful of regional approaches and First Nations control of First Nations education, as well as investing in First Nations education in a significant way. On December 6th, 2016, Prime Minister Trudeau announced that Canada will introduce an *Indigenous Languages Act* in hopes of preserving and revitalizing First Nations, Métis and Inuit languages in Canada. On December 21st, 2016, the Canadian Radio-television and Telecommunications Commission declared broadband internet a basic telecommunications service. These announcements affirm the importance of advancing language, culture and technology in First Nations education; and
- N. Canada will celebrate its 150th anniversary in 2017, and reconciliation under section 35 of the *Constitution Act, 1982* remains an ongoing imperative, which includes education. The historic attempt at cultural genocide and ongoing legacy of the colonial residential school education program can only be eradicated through genuine reconciliation and achieving full First Nations control of First Nations education.

THEREFORE BE IT RESOLVED THAT:

1. The BC Assembly of First Nations Chiefs-in-Assembly call upon the Government of Canada to uphold and be fully accountable for the Government's commitment to:
 - a. support First Nations control of First Nations education;
 - b. respect regional approaches to education; and
 - c. work in partnership with First Nations to realize their direction, goals, and abstain from unilateral decision making.
2. The BC Assembly of First Nations Chiefs-in-Assembly will work in full partnership with FNESC to develop appropriate federal mechanisms (i.e. submissions to Cabinet and Treasury Board) to achieve funding that supports the continued development and evolution of the BC First Nations Education System.

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BCAFN SPECIAL CHIEFS ASSEMBLY
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Resolution 06/2017

SUBJECT: INDIGENOUS NATIONS JURISDICTION OVER CHILDREN AND FAMILIES

MOVED BY: CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND

SECONDED BY: CHIEF DON TOM, TSARTLIP FIRST NATION

DECISION: CARRIED
OPPOSED: CHIEF WILF ADAM, LAKE BABINE FIRST NATION

WHEREAS:

- A. Indigenous Peoples have the right to self-determination, which includes jurisdiction over our children and families. Canada's constitutional framework recognizes and protects the continuity of Indigenous laws and traditions;
- B. Canada's common law continues to recognize the inherent jurisdiction of Indigenous Peoples over matters internal to them, including child welfare: *Connolly v. Wolrich*; *Casimer v. I.C.B.C.*; *R. v. VanderPeet*; *Campbell v. BC(AG)*, and *Re Kaden Decision (1961)*;
- C. Provincial Minister of Justice Suzanne Anton sent a letter on May 27th, 2016, to the BC Representative for Children and Youth which commits the Government of British Columbia to work collaboratively with First Nations in implementing new approaches to self-governance, as well as to begin discussions on child welfare jurisdiction and services with First Nations;
- D. The *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)* recognizes the rights of Indigenous Peoples to flourish as Peoples caring for children and families according to our own languages, laws and social structures;

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- E. As per BC Assembly of First Nations (BCAFN) Resolutions 04(b)/2014, 04(d)/2015, and 22/2016, First Nations and their representative organizations have continued to advocate for the reform of Child and Family Services due to the continued apprehension of First Nations children into foster care, the lack of resources to assist families following apprehension, and the need for First Nations jurisdiction over children and families;
- F. The Province, Canada, and the First Nations Leadership Council committed to work together in a Tripartite Working Group to address current policy and legislative frameworks related to First Nations Children and Families;
- G. It has been recognized that many First Nations want to assert their inherent jurisdiction in the management and development of their own Child and Family Services that respond to the unique needs of their communities; and
- H. Removing First Nations children from their homes and placing them in foster care frequently leads to devastating outcomes, including: broken cultural and family ties, lack of academic achievement, substance abuse, and suicidal tendencies along with other negative indicators.

THEREFORE BE IT RESOLVED THAT:

1. The BC Assembly of First Nations Chiefs-in-Assembly reaffirm their support for BCAFN Resolution 22/2016, "Draft Actions Framework: Reconciliation, Self-Determinations and Self-Government for Indigenous Children, Families and Nations in BC."
2. The BC Assembly of First Nations Chiefs-in-Assembly recognize that each First Nation has the right to determine and develop their own child welfare models, legislation, regulations, policies and practices standards, and fully support any and all First Nations in exercising their respective jurisdiction and authority over the care and wellbeing of their children and families.
3. The BC Assembly of First Nations Chiefs-in-Assembly support any and all First Nations' efforts to exercise and secure recognition of their jurisdiction and authority over children and families.
4. The BC Assembly of First Nations Chiefs-in-Assembly fully support all Indigenous Nations' inherent right to care for their children, a right protected by the Constitution of Canada and recognized by *UNDRIP*.
5. The BC Assembly of First Nations Chiefs-in-Assembly direct the Acting Regional Chief to communicate to the governments of BC and Canada their full support for the work on Child Welfare reform currently underway under the Tripartite processes between Indigenous Nations, BC, and Canada, in full collaboration with BCAFN, First Nations Summit and the Union of BC Indian Chiefs (collectively known as the "First Nations Leadership Council"), First Nations Sectoral Councils, Delegated Agencies and the First Nations Directors Forum.

