



BC ASSEMBLY OF FIRST NATIONS

21stBCAFN Annual General Meeting

In person and Online Via Zoom

October 8, 9 & 10th, 2024

RESOLUTIONS LIST

NUMBER	NAME
01/2024	COLLABORATIVE TABLE TO IMPLEMENT THE CALLS FOR JUSTICE
02/2024	ADOPTION OF THE 2023-2024 AUDITED FINANCIAL STATEMENTS
03/2024	APPOINTMENT OF AUDITOR
04/2024	SUPPORT FOR THE FNLC RELATIONSHIP PROTOCOL WITH THE PACIFIC INSTITUTE FOR CLIMATE SOLUTIONS
05/2024	SUPPORT IN PRINCIPLE FOR THE ESTABLISHMENT OF A FIRST NATIONS CANNABIS REGULATOR/INSTITUTION
06/2024	ADDRESSING THE SHORTCOMINGS RELATED TO THE DRAFT FINAL AGREEMENT ON LONG-TERM REFORM ON FIRST NATIONS CHILD AND FAMILY SERVICES
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08/2024	SUPPORT FOR INDIGENOUS BORDER MOBILITY INTERIM MEASURES TO SUPPORT FAMILY REUNIFICATION
09/2024	SUPPORT FOR BCAFN'S LEGAL ANALYSIS AND SUBMISSION TO THE STANDING COMMITTEE ON INDIGENOUS AND NORTHERN AFFAIRS REGARDING C-61
10/2024	SUPPORT FOR THE DEVELOPMENT OF A FIRST NATIONS MULTILATERAL WORKING GROUP ON FOOD SECURITY AND SOVEREIGNTY
11/2024	INCREASED CAPACITY FOR INTERNATIONAL TRADE FOR BC FIRST NATIONS
12/2024	SUPPORT FOR THE FIRST NATIONS LEADERSHIP COUNCIL RELATIONSHIP PROTOCOL WITH UNION OF B.C. MUNICIPALITIES
13/2024	SUPPORT FOR INDIGENOUS TOURISM BRITISH COLUMBIA TO DEVELOP A FIRST NATIONS-LED TOURISM DESTINATION FUND
14/2024	SUPPORT FOR AN INDEPENDENT INQUIRY INTO THE DEATH OF DALE CULVER
15/2024	SUPPORT FOR THE FNLC INTERVENTION IN CHALLENGE TO THE DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT
16/2024	SUPPORT FOR THE LEGAL RECOGNITION OF THE RIGHTS AND PERSONHOOD OF NATURE
17/2024	SUPPORT FOR THE INITIATIVE FOR RESPONSIBLE MINING ASSURANCE (IRMA) MINING STANDARD
SPECIAL	ALLOWING BCAFN TO HOST FULLY ONLINE ASSEMBLIES

RESOLUTION	
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BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road
Prince George, BC V2K 5S3
Website: www.bcafn.ca

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

Draft Resolution 01/2024

SUBJECT: COLLABORATIVE TABLE TO IMPLEMENT THE CALLS FOR JUSTICE

Moved by: CHIEF JERRY JACK, MOWACHAHT/MUCHLAHT FIRST NATION

SECONDED BY: KUKPI7 ROSANNE CASIMIR, TK'EMLÚPS TE SECWÉPEMC

DECISION:

WHEREAS:

- A. Indigenous peoples in B.C. are disproportionately affected by violence, domestic violence and gender-based violence (GBV), the Missing and Murdered Indigenous Women, Girls, and Two-Spirit+ crisis (MMIWG2S+), and ongoing genocide rooted in colonialism;
- B. B.C. has the unfortunate claim of being the home of the Highway of Tears, Vancouver's Downtown Eastside, and the Robert Pickton case, all of which have been notorious sites of brutal, systemic GBV against Indigenous women, girls and 2SLGBTQIA+1 peoples;
- C. five years after the National Inquiry into Missing and Murdered Indigenous Women and Girls (the National Inquiry) published the Calls for Justice on June 3, 2019, the MMIWG2S+ crisis continues to be extremely pervasive and cause immeasurable harm to families, friends, and entire communities whose loved ones are taken by perpetrators of GBV;
- D. provincially, work pertaining to GBV prevention and addressing the MMIWG2S+ crisis is taking place across various ministries without cohesive coordination, including within the Ministry of Public Safety and Solicitor General (Path Forward, Crime Victim Assistance Program, Police Act Reform), the Ministry of Finance Gender Equity Office (Gender-Based Violence Action Plan), the Ministry of the Attorney General (Family Law Act Amendments), the Ministry of Post Secondary Education and Future Skills (Preventing Sexual Violence at Post-Secondary Institutions), and the Ministry of Housing (Home for People and Belonging in B.C. Action Plans);

- E. the government of Canada's efforts have focused on the implementation of a National Action Plan to End Gender-Based Violence (NAP). The NAP and Canada's accompanying Federal Pathway have been criticized for lacking coordination between jurisdictions, timelines for implementation, clear actions in response to the Calls for Justice, inclusion of family members, survivors and Indigenous women's organizations, remedies to sex discrimination in the Indian Act and accountability mechanisms;
- F. a lack of reporting out, transparency and coordination between ministries and across levels of government is creating silos, preventing a collaborative approach to implementing the Calls for Justice and is ultimately failing to address the systemic origins of the MMIWG2S+ crisis;
- G. a variation of a federal, provincial, territorial, Indigenous (FPT-I) table on MMIWG2S+ has been established to occur annually; however, besides this, there is no collaborative mechanism for First Nations, families of MMIWG2S+ and survivors in B.C. to advance meaningful progress and accountability on planning for and implementing the Calls for Justice;
- H. 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 B.C., passed legislation committing to implement, affirms:
 - Article 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - (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 22(1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
 - (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;
- I. the National Inquiry's Calls for Justice, Red Women Rising: Indigenous Women Survivors in Vancouver's Downtown Eastside, and Highway of Tears Symposium Recommendations Report clearly outline persistent and deliberate human and Indigenous rights violations and abuses as a root cause behind Canada's staggering rates of violence against Indigenous women, girls, and 2SLGBTQIA+ people. These reports provide concrete, actionable recommendations and a clear path to creating systemic change and ending violence by calling on government in the areas of culture, human security, health, and justice; on industries, institutions, service providers and partners, including the media, health providers, transportation and hospitality providers, educators, social workers, extractive industries, police services and justice actors, and the Canadian public;
- J. the Calls for Justice arise from international and domestic human and Indigenous rights laws, including the Charter, the Constitution, and the Honour of the Crown. As such, Canada has a legal obligation to fully implement these Calls for Justice;

- K. the National Inquiry's Calls for Justice specifically call for governments, police and Canadians to take all necessary measures to prevent and investigate violence against Indigenous women (1.5, 1.8); eliminate jurisdictional gaps (1.6); develop laws, policies, and public education campaigns to challenge violence (1.9); create an independent mechanism to report on the implementation of the National Inquiry's Calls for Justice (1.10); enact missing persons legislation (5.8); and help hold all governments accountable to act on the Calls for Justice, and to implement them (15.8);
- L. by BCAFN Resolution 34/2008; 06/2009; 06/2012; 06/2020; 01/2021; 02/2023; 16/2024 and 01/2024, the BCAFN Chiefs-in-Assembly has worked to address issues of missing Indigenous people and GBV, to advocate for the implementation of the Calls for Justice and for federal legislation creating accountability and legal standards for preventing and responding to cases of MMIWG2S+ people. By BCAFN Resolution 02/2023, BCAFN has commissioned a memo of the legal landscape of policies and legislation pertaining to protections against GBV;
- M. other jurisdictions have been proactive in addressing the MMIWG2S+ crisis through the establishment of collaborative advisory tables and task forces with representation from all levels of government, police, families, survivors, and Indigenous communities. Many such examples have resulted in cohesive approaches to addressing GBV, including the development of policy and legislation and accountability mechanisms. Among these are the Yukon Advisory Committee on MMWIG2S+, the Washington State Missing and Murdered Indigenous People Task Force, US Federal Legislation Savannah's Act and the Not Invisible Act, and the US Not Invisible Act Commission;
- N. families and survivors, Indigenous communities and Indigenous organizations have worked to fill the gaps left by government with efforts such as the B.C. First Nations Justice Council's Indigenous Women's Justice Plan or the Native Women's Association of Canada's MMIWG2S+ Action Plan and beyond;
- O. the establishment of a collaborative table to implement the National Inquiry's Calls for Justice is an opportunity for a streamlined-coordinated approach for regional implementation of the Calls for Justice. The collaborative table should be distinct from existing efforts and be hosted by B.C., with participation from partners, survivors and families, in light of the Province's responsibility to address the crisis which stems from the intersecting impacts of colonialism;
- P. the purpose of a collaborative table is to improve accountability for implementing the Calls for Justice, communication with families, enhance coordination and collaboration, and advance UN Declaration implementation; and
- Q. the collaborative process should include provincial and federal political and First Nations representatives with regional representation and representation from across ministries and levels of government and include the First Nations Leadership Council and B.C. First Nations Justice Council, as well as perspectives from families and survivors of MMIWG2S+ and 2SLGBTQIA+ people, working together to implement the Calls for Justice.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly directs the Regional Chief and staff to work with the Union of British Columbia Indian Chiefs and First Nations Summit, collectively as the First Nations Leadership Council, and like-minded organizations including the B.C. First Nations Justice Council, to work with the provincial and federal governments for the establishment of a dedicated table to implement the Calls for Justice in B.C.; and
2. The BCAFN Chiefs-in-Assembly calls on the provincial and federal governments to:
 - Learn from collaborative MMIWG2S+ initiatives in other jurisdictions;
 - commit to a collaborative table, which is distinct from existing efforts, to work across levels of government and between ministries to address systemic GBV prevention, implement the Calls for Justice, and end the crisis of MMIWG2S+ people;
 - work collaboratively with the B.C. Assembly of First Nations, Union of British Columbia Indian Chiefs, and First Nations Summit, collectively as the First Nations Leadership Council, and the B.C. First Nations Justice Council, to develop a terms of reference for a collaborative table to implement the Calls for Justice;
 - include survivors and families of MMIWG2S+ and 2SLGBTQQA+ people, First Nations and women's organizations; and
 - provide sustainable multi-year funding, resourcing and capacity to support the development and objectives of the table and for B.C. to begin the technical work of establishing the table without delay.



