



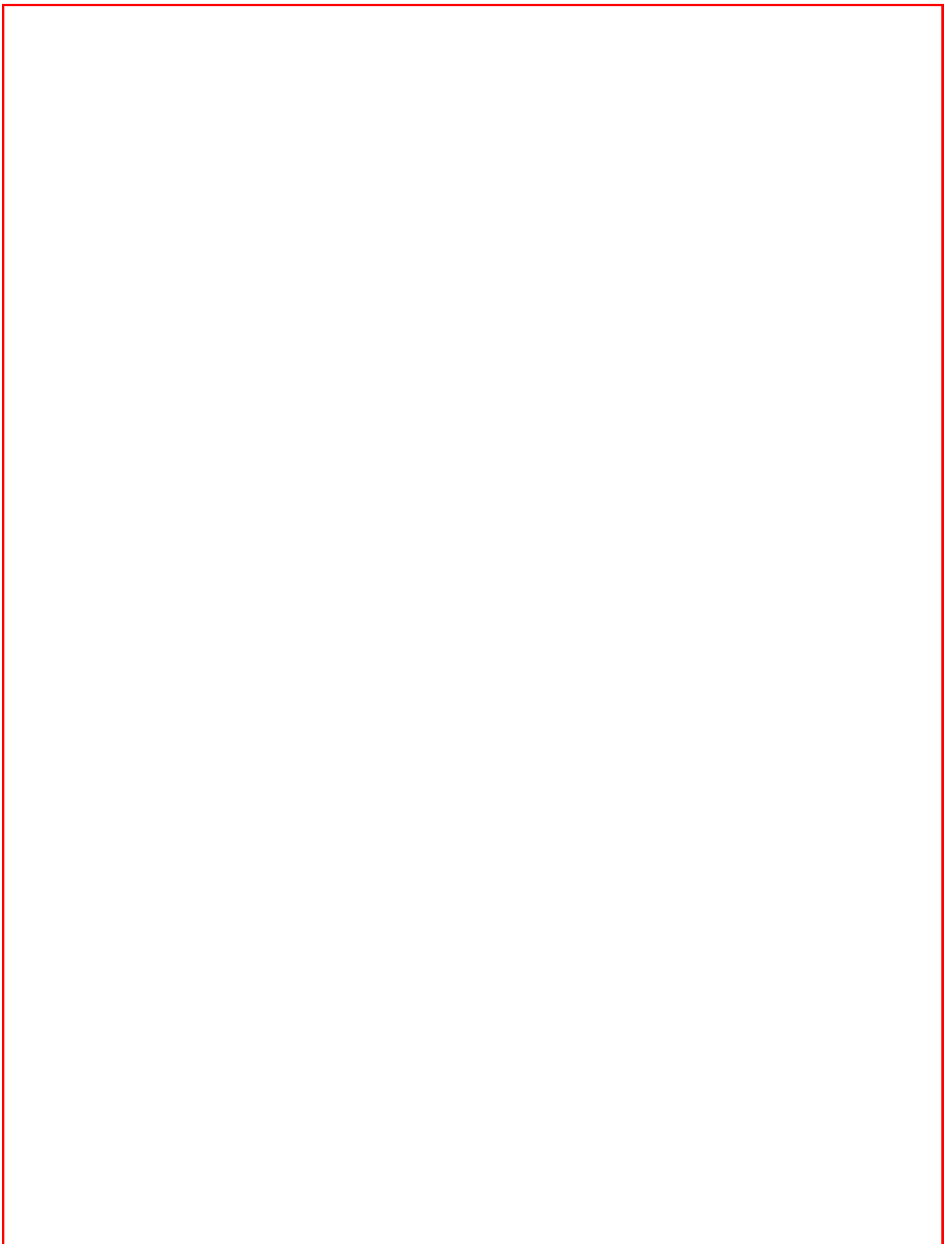
BC ASSEMBLY OF FIRST NATIONS

BCAFN Annual General Meeting
 Songhees Wellness Centre, Victoria, BC
 October 24-26th, 2016

FINAL RESOLUTIONS LIST

Number	Resolution Title	Mover	Second
10/2016	OMNIBUS RESOLUTION TO ADOPT SEVENTEEN RESOLUTIONS	CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION	CHIEF LEE SPAHAN, COLDWATER INDIAN BAND
	11/2016 - APPROVAL OF 2015-2016 AUDITED FINANCIAL STATEMENTS		
	13/2016 - NEW APPROACH TO EMPLOYMENT AND SOCIAL DEVELOPMENT CANADA LABOUR MARKET AGREEMENT FUNDING		
	14/2016 - SUPPORT FOR THE TSILHQOT'IN NATION AND OPPOSITION TO FURTHER PROVINCIAL APPROVALS FOR THE REJECTED NEW PROSPERITY MINE		
	15/2016 - MISMANAGEMENT OF FRASER RIVER SPRING CHINOOK SALMON FISHERIES		
	16/2016 - IMPLEMENTATION OF PRINCIPLES FROM THE COHEN COMMISSION		
	17/2016 - SUPPORT FOR CLOSED CONTAINMENT AQUACULTURE		
	18/2016 - SUPPORT FOR SCIENTIFIC EFFORTS TO RESEARCH DECLINE IN WILD SALMON STOCKS		
	19/2016 - SUPPORT FOR THE FIRST NATIONS WILD SALMON ALLIANCE STRATEGIC SESSION FINAL REPORT		
	20/2016 - SUPPORT FOR ORANGE SHIRT DAY: A NATIONAL DAY TO HONOUR SURVIVORS OF RESIDENTIAL SCHOOLS		
	21/2016 - SUPPORT FOR THE FIRST NATIONS LEADERSHIP COUNCIL – BC COMMITMENT DOCUMENT WORKING GROUP		
	22/2016 - DRAFT ACTION FRAMEWORK: RECONCILIATION, SELF-DETERMINATION, AND SELF-GOVERNMENT FOR INDIGENOUS CHILDREN, FAMILIES AND NATIONS IN BC		

	<p>23/2016 - REJECTION OF MINISTER SPECIAL REPRESENTATIVE REPORT ON THE FIVE YEAR REVIEW OF THE SPECIFIC CLAIMS TRIBUNAL ACT</p> <p>24/2016 - RECOGNIZING AND PROTECTING FIRST NATION SACRED HERITAGE SITES AND BURIAL GROUNDS</p> <p>25/2016 - RESCIND RESOLUTION 09/2016: SUPPORT FOR DESIGNATION OF SALISH SEA AS A PARTICULARLY SENSITIVE SEA AREA (PSSA)</p> <p>26/2016 - SUPPORT FOR HEILTSUK NATION RESPONSE TO ENVIRONMENTAL IMPACTS RESULTING FROM THE CRASH AND SINKING OF THE NATHAN E. STEWART TUG BOAT</p> <p>27/2016 - RECONCILIATION IN EDUCATION</p> <p>28/2016 - SUPPORT FOR THE KATZIE FIRST NATION IN THE OPPOSITION OF QUARRY APPLICATION 1015131 B.C. LTD.</p>		
12/2016	SUPPORT FOR THE BC ABORIGINAL CHILD CARE SOCIETY (BCACCS) TO COORDINATE AND CONVENE A COMMUNITY ENGAGEMENT PROCESS ON EARLY LEARNING AND CHILD CARE IN BC	CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION	CHIEF DON TOM, TSARTLIP FIRST NATION
29/2016	RESPECT STK'EMLUPSEMC TE SECWPEMC NATION PROJECT ASSESSMENT PROCESS	KUKP7I RON IGNACE, SKEETCHESTN INDIAN BAND	KUKP7I OLIVER ARNOUSE, LITTLE SHUSWAP INDIAN BAND
30/2016	RESPECT AND RECOGNITION OF INDIGENOUS RIGHTS IN CANADA'S CLIMATE CHANGE PLANNING	CHIEF JAMES DELORME, KLAHOOSE FIRST NATION	COUNCILLOR ARCHIE LITTLE, PROXY, NUCHATLAHT
31/2016	CLIMATE CHANGE – ADAPTIVE PLANNING	CHIEF JOHN SMITH, TLOWITSIS NATION	CHIEF JAMES DELORME, KLAHOOSE FIRST NATION
32/2016	IMPLEMENTING THE INESCAPABLE ECONOMIC COMPONENT OF ABORIGINAL TITLE	CHIEF JOHN SMITH, TLOWITSIS FIRST NATION	CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION





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BCAFN ANNUAL GENERAL MEETING
Songhees Wellness Centre, Victoria, BC
October 24-26, 2016

Resolution 10/2016

SUBJECT: OMNIBUS RESOLUTION TO ADOPT SEVENTEEN RESOLUTIONS

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF LEE SPAHAN, COLDWATER INDIAN BAND

DECISION: CARRIED

WHEREAS:

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

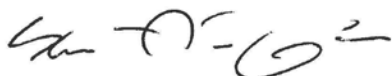
THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly hereby adopt the following resolutions:

Number	Resolution Title
11/2016	APPROVAL OF 2015-2016 AUDITED FINANCIAL STATEMENTS
13/2016	NEW APPROACH TO EMPLOYMENT AND SOCIAL DEVELOPMENT CANADA LABOUR MARKET AGREEMENT FUNDING
14/2016	SUPPORT FOR THE TSIHQOT'IN NATION AND OPPOSITION TO FURTHER PROVINCIAL APPROVALS FOR THE REJECTED NEW PROSPERITY MINE
15/2016	MISMANAGEMENT OF FRASER RIVER SPRING CHINOOK SALMON FISHERIES

16/2016	IMPLEMENTATION OF PRINCIPLES FROM THE COHEN COMMISSION
17/2016	SUPPORT FOR CLOSED CONTAINMENT AQUACULTURE
18/2016	SUPPORT FOR SCIENTIFIC EFFORTS TO RESEARCH DECLINE IN WILD SALMON STOCKS
19/2016	SUPPORT FOR THE FIRST NATIONS WILD SALMON ALLIANCE STRATEGIC SESSION FINAL REPORT
20/2016	SUPPORT FOR ORANGE SHIRT DAY: A NATIONAL DAY TO HONOUR SURVIVORS OF RESIDENTIAL SCHOOLS
21/2016	SUPPORT FOR THE FIRST NATIONS LEADERSHIP COUNCIL – BC COMMITMENT DOCUMENT WORKING GROUP
22/2016	DRAFT ACTION FRAMEWORK: RECONCILIATION, SELF-DETERMINATION, AND SELF-GOVERNMENT FOR INDIGENOUS CHILDREN, FAMILIES AND NATIONS IN BC
23/2016	REJECTION OF MINISTER SPECIAL REPRESENTATIVE REPORT ON THE FIVE YEAR REVIEW OF THE SPECIFIC CLAIMS TRIBUNAL ACT
24/2016	RECOGNIZING AND PROTECTING FIRST NATION SACRED HERITAGE SITES AND BURIAL GROUNDS
25/2016	RESCIND RESOLUTION 09/2016: SUPPORT FOR DESIGNATION OF SALISH SEA AS A PARTICULARLY SENSITIVE SEA AREA (PSSA)
26/2016	SUPPORT FOR HEILTSUK NATION RESPONSE TO ENVIRONMENTAL IMPACTS RESULTING FROM THE CRASH AND SINKING OF THE NATHAN E. STEWART TUG BOAT
27/2016	RECONCILIATION IN EDUCATION
28/2016	SUPPORT FOR THE KATZIE FIRST NATION IN THE OPPOSITION OF QUARRY APPLICATION 1015131 B.C. LTD.