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Resolution 07/2017

SUBJECT: ENDORSEMENT OF FIRST NATIONS LEADERSHIP COUNCIL APPOINTMENTS OF TWO DIRECTORS TO THE NEW RELATIONSHIP TRUST – 2016

MOVED BY: KUKPI7 WAYNE CHRISTIAN, SPLATSIN INDIAN BAND

SECONDED BY: GRAND CHIEF DOUG KELLY, PROXY, SOOWAHLIE

DECISION: CARRIED
ABSTENTIONS: CHIEF DAVID JIMMIE, SQUIALA FIRST NATION

WHEREAS:

- A. The New Relationship Trust was established on March 31, 2006 with the passing of the *New Relationship Trust Act*, the appointment of the first Directors and the transfer of \$100 million from the Ministry of Aboriginal Relations and Reconciliation to the Trust;
- B. The purpose of the New Relationship Trust fund is to provide resources to assist First Nations to build their own capacity to participate in the processes and activities envisioned by, and that evolve from, the New Relationship between the Government of British Columbia and First Nations in British Columbia by enhancing First Nation governance, leadership and institutional and human resources capacity to address social, cultural and economic needs and priorities, including, shared decision making, land use planning, land and resource management, revenue and benefit sharing, community planning, and consultation and other interactions;
- C. The New Relationship Trust has a Board of Directors consisting of seven individuals. The Directors are appointed by the following bodies: one individual each appointed by the First Nations Summit, the Union of British Columbia Indian Chiefs and the British Columbia Assembly of First Nations, two individuals appointed jointly by the First Nations Leadership Council, and two individuals appointed by

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the Province of British Columbia;

- D. The *New Relationship Trust Act* was amended by the Miscellaneous Statutes Amendment Act, 2012, SBC 2012, c 9 to extend the terms of the directors of the New Relationship Trust from two years to three years, and to implement staggered terms. In order to effect the staggering of terms, the first term for the two appointees of the First Nations Leadership Council after the amendment was one year (December 01, 2012- December 01, 2013). All subsequent terms for the two appointees of the First Nations Leadership Council will be three years;
- E. The First Nations Leadership Council appointed two Directors to the New Relationship Trust for a three-year term ending on December 01, 2019; and
- F. Chief David Jimmie of the Squiala First Nation and Miles Richardson of the Haida Nation were identified by the First Nations Leadership Council to sit as Directors on the New Relationship Trust.

THEREFORE BE IT RESOLVED THAT:

- 1. The BC Assembly of First Nations Chiefs-in-Assembly endorse the First Nations Leadership Council's appointments of Chief David Jimmie of the Squiala First Nation, and Miles Richardson of the Haida Nation, as Directors of the New Relationship Trust for a three-year term effective December 01, 2016 and ending on November 30, 2019.

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Resolution 08/2017

SUBJECT: RESPECT STK'EMLÚPSEMC TE SECWEP EMC NATION PÍPSELL DECISION

MOVED BY: KUKPI7 RON IGNACE, SKEETCHESTN INDIAN BAND

SECONDED BY: KUKPI7 FRED SEYMOUR, TK'EMLÚPS TE SECWEP EMC

DECISION: CARRIED

WHEREAS:

- A. In October 2016, BCAFN Annual General Meeting Resolution 29/2016, "Respect Stk'emlupsemc te Secwepemc Nation Project Assessment Process" was carried by consensus, wherein the Chiefs-in-Assembly called upon federal, provincial and territorial governments to recognize and respect the Stk'emlupsemc te Secwepemc Nation (SSN) Indigenous Environmental Assessment Process, and declared that no project will proceed without the informed consent of Stk'emlupsemc te Secwepemc Nation;
- B. SSN have an Aboriginal right to fully participate in any decision which may affect their Aboriginal rights and title, and to maintain and develop their own Indigenous decision-making institutions;
- C. The SSN Review was developed as a process to review the proposed Ajax mine in accordance with our SSN stsq'ey' and governance. It facilitated informed decision-making by our communities, in a manner which is consistent with SSN laws, traditions and customs. It assessed the Ajax mine proposal in a way that respects our knowledge and perspectives;
- D. On March 4, 2017 at a Ceremonial Release Event at Tk'emlúps, the SSN shared the Pípsell Decision of the Stk'emlupsemc te Secwepemc regarding a proposal by KGHM Ajax Mining Inc. to build and operate a

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copper and gold mine within Stk'emplúsemc te Secwepemcúl'ecw. The project is known as the Ajax mine. The Ajax mine is proposed to be constructed in an area known to us as Pípsell.