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

Draft Resolution 02/2024

SUBJECT: ADOPTION OF THE 2023-24 AUDITED FINANCIAL STATEMENTS

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. KPMG LLP was appointed through Resolution 02/2023 to act as BCAFN's auditor for a term of one year;
- B. KPMG LLP has prepared and presented an independent auditors' report for the 2023-2024 fiscal year to the Chiefs-in-Assembly.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly hereby adopt the 2023-2024 Audited Financial Statements as presented at the BCAFN 21st Annual General Meeting.



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

Draft Resolution 03/2024

SUBJECT: **APPOINTMENT OF AUDITOR**

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Section 11.4 of the BC Assembly of First Nations' Constitution and Bylaws requires the members to appoint an auditor to hold office until the auditor is re-elected or a successor is elected at the next annual general meeting; and
- B. KPMG LLP was the auditor for the BC Assembly of First Nations during the 2023-2024 fiscal year.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly hereby appoint KPMG LLP as the auditor for the BC Assembly of First Nations to hold office until the auditor is re-appointed or a successor is identified.



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BCAFN ANNUAL GENERAL MEETING
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Draft Resolution 04/2024

SUBJECT: SUPPORT FOR FNLC RELATIONSHIP PROTOCOL WITH THE PACIFIC INSTITUTE FOR CLIMATE SOLUTIONS

Moved by: CHIEF DON TOM, TSARTLIP

SECONDED BY: CHIEF JAMES HOBART, SPUZZUM

DECISION:

WHEREAS:

- A. Human-caused climate change threatens the security and way of life of First Nations across British Columbia (BC) by intensifying climate-related disasters and disrupting the ecological conditions essential to their livelihoods and development.
- B. Human-caused climate change and environmental destruction have exacerbated systemic social, environmental, and economic injustices for First Nations in BC.
- C. The Pacific Institute for Climate Solutions (PICS) is a collaborative and user-engaged institute that convenes and networks with diverse research partners to catalyze climate solutions for B.C., Canada, and the world;
- D. PICS is hosted and led by the University of Victoria, in collaboration with the University of British Columbia, the University of Northern British Columbia, and Simon Fraser University. PICS is committed to collaborative research and change-making that benefits scholars, communities, and decision-makers. PICS is approaching the future with a focus on justice, equity, diversity, and inclusion and values diverse ways of knowing, especially the knowledge of First Nation Elders, Knowledge Keepers, youth, and leaders;

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

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

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

Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for Indigenous peoples for such conservation and protection without discrimination;

- F. the BC Assembly of First Nations (BCAFN), the Union of BC Indian Chiefs (UBCIC) and the First Nations Summit (FNS), working together as the First Nations Leadership Council (FNLC), in collaboration with PICS have developed a draft Relationship Protocol with the purpose of:

- Establishing a collaborative, constructive, and voluntary working relationship through a joint dialogue process that focuses on climate solutions that uphold First Nations title and rights in British Columbia.
- Advancing First Nations climate leadership and priorities that safeguard the integrity of the land and environment and generate benefits for First Nations in British Columbia;

- G. the Parties recognize that the FNLC, mandated by and working in collaboration with First Nations in B.C., developed the B.C. First Nations Climate Strategy and Action Plan and the Action Plan for Disaster Risk Reduction by First Nations in B.C. (2023-2030) that articulate the shared vision and goals for First Nation-led climate solutions and resilience within BC.

- H. the Parties believe that fostering enhanced, respectful cooperation and communication is essential for advancing climate solutions that recognize and uphold First Nations' inherent title, rights and Treaty rights and directly contribute to the self-determination and well-being of First Nations in B.C.;

- I. the agreement is guided by the spirit of cooperation, respect, partnership, and the understanding, recognition, and application of the UN Declaration and is fortified by the provincial *Declaration on the Rights of Indigenous Peoples Act* legislation of British Columbia; and;
- J. the agreement aims to create a path forward that respects and recognizes the human rights of Indigenous peoples while introducing better transparency and predictability in the work we do together, guided by the following principles:
 1. The Parties recognize First Nations spiritual, social, cultural, and economic practices associated with the land, which respect environmental and natural resources that generate health, resilience, and prosperity for current and future generations.
 2. The Parties acknowledge the historical and present-day impacts of academic institutions on First Nations, which necessitate the dismantling of persistent colonial systems and barriers, and renewed approaches that honor and support First Nation knowledges and decision-making.
 3. The Parties will work collaboratively to share their respective knowledge, expertise, and experience to serve First Nations in B.C. with a focus on promoting climate action and resilience-building priorities and interests.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly direct BCAFN to sign the draft Relationship Protocol between the B.C. Assembly of First Nations (BCAFN), the Union of BC Indian Chiefs, and the First Nations Summit (FNS), working collectively as the First Nations Leadership Council (FNLC), and the Pacific Institute for Climate Solutions. The Relationship Protocol must support capacity-building within First Nations in BC, such as engaging with youth and Elders for mentorships and intern programs;
2. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to communicate to the Pacific Institute for Climate Solutions that successfully transforming relationships and partnerships between First Nations and educational or research institutes must:
 - start with explicit respect for First Nations sovereignty and self-determination, uphold OCAP principles and ensure that free, prior, and informed consent (FPIC) is obtained from First Nations title and right holders before starting any research or partnership.
 - acknowledge and respect Indigenous Knowledge Systems and value First Nations' ways of knowing, scientific knowledge, and cultural practices as equal to Western academic frameworks;
3. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to clearly articulate to the Pacific Institute for Climate Solutions that the Relationship Protocol is not a substitute for direct engagement or consultation with First Nations rights and title holders and is not a delegation of authority in any way; and
4. The BCAFN Chiefs-in-Assembly direct the BCAFN, working with the UBCIC and FNS as the FNLC, and the Pacific Institute for Climate Solutions to provide regular reports to the BCAFN Chies-in-

Assembly on the ongoing collaborative objectives and efforts as identified in the Relationship Protocol.



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

Draft Resolution 05/2024

SUBJECT: SUPPORT IN PRINCIPLE FOR THE ESTABLISHMENT OF A FIRST NATIONS CANNABIS INSTITUTION/REGULATOR

Moved BY: CHIEF DALTON SILVER, SUMAS FIRST NATION

SECONDED BY: CHIEF CLARENCE LOUIE, OSOYOOS INDIAN BAND

DECISION:

WHEREAS:

- A. First Nations have the inherent right to govern all aspects of cannabis in their territories, including, but not limited to, law-making, regulation, and enforcement regarding the cultivation, processing, distribution, inter-nation trade, sale, possession, and use of cannabis and all its derivatives;
- B. These rights are affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples* in Articles 2, 3, 4, 5, 8(2)(b) & (c), 18, and 23, which has been made law in British Columbia through the Declaration on the Rights of Indigenous Peoples Act, and in Canada through the United Nations Declaration on the Rights of Indigenous Peoples Act;
- C. Through BCAFN Resolutions 2018-03(e), 2019-21(b), 2021-16, and 09/2022 the BCAFN Chiefs-in-Assembly have called for the recognition of First Nations jurisdiction in cannabis matters and directed the development of a BC First Nations Cannabis Strategy;
- D. To inform the development of the draft BC First Nations Cannabis Strategy, the First Nations Leadership Council (FNLC) conducted extensive engagement with BC First Nations and community members through virtual sessions, written feedback, and one-on-one meetings;
- E. The engagement process for the draft BC First Nations Cannabis Strategy consistently highlighted the need for a First Nations Cannabis Institution to serve as a vehicle for First

Nations to assume full jurisdiction over the First Nation Cannabis industry, with the initial step being to take on regulatory responsibility from the Province;

- F. The creation of a First Nations Cannabis Regulatory Structure (FNCR) or Institution has been identified as a crucial component in implementing the goals and objectives outlined in the draft BC First Nations Cannabis Strategy;