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Shane Gottfriedson, BC Regional Chief



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Resolution 11/2016

SUBJECT: APPROVAL OF 2015-2016 AUDITED FINANCIAL STATEMENTS

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. KPMG LLP was appointed through Resolution 07/2016 to act as BCAFN's auditor for a term of two years;
- B. KPMG LLP has prepared and presented an auditor report for the 2015-2016 fiscal year to the Chiefs-in-Assembly.

THEREFORE BE IT RESOLVED THAT:

- 1. The audit report for the 2015-2016 fiscal year is hereby adopted by the Chiefs-in-Assembly as presented by KPMG LLP.

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Resolution 12/2016

SUBJECT: SUPPORT FOR THE BC ABORIGINAL CHILD CARE SOCIETY (BCACCS) TO COORDINATE AND CONVENE A COMMUNITY ENGAGEMENT PROCESS ON EARLY LEARNING AND CHILD CARE IN BC

MOVED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

SECONDED BY: CHIEF DON TOM, TSARTLIP FIRST NATION

DECISION: CARRIED

WHEREAS:

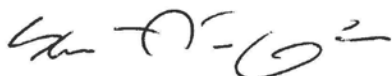
- A. The federal government is committed to consulting with First Nations on a national Indigenous Early Learning and Child Care (ELCC) Framework as a first step towards delivering affordable, high quality, flexible and fully inclusive care for First Nations children from birth to six years old and their families;
- B. The *United Nations Declaration on the Rights of Indigenous Peoples* supports the mandate for Indigenous Early Learning and Child Care within an Indigenous right to strengthen and maintain distinct social and cultural institutions (Article 5), as an integral part of Indigenous cultural revitalization (Article 13.1), and a part of Indigenous educational systems for which there exists a right of Indigenous establishment and control (Article 14). Also relevant, the Declaration creates a state obligation to “specific measures” which take into account children’s special vulnerability and the importance of education for their empowerment (Article 17.2) as well as an obligation of “particular attention” to be paid to the rights and needs of Indigenous children (among others) (Article 22);
- C. On July 14, 2016, the Assembly of First Nations (AFN) in Assembly passed Resolution 39/2016 endorsing the establishment of a First Nations national working group on ELCC from across disciplines of health, education, child and family services and early childhood with a mandate to oversee a 4-6 month community engagement process that would confirm and identify the key principles, priorities and an action plan for ELCC;

- D. A first meeting of First Nations early childhood experts, including BC Aboriginal Child Care Society (BCACCS), was organized by the AFN on September 13 and 14, 2016 in Ottawa. At this meeting preliminary discussions took place regarding: a) recommendations for 2017-18 investment of \$100 million nationally for on-reserve ELCC; b) a terms of reference for the national working group; and c) principles and elements of a First Nations led community engagement process;
- E. At the same meeting, officials from the key federal departments with a mandate for Indigenous child care and early learning confirmed that Canada is committed to co-creating a separate Indigenous ELCC framework, including funding for a national engagement process separate from the \$100 million committed in budget 2016;
- F. A capacity-building proposal related to the work and activities of the national ELCC working group, including oversight of a regional engagement process was submitted by the AFN to Canada. The process envisioned is not dissimilar to previous national ELCC consultations conducted by the AFN. Unlike previous ELCC processes that focused more on programming, there is now an opportunity to engage Canada on a comprehensive approach to ELCC policy enablers focused toward building local control and capacity development in service delivery and governance; and
- G. BCACCS has 20 years of experience and expertise in building and supporting Indigenous early learning and child care policies, programs and supports in BC, and has led or collaborated on numerous community engagement activities and action research projects pertaining to ELCC policy and practice.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly fully support BC Aboriginal Child Care Society (BCACCS) in serving as the lead agency to coordinate a province-wide First Nation engagement process on Early Learning and Child Care (ELCC).
2. The Chiefs-in-Assembly call on the BCACCS to seek advice and direction from Chiefs, community leaders and key stakeholders regarding the values, principles and priorities to be included in the proposed national Indigenous ELCC framework from a BC perspective.
3. BCACCS will seek advice, direction and support from the Chiefs and leaders in each of the five regions of the First Nations Health Council's responsibilities as a key element of its engagement process to inform the AFN Early Learning and Child Care working group, and to develop representations on behalf of First Nations children and families in alignment with ongoing FNLC and FNHC approaches and processes.
4. The Chiefs-in-Assembly fully support the participation of BCACCS in the AFN Early Learning and Child Care working group.
5. The Chiefs-in-Assembly support the efforts of the BCACCS to secure adequate resourcing of the ELCC engagement process in BC.

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Shane Gottfriedson, BC Regional Chief



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Resolution 13/2016

SUBJECT: NEW APPROACH TO EMPLOYMENT AND SOCIAL DEVELOPMENT CANADA LABOUR MARKET AGREEMENT FUNDING

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. The Aboriginal Employment and Skills Training Strategy (ASETS), administered by Employment and Social Development Canada (ESDC), is the Federal Strategy to provide and deliver employment and training services to First Nations across Canada;
- B. ASETS agreements are demand driven and focus on skills development, fostering partnership with employers, industry, municipalities, and regional, provincial, and national economic development sectors;
- C. The *United Nations Declaration on the Rights of Indigenous Peoples* affirms:

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

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; and,

Article 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attending

shall be paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities;

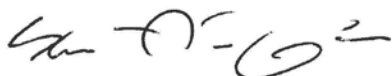
Article 23: Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, Indigenous peoples have the right to be actively involved in developing and determining health, housing, and other economic and social programmes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

- D. BCAFN Resolution 04/2013 continues to support the 14 ASETS holders in BC In their negotiations with the Federal Government, and to advocate for increased funding in Aboriginal Skills Employment and Training;
- E. The Federal Government is undertaking to renew the Labour Market Strategy beyond March 31, 2017;
- F. First Nations continue to call for renewal of ASETS that is inclusive and reflects the principles of Nation-to-Nation and Government-to-Government relations;
- G. The 14 ASETS located throughout British Columbia have an evolving renewal process with ESDC with respect to their regional service needs;
- H. Funding for the 14 BC ASETS agreement holders is implemented in British Columbia under a process which restricts the agreement holding First Nations from determining how they wish to organize;
- I. Discussions informing new approaches to ESDC Labour Market agreement funding must encompass and support culturally-appropriate delivery of services and labour market programs in British Columbia;
- J. ESDC has indicated they will accept proposals from First Nations regarding a new approach to labour market agreements on a provincial basis.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly direct the Regional Chief, in partnership with the First Nations Leadership Council (Union of BC Indian Chiefs, First Nations Summit) to apply for funding to host a province-wide meeting in coordination with the 14 ASETS holders in BC, in order to engage and develop a new approach to First Nations labour market agreements funded by ESDC that is culturally appropriate and reflective of regional service needs; and
2. Flowing from the province-wide meeting, the Chiefs-in-Assembly direct the Regional Chief, in partnership with the First Nations Leadership Council (Union of BC Indian Chiefs, First Nations Summit), to prepare and provide a report with outcomes to ESDC.

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Shane Gottfriedson, BC Regional Chief



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BCAFN ANNUAL GENERAL MEETING
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Resolution 14/2016

**SUBJECT: SUPPORT FOR THE TSILHQOT'IN NATION AND OPPOSITION TO FURTHER
PROVINCIAL APPROVALS FOR THE REJECTED NEW PROSPERITY MINE**

MOVED BY:

SECONDED BY:

DECISION:

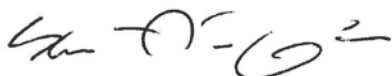
WHEREAS:

- A. The Tsilhqot'in Nation, with the support of the Assembly of First Nations, the Union of BC Indian Chiefs, and First Nations Summit, successfully defended its Aboriginal title, rights and the integrity of their lands and waters threatened by the Prosperity Gold-Copper Mine (the "Prosperity Mine"), and the revised "New" Prosperity Mine (the "New Prosperity" Mine), which would have devastated the Teztan Biny (Fish Lake) and Nabas areas;
- B. The Tsilhqot'in Nation and its communities endured two separate federal environmental assessment processes for the Prosperity and New Prosperity Mine proposals;
- C. In each review, an independent federal panel emphasized the profound cultural and spiritual importance of Teztan Biny and Nabas to the Tsilhqot'in people, as a gathering place, as a cultural school for youth, as a place of spiritual power and healing, as sacred burial and cremation grounds, and as critical hunting, trapping, fishing and gathering areas;
- D. The federal panel for New Prosperity Mine warned that the mine would "endanger their ability to sustain their way of life and cultural identity";
- E. On November 16, 2010, the Federal Government rejected Prosperity Mine. On February 26, 2014, the Federal Government rejected New Prosperity Mine;
- F. In contrast, the Government of British Columbia rushed to approve the Prosperity Mine, and has actively advocated on behalf of the mine. On January 14, 2010, before the first federal panel had even started its

public hearings, British Columbia approved the Prosperity Mine, on the basis of a report from the Environmental Assessment Office (“EAO”) that dismissed the impacts of the mine on the Tsilhqot’in people as insignificant;

