



# BC ASSEMBLY OF FIRST NATIONS

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

**BCAFN ANNUAL GENERAL MEETING**  
**October 8, 9 & 10, 2024**  
**Hybrid - In person & online via Zoom**

**LATE Resolution 01/2024**

**SUBJECT: SUPPORT FOR REDESIGN AND PROVINCE WIDE ADOPTION OF THE ABORIGINAL OPERATIONAL & PRACTICE STANDARDS & INDICATORS IN CHILD AND FAMILY SERVICES**

---

**MOVED BY: KUKPI7 HELEN HENDERSON, TSQÉSCEN' FIRST NATION**

---

**SECONDED BY:**

---

**DECISION:**

---

## **WHEREAS:**

- A. Our children are our most precious gift from the Creator and caring for them is our most sacred responsibility;
- B. the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of B.C., passed legislation committing to implement, affirms:

**Article 3:** Indigenous peoples have the right to self-determination.

**Article 4:** Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs.

**Article 7(2):** Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.

**Article 18(1):** 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;

- C. First Nations title and rights holders have the inherent right to self-determination, which includes jurisdiction over our children and families. These rights are constitutionally protected under section

35 of the *Constitution Act, 1982*, and are upheld and affirmed in the UN Declaration, and *An Act respecting First Nations, Inuit and Métis children, youth and families*, the constitutional validity of which was confirmed by the Supreme Court of Canada in *Reference re An Act respecting First Nations, Inuit and Métis children, youth and families, 2024 SCC 5*;

- D. the Aboriginal Operational & Practice Standards and Indicators (AOPSI) were developed in 1999 by Indigenous leaders, practitioners and community members to establish standards and policies that guide the work of Indigenous agencies to support and protect their children;
- E. the AOPSI is based on Indigenous principles of care that exceed the standard of care mandated by the Ministry of Children and Family Development (MCFD) (for example, AOPSI requires guardianship social workers to visit children every 30 days, rather than every 90 days as required by MCFD policy); however, AOPSI does not fully reflect Indigenous values, principles and worldviews and only applies to First Nations children served by an Indigenous delegated child and family services agency and not to First Nations children served by MCFD;
- F. the Practice Standards were updated in 2005, and the Operational Standards were updated in 2009, yet there have been significant changes to provincial and federal legislation that are not reflected in the AOPSI;
- G. First Nations across Canada have been working to advance the implementation of their inherent jurisdiction and developing unique systems and approaches that reflect their distinct laws, customs, traditions, and values, as well as the specific needs of their children and families; and
- H. progress towards resumption of jurisdiction has been significantly hampered by resistance from both governments to accept or fund Indigenous service delivery models that do not align with existing federal and provincial policies, and/or that require adjustments to existing provincial child and family services.

#### **THEREFORE BE IT RESOLVED**

1. the BCAFN Chiefs-in-Assembly direct the Regional Chief, working with the First Nations Summit and the Union of BC Indian Chiefs as the First Nations Leadership Council, to work with the Our Children Our Way Society to update the 2009 Aboriginal Operational & Practice Standards and Indicators (AOPSI) to:
  - a. Reflect Indigenous values, principles, and worldviews;
  - b. Reflect current practice, legislation, and rights frameworks,
  - c. including the embedding of principles from *An Act Respecting First Nations, Inuit and Métis children, youth and families*, the *Declaration on the Rights of Indigenous Peoples Act* and the *United Nations Declaration on the Rights of Indigenous Peoples*;
  - d. Reflect the high standard of care deserved by all Indigenous children, youth and young adults in B.C., regardless of residency; and
  - e. Support First Nations resuming jurisdiction over child and family well-being;

2. the BCAFN Chiefs-in-Assembly urge the Ministry of Children and Family Development (MCFD) to fund the work required to update the AOPSI including providing funding for the revitalization of Indigenous laws, including technology; and
3. the BCAFN Chiefs-in-Assembly urge MCFD to immediately adopt the current version of AOPSI, but with a caveat that any codeveloped future updates or iterations must be incorporated, as the minimum standard of care for all First Nations children, youth and young adults in B.C., regardless of residency, and that any updates to the AOPSI will be reported back directly to all individual First Nations communities, and to the BCAFN Chiefs-in-Assembly; and
4. the BCAFN Chiefs-in-Assembly remind Canada of their obligations and duties to engage with and report directly to all individual First Nations communities on the issue of children and families.