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly support the formation of a First Nations Cannabis Institution, as recommended in the draft BC First Nations Cannabis Strategy (Strategy), with the mandate to collaborate with the Province in developing a First Nations Cannabis Regulatory Structure (FNCR) or Institution that aligns with the goals and objectives outlined in the Strategy;
2. The BCAFN Chiefs-in-Assembly support, in principle, engagement with the BC Government to begin discussions in relation to the creation of an institution which would advocate for First Nations governance and jurisdiction over cannabis matters,
3. The BCAFN Chiefs-in-Assembly direct the Regional Chief, working in collaboration with the Union of BC Indian Chiefs and the First Nations Summit as the First Nations Leadership, and the BC-FNLC Joint Working Group on the Legalization and Regulation of Non-Medical Cannabis in BC (JWG) to work with the Province in the development of options in relation to the structure and governance of the Institution;
4. The BCAFN Chiefs-in-Assembly reserves the right for individual BC First Nations to fully participate in the Institution/FNCR or to opt out, depending on their own internal decisions and ratification processes; and
5. The Institution/FNCR will be guided by principles that include, but are not limited to:
 - a. Asserting Sovereignty and Jurisdiction
 - c. Regulatory Alignment and Integration
 - d. Economic Development
 - e. Health and Safety
 - f. Community Engagement and Input
 - g. Environmental Stewardship
 - h. Cultural Preservation
 - i. Legal and Regulatory Clarity

j. Inter-Nation Collaboration; and

k. Social Equity



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BCAFN ANNUAL GENERAL MEETING
October 7-9, 2024
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Draft Resolution 06/2024

SUBJECT: ADDRESSING THE SHORTCOMINGS RELATED TO THE DRAFT FINAL AGREEMENT
ON LONG-TERM REFORM OF FIRST NATIONS CHILD & FAMILY SERVICES

MOVED BY: KUKPI7 HELEN HENDERSON, TSQÉSCEN' FIRST NATION

SECONDED BY: DEBRA FOXCROFT (PROXY), TSESHAHT

DECISION:

WHEREAS:

- A. Children are the most sacred gift from the Creator, and their care and well-being is our highest responsibility and our communities have long maintained systems of governance that ensured the safety and well-being of our children;
- B. Canada has discriminated against First Nations children and families for decades through its design, management, control and chronic underfunding of the First Nations Child & Family Services (FNCFS) Program;
- C. Colonial policies, including the Indian Residential School system and other off-reserve targeted interventions, were designed to assimilate First Nations peoples and have caused profound harm by targeting our children both on- and off-reserve;
- D. 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 *United Nations Declaration on the Rights of Indigenous Peoples* (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*;

- E. The child welfare system continues to perpetuate the intergenerational trauma caused by these policies, resulting in the ongoing removal of our children from our families, communities, and cultures, with many First Nations children in urban areas unsupported due to inadequate transfer agreements between federal and provincial governments;
- F. on February 23, 2007, the Assembly of First Nations (AFN) and the First Nations Child and Family Caring Society (Caring Society) filed a complaint with the Canadian Human Rights Commission alleging that Canada was discriminating against First Nations in the provision of child and family services on reserve by providing insufficient and inequitable funding for those services;
- G. in *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada (for the Minister of Indian and Northern Affairs Canada)*, 2016 CHRT 2 (the Merit Decision), the Canadian Human Rights Tribunal (the Tribunal) found Canada was discriminating against First Nations children and their families by denying First Nations children the equal provision of child and family services, and ordered Canada to stop its discriminatory policies and practices;
- H. since the 2016 Merit Decision, the Tribunal has issued numerous procedural and non-compliance orders against Canada. The case is ongoing, and the Tribunal retains jurisdiction over these orders;
- I. Canada has not implemented the necessary reforms to provide adequate funding and services that would allow families to safely care for their children and the voices and participation of thousands of children were instrumental throughout the Canadian Human Rights Tribunal process, reflecting their vested interest in their own future care and well-being;
- J. the AFN, Canada and interested parties (the Chiefs of Ontario and Nishnawbe Aski Nation) completed a draft Final Settlement Agreement (FSA) on long-term reform of the FNCFS program and presented it to Chiefs on July 11th, 2024 at the 2024 AFN Annual General Assembly in Montreal;
- K. the AFN has conducted regional engagements on the July 11th Draft FSA since its release and is recommending to advocate for changes to the July 11th Draft FSA related to regional representation on the reform implementation committee, the president of the dispute resolution tribunal, and the reconsideration of the population data to include off-reserve members and move away from the Indian Registration System;
- L. the AFN intends to seek endorsement of an updated draft FSA (“Updated Draft FSA”) from First Nations leadership at the October 16-18, 2024 Special Chiefs Assembly;

M. the 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 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(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of [indigenous peoples'] 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 22(1): Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.

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;

N. the Updated Draft FSA would replace the existing Tribunal orders regarding the FNCFS and end the Tribunal's jurisdiction with respect to the implementation of FNCFS;

O. by BCAFN Resolution 2024-07, Resolution 2023-19, and Resolution 2023-08, the BCAFN Chiefs-in-Assembly called on Canada to uphold the CHRT orders, and to ensure that the FSA includes provisions to cease Canada's operational and administrative discrimination in the FNCFS Program and also called to ensure direction and approval is sought from the AFN Chiefs-in-Assembly on the Final Settlement Agreement;

P. by AFN Resolution no. 40/2022, the First Nations-in-Assembly have called for specific parameters in the negotiation of an FSA, including (1) ensuring that the Reformed CFS Funding Approach do not reduce or disrupt current funding levels; (2) funding the Assembly of First Nations National Advisory Committee and other regional and technical experts to inform the FSA; (3) providing Chiefs with all available options and related supporting financial resources and materials to ensure First Nations can exercise their Free, Prior and Informed Consent on long-term reforms; and (4) ensuring the FSA does not detract from the right of the Parties to the complaint before the Tribunal to seek additional Tribunal orders;

- Q. some Chiefs, technical experts, service providers, and legal experts identified numerous shortcomings in the July 11th Draft FSA, including relating the lack of respect for the inherent right of self-government held by First Nations; the lack of transparency and accountability in the governance processes; the numerous funding issues; the short-term nature of the agreement, the weaknesses in the Dispute Resolution Tribunal; and the duty to seek the free, prior and informed consent of First Nations before concluding an agreement that will carry profound consequences for First Nations children and families; and
- R. the Regional Chief working with the First Nations Summit and the Union of BC Indian Chiefs as the First Nations Leadership Council have, on September 19th, 2024, sent a letter to the AFN and Canada outlining their main concerns with the July 11th Draft FSA and making recommendations for the Updated Draft FSA.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly express significant concerns regarding the current draft Final Agreement on Long-Term Reform of the First Nations Child & Family Services Program, as it does not adequately ensure the protection of the well-being of our children now and for future generations;
2. The BCAFN Chiefs-in-Assembly call on the Assembly of First Nations (AFN) and Canada to pause the current process and immediately enter into a transparent and accountable negotiation process in full consultation with First Nations leadership, families, and communities, to develop a revised agreement that:
 - Guarantees adequate, long-term funding for prevention services, child and family services, and community-based supports that meet the actual needs of children and families;
 - Establishes a permanent oversight mechanism led by First Nations in all regions to ensure Canada complies with its obligations, including regular reporting and enforceable penalties for non-compliance;
 - Creates a co-governance model where First Nations have equal decision-making authority with Canada in determining funding levels, service delivery, and future reforms;
 - Ensures protections beyond 10 years, creating a framework that will safeguard the rights and well-being of children for generations to come;
3. the BCAFN Chiefs-in-Assembly direct the Regional Chief to work with the Union of BC Indian Chiefs and the First Nations Summit as the First Nations Leadership Council to advocate for amending the July 11th Draft FSA to address shortcomings relating to the lack of respect for the inherent right of self-government held by First Nations; the lack of transparency and accountability in the governance processes; the numerous funding issues; the short-term

nature of the agreement; the weaknesses in the Dispute Resolution Tribunal; and the lack of inclusiveness of Modern Treaty Nations;

4. the BCAFN Chiefs-in-Assembly urge immediate action to address the current gaps in funding and services, to prevent further harm to our children while long-term reforms are negotiated and implemented.
5. the BCAFN Chiefs-in-Assembly reject any efforts by Canada now or at any time in the future, to abandon or delegate its legal duty to consult, to the Assembly of First Nations (AFN) or to any other entity; and
6. the BCAFN Chiefs-in-Assembly urge the AFN to respect the negotiation mandates articulated in AFN resolutions when negotiating on behalf of First Nations regarding FNCFS and/or Jordan's Principle.



BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road
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Website: www.bcafn.ca

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

Draft Resolution 07/2024

SUBJECT: CALL TO SUPPORT THE CREATION A JOHNSON ALERT FOR MISSING CHILDREN WITH DISABILITIES

Moved BY: CHIEF JEN THOMAS, TSLEIL-WAUTUTH NATION

SECONDED BY: CHIEF LYNDA PRICE, ULKATCHO FIRST NATION

DECISION:

WHEREAS:

- A. The BCAFN recognizes and affirms that First Nations are the custodians of their culture, lands, and waters; that many localized systems and approaches to communicate to Members within Nations already exist; and that individual Nations are unique and committed to the protection and well-being of First Nation children with disabilities and without;
- B. Most recently, many First Nation leaders as well as the general population of the province of BC witnessed, that when a child goes missing, First Nation family members and Communities are left to organize and carry out complex missing child searches with little institutional supports or organizational capacity and funding during a period of profound distress and trauma;
- C. In September 2024 Oaklynn Schweder and Johnson Redhead, members from two First Nations communities, one in northern British Columbia and the other in northern Manitoba, went missing. The two children were on the autism spectrum, and both were non-verbal and did not have the Amber Alert system activated for their cases, as the circumstances for their disappearances did not meet the established criteria;
- D. The historical negligence from police and other organizations in cases of missing First Nations children, people and violence towards First Nations people, police regularly demonstrate apathy, jurisdictional disorganization, mismanagement and miscommunication, and perpetuate centuries of mistrust between First Nations people and the police;

- E. Historical and recent events of missing and vulnerable persons have cast a light the longstanding gaps in BC's resourcing of search and rescue (SAR) supports for First Nations people and the requirements for a localized yet national framework of support: a cross-country multi-jurisdictional coordinated response to missing persons, human trafficking, and the MMIWG calls to justice; real-time case management with the ability to integrate timely sharing of information concerning those who go missing, to ensure their safe return to their families and community.
- 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, passed legislation committing to implement, affirms:
 - Article 7(1): Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person.
 - (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 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 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;
- G. Public alerting systems are meant to provide a means of delivering trusted information to notify the affected population so that they understand the incident and risk and can take responsive protective actions;
- H. There are different types of tools and channels that can be used to notify the public during emergencies. Although, there are a number of factors that need to be considered to determine the most appropriate mechanisms for distributing missing children alerts to realize the desired outcomes;
- I. The Canadian Radio-television and Telecommunications Commission (CRTC) commissioned a public opinion research survey [in 2021](#), which found Amber Alerts – most Canadians are satisfied (83%) and most agree on the safety aspect for children (93%); reasons for dissatisfaction include the alert does not apply to their area (35%), not receiving the alert at all (18%), alert sounds waking them up (18%), being too loud (7%) or not knowing how to turn it off (7%). Despite dissatisfaction, most Canadians believe Amber Alerts should remain province or territory-wide (79%) and that alerts should be received by everyone (86%);
- J. Issuing an Amber Alert is intended for the most vulnerable and that should include children with disabilities as they have varying complex needs, and without knowing their location, their life could be in grave danger. In the Province of BC, there is not currently an alert for children with disabilities;
- K. Amber Alerts are one of the most well-known alerts sent through the National Public Alerting System and other alerting channels. They are issued by law enforcement when a child under the

age of 18 has been abducted, and it is believed that his/her life is in grave danger. An Amber Alert provides the public with immediate and up-to-date information about the abduction and solicits the public's help in the safe and swift return of the child;

- L. Another example of an alert for missing persons is the Silver Alert, which aids to assist in locating missing elderly who have neurological conditions, such as dementia. This type of Alert is being piloted through the National Public Alerting System in three regions in Quebec;
- M. In order for a Silver Alert to be issued, the following criteria must be met: the missing person has a diagnosis of TNC-M (Troubles Neurocognitive Majeurs – Major neurocognitive issues) or, if at least 60 years of age, has symptoms of TNC-M, confirmed by relatives or close caregiver; there is an imminent risk to the missing person's life; the person remains unaccounted for despite the efforts of the police, and the police believe that issuing an intrusive alert would be the most efficient way to obtain the public's assistance in locating the person under the circumstances; and, there is sufficient information about the missing person (i.e., identity information) and the context of his or her disappearance (including means of transportation if applicable and last location seen) that immediate dissemination of this information to the public could assist in the rapid recovery of the person;
- N. Other mechanisms to notify the public when children go missing do not use the national public alert system. They can be regionally or locally based and be issued through Mass Notification systems, applications, media, and/or websites;
- O. Access to the National Public Alerting System is limited to persons designated by a government authority with clear and direct jurisdiction over a public safety or emergency management function;
- P. Issuing authority is defined in the Broadcast Distribution Regulations, Television Broadcasting Regulations, 1987, and Radio Regulation, 1986. Issuing authority means any person who is authorized by a Canadian governmental authority — including the federal Department of the Environment, federal and provincial government departments and agencies that are responsible for emergency management and public safety, and municipal authorities — to issue warnings to the public, and to the National Alert Aggregation and Dissemination System, announcing danger to life or property;
- Q. While alerts issued through the National Public Alert System can only be issued by authorized government authorities — such as law enforcement in the case of Amber alerts -- other alert systems allow other authorities (such as community leaders) to issue alerts or can issue notifications of missing persons based on reports by family or friends directly.
- A. Under the National Public Alert System, Provincial and Territorial Emergency Management Organizations (EMO) are responsible for how they run their public alerting program, including whether they provide access to agencies (police, fire, municipalities, etc) within their jurisdiction, if they centralize alert issuance through the EMO, or a hybrid approach.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly call on the Provincial and Federal Governments and relevant agencies to implement a Johnson alert system (named after Johnson Redhead), a new missing child alert system, similar to the Amber Alert, to address disparities regarding the protection of First Nations children;
2. The BCAFN Chiefs-in-Assembly call on the Provincial and Federal Government to provide equitable funding for the creation and operational capacity of a Johnson Alert system for Missing Children with Disabilities;
3. The BCAFN Chiefs-in-Assembly directs the Regional Chief to advocate with like-minded organizations, that responds to the range of identified barriers for First Nations to administer alerts for missing children, in particular, children with Disabilities;
4. The BCAFN Chiefs-in-Assembly affirms the urgent need to improve capacity for First Nations in BC to carry out their own effective and efficient Missing Children Alert systems within their jurisdiction in alignment with the UN Declaration; and
5. The BCAFN Chiefs-in-Assembly calls on the Province of British Columbia to:
 - add First Nations in BC, or the designated First Nations entity of their choice, with their consent, to the list of Requesting Agencies in order be able to initiate missing children alerts and access existing Ground Search and Rescue services in the same manner as other Requesting Agencies; and
 - develop a tool kit and training program for First Nations seeking to develop independent Missing Person/Children Alert protocols.



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

Draft Resolution 08/2024

SUBJECT: SUPPORT FOR INDIGENOUS BORDER MOBILITY INTERIM MEASURES

Moved by:

Seconded by:

Decision:

WHEREAS:

- A. Canada's international borders have divided Indigenous territories, communities and families across the country.
- B. First Nations divided by international borders face unique challenges, including loss of culture, access to food, familial division, loss of membership and a loss of access to territory, land and resources.
- C. The 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 9: Indigenous peoples and individuals have the right to belong to an indigenous community or nation in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from exercising such a right.

Article 10: Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 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 use and

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

Article 24 (1): Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.

Article 33: (1) Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live. **(2)** Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 36: (1) Indigenous people, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders. **(2)** States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

- D. The *United Nations Declaration Act's* National Action Plan identifies Shared Priority – Action Plan Measure #52, which states that the Government of Canada will take the following actions in consultation and cooperation with Indigenous peoples:
- a. Pursue legislative amendments to the *Immigration and Refugee Protection Act*, amendments to relevant regulations and revisions to policies in order to address complex border crossing and migration challenges faced by Indigenous peoples divided by Canada's international borders, including options to amend Canada's right to entry provisions, and work and study permit requirements.
 - b. Engagement with Indigenous peoples and their representative organizations to implement the action plan measure was initiated in 2023, with a view to advancing amendments and policy reforms in 2024. In parallel, the Government of Canada will continue discussions with international partners on Indigenous border crossing issues.
- E. In fulfillment of the UNDA NAP Shared Priority-APM #52, Canada Border Services Agency (CBSA) and Immigration, Refugees IRCC hosted regional roundtables with First Nations on potential amendments to the right to enter and remain in Canada, traveller modernization, travel documentation and other accompanying issues, including trade and entry of goods, and training of border service agents.
- F. The CBSA is responsible for managing and enforcing over 100+ Acts of Parliament for Canada's international borders and Ports of Entry. CBSA's Indigenous Affairs Secretariat was established in February 2018 to address border crossing issues for Indigenous peoples, including the facilitation of Indigenous travellers and their sacred goods.