- G. The federal panel for Prosperity Mine expressly noted that the EAO had reached its decision without the benefit of the substantial information it received directly from First Nations members in community hearings, and without the submissions of federal departments, which raised serious concerns with the project;
- H. the EAO has advised the Tsilhqot’in Nation that it is proceeding to consider the application by Taseko Mines Limited (“TML”) to amend its existing provincial certificate for Prosperity Mine to conform with the New Prosperity design. In effect, the EAO is considering provincial approval for New Prosperity, notwithstanding the fact that the project is dead and cannot be built in the face of the rejection by the Federal Government;
- I. The EAO has rejected the Tsilhqot’in Nation’s position that it is egregious and absurd to even consider further provincial approvals at this time, or to subject the Tsilhqot’in people to yet another approval process. The EAO has said it has no choice but to consider TML’s application after a letter from TML to the Premier demanding the amendment, and threatening the Province with litigation;
- J. TML has also advised the Tsilhqot’in Nation that it intends to apply for further, extensive drilling, road building and exploration in support of the New Prosperity design throughout the Teztan Biny and Nabas region this winter (the “Exploration Program”), despite the federal rejection of New Prosperity;
- K. The Tsilhqot’in Nation has advised TML that it strongly opposes TML’s efforts to proceed with the Exploration Program and to cause further, massive disruption of lands and waters that the Tsilhqot’in people have fought for so long to protect, in support of a project that has been rejected—*twice*—and cannot be built;
- L. The Tsilhqot’in Nation advanced the struggle for free, prior, informed consent with the historic decision in *Tsilhqot’in Nation v British Columbia*;
- M. Teztan Biny and Nabas are within the proven Aboriginal rights area declared in *Tsilhqot’in Nation*, within the Dasiqox Tribal Park established by the Tsilhqot’in Communities of Xeni Gwet’in and Yunesit’in, and subject to the 1989 *Nemiah Declaration* and the Tsilhqot’in Nation *Mining Policy*, all of which emphasize the need for Tsilhqot’in consent;
- N. The Government of Canada has endorsed the *United Nations Declaration on the Rights of Indigenous Peoples*, which confirms the Indigenous right to free, prior and informed consent regarding all development on traditional lands;
- O. The BC Assembly of First Nations has provided unwavering support to the Tsilhqot’in Nation throughout the process, including through Resolution 1(k)/2012 and leadership and advocacy from the BCAFN Executive and staff, and this support has been critical to the success of the Tsilhqot’in Nation to date;

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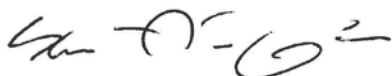


Shane Gottfriedson, BC Regional Chief

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs in Assembly fully support the efforts of the Tsilhqot'in Nation to protect its lands of profound cultural and spiritual value to its people from the proposed New Prosperity Mine, and will stand behind the Tsilhqot'in Nation in defence of these lands regardless of any amendment process or decision by the EAO, the Ministry of Energy & Mines, or British Columbia;
2. The Chiefs in Assembly condemn the EAO's decision to consider an amendment that would approve New Prosperity, in the face of the Federal Government's firm rejection of this proposal, and under the cloud of political pressure and threats of litigation from TML against the Province;
3. The Chiefs in Assembly advise the EAO and British Columbia that First Nations across the province are bearing witness to the New Prosperity amendment process and are alarmed and deeply concerned by the EAO's apparent lack of integrity, and its disregard for the interests of First Nations in this province;
4. The Chiefs in Assembly advise the Ministry of Energy & Mines and British Columbia that they fully support the Tsilhqot'in opposition to the Exploration Program and that it would be a flagrant violation of constitutional rights and the UN *Declaration on the Rights of Indigenous Peoples* to authorize extensive drilling, road building and exploration, in such culturally important lands, for a project that has been twice rejected;
5. The Chiefs in Assembly direct the BCAFN Executive and staff to continue advocating on behalf of the Tsilhqot'in Nation and communicate the clear support of the BC Chiefs-in-Assembly.

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Shane Gottfriedson, BC Regional Chief



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Resolution 15/2016

SUBJECT: MISMANAGEMENT OF FRASER RIVER SPRING CHINOOK SALMON FISHERIES

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Fraser River First Nations have fished for Spring Chinook Salmon since time immemorial, and continuing this practice remains fundamental to who they are as Indigenous Peoples;
- B. The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) states that
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 or other traditional occupation or use...
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...;
- C. Spring Chinook Salmon provide Fraser River First Nations with a unique source of physical, cultural and spiritual sustenance as these fish are generally the first Salmon returning to the Fraser River following winter, and as such are generally the first fresh salmon harvested by Fraser River First Nations;
- D. Fraser River Spring Chinook Salmon have been subject to serious conservation concerns for several years and Fraser River First Nations' food, social and ceremonial ("FSC") needs have not been met;
- E. Despite the conservation concerns and the unmet FSC needs of Fraser River First Nations, Department of Fisheries and Oceans ("DFO") continues to authorize marine recreational and commercial fisheries that intercept and impact significant numbers of Fraser River Spring Chinook Salmon contrary to the constitutional priority confirmed in *R. v. Sparrow*, [1990] 1 SCR 1075; and
- F. Katzie First Nation, Kwantlen First Nation and Seabird Island have commenced a judicial review in Federal Court of DFO decisions in 2016 to authorize unconstitutional marine recreational fisheries that intercept and impact significant numbers of Fraser River Spring Chinook Salmon.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly fully supports the judicial review commenced by Katzie First Nation, Kwantlen First Nation and Seabird Island, and directs the Regional Chief to call upon the federal government to correct its application of the constitutional priority in its management of Fraser River Spring Chinook Salmon fisheries.

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Resolution 16/2016

SUBJECT: IMPLEMENTATION OF PRINCIPLES FROM THE COHEN COMMISSION

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. As Indigenous peoples we have the inherent obligation and duty to defend and protect the well-being of our communities through the protection and conservation of wild salmon within our territories;
- B. On October 31, 2012, Commissioner Cohen released his report and recommendations into the Decline of Sockeye Salmon in the Fraser River;
- C. The *United Nations Declaration on the Rights of Indigenous Peoples* provides that:

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 or other traditional occupation or use...

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....

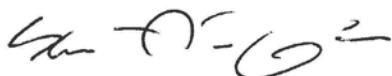
- D. Commissioner Cohen recommended a number of changes to the Federal Department of Fisheries and Oceans policies, practices and management in relation to the sustainability of the Fraser River sockeye fishery;
- E. Commissioner Cohen found that the cause of long-term decline of the Fraser River sockeye salmon and the poor return in 2009 could not be attributed to one cause, but rather that cumulative impacts from multiple stressors in the environment must be considered;

- F. On August 09, 2016, Department of Fisheries and Oceans and the Canadian Coast Guard (DFO) Minister Dominic LeBlanc, announced DFO's renewed commitment to protect wild salmon by releasing the Federal Progress Report on the implementation of the 2012 Cohen Commission;
- G. While the recommendations of the Cohen Commission focus on the Fraser River sockeye fishery, similar stressors are negatively impacting salmon runs throughout BC's coastline; and
- H. Although the Federal Progress Report announces the successful implementation of over 30 of the recommendations of the Cohen Commission, organizations including the First Nations Wild Salmon Alliance and the Watershed Watch Salmon Society note that these recommendations represent relatively minor changes to DFO's structure and policies, whereas major changes including implementing the Wild Salmon Policy and the removal of DFO's conflicting mandates remain unchanged.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly call on the Provincial Government and the Government of Canada to implement the principles of the Cohen Commission coast-wide; and
2. The Chiefs-in-Assembly direct the Regional Chief call on the Provincial Government and the Government of Canada to make the necessary investments for the protection and conservation of wild salmon as set out in the principles of the Cohen Commission.

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BCAFN ANNUAL GENERAL MEETING
Songhees Wellness Centre, Victoria, BC
October 24-26, 2016

Resolution 17/2016

SUBJECT: SUPPORT FOR CLOSED CONTAINMENT AQUACULTURE

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. We, as Indigenous Peoples have a sacred responsibility to protect wild salmon for our people today and for our future generations, and an inherent stewardship responsibility for the protection and conservation of wild salmon within our respective territories;
- B. On October 31, 2012, Commissioner Cohen released his report and recommendations into the Decline of Sockeye Salmon in the Fraser River (Cohen Commission);
- C. The Cohen Commission highlights DFO conflictual mandates to both protect wild salmon and promote salmon farming, referencing open net-pen aquaculture;
- D. The *United Nations Declaration on the Rights of Indigenous Peoples* provides that:

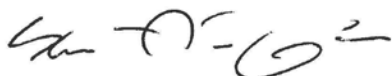
Article 26: Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use...
Article 29: Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources....;
- E. Open net-pen aquaculture has been linked to the decline of salmon stocks worldwide and is correlated with increased levels of sea-lice, piscine reo-virus and Heart and Skeletal Muscle Inflammation (HSMI) disease;
- F. On May 20th, 2016, DFO announced a "Potential Diagnosis of HSMI in Atlantic Salmon at a BC Fish Farm";

- G. On-land, closed containment aquaculture eliminates the potential threat to wild salmon posed by farmed salmon operations;
- H. On-land, closed-containment aquaculture operations have been shown to be economically profitable, environmentally sensitive and are gaining international repute; and
- I. On February 24th, 2016, Member of Parliament Fin Donnelly introduced Bill C-228 *An Act to amend the Fisheries Act (closed containment aquaculture)*, to be voted on in fall, 2016, which will strengthen the *Fisheries Act* by requiring West Coast fish farms to move from harmful open-net pens to safe closed containment systems within 5 years and require the Minister of Fisheries and Oceans to develop, table and implement a transition plan to closed containment within 18 months of the bill receiving Royal Assent.

THEREFORE BE IT RESOLVED THAT:

- 1. The Chiefs-in-Assembly fully support Bill C-228, *An Act to amend the Fisheries Act (closed containment aquaculture)*; and
- 2. The Chiefs-in-Assembly direct the Regional Chief to communicate their full support of closed containment aquaculture and Bill C-228 to the Government of Canada and Department of Fisheries and Oceans Canada, Member of Parliament Fin Donnelly, and the Province of BC.

