

A STRATEGIC ANALYSIS OF THE UNION
OF BRITISH COLUMBIA INDIAN CHIEFS

by

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TERMINOLOGY

Throughout this report, the terms “Indian” and “Indigenous” are used seemingly interchangeably. However, I have considered the use of these terms carefully. The term “Indigenous” refers to the original peoples of a given territory. Accordingly, this term encompasses the people, cultures, traditions, values, and beliefs that descend from the original peoples of these lands.

The term “Indian” is used to refer to those individuals and collectivities recognized as “Status Indian” under the *Indian Act*. The term “Indian” is also used to refer to Pan-Indianism,¹ its structures, agents and actors. Since the Union of BC Indian Chiefs is both a Status and a Pan-Indian organization, it is fitting to use the term Indian when referring to the organization and its membership.

¹ A process that attempts to supplant the distinctiveness among Indigenous peoples with a generalized “Indian” culture.

EXECUTIVE SUMMARY

The Union of BC Indian Chiefs (hereafter UBCIC or the Union) is a political organization that aims to protect and advance the political and territorial rights of Indigenous people in British Columbia, a mandate that arose thirty-five years ago during a time of widespread political activism in North America. The Union has since played an active role in shaping Indian politics in British Columbia.

This strategic analysis offers background and insight that could help the Union of BC Indian Chiefs establish a strategic plan that would strengthen the organization and re-define its role in the Indigenous rights movement in British Columbia. This project will also benefit those who are searching for a critical analysis of an Indian political organization in hopes of learning from and building upon the experience of the past thirty-five years of Indigenous political organizing in British Columbia.

This strategic analysis begins with an overview of the Union's current mission and organizational structure, including a brief look at the main initiatives implemented in 2004. This, along with a narrative summary of the Union's history, will help trace the organization's political development over the past thirty-five years in order to articulate its primary political philosophies and strategies and assess its effectiveness over time.

This strategic analysis involves understanding what is happening inside the organization and what is happening in the external environment in which it operates. This will help identify the organization's capabilities and limitations in relation to its most critical issues.

The basis for this is an assessment of the organization's most important strengths and weaknesses and the critical opportunities and threats it may experience while working toward its goals.

This strategic analysis of the Union of BC Indian Chiefs reveals that the organization is not operating at its highest capacity and is constrained by fiscal dependency and political competition. These critical issues must be addressed in order for the Union of BC Indian Chiefs to face the political opportunities and challenges that the impending 2010 Olympics and BC's New Era bring. The Union could begin to address these critical issues by considering the following recommendations: 1) Broaden its membership 2) Develop a focused communication strategy 3) Establish fundraising and volunteer programs 4) Build strategic alliances with like-minded organizations, including its political competitors.

STRATEGIC ANALYSIS OF THE UNION OF BC INDIAN CHIEFS

Each generation must out of relative obscurity discover its mission, fulfill it, or betray it.²

For over 500 years, Indigenous peoples have been facing the challenges that colonialism brings. Our territories have been coveted and exploited; our ways of life denigrated and suppressed; our families and communities have been displaced and dispossessed of everything we hold dear. Still, throughout the generations, Indigenous people have faced these challenges with strength, intelligence and courage—we know this because we are still here.

Thirty-five years ago, the Union of BC Indian Chiefs arose in response to the challenges put forth by Canada's new Liberal government and their desire to assimilate Indian people into the mainstream of Canada. The Indian Chiefs of BC united in protest and resolved to intensify the struggle to protect Indigenous people and their lands. This marked the beginning of the modern Indian rights movement in BC. The Union has since played a pivotal role in shaping Indian politics. Thus, it is worthwhile to engage in a strategic analysis of the Union with the intent of gaining a greater understanding of Indian politics today.

Strategic analysis reflects on an organization's existing practices and policies, examines its past experiences and assumptions and anticipates the challenges of the near future. In order to do so, strategic analysis involves articulating an organization's mission, summarizing its

² Franz Fanon, *The Wretched of the Earth*, trans. Constance Farrington (New York: Grove Press, 1963), 206.

existing profile, examining its history and analyzing its strengths and weaknesses and the critical opportunities and threats that it may experience while fulfilling its mission.

This strategic analysis was designed, conducted and written over a two-year period, from November 2002 to November 2004, utilizing various resources relevant to the Union of BC Indian Chiefs. Publications, correspondence, reports, meeting minutes and other grey literature relevant to the organization are the primary resources used in this study. A staff survey was also conducted to gain a broader view of the internal environment of the organization. Throughout this study, I have been employed full-time in the Union's Research Department. During this time, I was fortunate enough to engage in many hours of discussion with Union staff and executive, and able to attend several Chiefs' Council meetings, General Assemblies, workshops and strategy sessions. It is from this position that this report is written.

This study was carried out with an eye to the future. Many of the people mentioned in this report have retired or passed on, while a new generation of Indigenous leaders is emerging and grappling with the legacy that has been placed before us. Each generation resists and overcomes the aggressive, often overwhelming and merciless forces that try to destroy us—or it doesn't. It is my hope that this study, in some small way, will help our generation discover its mission and fulfill it with strength, intelligence and courage.