- G. The IRCC's Indigenous Border Crossing Division is responsible for the right to enter and remain in Canada under the *Immigration and Refugee Acts*.
- H. BCAFN Resolution 05/2024, *Indigenous Rights and Border Mobility*, called on the Government of Canada to fully engage First Nations in BC on necessary legislative, regulatory and policy amendments related to Action Plan Measure #52, including the provision of capacity funds to First Nations in BC to engage in the development of these legislative, regulatory and policy amendments.
- I. CBSA and IRCC have not yet responded to BCAFN's request for funding or for the creation of a joint table on legislative development.
- J. The 1794 Jay Treaty, signed by the US and Great Britain recognized the inherent right of free passage by First Nations Peoples and their personal goods across what is now the Canada-US border. Though recognized by the US, Canada has not recognized that inherent right, restricting access of First Nations peoples from the US into Canada.
- K. The Jay Treaty Border Alliance (JTBA) was formed in 2017 by tribal governments and First Nations communities to collaborate on efforts to protect our rights preserved in the Jay Treaty, create effective working relations with the United States Customs and Border Protection and Canadian Border Services Agency, and address issues unique to the US-Canadian border.
- L. CBSA and IRCC is preparing to develop legislation to address Indigenous Border Mobility Issues, which could:
 - a. Provide right of entry to members of certain First Nations, Inuit and Métis collectives in Canada
 - b. Provide the ability to work and study without a permit
 - c. Ensure that Indigenous persons with a right of entry are no longer considered 'foreign nationals.'
- M. As legislation is being developed, the Government of Canada, supported by the Jay Treaty Border Alliance, has proposed a number of Interim Measures to address the immediate needs of First Nations persons divided by Canada's borders to reunite with family members who already have a right of entry to Canada. Potential conditions applicants would need to meet include:
 - a. Born in the United States or a United States citizen
 - b. Being a member of a specified Indigenous group
 - c. With anchor family member who is a Canadian citizen, permanent resident or person registered under the *Indian Act*.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly calls on the Government of Canada to acknowledge unceded First Nations' Title, Rights and sovereignty with respect to Border Mobility.
2. The BCAFN Chiefs-in-Assembly reiterate their support for BCAFN Resolution 05/2024, calling upon the government of BC to fully engage First Nations in BC on the development and implementation of legislative, policy or regulatory amendments related to Action Plan Measure #52.
3. The BCAFN Chiefs-in-Assembly supports the adoption of Interim Measures to address the immediate needs of Indigenous persons divided by Canada's borders. These measures will reunite family members who already have a right of entry into Canada while permanent solutions are co-developed with First Nations.
4. The BCAFN Chiefs-in-Assembly direct the BCAFN Regional Chief and staff to write a letter articulating this support and the need for further engagement with the BC Region to CBSA, IRCC and the Jay Treaty Border Alliance.



BC ASSEMBLY OF FIRST NATIONS

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

Draft Resolution 09/2024

SUBJECT: SUPPORT FOR BCAFN'S LEGAL ANALYSIS AND SUBMISSION TO THE STANDING COMMITTEE ON INDIGENOUS AND NORTHERN AFFAIRS REGARDING BILL C-61

MOVED BY: CHIEF DAN MANUEL, UPPER NICOLA BAND

SECONDED BY: CHIEF JOE PIERRE, ʔAQĀM

DECISION:

WHEREAS:

- A. First Nations have historic and ongoing inequitable access to safe drinking water due to the federal government's failure to uphold its fiduciary responsibilities to provide First Nations with access to clean drinking water and continue to suffer from long-term boil water advisories;
- B. Access to safe and clean drinking water is a human right pursuant to United Nations Resolution 64/292 (2010);
- C. First Nations have both inherent and constitutionally protected rights to manage, conserve, and govern the waters that run through our territories, and this must be acknowledged by all levels of government;
- D. First Nations rely on access to clean water to support our way of life and rely on this access to exercise our inherent and constitutionally protected rights, including but not limited to: hunting, fishing, trapping, harvesting, cultural ceremonies, spiritual purposes, and economic well-being;
- E. 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 British Columbia, passed legislation committing to implement, affirms:

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 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 26(1): Indigenous Peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired,

Article 27(1): States shall establish and implement, in conjunction with Indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to Indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process,

Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection without discrimination;

- F. By AFN Resolution #01/2018, the federal government repealed the *Safe Drinking Water for First Nations Act* and committed to working with the Assembly of First Nations to replace the legislation.
- G. By AFN Resolution 23/2022, the Chiefs-in-Assembly mandated that the draft legislation be in alignment with the AFN's Preliminary Concepts and have the following components met:
 - i. it must identify sustainable and fulsome funding,
 - ii. it must address regionally appropriate standards and regulations, Recognition of rights that goes beyond First Nations advisory committees to promote and enable decision-making,
 - iii. a commitment to First Nations water governance, including but not limited to source water protection,
 - iv. a meaningful co-draft of the legislation is developed with First Nations in its entirety;
- H. By BCAFN Resolution 27/2023, the Chiefs-in-Assembly called on the National Assembly of First Nations and Indigenous Services Canada to work in full co-development and partnership to ensure that the minimum requirements as identified in AFN Resolution 23/2022 are sufficiently incorporated into *An Act respecting drinking water, wastewater, and related infrastructure on First Nation lands* ("Bill C-61"), including full alignment with the UN Declaration.

- I. On December 11, 2023, the federal government tabled Bill C-16, *An Act respecting water, source water, drinking water, wastewater and related infrastructure on First Nation lands* (the “Act”) before Parliament;
- J. On June 5, 2024, the Second Reading of the Act before Parliament completed and was referred to debate before the Standing Committee on Indigenous and Northern Affairs (“Standing Committee”);
- K. Between June 12, 2024, and September 23, 2024, the Standing Committee held sittings for consideration of the Act. The Standing Committee sittings are on-going and First Nations can request to appear as a witness on the Standing Committee or provide a written submission to the standing Committee.
- L. To date, a number of areas of improvement have been identified to Bill C-16 by First Nations and BCAFN that need to be addressed and improved to ensure Bill C-61 comprehensively and duly implements the UN Declaration, including, but not limited to, calling on the federal government to:
 - i. acknowledge, affirm, and uphold the human right to safe drinking water consistent with United Nations Resolution 64/292 (2010) and that, pursuant to Bill C-61, the human right to safe drinking water means that all First Nation residents on reserve lands have a right to drinking water that poses no risks to human health or well-being,
 - ii. affirm its commitment to fully implement Article 19 of the United Nations Declaration on the Rights of Indigenous Peoples to obtain First Nations’ free, prior, and informed consent for decision-making under the Act,
 - iii. expand the recognition of First Nations' inherent right to self-government in the Act to include source waters supplying reserve lands, ensuring comprehensive management of interconnected water systems,
 - iv. include a statutory requirement, beyond a “best efforts” standard, for federal funding or otherwise regulate federal funding for First Nations’ exercise of jurisdiction under the Act,
 - v. establish uniform minimum standards for water quality, water quantity, and wastewater effluent across all First Nations, exceeding provincial standards to ensure equitable access to safe drinking water,
 - vi. address the scope of provisions which apply to modern treaties and self-government agreements, which prevail over the Act,
 - vii. clarify the scope, funding, and creation of the First Nations Water Commission for oversight in ensuring effective implementation of the Act’s provisions on water management and protection;
- M. On October 7, 2024, the BCAFN published a legal analysis of the Act with recommendations for specific amendments to the language of the Act.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly support the affirmation of First Nations' inherent right of self-government provided in Bill C-61, *An Act respecting drinking water, wastewater, and related infrastructure on First Nation lands* (the "Act") to include jurisdiction over water, drinking water, wastewater, and related infrastructure in, on, and under First Nations lands.
2. The BCAFN Chiefs-in-Assembly support BCAFN's legal analysis of the Act, including the recommendations for specific amendments to the language of the Act.
3. The BCAFN Chiefs-in-Assembly support BCAFN's submission to be submitted to the Standing Committee on Indigenous and Northern Affairs for consideration of the Act.



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Draft Resolution 10/2024

SUBJECT: SUPPORT FOR THE DEVELOPMENT OF A FIRST NATIONS MULTILATERAL WORKING GROUP ON FOOD SECURITY AND SOVEREIGNTY

MOVED BY:

SECONDED BY:

DECISION:

- A. Food security and food sovereignty are foundational human rights, and secure and robust First Nations food systems are vital to ensuring the well-being of First Nations in BC.
- B. Household food insecurity is associated with poorer mental health, higher rates of infectious and non-communicable diseases and injuries, increased health care utilization, and premature mortality.
- C. Statistics Canada study: Food Insecurity among Canadian Families found that 48% of Indigenous families living in the provinces and off-reserve experienced food insecurity, with 18% being the average for Canadian families.
- D. The provincial and federal governments critically underfund First Nations food security initiatives, exacerbating the disparity in food security for First Nations families.
- E. The Ministry of Agriculture and Food's Indigenous Advisory Council on Agriculture and Food is non-partisan and does not address BC First Nations' inherent title and rights to the land, air, and water, which are critical in addressing food insecurity and food sovereignty.
- F. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), which has been adopted without qualification by the Province of British Columbia (Bill 41) and the Government of Canada (Bill C-15), states:

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 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 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 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.

G. Under BC's Declaration Act Action Plan, the Provincial Government commits to the following:

4.48-Work with the B.C. Indigenous Advisory Council on Agriculture and Food and other Indigenous partners to identify opportunities to strengthen Indigenous food systems and increase Indigenous participation in the agriculture and food sector. (Ministry of Agriculture and Food)

H. The Universal Declaration of Human Rights states:

Article 25: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

I. BCAFN Resolution 13/2020 mandates the Regional Chief to call on the Province of British Columbia to support First Nations in addressing food security, sovereignty, and economic development, by advocating for equitable sharing of resources and creating opportunities for sustainable food systems within First Nations communities

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly support the creation of a multi-lateral working group with the Ministry of Agriculture and Food to address food insecurity and sovereignty for BC First Nations;
2. The BCAFN Chiefs-in-Assembly direct Regional Chief Teegee and the BCAFN staff to engage with the Provincial and Federal Governments to;
 - a. Call for dedicated capacity funding for First Nations Governments and organizations to support the work of the multi-lateral working group;
 - b. Advocate for increased funding to First Nations governments and organizations in BC to address the disparity in food insecurity for First Nations families.
 - c. Advocate for future programming to address food insecurity to be meaningfully co-developed.