## BC ASSEMBLY OF FIRST NATIONS

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

**BCAFN ANNUAL GENERAL MEETING**  
**October 8, 9 & 10, 2024**  
**Hybrid - In person & online via Zoom**

**LATE Resolution 02/2024**

**SUBJECT: SUPPORT FOR EQUITABLE APPLICATION OF SECTION 87 INDIAN ACT TAX EXEMPTION**

---

**MOVED BY: CHIEF STUART JACKSON, LOWER NICOLA INDIAN BAND**

---

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

---

**DECISION:**

---

### **WHEREAS:**

- A. Section 87 of the *Indian Act* exempts the employment income of Indigenous persons from income tax where the income is situated on or sufficiently connected to a reserve.
- B. The purpose of this exemption is to protect the entitlement of Indigenous persons to their reserve lands, and to ensure that the use of their property or income on their reserve lands is not eroded by the ability of the government to tax that income.
- C. The *United Nations Declaration on the Rights of Indigenous Peoples*, which the governments of Canada and British Columbia have adopted without qualification and passed into federal and provincial law, affirms:

**Article 8 (2)** States shall provide effective mechanisms for prevention of, and redress for: ... (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources.

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

**Article 21 ... (2)** States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

**Article 26 (1)** Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

(2) Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

(3) States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

**Article 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.

- D. The Highland Valley Copper Mine is owned by Teck Resources and has been operating in Nlaka'pamux unceded and unsurrendered traditional territory since 1960.
- E. When the mine was first built, four Cook's Ferry Indian Band reserves were surrendered and transferred to the predecessor of Teck Resources in order to enable the construction and operation of the mine.
- F. Many members of the Nlaka'pamux Nations are employed at the Highland Valley Copper mine, which is located in Nlaka'pamux unceded and unsurrendered traditional territory.
- E. The Canada Revenue Agency has provided a section 87 exemption for members of the Cook's Ferry Indian Band employed at the mine, but the mine has not applied the exemption to other Nlaka'pamux Nations members employed at the Highland Valley Copper mine.
- F. Failure to apply the exemption to all Nlaka'pamux Nations members employed at the Highland Valley Copper mine is a violation of Canadian law and the *United Nations Declaration on the Rights of Indigenous Peoples*, and sets a dangerous precedent for other Indigenous persons in British Columbia and Canada.
- G. The Nlaka'pamux Nations and their leadership are therefore taking all possible measures to have the section 87 *Indian Act* exemption apply to all Nlaka'pamux Nations members and other Indigenous persons employed at the Highland Valley Copper mine.

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in-Assembly supports and endorses the efforts of the Nlaka'pamux Nations and their leadership to have the section 87 *Indian Act* exemption apply to all Nlaka'pamux Nations members and status Indians employed at the Highland Valley Copper mine;
2. The BCAFN Chiefs-in-Assembly calls on the Canada Revenue Agency to apply the section 87 *Indian Act* exemption to all Nlaka'pamux Nations members employed at the Highland Valley

Copper mine, and to all status Indians, and to apply the provisions of the *United Nations Declaration on the Rights of Indigenous Peoples* in a manner that protects and promotes the Indigenous rights of all Indigenous peoples; and

3. The BCAFN Chiefs-in-Assembly direct the Regional Chief and BCAFN staff to work with the Nlaka'pamux Nations and their leadership to advocate for the application of the section 87 *Indian Act* exemption to all Nlaka'pamux Nations members and all status Indians employed at the Highland Valley Copper mine.