UBCIC MISSION

The Union of BC Indian Chiefs exists to support, initiate and coordinate Indian political activism in British Columbia. Its mandate is to protect and advance Indigenous rights, while fostering respect for Indigenous people, cultures and societies. Ultimately, the Union works toward a just relationship between Indigenous and non-Indigenous peoples based on the recognition of Indigenous rights to the territories now occupied by British Columbia and Canada. Thus, the Union acts as an Indigenous rights advocate for the Indian people of BC. In particular, the Union has become known and respected for its refusal to engage in any negotiations that would bring about the extinguishment of Indigenous rights or the assimilation of Indigenous people. As a result, the Union presently occupies a political niche that is in vehement opposition to the federal Comprehensive Claims policy³ and the BC Treaty Process.

Primarily engaged in advocacy that targets these federal and provincial policies, the Union also enjoys Special Consultative Status with the Economic and Social Council of the United Nations as an NGO. Thus, the Union is able to represent its membership (approximately one-third of the Indian Bands in British Columbia, many of which are not actively participating in the BC Treaty Process) at regional, national and international levels.

The Union's existing philosophy is reflected in the objectives it currently employs to fulfill its goals. This philosophy has its roots in moral and legal arguments that have evolved over

the last one hundred years of Indigenous political activity in BC.⁴ These arguments are currently expressed in demands for the recognition of Aboriginal Title and Rights as defined by Canada's Constitution and its courts.⁵ Likewise, the Union draws on Canadian legal declarations of the Crown's "fiduciary responsibilities"⁶ toward Indian people in hopes of compelling the Canadian government to overturn its 1986 Comprehensive Claims Policy. Presently, the mission of the Union is:

To improve intertribal relationships through common strategies to protect our Aboriginal Title

To hold the federal government to its fiduciary obligations and have them change their extinguishment policy

To support our peoples at regional, national and international forums

To continue to defend our Aboriginal Title through the revival of our way of life (political, social, economic and spiritual)⁷

The Union's constitution also outlines its formal objectives:

To advance and improve the level of educational achievement of the Indian people of British Columbia;

To provide a comprehensive programme consistent with those of a charitable organization for the relief of poverty among the Indian people of British Columbia, so that the social conditions and life expectancy of the Indian people may be improved;

³ Federal Comprehensive Claims policy aims to resolve land use and ownership in Indigenous territories where treaties do not exist. Resolution under this policy requires Indigenous people to surrender their territories and acquiesce to Canadian laws and interests.

⁴ See Paul Tennant, *Aboriginal Peoples and Politics: The Indian Land Question in British Columbia, 1849-1989* (Vancouver: UBC Press, 1990).

⁵ Aboriginal Title and Rights are the legal embodiment of Indigenous peoples' territorial, political, social and economic rights that flow from original occupation of the territories now occupied by Canada. See Glossary below for current definitions.

⁶ See Glossary below. Also, *Guerin v. The Queen* [1984] 2 S.C.R. 335.

⁷ Union of BC Indian Chiefs, *UBCIC* [Webpage] (Union of BC Indian Chiefs, 2004c); available from <http://www.ubcic.bc.ca/ubcic.htm>.

To provide a central organization for uniting together the Indian people of British Columbia for the purposes of settlement of land claims and aboriginal rights;

To represent the Indian people of British Columbia and to be their official spokesperson for the purposes of the Society⁸

Generally, the Union works toward the latter two objectives, rarely concerning itself with improving educational achievement or alleviating poverty, except in an indirect manner through Indigenous rights advocacy. These objectives, though important, fall outside the scope of the Union's goal of protecting and advancing Indigenous rights, while achieving just co-existence among peoples.

The Union's mission is articulated in a series of objectives that aim to fulfill the organization's ultimate goals of protecting and advancing Indigenous rights, while establishing a just relationship between Indigenous and non-Indigenous peoples in the lands now occupied by British Columbia and Canada. Throughout this analysis, the Union's mission and its goals will provide a basis for evaluating the organization's effectiveness.

UBCIC PROFILE

Structure and Governance

The Union of BC Indian Chiefs is a non-profit, professional organization that is dominated by its membership (See Appendix 1). The Union is recognized by the Department of Indian Affairs (DIA) as an Aboriginal Provincial-Territorial Organization (PTO) that represents

⁸ Union of BC Indian Chiefs, "Societies Act: Union of BC Indian Chiefs," in *Union of BC Indian Chiefs 9th Annual Assembly* (Prince George, BC: Union of BC Indian Chiefs, 1977c).

the Indian people of British Columbia. In this capacity, the Union receives annual funding to participate in program and policy development on behalf of Indian people in BC. As a PTO, the Union is expected to voice local and regional concerns without interfering in the internal affairs of Band Chiefs and Councils. In this role, the Union has no authority to make unilateral decisions and is required to uphold the interests of its membership.