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BCAFN ANNUAL GENERAL MEETING
October 8, 9 & 10, 2024
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Draft Resolution 11/2024

SUBJECT: SUPPORT FOR FIRST NATIONS PARTICIPATION IN INTERNATIONAL TRADE AND ECONOMIC SELF-DETERMINATION

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. First Nations in British Columbia have inherent rights to engage in trade and commerce, including access to international markets, as recognized by First Nations laws and customs;
- B. Indigenous businesses have demonstrated remarkable growth potential. The Indigenous economy in Canada was valued at an estimated \$24 billion in 2016;
- C. Despite this potential, Indigenous small and medium enterprises (SMEs) are less likely to export (7% compared to 12% for non-Indigenous SMEs), primarily due to barriers such as limited access to capital, networks, and supply chains;
- D. The Indigenous Peoples Economic and Trade Cooperation Arrangement (IPETCA), endorsed by Canada, seeks to enhance Indigenous peoples' participation in international trade by promoting access to markets and capital, supporting capacity building, and ensuring Indigenous perspectives are incorporated into global trade policies;
- E. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), which has been adopted without qualification by the Province of British Columbia (Bill 41) and the Government of Canada (Bill C-15), states:

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 distinct political, legal, economic, social, and cultural institutions, while retaining their right to participate fully in the political, economic, social, and cultural life of the State;

Article 36: Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations, and cooperation, including activities for spiritual, cultural, political, economic, and social purposes, with their own members as well as other peoples across borders;

- F. The BC Declaration on the Rights of Indigenous Peoples Act (DRIPA) Action Plan includes commitments to:

4.33: Advance the economic self-determination of Indigenous peoples, including supporting Indigenous businesses and entrepreneurs to access new markets domestically and internationally;

- G. The Federal United Nations Declaration on the Rights of Indigenous Peoples Act Action Plan commits to:

72: Co-develop with First Nations, Inuit, and Métis right holders or their national designates distinctions-based, whole of government policy guidelines on fully and effectively engaging Indigenous peoples on international issues affecting them, with a commitment to explore the development of policy in specific areas where appropriate. This work will seek to enhance the participation of Indigenous peoples in decision-making on matters which would affect their rights and to advance Canada's contribution to the work of the entities of the UN system and other intergovernmental organizations in their implementation of article 41. (Global Affairs Canada)

- H. BCAFN Resolution 07(f)/2017: Right to Access International Markets & Trade mandated the Regional Chief to call on the federal and provincial governments to ensure that First Nations in BC are included in international trade discussions and are supported in developing their capacity to engage in international markets.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly support First Nations' engagement in international trade and access global markets as part of their inherent rights to self-determination and economic sovereignty;
2. The BCAFN Chiefs-in-Assembly call on the Provincial and Federal Governments to provide dedicated capacity funding to support First Nations in BC to build the necessary infrastructure, skills, and resources to engage effectively in international trade;

3. The BCAFN Chiefs-in-Assembly direct the Regional Chief and BCAFN staff to engage with the Government of British Columbia and the Government of Canada to ensure that First Nations in BC are included in trade discussions, free trade agreements, and international economic development initiatives; and
4. The BCAFN Chiefs-in-Assembly direct the Regional Chief and BCAFN staff to advocate for the co-development of international trade programs and policies with First Nations in BC, ensuring that any agreements or policies reflect and respect Indigenous rights, title, and interests.



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

Draft Resolution 12/2024

**SUBJECT: SUPPORT FOR THE FIRST NATIONS LEADERSHIP COUNCIL RELATIONSHIP
PROTOCOL WITH UNION OF B.C. MUNICIPALITIES**

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. Cooperation, collaboration and communication between First Nations and multiple levels of government in key priority areas such as economic development, infrastructure, emergency management and climate change can contribute directly to the well-being of First Nations communities.
- B. The B.C. Assembly of First Nations (BCAFN), the Union of B.C. Indian Chiefs (UBCIC) and the First Nations Summit (FNS), working together as the First Nations Leadership Council (FNLC), in collaboration with the Union of B.C. Municipalities (UBCM), have developed and signed a Relationship Protocol with the objectives of:
 1. Building Trust and Understanding: Build trust and understanding between UBCM and FNLC members by fostering positive relationships.
 2. Facilitating Communication: Engage in ongoing dialogue and learning that includes exchanging information, communicating interests, and sharing concerns and perspectives on matters of mutual interest.
 3. Promoting Partnership and Collaboration: Facilitate collaboration between First Nations and local governments toward shared goals and priorities that promote social, economic and environmental well-being of communities.
 4. Addressing Common Challenges: Address common challenges facing First Nations and local government by leveraging resources and expertise from both FNLC and UBCM.

5. Advancing reconciliation: Promote dialogue, cooperation and respectful engagement between local governments and First Nations to advance reconciliation;
- C. The Relationship Protocol is guided by the spirit of cooperation, respect, partnership and the understanding and recognition of the *United Nations Declaration on the Rights of Indigenous Peoples* (“UNDRIP”) which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

Article 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 choose, in the political, economic, social and cultural life of the State.

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

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

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

Article 29 (1): Indigenous peoples have the right to the conservation and protection of the environmental and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination;
 - D. The Parties recognize and acknowledge First Nations’ legal, spiritual, social and cultural practices associated with the land, environment and natural resources must be respected and share the vision of healthy, resilient communities for current and future generations.
 - E. The Parties seek to engage in dialogue to share knowledge, expertise, experience and perspectives in support of promoting effective relationships between First Nations and local governments.
 - F. The Parties acknowledge this agreement may be terminated with three months’ notice, and this agreement does not create any enforceable legal or equitable rights or any obligation. This agreement is not intended to define or extinguish any First Nations or treaty rights.
 - G. On September 6, 2024, the BCAFN Board of Directors carried Motion 2024.09.06.03 to support the Protocol between the First Nations Leadership Council and the Union of BC Municipalities and the UBCIC and FNS have supported the Protocol via resolution at their respective assemblies.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-In-Assembly support and endorse the September 16, 2024 Relationship Protocol between the BC Assembly of First Nations, the Union of BC Indian Chiefs, and the First

Nations Summit collectively as the First Nations Leadership Council and the Union of BC Municipalities;

2. BCAFN Chiefs-In-Assembly directs BCAFN staff to clearly articulate to the Union of B.C. Municipalities that the Protocol is not a substitute for direct engagement with First Nations title and rights holders; and
3. BCAFN Chiefs-In-Assembly direct BCAFN staff working with the UBCIC and the FNS as the FNLC, and the UBCM to meet once annually to discuss issues of mutual concern and provide regular reports on the ongoing collaborative objectives and efforts as identified in the Relationship Protocol.



BC ASSEMBLY OF FIRST NATIONS

1004 Landooz Road
Prince George, BC V2K 5S3
Website: www.bcafn.ca

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

Draft Resolution 13/2024

**SUBJECT: SUPPORT FOR INDIGENOUS TOURISM BRITISH COLUMBIA TO DEVELOP A
FIRST NATIONS-LED TOURISM DESTINATION FUND**

Moved by:

Seconded by:

Decision:

WHEREAS:

- A. First Nations in BC are the stewards of their lands, whose inherent and constitutionally protected Aboriginal and Treaty rights include sovereignty over economic activities within their territories.
- B. The Indigenous Tourism Destination Fund (ITDF) was established by the Indigenous Tourism Association of Canada (ITAC) to support Indigenous tourism growth through flexible contributions from partner businesses, which are directed towards development, marketing, partnerships, and leadership with a goal of enhancing economic and sociocultural well-being for Indigenous businesses.
- C. ITAC administers the ITDF to invest in infrastructure, human resources, and development and marketing projects that benefit Indigenous communities and businesses in addition to supporting ITAC's core funding.
- D. ITAC has not adequately engaged nor consulted with First Nations in BC, the First Nations Leadership Council (FNLC), or Indigenous Tourism British Columbia (ITBC) in developing and implementing the ITDF.
- E. The ITAC administration of the IDTF lacks financial transparency with no mechanism to report to the Chiefs-in-Assembly, ITBC, or stakeholder organizations.

- F. The promotion of the ITDF cites economic reconciliation for partner businesses as a primary outcome, without direct benefits to local First Nations, who may not benefit from the ITDF.

ITBC established in 1997 as the Aboriginal Tourism Association of BC, is the provincial organization supporting Indigenous cultural tourism by providing training, product development, and marketing for Indigenous communities and entrepreneurs.

