



# BC ASSEMBLY OF FIRST NATIONS

## BCAFN Annual General Meeting

Online via Zoom  
November 17 & 18, 2020

## RESOLUTIONS LIST

NUMBER	NAME
01/2020	ADOPTION OF THE 2019-20 AUDITED FINANCIAL STATEMENTS
02/2020	APPOINTMENT OF AUDITOR
03/2020	APPOINTMENT TO AFN JOINT NATIONAL WORKING GROUP ON CHILDREN AND FAMILIES
04/2020	APPOINTMENT TO AFN JORDAN'S PRINCIPLE OPERATIONS COMMITTEE
05/2020	APPOINTMENT TO AFN JORDAN'S PRINCIPLE ACTION TABLE
06/2020	SUPPORT FOR BCAFN AND THE AFN TO BE FREE FROM SEXUAL ORIENTATION AND GENDER-BASED DISCRIMINATION, HARASSMENT, VIOLENCE, AND LATERAL VIOLENCE
07/2020	IMPLEMENTATION OF DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT
08/2020	THE DECLINE OF PACIFIC SALMON AND SUPPORT FOR A COHESIVE BC FIRST NATIONS FISHERIES STRATEGY
09/2020	SUPPORT FOR THE MI'KMAQ FISHERS AND PROTECTING THEIR RIGHTS, SAFETY, AND LIVELIHOODS
10/2020	ALIGNING THE SCHOOL ACT WITH THE UN DECLARATION AND CONTESTING THE ASSIGNMENT OF PERSONAL EDUCATION NUMBERS TO CHILDREN IN BC FROM BIRTH
11/2020	APPOINTMENT AND TERMS OF REFERENCE FOR GOVERNANCE COMMITTEE
12/2020	TERMS OF REFERENCE FOR ELECTIONS APPEAL COMMITTEE
13/2020	APPOINTMENT OF ELECTIONS APPEAL COMMITTEE
14/2020	PARITY IN CARBON TAX REBATE APPLICATION
15/2020	PROTECTION OF THE INHERENT RIGHT OF FIRST NATIONS TO USE AND POSSESS EAGLES FEATHERS AND PARTS FOR SOCIAL, CULTURAL AND CEREMONIAL PURPOSES
16/2020	LEGAL STRATEGY TO ADDRESS WILDLIFE MISMANAGEMENT

<b>17/2020</b>	<b>CALL FOR THE DEVELOPMENT OF AN INDIGENOUS YOUTH HOUSING ACTION PLAN</b>
<b>18/2020</b>	<b>SUPPORT FOR FNLC RELATIONSHIP PROTOCOL WITH THE CANADIAN RED CROSS</b>
<b>19/2020</b>	<b>SUPPORT FOR THE INDIGENOUS EARLY LEARNING AND CHILDCARE FUNDING TO FLOW TO THE BC ABORIGINAL CHILD CARE SOCIETY</b>
<b>20/2020</b>	<b>SUPPORT FOR BCACCS AND INDIGENOUS EARLY LEARNING AND CHILDCARE FRAMEWORK AND STRATEGY</b>
<b>21/2020</b>	<b>OMNIBUS TO ADOPT FIVE RESOLUTIONS</b>
<b>(a)</b>	<b>ADDRESSING PRIORITY CONCERNS AND NEEDS OF BC FIRST NATIONS AROUND COVID-19</b>
<b>(b)</b>	<b>IMPLEMENTATION OF AN OLD GROWTH STRATEGY THAT PROTECTS FIRST NATIONS' WELFARE AND ENDANGERED OLD GROWTH FORESTS</b>
<b>(c)</b>	<b>SUPPORT FOR FNLC PARTICIPATION AND MONITORING OF THE INDIGENOUS FLOOD WORKING GROUP AND THE DEVELOPMENT OF THE PROVINCIAL FLOOD RISK STRATEGY</b>
<b>(d)</b>	<b>SUPPORT FOR FIRST NATIONS LEADERSHIP COUNCIL MOU WITH THE BC ABORIGINAL CHILDCARE SOCIETY</b>
<b>(e)</b>	<b>SUPPORT FOR FNLC MOU WITH THE BC OFFICE OF THE HUMAN RIGHTS COMMISSIONER</b>



## BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

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**BCAFN ANNUAL GENERAL MEETING**  
**Online Via Zoom**  
**November 17-18, 2020**

**Resolution 01/2020**

**SUBJECT: ADOPTION OF THE 2019-20 AUDITED FINANCIAL STATEMENTS**

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**Moved BY: CHIEF MAUREEN LUGGI, WET'SUWET'EN FIRST NATION**

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**SECONDED BY: CHIEF JANET WEBSTER, LYTTON FIRST NATION**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. KPMG LLP was appointed through Resolution 09/2019 to act as BCAFN's auditor for a term of one year;
- B. KPMG LLP has prepared and presented an independent auditors' report for the 2019-2020 fiscal year to the Chiefs-in-Assembly.

**THEREFORE BE IT RESOLVED THAT:**

- 1. The BCAFN Chiefs-in-Assembly hereby adopt the 2019-2020 Audited Financial Statements as presented at the BCAFN 17th Annual General Meeting of November 17-18, 2020.

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**Certified copy of a resolution adopted on the 17<sup>th</sup> day of November 2020**

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**Terry Teegee, BC Regional Chief**



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**BCAFN ANNUAL GENERAL MEETING**  
**Online Via Zoom**  
**November 17-18, 2020**

**Resolution 02/2020**

**SUBJECT: APPOINTMENT OF AUDITOR**

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**Moved By: KUKPI7 WAYNE CHRISTIAN, SPLATSIN**

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**SECONDED BY: CHIEF WILLIAM YOVANOVICH, SKIDEGATE BAND**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. Section 11.4 of the BC Assembly of First Nations' Constitution and Bylaws requires the members to appoint an auditor to hold office until the auditor is re-elected or a successor is elected at the next annual general meeting; and
- B. KPMG LLP was the auditor for the BC Assembly of First Nations during the 2019-2020 fiscal year.

**THEREFORE BE IT RESOLVED THAT:**

- 1. The BCAFN Chiefs-in-Assembly hereby appoint KPMG LLP as the auditor for the BC Assembly of First Nations to hold office until the auditor is re-elected or a successor is elected at the next annual general meeting.

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**Terry Teegee, BC Regional Chief**



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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online Via Zoom**

**Resolution 03/2020**

**SUBJECT: APPOINTMENT TO AFN JOINT NATIONAL WORKING GROUP ON CHILDREN AND FAMILIES**

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**MOVED BY: CHIEF DONNA ALJAM, NICOMEN BAND**

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**SECONDED BY: CHIEF MAUREEN LUGGI, WET'SUWET'EN FIRST NATION**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. The Assembly of First Nations (AFN) has a number of policy/issue portfolios that are supported by working groups or committees;
- B. working groups or committees are created from formal AFN Chiefs Committees;
- C. On June 21, 2019, *An Act respecting First Nation, Inuit, Metis children, youth and families* was introduced by the Federal Government and commenced on January 1, 2020. The Act intends to "support a comprehensive reform of child and family services in relation to First Nations children, youth and families;
- D. AFN Resolution 16/2019, *An Act respecting First Nations and Metis children, youth and families- Transition and Implementation Planning* was passed at the AFN AGA in July 2019 and directs the AFN to establish a Chiefs Committee on Children and Family Services and Self-

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**Terry Teegee, BC Regional Chief**

determination. The purpose of the Chiefs Committee is to provide input, oversight and guidance during the national transition and implementation process;

- C. On June 25, 2020, the AFN and Minister of Indigenous Services entered a “Protocol regarding *An Act Respecting First Nations, Inuit and Metis children, youth and families.*”
- C. the Joint National Working Group on Children and Families was created by the AFN Chiefs Committee on Children and Family Services and Self-Determination via motion on August 18, 2020 to:
- proceed with membership nominations to the Joint National Working Group. Each Chief on the CCCFSSD (AFN region) shall nominate a member by September 2, 2020. The nominations will then go to the National Chief for review and approval.*
- D. The Joint National Working Group on Children and Families will support the AFN Chiefs Committee on Children and Family Services and Self-determination in the implementation of “8 Priority Issues for the Protocol” including:
- i) Funding
  - ii) Liability
  - iii) Coordination Agreement Pathways for Recognition and Implementation of First Nations laws, Administration and Dispute Resolution
  - iv) Registry for Notice and Deposit of Indigenous Laws
  - v) Information sharing and reporting
  - vi) Court of competence jurisdiction for resolution of disputes arising under the Act
  - vii) Schedule and scope of regulations for First Nations
  - viii) Support technical bodies created by the Chiefs
- F. Per section 9.4 of the BCAFN Governance Manual, representatives are appointed to AFN Chief and Technical Committees by the Regional Chief and Board of Directors,
- 9.4 The AFN delegates to the Regional Chief specific portfolios relating to national policy matters. These portfolios are held by the Regional Chief and supported by various AFN Committees. The Regional Chief and the Board jointly appoint member delegates or external technical experts to sit on AFN Committees from time to time to represent BCAFN; and
- G. In an effort to increase transparency and accountability, Regional Chief and BCAFN representative on the AFN Chiefs Committee on Children and Family Services and Self-Determination determined to bring the appointment of one (1) political and one (1) alternate representative to the AFN Joint National working group on Children and Families to the BCAFN Chiefs-in-Assembly for determination.

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Terry Teegee, BC Regional Chief

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in-Assembly directs the Regional Chief and BCAFN Board of Directors to appoint the following one (1) political representative and one (1) alternate to the AFN Joint National Working Group on Children and Families:
  1. Kukpi7 Wayne Christian
  2. Kukpi7 Judy Wilson (alternate)
  
2. The BCAFN Chiefs-in-Assembly calls on the BCAFN representatives to the AFN Joint National working group on Children and Families provide regular updates to the BCAFN Chiefs-in-Assembly and to work with the First Nations Leadership Council in the advancement of the *An Act respecting First Nation, Inuit, Metis children, youth and families*.

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Terry Teegee, BC Regional Chief



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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
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**Resolution 04/2020**

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**SUBJECT:** APPOINTMENT TO AFN JORDAN'S PRINCIPLE OPERATIONS COMMITTEE

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**MOVED BY:** CHIEF RAY GEROW, BURNS LAKE BAND

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**SECONDED BY:** KUKPI7 WAYNE CHRISTIAN, SPLATSIN

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**DECISION:** CARRIED

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**WHEREAS:**

- A. The Assembly of First Nations (AFN) has a number of policy/issue portfolios that are supported by working groups or committees;
- B. working groups or committees are created by AFN Chiefs Committees;
- C. AFN Resolutions 40/2017, Call on Canada to Comply with the 2016 Canadian Human Rights Tribunal Orders, 83/ 2016, National Advisory Committee on INAC's Child Welfare Reform Engagement Strategy and 62/2016, Full and Proper Implementation of the Historic Canadian Human Rights Tribunal Decisions in the Provision of Child Welfare Service and Jordan's Principle, calling on Canada to fully and immediately comply with Tribunal rulings to end discriminatory funding of child and family services and to properly implement Jordan's Principle.
- D. To encourage increased dialogue and advise on Jordan's Principle implementation and planning activities, the Jordan's Principle Operations Committee (JPOC) was struck. AFN Resolution 15/2019, *Jordan's Principle Operations* was passed at the AFN AGA in July 2019 and directs AFN

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to ensure ongoing coordination between the JPOC and Jordan's Principle Action Table (JPAT) for long-term implementation goals of all regions.

E. The November 5, 2019 Terms of Reference for the JPOC mandates the JPOC to:

- Provide operational guidance on the implementation of the Jordan's Principle;
- Provide input into the development of a longer-term approach;
- Champion Jordan's Principle within the Department of Indigenous Services Canada ("ISC"), other federal departments, among First Nations partners and the broader community;
- Discuss and provide input on key policy and operational issues;
- Periodically review updates on progress, performance, and the achievement of key milestones; and
- Keep participating organizations and the wider community informed about the work accomplished by the Jordan's Principle Operations Committee.

F. On August 30, 2019 the BCAFN received a letter from AFN CEO Paulette Tremblay, requesting the BCAFN to consider an individual from the BC Region who "will best present a regional perspective on Jordan's Principle implementation and the path forward;"

F. Per section 9.4 of the BCAFN Governance Manual, representatives are appointed to AFN Chief and Technical Committees by the Regional Chief and Board of Directors,

9.4 The AFN delegates to the Regional Chief specific portfolios relating to national policy matters. These portfolios are held by the Regional Chief and supported by various AFN Committees. The Regional Chief and the Board jointly appoint member delegates or external technical experts to sit on AFN Committees from time to time to represent BCAFN; and

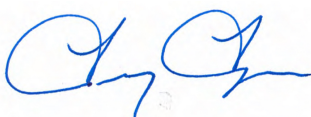
G. In an effort to increase transparency and accountability, the Regional Chief determined to bring the appointment of one (1) representative to the AFN Jordan's Principle Operations Committee to the BCAFN Chiefs-in-Assembly for determination.

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in-Assembly directs the Regional Chief and BCAFN Board of Directors to appoint the following one representative to the AFN Jordan's Principle Operations Committee:  
1. Warner Adam
2. The BCAFN Chiefs-in-Assembly calls on the BCAFN representatives to the AFN Jordan's Principle Operations Committee to provide regular updates to the BCAFN Chiefs-in-Assembly.

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**Resolution 05/2020**

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**SUBJECT: APPOINTMENT TO AFN JORDAN'S PRINCIPLE ACTION TABLE**

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**Moved BY: KUKPI7 JUDY WILSON, NESKONLITH INDIAN BAND**

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**SECONDED BY: CHIEF DON TOM, TSARTLIP FIRST NATION**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. The Assembly of First Nations (AFN) has a number of policy/issue portfolios that are supported by working groups, tables or committees;
- B. working groups, tables or committees are created by AFN Chiefs Committees or created via resolution at the AFN Chiefs Assemblies;
- C. The AFN Jordan's Principle Action Table (JPAT) operates out of the National Advisory Committee on First Nations Child and Family Services (NAC) within the NAC Terms of Reference. The Table was developed as an effort to organize the workplan of the NAC to oversee and provide recommendations for medium and long term reform of First Nation Child and Family services;
- D. The JPAT is oriented towards proposing policy options for federal program authorities, service delivery models and funding to fully implement Jordan's Principle;

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**Terry Teegee, BC Regional Chief**

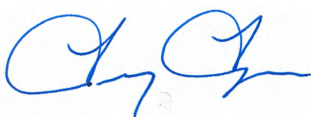
- C. AFN Resolutions 40/2017, Call on Canada to Comply with the 2016 Canadian Human Rights Tribunal Orders, 83/ 2016, National Advisory Committee on INAC's Child Welfare Reform Engagement Strategy and 62/2016, Full and Proper Implementation of the Historic Canadian Human Rights Tribunal Decisions in the Provision of Child Welfare Service and Jordan' s Principle, calling on Canada to fully and immediately comply with Tribunal rulings to end discriminatory funding of child and family services and to properly implement Jordan' s Principle.
- D. To encourage increased dialogue and advise on Jordan's Principle implementation and planning activities, the Jordan's Principle Operations Committee (JPOC) was struck. AFN Resolution 15/2019, *Jordan's Principle Operations* was passed at the AFN AGA in July 2019 and directs AFN to ensure ongoing coordination between the JPOC and Jordan's Principle Action Table (JPAT) for long-term implementation goals of all regions.
- F. On April 20, 2018 the BCAFN received a letter from AFN CEO Paulette Tremblay, requesting the BCAFN to consider an individual to represent the BC Region for JPAT;
- F. Per section 9.4 of the BCAFN Governance Manual, representatives are appointed to AFN Chief and Technical Committees by the Regional Chief and Board of Directors,
- 9.4 The AFN delegates to the Regional Chief specific portfolios relating to national policy matters. These portfolios are held by the Regional Chief and supported by various AFN Committees. The Regional Chief and the Board jointly appoint member delegates or external technical experts to sit on AFN Committees from time to time to represent BCAFN; and
- G. In an effort to increase transparency and accountability, the Regional Chief determined to bring the appointment of one (1) representative to the AFN Jordan's Principle Action Table to the BCAFN Chiefs-in-Assembly for determination.

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in-Assembly directs the Regional Chief and BCAFN Board of Directors to appoint the following one representative to the AFN Jordan's Principle Action Table:
  1. Gena Edwards
2. The BCAFN Chiefs-in-Assembly calls on the BCAFN representatives to the AFN Jordan's Principle Action Table to provide regular updates to the BCAFN Chiefs-in-Assembly.