Membership

Membership in the Union consists of three classes: Full, Active and Honorary.⁹ Full members are the elected Chiefs of BC Indian Bands recognized under the *Indian Act* or a delegate selected by the Band in place of the Chief. Full members pay a membership fee based on the population of their Band (\$100-\$500 per annum) and are entitled to vote at General Assemblies and hold office in the Union.

Active members include any member of an Indian Band in the Province of British Columbia who is not a full member of the Union and is elected, appointed by the members to be a Councilor, or shall become an active member upon their election or appointment to the Chiefs' Council. Active members include representatives from the Indian Homemakers Association of BC, the BC Native Women's Society and the Native Youth Movement. Active members pay a membership fee of \$3.00 per annum and are entitled to vote at General Assemblies and hold office in the Union.

Honorary Members may include hereditary Chiefs of BC Indian Bands that are recognized by their Band Council through a formal resolution. Honorary members pay no membership

⁹ Union of BC Indian Chiefs, *Union of BC Indian Chiefs Constitution and by-Laws, September 2004* [Portable Document Format] (Union of BC Indian Chiefs, 2004e); http://www.ubcic.bc.ca/docs/UBCICConstitution_Sept2004.pdf.

fee, cannot vote at Assemblies (unless acting as proxy for Full or Active members) or hold the office of Vice-President or Secretary-Treasurer in the Union.

The Assembly

Every year, the Union of BC Indian Chiefs holds a General Assembly and may call a Special General Assembly in order to set political direction and mandates. The Assembly is made up of Full and Active members and is the final policy and decision-making entity of the Union. The Assembly is governed by Robert's Rules of Order and political direction is articulated through a set of annual resolutions to be carried out by Union staff and/or membership.

The Chiefs' Council

Similar to the Assembly, the Chiefs' Council is comprised of Full and Active members. The Chiefs' Council functions as the board of directors and is responsible for implementing the resolutions and policies put forth during the Assembly. The Chiefs' Council meets at least twice per year and passes resolutions to provide overall direction for policy implementation.

The Executive Committee

The Executive Committee consists of a President, Vice-President and Secretary-Treasurer. Each holds office for a three-year term. The office of President is open to any Indian Band in British Columbia. The offices of Vice-President and Secretary-Treasurer require candidates to be Full or Active members of the Union and be in good standing. The President is elected during the Annual General Assembly, while the Vice-President and Secretary-Treasurer are elected at the following Chiefs' Council meeting. The Executive

Committee is expected to abide by the direction set by the Assembly and Chiefs' Council and is "responsible for collectively upholding the Aboriginal Title and Rights position" of the Union and supporting Full and Active members when requested to do so.¹⁰ The President is the Chief Executive Officer and the public persona of the Union. The Vice-President stands in for the President when required to do so, while the Secretary-Treasurer is expected to monitor and report on the organization's finances and assist in fundraising.

The Executive Director

The Executive Director is central to the operation of the Union of BC Indian Chiefs (See Appendix 1). The Executive Director is appointed by the Chiefs' Council and is responsible for the daily operations of the organization. In this role, the Executive Director is expected to act as a bridge between the Membership and the Union staff. The Executive Director is also responsible for the overall administration of the organization and effectively removes all responsibility for policy implementation from the Union membership.

Fiscal Arrangements

The Union of BC Indian Chiefs is dependent upon government funding for its existence. As an Aboriginal PTO, the Union receives two types of federal funding: Core funding and Project funding.¹¹ Core funding is transferred from the Department of Indian Affairs to finance the Union's daily operations, including office rent and staff salaries.

¹⁰ Ibid.

¹¹ Canada, *Funding for Aboriginal Political Organizations and Provincial-Territorial Organizations* [Webpage] (Department of Indian and Northern Affairs, 2004b); available from http://www.ainc-inac.gc.ca/pr/info/fap_e.html.

Project funding is granted to the Union to implement federal policy-development initiatives, either initiated by the government or requested by the Union. These projects have specific start and end dates and require detailed work plans to be approved by the Department of Indian Affairs. Currently, the Union receives a combination of core funding and project funding that is negotiated annually. This creates significant financial uncertainty and constraint throughout the organization. The Union receives similar project-based funding to participate in provincial initiatives.

Departments

Policy Analysis

The Union of BC Indian Chiefs' policy analysis portfolio provides input regarding existing and proposed provincial initiatives. Working alongside policy analysts from the First Nations Summit, the Métis Provincial Council of BC, and the United Native Nations, the Union policy analyst participates in various committees and working groups to provide the Union's perspective regarding the implementation of provincial programs and services directed at Aboriginal people. The current portfolio includes:

- Ministry of Children and Families' Joint Aboriginal Management Committee to implement the regionalization of child welfare¹²
- Ministry of Community, Aboriginal and Women's Services' Engagement Advisory Group to provide input regarding the Provincial Aboriginal Social-Economic Strategy¹³

¹² Rosalie Wilson, "Children and Families Report," in *Union of BC Indian Chiefs 36th Annual General Assembly, November 2-4, 2004* (Vancouver: Union of BC Indian Chiefs, 2004a).

¹³ Rosalie Wilson, "MCAWS-PASES Report," in *Union of BC Indian Chiefs 36th Annual General Assembly, November 2-4, 2004* (Vancouver: Union of BC Indian Chiefs, 2004c).