## BC ASSEMBLY OF FIRST NATIONS

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

**BCAFN ANNUAL GENERAL MEETING**  
**October 8, 9 & 10, 2024**  
**Hybrid - In person & online via Zoom**

**LATE Resolution 03/2024**

---

**SUBJECT: BC FIRST NATIONS JUSTICE COUNCIL'S INDIGENOUS WOMEN'S JUSTICE PLAN**

---

**Moved by: KUKPI7 ROSANNE CASIMIR, TK'EMLÚPS TE SECWÉPEMC**

---

**SECONDED BY: CHIEF SHANA THOMAS, LYACKSON FIRST NATION**

---

**DECISION:**

---

### WHEREAS:

- A. The BC First Nations Justice Council (BCFNJC) was first envisioned by First Nations in BC in the 2007 "BC First Nations Justice Action Plan" and created by the First Nations Leadership Council (FNLC) in 2015 through resolutions endorsed at the assemblies of the Union of BC Indian Chiefs (UBCIC), BC Assembly of First Nations (BCAFN) and the First Nations Summit (FNS).
- B. In 2020, the BC First Nations Justice Strategy, which contains 25 individual strategies and 43 lines of action, was endorsed through UBCIC Resolution 2020-12, BCAFN Resolution 16/2020 and FNS Resolution #0220.06;
- C. Strategy 11 of the BC First Nations Justice Strategy calls for the creation of an Indigenous Women's Justice Plan (IWJP) as well as a strategy to address the challenges of intimate partner violence.
- D. The disproportionate, pervasive and persistent violence and crimes faced by Indigenous women are rooted in colonialism and have been repeatedly exposed in essential reports and inquiries, including the Calls for Justice of the National Inquiry into Missing and Murdered Indigenous Women and Girls, the Calls to Action of the Truth and Reconciliation Commission, Red Women Rising: Indigenous Women survivors in Vancouver's Downtown Eastside, and the Highway of Tears Symposium Recommendations
- E. The BCFNJC's IWJP is grounded in these foundational reports and inquiries, does not duplicate existing First Nations efforts or compete for funding for communities or other organizations

working in this space, and seeks to utilize BCFNJC's unique position to uphold and advance these imperative calls.

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

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

**Article 5:** Indigenous peoples have the right to maintain and strengthen their own 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 22(2):** States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

**Article 24(2):** Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

- G. In fall 2023, the BCFNJC engaged with title and rights holders across BC, holding 17 engagement sessions in communities and three virtual sessions, to develop an IWJP that reflects the needs, priorities and vision of First Nations and uplifts work towards self-determination and reclamation.
- H. The IWJP serves as a framework for action and sets a path for the BCFNJC to advance tangible reforms with the colonial governments, including to policing, corrections, child welfare, courts and crown as well as accountability measures for cases of Indigenous women, girls and 2SLGTBQIA+ who are missing and murdered.
- I. The IWJP calls on the federal and provincial governments to collaborate with the BCFNJC to implement the 15 strategies and 42 Lines of Action (LOA), which offer a description of the steps this plan intends to take to uphold the various calls and recommendations from the multitude of reports, grassroots activists, and engagements.
- J. Strategies included within the plan are: Accountability; Prevention; Legal Aide & Indigenous Justice Centers; Policing; Corrections; Gladue Service Department; Access to Safety-Transportation and Cellular services; Man Camps., resource Extraction and Land Exploitation; Crisis Response; MMIWG2s+ Fund; Child Welfare; First Nations Courts; Crown Counsel and BC Prosecutorial Service; 2SLGTBQIA+; Legislation and Policy. These strategies focus on Track 1 (reforming the current justice system) and Track 2 (rebuilding First Nations justice system) pathways to change.
- K. Track 1 includes:
- a. Accountability; Development of a Public Platform: focuses on ensuring there is an easily accessible, public space where criminal and social justice actors such as government



bodies, Police, Courts, and Organization' responsibilities and progress are tracked and plainly reported.