- a. The SSN does not give its free, prior and informed consent to the development of the lands and resources at Pípsell for the purposes of the Ajax Mine Project. The Ajax Mine Project in its proposed location at Pípsell is fundamentally in opposition to the SSN land use objective for this sacred site;
 - b. Pípsell is a cultural keystone area which must be preserved in a state consistent with the traditional importance of the site to the Secwepemc people. Pípsell must only be used in ways which preserve and sustain the area, which allow for the culture of the Secwepemc people to be exercised and maintained, and which preserve the use of Pípsell for all Canadians in accordance with Secwepemc law; and
 - c. The decision of the SSN Joint Council is made in accordance with Stk'emplúsemc te Secwepemc Nation's laws, traditions, customs and land tenure systems supported by the evidence and assessments as presented in the Pípsell Report and SSN Panel Recommendations Report, and in recognition that Pípsell is a cultural keystone area with significant spiritual and historical importance to the Stk'emplúsemc te Secwepemc Nation, which significance is fundamental and undiminished.
- E. In December 2016, Prime Minister Justin Trudeau laid out his plan to reset Canada's relationship with its Indigenous peoples and stated, "It is time for a renewed, nation-to-nation relationship with First Nations peoples, one that understands that the constitutionally guaranteed rights of First Nations in Canada are not an inconvenience but rather a sacred obligation." On February 22, 2017, the Prime Minister announced that his government has assembled a working group of ministers to review all federal laws and policies as they relate to Indigenous peoples.
- a. The group comprises six federal ministers, including Indigenous Affairs Minister Carolyn Bennett, Fisheries Minister Dominic LeBlanc, Justice Minister Jody Wilson-Raybould, Health Minister Jane Philpott, Families Minister Jean-Yves Duclos and Natural Resources Minister Jim Carr; and
- F. On March 10, 2017, Federal Environment Minister Catherine McKenna stated her support for a greater role for First Nations in creating new protected areas and managing the ones Canada already has as a means of meeting its international goal of conserving 17 per cent of its land by 2020. Canada's national goals and targets support the global Strategic Plan for Biodiversity 2011-2020 adopted by Canada and other Parties to the Convention on Biological Diversity in 2010. Minister McKenna further stated that, "We also believe that Indigenous protected areas will be an important approach to meeting our targets [and] also responding to the desire of Indigenous peoples to determine how best to create healthier, more prosperous communities while protecting their land."

THEREFORE BE IT RESOLVED THAT:

1. The BC Assembly of First Nations Chiefs-in-Assembly call upon federal, provincial, territorial, regional and municipal governments to recognize and respect the Stk'emplúsemc te Secwepemc Nation Pípsell Decision.
2. The BC Assembly of First Nations Chiefs-in-Assembly direct the federal and provincial governments to undertake discussions on a nation-to-nation basis to ensure the Stk'emplúsemc te Secwepemc Nation's

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Pípsell Decision is fully recognized, respected and integrated in the Ministers of Environment's decision based on the significant adverse environmental effects identified through the SSN's Pípsell Decision Package. The federal and provincial decision must include and be informed by the Indigenous Environmental Assessment Process and consider not only the likelihood of the project to cause significant adverse environmental effects, but also the development of a decision making process that recognizes the likelihood of the project causing significant adverse effects and infringement on the Stk'emplusemc te Secwepemc Nation's Aboriginal title and rights, including provisions under the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*.

3. The BC Assembly of First Nations Chiefs-in-Assembly call upon the Prime Minister to include the Minister of Environment in its working group of ministers tasked with reviewing all federal laws and policies as they relate to Indigenous peoples. This must include the review and inclusion of the Canadian Environmental Assessment Act Comprehensive Review Expert Panel Recommendations Report in a manner consistent with *UNDRIP* 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.”

4. The BC Assembly of First Nations Chiefs-in-Assembly call upon the Minister of Environment to undertake discussions on a nation-to-nation basis regarding the creation of an Indigenous Protected Area, and respecting the SSN recommendation requiring all necessary steps be taken to protect and recognize the cultural heritage status of Pípsell. This includes, as an act of reconciliation, restoring and revitalizing Pípsell to its historic state prior to non-Indigenous use.

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BCAFN SPECIAL CHIEFS ASSEMBLY
Moccasin Square Garden, Kamloops, BC
March 27-28, 2017

Resolution 09/2017

SUBJECT: PROTECTION OF ORCA WHALES AND HABITAT

MOVED BY: DOUG WHITE, PROXY, SNUNEYMUXW FIRST NATION

SECONDED BY: CHIEF DON TOM, TSARTLIP FIRST NATION

DECISION: CARRIED

WHEREAS:

- A. The *Orcinus orca* whale, commonly known as the killer whale, is the largest member of the dolphin family. In the Pacific waters there are three distinct groups of killer whale including residents, transients, and offshore. These whales inhabit the waters, inlets, and rivers of British Columbia;
- B. The killer whale has significant cultural and spiritual relevance to First Nations in BC;
- C. The killer whale is protected under the federal *Species at Risk Act* (SARA), with additional protection under the Marine Mammal Regulations of the *Fisheries Act*. The whales are listed under SARA as an endangered and threatened species;
- D. SARA defines an "endangered species" as "a wildlife species that is facing imminent extirpation or extinction." SARA also defines a "threatened species" as "a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction";
- E. As per the listing under SARA, the Department of Fisheries and Oceans (DFO) is required to create plans for the species' recovery and protection; these plans have generally not been updated since 2009. A core part of the planning process is the identification and protection of critical habitat necessary for the

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survival and recovery of the species. Protection of the killer whale's critical habitat includes their food source and the quality of their environment, as required by SARA;

- F. The Minister of Fisheries and Oceans is charged with the duty to protect the critical habitat of killer whales. Further, the Minister of the Environment must protect critical habitat on federal lands which overlap with the resident killer whales' critical habitat;
- G. Killer whales are particularly vulnerable to various threats, which impact upon their recovery and contribute to further decline in population. Such threats include:
 - a. Declining food sources;
 - b. Physical and acoustic disturbance; and
 - c. Declining marine environment resulting from noise pollution and toxic contamination from accumulated pollutants.
- H. In the fall of 2008, Raincoast Conservation Foundation and other conservation groups, represented by Ecojustice, successfully brought a lawsuit to protect Canada's two populations of resident killer whales on the basis of DFO's obligation to protect the critical habitat of threatened and endangered whales;
- I. The approval of Kinder Morgan's Trans Mountain pipeline expansion will increase tanker traffic and will bring increased threats to the killer whales in the form of noise pollution and declining marine environment, impacting the survival and wellbeing of killer whale populations and their ability to communicate with one another; and
- J. Honourable Minister of Fisheries and Oceans Dominic LeBlanc has told the Canadian Press that he has been working with Honourable Minister of Transport Mark Garneau on a revamped recovery plan and is seeking a way to regulate underwater shipping noise as part of their plan to protect the endangered killer whales.