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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online via Zoom**

**Resolution 06/2020**

**SUBJECT:** SUPPORT FOR BCAFN AND THE AFN TO BE FREE FROM SEXUAL ORIENTATION  
AND GENDER-BASED DISCRIMINATION, HARASSMENT, VIOLENCE, AND  
LATERAL VIOLENCE

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**MOVED BY:** CHRIS LEWIS, PROXY, SQUAMISH NATION

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**SECONDED BY:** CHIEF MARILYN SLETT, HEILTSUK NATION

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**DECISION:** CARRIED

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**WHEREAS:**

A. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) states:

- i. Annex: Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind;
- ii. 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;
- iii. Article 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right;

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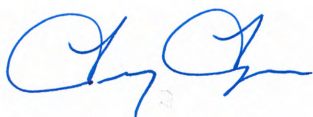
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**Terry Teegee, BC Regional Chief**

- iv. Article 15: Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information;
  - v. Article 17 (1): Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law;
  - vi. Article 17 (3): Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary;
  - vii. 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; and
  - viii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security;
- B. The British Columbia Assembly of First Nations (“BCAFN”) is an organization established to advocate and support its First Nation members’ interests;
  - C. The BCAFN seeks to be a proactive, progressive, and responsive organization that upholds its First Nation members’ values and interests at all levels of leadership and within and throughout every branch of the organization and administration;
  - D. BCAFN Members look to the BCAFN to set minimum standards for organizational conduct and accountability;
  - E. The BCAFN can and should be a role model in best practices for ethical conduct and accountability on ending sexual orientation and gender-based discrimination;
  - F. First Nations Women, Elders, Youth and 2SLGBTQIA people represent vulnerable sectors within society;
  - G. BCAFN leadership has a responsibility to ensure that the governance of the organization does no harm, and that the BCAFN organization and administration:

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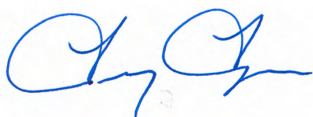
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- a. supports the most vulnerable members within our societies;
  - b. takes action to end all forms of sexual orientation and gender-based discrimination, harassment, and violence within the BCAFN organization or administration; and
  - c. leads by example to demonstrate and uphold a substantial commitment of integrity and ethical values to achieve the social, political and legal changes necessary to end sexual orientation and gender-based discrimination, harassment, and violence and achieve gender equity;
- H. Discrimination happens when a person experiences adverse treatment or is negatively impacted by another person's or system's actions (intentional or unintentional) because of their sexual orientation, gender identity or gender expression;
- I. The aforementioned statements are also applicable to the Assembly of First Nations ("AFN");
- J. The BCAFN has taken steps to create a safe environment for women, gender-diverse people, and people of various sexual orientations;
- K. Through Special Resolution 2018 Adoption of Revised BCAFN Constitution & Bylaws and BCAFN Governance Manual, the BCAFN Chiefs-in-Assembly introduced new principles to combat bullying and harassment (Schedule A in the BCAFN Governance Manual) that apply to the Regional Chief, member delegates, proxy holders and directors whenever those individuals are in the BCAFN workplace, at a BCAFN assembly or event, or conducting BCAFN business.;
- L. Special Resolution 2018 was the result of recommendations put forward by the Governance Committee established through resolution 02/2017 Governance Committee, to review the BCAFN Constitution, Bylaws and Policy Manuals to identify and address gaps related to the governance of the BCAFN and related policies, including addressing issues related to harassment and bullying within the organization. The Governance Committee met on numerous occasions throughout 2017 and held engagement sessions with Chiefs and leaders in Terrace, Nanaimo, Prince George, Kamloops, Richmond, and Seabird Island;
- M. Through resolution 2020/11 Support for Indigenous Women, Girls, and 2SLGBTQQIA+ People Declaration and Strategy the BCAFN Chiefs-in-Assembly supported the Women and 2SLGBTQQIA+ Peoples Declaration, which was based on dialogue from the 2017 and 2020 BCAFN Women's Dialogue Sessions;

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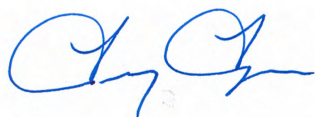
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**Terry Teegee, BC Regional Chief**

- N. Through resolution 2020/11 the BCAFN Chiefs-in-Assembly directed the BCAFN to develop a strategic plan for addressing the Women's Declaration and other issues that impact Indigenous women, girls and 2SLGBTQQIA+ people, which should include, but not be limited to:
- a. Securing funds for the implementation of activities within the strategy;
  - b. Working with like-minded organizations;
  - c. A review of all BCAFN policies and advocacy initiatives to ensure they are inclusive of 2SLGBTQQIA+ people;
  - d. A review of all BCAFN policies to ensure they promote an organization that is free from gendered and lateral violence;
  - e. Ongoing action and advocacy to implement the 231 Calls for Justice and the Indigenous women and 2SLGBTQQIA+ people-led development of a National Action Plan;
  - f. Advocacy for timely and efficient registration for those newly entitled to status pursuant to amendments to the Indian Act coming into force on August 15, 2019;
  - g. A plan to hold regional Women's Dialogue Sessions;
  - h. Strategic initiatives regarding sexual assault supports, justice, and support for grassroots organizations and community-based initiatives; and
  - i. A plan to support the full and equitable participation of women, girls, and 2SLGBTQQIA+ people in political roles and in the workforce;
- O. The Women, Girls and 2SLGBTQQIA+ People Strategy is being developed based on the Declaration and will be further developed and discussed through the 2021 Women in Leadership Dialogue Sessions;
- P. The Women Dialogue Sessions have been held nearly annually since 2017 as a way for women and 2SLGBTQQIA+ Chiefs, Councillors, traditional and hereditary leadership, matriarchs, elders, youth, administrators, community leaders, grassroots activists, and front-line service providers to gather to gain strength by truthfully examining the challenges faced by women and gender-diverse individuals in leadership and by celebrating successes in a spirit of mutual partnership. It is also a key mechanism for understanding the priorities of First Nations women and 2SLGBTQQIA+ people and improving BCAFN's advocacy;
- Q. The BCAFN is developing an internal gender-based analysis plus ("GBA+") framework to inform all aspects of BCAFN's policy advocacy.
- R. GBA+ is an analytical process used to assess how diverse groups of women, men, and non-binary people may experience policies, programs and initiatives. The "plus" in GBA+

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acknowledges that GBA+ goes beyond biological (sex) and socio-cultural (gender) differences. People have multiple identity factors that intersect to make us who we are, and GBA+ considers these too.

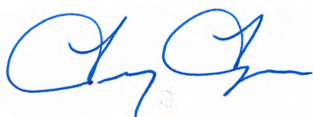
- S. BCAFN has in place a substance free policy for BCAFN events, which is intended to help create safe spaces. This policy was first enacted by the BCAFN Board of Directors on October 21, 2018, and was affirmed as recently as March 2020 by the BCAFN Board of Directors;
- T. More work is required to ensure that the BC Assembly of First Nations eliminates behaviours that harm, traumatize, and exclude people participating in BCAFN assemblies, events, and business; and promotes an organization where women and 2SLGBTQQIA people fully experience their human rights, respect, and opportunity to participate and lead in all facets of BCAFN activities.

**THEREFORE BE IT RESOLVED THAT:**

- 1. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to ensure all BCAFN governance documents promote an organization that is free from sexual orientation and gender-based discrimination, harassment, violence, and lateral violence.
- 2. The BCAFN Chiefs-in-Assembly direct the BCAFN to engage the AFN, and in particular, in the AFN Charter Renewal process with the same goals of ensuring an organization that is free from sexual orientation and gender-based discrimination, harassment, violence, and lateral violence.
- 3. The BCAFN Chiefs-in-Assembly support the submission of draft AFN Resolution "*Becoming a Role Model in Ending Sexual Orientation and Gender-Based Discrimination within the Assembly of First Nations*," to the AFN Annual General Assembly on December 8-9, 2020.
- 4. The BCAFN Chiefs-in-Assembly fully support the ongoing development and implementation of the Women, Girls and 2SLGBTQQIA+ People Strategy.
- 5. The BCAFN Chiefs-in-Assembly support the implementation of an internal organizational gender-based analysis plus framework to inform all aspects of BCAFN's policy advocacy.

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Terry Teegee, BC Regional Chief





## BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road  
Prince George, BC V2K 5S3  
Website: [www.bcafn.ca](http://www.bcafn.ca)

**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**

**November 17 & 18, 2020**

**Online via Zoom**

**Resolution 07/2020**

**SUBJECT: IMPLEMENTATION OF DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT**

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**MOVED BY: KUKPI7 JUDY WILSON, NESKONLITH INDIAN BAND**

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**SECONDED BY: CHIEF LEE SPAHAN, COLDWATER INDIAN BAND**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. We are sovereign Indigenous Nations with the right to protect and manage, and derive social, cultural and economic benefits from the wealth of our lands, waters and resources;
- B. The United Nations Declaration on the Rights of Indigenous Peoples ("UN Declaration") was adopted by the General Assembly in September 2007, after more than 20 years of discussions. The UN Declaration is the most comprehensive, universal international human rights instrument explicitly addressing the economic, social, cultural, political, spiritual and environmental rights of Indigenous Peoples;
- C. The UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:
  - I. Article 1: Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law;

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**Terry Teegee, BC Regional Chief**

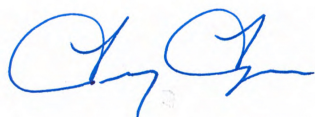
- II. Article 2: Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity; and
- D. By Resolution 08/2019, the BCAFN Chiefs-in-Assembly supported the development of a provincial legislative framework for the implementation of the UN Declaration, and directed the Regional Chief, working with the Union of BC Indian Chiefs and the First Nations Summit as the First Nations Leadership Council, to call on government of BC to engage with Indigenous Peoples through a meaningful and substantive process and create a legislative framework for the unqualified implementation of the UN Declaration;
- E. On November 28, 2019, Bill 41 Declaration on the Rights of Indigenous Peoples Act (the Declaration Act) received Royal Assent;
- F. The Declaration Act establishes the UN Declaration as the framework for reconciliation and requires the provincial government to: ensure that new and existing laws are consistent with the UN Declaration; develop and implement an action plan in consultation and cooperation with Indigenous peoples to achieve the objectives of the UN Declaration; and, monitor progress through public annual reporting. The Declaration Act also enables new decision-making agreements between the Province of BC and Indigenous governing bodies;
- G. Efforts have been underway jointly between the First Nations Leadership Council and the Province of BC to advance the implementation of the Declaration Act, including engagement with First Nations Organizations and conducting analysis and working group processes to advance the alignment of laws and the development of the action plan;
- H. The Province of BC continues to advance legislation that is not consistent with its obligations under the Declaration Act and needs to be aligned with the UN Declaration; and
- I. Progress has been slow to meaningfully undertake consultation and cooperation with BC First Nations and conclude the Declaration Act action plan that was intended to be complete prior to the end of the calendar year.

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in-Assembly direct the Regional Chief to remind the Province of BC that the Declaration on the Rights of Indigenous Peoples Act ("Declaration Act") places a positive

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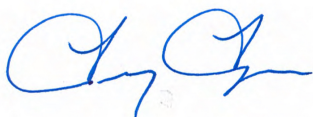
Terry Teegee, BC Regional Chief

obligation on the Attorney General and Government of British Columbia to ensure that all laws, policies and practices in British Columbia be brought in alignment with the UN Declaration in consultation and cooperation with Indigenous peoples;

2. The BCAFN Chiefs-in-Assembly direct the Regional Chief to oppose the Province of BC's introduction of any legislation that has not been reviewed for alignment with the UN Declaration in consultation and cooperation with Indigenous peoples, as consistent with the Declaration on the Rights of Indigenous Peoples Act;
3. The BCAFN Chiefs-in-Assembly direct the Regional Chief to work with the Union of BC Indian Chiefs (UBCIC) and the First Nations Summit (FNS) as the First Nations Leadership Council (FNLC), and with the Province of BC to immediately identify and implement reforms to the legislative process to ensure that all new and amended legislation is aligned with the UN Declaration and, wherever possible, enable implementation of shared decision-making agreements described in section 7 of the Declaration Act; and
4. The BCAFN Chiefs-in-Assembly direct the Regional Chief to work with the UBCIC and FNS as the FNLC, and with the Province of BC to urgently develop a draft Declaration Act action plan that reflects the input and direction by BC First Nations that reflects the mandates provided by BCAFN through resolutions, through input provided at the BCAFN 17th AGM, the "Summary of Advice from First Nations Organizations for Implementation of the Declaration on the Rights of Indigenous Peoples Act," and any additional submissions from BC First Nations; and
5. The BCAFN Chiefs-in-Assembly direct the Regional Chief working with the UBCIC and FNS as the FNLC to convey to the Province of BC that the draft Declaration Act action plan will not limit, undermine, detract or veto any ongoing reconciliation work or existing or future treaties, agreements and other constructive arrangements that may be entered into by Indigenous governing bodies and recognize the importance of involvement of Indigenous Governing Bodies associated with Government-to-Government (G2G) agreements in the Action Plan including exploring with BC the development of DRIPA regulations to enable DRIPA implementation through G2G Agreements.

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Terry Teegee, BC Regional Chief



## BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road  
Prince George, BC V2K 5S3  
Website: [www.bcafn.ca](http://www.bcafn.ca)

**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online via Zoom**

**Resolution 08/2020**

**SUBJECT:** THE DECLINE OF PACIFIC SALMON AND SUPPORT FOR A COHESIVE BC  
FIRST NATIONS FISHERIES STRATEGY

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**MOVED BY:** CHRIS LEWIS, PROXY, SQUAMISH NATION

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**SECONDED BY:** CHIEF DON TOM, TSARTLIP FIRST NATION

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**DECISION:** CARRIED

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**WHEREAS:**

- A. Pacific Salmon are integral to the culture, economy, and livelihood of First Nations throughout BC, but the chronic decline of Pacific Salmon has been decades in the making, and has now reached catastrophic proportions, with some stocks facing potential extirpation, and/or extinction;
- B. Reconciliation with BC First Nations cannot be fully realized whilst the decline of Pacific salmon stocks negatively affects the social, cultural and societal constructs of BC First Nations communities;
- C. 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:
  - i. Article 26: Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership

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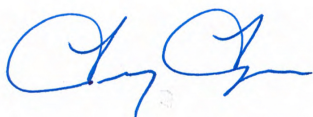
**Terry Teegee, BC Regional Chief**

- or other traditional occupation or use, as well as those which they have otherwise acquired.
- ii. Article 29: Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources;
- D. The historic Sparrow Decision of the Supreme Court of Canada (1990) recognized existing Indigenous rights to fish for food and ceremonial purposes ahead of other user groups and set out that priority access to Aboriginal fisheries was second only to conservation;
- E. Canada continues to manage fisheries with an outdated approach that is based on a harvest model of abundance (of fish), protecting fisheries, and avoiding priority access principles;
- F. BCAFN Resolutions 2015-04(a), 2016-01, 2016-16, 2016-17, 2016-18, 2017-10 (d) (e), 2017-16 and 2018-13 confirm BCAFN's commitment to work with First Nations and the First Nations Fisheries Council (FNFC) to conserve wild salmon stocks and advocate for and support the recovery and restoration of wild salmon stocks;
- G. By BCAFN Resolution 02/2020, "Call to Action on Historic Low Salmon Returns," the BCAFN Chiefs-in-Assembly called upon the Minister of the Department of Fisheries and Oceans (DFO) to investigate the historically low wild salmon returns in Canada in 2019 and to create a Director of Wild Salmon, Pacific Region who would be a qualified First Nations individual that could steer the DFO and coordinate research to identify the cause(s) of or factors contributing to wild salmon run collapses; and
- H. The FNFC is currently undertaking several projects to protect and restore Pacific salmon stocks, including: developing, through its Salmon Coordinating Committee, a coherent strategy among First Nation regional fishery organizations to rebuild Pacific salmon stocks; launching the development of an Indigenous Technical Advisory Network (ITAN) to bring together provincial science and technical experts to develop a strategy to rebuild salmon stocks and identify a comprehensive package of mitigation measures; and with the Pacific Salmon Commission's First Nations Caucus, working to re-position the Caucus' relationship with DFO and with the Canadian Caucus, in order to more effectively bring forward BC First Nations interests and priorities.