Certified copy of a resolution adopted on the 25th day of October, 2016, Victoria, Songhees Territory



Shane Gottfriedson, BC Regional Chief



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BCAFN ANNUAL GENERAL MEETING
Songhees Wellness Centre, Victoria, BC
October 24-26, 2016

Resolution 18/2016

SUBJECT: SUPPORT FOR SCIENTIFIC EFFORTS TO RESEARCH DECLINE IN WILD SALMON STOCKS

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Wild salmon runs in BC have been recorded at an all-time low, with little understanding as to the cumulative effects resulting in their damage;
- B. Prime Minister Justin Trudeau's Mandate Letter to the Minister of Fisheries and Oceans called for the restoration of funds to support federal ocean science and monitoring programs, to protect the health of fish stocks, to monitor contaminants and pollution in the oceans and to use scientific evidence and the precautionary principle, and take into account climate change, when making decisions affecting fish stocks and ecosystem management;
- C. The *United Nations Declaration on the Rights of Indigenous Peoples* provides that:

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 or other traditional occupation or use...
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 Pacific Salmon Foundation's Salish Sea Marine Survival Project continues to investigate why the production of Chinook and Coho salmon within the Strait of Georgia crashed during the 1990s and has not yet recovered, and has yet to be explained or addressed, and the primary

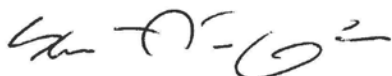
objective of the Salish Sea Marine Survival Project is to determine the principal factors affecting the survival of juvenile salmon and steelhead in the Salish Sea;

- E. The Salish Sea Project has a significant component of tagging and tracking;
- F. Dr. Kristi Miller, head of the molecular genetics research program in the Department of Fisheries and Oceans and the Canadian Coast Guard (DFO), conducts Genome Science which has the ability to identify stressors to outward migrating wild salmon smolts and to what degree, through genetics;
- G. On May 20th, 2016, Dr. Miller's research contributed to the DFO's announcement and discovering of a potential diagnosis of Heart and Skeletal Muscle Inflammation (HSMI) disease in BC's farmed salmon, which has been associated with the devastating Piscine Reo-Virus observed in Norway's wild salmon runs; and
- H. Blending these two distinctly different methodologies along with First Nation interval sampling could lead to:
 - i. Clear understanding of out migration patterns of wild salmon smolts across BC (Pacific Salmon Foundation);
 - ii. Genetic identification and degree of impacts of various stressor along the out migration route (Genome Project); and
 - iii. Interval samplings by First Nations in their territory could save costs and also develop a level of transparency.

THEREFORE BE IT RESOLVED THAT:

- 1. The Chiefs-in-Assembly support scientific efforts to research decline in wild salmon stocks, including the work of Dr. Kristi Miller and the molecular genetics research program in the Department of Fisheries and Oceans and the Canadian Coast Guard, and the Pacific Salmon Foundation's Salish Sea Marine Survival Project; and
- 2. The Chiefs-in-Assembly direct the Regional Chief to advocate for the blending of these two distinctly different methodologies with First Nation interval sampling to better understand stressors impacting wild salmon smolts.

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BCAFN ANNUAL GENERAL MEETING
Songhees Wellness Centre, Victoria, BC
October 24-26, 2016

Resolution 19/2016

**SUBJECT: SUPPORT FOR THE FIRST NATIONS WILD SALMON ALLIANCE STRATEGIC SESSION
FINAL REPORT**

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Wild Pacific salmon are an integral keystone in the culture, economy and livelihood of First Nations throughout BC.
- B. There are serious and proven impacts resultant from the development and continual activity of current aquaculture practices on the sustainability and survival of wild salmon stocks.
- C. The steady decline of healthy and abundant wild salmon stocks has reached a crisis point.
- D. The *United Nations Declaration on the Rights of Indigenous Peoples* provides that:

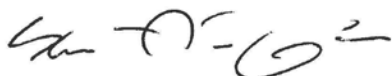
Article 26: Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use...
Article 29: Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources....;
- E. The First Nations Wild Salmon Alliance (FNWSA) seeks to bring First Nations together to speak with a common voice for the protection and conservation of wild salmon throughout BC.
- F. First Nations in BC have diverse interests, perspectives and priorities with respect to the management of marine finfish, shellfish and aquaculture, and as self-determining Nations share a responsibility to manage resources in a manner that respects the interdependence we have with one another.

- G. First Nations in BC have a common interest in increasing decision-making and control with respect to the regulation, policy, planning and management of marine finfish, shellfish and aquaculture to promote the protection, restoration and sustainability of fisheries, aquatic and ocean resources and ecosystems.
- H. The FNWSA convened a Strategic Dialogue Session on April 18th and 19th, 2016, to develop a cohesive voice and a comprehensive set of recommendations to ensure the health of BC's wild salmon stocks; and
- I. Following the successful conclusion of the FNWSA Strategic Dialogue Session, the FNWSA prepared the Strategic Dialogue Session Final Report which contains eighteen recommendations designed to ensure the safeguarding of BC's wild salmon stocks.

THEREFORE BE IT RESOLVED THAT:

- 1. The Chiefs-in-Assembly fully endorses the First Nations Wild Salmon Alliance (FNWSA) Strategic Dialogue Sessions Report on Proceedings and Recommendations.
- 2. The Chiefs-in-Assembly direct the Regional Chief to communicate its endorsement of the FNWSA Strategic Dialogue Sessions Report on Proceedings and Recommendations to the Department of Fisheries and Oceans Canada.

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BCAFN ANNUAL GENERAL MEETING
Songhees Wellness Centre, Victoria, BC
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Resolution 20/2016

SUBJECT: SUPPORT FOR ORANGE SHIRT DAY: A NATIONAL DAY TO HONOUR SURVIVORS AND THOSE THAT ATTENDED RESIDENTIAL SCHOOLS

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

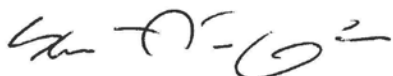
- A. The United Nations Declaration on the Rights of Indigenous Peoples, Article 7.2 states:
Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to any other group;
- B. The Truth and Reconciliation Commission Call to Action #80 calls upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to honour Survivors, their families, and communities, and ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process;
- C. Orange Shirt Day is a legacy of the St. Joseph's Mission Residential School Commemoration Project and Reunion that took place in May 213. Phyllis Webster shared her story of St. Joseph's Mission Residential School when she had her new orange shirt, bought by her grandmother, taken from her as a six-year old girl;
- D. Orange Shirt Day is an opportunity to create meaningful discussion about the effects of Residential Schools and the legacy they have left behind. A discussion all Canadians can tune into and create bridges with each other for reconciliation. Orange Shirt Day is a day of affirmation for survivors that they matter, as do those who have been affected;

- E. Resolutions declaring September 30th as Orange Shirt Day have been passed in the cities of Williams Lake, Quesnel, Wells, 100 Mile House, the Cariboo Regional District, and School Districts #27 and #28;
- F. The Assembly of First Nations has passed Resolution 18/2014 in support of Orange Shirt Day, which declares September 30th as Orange Shirt Day and directed the AFN to promote and uphold the meaning of Orange Shirt Day and help to raise awareness regarding the intent and meaning of Orange Shirt Day.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly recognize the importance of Orange Shirt Day as a National Commemorative Day for those that attended Residential school, the survivors and their families.
2. The Chiefs-in-Assembly support the annual recognition of Survivors and their families as reaffirmation of their commitment to ensuring a better future for all children.
3. The Chiefs-in-Assembly direct the BCAFN Regional Chief to call upon the federal government to declare September 30th Orange Shirt Day, a National Day to honour Survivors, their families and communities;
4. The Chiefs-in-Assembly direct the BCAFN Regional Chief to ensure that public commemoration of the history and legacy of Residential Schools remains a vital component of the reconciliation process.

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BCAFN ANNUAL GENERAL MEETING
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Resolution 21/2016

SUBJECT: SUPPORT FOR THE FIRST NATIONS LEADERSHIP COUNCIL – BC COMMITMENT DOCUMENT WORKING GROUP

MOVED BY:

SECONDED BY:

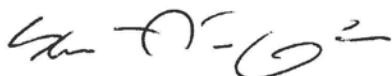
DECISION:

WHEREAS:

- A. Two years has passed since the historic and unanimous Tsilhqot'in Nation judgment was released on June 26, 2014, when the Supreme Court of Canada declared Aboriginal Title for the first time in Canadian history, in the homeland of the Tsilhqot'in people, sweeping aside the discriminatory justifications and arguments advanced by the Crown to deny Indigenous rights of ownership, and confirming that the status quo is not acceptable;
- B. BCAFN Chiefs-in-Assembly have supported and celebrated the New Relationship Vision document that the Province and First Nations reached in 2005, which echoed the words spoken by the Supreme Court of Canada in 1997 that "We are all here to stay;"
- C. In advancing First Nations-provincial engagement, First Nations continue to seek full implementation of the United Nations Declaration on the Rights of Indigenous Peoples, including Article 26(2), which provides that "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" and the requirement under Article 32(1) of "free and informed consent prior to the approval of any project affecting [our] lands or territories and other resources";
- D. On August 14-15, 2014, BC Chiefs met at an All Chiefs Meeting to celebrate the Tsilhqot'in Nation judgment and discuss the recognition of Aboriginal Title in BC and the way forward;

- E. First Nations leaders set out Four Principles on September 11, 2014, as the basis of recognition and reconciliation work:
1. Acknowledgement that all our relationships are based on recognition and implementation of the existence of Indigenous peoples' inherent title and rights, and pre-confederation, historic and modern treaties throughout British Columbia.
 2. Acknowledgement that Indigenous systems of governance and laws are essential to the regulation of lands and resources throughout British Columbia.
 3. Acknowledgement of the mutual responsibility that all of our government systems shall shift to relationships, negotiations and agreements based on recognition.
 4. We immediately must move to consent based decision-making and title based fiscal relations, including revenue sharing, in our relationships, negotiations and agreements; and
- F. Concrete action, and new and creative approaches, at all levels is required - in direct government-to-government relationships, negotiations, policies, and laws, fiscal relations and decision- making;
- G. The First Nations Leadership Council (FNLC) and the Province have developed a proposed Commitment Document setting out a proposed joint agenda and action plan for advancing the Crown-First Nation relationship in British Columbia, and to develop a principled framework for reconciliation, including concrete actions, measures and steps, in a manner that is appropriate for a post-Tsilhqot'in environment which was endorsed by First Nations Leadership and the Province in early 2016;
- H. The proposed Commitment Document sets out a clear agenda for a principled and substantive approach to a reconciliation framework and approaches that will include: vision; guiding principles; goals and objectives; partnerships and cultural understandings; processes and structures; and systemic supports: legislation, policy and other options;
- I. The proposed Commitment Document identifies a proposed implementation and engagement process to develop a reconciliation framework and approaches, to be overseen by members of the Provincial Cabinet and the First Nations Leadership Council, including First Nations engagement, BC government engagement, business and industry engagement, federal government engagement, and public awareness and other stakeholders;
- J. In September 2015, BC and FNLC jointly presented the proposed Commitment Document, articulating our commitment to a government-to-government relationship based on respect, recognition and accommodation of aboriginal title and rights and to the reconciliation of Aboriginal and Crown titles and jurisdictions;
- K. Subsequently, based on further feedback from BC and First Nations leadership, the BC Cabinet and FNLC confirmed support and endorsement of the document and the mandate to move forward with the work committed;
- L. To substantiate and secure funding to support the work under the Commitment Document, the FNLC-BC Working Group developed:

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Shane Gottfriedson, BC Regional Chief

a. *Draft Joint Agenda: Implementing the Commitment Document (2015). Vision, Guiding Principles, Goals and Objectives* and

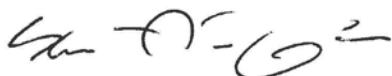
b. *Draft Joint Agenda: Implementing the Commitment Document (2015). Concrete Actions: Processes, Structures and Legislative and Policy Change.*

- M. The workplan documents were presented and discussed at the All Chiefs Caucus session on September 6, 2016, the BC Cabinet-First Nations Leadership Gathering on September 7-8, the Union of BC Indian Chiefs Annual General Assembly on September 21-23, and at the First Nations Summit Meeting on October 19-21, and feedback from leadership is being considered and incorporated;
- N. The FNLC-BC Working group was tasked by with finalizing the *Vision, Guiding Principles, Goals and Objectives* by October 31, and finalizing a workplan, including terms of reference and a budget, by November 1, with the intention of reporting out at the 2017 BC Cabinet-First Nations Leaders Gathering on progress achieved against the outcomes.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly direct the Regional Chief and BCAFN representatives to work with the Union of BC Indian Chiefs and the First Nations Summit, working jointly as the First Nations Leadership Council, to continue to engage with the Province to fulfill the commitments in the Commitment Document, the Draft Joint Agenda Documents including the *Vision, Guiding Principles, Goals and Objectives* and the *Concrete Actions: Processes, Structures and Legislative and Policy Change*;
2. The Chiefs in Assembly call on the Province to ensure the work in relation to the Commitment Document does not in any way limit, excuse, slow down or impede progress with First Nations at any of their respective negotiation tables; and
3. The Chiefs-in-Assembly direct the Regional Chief to report back to the BCAFN on progress on the *Concrete Actions: Processes, structures and Legislative and Policy Change* and associated work at the next BCAFN Special Chiefs Assembly on February 27-28, 2016.

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Shane Gottfriedson, BC Regional Chief



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BCAFN ANNUAL GENERAL MEETING
Songhees Wellness Centre, Victoria, BC
October 24-26, 2016

Resolution 22/2016

SUBJECT: DRAFT ACTION FRAMEWORK: RECONCILIATION, SELF-DETERMINATION, AND SELF-GOVERNMENT FOR INDIGENOUS CHILDREN, FAMILIES AND NATIONS IN BC

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Following on commitments made at the September 2015 *BC Cabinet and First Nations Leadership Gathering*, the First Nations Leadership Council (FNLC), supported by the Province of British Columbia, brought together First Nations Chiefs, advocates, experts, child-serving agencies and community members, on May 30-31, 2016, to have a serious dialogue about the crisis state of First Nations child and family welfare and, and how to ensure that there are appropriate options for First Nations children in every community, and to identify necessary policy and legislative changes;
- B. The Truth and Reconciliation 94 Calls to Action, *United Nations Declaration on the Rights of Indigenous Peoples*, section 35 of the *Constitution Act, 1982* – along with other important legal instruments, including the *United Nations Convention on the Rights of the Child* – provide an established and principled framework for reforming Indigenous child welfare and family services in BC. Collectively, they establish minimum standards for respecting and protecting Indigenous human rights, the rights of children, Indigenous laws and jurisdiction and the common law Aboriginal rights of our Nations;
- C. Subsequent to the Gathering and in correspondence, the FNLC became aware that the Province, responding to one of many recommendations of the Representative for Children and Youth (RCY), signaled its commitment to engage in a sincere discussion about transitioning to Indigenous jurisdiction over child and family well-being;
- D. The BC Assembly of First Nations (BCAFN) supports the call made by First Nations leadership for wholesale reform of the current Indigenous child welfare system that was born from colonial

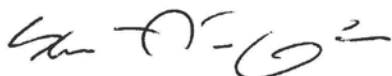
policies that have utterly failed our children and families, and directs the BCAFN working with the Union of BC Indian Chiefs (UBCIC) and First Nations Summit (FNS) as the First Nations Leadership Council (FNLC), to advance, with First Nations and willing partners, a BC First Nations Child and Family Action Plan;

- E. The FNLC has prepared a BC First Nations Child and Family Action Plan, titled Draft Action Framework: Reconciliation, Self-Determination, and Self-Government for Indigenous Children, Families and Nations in BC (“Draft Action Framework”);
- F. The FNLC created a BC First Nations Child and Family Working Group including representation from Delegated Aboriginal Agencies, the Representative for Children and Youth office, First Nations Health Council, and community-based child and family advisors, which helped plan the BC First Nations Child and Family Gathering, and has met since to review outcomes and provide direction and feedback to the FNLC on the Draft Action Framework;
- G. On September 6, 2016, the FNLC provided the Draft Action Framework to Chiefs at the BC Chiefs Caucus prior to the First Nations- Cabinet Gathering in Vancouver, and reviewed it again during a panel session on September 7th during the Gathering, and feedback is being incorporated; and
- H. Members of the FNLC have been seeking feedback on the Draft Action Framework at the FNS and UBCIC meetings, as well as the First Nations Health Council regional caucus sessions, and will meet with First Nations upon their request. The FNLC also sent out a memo to First Nations in BC on September 14, 2016, articulating the process for engagement and feedback with First Nations, and seeking all feedback by November 2, 2016.

THEREFORE BE IT RESOLVED THAT:

- 1. The Chiefs-in-Assembly support in principle the Draft Action Framework: Reconciliation, Self-Determination, and Self-Government for Indigenous Children, Families and Nations in BC (“Draft Action Framework”);
- 2. The Chiefs-in-Assembly direct the BCAFN to work with the First Nations Summit (FNS) and the Union of BC Indian Chiefs (UBCIC) as the First Nations Leadership Council (FNLC), to collect further feedback, input and revisions from First Nations in BC into the Draft Action Framework by November 2, 2016;
- 3. The Chiefs-in-Assembly direct the Regional Chief as a member of the FNLC to bring forward the revised Action Framework to the UBCIC, BCAFN, and FNS meetings in spring, 2017 for final endorsement; and
- 4. The Chiefs-in-Assembly direct the BCAFN, working with the FNLC, to continue engagement with both Canada and British Columbia to honourably engage in a robust and meaningful Indigenous-driven process to reform Indigenous child welfare in BC, informed by the Draft Action Framework.

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BCAFN ANNUAL GENERAL MEETING
Songhees Wellness Centre, Victoria, BC
October 24-26, 2016

Resolution 23/2016

SUBJECT: REJECTION OF MINISTER SPECIAL REPRESENTATIVE REPORT ON THE FIVE YEAR REVIEW OF THE SPECIFIC CLAIMS TRIBUNAL ACT

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

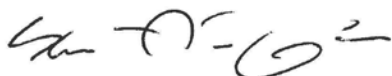
- A. The Government of Canada introduced the Specific Claims Action Plan: *Justice At Last* on June 12, 2007 resulting in new legislation, *The Specific Claims Tribunal Act* (SCTA), to ensure the just, fair and timely resolution of specific claims through the creation of an independent tribunal to review First Nations specific claims rejected by Canada or stalled in negotiations;
- B. Articles 8, 27, and 28 of the *United Nations Declaration on the Rights of Indigenous Peoples* call for the creation, implementation, and enforcement of robust mechanisms and processes to prevent the dispossession of lands and resources, to recognize and protect Indigenous laws, rights, and tradition, and to ensure adequate compensation and possibilities for redress when lands and resources have been non-consensually alienated or otherwise damaged;
- C. October 16, 2013 marked the fifth anniversary of the coming into force of the SCTA;
- D. Sections 41(1) and 41(2) of the SCTA stipulate that:

41.(1) Within one year after the fifth anniversary of the coming into force of this Act, the Minister shall undertake a review of the mandate and structure of the Tribunal, of its efficiency and effectiveness of operation and of any other matters related to this Act that the Minister considers appropriate. In carrying out this review, the Minister shall give First Nations an opportunity to make representations.

41.(2) Within one year after a review is undertaken, the Minister shall cause to be prepared and sign a report that sets out a statement of any changes to this Act, including any changes to the Tribunal's functions, powers or duties, that the Minister recommends and the representations which have been made by First Nations;

- E. Benoit Pelletier was appointed by the Government of Canada as Ministerial Special Representative (MSR) to the five-year review to oversee the review process and to lead engagement with First Nations and other interested parties based on an "engagement paper" titled *Seeking Comment on the Five Year Review of the Specific Claims Tribunal Act*, a paper that has been criticized for its narrow parameters and leading questions;
- F. The Assembly of First Nations (AFN) convened a parallel Expert Panel to hear presentations over two days (March 10, 2015 in Toronto; March 26, 2015 in Vancouver) and receive written submissions from First Nations, legal counsel working on their behalf, Claims Research Units, and specific claims technicians about their experiences regarding all aspects of Canada's specific claims policy, *Justice At Last* (research, assessment, negotiation and mediation), the *Specific Claims Tribunal Act* and the Specific Claims Tribunal process;
- G. The AFN Expert Panel produced a comprehensive report of its findings based on the presentations heard and submissions received by the panel, including a series of recommendations, and submitted this report and all written materials and submission received to the MSR on May 15, 2015;
- H. The MSR produced a final report (MSR Report) based on all meetings held and submissions received as part of the engagement process, and presented this report to then INAC Minister Bernard Valcourt, who in turn must table his own report in Parliament in the fall of 2016;
- I. Since the spring of 2015 and in their submissions, First Nations across Canada made requests for the MSR Report to be released to the public in the interests of government transparency and accountability, particularly as this report is intended to inform possible amendments to an Act with direct implications for First Nations and has already informed a review conducted by the Office of the Auditor General of the specific claims process;
- J. Minister Bennett released the MSR Report *Re-Engaging: Five-Year Review of the Specific Claims Tribunal Act Report*, on September 16th, 2016;
- K. The Liberal government has made explicit public statements and commitments to renew and reconcile their relationship with First Nations in Canada. As part of this renewal, the federal government pledged to take "serious, concrete actions to demonstrate its commitment to recognizing, respecting, and fulfilling its obligations and commitments to First Nations" which includes addressing outstanding land claims;
- L. The MSR Report dismisses the concerns raised by First Nations; characterizes First Nations recommendations as unreasonable, unrealistic and not feasible; and, ignores key issues brought forward by First Nations, including calls for adequate funding for specific claims research and for First Nations to participate in the Tribunal and calls for Canada to fairly negotiate all claims; and

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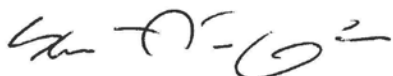
Shane Gottfriedson, BC Regional Chief

- M. The MSR Report contributes to the already significant barriers that Indigenous peoples face in accessing a fair process to resolve their specific claims and is a reflection of the former Harper Government's destructive relationship with First Nations;

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly reject the Ministerial Special Representative (MSR) Report as contrary to the Federal Government's commitments to reconciliation and a new Nation-to-Nation relationship with First Nations;
2. The Chiefs-in-Assembly call on Indigenous and Northern Affairs (INAC) Minister Carolyn Bennett to disavow and disregard the MSR Report and engage directly with First Nations and organizations to bring about the fair resolution of specific claims;
3. The Chiefs-in-Assembly direct the Regional Chief to draft a response and seek endorsements from like-minded First Nations, claims research units and organizations.