- Ministry of Health Services' Provincial Aboriginal Health Services Strategy to engage in community health workshops, conferences and panels to discuss various Aboriginal Health policy issues in a provincial context¹⁴

The Union receives targeted provincial funding to participate in each of these initiatives.

Resource Centre

Established in 1977, the Resource Centre is a non-profit library and archives that exists to serve the information and research needs of Union staff and member communities. Over the years, the Resource Centre has accumulated an exceptional collection of materials, which provides a wealth of rare and valuable information that focuses on historic and contemporary land and governance issues, particularly in relation to British Columbia and Canada.

Throughout its history, the Resource Centre has been plagued by unstable funding, often resulting in high staff turnover and periodic suspension of operations.¹⁵ The Resource Centre has been somewhat stable since 1991, with low staff turnover and continuous operation. Nonetheless, inadequate financial resources remain a perennial issue, particularly since the relocation of the Institute of Indigenous Government and the ensuing loss of revenue.¹⁶ In an attempt to mitigate financial shortfalls, the Resource Centre has recently expanded its clientele by offering library memberships to institutions and

¹⁴ Rosalie Wilson, "Health Report," in *Union of BC Indian Chiefs Council Meeting, July 13-14, 2004* (Vancouver: Union of BC Indian Chiefs, 2004b).

¹⁵ Krista Solie, "History of UBCIC's Resource Centre," (1994).

¹⁶ The Institute of Indigenous Government (IIG) is a private, accredited post-secondary institution established by the Union in 1993 to provide education, leadership development and research opportunities "to empower Indigenous peoples to exercise self-determination in their territories in ways which fully reflect Indigenous philosophy, values, and experience throughout the world." The IIG relocated in 2000, and (now unaffiliated with the Union) offers University transfer

organizations beyond Union staff and membership.¹⁷ The Resource Centre also actively pursues partnerships, internships, and endowments from both governmental and non-governmental sources. In 2004, the Resource Centre employed two full-time staff, eight students, six interns and eight volunteers.

Treaty and Aboriginal Rights Research Centre

The Union is a recognized Treaty and Aboriginal Rights Research (TARR) Centre in accordance with the Department of Indian Affairs 1982 *Native Claims Policy*. The Research Department is responsible for researching potential Specific Claims arising from government action (or inaction) in the administration of the *Indian Act* or treaty obligations. Because Comprehensive Claims in BC have been filed by Tribal Councils or individual Bands, and are currently under negotiation within the BC Treaty Process, the Union does not engage in Comprehensive Claims research.

The Research Department works in conjunction with the Resource Centre to facilitate a Community Outreach and Education Program. Through this program, the Union offers Land Rights Research Workshops and other information-sharing projects such as the McKenna-McBride Digitization Project and updating the UBCIC research manual, *Researching the Indian Land Question in BC* (See “Projects” below). The Research Department and Resource Centre are increasingly looking to non-governmental sources for funding while engaging in strategic partnerships in hopes of implementing specific projects directed at information-sharing and community education.

programs to Indian people. Union of BC Indian Chiefs, *Institute of Indigenous Government* [Webpage] (1998); available from <http://www.ubcic.bc.ca/iig.htm>.

Because the bulk of the Union's federal funding flowed through the Research Department in 2004, it currently employs the most paid staff in the organization, with six full-time Specific Claims Researchers, one part-time Specific Claims Researcher and two summer students.

Projects

McKenna-McBride Digitization Project

Presently, the Resource Centre is digitizing the transcripts of the 1913-1916 Royal Commission on Indian Affairs (the McKenna-McBride Commission). These transcripts contain testimony of the Indigenous people and Indian Agents who testified to the Commission during its travels throughout BC in a federal-provincial attempt to settle an ongoing dispute regarding Indian reserve allotment in BC. A website is also being developed to host this and related material.¹⁸

The Resource Centre is also digitizing some of the media recordings currently held in outdated formats in the Union archives. Approximately 50 audio and video recordings, documenting important events of the modern Indian rights movement since 1969 will be digitized. This project is part of a larger project to develop a free educational and research website, based on the theme of Indigenous peoples' connection to their territories.¹⁹ The larger project will be completed in partnership with the University of British Columbia (UBC), Digital Media Arts and Langara College. The McKenna-McBride digitization

¹⁷ UBCIC Resource Centre, "UBCIC Resource Centre Institutional Membership Policy, Draft Copy," in *Chiefs Council Meeting, July 13-14, 2004* (Vancouver: Union of BC Indian Chiefs, 2004).

¹⁸ Union of BC Indian Chiefs, "UBCIC Research Department Update," in *Union of BC Indian Chiefs 36th Annual General Assembly, November 2-4, 2004* (Vancouver: Union of BC Indian Chiefs, 2004d).

¹⁹ Ibid.

project is made possible through a partnership with UBC and funding from Heritage Canada and the Canadian Council of Archives.

