

OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
53RD ANNUAL GENERAL ASSEMBLY
SEPTEMBER 27TH TO 29TH, 2021
VIRTUAL MEETING

Resolution no. 2021-61

RE: New Law for Biodiversity and Ecosystem Health

WHEREAS Indigenous peoples sustain vital cultural and spiritual relationships with the environment and have derived their livelihoods, way of life, health, and well-being from the care and stewardship of their lands and waters since time immemorial;

WHEREAS recognizing that old growth management, ecosystem health, and biodiversity are Title and Rights issues that greatly impact the sovereignty and welfare of First Nations, by Resolution 2020-23 the UBCIC Chiefs-in-Assembly confirmed full support for the report and recommendations of the independent [Old Growth Strategic Review](#) (OGSR) and called on the provincial government to take immediate and sustained action to ensure that the report's recommendations are carried out;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples*, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement through legislation, affirms:

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

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(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 resource;

WHEREAS one of the key recommendations of the OGSR panel, which the Province has promised to implement in full, is that BC enact a new law to establish ecosystem health and biodiversity as an “overarching priority” across all sectors, including the alignment of “all other land-related provincial legislation, management systems and processes to this overarching goal” (OGSR Recommendation 2);

WHEREAS a year after the release of the OGSR Report, the Province has failed to take any concrete action to implement OGSR Recommendation 2 in cooperation with Indigenous Peoples;

WHEREAS maintaining and restoring the integrity of fully-functioning, healthy ecosystems is foundational to upholding the inherent Title and Rights of Indigenous Peoples and to the well-being of humans and other beings;

WHEREAS the legal priority given to resource extraction and large resource companies through BC’s current logging, mining, and oil and gas laws have resulted in ongoing cultural, spiritual, ecological and economic harm to Indigenous peoples and territories, and is inconsistent with the UN Declaration, including but not limited to Articles, 3, 4, 8(2), 12(1), 18, 19, 23, 26, 29 and 32;

WHEREAS BC’s *Declaration on the Rights of Indigenous Peoples Act* legally obligates BC to “take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration” and to do so in cooperation with Indigenous Peoples”;

WHEREAS the new legislation around ecosystem health and biodiversity that the Province has committed to implement should:

- a) Advance reconciliation by implementing the standards set out in the UN Declaration with regard to all aspects of biodiversity conservation and management, and by ensuring that Indigenous title, rights, jurisdiction, laws, knowledge and worldviews shape all aspects of the new law;
- b) Ensure a robust understanding of the state of biodiversity and ecosystem health, including related cumulative impacts, is developed and consistently maintained throughout BC using standards and indicators based on Indigenous knowledge and science;
- c) Require that proactive measures are taken to protect and where necessary restore biodiversity and ecosystem health in a coordinated manner that establishes and meets measurable targets. This may include new legal tools to recognize Indigenous land use planning, Indigenous Protected and Conserved Areas (IPCAs), and the legal personality of spirited beings, and must recognize and financially support the integral role of Indigenous management in maintaining healthy ecosystem conditions;

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- d) Ensure provincial decision-making across all sectors prioritizes the protection and restoration of biodiversity and ecosystem health, is consistent with the UN Declaration, and based on legally mandated requirements, standards and information that are an essential foundation for upholding inherent Indigenous title, rights, cultures and economies; and,
- e) Enhance public confidence by ensuring accessible, credible information is available regarding biodiversity and ecosystem health, meaningful public participation, and safeguards for sensitive or confidential Indigenous knowledge.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly call on the Province of BC to explicitly and publicly commit to the enactment of new, overarching legislation for the protection of biodiversity and ecosystem health, to be developed in cooperation with Indigenous Peoples and in full alignment with the UN Declaration, to advance the actions that are critical for ensuring Indigenous Title and Rights are upheld and used to strengthen biodiversity conservation and management;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with First Nations and like-minded organizations to secure and implement terms of reference for co-development of the new biodiversity law with the Province of BC, as well as funding for First Nations' involvement in this process.

Moved: Spokesperson Khelsilem (Dustin Rivers), Squamish Nation
Seconded: Chief James Hobart, Spuzzum First Nation
Disposition: Carried
Date: September 28, 2021

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