- G. ITBC and the FNLC entered into a Declaration & Protocol of Recognition, Support, Cooperation and Coordination in 2008.
- H. ITBC, as the provincial organization supporting the Indigenous tourism sector in BC, wishes to explore the development of a BC Indigenous Tourism fund to support tourism businesses with engagement and consultation from First Nations in BC and other Indigenous Peoples doing business in BC.
- I. First Nations in British Columbia must be active participants in the development of any fee programs within their territories, with established reporting to the Chiefs-in-Assembly.
- J. Not all rights are uniform or the same among or between Indigenous peoples and the extent to which they can be validly exercised depends on the context. A proper distinctions based approach requires that Crown governments relationship and engagement with First Nations, <Metis and Inuit individuals and organizations in BC must include different approaches or actions and result in different outcomes;
- K. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), which has been adopted without qualification by the Province of British Columbia (Bill 41) and the Government of Canada (Bill C-15), states:
 - Article 4:** Indigenous peoples, in exercising their right to self-determination, have the right to autonomy of self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous function.
 - 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.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly fully supports Indigenous Tourism British Columbia's efforts to develop a distinctions based, local First Nations and provincial approach for a BC based and First Nations led "BC First Nations Tourism Destination Fund," as an alternate solution to the Indigenous Tourism Association Canada's Indigenous Tourism Destination Fund.
2. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to work with Indigenous Tourism BC to support the development of the BC first Nations led "BC First Nations Tourism Destination Fund" to ensure its development, analysis and implementation are fully aligned with the UN Declaration and support the advancement of First Nations Title and Rights in BC.



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BCAFN ANNUAL GENERAL MEETING
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Hybrid - In person & online via Zoom

Draft Resolution 14/2024

SUBJECT: SUPPORT FOR AN INDEPENDENT INQUIRY INTO THE DEATH OF DALE CULVER

Moved by: CHIEF LYNDA PRICE, ULKATCHO FIRST NATION

SECONDED BY:

DECISION:

WHEREAS:

- A. Dale Culver, a member of the Wet'suwet'en and Gitksan Nations, died in Prince George RCMP custody on July 18, 2017, after being violently apprehended and pepper sprayed for riding a bike without a helmet. While being held in custody, he began having trouble breathing and died shortly after.
- B. In 2020, the B.C. Independent Investigations Office found there were grounds to believe an officer may have committed an offence in Culver's death and sent a report to the B.C. Prosecution Service asking for charges.
- C. On February 1, 2023, Constable Paul Ste-Marie and Constable Jean Francois Monette were charged with manslaughter, however these charges were stayed one year later.
- D. An April 2024 article by the Vancouver Sun explains a disagreement in Culver's cause of death, creating difficulty in the sentencing of the officers.
- E. On July 25, 2024, Constable Arthur Dalman was found guilty of obstructing justice in the death of Culver, and co-accused Sergeant Bayani (Jon) Eusebio Cruz was acquitted. This demonstrates the lack of accountability of the existing justice system, as no person was held responsible for the death of Dale Culver.
- F. The deeply colonial and racist judicial system failed to protect Dale Culver and has favoured the rights of law enforcement officers over a victim of police insighted violence. The judicial process

in this case has been deeply disturbing and highlights the clear inequalities of First Nations people navigating the justice system. Canada continues to fail to provide adequate and effective policing to First Nations people and continues to criminalize and profile First Nations people under the law. The Prince George RCMP failed to be culturally responsive to Culver, and have failed

- G. The United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration), which the government of Canada has adopted without qualification, and, has alongside the government of BC committed to implementing, affirms:

Article 7: 1. Indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person. 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: 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 40: Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 43: The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

- H. The historical and ongoing systemic discrimination perpetrated through Canada's justice system targets and disproportionately impact Indigenous peoples. First Nations communities have been subject to decades of discrimination, violence, racism and bias within Canada's justice system, and there continues to be denial and suppression of First Nations jurisdiction in the areas of justice, community safety and policing.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-In-Assembly call on the B.C. provincial government hold an independent inquiry into the death of Dale Culver, similar to the Davies Commission Inquiry into the Death of Frank Paul. This independent inquiry must include a non-partisan review of the Prince George RCMP, the B.C. Corner's Service, the B.C. Independent Investigations Office and B.C. Prosecution Service; and
2. The BCAFN Chiefs-In-Assembly support Dale Culver's family to bring a civil case before the RCMP and will work with partners to ensure meaningful resources are identified to support the family in their search for justice.





BC ASSEMBLY OF FIRST NATIONS

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

Draft Resolution 15/2024

**SUBJECT: SUPPORT FOR THE FNLC INTERVENTION IN CHALLENGE TO THE
DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES ACT**

MOVED BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration) is an international instrument that affirms the fundamental human rights of Indigenous peoples across the globe, and the formal commitment by the State Members of the United Nations to those human rights aspirations, and to work in consultation and cooperation with Indigenous peoples to uphold and fulfil the interrelated minimum standards affirmed in the UN Declaration;
- B. the UN Declaration does not create new rights, but expresses long-standing and broadly accepted international human rights norms in the specific historical, cultural, and social contexts and circumstances of the Indigenous peoples of the world;
- C. the Truth and Reconciliation Commission of Canada has called upon federal, provincial, territorial, and municipal governments to fully adopt and implement the UN Declaration as the framework for reconciliation;
- D. the *Declaration on the Rights of Indigenous Peoples Act* (Declaration Act) was unanimously passed by the British Columbia Legislative Assembly in November 2019 which, among other things, affirms the UN Declaration's application to the laws of British Columbia (B.C.), obligates the government of B.C. to, in consultation and cooperation with the Indigenous peoples in B.C., take all measures necessary to ensure

the laws of B.C. are consistent with the UN Declaration, and sets out a process for the government of B.C. to enter into agreements with Indigenous governing bodies, including joint or consent-based decision-making agreements;

- E. on August 2, 2022, Order in Council 2022-444 was issued which authorized the Minister of Indigenous Relations and Reconciliation and the Minister of Forests, on behalf of the government of B.C., to negotiate a joint decision-making agreement under section 7 of the Declaration Act with the shíshálh Nation which would, once negotiated, apply to decisions on dock tenures within shíshálh swiya;
- F. the shíshálh Nation has repeatedly identified that the largely unchecked development of hundreds of docks within shíshálh swiya has caused immense damage to cultural resources, spiritual sites fisheries, and the environment and the inherent, human, and Aboriginal rights of shíshálh Nation and its members;
- G. Joan M. Young and Robin Junger of McMillan LLP, on behalf of the Pender Harbour and Area Residents Association (PHARA), have filed a petition (Petition) in B.C. Supreme Court which, among other things:
- challenges the constitutionality of the Declaration Act;
 - challenges the force and effect or constitutionality of Order in Council 2022-444;
 - seeks an order prohibiting the government of B.C. from entering into any agreements pursuant to section 7 of the Declaration Act; and
 - seeks an order that section 3 of the Declaration Act violates the principle of parliamentary supremacy by purporting to direct the substance of legislation that must be passed by future governments of B.C.;
- H. the 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 1:** Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.
- Article 2:** Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their Indigenous origin or identity.
- 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 43:** The rights recognized herein constitute the minimum standards for the survival, dignity, and well-being of the Indigenous peoples of the world;
- I. the Petition presents a threat to the Declaration Act, legislation designed to support the

implementation of an international human rights instrument which is the result of the tireless advocacy of First Nations leaders in B.C. and Indigenous peoples around the world, and reconciliation efforts in B.C. generally; and

- J. PHARA has filed the Petition due to its “...longstanding concerns about the role the province has given the shíshálh Nation in decision-making under the BC *Land Act* related to dock permits”, and through the filing of the Petition, PHARA, and its members who support the Petition, have demonstrated that they value private docks and dock permits over the realization of the fundamental human rights of the shíshálh Nation and all First Nations peoples in B.C., a shocking and regressive view that must be directly and vigorously opposed.

THEREFORE BE IT RESOLVED THAT:

1. the BCAFN Chiefs-in-Assembly fully support and stand with shíshálh Nation as they oppose the petition (Petition) filed by Joan M. Young and Robin Junger of McMillan LLP, on behalf of the Pender Harbour and Area Residents Association (PHARA) in B.C. Supreme Court, and undertake the important work of protecting and preserving shíshálh swiya in partnership with the government of B.C.;
2. the BCAFN Chiefs-in-Assembly fully support an intervention by BCAFN, in partnership with the Union of BC Indian Chiefs (UBCIC), and the First Nations Summit (FNS), working collaboratively as the First Nations Leadership Council (FNLC), in the Petition because it presents a threat to the Declaration Act and has the potential to harm the fundamental human rights of the shíshálh Nation and all First Nations peoples in B.C., and reconciliation efforts in B.C. generally;
3. the BCAFN Chiefs-in-Assembly direct BCAFN, working with the UBCIC, and FNS as the FNLC, to retain legal counsel to seek intervener status for FNLC, and to provide legal advice and representation in FNLC’s intervention in the Petition, subject to resourcing; and
4. the BCAFN Chiefs-in-Assembly direct the Regional Chief to provide a comprehensive update on FNLC’s intervention in the Petition at the next BCAFN Assembly.