**THEREFORE BE IT RESOLVED THAT:**

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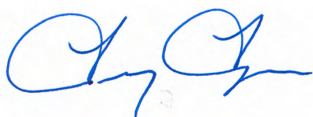
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Terry Teegee, BC Regional Chief

1. The BCAFN Chiefs-in-Assembly fully support the First Nations Fisheries Council's (FNFC) development of a cohesive BC First Nations Fisheries Strategy that would let First Nation regional fishery organizations work together to advise the government and coordinate strategic action to restore salmon stocks;
2. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to work with the Union of BC Indian Chiefs and the First Nation Summit, as the First Nations Leadership Council (FNLC), to help the FNFC develop a coherent strategic approach to salmon fisheries in BC by identifying key priorities, including the status of Pacific salmon and priority access, as well as providing resourcing and support for leadership participation and coordinated engagement with the Crown;
3. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to work with the UBCIC and FNS as the FNLC and FNFC, to include in the strategy items related to:
  - a. Climate Change impacts
  - b. Accumulated impacts to all water tributaries, oceans and lakes including fish habitat
  - c. Full implementation of Cohen Commission recommendations
  - d. Impacts to our way of life
4. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to develop a communications plan including a strong digital advocacy campaign to build awareness and support for a cohesive and engaged BC First Nations Fisheries strategy;
5. The BCAFN Chiefs-in-Assembly urge the federal and provincial governments, alongside the relevant ministries and officials, to re-invigorate their working relationship with the FNFC and FNLC by committing to meet regularly to discuss and advance action on Pacific Salmon, including the development and implementation of a cohesive BC First Nations Wild Fisheries Strategy;
6. The BCAFN Chiefs-in-Assembly call upon the federal and provincial governments to support the FNFC and FNLC's work on developing a First Nations Wild Fisheries Strategy by providing adequate resourcing and funding so that the FNLC and FNFC can consult and engage with First Nation communities and First Nations fisheries organizations, ensuring priority dialogue to inform the Strategy.

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Terry Teegee, BC Regional Chief



## BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road  
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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**

**November 17 & 18, 2020**

**Online via Zoom**

**Resolution 09/2020**

**SUBJECT: SUPPORT FOR THE MI'KMAQ FISHERS AND PROTECTING THEIR RIGHTS,  
SAFETY, AND LIVELIHOODS**

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**MOVED BY: CHRIS LEWIS, PROXY, SQUAMISH NATION**

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**SECONDED BY: KUKPI7 WAYNE CHRISTIAN, SPLASTIN**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. We are sovereign Indigenous Nations who enjoy the right to protect, manage, and derive social, cultural, and economic benefits from our lands, waters, and resources, including from fisheries that are integral to the prosperity of First Nations throughout BC;
- B. Non-Indigenous fishermen have organized dangerous and provocative illegal protests meant to hinder and deny the fishing activities of the Mi'kmaq, including the Sipekne'katik Band's self-regulated lobster fishery, and there are currently ongoing attempts by non-Indigenous fisherman to intimidate, threaten, and prevent Mi'kmaq fisher men and women from exercising their unextinguished and constitutionally affirmed fishing rights;
- C. The Assembly of Nova Scotia Mi'kmaq Chiefs declared a State of Emergency on September 18, 2020 in the wake of violence, threats, and human rights discrimination erupting over Mi'kmaq fisheries across Nova Scotia;

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**Terry Teegee, BC Regional Chief**

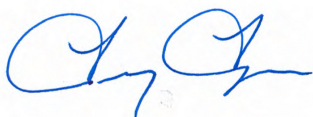
- D. The *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:
- i. Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and their resources and to uphold their responsibilities to future generations in this regard.
  - ii. 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;
- E. The criminal actions of non-Indigenous fisherman, including the cutting of traps, the destruction of property, and the intentional ramming and shooting of flares at Mi'kmaq boats, aim to de- legitimize the Mi'kmaq right to earn a moderate living from fishing that is recognized in the 1999 Marshall Decision of the Supreme Court of Canada, as well as their inherent fishing and trading rights recognized in the Mi'kmaq Treaties and protected by s.35 of the Canadian Constitution;
- F. Despite their recognized fishing rights, First Nations across BC continue to experience frustrations, conflicts, and hardships when exercising and defending these rights, including confronting the challenges associated with the catastrophic decline in salmon stocks and the government's unsustainable and outdated approach to fisheries; and
- G. BCAFN has a strong mandate for protecting the self-determination, jurisdiction and Title and Rights of First Nations against violence and extinguishment.

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in-Assembly condemn any acts of violence and aggression committed against the Mi'kmaq fishers and attempts to hinder Mi'kmaq members exercising their legal fishing rights;
2. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to work with likeminded organizations to advocate in support of the Mi'kmaq Nation and to ensure that government

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Terry Teegee, BC Regional Chief



inaction and indecision does not bolster and condone the infringement of Mik'maq rights and further acts of hostility and violence;

3. The BCAFN Chiefs-in-Assembly call upon all relevant federal and provincial Ministers and government agencies to safeguard the unextinguished and constitutionally affirmed fishing rights of the Mi'kmaq Nation and to prosecute any illegal protest or criminal behavior from those seeking to undermine these rights.

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Terry Teegee, BC Regional Chief



## BC ASSEMBLY OF FIRST NATIONS

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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**

**November 17 & 18, 2020**

**Online via Zoom**

**Resolution 10/2020**

**SUBJECT:** ALIGNING THE SCHOOL ACT WITH THE UN DECLARATION AND CONTESTING  
THE ASSIGNMENT OF PERSONAL EDUCATION NUMBERS TO CHILDREN IN  
BC FROM BIRTH

---

**MOVED BY:** CHIEF ANDREW VICTOR, CHEAM

---

**SECONDED BY:** CHRIS LEWIS, PROXY, SQUAMISH NATION

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**DECISION:** ABSTENTION: ADEANA YOUNG, PROXY, OLD MASSETT VILLAGE COUNCIL  
CARRIED

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**WHEREAS:**

- A. On February 26, 2020, the Ministry of Education introduced the Education Statutes Amendment Act that would enable the Minister to advance the assignment of Personal Education Numbers (PEN) to BC children from the time they are born. The legislation also includes a proposed amendment to the School Act (BC) authorizing the Minister to “assign a personal education number to any child who is resident in British Columbia,” thereby greatly expanding the Minister’s authority to assign PEN numbers to BC children;
- B. The PEN is a nine-digit identifier that currently allows the Ministry to trace individual student outcomes from pre-school to post-secondary, and is assigned to each student enrolled or registered with a BC early learning (Strong Start) program; public or independent school; BC certified offshore school; Yukon school; or, public post-secondary institution;

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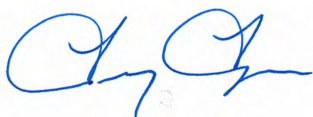
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**Terry Teegee, BC Regional Chief**

- C. BC First Nations were not adequately consulted regarding the assignment of PEN numbers from birth, which has the potential to negatively impact First Nations learners, despite the Province having passed the Declaration on the Rights of Indigenous Peoples Act in November 2019 mandating the provincial government to take all measures to meet the objectives of, and align provincial laws with, the United Nations Declaration on the Rights of Indigenous Peoples;
- D. 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:
- i. Article 14 (1): Indigenous peoples have the right to establish and control their educational systems and institutions providing educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
  - ii. Article 21 (1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security. (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;
- E. Materials provided to the First Nations Education Steering Committee (FNESC) by the Ministry of Education state that the BC Ministers' Working Group on Child Care asked the Ministry to "explore" assigning a unique identifier (i.e. PEN) to every child born in BC, and that the request was made on the basis of a Working Group report noting that there was limited information about the impact of childcare and early years programs;
- F. According to the Ministry, assigning PENs at birth will allow both parents and the broader education system to track a child's progress through early childcare programs so they can be better supported upon entering kindergarten. The Ministry also purports that linking PENs to the BC Services Card will streamline the school registration process by eliminating the need for birth certificates or other documents used for identification purpose;
- G. On two occasions in December 2019, Ministry officials presented the PEN project as being in early exploratory stages and a "long ways away from implementation," implying there would be sufficient time to examine and consider the implications of the proposed project

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Terry Teegee, BC Regional Chief

with First Nations leadership. As such, the introduction of legislation on February 26th was abrupt and unexpected;

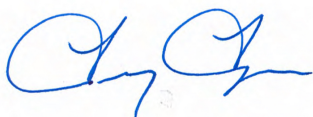
- H. FNEESC communicated a number of concerns to Ministry officials at a bilateral meeting on December 6, 2019; an Indigenous Early Years Advisory Group meeting on December 9, 2019; on February 26, 2020, upon hearing that legislation was to be introduced later that day; and again on March 2, 2020 at a meeting including the BC Minister of Education, the federal Minister of Indigenous Services, and representatives from the First Nations Leadership Council (FNLC). These concerns include that:
- i. The use of childcare data could lead to further streaming of First Nations students in the public education system;
  - ii. It was unclear how the initiative could impact students attending First Nations schools;
  - iii. It was unclear if or how the childcare data could be used in combination with other data sources, including information from the Ministry of Children and Family Development; and
  - iv. First Nations and First Nations leadership needed to be adequately consulted given the wide implications for First Nations learners and First Nations communities; and
- I. There is the need for the government to close the gap in Aboriginal student outcomes in a way that promotes self-determination and self-governance, and to work with FNEESC to increase Aboriginal participation and completion in post-secondary education.

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in-Assembly fully support the First Nations Education Steering Committee's (FNEESC) opposition to the unexpected and abrupt amendments to the School Act, as well as the Ministry of Education's failure to adequately consult BC First Nations and address concerns about how the assignment of Personal Education Numbers (PENs) to any child that is a BC resident, including from birth, may negatively impact Indigenous learners;
2. The BCAFN Chiefs-in-Assembly call on the Minister of Education to:
  - i. refrain from exercising the new authority under the amended School Act regarding the assignment of Personal Education Numbers (PENs) to any child resident in BC; and
  - ii. engage in meaningful consultation and collaboration with First Nations and the First Nations Education Steering Committee (FNEESC) to:

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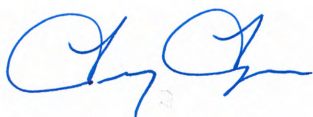
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**Terry Teegee, BC Regional Chief**

- a. identify the implications of assigning PENs to any child resident in BC, including from birth; and
  - b. make recommendations on how to align the School Act and related policy regarding PENs with the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), as required by the Declaration on the Rights of Indigenous Peoples Act;
3. FNEESC will regularly report back to the BCAFN Chiefs-in-Assembly on its discussions and work with the Ministry of Education to address concerns and issues related to the assignment of PENs to children in BC.

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Terry Teegee, BC Regional Chief



## BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road  
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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online via Zoom**

**Resolution 11/2020**

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**SUBJECT: APPOINTMENT AND TERMS OF REFERENCE FOR GOVERNANCE COMMITTEE**

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**MOVED BY: KUKPI7 RON IGNACE, SKEETCHSTN**

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**SECONDED BY: CHIEF LEE SPAHAN, COLDWATER INDIAN BAND**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. At the BCAFN Special Chiefs Assembly on March 8th, 2020 and the BCAFN Annual General Meeting on September 19, 2019, the Chiefs-in-Assembly appointed six individuals to the Governance Committee who are serving until the close of this Annual General Meeting ("**AGM**") in accordance with BCAFN Bylaw 9.2 (the "**2019-2020 Governance Committee**");
- B. BCAFN Bylaw 9.1 requires the Chiefs-in-Assembly at this AGM to:
  - a. establish and provide terms of reference for a Governance Committee to
    - i. investigate any complaints about the conduct of the Regional Chief that are referred to it in accordance with the Bylaws,
    - ii. periodically review and recommend amendments to the Bylaws and Governance Manual, and
    - iii. consider and advise the Board on any governance matter referred to it by the Board; and
  - b. appoint six (6) member delegates, reflective of regional diversity, with an equal number of women and men, to serve on the Governance Committee for a term of three (3) years;

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**Terry Teegee, BC Regional Chief**

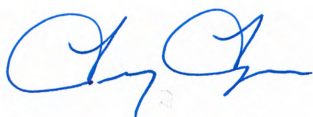
- C. The Board has reviewed draft terms of reference for the 2020-2023 Governance Committee, a copy of which is attached as Schedule "A" (the "**Draft 2020-2023 Terms of Reference**");
- D. The Draft 2020-2023 Terms of Reference are substantially the same as the terms of reference for the Governance Committee that were adopted and ratified by the Chiefs-in-Assembly at the AGM in 2019 (the "**2019-2020 Terms of Reference**");
- E. The version of the Draft 2020-2023 Terms of Reference attached as Schedule "A" shows changes proposed as compared to the 2019-2020 Terms of Reference;
- F. The BCAFN Board recommends that the Chiefs-in-Assembly approve and ratify the Draft 2020-2023 Terms of Reference; and
- G. The Chiefs-in-Assembly wish to accept the Board's recommendation to adopt and ratify the Draft 2020-2023 Terms of Reference and to appoint the 2020-2023 Governance Committee.

**THEREFORE BE IT RESOLVED THAT:**

1. the following individuals are appointed to the 2020-2023 Governance Committee, to serve until the close of the AGM in 2023:
  - a. Kukpi7 Wayne Christian;
  - b. Chief Courteney Adolph-Jones;
  - c. Chief Donna Aljam;
  - d. Chief Maureen Luggi;
  - e. Chief Aileen Prince; and
  - f. Chief Jerome Jack.
2. the Draft 2020-2023 Terms of Reference are hereby ratified and approved.

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Terry Teegee, BC Regional Chief

**BC Assembly of First Nations**

**Governance Committee (the “Committee”)**

**Terms of Reference for 2020 – 2023** Approved by the Chiefs-in-Assembly on November 18, 2020

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**1. PREAMBLE**

1.1 At every AGM in which there is an election of the Regional Chief, the members will:

- (a) establish and provide terms of reference for the Committee to
  - (i) investigate any complaints about the conduct of the Regional Chief that are referred to it in accordance with the Bylaws;
  - (ii) periodically review and recommend amendments to the Bylaws and Governance Manual;
  - (iii) consider and advise the Board on any governance matter referred to it by the Board; and,
- (b) appoint by ordinary resolution six (6) member delegates, reflective of regional diversity, with an equal number of men and women, to serve on the Committee for a term of three (3) years.<sup>1</sup>

1.2 On November 18, 2020, the Chiefs-in-Assembly ratified and approved these terms of reference.<sup>4</sup>

**Deleted:** <#>Members are authorized to establish the Committee on an interim basis before the AGM in 2020, with all of the duties and powers set out in Article 10 of the Bylaws and on the same terms, except that the term of the six (6) individuals appointed will terminate at the close of the AGM in 2020.<sup>2</sup>¶  
On March 8, 2019, the Chiefs-in-Assembly established the Committee on an interim basis to serve until the close of the AGM in 2020, to develop the terms of reference for the Committee in consultation with the Board, and to put those terms of reference forward for ratification and approval by the Members at the 2019 AGM.<sup>3</sup> ¶

**Deleted:** <#>September

**Deleted:** <#>2019

**2. INTERPRETATION**

- 2.1 (a) “Chair” means the Chair of the Committee appointed in accordance with these Terms of Reference;
- (b) “Committee” means the Governance Committee established under the Bylaws, unless otherwise specified;
- (c) “complaint” means a written complaint to the Board pursuant to Bylaw 8.7;
- (d) “Members” means the members of the BCAFN; and
- (e) “Terms of Reference” means these terms of reference as ratified by the Chiefs-in-Assembly and which are binding on the Committee;

2.2 Words not specifically defined in these Terms of Reference have the same meaning as defined in Bylaw 1.1.

<sup>1</sup> Bylaw 9.1.

<sup>4</sup> Resolution /2020.

**Deleted:** 17/2019



2.3 If any provisions of these Terms of Reference conflict with the Constitution, Bylaws or Governance Manual, the Constitution, Bylaws and Governance Manual, as the case may be, will prevail to the extent of such conflict.

### 3. PURPOSE

3.1 The purposes of the Committee are to

- (a) investigate any complaints about the conduct of the Regional Chief that are referred to it in accordance with the Constitution and Bylaws,
- (b) periodically review and recommend amendments to the Bylaws and Governance Manual, and
- (c) consider and advise the Board on any governance matter referred to it by the Board.<sup>5</sup>

### 4. PRINCIPLES

4.1 In exercising its powers and fulfilling its responsibilities under the Bylaws, the Committee will make recommendations and proceed in a manner that ensures fairness to all parties and reflects the principles of transparency and accountability to the Chiefs-in-Assembly.

4.2 In exercising the powers and performing the functions of a member of the Committee, a member of the Committee will at all times:

- (a) act honestly and in good faith; and
- (b) comply with and uphold the Constitution, Bylaws and these Terms of Reference.
- (c) Exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances.

### 5. COMMITTEE

#### *Appointment and Term*

5.1 The following six (6) individuals are appointed as members of the Committee: \_\_\_\_\_;

\_\_\_\_\_;

\_\_\_\_\_;

\_\_\_\_\_;

\_\_\_\_\_; and

\_\_\_\_\_;

5.2 The term of the six individuals appointed to the Committee will terminate upon the AGM in 2023.<sup>8</sup>

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**Deleted:** were initially

**Deleted:** Chief Greg Louie, Chief Courteney Adolph-Jones, Chief Donna Aljam, Chief Louise Johnson.<sup>6</sup>

**Deleted:** <#>Subsequently, Louise Johnson ceased to be the member delegate for her First Nation and resigned from the Committee.<sup>7</sup>

The following three (3) individuals were appointed to fill the vacant Committee seats: Chief Tony Morgan, Chief Janet Webster and Chief Brian Tate.<sup>7</sup>

**Deleted:** <#>2020

**Deleted:** 05/2019; Resolution 17/2019

<sup>5</sup> Bylaw 9.1.