Researching the Indian Land Question in BC

The Research Department is currently revising its research manual, *Researching the Indian Land Question in BC: An Introduction to Research Strategies and Archival Research for Band Researchers*. Prepared in 1998 by Union Research staff and external research specialists, the manual aims to guide community researchers through various research processes. The updated manual is expected to be available in Spring 2005. Funding for this project is provided by Human Resources Development Canada and the Law Foundation of British Columbia.

Nutrifor Environmental Scan: Exploring Hazardous Material Management and the Prevention of Contaminated Sites

The Chiefs' Council passed a resolution in October 2003 demanding the Greater Vancouver Regional District cease the application of Nutrifor (heat-treated human sewage used as fertilizer) in Nlaka'pamux territories until adequate studies and agreements regarding its use had been concluded. The Union secured funding to hold a community meeting and draft an environmental scan documenting academic and governmental studies and community members' concerns regarding Nutrifor for distribution to workshop participants and the Chiefs' Council.²⁰

²⁰ Union of BC Indian Chiefs, "Environmental Capacity Initiative," in *Union of BC Indian Chiefs Council Meeting, July 13-14, 2004* (Vancouver: Union of BC Indian Chiefs, 2004a).

Species at Risk Workshop: Species at Risk Act Capacity Building Initiative

The Union of BC Indian Chiefs held a one-day workshop to encourage awareness of the federal *Species at Risk Act* and its effect on Indian communities that have identified species at risk within their reserves and/or territories. The Union also distributed a survey to its member communities regarding the legislation.²¹

This workshop, along with the Nutrifor project, was funded through the Department of Indian Affairs' Environment Capacity Development Initiative (ECDI), a program directed at Indian and Inuit communities to "promote environmental stewardship in a manner that is consistent with the principles of sustainable development."²² The Union had also requested ECDI funding to hold community workshops on Aboriginal Title and Rights, oil and gas development and aquaculture—all were rejected by the Department of Indian Affairs.²³

Currently, the ability of the Union of BC Indian Chiefs to achieve its goals is hampered by the indirect and direct control exerted on the organization by the Canadian government, particularly through the Department of Indian Affairs. Indirect control is exerted through the Union membership, which is comprised of *Indian Act* Chiefs and Council, while direct control comes through fiscal arrangements with governments. This is the current reality, and has been throughout the history of the Union. This combination of indirect and direct rule results in a significant gap between what the Union wants to do (its mission) and what it is required to do (its day-to-day actions). The ability of the Union to close the gap

²¹ Ibid.

²² Canada, *Environment Capacity Development Initiative* [Webpage] (Department of Indian and Northern Affairs, 2004a); available from http://www.ainc-inac.gc.ca/ps/lts/nelts/enrd/ecdi_e.html.

²³ Union of BC Indian Chiefs, "Environmental Capacity Initiative."

between its words and actions has varied throughout its history; and its effectiveness has fluctuated accordingly.

UBCIC HISTORY

1969-1975 From United Front to 'Brown Bureaucracy'

In June 1969, Prime Minister Pierre Trudeau and the Minister of Indian Affairs, Jean Chrétien, released *A Statement of the Government of Canada on Indian Policy*, a policy of aggressive assimilation that aimed to do away with the *Indian Act*. In doing so, the government hoped to dissolve Indian reserves, Indian Status and the Department of Indian Affairs. Quickly dubbed “The White Paper,” the proposal and the duplicity in which it arose²⁴ became a mobilizing force among Indian people. Many Indian leaders feared the unilateral elimination of the *Indian Act* would remove the limited protection that Indian Status and Indian Reserves provided for Indigenous peoples and their lands and quickly organized in protest across Canada.

In November 1969, 144 delegates representing Indian Bands from all regions in British Columbia gathered at the Kamloops Indian Residential School to discuss the proposed Indian policy. By the end of the 5-day meeting, this unprecedented assembly resolved to form the Union of BC Indian Chiefs, giving rise to a new generation of Indian political organizing in British Columbia.

²⁴ See Sally M. Weaver, *Making Canadian Indian Policy: The Hidden Agenda 1968-1970* (Toronto: University of Toronto Press, 1981).

The main concern among the assembly was the effect the White Paper would have on their political and territorial rights, which had never been recognized by Canada. By 1969, Indigenous people in BC had been resisting assimilation and dispossession for over one hundred years, including several attempts to organize at a province-wide scale.²⁵ It is not surprising then that the main topics at the Kamloops meeting were unity and Aboriginal Title.

Chaired by George Manuel and Gus Gottfriedson, both prominent leaders and veterans of recent attempts at province-wide unity,²⁶ the inaugural BC Chiefs' assembly resolved to "speak with one voice on the question of Indian status, land claims, claims based on Aboriginal Title, the administration of Reserve Lands, and similar questions of general application to us as Indians throughout British Columbia."²⁷ In order to do so, the assembly worked to establish a "United Front" to represent the Indian people of BC.²⁸ The following evening, Kamloops mayor, Peter Wing, a member of the Union of BC Municipalities, congratulated the delegates for their "great achievement on the union of BC Indian Chiefs."²⁹ The next morning, the assembly announced that the new organization would be called the Union of BC Indian Chiefs.