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October 24-26, 2016

Resolution 24/2016

SUBJECT: RECOGNIZING AND PROTECTING FIRST NATIONS SACRED HERITAGE SITES AND BURIAL GROUNDS

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. The Semá:th First Nation, as part of the Stó:lō-Coast Salish Indigenous Peoples of the Salish Sea, maintain strong and ancient cultural connections to our sacred places including Sumas Mountain, and specifically Lightning Rock and associated ancestral burial grounds;
- B. Lightning Rock is a large boulder that connects us to our ancient oral history of Thunderbird, and which marks our ancestral burial grounds related to the devastating impact of the smallpox epidemic;
- C. These significant elements of our ancestral cultural heritage are under threat from development and encroachment by private property;
- D. These sacred sites are not recognized or protected by federal or provincial law;
- E. The *United Nations Declaration on the Rights of Indigenous Peoples* provides that:
Article 11: "Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature";

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

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

Article 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”; and

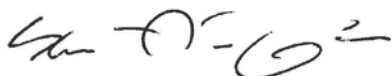
F. The Assembly of First Nations has passed Resolution 31/2016, which:

1. Recognize the importance of and need to protect First Nations sacred cultural landscapes and places of heritage value throughout Canada, including Lightning Rock and our intangible burial grounds.
2. Direct the Assembly of First Nations to urge the federal government to provide redress through effective mechanisms that include First Nations as decision-makers in the management of our heritage.
3. Direct the Assembly of First Nations to draft a declaration on the recognition and protection of First Nations sacred cultural landscapes and places of heritage value throughout Canada.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly fully recognize the importance of, and need to protect, First Nations sacred cultural landscapes and places of heritage value throughout Canada, including Lightning Rock and our burial grounds including mass gravesites;
2. The Chiefs-in-Assembly direct the BCAFN Regional Chief to urge Provincial and Federal Governments to provide redress through effective mechanisms that include First Nations as decision-makers in the management of our heritage, consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*; and
3. The Chiefs-in-Assembly direct the BCAFN Regional Chief to work with the BC Joint Working Group on Heritage Conservation, the Assembly of First Nations, and like-minded organizations to draft a declaration on the recognition and protection of First Nations sacred cultural landscapes and places of heritage value throughout Canada.

Certified copy of a resolution adopted on the 25th day of October, 2016, Victoria, Songhees Territory



Shane Gottfriedson, BC Regional Chief



BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

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BCAFN SPECIAL CHIEFS ASSEMBLY
Songhees Wellness Centre, Victoria, BC
October 24-26, 2016

Resolution 25/2016

SUBJECT: RESCIND RESOLUTION 09/2016: SUPPORT FOR DESIGNATION OF SALISH SEA AS A PARTICULARLY SENSITIVE SEA AREA (PSSA)

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. The Salish Sea is an ecological, cultural, and economic region with global significance.
- B. The *United Nations' Declaration on the Rights of Indigenous Peoples*, endorsed by Canada on November 12, 2010 and which the newly elected Liberal Government under Prime Minister Trudeau has committed to fully implement, states:

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.

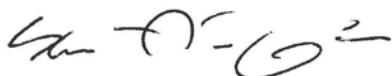
Article 32(1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
- C. Chiefs-in-Assembly supported and passed Resolution 09/2016: Support for Designation of Salish Sea as a Particularly Sensitive Sea Area (PSSA).
- D. Upon further investigation, it was found that the Coast Salish Gathering (CSG) Steering Committee which broadly represents Coast Salish Nations within Canada and the United Nations have indicated that they do not support such a designation as they have substantial concerns with respect to the impact the designation may have on their Sovereignty, Aboriginal Rights and Treaty Rights.

- E. The CSG Steering Committee met with the BC Regional Chief and other BC leadership on October 6, 2016 to discuss and determine the best path forward with respect to BCAFN Resolution 09/2016: Support for Designation of the Salish Sea as a Particularly Sensitive Sea Area(PSSA).
- F. It was agreed that further discussion amongst political leadership was required as well as striking a legal roundtable to strategize and articulate other mechanisms, protocols or arrangements to ensure the best protection of the Salish Sea between Tribal and First Nations.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly hereby rescind BC Assembly of First Nations Resolution 09/2016: Support for Designation of the Salish Sea as a Particularly Sensitive Sea Area(PSSA).
2. The Chiefs-in-Assembly call on the Regional Chief to work with the Coast Salish Gathering Steering Committee to further address and assist in developing methods, protocols, mechanisms and other arrangements between Tribal and First Nations to work towards the protection of the ecologically sensitive area known as the Salish Sea.

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BCAFN ANNUAL GENERAL MEETING
Songhees Wellness Centre, Victoria, BC
October 24-26, 2016

Resolution 26/2016

SUBJECT: SUPPORT FOR HEILTSUK NATION RESPONSE TO ENVIRONMENTAL IMPACTS RESULTING FROM THE CRASH AND SINKING OF THE NATHAN E. STEWART TUG BOAT

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

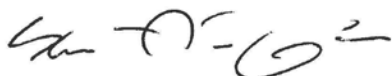
- A. On October 13, 2016 a tug boat, Nathan E. Stewart, hit Edge Reef, in Seaforth Channel, near Athlone Island, while pushing a massive fuel barge north of Bella Bella, BC. The barge was empty but the tug was carrying about 60,000 gallons of diesel and nearly 3,000 gallons of gear oil, hydraulic oil and dirty bilge. Despite the deployment of containment booms, fuel slicks are reaching shore, leading to the closure of clam beds relied on by the Heiltsuk First Nation. At this time, the exact amount, which has spread as a slick throughout the region in the heart of the Great Bear Rainforest, is unknown.
- B. Members of the Heiltsuk Nation responded to the scene, along with the Canadian Coast Guard and the industry-funded Western Canada Marine Response Corporation. The official response has come under criticism because the nearest oil-spill crews were based in Prince Rupert, more than 20 hours away by boat.
- C. This incident and response have underscored and reinforced concerns about what might happen if proposed oil pipelines to the West Coast get approved.
- D. In 1985, a voluntary Tanker Exclusion Zone was created along the British Columbia coast to help avoid potential oil spills. The zone extends from the shores of British Columbia westward. The size of the area was based on calculating the worst possible drift of a disabled tanker with a cargo, versus the time required for help to arrive. Loaded oil tankers servicing the Trans-Alaska Pipeline System between Valdez, Alaska, and Puget Sound, Washington must travel west of the zone. The exclusion zone does not apply to tankers travelling to or from Canadian ports. It also only applies to tankers with cargo, not tankers in ballast.

- E. The Heiltsuk First Nation has been negatively impacted as the clam commercial harvest has been shut down. Similarly, the food, ceremonial and social harvesting has been shut down in the area.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly call on the Government of Canada to require, without exception, the following: that all international vessels travelling through Canadian waters have a Canadian pilot on board; that any laws, regulations, policies or instruments that permit the Nathan E. Stewart and other vessels of similar type and weight to travel through the Inside Passage are revoked notwithstanding vessels servicing coastal community infrastructure; and that substantial financial and technical resources in first responding communities along the central coast are immediately put in place.
2. The Chiefs-in-Assembly support calls to ensure that vessels transporting large volumes of oil respect the Voluntary Tanker Exclusion Zone.
3. That the Chiefs-in-Assembly unequivocally support the Heiltsuk Nation in leading and conducting their own investigation into the incident, and in disseminating recommendations arising from this incident to all government agencies.

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BCAFN ANNUAL GENERAL MEETING
Songhees Wellness Centre, Victoria, BC
October 24-26, 2016

Resolution 27/2016

SUBJECT: RECONCILIATION IN EDUCATION

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Indigenous peoples hold an inherent and sacred right to determine and control Indigenous education.
- B. The *United Nations Declaration on the Rights of Indigenous Peoples* states:

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.

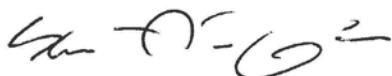
- C. BC First Nations, including the Carrier Sekani First Nations, are experiencing infringements of their right to education by the Crown and delegated entities, including school districts.
- D. School District 57 Prince George (SD57) has specifically and unilaterally opted to eliminate the Aboriginal Education Board (AEB), which directly impacts the Carrier Sekani First Nations.

- E. For more than 20 years, the AEB have volunteered their time, expertise, and experience in advocating for Aboriginal students and their families for SD57, and where accomplishments include:
- Increased graduation rates (that are still improving two years after the unilateral dissolution of the AEB);
 - Increased number of Aboriginal staff;
 - The AEB sought and won a hiring exemption for Aboriginal positions, which is a practice that is standard in most BC School districts today;
 - The AEB was once considered a “Promising Practice” by the BC Ministry of Education;
 - The AEB partnered with SD57 to draft, present and gain approval of SD57 policies 1230 and 1231;
 - Throughout its 20-year history, the AEB was often asked to sit on various SD57 committees with senior district staff and past school boards;
 - The AEB was the driving force behind the creation of BC’s very first Aboriginal choice school (Nusdeh Yoh)
- F. In October of 2014, the Carrier Sekani Tribal Council (CSTC) and all the other AEB members were sent a letter by the superintendent of the school district informing them that their services were no longer needed and that the AEB had violated its own Terms of Reference in missing meetings. Since that date, SD57 staff and board members have refused to have a face to face meeting with the former AEB and have publicly denigrated the AEB in local media.
- G. CSTC has shown that SD57 is in violation of not only its own policies (1230 & 1231), but also in violation of Ministry of Education guidelines around Aboriginal targeted funds.
- H. CSTC feels that their students and their parents have not been given a voice in the fundamental right of Aboriginal control over Aboriginal Education and there is no accountability for school districts by the province, and is aware that this is an issue experienced by other First Nations in BC.
- I. The BC Government and BC First Nations now mutually identify education as a core instrument of change and reconciliation.
- J. On November 12, 2015, the BC Assembly of First Nations, as part of the First Nations Leadership Council (FNLC), entered into a *Declaration & Protocol of Recognition, Support, Cooperation and Coordination* with the First Nations Education Steering Committee.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly support the efforts of the Carrier Sekani Tribal Council to seek immediate reinstatement of the Aboriginal Education Board (AEB), as it formerly existed, in School District 57.
2. The Chiefs-in-Assembly call upon the Province of British Columbia to fulfill their commitment to making education a core instrument of change and reconciliation, and that they develop progressive Government-to-Government relationships expressed between school boards and local First Nations in the area of First Nations education.