<sup>8</sup> Resolution \_\_\_\_\_/2020.

### ***Resignation and Replacement***

- 5.3 If a member of the Committee at any time during his or her term of appointment is no longer a member delegate, that individual may continue to be a member of the Committee but only until the next AGM, at which the individual will resign from the Committee and the Chiefs-in-Assembly will appoint a successor member delegate to serve the remainder of that individual's term.<sup>9</sup>
- 5.4 A member of the Committee may resign by providing written notice to the Chair or, in the case of the Chair's resignation, to the other members of the Committee.
- 5.5 Any casual vacancy on the Committee may be filled by ordinary resolution of the Chiefs-in-Assembly.
- 5.6 The Chair will advise the Board of any casual vacancy so that notice of same may be delivered to the Members in advance of an Annual General Meeting or Special Chiefs Assembly.
- 5.7 A recommendation of the Committee is not invalid merely because there are fewer than six (6) members on the Committee.

### ***Chair***

- 5.8 At the first meeting of the Committee after these Terms of Reference are ratified by the Members at the [2020](#) AGM, the Committee will appoint one of its members as the Chair. Any subsequent vacancy in the position of Chair will be filled by the Committee by appointing another of its members.
- 5.9 If the members of the Committee cannot agree on the Chair appointment, they will advise the Board and the Board will appoint the Chair.
- 5.10 The Chair is responsible for
- (a) coordinating and chairing meetings of the Committee;
  - (b) ensuring that all correspondence received regarding a complaint or governance matter referred to it by the Board is disseminated to members of the Committee; and
  - (c) delivering written recommendations to the Board on behalf of the Committee.<sup>10</sup>

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### ***Meetings***

- 5.11 The first meeting of the Committee will be held within 30 days of these Terms of Reference being ratified by the Members at the [2020](#) AGM.

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<sup>9</sup> Bylaw 9.3.

<sup>10</sup> Bylaw 8.9.

- 5.12 In addition to the first meeting and any meeting to consider a complaint or governance matter referred to it by the Board, the Committee will meet at least once per year to consider potential amendments to the Bylaws and Governance Manual.
- 5.13 Additional meetings may be required if the Committee decides, after considering potential amendments to the Bylaws and Governance Manual, to develop recommendations to the Members.
- 5.14 Any member of the Committee may call a meeting of the Committee by providing fourteen (14) days written notice to the other members of the Committee.

***Quorum***

- 5.15 Quorum for a hearing or any meeting of the Committee is three (3) members of the Committee.

***Decision making***

- 5.16 Unless otherwise specified in the Bylaws, members of the Committee will attempt to reach consensus on all decisions arising at meetings of the Committee. If consensus cannot be reached, the members of the Committee will make a decision by simple majority of members present at a meeting.

***Reimbursement and honoraria***

- 5.17 Members of the Committee shall not receive honorariums or other remuneration for service on the Committee.
- 5.18 Expenses reasonably incurred by a member of the Committee in fulfilment of the Committee's responsibilities will be reimbursed by the BCAFN, subject to any expense reimbursement policy in force from time to time.

***Meeting participation***

- 5.19 The Committee may hold meetings at the places and times it deems fit to conduct its business.
- 5.20 Members of the Committee may, in respect of a meeting, participate by means of a telephone conference or similar communications equipment.

***Administrative support***

- 5.21 BCAFN will provide the Committee with the administrative support needed to fulfil its responsibilities under the Bylaws and these Terms of Reference, including providing at least one staff person to attend each meeting of the Committee to record and circulate minutes, and to produce briefing material to support the Committee's periodic review of the Bylaws and Governance Manual.

## **6. RESPONSIBILITIES**

### ***Reporting***

- 6.1 The Committee will provide regular written reports to the Board and Chiefs-in-Assembly on its activities with respect to proposed amendments to the Bylaws and Governance Manual or matters referred to it by the Board.

### ***Procedural Guidelines and Rules for Complaints***

- 6.2 The Board will review any complaint made regarding the conduct of the Regional Chief by a member pursuant to Bylaw 8.7 and determine, in its sole discretion, whether such alleged misconduct is egregious, in which case the Board will refer the complaint to the Committee.<sup>11</sup>
- 6.3 Within seven (7) days of the Chair receiving a complaint referred to it by the Board, the Chair will convene a meeting of the Committee to review the complaint.
- 6.4 The Committee will investigate and review any complaint referred to it by the Board and make any recommendations to the members in accordance with these Terms of Reference and the Code of Conduct.<sup>12</sup>
- 6.5 Recommendations provided by the Committee with respect to a complaint made against the Regional Chief may or may not include a recommendation to remove the Regional Chief from office.<sup>13</sup>
- 6.6 The Committee may develop and adopt procedures for the review and investigation of a complaint as the Committee deems fit for making a fair and timely recommendation.
- 6.7 When making a recommendation to the Members regarding a complaint, the Committee may consider all of the circumstances surrounding the complaint, including the following:
- (a) the presence or absence of evidence that the alleged misconduct took place;
  - (b) any evidence that the alleged misconduct has damaged, or has the potential to damage, the confidence of BCAFN Members in the Regional Chief;
  - (c) any evidence that the alleged misconduct has damaged, or has the potential to damage, the reputation of the BCAFN;
  - (d) whether the complaint was made in bad faith or for an improper purpose or motive; and
  - (e) whether the substance of the complaint has been or is being appropriately dealt with in another proceeding or process.

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<sup>11</sup> Bylaw 8.8.

<sup>12</sup> Bylaw 8.9.

<sup>13</sup> Bylaw 8.10.

6.8 The Chair will submit the Committee's written recommendations, including the conclusions from its investigation, to the Board, which will ensure that the recommendations are distributed to the Members by email without delay.<sup>14</sup>

## **7. CONFIDENTIALITY**

7.1 Unless otherwise determined by the Committee, the members of the Committee will treat all discussions between members of the Committee that relate to a complaint as confidential information.

7.2 Any recording of or minutes from a portion of a meeting involving discussions between members of the Committee that relate to the referral or investigation of a complaint will be treated as confidential information and disclosed only with the consent of the Committee.

## **8. CONFLICT OF INTEREST**

8.1 Conflicts of interest and perceived conflicts of interest are understood by the members of the Committee to occur when a member participates in discussions about a matter that may directly or indirectly result in benefits (financial or other and regardless of the size) to this member or someone with whom the member has a familial or professional relationship.

8.2 Every member of the Committee must avoid any situation in which there is an actual or apparent conflict of interest that could or could appear to interfere with that member's judgment in making recommendations in accordance with the Bylaws and these Terms of Reference.

8.3 A member of the Committee who is in an actual or apparent conflict of interest:

- (a) in respect of a governance matter to be reviewed by the Committee at a meeting of the Committee, must remove themselves from such meeting; or
- (b) in respect of a complaint, must recuse themselves from any investigation or recommendation related to such complaint.

8.4 If a member of the Committee believes that another member is in a conflict of interest and has not declared it, it is the responsibility of that member to inform the Chair of the perceived conflict of interest. The Chair will rule on the matter.

## **9. GENERAL**

9.1 The Committee may, by consensus, recommend amendments to these Terms of Reference for review by the Board, and put forward for ratification by the Chiefs-in-Assembly.

9.2 Notices to each of the Committee members may be made to the following addresses:

- (a) \_\_\_\_\_ : ◆

**Deleted:** Chief Courteney Adolph-Jones

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<sup>14</sup> Bylaw 8.11.

- (b) \_\_\_\_\_ ◆
- (c) \_\_\_\_\_ ◆
- (d) \_\_\_\_\_ ◆
- (e) \_\_\_\_\_ ◆
- (f) \_\_\_\_\_ ◆

**Deleted:** Chief Donna Aljam:

**Deleted:** Chief Greg Louie:

**Deleted:** Chief Tony Morgan:

**Deleted:** Chief Brian Tate:

**Deleted:** Chief Janet Webster:→

9.3 Notices required to be served on the Board or BCAFN may be made to the following address:

1004 Landooz Road, Prince George, BC V2K 5S3

Attention: Chief of Staff



## BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road  
Prince George, BC V2K 5S3  
Website: [www.bcafn.ca](http://www.bcafn.ca)

**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online via Zoom**

**Resolution 12/2020**

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**SUBJECT:**                      **TERMS OF REFERENCE FOR ELECTIONS APPEAL COMMITTEE**

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**MOVED BY:**                **CHIEF MAUREEN LUGGI, WET'SUWET'EN**

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**SECONDED BY:**        **CHIEF FRED ROBBINS, ESKETEMC FIRST NATION**

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**DECISION:**                **CARRIED**

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**WHEREAS:**

- A. BCAFN Bylaw 10.1(a) requires that the Chiefs-in-Assembly at this AGM to establish and approve terms of reference of a committee to hear and decide appeals of election results (the "**2020-2023 Terms of Reference**");
- B. The Board has reviewed draft terms of reference for the 2020-2023 Elections Appeal Committee a copy of which is attached as Schedule "A" (the "**Draft 2020-2023 Terms of Reference**");
- C. The Draft 2020-2023 Terms of Reference are substantially similar to the terms of reference for the Elections Appeal Committee that were adopted and ratified by the Chiefs-in-Assembly at the AGM in 2019 (the "**2019-2020 Terms of Reference**");
- D. The version of the Draft 2020-2023 Terms of Reference attached as Schedule "A" shows changes proposed as compared to the 2019-2020 Terms of Reference;

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**Certified copy of a resolution adopted on the 18<sup>th</sup> day of November 2020**

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**Terry Teegee, BC Regional Chief**


- E. Sections 5.2 and 5.3 of the Draft 2020-2023 Terms of Reference clarify that the term of the individuals appointed to the 2020-2023 Elections Appeal Committee will begin after the close of the appeal period after this AGM or, if an appeal is filed, after the outcome of that appeal, whichever is later;
- F. The BCAFN Board recommends that the Chiefs-in-Assembly approve and ratify the Draft 2020-2023 Terms of Reference;
- G. The BCAFN Board further recommends that the Chiefs-in-Assembly confirm that any appeal of the results of elections that occur at this AGM will be heard and decided by the individuals appointed to the Elections Appeal Committee at the Special Chiefs Assembly in 2019 (the “**2019-2020 Elections Appeal Committee**”), on the basis the subject of such an appeal (i.e. 2020 AGM elections) will have arisen during their term and that these individuals are prepared to fulfil their mandate within the required timelines if an appeal is filed; and
- H. The Chiefs-in-Assembly wish to accept the Board’s recommendations to confirm who would hear and decide any appeal that might arise from the elections at this 2020 AGM and further wish to adopt and ratify the Draft 2020-2023 Terms of Reference.

**THEREFORE BE IT RESOLVED THAT:**

1. any appeal that may be filed in relation to elections taking place at this Annual General Meeting will be heard and decided by the individuals appointed to the 2019-2020 Elections Appeal Committee in accordance with the Bylaws and the 2019-2020 Terms of Reference;
2. the Draft 2020-2023 Terms of Reference are hereby ratified and approved.

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Certified copy of a resolution adopted on the 18<sup>th</sup> day of November 2020



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Terry Teegee, BC Regional Chief



## BC Assembly of First Nations

### Elections Appeal Committee

#### Terms of Reference for ~~2019—2020~~ – 2023

Approved by the Chiefs-in-Assembly on ~~September 18~~ November, ~~2019~~ 2020

## 1. PREAMBLE

1.1 At every AGM in which there is an election of the Regional Chief, the Chiefs-in-Assembly will:

- (a) establish and provide terms of reference for the Committee to hear and decide appeals of election results; and
- (b) appoint three (3) individuals to serve on the Committee, each for a term of three (3) years that terminates at the close of the third AGM after their appointment.<sup>1</sup>

~~1.2 — Members are authorized to establish the Committee on an interim basis before the AGM in 2020, with all of the duties and powers set out in Article 10 of the Bylaws and on the same terms, except that the term of the three (3) individuals appointed will terminate at the close of the AGM in 2020.<sup>2</sup>~~

~~1.3 — On March 8, 2019, the Chiefs-in-Assembly established the Committee on an interim basis to serve until the close of the AGM in 2020, to develop the terms of reference for the Committee in consultation with the Board, and to put those terms of reference forward for ratification and approval by the Members at the 2019 AGM.<sup>3</sup>~~

~~1.4~~1.2 ~~On September 18, 2019, the Chiefs-in-Assembly~~ On November           , 2020, the Chiefs-in-Assembly appointed            individuals to serve on the Committee and ratified and approved these terms of reference.<sup>42</sup>

## 2. INTERPRETATION

- 2.1
- (a) “appeal” means an appeal of any BCAFN election made in accordance with Bylaw 10.6;
  - (b) “Chair” means the chair of the Committee appointed in accordance with these Terms of Reference;
  - (c) “Committee” means the Elections Appeal Committee established under the Bylaws, unless otherwise specified;

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<sup>1</sup> Bylaw 10.1.

~~<sup>2</sup> Bylaw 10.2.~~

~~<sup>3</sup> Resolution 06/2019.~~

~~<sup>42</sup> Resolution 16/2019~~ Resolutions            /2020 and            /2020.

- (d) “hearing” means a hearing conducted by the Committee pursuant to the Bylaws;
- (e) “meeting of the Committee” means any meeting of the Committee other than a hearing;
- (f) “parties” means, collectively, the person who files an appeal, each candidate in an impugned election, the Electoral Officer, and any other person who the Chair deems necessary to be a party; and
- (g) “Terms of Reference” means these terms of reference as ratified by the Chiefs-in-Assembly and which are binding on the Committee.

2.2 Words not specifically defined in these Terms of Reference have the same meaning as defined in Bylaw 1.1.

2.3 If any provisions of these Terms of Reference conflict with the Constitution, Bylaws or Governance Manual, the Constitution, Bylaws and Governance Manual will prevail to the extent of such conflict.

### **3. PURPOSE**

3.1 The purpose of the Committee is to hear and decide appeals of election results for any BCAFN election in a timely, fair and impartial manner, and in accordance with the Constitution and Bylaws.<sup>53</sup>

3.2 The purposes of these Terms of Reference are to:

- (a) facilitate the fair, impartial and timely resolution of an appeal;
- (b) ensure the conduct of a hearing is proportional to the complexity and gravity of the appeal;
- (c) allow flexibility in the conduct of a hearing, when it is fair and just to do so; and
- (d) to provide a formal process that instills confidence in the Members as to the fairness and validity of BCAFN elections.

### **4. PRINCIPLES**

4.1 In exercising its powers and fulfilling its responsibilities under the Constitution and Bylaws, the Committee will make decisions and proceed in a manner that ensure fairness to all parties and reflects the principles of transparency and accountability to the Chiefs-in-Assembly.

4.2 In exercising the powers and performing the functions of a member of the Committee, a member of the Committee will at all times:

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<sup>53</sup> Bylaw 10.1(a).  
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- (a) act honestly and in good faith;
- (b) comply with and uphold the Constitution, Bylaws, Governance Manual and these Terms of Reference; and
- (c) exercise the care, diligence and skill of a reasonably prudent person.

## 5. COMMITTEE

### *Appointment and Term*

5.1 The following three individuals are appointed as members of the Committee: ~~Merle Alexander, Edith Loring Kuhanga, and Victoria Russell~~ \_\_\_\_\_,

\_\_\_\_\_, and  
\_\_\_\_\_.<sup>64</sup>

5.2 The term of the individuals appointed in section ~~5.1~~ 5.1 will ~~terminate upon the close of the AGM in 2020.~~<sup>7</sup>

(a) begin on the later of

(i) the eighth (8th) day after the conclusion of the elections at the 2020 AGM, or

(ii) if one or more appeals are filed in respect of the elections at that 2020 AGM, on the day after every such appeal has been finally decided under Bylaw 10.9 or Bylaw 10.14; and

(b) terminate upon the close of the AGM in 2023.<sup>5</sup>

5.3 For certainty, any appeal filed in relation to elections that occur at the AGM in 2023 will be heard by the three individuals appointed under section 6.1 and not by individuals newly appointed by the Chiefs-in-Assembly to serve on the Committee for the subsequent three-year period.

### *Resignation and Replacement*

~~5.3~~ 5.4 A member of the Committee may resign by providing written notice to the Chair or, in the case of the Chair's resignation, to other members of the Committee.

~~5.4~~ 5.5 Any casual vacancy on the Committee may be filled by ordinary resolution of the Chiefs-in-Assembly.

~~5.5~~ 5.6 The Chair or other member of the Committee will advise the Board of any casual vacancy so that notice of same may be delivered to the Members in advance of an Annual General Meeting or Special Chiefs Assembly.