THEREFORE BE IT RESOLVED THAT:

- 1. The BC Assembly of First Nations Chiefs-in-Assembly support the continued protection of BC's resident, transient and offshore killer whales; and
- 2. The BC Assembly of First Nations Chiefs-in-Assembly direct the Acting Regional Chief to call on the Government of Canada to take a whole of government approach in protecting the critical habitat of Pacific region orca whales, including developing separate action plans to address endangered southern residents, threatened northern whales, the protection and preservation of critical habitat and food supply, and, addressing physical and acoustic disturbance.

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BCAFN SPECIAL CHIEFS ASSEMBLY
Moccasin Square Garden, Kamloops, BC
March 27-28, 2017

Resolution 10(a-i)/2017

SUBJECT: OMNIBUS RESOLUTION TO ADOPT NINE RESOLUTIONS

MOVED BY: CHIEF SUSAN MILLER, KATZIE FIRST NATION

SECONDED BY: CHIEF DON TOM, TSARTLIP FIRST NATION

DECISION: CARRIED

WHEREAS:

- A. Upon review of the draft resolutions, it was determined that nine of the resolutions were resolutions that the BC Assembly of First Nations (BCAFN) Chiefs-in-Assembly could support via an omnibus resolution.

THEREFORE BE IT RESOLVED THAT:

1. The BC Assembly of First Nations Chiefs-in-Assembly hereby adopt the following resolutions:

Number	Resolution Title
10(a)/2017	SUPPORT FOR THE SPECIAL ADVISOR'S REPORT ON INDIGENOUS CHILD WELFARE TITLED <i>INDIGENOUS RESILIENCE, CONNECTEDNESS AND REUNIFICATION – FROM ROOT CAUSES TO ROOT SOLUTIONS</i>
10(b)/2017	SUPPORT FOR THE ABORIGINAL COALITION TO END HOMELESSNESS (ACEH)
10(c)/2017	SUPPORT FOR FIRST NATIONS IN ADDRESSING CAPACITY BUILDING FOR THE USE AND BENEFIT OF DIGITAL CONNECTED TECHNOLOGY
10(d)/2017	SUPPORT FOR FIRST NATIONS FISHERIES COUNCIL SUBMISSION TO THE PARLIAMENTARY STANDING COMMITTEE ON TRANSPORT, INFRASTRUCTURE AND COMMUNITIES REGARDING NAVIGATION PROTECTION ACT REVIEW

10(e)/2017	SUPPORT FOR FIRST NATIONS FISHERIES COUNCIL SUBMISSION TO THE PARLIAMENTARY STANDING COMMITTEE ON FISHERIES AND OCEANS REGARDING FISHERIES ACT REVIEW
10(f)/2017	SUPPORT FOR THE BLUEBERRY RIVER FIRST NATIONS IN THEIR TREATY LAND ENTITLEMENT CLAIMS
10(g)/2017	SUPPORT FOR BC ABORIGINAL JUSTICE COUNCIL STRATEGIC PLAN 2016 – 2020
10(h)/2017	SUPPORT FOR BILL S-215, <i>AN ACT TO AMEND THE CRIMINAL CODE (SENTENCING FOR VIOLENT OFFENCES AGAINST ABORIGINAL WOMEN)</i> AND CALL TO ACTION
10(i)/2017	SUPPORT FOR FIRST NATIONS MAJOR PROJECTS COALITION



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Moccasin Square Garden, Kamloops, BC
March 27-28, 2017

Resolution 10(a)/2017

SUBJECT: **SUPPORT FOR THE SPECIAL ADVISOR'S FINAL REPORT ON INDIGENOUS CHILD WELFARE TITLED *INDIGENOUS RESILIENCE, CONNECTEDNESS AND REUNIFICATION – FROM ROOT CAUSES TO ROOT SOLUTIONS***

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. In September 2015, Grand Chief Edward John was appointed by the BC government as Special Advisor on Indigenous Children in Care;
- B. In that role he travelled to many Indigenous communities to hear directly from the families and communities whose children are in care;
- C. The Special Advisor's mandate included: engaging with Aboriginal, First Nation and Métis communities on permanency discussions; reviewing policy and legislation within the Ministry to find ways to improve the overrepresentation of Indigenous children in care; and providing Early Years advice to the Minister of Children and Family Development;
- D. In this role, the Special Advisor was requested to prepare reports to the Minister regarding progress, identification of barriers and potential strategies to address them. Further, the Special Advisor was mandated to submit a final report summarizing activities relating to permanency planning, addressing items in The Council of the Federation report, and any activity relating to early childhood development;

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- E. On November 21, 2016, in a special ceremony that included the Premier, Minister of Children and Family Development and Indigenous leaders, the Special Advisor presented his final report, *Indigenous Resilience, Connectedness and Reunification – From Root Causes to Root Solutions* (the Report); and
- F. The final report contains 85 recommendations to overhaul the child welfare system and improve outcomes for Indigenous children and youth in BC by changing the focus from intervention and separation to strengthening and keeping families together.