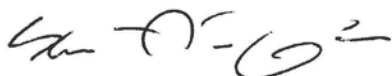
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Shane Gottfriedson, BC Regional Chief

3. The Chiefs-in-Assembly direct the Regional Chief to work in coordination with the Union of BC Indian Chiefs (UBCIC), the First Nations Summit (FNS), the First Nations Education Steering Committee (FNESC) and the Province of British Columbia to develop Government-to-Government education agreements that meet the needs and aspirations of First Nations in meaningfully participating in their children's education in the public education system.
4. The Chiefs-in-Assembly direct the Regional Chief to: work in coordination with the UBCIC, the FNS and FNESC to advance First Nations' sovereign right to education; and to support the efforts of FNESC to create First Nation-to-First Nation working groups within school districts to ensure First Nations are actively and meaningfully involved in their children's education.

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BCAFN ANNUAL GENERAL MEETING
Songhees Wellness Centre, Victoria, BC
October 24-26, 2016

Resolution 28/2016

SUBJECT: SUPPORT FOR THE KATZIE FIRST NATION IN THE OPPOSITION OF QUARRY APPLICATION 1015131 B.C. LTD.

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Indigenous Nations have an inherent right to self-determination including jurisdiction over, Title to, and the stewardship of, our respective territories, including the ownership of our mineral resources.
- B. the *United Nations Declaration on the Rights of Indigenous Peoples* states:

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

Article 11(1): Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature;

Article 12(1): Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains;

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

Article 26(1): Indigenous peoples have the right to the lands, territories, waters and coastal seas and other resources which they have traditionally owned, occupied or otherwise used or acquired.;

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;

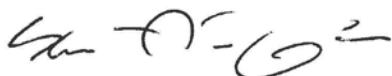
Article 32(1): Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources;

- C. The Province has failed to protect Katzie First Nation and other First Nations heritage sites with legislation, leaving sacred sites open for destruction or exploitation by others.
- D. The lands and resources in Katzie traditional territory hold significant cultural and spiritual importance to the Katzie Peoples, and the Katzie have collective responsibilities to continue their traditional ways for future generations.
- E. The Katzie First Nation have clearly stated they do not want or approve of mining or mining exploration in their traditional territory, particularly within "*sement*," otherwise known as Sheridan Hill, in the Pitt Polder area.
- F. *Sement* is considered and acknowledged by the Katzie First Nation as a sacred site and continues to have profound cultural value to the Katzie Peoples.
- G. *Sement* is considered and acknowledged by the Katzie First Nation as a sacred site states the Canadian Charter of Rights and Freedoms (the "Charter") s.2(a) be considered by government with respect to a First Nation's sacred site.

THEREFORE BE IT RESOLVED THAT:

- 1. The Chiefs-in-Assembly fully supports Katzie First Nation in their efforts to protect their lands in the area known as *sement* also known as Sheridan Hill.
- 2. The Chiefs-in-Assembly fully supports Katzie First Nation's opposition to the quarry application by 1015131 B.C. Ltd.
- 3. The Chiefs-in-Assembly fully supports Katzie First Nation's September 2016 request for a moratorium on the Minister of Mines consideration of the gravel quarry application.
- 4. The Chiefs-in-Assembly fully supports Katzie First Nation's intervenor status in the upcoming Supreme Court of Canada case of *Ktunaxa Nation Council and Kathryn Teneese, on their own behalf and on behalf of all citizens of the Ktunaxa nation v. Minister of Forest, Lands, and Natural Resource Operations, et. at.* (the "K'tunaxa Appeal" which is scheduled to be heard by the Supreme Court of Canada on December 1, 2016.
- 5. The Chiefs-in-Assembly demand that 1015131 B.C. Ltd. and the BC Ministry of Energy and Mines immediately rescind the quarry application and cease any mining exploration or mining activity within *sement* and communicate that any such activity requires the free, prior, and informed consent of the Katzie First Nation.

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BCAFN ANNUAL GENERAL MEETING
Songhees Wellness Centre, Victoria, BC
October 24-26, 2016

Resolution 29/2016

**SUBJECT: RESPECT STK'EMLUPSEMC TE SECWPEMC NATION PROJECT ASSESSMENT
PROCESS**

MOVED BY: KUKP7I RON IGNACE, SKEETCHESTN INDIAN BAND

SECONDED BY: KUKP7I OLIVER ARNOUSE, LITTLE SHUSWAP INDIAN BAND

DECISION: CARRIED

WHEREAS:

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

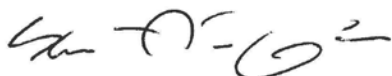
- i. **Article 26 (1):** Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
- ii. **Article 26 (2):** Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
- iii. **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.
- iv. **Article 32 (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.
- v. **Article 32 (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;

B. On May 3, 2016, BC Auditor General Carol Bellringer released "An Audit of Compliance and Enforcement of the Mining Sector" and concluded that the BC government's management of the mining industry is failing to

protect the environment against significant risk. She based her decision after a two-year investigation that found the regulatory regime was underfunded, conducted infrequent inspections, and had inadequate enforcement measures;

- C. The KGHM Ajax project is a proposed copper and gold open pit mine located in Secwepemc Nation territory at a culturally significant site known as Pípsell (Jacko Lake and the surrounding area), near Kamloops, British Columbia. Stk'emplupsemc te Secwepemc Nation, has never ceded surrendered or given up any of their lands or interests. They uphold their sacred responsibility to protect and assert jurisdiction over their territory;
- D. Pípsell is directly connected to the oral history of the Stk'emplupsemc te Secwepemc Nation and together with its Secwepemc stsq'ey' (indigenous laws) provides the narrative foundation for ownership and stewardship of Secwepemc lands and resources;
- E. The project proponent for KGHM Ajax is KGHM International, a subsidiary of KGHM Polska Miedz SA, a Polish state controlled company where Poland owns an 80% stake in the proposed project. Poland is a 2007 signatory to the UN Declaration;
- F. Stk'emplupsemc te Secwepemc Nation asserts sovereignty and full control over their territory. By the Stk'emplupsemc te Secwepemc Nation political declaration and subsequent Notice of Civil Claim (filed on September 21, 2015), they put the provincial government of British Columbia, the Canadian federal government, and KGHM on notice of their Aboriginal Rights and Title in Pípsell, and of the responsibility to preserve Stk'emplupsemc te Secwepemc Nation's Aboriginal Interests;
- G. Given the current inadequacies of the Canadian Environmental Assessment and BC Environmental Assessment processes, Stk'emplupsemc te Secwepemc Nation has been required to undertake a precedent setting and historic first project assessment review process regarding the proposed KGHM Ajax open pit mine;
- H. The assessment was developed to ensure that their cultural perspectives, knowledge and history were duly considered in the assessment and was built on the "Principle of Walking on Two Legs" with Secwepemc and western support. The process involves an innovative community engagement program modeled to reflect a traditional governance model, respecting the role of families and the divisions, and includes the communities in Stk'emplupsemc te Secwepemc Nation. The panel is inclusive and representative, composed of Tk'emplups te Secwepemc and Skeetchestn Chief and Councils, family appointed representatives, elders, youth, and knowledge keepers;
- I. Prime Minister Justin Trudeau has publicly stated his government's commitment to renewing the relationship with First Nations in Canada embodying the following principles:
 - i. This renewal must be a nation-to-nation relationship, based on recognition, rights, respect, cooperation, and partnership...to make real progress on the issues most important to First Nations.
 - ii. Serious, concrete actions [will be taken] to demonstrate [the government's] commitment to
 - iii. recognizing, respecting, and fulfilling its obligations and commitments to First Nations.
 - iv. A Federal Reconciliation Framework will be developed in full partnership with Indigenous peoples, which includes addressing outstanding land claims; and

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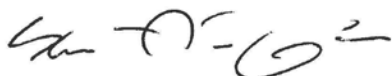
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- J. Stk'emplupsemc te Secwepemc Nation has requested the development of a nation-to-nation table regarding the KGHM Ajax Project. That request included letters sent both before (June 21, 2015) and after (November 30, 2015) Canada's 42nd General Election on October, 2015. Stk'emplupsemc te Secwepemc Nation clearly outlined out positions in those letters and has identified its development as a key component to consultation and the development of a nation-to-nation relationship.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly call on the Government of Poland to direct its KGHM Polska Miedz SA Supervisory and Management Board to uphold its commitments under the *UN Declaration on the Rights of Indigenous Peoples* (UN Declaration);
2. The Chiefs-in-Assembly support the development of an agreement whereby the KGHM Polska Miedz SA investment in the proposed KGHM Ajax project respect the Stk'emplupsemc te Secwepemc Nation's free, prior and informed consent concerning the project;
3. The Chiefs-in-Assembly declare that no project will proceed without the informed consent of Stk'emplupsemc te Secwepemc Nation as they have an Aboriginal right to fully participate in any decision which may affect their Aboriginal rights and title, and to maintain and develop their own Indigenous decision-making institutions whereby Stk'emplupsemc te Secwepemc Nation can determine and develop priorities and strategies for the development or use of their lands or territories and other resources;
4. The Chiefs-in-Assembly direct the federal government to undertake discussions on a nation-to-nation basis to ensure the Stk'emplupsemc te Secwepemc Nation is fully involved in the Minister of Environment's decision to refer the project to the Governor in Council. This decision must include and be informed by the Indigenous Environmental Assessment Process and consider not only the likelihood of the project to cause significant adverse environmental effects, but the development of a decision making process on the likelihood of the project to cause significant adverse effects on the Stk'emplupsemc te Secwepemc Nation's Aboriginal title and rights, which includes provisions under UN Declaration on the Rights of Indigenous Peoples;
5. The Chiefs-in-Assembly call upon federal, provincial and territorial governments to recognize and respect the Stk'emplupsemc te Secwepemc Nation Indigenous Environmental Assessment Process as it reviews and assesses the project's tangible and intangible impacts on Stk'emplupsemc te Secwepemc Nation's Aboriginal title and rights; and
6. Direct the federal government to undertake discussions on a nation-to-nation basis to ensure the Stk'emplupsemc te Secwepemc Nation is fully involved in the federal government's comprehensive review of the Environmental Assessment, National Energy Board, Navigable Waters, and Fisheries Acts through appointment of a federal negotiator and financial resources for meaningful consultation and engagement.