~~5.6~~ 5.7 An act or proceeding of the Committee is not invalid merely because there are fewer than three members on the Committee.

<sup>64</sup> Resolution ~~06/2019~~ \_\_\_\_/2020.

<sup>7</sup> ~~Resolution 06/2019.~~

<sup>5</sup> Resolution \_\_\_\_/2020; Bylaw 10.1(b).

### **Chair**

~~5.7~~5.8 At the first meeting of the Committee after these Terms of Reference are ratified by the Chiefs-in-Assembly at the ~~2019-2020~~ Annual General Meeting, the Committee will appoint one of its members as the Chair. Any subsequent vacancy in the position of Chair will be filled by the Committee by appointing another of its members.

~~5.8~~5.9 If the members of the Committee cannot agree on the Chair appointment, they will request the Board to appoint the Chair.

~~5.9~~5.10 The Chair is responsible for

- (a) coordinating and chairing meetings of the Committee;
- (b) communicating with and ensuring that all correspondence received regarding an appeal is disseminated to members of the Committee and the parties, as the case may be;
- (c) determining time extensions for an appeal; and
- (d) communicating with the Board on behalf of the Committee, including delivering written decisions of the Committee.<sup>86</sup>

### **Meetings**

~~5.10~~5.11 The first meeting of the Committee will be held within 30 days of these Terms of Reference being ratified by the Chiefs-in-Assembly.

~~5.11~~5.12 Although the Committee is not expected to have meetings during its term other than the first meeting and any meeting to review and make a determination pursuant to Bylaw 10.9, any member of the Committee may call a meeting of the Committee by providing fourteen (14) days written notice to the other members of the Committee.

### **Quorum**

~~5.12~~5.13 Quorum for a hearing or any meeting of the Committee is two (2) members of the Committee.

### **Decision making**

~~5.13~~5.14 Unless otherwise specified in the Bylaws, members of the Committee will attempt to reach consensus on appeal determinations and on all decisions arising at meeting of the Committee.

~~5.14~~5.15 If consensus cannot be reached, the members of the Committee will make a decision by simple majority.

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<sup>86</sup> Bylaws 10.7, 10.8.  
01729612-2

### ***Reimbursement and honoraria***

~~5.15~~5.16 Members of the Committee shall not receive honorariums or other remuneration for service on the Committee, other than for service provided in respect of an appeal that requires more than one day to be determined.

~~5.16~~5.17 If service is provided by members of the Committee in respect of an appeal that requires more than one day to be determined, the Board will fix an amount to be paid to each member having performed such service.

~~5.17~~5.18 Expenses reasonably incurred by a member of the Committee in fulfilment of the Committee's responsibilities will be reimbursed by the BCAFN, subject to any expense reimbursement policy in force from time to time.

### ***Meeting and hearing participation***

~~5.18~~5.19 The Committee may hold meetings at the places and times it deems fit to conduct its business.

~~5.19~~5.20 Members of the Committee may, in respect of a meeting, participate by means of a telephone conference or similar communications equipment.

~~5.20~~5.21 Members of the Committee must participate in person at a hearing.

### ***Administrative and legal support***

~~5.21~~5.22 BCAFN will provide the Committee with the support needed to fulfil its responsibilities under the Bylaws and these Terms of Reference, including:

- (a) providing at least one staff person to attend each meeting of the Committee and to record and circulate minutes; and
- (b) providing legal counsel recommended by the Chair pursuant to Bylaw 10.7(d).

## **6. RESPONSIBILITIES**

### ***Receiving an appeal***

6.1 Within seven (7) days of the conclusion of an election, any candidate or member delegate may file an appeal in writing to the Chair that alleges significant unfairness to a candidate resulted from one or more of the following:

- (a) conduct or actions during the election campaign of a candidate or his or her representatives or agents;
- (b) election irregularities; or
- (c) the Electoral Officer having:

- (i) acted without jurisdiction or authority,
- (ii) refused to exercise his or her jurisdiction or authority,
- (iii) failed to observe procedural fairness,
- (iv) failed to interpret the Bylaws and the Governance Manual correctly, or
- (v) based a decision, action or omission on an erroneous finding of fact that was made in a perverse or capricious manner or without regard for the information before him or her.<sup>97</sup>

6.2 Within two (2) days of receiving an appeal, the Chair:

- (a) must deliver a copy to each party, the other members of the Committee and the Board;
- (b) may require the parties to provide the Chair within seven (7) days copies of all records in their custody or under their control respecting the appeal;
- (c) may invite the parties to provide the Chair within seven (7) days affidavit evidence respecting the facts alleged in the appeal; and
- (d) may recommend to the Board that legal counsel be retained on behalf of the Society to advise the Committee on its duties and obligations, or any other matter related to the appeal.<sup>108</sup>

6.3 Any party may apply to the Chair to extend the time for submitting records or affidavit evidence under Bylaw 10.7(b) or Bylaw 10.7(c), whether or not the time allowed under those sections has expired, and the Chair may order an extension of time.

6.4 Within fourteen (14) days of the Chair receiving an appeal or, if an extension of time has been granted under Bylaw 10.8, such later time as may be determined by the Chair, the Committee must review the appeal and any records or affidavit evidence received under Bylaw 10.7 and decide, by majority vote, either:

- (a) there are insufficient grounds to hold a hearing, and affirm the election results; or
- (b) there are sufficient grounds to warrant a hearing, and schedule a hearing.<sup>119</sup>

6.5 In making a decision with respect to sufficient grounds to hold a hearing, the Committee may consider all of the circumstances surrounding the appeal, including the following criteria:

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<sup>97</sup> Bylaw 10.6.

<sup>108</sup> Bylaw 10.7.

<sup>119</sup> Bylaw 10.9.

- (a) whether the appeal is incomplete or otherwise defective, or the person submitting the appeal has failed to diligently pursue the appeal;
  - (b) whether the appeal was delivered to the Committee within the applicable time limit or extension of time granted;
  - (c) whether the appeal alleges significant unfairness to a candidate and is otherwise consistent with the grounds for an appeal in accordance with Bylaw 10.6;
  - (d) whether the appeal is frivolous, vexatious or trivial, made in bad faith or filed for an improper purpose or motive; and
  - (e) the substance of the appeal has been appropriately dealt with in another proceeding or process.
- 6.6 To determine that there are sufficient grounds to warrant a hearing, an appeal must
- (a) allege significant unfairness to a candidate resulting from one of the grounds for appeal pursuant to Bylaw 10.6; and
  - (b) disclose on its face sufficient grounds that the alleged unfairness affected the result of the election and that, if substantiated, the election results could be set aside.
- 6.7 If the Committee decides that there are insufficient grounds to hold a hearing and affirms the election results, within seven (7) days of that decision, the Chair will submit written reasons to the Board and the Board will send a copy of those reasons to each of the parties.
- 6.8 If the Committee decides that there are sufficient grounds to warrant a hearing, it will, in consultation with the Board and BCAFN staff:
- (a) schedule a date that must be not less than fourteen (14) days and no more than twenty-one (21) days after the date the Chair received the appeal or, if an extension of time has been granted under Bylaw 10.8, such later time as may be determined by the Chair,<sup>1210</sup> and
  - (b) fix a location within the Greater Vancouver Regional District for the hearing, or such other location as may be reasonably accessible to the parties, as determined by the Committee.

### ***Hearing an appeal***

6.9 The Committee will provide each party with written notice of a hearing.<sup>1311</sup>

6.10 A hearing will be:

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<sup>1210</sup> Bylaw 10.11.

<sup>1311</sup> Bylaw 10.10.



- (a) conducted in accordance with the rules of order and procedure set out in Schedule A; and
- (b) open to all member delegates.<sup>1412</sup>

### ***Deciding an appeal***

- 6.11 Upon conclusion of a hearing, if the Committee decides that the alleged election irregularities or decision, action or failure of the Electoral Officer, as the case may be:
- (a) would not have reasonably affected the outcome of the election, it must order that the appeal is dismissed and affirm the election results; or
  - (b) would have reasonably affected the outcome of the election, it must order that the BCAFN hold a new election at a Special Chiefs Assembly called for that purpose.<sup>1513</sup>
- 6.12 In deciding whether the alleged candidate conduct, election irregularity, or decision, action or failure of the Electoral Officer, as the case may be, would have affected the election results, the Committee may consider the following criteria:
- (a) the difference between the number of votes received by the winner of the election and the number of votes received by other candidates;
  - (b) the number of votes not cast or cast improperly due to the subject of the appeal; and
  - (c) any other factor that the Committee deems to be relevant to determining the outcome of the election.
- 6.13 The burden of proof is on the party submitting the appeal. The applicable standard of proof is a balance of probabilities.
- 6.14 The Committee must make its order without delay, but in any event, no later than fourteen (14) days after the close of a hearing, and such order is final and binding on the parties and is not subject to further appeal.<sup>1614</sup>
- 6.15 Within seven (7) days of making an order under Bylaw 10.13, the Committee will submit written reasons for its decision to the Board and the Board will send a copy of those reasons to all BCAFN members.<sup>1715</sup>

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<sup>1412</sup> Bylaw 10.12.

<sup>1513</sup> Bylaw 10.13.

<sup>1614</sup> Bylaw 10.14.

<sup>1715</sup> Bylaw 10.15.

## **7. HEARING PROCEDURES**

- 7.1 A hearing will be conducted by the Committee in accordance with the rules of order and procedures attached as Schedule A.

## **8. CONFIDENTIALITY**

- 8.1 Unless otherwise determined by the Committee, the members of the Committee will treat all discussions between members of the Committee that relate to the receipt, hearing or decision of an appeal as confidential information.
- 8.2 Any recording of or minutes from a portion of a meeting involving discussions between members of the Committee that relate to the receipt, hearing or decision of an appeal will be treated as confidential information and disclosed only with the consent of the Committee.

## **9. CONFLICT OF INTEREST**

- 9.1 Conflicts of interest and perceived conflicts of interest are understood by the members of the Committee to occur when a member participates in discussions or decision-making processes about a matter that may directly or indirectly result in benefits (financial or other and regardless of the size) to this member or someone with whom the member has a familial or professional relationship.
- 9.2 Every member of the Committee must avoid any situation in which there is an actual or apparent conflict of interest that could or could appear to interfere with that member's judgment in making decisions in accordance with the Bylaws and these Terms of Reference.
- 9.3 A member of the Committee who is in an actual or apparent conflict of interest:
- (a) in respect of a decision to be deliberated on at a meeting of the Committee, must remove herself or himself from such meeting; or
  - (b) in respect of an appeal, must recuse him or herself from any decision related to such appeal and must not participate in any hearing in respect of the appeal.
- 9.4 If a member of the Committee believes that another member is in a conflict of interest and has not declared it, it is the responsibility of that member to inform the Chair of the perceived conflict of interest. The Chair will rule on the matter.

## **10. GENERAL**

- 10.1 The Committee may, by consensus decision, make amendments to Schedule A of these Terms of Reference, and such amendments will come into force upon the Committee giving written notice to the Board.
- 10.2 Any amendment to these Terms of Reference other than to Schedule A must be ratified by the Chiefs-in-Assembly.

10.3 Notices to each of the Committee members may be made to the following addresses:

~~(a) Merle: Merle@millertiterle.com~~

~~(b) Edith: 4169 Quadra Street, Victoria, BC V8X 1L3 and loringkuhanga@gmail.com~~

~~(c) Victoria: healthdirector@gitwangakhealth.com and victoria.russell@gitsegukla.net~~

(a) \_\_\_\_\_:

(b) \_\_\_\_\_:

(c) \_\_\_\_\_:

10.4 Notices required to be served on the Board or BCAFN may be made to the following address:

1004 Landooz Road, Prince George, BC V2K 5S3

Attention: Chief of Staff

## SCHEDULE A

### RULES OF ORDER AND PROCEDURE FOR A HEARING

#### ***Filings and notice***

1. Any filing in respect of an appeal may be done in writing by email, courier or personal delivery.
2. To determine the time of service in an appeal, any notice or filing that is:
  - (a) emailed will be considered to have been served the day following confirmation that the email has been sent to the correct addressee; and
  - (b) delivered by courier or personal delivery will be considered to have been served on the same day.
3. Proof of service or delivery may be established by acknowledgment in writing by the person served or a solemn declaration of the person serving or delivering the document.
4. Notwithstanding section 3, the Committee may proceed with consideration of an appeal where service has not been properly effected if there is no prejudice to any party or if any such prejudice can be addressed by an adjournment or other means.

#### ***Order of hearing***

5. A hearing must proceed in the following order:
  - (a) a member of the Committee must summarize the appeal, either by oral presentation at the beginning of the hearing or in writing;
  - (b) the parties may provide the Committee with additional or new documentary evidence regarding the appeal;
  - (c) the parties may provide oral evidence or call one or more witnesses to provide oral evidence regarding the appeal;
  - (d) the parties may make submissions to the Committee regarding the appeal; and
  - (e) the Committee may ask questions of the parties regarding the appeal.

#### ***Adjournments***

6. During a hearing the Committee may, on its own initiative or on the reasonable request of a party, adjourn the hearing and set a date or time for the hearing to resume.
7. The Committee may consider the following criteria in adjourning a hearing:
  - (a) the value of continuing with the hearing in a timely manner;

- (b) whether the appeal can be properly heard and decided without an adjournment;
- (c) whether the Committee believes that a request for adjournment is a stalling tactic or otherwise not genuine, or where the party requesting adjournment has delayed in seeking legal counsel;
- (d) whether refusal to grant a request for adjournment would amount to a denial of procedural fairness to any party; and
- (e) any other criteria that the Committee reasonably decides is necessary to consider.

### ***Representation***

8. (a.) For certainty, a party may represent him or herself or be represented by an agent or counsel at a hearing.
- (b) A member of the Committee may direct that legal counsel for the Committee be present at a hearing.
- (c) With the permission of the Committee, a party may be assisted by a friend, family member or other person while representing him or herself in a hearing.
- (d) A person must provide written notice to the Committee if they are retained and subsequently cease to represent a party as an agent or legal counsel in a hearing.
- (e) An agent or legal counsel of a party or any person permitted by the Committee to assist a party under subsection (c) may not appear without the party present without the permission of the Committee.

### ***Evidence***

9. (a.) Subject to subsections (b) and (c), the legal rules of evidence do not apply at a hearing and the Committee may admit any evidence it considers relevant and appropriate in the circumstances.
- (b) Nothing is admissible before the Committee that is inadmissible in British Columbia Supreme Court because of privilege under the law of evidence.
- (c) For certainty, all evidence in a hearing must be given under oath or solemn affirmation.

### ***Transcript***

10. A transcript will be prepared for the hearing, and the transcript will form part of the official record of the hearing.

### ***Recording***

11. (a) Unless otherwise directed by the Committee, a hearing must not be audio recorded.

- (b) If a hearing is audio recorded,
  - (i) the parties will be provided notice in advance of such audio recording, and
  - (ii) the audio recording forms part of the official record of the hearing.
- (c) A hearing is not invalidated as a result of a malfunction of recording equipment during the hearing, a failure to record the whole or part of the hearing or the destruction of any recording of the hearing.

***Committee direction***

- 12. The Committee may make any direction the Committee considers necessary or desirable for the conduct of a hearing, or for the fair, just and timely resolution of an appeal.

***Waiver or variance of rules***

- 13. At any time, the Committee may waive or vary any of these rules of order and procedure on its own initiative or at the reasonable request of a party in order to facilitate the just and timely resolution of an appeal.
- 14. A failure to comply with these rules of order and procedure does not invalidate a hearing.
- 15. Where these rules do not provide sufficient guidance on procedure, the Committee may make reference to the British Columbia Supreme Court Civil Rules for guidance.



## BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road  
Prince George, BC V2K 5S3  
Website: [www.bcafn.ca](http://www.bcafn.ca)

**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online via Zoom**

**Resolution 13/2020**

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**SUBJECT: APPOINTMENT OF ELECTIONS APPEAL COMMITTEE**

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**MOVED BY: CHIEF RAY GEROW, BURNS LAKE FIRST NATION**

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**SECONDED BY: CHIEF MARILYN SLETT, HEILTSUK NATION**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. At the BCAFN Special Chiefs Assembly on March 8th, 2020, the Chiefs-in-Assembly appointed three individuals to the Elections Appeal Committee who are serving until the close of this BCAFN Annual General Meeting ("**AGM**") in accordance with BCAFN Bylaw 10.2 (the "**2019-2020 Elections Appeal Committee**");
- B. BCAFN Bylaw 10.1(b) requires the Chiefs-in-Assembly at this AGM to appoint three (3) individuals to serve on the Elections Appeal Committee, each for a term of three (3) years that terminates at the close of the third AGM after their appointment (the "**2020-2023 Elections Appeal Committee**");
- C. BCAFN Bylaw 10.3 requires that the individuals appointed to the 2020-2023 Elections Appeal Committee will, collectively, have the following mix of skills and experience:
  - a. experience managing or supervising elections,
  - b. legal expertise,
  - c. experience adjudicating disputes as part of an administrative tribunal or similar body, and

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**Terry Teegee, BC Regional Chief**

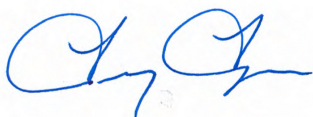
- d. familiarity with BCAFN processes and procedures; and
- D. The Chiefs-in-Assembly wish to appoint the 2020-2023 Elections Appeal Committee.