- b. Policing: Recruitment and Training focuses on ensuring revision, screening and a zero-tolerance policy within recruitment and training in DEPOT. Training will include Indigenous legal traditions, mental health, etc.
- L. Track 2 includes:
- a. Accountability: Indigenous led-Tribunal: focuses on ensuring Indigenous women, girls, and 2S+ who make complaints are being heard, properly investigate with power given to First Nation communities to create their own means of resolution.
  - b. Child Welfare: Jurisdiction Support: focuses on supporting First Nations to reclaim their inherent rights for jurisdiction over their children.
- M. In April 2024, at the 3<sup>rd</sup> Annual BCFNJC Justice Forum, the IWJP was made public and further opportunities for feedback were facilitated.
- N. The IWJP is intended to center Indigenous women and acknowledges that creating change takes time. The IWJP is a living document that is responsive to the unique needs and priorities of title and rights holders and can be updated to meet future needs, this version is termed the "Final Draft" to reflect both its readiness for implementation and future adaptability and ongoing assessment.

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in-Assembly fully endorses the BC First Nations Justice Council (BCFNJC) Indigenous Women's Justice Plan (IWJP) as called for the Strategy 11 of the BC First Nations Justice Strategy;
2. The BCAFN Chiefs-in-Assembly call on the BCFNJC to continue working collaboratively with title and rights holders and other First Nations organizations in its implementation of the IWJP to uplift ongoing work and avoid duplication. The BCAFN Chiefs-in-Assembly recognizes that the IWJP does not preclude provincial and federal governments from their obligations to address gender-based violence and the MMIWG2S+ crisis within the *Declaration on the Rights of Indigenous Peoples Act*, the *United Nations Declaration Act* and the National Inquiry's Calls for Justice; and
3. The BCAFN Chiefs-in-Assembly direct the Regional Chiefs and staff to communicate this support to the governments of BC and Canada.



## BC ASSEMBLY OF FIRST NATIONS

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

**BCAFN ANNUAL GENERAL MEETING**  
**October 8, 9 & 10, 2024**  
**Hybrid - In person & online via Zoom**

**LATE Resolution 04/2024**

**SUBJECT: CALL FOR IMMEDIATE ACTION TO ADDRESS THE TOXIC DRUG  
POISONING CRISIS**

---

**MOVED BY: CHIEF COUNCILLOR WILLIAM YOVANOVICH, SKIDEGATE**

---

**SECONDED BY:**

---

**DECISION:**

---

### WHEREAS:

- A. The ongoing impacts of colonization, including the legacy of the Residential School system have created disproportionate impacts on First Nations peoples' health and wellness.
- B. B.C. continues to experience an unprecedented and escalating overdose and illicit drug toxicity crisis, which has been declared a public health emergency, that is claiming multiple lives every day.
- C. In 2023, B.C. faced an unprecedented drug poisoning crisis with at least 2,511 deaths attributed to toxic, unregulated drugs, marking the highest number ever recorded in a single year with First Nations persons dying at a rate 5.9 times higher than non-First Nations in B.C.
- D. The *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

**Article 7(1):** Indigenous People have the right to life, physical and mental integrity, liberty and security of the person;

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

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

**Article 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.

**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 programs affecting them, and as far as possible, to administer such programs through their own institutions.

**Article 24(2):** Indigenous people have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

E. The Truth and Reconciliation Commission's Calls to Action state;

**18.** We call upon the federal, provincial territorial and Aboriginal governments to acknowledge that the current state of Aboriginal health in Canada is a direct result of previous Canadian government policies, including residential schools, and to recognize and implement the health-care rights of Aboriginal people as identified in international law, constitutional law and under the Treaties.

**19.** We call upon the federal government, in consultation with Aboriginal peoples, to establish measurable goals to identify and close gaps in health outcomes between Aboriginal and non-Aboriginal communities, and to publish annual progress report and assess long-term trends. Such efforts would focus on indicators such as: infant mortality, maternal health, suicide, mental health, addictions, life expectancy, birth rates, infant and child health issues, chronic diseases, illness and injury incidence and the availability of appropriate health services.