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Shane Gottfriedson, BC Regional Chief



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BCAFN ANNUAL GENERAL MEETING
Songhees Wellness Centre, Victoria, BC
October 24-26, 2016

Resolution 30/2016

SUBJECT: RESPECT AND RECOGNITION OF INDIGENOUS RIGHTS IN CANADA'S CLIMATE CHANGE PLANNING

MOVED BY: CHIEF JAMES DELORME, KLAHOOSE FIRST NATION

SECONDED BY: COUNCILLOR ARCHIE LITTLE, PROXY, NUCHATLAHT

DECISION: CARRIED

WHEREAS:

- A. Indigenous Peoples continue to exercise our laws and jurisdiction to protect our lands, waters, coasts, and rivers, as we have done since time immemorial.
- B. Climate change threatens the security and way of life of Indigenous Peoples throughout Canada and the world, which has been evident in British Columbia as record-breaking temperatures in the summer of 2015 contributed to rampant forest fires, drought, and elevated water temperatures impacting wild salmon and other fish. Indigenous peoples bear the disproportionate brunt of climate change while having contributed relatively little to the problem.
- C. Indigenous Peoples are intricately connected to ecosystems where we have thrived for thousands of years, and we depend on these diverse systems for our nutritional, economic, social and spiritual existence. We seek to be full partners in the urgently needed energy revolution in Canada and want to make sure that green-washed projects like the proposed Site C dam are not furthered, and that investments in truly green technology target our long deprived communities; and we want to make sure that unlike past developments, we benefit as well from the new energy infrastructure.
- D. On March 2, 2016 Prime Minister Trudeau met with First Nations, Métis, Inuit leaders prior to hosting a First Minister's Meeting with Premiers on March 3, 2016, as a follow-up to the commitments made on climate change at the Paris Climate Summit in 2015.
- E. The *United Nations Declaration on the Rights of Indigenous Peoples* states:

Article 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relations 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;

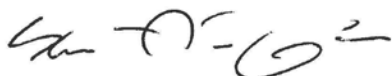
Article 23: (1) Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources; (2) States shall consult and cooperate in good faith with the Indigenous peoples concerned prior to the approval of any project 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.

- F. The historic *Tsilhqot'in Nation* judgement marks a watershed in the history of British Columbia and Canada, as it sweeps aside the discriminatory justifications and arguments advanced by the Crown and accepted by the B.C. Court of Appeal to deny Indigenous rights of ownership and instead recognizes that Indigenous peoples are the lawful owners and stewards of the homelands that have sustained them for generations, with the rights to decide our futures, to govern our territories, and to manage and benefit from our lands, and requires the government and industry to seek the consent of First Nations to develop on our traditional lands.
- G. The Chiefs-in-Assembly are concerned that the development of major industrial projects being advanced and supported by the Crown pose an unacceptable risk the health, safety, and livelihoods of First Nations throughout British Columbia, and will contribute to negative environmental health impacts experienced by Indigenous peoples downstream from these major industrial projects.
- H. The Chiefs-in-Assembly are concerned that Canada's proposed "pan-Canadian framework" on climate change does not include appropriate consultation and consent of Indigenous Peoples.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly demands that any climate change plan developed by Canada must be done so in conjunction with Indigenous Peoples, and must recognize and uphold our inherent and constitutionally protected Indigenous Title, Rights, and Treaty Rights and be consistent with the historic Supreme Court of Canada's *Tsilhqot'in Nation* judgement.
2. The Chiefs-in-Assembly calls on the Government of Canada to ensure that any climate change plan developed by Canada must reflect and include critical and relevant Articles from the *United Nations Declaration on the Rights of Indigenous Peoples* prior to any project 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 sources.
3. Reflecting commitments made at The Paris Climate Agreement, the United Nations World Conference *Outcome Document*, the *United Nations Declaration on the Rights of Indigenous Peoples*, the United Nations Sustainable Development Goals 2030, and the Aboriginal and Treaty Rights in section 35 of the

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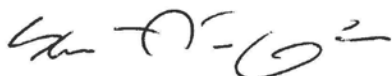


Shane Gottfriedson, BC Regional Chief

Constitution Act, 1982, the Chiefs-in-Assembly call on the Government of Canada, in cooperation with Indigenous Peoples, to:

- a) establish a “National Indigenous Climate Action Plan” for the period from 2016-2025 to address the rights of Indigenous Peoples, including assessments of climate change impacts on Indigenous Peoples which affect their reliance on their lands and resources in their respective traditional territories;
 - b) ensure that Canada’s overall commitment to climate change temperature remains below 1.5 degrees Celsius;
 - c) address loss and damage associated with adverse effects of climate change on Indigenous Peoples;
 - d) take measures to enhance climate change education, training, public participation and public access to information for Indigenous peoples and communities.
 - e) to establish a Canadian Indigenous Green energy climate fund, consistent with the principles applicable to developing States.
3. The Chiefs-in-Assembly direct the Regional Chief to ensure that any climate change plan developed by Canada must stop the further expansion of fossil fuel production and export, and support the development of alternative energy, and the development of economies that reflect a consideration of their impact on the environment.

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BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

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BCAFN ANNUAL GENERAL MEETING
Songhees Wellness Centre, Victoria, BC
October 24-26, 2016

Resolution 31/2016

SUBJECT: CLIMATE CHANGE – ADAPTIVE PLANNING

MOVED BY: CHIEF JOHN SMITH, TLOWITSIS NATION

SECONDED BY: CHIEF JAMES DELORME, KLAHOOSE FIRST NATION

DECISION: CARRIED

WHEREAS:

- A. On October 25, 2016, the BC Assembly of First Nations (BCAFN) Resolution 29/2016, “Respect and Recognition of Indigenous Rights in Canada’s Climate Change Planning” was adopted by consensus at the October 2016 BCAFN Annual General Meeting, held at the Songhees Wellness Centre in Victoria, BC.
- B. The aim of BCAFN resolution 30/2016 is to compliment and support BCAFN Resolution 29/2016.
- C. World leaders and representatives assembled at United Nations Headquarters in New York in September 2014, on the occasion of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples, to reiterate the important and continuing role of the United Nations in promoting and protecting the rights of indigenous peoples. As a result of that meeting, the Outcome document of the high-level plenary meeting of the General Assembly known as the World Conference on Indigenous Peoples was produced.
- D. The Outcome Document provides that, “We confirm that Indigenous peoples’ knowledge and strategies to sustain their environment should be respected and taken into account when we develop national and international approaches to climate change mitigation and adaptation.” (para 36)
- E. In December 2015, Prime Minister Trudeau stated in Paris: “Indigenous peoples have known for thousands of years how to care for our planet. The rest of us have a lot to learn. And no time to waste.”
- F. The December 2015 Paris Agreement acknowledges that climate change is a common concern of humankind and states that “the Parties should, when taking action to address climate change, respect, promote and consider their respective obligations on human rights, the right to health, the rights of

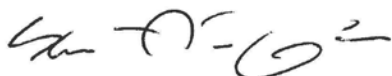
indigenous peoples, local communities, migrants, children, persons with disabilities and people in vulnerable situations and the right to development, as well as gender equality, empowerment of women and intergenerational equity... ” The central aim of the Paris Agreement is to strengthen the global response to the threat of climate change. The Paris Agreement will enter into force on 4 November 2016.

- G. Indigenous Peoples are uniquely positioned to address climate change. We have been witness to and victims of environmental degradation and of climate change impacts.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly direct the Regional Chief to call on the Government of Canada to ensure that:
 - a) any federally supported, or initiated, adaptive action to address climate change be equally based upon and guided by knowledge of Indigenous Peoples and best available science with a view to integrating into relevant socioeconomic and environmental policies and actions;
 - b) the federal government works in collaboration with Indigenous Peoples to develop adaptive planning, strategies and action plans that:
 - i. support adaptive capacity-building, including capacity to monitor, evaluate and reduce impacts;
 - ii. access to and transfer of necessary technology to First Nations communities; and
 - iii. strengthening resiliency.

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BCAFN ANNUAL GENERAL MEETING
Songhees Wellness Centre, Victoria, BC
October 24-26, 2016

Resolution 32/2016

SUBJECT: IMPLEMENTING THE INESCAPABLE ECONOMIC COMPONENT OF ABORIGINAL TITLE

MOVED BY: CHIEF JOHN SMITH, TLOWITSIS FIRST NATION

SECONDED BY: CHIEF MAUREEN CHAPMAN, SKAWAHLOOK FIRST NATION

DECISION: CARRIED

WHEREAS:

- A. In *Delgamuukw v. British Columbia*, [1997] 3 S.C.R. 1010, the Supreme Court of Canada (SCC) found that lands held pursuant to Aboriginal Title have an inescapable economic component.
- B. The SCC in *Delgamuukw* also held that, "the economic aspect of Aboriginal title suggests that compensation is relevant to the question of justification as well, a possibility suggested in *Sparrow* and which I repeated in *Gladstone*. Indeed, compensation for breaches of fiduciary duty are a well-established part of the landscape of Aboriginal rights: *Guerin*..." (para 169)
- C. Colonization led to the economic exploitation and marginalization of Indigenous Peoples.
- D. Articles 20, 21, 23, and 32 of the *United Nations Declaration on the Rights of Indigenous Peoples* contain the following provisions:

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

(2) Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

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.

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

Article 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.

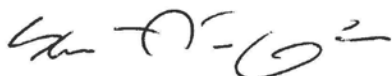
(3) States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

- E. The British Columbia Assembly of First Nations is undertaking work on a comprehensive provincial strategy focused on sustainable economic development and a new fiscal relationship with the Province and Federal governments.

THEREFORE BE IT RESOLVED THAT:

1. The Chiefs-in-Assembly direct the Regional Chief to work in collaboration with the First Nations Summit and the Union of BC Indian Chiefs, collectively the First Nations Leadership Council (FNLC), as part of the sustainable economic development and fiscal relations strategy, in:
 - a) conducting a study regarding the ability of First Nations to raise revenue from their respective lands, resources and territories, consistent with the findings in the Supreme Court of Canada's decision in *Delgamuukw v. British Columbia*, that Aboriginal title has an "inescapable economic component."
 - b) engaging with the First Nations Tax Commission and the First Nations Lands Management Advisory Board to seek their advice and expertise to inform key elements of this study.

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