**THEREFORE BE IT RESOLVED THAT:**

1. the following individuals are appointed to the 2020-2023 Elections Appeal Committee, to serve until the close of the AGM in 2023:
  - a. Edith Loring-Kuhanga
  - b. Shane James
  - c. Chief Cynthia Joseph

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Terry Teegee, BC Regional Chief





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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online via Zoom**

**Resolution 14/2020**

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**SUBJECT:** PARITY IN CARBON TAX REBATE APPLICATION

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**MOVED BY:** CHIEF ROSANNE CASIMIR, TKEMPLUPS TE SECWEPEMC

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**SECONDED BY:** KUKPI7 RON IGNACE, SKEETCHESTN

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**DECISION:** CARRIED

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**WHEREAS:**

- A. First Nations hold inherent rights of self-determination, self-government and title to their respective lands, territories, and resources, which they have traditionally owned, occupied or otherwise used or acquired and continue to exercise their respective inherent authorities and jurisdictions;
- B. The *United Nations Declaration on the Rights of Indigenous Peoples* has been adopted by the Canadian government without qualification.
  - a. Article 4: Indigenous Peoples, in exercising their right to self-determination., have the right to autonomy of self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions;
  - b. Article 21: 1. Indigenous peoples have the right, without discrimination, to the improvement of their *economic* and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.  
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.

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**Terry Teegee, BC Regional Chief**

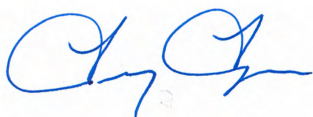
- C. In January 2011, the BC Government introduced several measures aimed at reducing the burden of carbon tax on certain BC property taxpayers. Northern and Rural Homeowner Benefit of up to \$200 for homeowners (outside Capital Regional District, Greater Vancouver Regional District, Fraser Valley Regional District); Industrial Property Tax Credit of 50% of school property taxes payable by light and major industrial businesses rising to 60% in 2011; and School property taxes for farm lands cut by 50%
- D. Currently these carbon tax relief measures are not available for any taxpayer on reserve lands, even though residents on reserve pay carbon tax at the same level as residents of the "City". This creates a government imposed, artificial barrier to development on reserve lands. Developers choosing to invest and partner with First Nations are penalized by the provincial government for not having access to similar grants.
- E. Carbon tax offers social and economic benefits for those who reside off reserve and do not benefit the non-members or members that reside on reserve.

**THEREFORE, BE IT RESOLVED THAT:**

- 1. That the BCAFN Chiefs-in-Assembly call on the Provincial Government to engage in meaningful dialogue with regards to Carbon Tax Rebate, to support the development of a collaborative task force to work together on resolving the carbon tax regime and for the Provincial Government to share those revenues that are taken from reserve lands.
- 2. That the BCAFN Chiefs-in-Assembly support TteS, and other applicable First Nations, to implement a carbon pricing regime and retain the funds allocated from the regulatory charge.

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A handwritten signature in blue ink, appearing to read 'Terry Teegee', is written over a horizontal line.

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Terry Teegee, BC Regional Chief



## BC ASSEMBLY OF FIRST NATIONS

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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**

**November 17 & 18, 2020**

**Online via Zoom**

**Resolution 15/2020**

**SUBJECT: PROTECTION OF THE INHERENT RIGHT OF FIRST NATIONS TO USE AND POSSESS EAGLES FEATHERS AND PARTS FOR SOCIAL, CULTURAL AND CEREMONIAL PURPOSES**

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**MOVED BY: CHIEF RALPH LEON, STS'AILES**

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**SECONDED BY: CHIEF HARVEY MCLEOD, UPPER NICOLA INDIAN BAND**

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**DECISION: CARRIED**

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**WHEREAS:**

**A. The *United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration)* states:**

- i. Article 11 (1): Indigenous peoples have the right to practise 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 11 (2): States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

- ii. Article 12 (1): Indigenous peoples have the right to manifest, practise, 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

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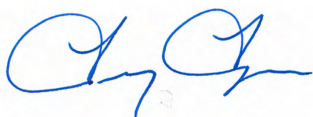
**Terry Teegee, BC Regional Chief**

and control of their ceremonial objects; and the right to the repatriation of their human remains.

- iii. 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.
  - iv. 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.
  - v. 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.
- B. First Nations use eagles for feathers and other parts for social, cultural and ceremonial purposes in a holistic and respectful manner.
- C. First Nations have the inherent Aboriginal right to use animals and animal parts – including eagles – for social, cultural and ceremonial purposes such as: traditions, cultural protocols and practices, self-determination, and inter-generational transmission of traditional knowledge and livelihoods.
- D. First Nations have the jurisdiction and the responsibility to protect and conserve Mother Earth and all animals, in particular eagles, within their respective territories.
- E. The Convention on International Trade in Endangered Species and Wild Fauna and Flora (CITES) is an international agreement that regulates the trade of animals and plants for their protection. Under Memorandum D19-7-1: Interpretation of the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Indigenous Peoples crossing the United States (U.S.)-Canada Border are exempted from CITES permit requirements whereas:
- a. *“Travellers who transport eagle parts and feathers as personal accompanied baggage for religious or ceremonial purposes are exempted from CITES permit requirements for importation into Canada.*
- F. Reported violations to First Nations’ right to use, possess, and transport eagle feathers and parts include: Conservation Agents trespassing onto reserve lands, privacy violations, defamatory media circulation, concealment and fabrication of evidence, and permit requirements.

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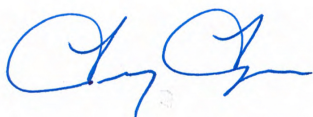
- G. First Nations experience wrongful convictions and penalties for the use, possession, and transport of eagle feathers and parts demonstrating a need for greater support for – and the proper implementation of – restorative justice processes to address these rights violations.
- H. The colonial Wildlife Act undermines First Nations’ right to sustainably harvest and utilize eagle feathers for cultural purposes.
- I. Sustainable harvest and use does not pertain to the sale of eagle parts for financial or economic purposes.

**THEREFORE BE IT RESOLVED THAT:**

- 1. The BCAFN Chiefs-in-Assembly call on the provincial government to establish a process to address issues related to the inherent preexisting right recognized in law by Canada and the discriminatory practices involving charging First Nations of their rightful use, possession, transport of eagle feathers and parts;
- 2. The BCAFN Chiefs-in-Assembly call on conservation officers and other law enforcement to work with the appropriate Indigenous restorative justice process for First Nations’ wrongly convicted and/or charged for their rightful use, possession, and transport of eagle feathers and parts;
- 3. The BCAFN Chiefs-in-Assembly urge BC First Nations to utilize our own laws, orders, and traditions in order to use, possess and transport eagle feathers and parts while acknowledging the importance of maintaining the health of wildlife populations;
- 4. The BCAFN Chiefs-in-Assembly call on the Attorney General of British Columbia to order an investigation and prosecution of those Conservation Officers who conspired in 2005 and 2006 to prosecute innocent Aboriginal people by means, that included among other things: fabrication of evidence, counselling Aboriginal people to commit offences, entrapment, publishing false media releases and defrauding the Government of British Columbia by schemes designed for personal enrichment. The consequences of this government conduct resulted in loss of liberty (imprisonment), loss of cultural identity, dignity, privacy and personal relationships with lasting effects to this day;
- 5. The BCAFN Chiefs-in-Assembly urge provincial agents to provide redress – including restitution, repatriation, and the reversal for convictions – for violations to First Nations’ right to use, possess, and transport eagle feathers and parts; and
- 6. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to advocate and call for the reform of the Wildlife Act in order to uphold the minimum standards set out in the *United Nations Declaration on the Rights of Indigenous Peoples*.

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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online via Zoom**

**Resolution 16/2020**

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**SUBJECT:                      LEGAL STRATEGY TO ADDRESS WILDLIFE MISMANAGEMENT**

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**MOVED BY:                      CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND**

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**SECONDED BY:                      CHIEF LEE SPAHAN, COLDWATER INDIAN BAND**

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**DECISION:                      CARRIED**

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**WHEREAS:**

- A. Indigenous Nations in BC enjoy and exercise inherent Title, Rights and jurisdiction to their respective territories;
- B. Indigenous Peoples have always relied on wildlife populations in their territories for sustenance and to maintain their connection to their culture, identity and lands;
- C. The Crown is obligated to protect and uphold the Inherent rights of Indigenous Peoples as recognized and affirmed pursuant to section 35 of the *Constitution Act, 1982*. This recognition and affirmation compels the Crown to provide to the holders of those rights the means to which the Crown has attempted to fully and conclusively discharge their fiduciary duty to justify their infringement of those rights within the framework established by the Supreme Court of Canada in *R. v. Sparrow*;
- D. The *United Nations Declaration on the Rights of Indigenous Peoples* ("UN Declaration"), which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:

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**Terry Teegee, BC Regional Chief**

Article 24: Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals.

Article 26: Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

Article 29: Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources;

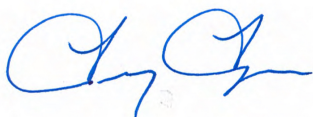
- E. The government of BC is required, pursuant to section 3 of the *Declaration on the Rights of Indigenous Peoples Act*, to take all measures necessary to ensure the laws of BC are consistent with the UN Declaration;
- F. The Crown has consistently failed to manage and protect wildlife populations and wildlife habitat on which Indigenous Peoples rely on to the exercise of their Inherent Rights;
- G. The Crown's failure to responsibly manage and protect wildlife populations and wildlife habitat is contrary to the honour of the Crown, the direction of the Supreme Court of Canada, the UN Declaration, and the Crown's constitutional obligations to attempt to justify any infringement of Indigenous Peoples' Inherent rights; and
- H. The Okanagan Indian Band ("OKIB"), on behalf of the *Syilx* Okanagan Nation, has identified potential legal options to address the Crown's failure to protect wildlife populations and habitat, and its failure to attempt to justify its infringements of Indigenous Peoples' Inherent rights.
- I. All First Nations in BC would benefit from a comprehensive, coordinated legal strategy to implement their rights to harvest, use and manage wildlife resources within their territories, which they have done since time immemorial, and to address the Crown's failure to justify its infringements of Indigenous Peoples' Inherent rights.

**THEREFORE BE IT RESOLVED THAT:**

- 1. The BCAFN Chiefs-in-Assembly fully support Okanagan Indian Band's (OKIB) efforts to identify potential legal options to address the Crown's failure to protect wildlife

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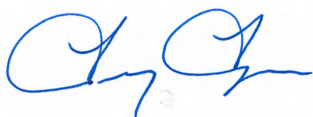
Terry Teegee, BC Regional Chief

populations and habitat, and its failure and to attempt to justify its infringements of Indigenous Peoples' Inherent rights;

2. the BCAFN Chiefs-in-Assembly direct the BCAFN Regional Chief and staff to support the OKIB and other First Nations to develop a comprehensive legal and political strategy to address the Crown's failure to protect wildlife populations and habitat, and its failure to attempt to justify its infringements of Indigenous Peoples' Inherent Rights; and
3. the BCAFN Chiefs-in-Assembly direct the BCAFN Regional Chief and staff to undertake the above actions in collaboration and coordination with others, similarly affected Indigenous groups outside of BC.

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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online via Zoom**

**Resolution 17/2020**

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**SUBJECT:** **CALL FOR THE DEVELOPMENT OF AN INDIGENOUS YOUTH HOUSING ACTION PLAN**

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**MOVED BY:** **KUKPI7 JUDY WILSON, NESKONLITH INDIAN BAND**

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**SECONDED BY:** **CHIEF HARVEY MCLEOD, UPPER NICOLA INDIAN BAND**

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**DECISION:** **CARRIED**

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**WHEREAS:**

- A. Indigenous youth face significant challenges when aging out of care, including a lack of access to safe and affordable housing. There is an urgent need for the development of a youth housing policy framework which has been amplified by the COVID-19 Pandemic.
- B. On March 31<sup>st</sup>, 2021, the emergency measures that have been put in place by the Province of BC to allow youth in care to remain in their placements and to pause them aging out of care will end, resulting in approximately 1000 youth aging out at that time and creating a super-highway to youth homelessness as the sector does not have the capacity to support this number of youth aging into independence.
- C. 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 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas

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**Terry Teegee, BC Regional Chief**

of education, employment, vocational training and retraining, housing, sanitation, health and social security.

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

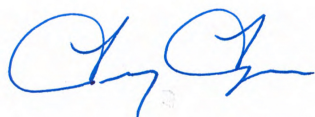
- D. AFN Chiefs-in-Assembly and the BCAFN Chiefs-in-Assembly have supported the need to address homelessness for First Nations via BCAFN Resolution 08/2020 *Action Plan for First Nations Homelessness on and off reserve* and via the 2018 AFN *National First Nations Housing and Related Infrastructure Strategy*.
- E. Due to lack of available housing, youth tent encampments are being contemplated in the Cowichan Valley as a desperate measure to assist vulnerable youth at risk. This measure does not meet the basic human rights standards that Indigenous youth are entitled to and deserve.
- F. There is an urgent need to respond to this crisis and to address the increasing level of Indigenous youth homelessness and youth who are housing insecure. A distinct Indigenous Youth Housing Strategy, that meets the developmental and cultural needs of young people, is required to respond to this issue.

**THEREFORE BE IT RESOLVED THAT:**

- 1. The BCAFN Chiefs-in-Assembly call upon the Ministry of Children and Family Development to provide information on the cohort of youth expected to age out of care on March 31, 2021 by January 15<sup>th</sup>, 2021 to the BCAFN Chiefs-in-Assembly. This information should include the number of youth aging out per community and what type of housing intervention is needed to prevent homelessness for each individual young person, to allow for the development of a comprehensive youth housing strategy;
- 2. The BCAFN Chiefs-in-Assembly call upon the provincial government and agencies to ensure all Indigenous youth have a housing plan, and comprehensive transition plans that address the needs of youth in a holistic way that is sustainable, safe, and secure prior to aging out of care during COVID-19, including an extension of emergency measures post March 31<sup>st</sup> for youth who do not have appropriate housing or support to thrive; and

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**Terry Teegee, BC Regional Chief**

3. The BCAFN Chiefs-in-Assembly support the BCAFN Regional Chief and staff to work with the UBCIC and FNS as the FNLC with the BC Coalition to End Youth Homelessness and other likeminded organizations to develop youth housing strategies and an Indigenous Youth Housing Action Plan and to ensure that these strategies and plans incorporate wrap-around services and holistic supports.
4. The BCAFN Chiefs-in-Assembly call on the Regional Chief, UBCIC and FNS working as the FNLC to report to the Chiefs-in-assembly at the upcoming Special Chiefs Assembly on the development of the Indigenous Youth Housing Action Plan.

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Terry Teegee, BC Regional Chief



## BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road  
Prince George, BC V2K 5S3  
Website: [www.bcafn.ca](http://www.bcafn.ca)

**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**

**November 17 & 18, 2020**

**Online via Zoom**

**Resolution 18/2020**

**SUBJECT: SUPPORT FOR FNLC RELATIONSHIP PROTOCOL WITH THE CANADIAN RED CROSS**

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**MOVED BY: CHIEF DON TOM, TSARTLIP FIRST NATION**

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**SECONDED BY: CHIEF GORDON PLANES, T'SOUKE NATION**

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**DECISION: CARRIED**

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**WHEREAS:**

- A. Emergency management continues to be a priority for First Nations as the impacts of natural disasters, pandemics, climate change and other events continue to exacerbate challenges faced by First Nations communities;
- B. 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 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior, and informed consent of the Indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 29 (1): Indigenous people 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

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**Certified copy of a resolution adopted on the 18<sup>th</sup> day of November 2020**

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**Terry Teegee, BC Regional Chief**

programmes for Indigenous peoples for such conservation and protection, without discrimination;

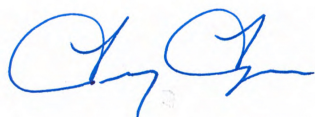
- C. The BC Assembly of First Nations, the UBCIC, and the First Nations Summit, and the BC Assembly of First Nations, working together as the First Nations Leadership Council, have developed in collaboration with the Canadian Red Cross a draft Relationship Protocol which aims to create a path forward that respects and recognizes the human rights of Indigenous Peoples; and
- D. the draft Relationship Protocol between the First Nations Leadership Council and the Canadian Red Cross has been developed to establish a process for joint dialogue, action, and cooperation on promoting safe and resilient First Nation communities.