THEREFORE BE IT RESOLVED THAT:

1. The BC Assembly of First Nations Chiefs-in-Assembly acknowledge receipt of the Special Advisor’s final report on Indigenous Children in Care: *Indigenous Resilience, Connectedness and Reunification – From Root Causes to Root Solutions*.
2. The BC Assembly of First Nations Chiefs-in-Assembly support and endorse the Report, *Indigenous Resilience, Connectedness and Reunification – From Root Causes to Root Solutions*, including its identification of:
 - a. the necessary government investments required to support and enhance the health and well-being of Indigenous children in BC; and
 - b. a path forward for First Nations and governments to work together to prioritize the health and well-being of Indigenous children in BC.
3. The BC Assembly of First Nations Chiefs-in-Assembly call on the governments of BC and Canada to support, prioritize, and implement all 85 recommendations contained in the Report.
4. The BC Assembly of First Nations Chiefs-in-Assembly advocate for Canada to fully comply with the Canadian Human Rights Tribunal Ruling on the continued discriminatory inequitable funding for First Nations Children and families.

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BCAFN SPECIAL CHIEFS ASSEMBLY
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March 27-28, 2017

Resolution 10(b)/2017

SUBJECT: SUPPORT FOR THE ABORIGINAL COALITION TO END HOMELESSNESS

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Articles 4, 18, 21 and 23 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) state Indigenous peoples have the right to self-determination without discrimination, to participate in decision-making in matters which would affect their rights; to improve their economic and social conditions, including, inter alia, in the areas housing, sanitation, health and social security; to determine and develop priorities and strategies for exercising their right to development, including the right to be actively involved in developing and determining housing programs and, as far as possible, to administer, as well as finding the ways and means of funding such programs, through their own institutions;
- B. The 10 Principles and 94 Calls to Action of the Truth and Reconciliation Commission (TRC) of Canada guide us towards repairing relationships between Indigenous and non-Indigenous peoples; including building a more just and equitable future for building healthy communities, achieving human rights, and advancing awareness, and advancing capacity building;
- C. Indigenous peoples continue to face discrimination in housing, which impedes the improvement of economic and social conditions;

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- D. Vancouver Island First Nation and Indigenous peoples and communities face significant barriers with respect to housing both on and off-reserve; and the movement of our people into urban centers presents unique challenges where there are no comprehensive First Nations or Indigenous-based services or organizations dedicated to addressing housing needs and homelessness; and
- E. The ACEH is administered by a Board of Directors of Aboriginal, First Nations, Indigenous, and Metis governments, groups and organizations from across Vancouver Island; and offers a pathway for determining and developing comprehensive and culturally appropriate programs needed to deal with Aboriginal and Indigenous off-reserve homelessness and housing issues.
- F. ACEH is primarily focused on Victoria, BC, however plans to extend its work across Vancouver Island because homelessness and housing are interconnected issues that affect every Aboriginal, First Nations, and Indigenous family.

THEREFORE BE IT RESOLVED THAT:

1. The British Columbia Assembly of First Nations Chiefs-in-Assembly fully support the Aboriginal Coalition to End Homelessness (ACEH) whose primary focus is currently Victoria, B.C, and supports the Coalition in their plans to extend their work across Vancouver Island.
2. The British Columbia Assembly of First Nations Chiefs-in-Assembly direct the A/Regional Chief to open a dialogue with the Federal Government, BC Provincial Government, the Municipal Governments and the Union of BC Municipalities, to address Aboriginal and Indigenous off-reserve homelessness and housing across BC through the spirit of UNDRIP Articles 4, 18, 21 and 23, and the TRC's 10 Principles and 94 Calls to Action.

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Resolution 10(c)/2017

SUBJECT: SUPPORT FOR FIRST NATIONS IN ADDRESSING CAPACITY BUILDING FOR THE USE AND BENEFIT OF DIGITAL CONNECTED TECHNOLOGY

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. There are significant challenges of trying to meet the different technology needs of 203 First Nations throughout BC;
- B. The Province of BC has committed to high speed internet, but far too many rural and remote First Nation communities still lack broadband connectivity. In addition, the The Canadian Radio-television and Telecommunications Commission (CRTC) has stated connectivity as a basic essential service at 50MB download and 10MB upload speeds;
- C. In 2002, the First Nations Technology Council (FNTC) was mandated by the BC Assembly of First Nations, First Nations Summit and the Union of BC Indian Chiefs to address the technology related needs of the 203 First Nations communities in BC to ensure that all 203 First Nations communities in BC have access to the Internet and the capacity to utilize digital technologies to the fullest potential. The FNTC Board is comprised of representatives appointed by the First Nation Summit, Union of BC Indian Chiefs and BC Assembly of First Nations;
- D. In March 2008, without First Nations consultation, the Province of British Columbia granted \$22.5 million to the All Nations Trust Company (ANTCO) without First Nations consultation, to address the digital divide for First Nations in BC, including for capacity building. Further, in November 2008, BC

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transferred an additional \$18.3 million to ANTCO without consultation with First Nations;

