OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 1ST - JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-29

RE: Follow up to Missing Women's Commission of Inquiry May 3, 2011 Ruling

WHEREAS for decades, many grassroots women's organizations in the Downtown Eastside (DTES) of Vancouver as well as the UBCIC Chiefs Council, via Resolution 2008-30, called for a full public inquiry into the Missing Women of the DTES and the Highway of Tears;

WHEREAS by Resolution 2010-13, the UBCIC Chiefs Council acknowledged that Indigenous Nations women have the right to personal safety and security, no matter what their socio-economic status may be, yet Indigenous Nations women experience disproportionately high levels of violence;

WHEREAS Article 22 (2) of the United Nations *Declaration on the Rights of Indigenous Peoples* cites that "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";

WHEREAS the BC Government implemented the Missing Women's Commission of Inquiry (MWCI) in the fall of 2010 and appointed former Attorney General Wally Oppal as Commissioner of the MWCI, and the BC Government approved Commissioner Oppal's recommendation to expand the MWCI terms of reference to include both a policy and hearing commission of inquiry;

WHEREAS the terms of reference of the inquiry to be conducted by the commission are as follows:

> (a) To conduct hearings, in or near the City of Vancouver, to inquire into and make findings of fact respecting the conduct of the missing women investigations;
>
> (b) Consistent with the British Columbia (Attorney General) v. Davies, 2009 BCCA 337, to inquire into and make findings of fact respecting the decision of the Criminal Justice Branch on January 27, 1998, to enter a stay of proceedings on charges against Robert William Pickton of attempted murder, assault with a weapon, forcible confinement and aggravated assault;

(c) To recommend changes considered necessary respecting the initiation and conduct of investigations in British Columbia of missing women and suspected multiple homicides;

(d) To recommend changes considered necessary respecting homicide investigations in British Columbia by more than one investigating organization, including the co-ordination of those investigations;

(e) To submit a final report to the Attorney General or before December 31, 2011;

WHEREAS on May 3, 2011 Commissioner Wally Oppal made a ruling that 13 organizations were given standing, and specifically the Assembly of First Nations, Union of BC Indian Chiefs, First Nations Summit, Carrier Sekani Tribal Council and Native Courtworker and Counselling Association of BC were given limited standing into the policy aspects of the MWCI, and Commissioner Oppal recommended funding for all 13 organizations including those noted here. Those organizations which received limited standing must apply to Commissioner Oppal on an individual witness basis to cross examine witnesses;

WHEREAS the BC Government approved funding for the families of the missing and murdered women; however, it was decided to disregard recommendations by Commissioner Oppal to fund the 13 organizations who received standing. Lawyers for the BC Government, the Vancouver Police, the RCMP and the MWCI are all government funded which creates an obvious inequity in the overall process;

WHEREAS without adequate resources the 13 organizations that received full or limited standing will not be able participate in the evidentiary/factual and study/policy aspects of the MWCI. Specifically, UBCIC, with limited standing will not have the resources to take part in all phases of the Commission's evidentiary and study hearings such as the ability to cross examine witnesses, make submissions, access and analyze disclosure documents and/or able to participate in policy hearings.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council unanimously demands that all 13 organizations that were given standing be provincially funded, as recommended by Commissioner Wally Oppal;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to directly and publicly advocate for the 13 organizations who were given standing to be fully funded, publicizing our serious concerns to date with the actions of the Province and decisions of the Missing Women's Commission of Inquiry (MWCI);

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive and its legal counsel to immediately consider a range of options including discussions with the Premier, Attorney General and MWCI Commissioner; litigation; and direct action.

Moved: **Chief Judy Wilson, Neskonlith Indian Band**
Seconded: **Acting Chief April Charles, Hesquiaht First Nation**
Disposition: **Carried**
Date: **June 2, 2011**