²⁵ See Tennant, *Aboriginal Peoples and Politics*.

²⁶ *Ibid*, 125-138.

²⁷ Union of BC Indian Chiefs, *Indian Chiefs of British Columbia Conference: November 17-22, 1969* (Kamloops: Union of BC Indian Chiefs, 1969a).

²⁸ Tennant, *Aboriginal Peoples and Politics*, 134. Tennant notes that the former DIA Minister, Arthur Laing had agreed to negotiate claims with BC Indian leaders on the condition they represented at least 75% of the Indian people in BC.

²⁹ Union of BC Indian Chiefs, "Minutes of November 22, 1969," in *Indian Chiefs of British Columbia Conference, November 17-22, 1969* (Kamloops: Union of BC Indian Chiefs, 1969b).

The Union would operate on a five-point policy to ensure that it represented the Indian people of BC while maintaining a policy of non-interference in the internal politics of Band Councils or other Indian organizations. In particular, the Union would: “1) ...not interfere in any way with individual Band business 2) ...promote legislation helping Indian people 3) ...deal with policies that affect BC Indians as a whole 4) ...not interfere with Indian Organizations [and] 5)...promote the interest and welfare of the Indian people in BC.”³⁰ It was decided that the Union would meet annually at a General Assembly where Indian bands and organizations could present resolutions for consideration. A 12-member Chiefs’ Council was appointed based on the existing DIA Indian Agency structure. An executive committee would be appointed from the Chiefs’ Council. Lastly, a small staff and select contractors would be employed by the Union.³¹

According to the original vision of the organization, the Union would generate funds solely from provincial and federal grants. Initially, the Union subsisted on the federal “Per Capita Grant” (\$1.00 per Status Indian) disbursed annually for the operation of Indian organizations. There were also extra funds available for meetings to establish the new organization. DIA assured the Union that “the only string attached was that the Government wanted a guarantee that the organization was operating with the support of the

³⁰ Union of BC Indian Chiefs, *1969 Conference*.

³¹ *Ibid.*

Indians in their Province.”³² Later, the Union also accessed DIA program funding and Department of the Secretary of State (DSS) Core funding.³³

The mandate of the Union was two-fold: 1) to prepare a counterproposal to the White Paper and 2) to formulate a BC Land Claim to be filed on behalf of all the Indian people in BC. This mandate was to be carried out with the assistance of lawyer and former Minister of Justice, E. Davie Fulton. Fulton had recently returned to Kamloops to practice law after Trudeau’s Liberals defeated the Progressive Conservative government, in which Fulton had served in Cabinet for over a decade. Fulton was also contracted to draft the Union’s constitution and Land Claim proposal. Fulton carried out these tasks with the assistance of Kwakwaka’wakw student, Bill Wilson.³⁴

Fulton presented the counterproposal, *A Declaration of Indian Rights: The BC Indian Position Paper* at the second General Assembly in 1970.³⁵ The 39-page proposal, grounded solely in Canadian political and legal ideology, attempted to counter Trudeau’s assimilation agenda with an emphasis on cultural pluralism, aboriginal rights and *Indian Act* wardship under the guise of self-determination. Drawing on the “Citizens Plus” ideology advocated H.B. Hawthorn,³⁶ Fulton demanded “the right to determine our own destiny without

³² Ibid.

³³ DSS Core funding was disbursed to ethnic communities for the establishment and operation of political organizations. In BC, Core funding was allocated to only one Status Indian organization (the Union) and one “Non-Status Indian” organization (BC Association of Non-Status Indians—BCANSI).

³⁴ Tennant, *Aboriginal Peoples and Politics*, 156-157.

³⁵ Union of BC Indian Chiefs, “A Declaration of Indian Rights: The BC Indian Position Paper,” (Vancouver: Union of BC Indian Chiefs, 1970a). Also known as “The Brown Paper.”

³⁶ Hawthorn surveyed Indian socio-economic needs and policies for DIA in 1966. Identifying Indians as a disadvantaged group of the Canadian population, Hawthorn rejected assimilation as a solution to the problem, instead advocating the idea of Indians as “Citizens Plus”—Canadian citizens with special rights and policies to help alleviate their disadvantage and encourage migration into the cities and the mainstream labour force.

jeopardizing our aboriginal rights and our special relationship with the Federal government.”³⁷

First, the Declaration placed responsibility over Indian people in the hands of the “two senior governments,” who were to take up their obligations and assert the necessary jurisdiction to provide the economic and social conditions that would allow Indian people to flourish. Next, a revised *Indian Act*, along with special policies, legislation and/or constitutional changes would be implemented to “reverse the present paternalism,” while at the same time governing all aspects of Indian life including, identity, legal status, civil rights, culture, land, governance, education, social and family services, health and welfare, and economic development. Indian Band Councils would implement these government policies and programs through delegated authority.³⁸ Despite its inherent contradictions, the Declaration was adopted in principle by the 1970 Assembly. Though it was abandoned in 1972,³⁹ Fulton remained the Union’s legal counsel and the underlying premise of the Declaration and the *Citizens Plus* ideology⁴⁰ continue to inform the philosophy of the Union.