**THEREFORE BE IT RESOLVED THAT:**

- 1. The BCAFN Chiefs-in-Assembly support the BCAFN Regional Chief to sign the attached draft Relationship Protocol between the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs, working collectively as the First Nations Leadership Council, and the Canadian Red Cross; and
- 2. The BCAFN Chiefs-in-Assembly direct the Regional Chief, working with the First Nations Summit and the Union of BC Indian Chiefs as the First Nations Leadership Council, and the Canadian Red Cross to provide regular reports to the BCAFN Chiefs-in-Assembly on the ongoing collaborative objectives and efforts as identified in the attached Relationship Protocol.

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**Certified copy of a resolution adopted on the 18<sup>th</sup> day of November 2020**



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**Terry Teegee, BC Regional Chief**



## FIRST NATIONS LEADERSHIP COUNCIL

### RELATIONSHIP PROTOCOL

Between

**BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS ,**

**FIRST NATIONS SUMMIT ,**

**UNION OF BRITISH COLUMBIA INDIAN CHIEFS**

Collectively referred to as the **FIRST NATIONS LEADERSHIP COUNCIL**

And

**THE CANADIAN RED CROSS SOCIETY**

**This Agreement is made as of XXXX, 2020**

### **WHEREAS:**

1. The First Nations Leadership Council (FNLC) is comprised of the political executives of the BC Assembly of First Nations (BCAFN), First Nations Summit (FNS), and the Union of BC Indian Chiefs (UBCIC). The FNLC works together to secure the mandates to politically represent the interests of First Nations in British Columbia and develop strategies and actions to empower First Nations to bring about significant and substantive changes to government policy that will benefit all First Nations in British Columbia. The FNLC is not an Aboriginal Title and Rights or Treaty Rights holder and cannot engage in process to establish and provide free, prior and informed consent on behalf of individual Indigenous Peoples.
2. The Canadian Red Cross (CRC) is dedicated to improving the lives of vulnerable people by mobilizing the power of humanity in Canada and throughout the world. CRC is a member of the International Red Cross and Red Crescent Movement. All CRC programs and activities are guided by the **Fundamental Principles of Humanity, Impartiality, Neutrality, Independence, Voluntary Service, Unity, and Universality**. These principles allow the Red Cross to help people whatever their race, gender identity, or political beliefs.

3. The Parties believe that cooperative working relationships and effective communications can contribute directly to the well-being of communities by facilitating collaborative action in key and priority areas.

#### **PURPOSE:**

4. To establish a collaborative and constructive working relationship, through a joint dialogue process that focuses on mutual areas of interest and priorities.
5. To affirm the intention of the Parties for their commitment to ongoing and voluntary collaboration, respecting the knowledge, standards, culture and ways of knowing and being of First Nations communities; thus, enabling safe and resilient First Nations communities across British Columbia.
6. To engage in ongoing joint dialogue and action on a broad range of issues and initiatives related to emergency management.

#### **PRINCIPLES:**

7. The agreement is guided by the spirit of cooperation, respect, partnership, and the understanding, recognition and application of the *United Nations Declaration on the Rights of Indigenous People* (UN). This intention is further fortified by the *Declaration on the Rights of Indigenous Peoples* legislation of British Columbia, which aims to create a path forward that respects and recognizes the human rights of Indigenous peoples while introducing better transparency and predictability in the work we do together.
8. The Parties recognize and acknowledge First Nations spiritual, social and cultural practices associated with the land, environmental and natural resources must be respected and share the vision of healthy, resilient communities for current and future generations.
9. The Parties acknowledge and respect the historic, current, and future relationship between the FNLC and CRC. Commitments include resolutions of support by BCAFN, FNS, UBCIC, and agreements between the National Assembly of First Nations and CRC.
10. The Parties will work collaboratively to share their respective knowledge, expertise, and experience to serve First Nations in BC, with a focus on the promotion of resilience-building priorities and interests.

#### **DETAILS:**

11. Recognizing Indigenous rights and inclusive of community input always, CRC, through its Indigenous Peoples Framework is continuously working to achieve its commitment to reconciliation, as set out more particularly in Appendix A.
12. Recognizing the strength, expertise, and knowledge of both parties, FNLC and CRC commit to undertake collaborative efforts in the development of strategies and initiatives intended to advance Indigenous Peoples resilience and well-being.

#### **IMPLEMENTATION:**

13. The Parties agree to meet at least once annually to build joint work and communication plans including measurable outcomes for the upcoming year. Parties also agree to an annual review of progress on relationship commitments.
14. The Parties will work collaboratively to explore ways to offer culturally appropriate and relevant assistance and emergency response programs related to recovery and risk reduction, violence prevention and well-being.
15. In order to reduce the impact of emergencies on First Nations communities, CRC will strive to make disaster preparedness, response, relief and recovery programming more accessible to First Nations in British Columbia with the support of the FNLC in this endeavour.
16. The Parties will work cooperatively to advocate and facilitate violence prevention and well-being initiatives, including planning, awareness raising, education and training, to help reduce risks and vulnerabilities, mitigate harm, and build capacity within leadership, communities, organizations, and partners to promote safe environments.
17. Together, the FNLC and CRC will explore options to increase, at their request, First Nation's engagement in CRC programs to enhance the opportunities for First Nations people to further their knowledge and skills, via Red Cross volunteering and employment, in both domestic and international operations and contexts.

**TERM AND REVIEW:**

18. This Relationship Protocol shall be effective upon signing by both Parties for a term of five (5) years and will be subject to renewal by written notice to ensure the relevance and renewal of commitment to the objectives. It may be terminated by the FNLC or the Red Cross with three months' notice.
19. The Parties understand that the words "Partners", "Partner" or "Partnership" wherever used in this Relationship Protocol are intended to emphasize the cooperative nature of the relationship. The Parties agree that they are not partners in the legal sense. The acts of one Party will not in any way bind the second Party, the Parties share no expectation of profit and no joint or several liabilities is created as a result of this "Relationship Protocol".
20. The Parties acknowledge that this Relationship Protocol does not create any enforceable legal or equitable rights or any obligation, but merely serves to document the parameters that have been set and the areas in which discussions have been held in which understandings in principles have been reached.
21. The Parties may agree in writing to amend this Protocol.
22. This Protocol does not and is not intended to, define or extinguish any Aboriginal or treaty rights.



Signed in the city of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_

For the BC Assembly of First Nations:	
Name (Print):	
Title:	
Date:	

For the First Nations Summit	
Name (Print):	
Title:	
Date:	

For the Union of BC Indian Chiefs:	
Name (Print):	
Title:	
Date:	

For the Canadian Red Cross	
Name (Print):	Patrick Quealey
Title:	VicePresident BC & Yukon
Date:	

## Appendix A – CRC’s Indigenous Peoples Framework



## BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road  
Prince George, BC V2K 5S3  
Website: [www.bcafn.ca](http://www.bcafn.ca)

**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**

**November 17 & 18, 2020**

**Online via Zoom**

**Resolution 19/2020**

**SUBJECT: SUPPORT FOR THE INDIGENOUS EARLY LEARNING AND CHILDCARE FUNDING TO FLOW TO THE BC ABORIGINAL CHILD CARE SOCIETY**

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**MOVED BY: CHIEF LEE SPAHAN, COLDWATER INDIAN BAND**

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**SECONDED BY: CHIEF HARVEY MCLEOD, UPPER NICOLA INDIAN BAND**

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**DECISION: ABSTENTION: CHIEF RAY GEROW, BURNS LAKE INDIAN BAND**  
**CARRIED**

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**WHEREAS:**

- A. Canada has announced \$120 Million in emergency funding to support the evolving needs of Indigenous Early Learning and Child Care (IELCC) in the COVID-19 pandemic. Of the \$71 million available to First Nations nationally \$8,729,797 of which will be available to the BC Region;
- B. By Resolution 12/2016, the BCAFN Chiefs-in-Assembly recognized that with limited resources, the BC Aboriginal Child Care Society (BCACCS) has played a critical and essential role in First Nations Early Childhood Development and Care policy development, research, training and education and service delivery since 1996, and supported BCACCS becoming a Centre of Excellence for Aboriginal Early Childhood Development;
- C. As the mandated regional representative body, the BC Aboriginal Child Care Society (BCACCS) has been providing emergency one-time COVID-19 funding support to First Nations and IELCC programs to cover activities for the period June 1 to September 30 2020; and

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**Certified copy of a resolution adopted on the 18<sup>th</sup> day of November 2020**

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**Terry Teegee, BC Regional Chief**

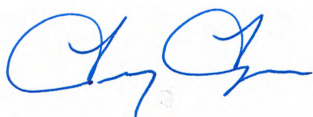
- D. In order to have this additional emergency funding to First Nations as soon as possible, Canada has proposed it flow through BCACCS who can work directly with Nations to support ELCC programs and services to March 31, 2021.

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in-Assembly support emergency IELCC funding to flow to the BC Aboriginal Child Care Society (BCACCS) as the regional lead agency in Indigenous Early Learning and Childcare (IELCC);
2. The BCAFN Chiefs-in-Assembly call on BCACCS Board of Directors and staff to work directly with all First Nations to ensure IELCC programs and services are supported and resourced; and
3. The BCAFN Chiefs-in-Assembly direct the BCAFN Regional Chief and staff to work with the BCACCS, and with the First Nations Summit and the Union of BC Indian Chiefs as the First Nations Leadership Council, to ensure emergency IELCC funding best responds to, and supports, First Nations children, families and communities in ways they determine.

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Terry Teegee, BC Regional Chief



## BC ASSEMBLY OF FIRST NATIONS

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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**

**November 17 & 18, 2020**

**Online via Zoom**

**Resolution 20/2020**

**SUBJECT:** SUPPORT FOR BCACCS AND INDIGENOUS EARLY LEARNING AND CHILDCARE  
FRAMEWORK AND STRATEGY

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**MOVED BY:** CHIEF MAUREEN LUGGI, WET'SUWET'EN

---

**SECONDED BY:** CHIEF LEE SPAHAN, COLDWATER INDIAN BAND

---

**DECISION:** ABSTENTIONS: KUKPI7 WAYNE CHRISTIAN, KUKPI7 RON IGNACE  
CARRIED

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**WHEREAS:**

- A. First Nations peoples have always maintained jurisdiction over the care their children, which includes the care, teachings and responsibility of children in early learning and childcare settings;
- B. The federal government has committed to, and been engaged with, First Nations with respect to a national Indigenous Early Learning and Child Care (IELCC) Framework for First Nations decision making and control in the delivery of affordable, high quality, flexible, and fully inclusive care and educational supports for First Nations children and their families;
- C. 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:

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**Certified copy of a resolution adopted on the 18<sup>th</sup> day of November 2020**

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**Terry Teegee, BC Regional Chief**

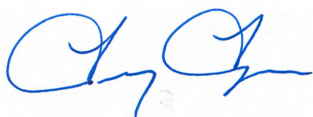
- i. Article 13(1): Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons; and
  - ii. 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;
- D. By Resolution 04(b)/2015, the BCAFN Chiefs-in-Assembly recognized that with limited resources, the BC Aboriginal Child Care Society (BCACCS) has played a critical and essential role in First Nations Early Childhood Development and Care policy development, research, training and education and service delivery since 1996, and supported BCACCS becoming a Centre of Excellence for Aboriginal Early Childhood Development;
- E. By Resolution 14/2017, the BCAFN Chiefs-in-Assembly supported the BCACCS to develop a province-wide First Nation engagement process on a national IELCC Framework, and to carry this framework through approval and implementation processes such that it will be a basis for First Nations and their communities to exercise their authority to determine the systems and structures, as well as the programs and services, that provide ELCC supports to them - in ways they develop and control, by way of capacities provided and developed for the purpose; and
- F. BCAACS has now developed a BC-Regional IELCC framework including options for an implementation strategy.

**THEREFORE BE IT RESOLVED THAT:**

- 1. The BCAFN Chiefs-in-Assembly fully provide continued support to the BC Aboriginal Child Care Society (BCACCS) as the regional lead agency in the ongoing development and implementation of a regional IELCC strategy;

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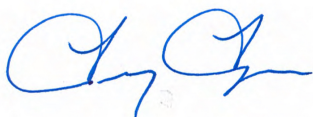
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Terry Teegee, BC Regional Chief

2. The BCAFN Chiefs-in-Assembly call on BCACCS Board of Directors and staff to inform IELCC framework implementation, subject to ongoing engagement and partnership development for regional First Nations leadership via advice and direction from Chiefs, community leaders and key stakeholders;
3. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to work with the BCACCS, and with the Union of BC Indian Chiefs and First Nations Summit as the First Nations Leadership Council, to support ongoing engagement and implementation processes in BC, as well as help provide the political leadership for the regional partnerships that will be required to ensure the IELCC framework best responds to and supports First Nations children, families, and communities in ways they determine.

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Terry Teegee, BC Regional Chief



## BC ASSEMBLY OF FIRST NATIONS

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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online via Zoom**

**Resolution 21/2020**

**SUBJECT: OMNIBUS TO ADOPT FIVE RESOLUTIONS**

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**MOVED BY: CHIEF GORDON PLANES, T'SOUKE NATION**

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**SECONDED BY: CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND**

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**DECISION: ABSTENTION: CHIEF FRED ROBBINS, CHIEF DON HARRIS**  
**CARRIED**

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**WHEREAS:**

- A. Upon review of the draft resolutions, it was determined that five (5) of the resolutions were resolutions that the BC Assembly of First Nations (BCAFN) Chiefs-in-Assembly could support via an omnibus resolution.
- B. The five (5) resolutions are mirrored resolutions from the UBCIC and FNS meetings

**THEREFORE BE IT RESOLVED THAT:**

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

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**Certified copy of a resolution adopted on the 18<sup>th</sup> day of November 2020**

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**Terry Teegee, BC Regional Chief**



Number	Resolution Title
a/2020	ADDRESSING PRIORITY CONCERNS AND NEEDS OF BC FIRST NATIONS AROUND COVID-19
b/2020	IMPLEMENTATION OF AN OLD GROWTH STRATEGY THAT PROTECTS FIRST NATIONS' WELFARE AND ENDANGERED OLD GROWTH FORESTS
c/2020	SUPPORT FOR FNLC PARTICIPATION AND MONITORING OF THE INDIGENOUS FLOOD WORKING GROUP AND THE DEVELOPMENT OF THE PROVINCIAL FLOOD RISK STRATEGY
d/2020	SUPPORT FOR FIRST NATIONS LEADERSHIP COUNCIL MOU WITH THE BC ABORIGINAL CHILDCARE SOCIETY
e/2020	SUPPORT FOR FNLC MOU WITH THE BC OFFICE OF THE HUMAN RIGHTS COMMISSIONER

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Certified copy of a resolution adopted on the 18<sup>th</sup> day of November 2020




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Terry Teegee, BC Regional Chief



## BC ASSEMBLY OF FIRST NATIONS

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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online via Zoom**

**Resolution 21(a)/2020**

**SUBJECT:** ADDRESSING PRIORITY CONCERNS AND NEEDS OF BC FIRST NATIONS  
AROUND COVID-19

---

**MOVED BY:**

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**SECONDED BY:**

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**DECISION:**

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**WHEREAS:**

- A. The COVID-19 pandemic continues to have far-reaching and disproportionate impacts on Indigenous communities in BC, creating new intersecting challenges and intensifying pre-existing barriers to Indigenous wellbeing, including those related to healthcare, substance abuse, employment, housing, justice, and gendered violence;
- B. Due to the unprecedented scale of challenges to Indigenous welfare that the pandemic has introduced, the BC Assembly of First Nations (BCAFN) assumed an active and multidisciplinary role as a participant, intermediary, and advocate in the Province's response to the public health crisis, and continues to advance, in close partnership with the Union of BC Indian Chiefs and the First Nations Summit as the First Nations Leadership Council (FNLC) and BCAFN membership, priority issues and interests on behalf of BC First Nations;
- C. The autonomous actions of First Nations to implement protocols and measures to protect their peoples must be recognized and advanced given the persistent challenges they face in accessing comprehensive and adequately funded supports, resources, and supplies;
- D. 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:

- i. Article 21(1): Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and restraining, housing, sanitation, health and social security; (2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic social conditions. Particular attention shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities; and
- E. It has been an uphill battle for Indigenous communities, particularly those that are remote, to obtain Personal Protective Equipment (PPE), adequate COVID-19 case information, widespread rapid- testing kits, culturally safe contact tracing, and proper screening methods to prevent travelers from compromising the health of their Elders and community members;
- F. First Nations businesses have been disproportionately negatively affected by COVID-19 relative to the non-Indigenous business community because of long-standing barriers, including lack of access to capital, credit, education, connectivity and colonial legislation and policies.
- G. Provincial and Federal discussions regarding COVID-19 economic recovery have not exemplified adequate engagement and co-development with First Nations. Based on BCAFN engagement regarding the BCAFN Sustainable Economic Development Strategy, several priorities have emerged including: the Green Economy, infrastructure funding, and connectivity.
- H. The disruption of the status-quo sustained by COVID-19, combined with the *BC Declaration on the Rights of Indigenous Peoples Act*, provides an opportunity for the provincial and federal governments to work with First Nations to expedite the process of economic reconciliation.