- E. In 2010, Indigenous and Northern Affairs Canada (INAC) awarded an additional \$8 million to ANTCO from the First Nations Infrastructure fund, without consultation with First Nations. Between 2015 and 2016 an additional \$10,760,852 was provided to ANTCO from INAC;
- F. To date, ANTCO has received \$59.6 million in government funding on behalf of First Nations in BC without substantial input from First Nations Leadership, \$32.9 million remains unspent, and many First Nations continue to lack access to internet;
- G. Pathways to Technology, a project managed by ANTCO, is an initiative to bring affordable and reliable high-speed Internet to all 203 First Nations in BC;
- H. First Nations in BC continue to experience significant challenges in accessing the necessary resources to improve technical support, technology training, and securing a reliable internet connections for First Nations;
- I. The federal department of Innovation, Science and Economic Development Canada has committed \$500 million for connectivity and the CRTC has asked service providers to collect \$750 million for connectivity; and
- J. That lack of connectivity in First Nations has impeded students access to education in technology.

THEREFORE BE IT RESOLVED THAT:

1. That the BC Assembly of First Nations Chiefs-in-Assembly call upon the Governments of British Columbia and Canada to work with the First Nations Summit, the Union of BC Indian Chiefs to engage the All Nations Trust Company (ANTCO) in creating strategies for the release of funds to the First Nations Technology Council for the exclusive use and benefit of First Nations in BC that are working to address capacity building for the use and benefit of digital and connected technology.
2. That BC Assembly of First Nations Chiefs-in-Assembly direct any new funding for First Nation connectivity and capacity be put in place for use and distribution by the First Nation Technology Council working with the BC Assembly of First Nations, Union of BC Indian Chiefs, and First Nations Summit (collectively the First Nations Leadership Council (FNLC)).
3. That BC Assembly of First Nations Chiefs-in-Assembly direct the First Nation Technology Council to convene meetings of all those organizations involved in technology capacity or connectivity to begin mapping a process to better meet First Nations technology needs for implementation as soon as practicable.
4. That BC Assembly of First Nations Chiefs-in-Assembly direct the First Nation Technology Council to provide regular updates to the BC Assembly of First Nations, Union of BC Indian Chiefs and First Nations Summit.

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5. That BC Assembly of First Nations Chiefs-in-Assembly direct ANTCO to provide full disclosure on how the funds have been allocated, and/or expended, as well as the interest rates on the above allocated funding.

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BCAFN SPECIAL CHIEFS ASSEMBLY
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March 27-28, 2017

Resolution 10(d)/2017

SUBJECT: **SUPPORT FOR FIRST NATIONS FISHERIES COUNCIL SUBMISSION TO THE
PARLIAMENTARY STANDING COMMITTEE ON TRANSPORT, INFRASTRUCTURE
AND COMMUNITIES REGARDING *NAVIGATION PROTECTION ACT* REVIEW**

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Without consultation with BC First Nations, in 2012 the Conservative Federal Government introduced changes to the *Navigation Protection Act* (NPA) as part of Omnibus Bill C-45, which drastically reduced the number of waterways protected by the NPA, leaving 99% of lakes, rivers and oceans in Canada unprotected under this legislation, and exempting several major industrial projects from federal purview;
- B. Prime Minister Trudeau has directed the Minister of Transport to review the 2012/2013 changes to the *Navigation Protection Act*;
 - a. The Parliamentary Standing Committee on Transport, Infrastructure and Communities has been tasked with conducting this review;
 - b. The review was announced in June 2016;
 - c. The deadline for submissions to the Standing Committee was December 7, 2016; and
 - d. The deadline for submissions directly to the Minister of Transport is January 31, 2017.
- C. The First Nations Fisheries Council (FNFC) retained JFK Law Corporation to conduct a legal analysis as part of their submission to the Standing Committee, which focuses on the need to restore the weakened

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environmental protection of waterways, restoring accountability, transparency and public participation in decision-making, protections as they relate to Aboriginal Title and Rights and the absence of modern federal water policy or law that recognizes Aboriginal Water Rights, and the need for a comprehensive strategy to protect water that integrates our deeper knowledge of water in the environment. The submission was put forward to the Standing Committee on November 30, 2016 (deadline December 7, 2016); and

- D. The FNFC's submission reflects the need for the Government of Canada to properly consult with all First Nations Title and Rights holders on matters related to water protection, policy, management and legislation, and to engage in co-management with First Nations. Implementation of the recommendations put forward in the submission would improve the environmental protection of navigable waterways on which First Nations across the province have always relied for health and for cultural, spiritual and economic wellbeing. The submission also seeks to uphold the Section 35(1) Rights of all BC First Nations.

THEREFORE BE IT RESOLVED THAT:

1. The BC Assembly of First Nations Chiefs-in-Assembly support the First Nations Fisheries Council (FNFC) submission to the Standing Committee on Transport, Infrastructure and Communities regarding the review of changes to the *Navigation Protection Act*.