In March 1971, Chrétien formally withdrew the White Paper.⁴¹ Soon after, the Union adopted the constitution drafted by Fulton and Wilson, and incorporated under the BC *Societies Act*. The constitution followed specific organizational and governance guidelines,

³⁷ Union of BC Indian Chiefs, "BC Indian Position Paper," 3.

³⁸ Ibid, 10-39.

³⁹ Diana Recalma, "Chiefs' Parley in November Requires Sharp Reassessment," *Native Voice*, September 1973.

⁴⁰ See also, Alan C. Cairns, *Citizens Plus: Aboriginal Peoples and the Canadian State* (Vancouver: University of British Columbia Press, 2000).

including by-laws that defined membership. Membership in the Union has been a contentious issue since the organization's inception. Some believed that the Union membership should consist of all Indigenous people in BC while others believed that the Chiefs and Councils could effectively represent the people. In 1970, after considerable debate and questionable legal opinion,⁴² it was agreed that the Union membership should consist primarily of Indian Chiefs, who in 1971, were defined as the elected or hereditary leaders of registered Indian Bands.

After completing the Union's constitution, Fulton and Wilson drafted the Union's BC Land Claim for submission to Prime Minister Trudeau. The *Submission To The Prime Minister And Government Of Canada By The Union Of British Columbia Indian Chiefs As To The Claim Based On Native Title To The Lands Now Forming British Columbia And The Waters Contained Therein Or Adjacent Thereto* was based solely on the recognition of pre-existing Aboriginal Title and compensation for its loss:

The claim is advanced on the basis that the Indians of British Columbia had native or Aboriginal Title, that they have been deprived of the use and benefits of this title, in the great majority of cases without their consent, and that compensation is due to the Indians as a people accordingly.

⁴¹ Jean Chrétien, "The Unfinished Tapestry: Indian Policy in Canada, Speech Given by Jean Chrétien at Queen's University, Kingston Ontario," (Ottawa: Department of Indian Affairs, 1971).

⁴² After a decision had been made to open membership to all Indian people in BC, Fulton incorrectly advised the 1970 Assembly that the organization could not incorporate under the BC *Societies Act* if membership was open to all Indian people of BC. See Union of BC Indian Chiefs, "Minutes: Union of BC Indian Chiefs Second Annual Convention, November 16-21, 1970," (Vancouver: Union of BC Indian Chiefs, 1970b).

The claim here does not deal with the question of whether native title still exists. ...The Claim here is primarily for compensation, not restitution or a declaration of present title.⁴³

The Union Land Claim accepted the *de facto* loss of Indigenous territories and rights to those territories as a final and irreversible act that required only payment to achieve justice:

With respect to land...since it is not practical now to talk of restoring these rights, compensation for what has been taken is the only just and equitable course.⁴⁴

Drawing on Imperial and Canadian law, the Claim also endorsed the narrow view that “Aboriginal Title is based upon use and occupancy and is defined in Canada as being ‘a personal and usufructuary right.’”⁴⁵ Thus, the Union Land Claim supported the view that title to the land ultimately belonged to the Crown.

At the previous General Assembly, Chief Charles of Musqueam had voiced his concern “regarding the term ‘usufructuary rights,’ because [he] felt that the term was for the benefit of the white people only.”⁴⁶ Fulton assured Charles, “The courts used this word to define the benefits and attributes of Indian title...the term meant the Indians had absolute control and possession of their land with one limitation; the transfer of title is forbidden.” After further discussion, Musqueam requested that the submission be written “in words that the Indian people understand.” There was no response and Fulton moved to have the Aboriginal Title position paper approved and appended to the submission. The motion was

⁴³ Union of BC Indian Chiefs, "A Summary of the Nature, Background and Extent of the Claim Based on Native Title," (Vancouver: Union of BC Indian Chiefs, 1972).

⁴⁴ Ibid, 9.

⁴⁵ Ibid, 11.

carried⁴⁷ and the submission was presented to Prime Minister Trudeau in July 1972.⁴⁸ Canada ignored the proposal.

While Fulton and Wilson prepared the Union Land Claim, the Union executive took over the administration of DIA programs and services in BC. Accordingly, the Union budget and staff grew as the Union began to administer all Indian cultural, educational, economic, social, and communications programs and services in BC.⁴⁹ The move toward program and services delivery was a point of contention among the membership. Wilson inflamed the debate by condemning the Union executive for creating a “Brown Bureaucracy.”⁵⁰ The Union administrator attempted to defend the decision as a strategic move toward self-determination and independence:

As Bill [Wilson] said, we have been accused of creating bureaucracy. The only way we can ever achieve self-determination is to take over programs that are being administered by Indian Affairs now. To be an effective organization we have to become financially independent, to do this is by national publicity. We have to become known as the Union of BC Indian Chiefs across the Nation.⁵¹

By 1973, dissent overflowed Union ranks and its leaders were publicly criticized for authoritarian decision-making, deviating from the original mandate, failing to achieve the Union’s mandated goals, and taking over programs and funding that critics felt were the

⁴⁶ Union of BC Indian Chiefs, "Summary of Day Two of the 3rd Annual Convention of the Union of BC Indian Chiefs, November 17, 1971," in *Union of BC Indian Chiefs Third Annual General Assembly, November 16-19, 1971* (Victoria: Union of BC Indian Chiefs, 1971).