BC ASSEMBLY OF FIRST NATIONS

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

Draft Resolution 16/2024

SUBJECT: SUPPORT FOR THE LEGAL RECOGNITION OF THE RIGHTS AND PERSONHOOD OF NATURE

MOVED BY: CHIEF JAMES HOBART, SPUZZUM FIRST NATION

SECONDED BY: CHIEF DALTON SILVER, SUMAS FIRST NATION

DECISION:

WHEREAS:

- A. The inherent relationship between First Nations and the natural world is foundational to our cultures, languages, spirituality and worldviews grounded in principles of stewardship, reciprocity, and respect for all living beings;
- B. for many First Nations, nature is a sacred being and integral to the health, well-being, and cultural identity and its protection is essential for the survival of future generations;
- B. First Nations have the inherent right and responsibility to protect and steward nature within our traditional territories, ensuring its integrity, health and sustainability for current and future generations;
- C. the degradation and depletion of ecosystems due to industrial activities, resource extraction, urban development, climate change, and inadequate regulatory frameworks threaten the well-being of First Nations, biodiversity, and the ecosystem health that we rely on;
- 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 25: Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands,

territories, waters, and coastal seas, and other resources and to uphold their responsibilities to future generations in this regard;

Article 26:

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

Article 29:

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

- E. international movements, such as the recognition of legal rights for rivers in New Zealand, Bolivia and Ecuador highlight the growing global shift towards legal frameworks that recognize natural entities, like water, as living entities with inherent rights;
- F. in February 2021, the Muteshekau Shipu (Magpie River), located in the Quebec region, became the first river in Canada to be granted legal personhood by passing joint resolutions between the Innu Council of Ekuanitshit and the municipality of Mingani;
- G. recognizing the legal rights of nature must affirm First Nations' inherent jurisdiction, laws, and legal orders in order to support the protection of these vital resources in alignment with First Nations' laws, customs, and governance systems;
- H. recognizing nature as a legal entity affords ecosystems' rights equivalent to those of the basic rights for survival and dignity afforded to humans, thereby allowing them to have legal representation, standing in courts, and protections under law;
- I. environmental degradation disproportionately affects Indigenous peoples, undermining our ability to sustain traditions, cultural practices, health, and economic well-being. Recognizing the rights of nature provides for environmental justice, ensuring that First Nations' rights under the UN Declaration are safeguarded synonymously with ecological protection.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly call on the Regional Chief to provide political advocacy, where a First Nation requests, to support the advancement of the legal recognition of the rights of and personhood of nature, including water bodies such as rivers and lakes, forests and mountains within a First Nations' traditional territory;
2. The BCAFN Chiefs-in-Assembly call upon all levels of government — federal, provincial, and municipal — to work in full partnership with First Nations to legally recognize and protect the rights of nature, where requested;
3. The BCAFN Chiefs-in-Assembly call on the federal and provincial governments to work in partnership with First Nations to develop and/or modernize legislation that recognizes the legal rights of nature, in full alignment with the *United Nations Declaration on the Rights of Indigenous Peoples*, and to ensure that First Nations' knowledge systems, legal orders, jurisdiction and governance structures are respected and upheld in these frameworks; and
4. The BCAFN Chiefs-in-Assembly direct BCAFN to work with like-minded organizations and where applicable academic institutions, international organizations, and Indigenous Peoples to develop policy positions, legal resources, and tools to support First Nations' efforts to advance the legal personhood of nature within their territories.



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Draft Resolution 17/2024

**SUBJECT: SUPPORT FOR THE INITIATIVE FOR RESPONSIBLE MINING ASSURANCE (IRMA)
MINING STANDARD**

Moved BY: CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND

SECONDED BY:

DECISION:

WHEREAS:

- A. Indigenous peoples have the right and responsibility to manage, protect and make decisions with respect to their traditional territories and these rights and responsibilities are at the root of Indigenous Nationhood and the highest expression of Indigenous rights;
- 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:

Article 21(2): States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of (indigenous peoples’) 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.

Article 29(1): Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.

(2): States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

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 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.

- C. Premier David Eby's stated goal is for British Columbia to be a leading jurisdiction in the energy transition to a net zero global economy by exploration for and mining of critical minerals. To be a leader requires not just words but demonstrable actions. Those actions include the highest level of standards for achieving, assessing and measuring protection of the environment and equitable sharing of wealth generation in the entire value chain for impacted First Nations communities.
- D. In late 2019, after the passage of the *Declaration on the Rights of Indigenous Peoples Act*, the Minister Responsible for Mining confirmed the government's support for the Initiative for Responsible Mining Assurance's ("IRMA") mining standard as a preferred standard. The Minister's support for the IRMA standard was delivered by the deputy minister during an invitation-only meeting that included BMW, ArcelorMittal and HSBC at which the commitment was clear and it was unequivocal. Unfortunately, it appears that the provincial government has since signalled its intention to support less rigorous industry-created mining standards as the *de facto* standard of choice for the government of BC.
- E. IRMA is a global group of those committed to protecting people and the environment directly affected by mining by seeking to provide assessment standards which support the creation of conditions in which the mining industry respects the human rights and aspirations of affected communities, provides safe, healthy and supportive workplaces, minimizes harm to the environment, and leaves positive legacies. IRMA's approach to responsible mining is to independently assess social and environmental performance at mine sites globally using an internationally recognized standard developed in consultation with a wide range of stakeholders.
- F. Such protection means applying the IRMA standard for responsible mining to the dozens of new mines to be constructed in British Columbia to support the global energy transition. See: <https://responsiblemining.net>)
- G. IRMA's Standard for Responsible Mining was developed over more than 10 years with input from First Nations and a multitude of organizations. The standard defines best practices for responsible mining at the industrial scale. It provides the list of expectations that independent auditors will use as the benchmark for responsible mines. The IRMA mining

standard is *the* global environment, social and governance (“ESG”) high bar. Numerous third-party evaluations confirm the IRMA standard, by a substantial margin, as the leading mining standard. The standard was designed by a diverse suite of upstream and downstream mining and end-user experts - they crafted the first shared definition of what it means to mine responsibly and to do so with the highest degree of transparency.

- H. IRMA mine audits are built on transparency, inclusive governance and thoroughness that speak directly to the fulfilment of ESG requirements. IRMA audits provide unmatched reliability in the assessment of all key components of producing mines. The IRMA mining standard requires proponents of new mines to demonstrate their securing of free, prior and informed consent set out in the United Nations Declaration on the Rights of Indigenous Peoples.
- I. The First Nations Critical Minerals Strategy, released by the BC Nations Leadership Council on March 4, 2024, contains 50 substantive recommendations. Recommendation #19 of the strategy requires mining activities to be carried out to the highest standards. That means assessment and auditing by the IRMA mining standard.
- J. IRMA’s membership includes seven auto manufacturers, some of the world’s largest mining companies, jewellers, global trade unions, Indigenous and non-Indigenous communities and representatives of the investment and finance sectors. They are unified in their vision to develop and use the best mining standard for the energy transition.

THEREFORE BE IT RESOLVED THAT:

1. The BCAFN Chiefs-in-Assembly endorse the Initiative for Responsible Mining Assurance (“IRMA”) Mining Standard and call on the government of British Columbia to support and adopt the IRMA mining standard, ensuring that it includes the right of free, prior and informed consent to our traditional and unceded territories, respecting the territorial boundaries that we confirm through working together Nation to Nation; and
2. The BCAFN Chiefs-in-Assembly direct the Regional Chief and staff to support and work with the BC First Nations Energy and Mining Council to engage in advocacy efforts with the province to seek the province’s support and adoption of the IRMA mining standard; and
 - a. Affirm that such engagement and advocacy must, first and foremost, uphold Inherent Aboriginal and Treaty rights, including the right of free, prior and informed consent as set out in various articles of the United Nations Declaration on the Rights of Indigenous Peoples, the Declaration on the Rights of Indigenous Peoples Act (BC) and the United Nations Declaration on the Rights of Indigenous Peoples Act (Canada).



BC ASSEMBLY OF FIRST NATIONS

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BCAFN ANNUAL GENERAL MEETING
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SPECIAL Resolution XX/2024

SUBJECT: ALLOWING BCAFN TO HOST FULLY ONLINE ASSEMBLIES

Moved BY:

SECONDED BY:

DECISION:

WHEREAS:

- A. The BCAFN Bylaws and Governance Manual currently provide for Annual General Meetings (AGMs) and Special Chiefs Assembly (SCAs) to be held in person or in a hybrid format that combines in-person and online participation.
- B. The BCAFN Board wishes to allow the option to convene an AGM or SCA in the future as a fully online meeting, without having an in-person venue, which can reduce costs and streamline scheduling and logistics.
- C. Amendments to the Bylaws and the Governance Manual are required to authorize the Board to convene an AGM or SCA as a fully online meeting. The Board has directed amendments to be drafted, and extracts of the Bylaws and Governance Manual showing draft amendments as tracked changes are attached to this resolution as Schedules "A" and "B" (the "**Draft Amended Bylaws**" and "**Draft Amended Governance Manual**").

THEREFORE BE IT RESOLVED THAT:

1. As a special resolution, the BCAFN Chiefs-in-Assembly approve those amendments to the Bylaws shown in the Draft Amended Bylaws attached as Schedule "A";
2. As ordinary resolutions, the BCAFN Chiefs-in-Assembly

- (i) approve those amendments to the Governance Manual shown in the Draft Amended Governance Manual attached as Schedule “B”; and
- (ii) direct BCAFN staff to make filings and take any such other steps necessary to give effect to these resolutions, and to circulate updated versions of the Bylaws and the Governance Manual to all members following this Annual General Meeting.