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Resolution 10(e)/2017

SUBJECT: **SUPPORT FOR FIRST NATIONS FISHERIES COUNCIL SUBMISSION TO THE
PARLIAMENTARY STANDING COMMITTEE ON FISHERIES AND OCEANS
REGARDING *FISHERIES ACT* REVIEW**

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Without consultation with BC First Nations, in 2012 the Conservative Federal Government introduced changes to the *Fisheries Act* as part of Omnibus Bill C-38, which weakened habitat protections, attempted to limit the scope of Aboriginal fisheries, and reduced oversight of projects that could negatively affect aquatic resources;
- B. Prime Minister Trudeau has directed the Minister of Fisheries, Oceans and the Canadian Coast Guard to review the 2012/2013 changes to the *Fisheries Act*, restore lost protections, and incorporate modern safeguards;
 - a. The Parliamentary Standing Committee on Fisheries and Oceans has been tasked with conducting this review;
 - b. The review was announced in June 2016;
 - c. The deadline for submissions to the Standing Committee was November 29, 2016; and
 - d. The deadline for First Nations submissions to the Minister of Fisheries and Oceans is January 31, 2017.

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- C. The First Nations Fisheries Council (FNFC) worked in partnership with regional First Nations organizations throughout the province and Mandell Pinder LLP to develop a submission to the Standing Committee, which focuses on how lost protections under the 2012/13 changes to the Act ought to be remedied, as well as how the Act ought to be modernized (e.g. restoring habitat provisions, omitting language from the Act that seeks to define Aboriginal fisheries, enabling co-management with First Nations, limiting Ministerial discretion). The submission was put forward to the standing committee on the November 29, 2016 deadline; and
- D. The FNFC's submissions reflect the need for the Government of Canada to properly consult with all First Nations Title and Rights holders on matters related to fisheries policy, management and legislation, and to engage in co-management with First Nations. It highlights key elements of the 2012/13 changes to the Act that weakened protections for fish and fish habitat and attempted to limit the scope of Aboriginal fisheries. Implementation of the recommendations put forward in the submission would improve fisheries management practices and increase protection for the fish and aquatic resources on which First Nations across the province have always relied for nutritional, cultural, spiritual and economic wellbeing. The submission also seeks to uphold the Section 35(1) Rights of all BC First Nations.

THEREFORE BE IT RESOLVED THAT:

1. The BC Assembly of First Nations Chiefs-in-Assembly fully support the First Nations Fisheries Council (FNFC) submission to the Standing Committee on Fisheries and Oceans regarding the review of changes to the *Fisheries Act*.

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BCAFN SPECIAL CHIEFS ASSEMBLY
Moccasin Square Gardens, Kamloops, BC
March 27-28, 2017

Resolution 10(f)/2017

SUBJECT: SUPPORT FOR BLUEBERRY RIVER FIRST NATION IN THEIR TREATY LAND ENTITLEMENT CLAIMS

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Ancestors of the Blueberry River First Nation (BRFN) signed Treaty 8 in 1900 and have been waiting for the Crown to fulfill its obligations to provide adequate reserve land since that time;
- B. BRFN filed its Treaty Land Entitlement (TLE) claims in 1999, and the claims were accepted for negotiation in 2004;
- C. BRFN and the Province of BC have been engaged in the negotiation and land selection process since 2005, through which BRFN selected the lands that the Province of BC is obligated to set aside for reserves, as required under the terms of Treaty 8;
- D. In 2014, BRFN and the Province of BC executed a Memorandum of Understanding (MOU) confirming the amount and specific location of lands to be transferred to Blueberry as part of settlement of its TLE claim;
- E. In April 2016, Canada made an offer to settle the monetary component of BRFN's TLE claim, which BRFN accepted – with the 2014 agreement with the Province on lands in place, Blueberry expected to immediately finalize its TLE settlement with all parties;

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- F. Since August 2016, the Province of BC has been corresponding and meeting with the MLA Stakeholder Advisory Committee led by provincial MLA Pat Pimm that is actively seeking to have BRFN's TLE lands withheld from settlement. MLA Pat Pimm further tabled a concerning report titled, "MLA Stakeholder Advisory Committee Lands Transfer Recommendations," in the BC Legislature on March 8th, 2017;
- G. While BRFN has written numerous letters to the Premier and Minister Rustad since August 2016 regarding its TLE lands, neither has agreed to meet BRFN Chief and Council;
- H. In February 2017, the Province advised BRFN that the Province did not intend to proceed with the land settlement, with promised interim protection, as agreed upon in 2014;
- I. BRFN has spent a decade and hundreds of thousands of dollars negotiating carefully crafted and mutually agreed upon claims only to have the Province back out in the 11th hour, in a manner that is contrary to BRFN's constitutionally protected Treaty rights and the honour of the Crown;
- J. The Province has continued to assert legal positions and policies that are in direct opposition to the aims of the Truth and Reconciliation Commission Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples, and the new relationship with Aboriginal peoples that is based on Nation to Nation relations; and
- K. The Chiefs-in-Assembly recognize the importance of engaging in good faith negotiations to make best use of the limited time and funds of First Nations, and are concerned that the Province's tactics may amount to bad faith negotiations.

THEREFORE BE IT RESOLVED THAT:

1. The BC Assembly of First Nations Chiefs-in-Assembly support Blueberry River First Nation in the advancement of settling their Treaty Land Entitlement (TLE) claims and call on the Provincial government to maintain the honor of the Crown and honor its commitments made in the 2014 MOU to transfer the lands previously agreed upon.
2. The BC Assembly of First Nations Chiefs-in-Assembly direct the BC Assembly of First Nations to work with the Union of BC Indian Chiefs and the First Nations Summit to bring this matter to the attention of the Province and Canada for resolution.
3. The BC Assembly of First Nations Chiefs-in-Assembly direct the BCAFN Acting Regional Chief to continue to engage with the Province of BC and Canada to update its laws and policies to reflect commitments made by the Federal government, including "a joint effort with Indigenous peoples to de-colonize Canada's laws and policies," and comply with the United Nations Declaration on the Rights of Indigenous Peoples and the implementation of the Truth and Reconciliation Commission's Calls to Action.