**THEREFORE BE IT RESOLVED THAT:**

- A. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to work with like-minded organizations to continue advancing the needs and requests of First Nations, and to urge the provincial and federal governments to rectify any inequities in their efforts to aid and support First Nation communities during the pandemic;
- B. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to seek resourcing and partnerships to continue to advocate for First Nations economic development priorities and needs, while advancing the BCAFN Sustainable Economic Development Strategy in order to ensure the socio-economic conditions of First Nations in BC improve.



## BC ASSEMBLY OF FIRST NATIONS

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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online via Zoom**

**Resolution 21(b)/2020**

**SUBJECT:** IMPLEMENTATION OF AN OLD GROWTH STRATEGY THAT PROTECTS FIRST NATIONS' WELFARE AND ENDANGERED OLD GROWTH FORESTS

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**MOVED BY:**

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**SECONDED BY:**

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**DECISION:**

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**WHEREAS:**

- A. Indigenous peoples sustain vital cultural and spiritual relationships with the environment and have derived their livelihoods, way of life, health, and well-being from the care and stewardship of their lands and waters since time immemorial;
- B. old-growth forests are considered "heritage habitats" with ancient trees, some up to 2,000 years old, that not only play an integral ecological role in the biodiversity and health of BC ecosystems, but possess incalculable cultural value and significance for First Nations who use old-growth yellow and red cedar for traditional purposes, such as clothing and regalia, canoes, totem poles, and long houses;
- C. logging has reduced the grandest stands within the ancient temperate rainforest in BC to [less than 3% of its original size](#) and despite Vancouver Island's old-growth forests approaching extinction, the government agency BC Timber Sales (BCTS) and private corporations are responsible for the logging of irreplaceable swathes of ancient trees, including those in Nuu-chah-nulth territories and the Nahmint Valley in Hupacasath and Tseshaht First Nations territories;
- D. 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:

- i. 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.
  - ii. 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. 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.
  - iii. 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.
  - iv. 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; and
- E. around 4/5ths of old-growth logging done on Crown land is attributed to private companies who are encroaching into increasingly controversial and endangered areas of ancient forests that hold irreplaceable cultural value for Indigenous Nations and, rather than being destroyed in the short-term, could be left standing to accrue long-term value as part of a diverse economy;
- F. although the provincial government claims 55% of old-growth forests on Crown land in B.C.'s coastal region are protected from logging, the majority of the protection extends over the Great Bear Rainforest and fails to protect much of the old-growth on Vancouver Island where there are several private companies which — combined with BCTS logging — are clearcutting about 10,000 hectares of old-growth a year, or more than 30 soccer fields per day;
- G. logging in the Nahmint Valley has led to the felling of some of the largest and oldest trees in the province, and after the Ancient Forest Alliance submitted a complaint in 2018 to the compliance and enforcement branch at B.C.'s Ministry of Forests, Lands and Natural Resource Operations and Rural Development (FLNRORD), two subsequent [investigations](#) revealed that the BCTS was violating old-growth management plans and protection rules, as well as Vancouver Island's official [Land Use Plan](#) which designates the Nahmint Valley as a Special Management Zone with a critical mass of old-growth that needs to be retained;
- H. it is deeply concerning that despite making recommendations that the BCTS should put a hold on future harvesting tenures and be prevented from legalizing new old-growth management areas until they address ongoing overcutting, the senior compliance and enforcement specialist conducting the internal investigation of BCTS was told to close his investigation and that the government would not charge the agency;

- I. the current landscape of old-growth logging has been exacerbated by years of the BC government fostering an economic dependence on old-growth for First Nations communities by arranging agreements for revenue-sharing, employment, joint ventures, and tenures in old growth timber in contentious areas for First Nation bands who face limited economic opportunities as a result of years of colonialism and racism;
- J. the provincial government has allowed BCTS and logging companies to over-harvest old growth and to operate with no accountability and repercussions for their infractions and compliance issues, allowing low enforcement standards to jeopardize salmon-bearing streams and other wildlife habitat already under duress from the climate crisis, forest fires, and carbon emissions linked to intensive development and logging;
- K. a conservation financing model similar to the one administered by Coast Funds in the Great Bear Rainforest can be applied to Vancouver Island in order to permanently finance First Nations stewardship, sustainable economic development, and the conservation of old growth;
- L. the First Nations Forestry Council (FNFC) has a mandate that includes advocating on forestry matters on behalf of BC First Nations, and by BCAFN Resolution 2012-01(b) "Support for First Nations Leadership Council entering into a Declaration & Protocol of Recognition, Support, Cooperation and Coordination with the First Nations Forestry Council" and BCAFN Resolution 2016-05 "Continued Support for First Nations Forestry Council and Engagement with the Province of BC Regarding a Forestry Range Revenue Sharing and Tenure Solution," BCAFN has consistently supported the work of the FNFC;
- M. the FNFC has worked to develop and implement a BC First Nations Forest Strategy that will allow for increased revenue sharing, shared decision-making, and the meaningful involvement of BC First Nations as full partners in the forest sector, and by BCAFN Resolution 2019-26 the Chiefs-in-Assembly fully supported the draft [BC First Nations Forest Strategy and Implementation Plan](#), which provides a supportive framework for increasing the role of First Nations in the management and protection of old-growth forests;
- N. the BC government must consult with and learn from First Nations land and forestry plans and practices, and work in partnership with First Nations to develop sustainable timber harvesting policies that support the UN Declaration, the BC First Nations Forestry Strategy, and First Nations' need to retain sufficient old-growth for spiritual and cultural purposes;
- O. logging now threatens the Fairy Creek watershed near Port Renfrew, the last unlogged old-growth valley on south Vancouver Island, and activists and land defenders have set up road blockades in August 2020 to prevent clear-cutting from destroying the local environment;
- P. an Old Growth Review Panel appointed by the B.C. government in 2019 was to provide a report and draft [recommendations](#) for a new approach to old-growth management in the spring of 2020 following a public engagement process, but the province did not

meaningfully consult with First Nations, including the First Nations Forestry Council who had requested to be a part of the review panel;

- Q. on April 30, 2020, the Old Growth Review Panel presented its report to the Province which concluded that years of mismanagement and the inconsistent application of previous old-growth and conservation plans have led to the current old forest challenges, and included 14 recommendations to guide a four-phased process to develop and implement an old growth strategy that consists of immediate, near-term, mid-term, and long-term actions;
- R. after significant delay, the Province finally released the old growth report and recommendations to the public on September 11, 2020, alongside the announcement of the deferral of old-growth logging within more than 350,000 hectares and the protection of up to 1,500 giant trees;
- S. although the report and the Province's renewed commitment to old growth are promising steps, there are still many concerns, including how BC is continuing with plans to log old growth and critical caribou habitat in the Argonaut Valley north of Revelstoke, and how the logging deferral still leaves almost half of the province's old growth unprotected, does not include vulnerable areas such as the Fairy Creek area, and leaves the most at-risk and contentious areas for First Nations to log while privileging industrial forest corporations; and
- T. although decisions regarding old-growth are a Title and Rights subject, the government has enabled a dangerous and irresponsible system that deprives Indigenous Nations of their consent and leaves the most contentious and at-risk areas for logging: their consent is only honored and recognized when it is given to protect old-growth, but it is never sought and respected by the government when it comes to the destruction of old-growth.

**THEREFORE BE IT RESOLVED THAT:**

1. the BCAFN Chiefs-in-Assembly fully support the First Nations and allies who are protesting the negligent logging and clear-cutting practices enabled by the BC government that have undermined First Nations Title and Rights and pushed Vancouver Island's old-growth forests to the brink of collapse;
2. the BCAFN Chiefs-in-Assembly fully support the Old Growth Strategic Review Panel's report and recommendations that are vital to creating a new, sustainable old growth strategy, and call upon the provincial government to take immediate and sustained action to ensure that the report's recommendations are carried out, with First Nations included and consulted every step of the way;
3. the BCAFN Chiefs-in-Assembly call upon the BC government to provide more details on its plan to shift logging deferrals to permanent protection, and working in partnership with impacted First Nations, to engage in discussions on expanding these deferrals to include all

threatened old-growth forests, including areas like the Walbran Valley, Nahmint, Fairy Creek, Tsitika Valley, Mt. Elphinstone, Argonaut Creek.

4. the BCAFN Chiefs-in-Assembly direct the Regional Chief and BCAFN staff to work with other like-minded organizations to urge the provincial and federal governments to provide dedicated funding for First Nations Indigenous Protected and Conserved Areas (IPCAs) and First Nations land use plans, as well as financial support for First Nations communities to manage and steward IPCAs, purchase and protect private lands with old-growth, and pursue conservation-based businesses and economies, including cultural and eco-tourism businesses, clean energy, and second-growth forestry;
5. the BCAFN Chiefs-in-Assembly urge the Ministry of FLNRORD to consult and engage with First Nation communities and organizations, including the First Nations Forestry Council and the First Nations Leadership Council, to develop and implement a renewed old-growth strategy that entrenches Indigenous consent into its processes; is aligned with the principles of the UN Declaration, the Old Growth Strategic Review recommendations, and the BC First Nations Forestry Strategy; is supported by strong enforcement and compliance standards; and is intended to support sustainable old-growth cultural harvesting as an important First Nations livelihood and source of culture.





## **BC ASSEMBLY OF FIRST NATIONS**

1004 Landooz Road  
Prince George, BC V2K 5S3  
Website: [www.bcafn.ca](http://www.bcafn.ca)

**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online via Zoom**

**Resolution 21(c)/2020**

**SUBJECT:** **SUPPORT FOR FNLC PARTICIPATION AND MONITORING OF THE  
INDIGENOUS FLOOD WORKING GROUP AND THE DEVELOPMENT OF  
THE PROVINCIAL FLOOD RISK STRATEGY**

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**MOVED BY:** **CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND**

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**SECONDED BY:**

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**DECISION:**

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**WHEREAS:**

- A. Indigenous peoples sustain vital cultural and spiritual relationships with the environment and have derived their livelihoods, ways of life, health, and well-being from the care and stewardship of their lands and waters since time immemorial;
- B. The climate emergency contributes to elevating environmental risks that disproportionately affect Indigenous communities, such as flooding due to increased severity of downpours, more rapid snowmelt, shifts in seasonal temperature and precipitation regimes, and sea level rise;
- C. In July 2019, the AFN Chiefs-in Assembly passed Resolution no. 05/19 declaring a First Nations Climate Emergency, recognizing that climate change constitutes a state of emergency for our lands, water, animals and peoples;
- D. In October 2016, the BCAFN Chiefs-in-Assembly passed Resolution no. 31/2016 directing the Regional Chief to call on the Government of Canada to ensure that plans and actions to address climate change be guided by Indigenous Peoples' knowledge and be collaboratively developed with Indigenous Peoples;

- E. In March 2019, the BCAFN Chiefs-in Assembly passed Resolution no. 04/2019 supporting BCAFN's participation in ongoing engagement on climate change with the government of Canada and the Province;
- F. The Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) is developing a provincial Flood Risk Strategy with the collaboration of an Indigenous Flood Working Group to contribute Indigenous perspectives and knowledge to the vision, principles, and outcomes of the Flood Risk Strategy;
- G. The United Nations Declaration on the Rights of Indigenous Peoples, which the governments of Canada and BC have adopted without qualification, and which BC has committed to implement through the *B.C. Declaration on the Rights of Indigenous Peoples Act*, states:
  - a. 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.
  - b. 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;
- H. FLNRORD submitted an invitation to First Nations and First Nations organizations calling for Elected and Hereditary Leaders, Elders, Knowledge Holders, staff, and youth to participate in the Indigenous Flood Working Group; and.
- I. The BC Assembly of First Nations, the Union of British Columbia Indian Chiefs and the First Nations Summit (FNS), working together as the First Nations Leadership Council, has proposed that a technical representative of the FNLC participate in the Indigenous Flood Working Group.

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to work with the Union of British Columbia Indian Chiefs and the First Nations Summit as the First Nations Leadership Council (FNLC), to identify a FNLC technical representative to participate in the Indigenous Flood Working Group;
2. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff working with the Union of British Columbia Indian Chiefs and the First Nations Summit as the FNLC, to monitor the development of the provincial Flood Risk Strategy to ensure that input from the Indigenous Flood Working Group and the flood risks posed to Indigenous communities are reflected in the final strategy, and that the Province of British Columbia acts upon the strategy promptly and in a way that is respectful of Indigenous Rights, Title and Treaty Rights.



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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online via Zoom**

**Resolution 21(d)/2020**

**SUBJECT:** SUPPORT FOR FIRST NATIONS LEADERSHIP COUNCIL MOU WITH THE BC  
ABORIGINAL CHILDCARE SOCIETY

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**MOVED BY:**

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**SECONDED BY:**

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**DECISION:**

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**WHEREAS:**

- A. First Nations peoples have always maintained jurisdiction over the care their children, which includes the care, teachings and responsibility of children in early learning and childcare settings;
- B. By Resolution 14/2017, the BCAFN Chiefs-in-Assembly mandated the BC Aboriginal Child Care Society (BCACCS) as the regional lead in the development of an Indigenous Early Learning and Childcare framework and strategy, and directed the Regional Chief to provide the political support required in the implementation of a regional strategy;
- C. 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:
  - i. 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
  - ii. 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;

- D. By Resolution 04(b)/2015, the BCAFN Chiefs-in-Assembly recognized that with limited resources, the BCACCS has played a critical and essential role in First Nations Early Childhood Development and Care policy development, research, training and education and service delivery since 1996, and supported BCACCS becoming a Centre of Excellence for Aboriginal Early Childhood Development; and
- E. A draft Memorandum of Understanding between the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs, working collectively as the First Nations Leadership Council, and the BC Aboriginal Childcare Society has been developed to establish a renewed process for dialogue and cooperation;

**THEREFORE BE IT RESOLVED THAT:**

- 1. The BCAFN Chiefs-in-Assembly fully support the Regional Chief to sign the attached draft Memorandum of Understanding between the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs, working collectively as the First Nations Leadership Council, and the BC Aboriginal Childcare Society; and
- 2. The BCAFN Chiefs-in-Assembly direct the Regional Chief, working with the First Nations Summit and the Union of BC Indian Chiefs as the First Nations Leadership Council, and the BC Aboriginal Childcare Society to provide regular reports to the BCAFN Chiefs-in-Assembly on the ongoing collaborative objectives and efforts as identified in the attached Memorandum of Understanding.



## BC ASSEMBLY OF FIRST NATIONS

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**BCAFN 17<sup>th</sup> ANNUAL GENERAL MEETING**  
**November 17 & 18, 2020**  
**Online via Zoom**

**Resolution 21(e)/2020**

**SUBJECT:** SUPPORT FOR FNLC MOU WITH THE BC OFFICE OF THE HUMAN RIGHTS  
COMMISSIONER

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**MOVED BY:**

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**SECONDED BY:**

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**DECISION:**

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**WHEREAS:**

- A. Systemic racism, discrimination, and human rights abuses and violations continue to endanger the welfare, safety, and health of First Nations in the province;
- B. 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:
  - I. 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, the exercise of their rights, in particular that based on their indigenous origin or identity.
  - II. Article 15(1): Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information. (2): States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding, and good relations among indigenous peoples and all other segments of society;

- C. The BC Assembly of First Nations, the UBCIC, and the First Nations Summit, and the BC Assembly of First Nations, working together as the First Nations Leadership Council, were mandated through resolutions at their respective assemblies to co-develop and promote provincial legislation to implement the UN Declaration, including its strong principles around justice, reconciliation, and protecting Indigenous and human rights; and
- D. A draft Protocol between the First Nations Leadership Council and the BC Office of the Human Rights Commissioner has been developed to establish a process for joint dialogue, action, and cooperation on promoting Indigenous human rights and addressing the root causes of discrimination and inequality that endanger the dignity and welfare of Indigenous peoples in BC.

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in-Assembly support the BCAFN Regional Chief to sign the attached draft Protocol between the BC Assembly of First Nations, First Nations Summit and Union of BC Indian Chiefs, working collectively as the First Nations Leadership Council, and the BC Office of the Human Rights Commissioner; and
2. The BCAFN Chiefs-in-Assembly direct the Regional Chief, working with the First Nations Summit and the BC Assembly of First Nations as the First Nations Leadership Council, and the BC Office of the Human Rights Commissioner to provide regular reports to the BCAFN Chiefs-in-Assembly on the ongoing collaborative objectives and efforts as identified in the attached Protocol.