- F. The *Declaration on the Rights of Indigenous Peoples Act Action Plan*, which was developed in partnership with rights and title holders and the Province of BC, commits 89 long-term cross-ministerial actions to support the provincial implementation of the UN Declaration, which includes the following action items to be achieved by 2027:

**4.8.** In alignment with the tripartite health plans and agreements, continue to strengthen and evolve the First Nation health governance structure in B.C. to ensure First Nations are supported to participate as full and equal partners in decision-making and service delivery at local, regional and provincial levels, and engage First Nations and the government of Canada on the need for legislation as envisioned in the tripartite health plans and agreements.

**4.11.** Increase the availability, accessibility and the continuum of Indigenous-led and community-based social services and supports that are trauma-informed, culturally safe and relevant, and address a range of holistic wellness needs for those who are in crisis, at-risk or have experienced violence, trauma and/or significant loss.

**4.13.** Increase the availability and accessibility of culturally safe substance use services, including through the renovation and construction of Indigenous-run treatment centres and the integration of land-based and traditional approaches to healing.

- G. The *United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan*, which was developed in partnership with rights and title holders and the Government of Canada, commits 181 long-term cross-ministerial actions to support the federal implementation of the UN Declaration, which includes the following action items to be achieved by 2028:

**81.** Improve health equity through access to culturally appropriate health and wellness services and support for holistic approaches to healing, including community-based, land-based, culturally relevant and trauma informed mental health services addressing – among other things – suicide and addictions crises.

**89.** Work with partners and Indigenous organizations on mental health promotion programming and prevention initiatives, including using distinctions-based approaches where feasible to support culturally safe, relevant and trauma-informed initiatives.

- H. The *Declaration on the Rights of Indigenous Peoples Act Action Plan*, which was developed in partnership with rights and title holders and the Province of BC, commits 89 long-term cross-ministry actions to support the implementation of the UN Declaration, which includes the following action items to be achieved by 2027:
- I. On September 19, 2024, Nuu-Chah-Nulth Tribal Council declared a state of emergency due to the opioid crisis for all 14 First Nations represented by the Council.

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in-Assembly call on the provincial and federal governments to provide First Nations and, where designated, First Nations service providers, with adequate, long-term and sustainable resourcing to address the toxic drug poisoning crisis and the mental health and wellness needs of First Nations in B.C.
2. The BCAFN Chiefs-in-Assembly call on the Province of B.C. to issue a State of Emergency to engage all resources necessary to fulsomely address the drug poisoning crisis.
3. The BCAFN Chiefs-in-Assembly direct BCAFN to work with the Union of BC Indian Chiefs (UBCIC), and the First Nations Summit (FNS), as the First Nations Leadership Council (FNLC) to:
  - i. host an All-Chiefs Meeting to identify priorities, key issues and recommendations to holistically address the toxic drug poisoning crisis.
  - ii. develop a strategy following the All-Chiefs Meeting, including developing immediate measures required for collective action and;
  - iii. call on the Provincial, Federal and municipal governments to work with First Nations in full partnership on the implementation of the strategy.
4. The BCAFN Chiefs-in-Assembly direct the BCAFN staff to work with UBCIC and FNS to develop a strategy following the All-Chiefs Meeting and call on the Provincial and Federal governments to work with First Nations in full partnership on the implementation of the strategy.
5. The BCAFN Chiefs-In-Assembly direct BCAFN to work with UBCIC and FNS, together as the FNLC, to work with the federal, provincial and municipal governments, the First Nations Health Authority, and other like-minded organizations to continue advancing drug policy reforms that:
  - i. seek to address the root causes of addiction and,
  - ii. reduce overdose fatalities, drug-related harms and the overrepresentation of First Nations peoples in the criminal justice system centres the health and wellness of First Nations through First Nations-led decision-making, service delivery, and policy implementation.
6. The BCAFN Chiefs-in-Assembly direct BCAFN to provide regular updates on progress and developments to the BCAFN Chiefs-in-Assembly.