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Maureen Chapman, BC Acting Regional Chief



BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

312-345 Chief Alex Thomas Way
Kamloops, BC V2H 1H1
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BCAFN SPECIAL CHIEFS ASSEMBLY
Moccasin Square Garden, Kamloops, BC
March 27-28, 2017

Resolution 10(g)/2017

SUBJECT: SUPPORT FOR BC ABORIGINAL JUSTICE COUNCIL STRATEGIC PLAN 2016 – 2020

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. The BC Aboriginal Justice Council presented its BC Aboriginal Justice Council Strategic Plan 2016 – 2020 (Strategic Plan) at the March 2017 BC Assembly of First Nations Special Chiefs Assembly; and
- B. The Strategic Plan provides direction on the approach to be taken to decrease the overrepresentation of Aboriginal children, youth and adults in the criminal justice and child welfare systems.

THEREFORE BE IT RESOLVED THAT:

1. The BC Assembly of First Nations Chiefs-in-Assembly support the BC Aboriginal Justice Council Strategic Plan 2016 – 2020 as presented at the March 2017 BCAFN Special Chiefs Assembly.

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Resolution 10(h)/2017

SUBJECT: **SUPPORT FOR BILL S-215, AN ACT TO AMEND THE CRIMINAL CODE (SENTENCING FOR VIOLENT OFFENCES AGAINST ABORIGINAL WOMEN) AND CALL TO ACTION**

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) affirms:
 - a. 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.
- B. Indigenous women in Canada, and in British Columbia particularly, are at a higher risk of being victims of violence than non-Aboriginal females, as indicated in the Royal Canadian Mounted Police (RCMP) report titled "Missing and Murdered Aboriginal Women: 2015 Update to the National Operational Overview;"
- C. Aboriginal women continue to be over-represented among Canada's missing and murdered women given their percentage of the Canadian population (4.3%);
- D. The 2015 RCMP report indicated that Indigenous women accounted for 4.3% of the overall female population in Canada but made up 11.3% of missing females and 16% of all female homicides;
- E. On December 11, 2015, Senator Lillian Dyck introduced *Bill S-215 An Act to amend the Criminal Code (sentencing for violent offences against Aboriginal women)* in the Senate, a Bill that would require a

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court to take Aboriginal female identity into account during sentencing of offenders to ensure that there are significant consequences for violent offenses against Aboriginal women;

- F. On July 13, 2016, the Assembly of First Nations passed and adopted Resolution 26/2016, a resolution in support of Bill S-215;
- G. On December 12, 2016, Bill S-215 was passed in the Senate, and it was ordered that a message be sent to the House of Commons to acquaint the House that the Senate has passed the bill, to which it desires its concurrence; and
- H. BC First Nations continue to firmly advocate for change in addressing violence against women and girls in our communities, and acknowledge the benefit of collective action in leading to change.

THEREFORE BE IT RESOLVED THAT:

- 1. The BC Assembly of First Nations Chiefs-in-Assembly support the passage of Bill S-215: *An Act to Amend the Criminal Code (sentencing for violent offences against Aboriginal women)* in the Senate, and in the House of Commons.
- 2. The BC Assembly of First Nations Chiefs-in-Assembly compel all BC Chief and Councils to:
 - a. pass a Band Council Resolution (BCR) in support of Bill S-215; and
 - b. forward the BCR to both Senator Dyck and their local Member of Parliament.
- 3. The BC Assembly of First Nations Chiefs-in-Assembly direct the Acting Regional Chief to meet with Justice Minister Jody Wilson-Raybould to further express support for Bill S-215.

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BCAFN SPECIAL CHIEFS ASSEMBLY
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Resolution 10(i)/2017

SUBJECT: SUPPORT FOR THE FIRST NATIONS MAJOR PROJECTS COALITION

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples states:
 - a. 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;
 - b. 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; and
 - c. 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.
- B. The First Nations Major Projects Coalition is an optional First Nation led process supported by 25 First Nations, inclusive of both elected and hereditary leaders;
- C. The work of the Coalition is focused on the development of options designed to:
 - a. assist First Nations capacity to arrive at Free, Prior, and Informed Consent concerning approval of proposed major projects; and

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- b. improve opportunities for First Nations to secure meaningful economic benefits, and to establish environmental processes that protect our territories from cumulative project impacts.
- D. Some First Nations participating in the Coalition are also participating in the Treaty Process; and
- E. The work of the Coalition supports opportunities for successful interim measures that can enable participating First Nations to build capacity and better position themselves to benefit from the economic activity taking place within their territories in advance of the conclusion of treaties.

THEREFORE BE IT RESOLVED THAT:

1. The BC Assembly of First Nations Chiefs-in-Assembly support the efforts of First Nations participating in the First Nations Major Projects Coalition.
2. The BC Assembly of First Nations Chiefs-in-Assembly recognize the value of the work being undertaken by the Coalition as one mechanism for advancing efforts of First Nations to benefit from the economic activity taking place within traditional territories.

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Maureen Chapman, BC Acting Regional Chief