



BC ASSEMBLY OF FIRST NATIONS

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BCAFN SPECIAL CHIEFS ASSEMBLY
March 7 & 8, 2024
Online via Zoom

Resolution 02/2024

**SUBJECT: SUPPORT FOR THE FIRST NATIONS LEADERSHIP COUNCIL RELATIONSHIP
PROTOCOL WITH THE MINISTRY OF WATER, LAND AND RESOURCE
STEWARDSHIP**

MOVED BY: CHIEF JERRY JACK, MOWACHAHT/MUCHLAHT FIRST NATION

SECONDED BY: CHIEF ARNOLD LAMPREAU, SHACKAN INDIAN BAND

DECISION: CARRIED

WHEREAS:

- A. The Ministry of Water, Land, and Resource Stewardship (“WLRS”) has been created by the Government of British Columbia to advance integrated land and natural resource management, including objective setting for land and marine environments, effectively managing cumulative effects, and advancing reconciliation with Indigenous peoples, environmental sustainability, and economic growth.
- B. The *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”) which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing 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.

Certified copy of a resolution adopted on the 7th day of March 2024

Terry Teegee, BC Regional Chief

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

Article 26: 1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. 2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. 3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28: 1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent. 2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29: 1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination. 2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent. 3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.

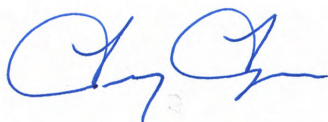
Article 32: 1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources. 2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. 3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

- C. *The Joint Agenda: Implementing the Commitment Document - Concrete Actions: Transforming Laws, Policies, Processes and Structures* (“Concrete Actions”) commits the Province and the First Nations Leadership Council (“FNLC”) to the following priorities:
- Action 3, Goal 1:** Design and implement new models of: Strategic planning, including land use planning; Decision-making approaches, models and structures; Management; and Inter-governmental relations and understanding of jurisdictions and accountabilities that recognize Aboriginal title and rights and the UN Declaration.
- Action 4, Goal 4:** Land Use/Territory Planning: Consider legislation and policy development and/or amendments to support First Nations land use/territory planning with legal recognition by the Crown.
- D. The United Nations Declaration on the Rights of Indigenous Peoples Action Plan commits the Province to the following actions:
- Action 2.4:** negotiate new joint decision-making and consent agreements under section 7 of the Declaration Act that include clear accountabilities, transparency and administrative fairness between the Province and Indigenous governing bodies.
- Action 2.6:** co-develop strategic-level policies, programs and initiatives to advance collaborative stewardship of the environment, land and resources, that address cumulative effects and respects Indigenous Knowledge. This will be achieved through collaborative stewardship forums, guardian programs, land use planning initiatives, and other innovative and evolving partnerships that support integrated land and resource management.
- E. the BC Assembly of First Nations, the First Nations Summit and the Union of BC Indian Chiefs, working together as the FNLC, have developed in collaboration with WLRS a draft Relationship Protocol which aims to create a process for joint dialogue, action, and cooperation that respects and recognizes the human rights of Indigenous Peoples and advances joint commitments described in Concrete Actions and the Declaration on the Rights of Indigenous Peoples Act Action Plan.

THEREFORE BE IT RESOLVED THAT:

1. That the BCAFN Chiefs-in-Assembly direct the Regional Chief, to sign Relationship Protocol between the BCAFN, working collectively with the First Nations Summit and the Union of BC Indian Chiefs as the First Nations Leadership Council (the “FNLC”), and the Ministry of Water, Land, and Resource Stewardship (“WLRS”);
2. The BCAFN Chiefs-in-Assembly call on the Province to uphold the unceded title and rights and sovereignty of First Nations in BC and to ensure the Province and WLRS in particular acknowledges that culture and ceremony is intrinsic to our nationhood and our connections to who we are, to our territories, our land and our waters;

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3. That the BCAFN Chiefs-in-Assembly direct the Regional Chief to clearly articulate to the Ministry of WLRs that the Protocol will protect and recognize Title and Rights and is not:
 - a. a substitute for WLRs to engage directly with Nations and is not to be viewed or considered as a delegation of authority in any way; and
 - b. any key decisions must be brought back to the BCAFN Chiefs-in-Assembly for consideration; and

4. That the BCAFN Chiefs-in-Assembly direct the Regional Chief, working collectively with the First Nations Summit, and the Union of BC Indian Chiefs as the FNLC and WLRs to provide regular reports to the Chiefs-in-Assembly on the ongoing collaborative objectives and efforts as identified in the Relationship Protocol.