⁴⁷ Ibid.

⁴⁸ See Union of BC Indian Chiefs, "Claim Based on Native Title," *Nesika*, March 1973.

⁴⁹ Union of BC Indian Chiefs, "BC Indian Position Paper."

⁵⁰ Union of BC Indian Chiefs, "Minutes, 1970."

⁵¹ Ibid, 13.

domain of Band Councils and/or traditional leadership.⁵² The Nisga'a were the first to defect. Propelled by the lack of government response to the Union Land Claim and encouraged by the recent "Calder Case,"⁵³ in which the Supreme Court of Canada agreed that the Nisga'a held title to their land before BC was established, the Nisga'a turned away from the Union and focused on strengthening their own Land Claim.

Shortly after the Calder Case, Trudeau allowed negotiation of Comprehensive Claims for lands in which treaties did not exist and Specific Claims based on Indian Reserve lands, Trudeau then established the Office of Native Claims and disbursed additional funding for Land Claims research. In BC, the Union was the sole recipient of these funds.⁵⁴

1975 Rejection of Funds

By 1975, the Union was regarded as a bloated bureaucracy led by a small, self-interested elite that was unable and/or unwilling to achieve the goals that had been set out during the momentous first meeting. The discontent reached a climax at the 1975 General Assembly with the infamous 'rejection of funding.' During this Assembly, frustrations grew as the executive and a small number of delegates dominated the proceedings:

There's only about five of you guys talking about this stuff. ...There's very few speakers on these issues.... We need to talk about what we are going to do about land claims. ...And we need to have participation that includes more than the usual suspects (unidentified speaker).⁵⁵

⁵² See Recalma, "Chiefs' Parley."

⁵³ *Calder v. A.G. B.C.*, [1973] S.C.R. 313, [1973] 4 W.W.R. 1, 34 D.L.R. (3d) 145.

⁵⁴ Tennant, *Aboriginal Peoples and Politics*, 198.

⁵⁵ Union of BC Indian Chiefs, *Union of BC Indian Chiefs 7th General Assembly, Chilliwack, BC* (Vancouver: Union of BC Indian Chiefs Resource Centre, 1975c), Videorecording.

Soon, the Union executive was called to task for its authoritarian approach and emotions ran high. Meanwhile, the Assembly had received a telegram, in which George Manuel, President of the National Indian Brotherhood, had urged the Union to reject Core funding being offered by DIA to establish District or Tribal councils in BC. By the time Ed John (representing the Chiefs of the Lakes District) moved a motion to reject all Capital Project Funds on Reserves in addition to Core Funding, the executive had lost control of the meeting. Frustrated community members took over the microphones to sing, drum and present long, passionate oratory. Bill Wilson⁵⁶ moved to expand the motion to reject *all* government funding, to “get rid of DIA” and restore Indian independence, dignity and pride.⁵⁷

Several delegates stated that they would not support the motion until they had gotten approval from their people. These Chiefs were accused of perpetuating their people’s dependency and refusing to compromise their own positions of power. Soon, the lines were drawn: the Chiefs were with the Union or they were with DIA. Denis Alphonse, representing Cowichan, voiced his concerns, “we’re playing politics with people’s lives here. We need to talk about what’s going to happen after this resolution is passed.” Wilson dismissed Alphonse’s concerns, “regarding exactly what is done...we are finally saying we don’t care what DIA says anymore.” George Watts concurred, “We have a lot more to gain than we do to lose. ...The time has come; either you’re prepared or you’re not. It’s going to happen. This is a history-making thing if we can bring ourselves to that level.” He received

⁵⁶ As of 1972, Wilson no longer worked for the Union. He attended this meeting as a representative of the Kwagwiltz District Council.

⁵⁷ Union of BC Indian Chiefs, *1975 Assembly*.

a standing ovation.⁵⁸ Later, both Bill Wilson and George Watts (along with Philip Paul) were elected to the Union executive.

In the end, the motion passed—the Chiefs rejected funding from both governments on behalf of all Indian communities in BC. The Union promptly informed the governments of the resolution. Within weeks, the Union and all Band offices were shut down and all programs, services and social assistance offered to Band members were discontinued. George Manuel would later regard the rejection of funding, as “the last united stand Indian people in BC would take under the title of the UBCIC.”⁵⁹

The fallout from the rejection of funds nearly dissolved the Union. Indian communities were not prepared for the sudden termination of government funding. As a result, the Chiefs were facing hostility in their home communities. Meanwhile, Wilson issued a bulletin on behalf of the Union advising Indian people,

All money from the two governments (regardless of what department) must not be accepted from now on by individual Indian people, all of the Bands, all of the Districts, the Union and all other organizations in British Columbia. ... While we cannot police all of our people and prevent them from accepting government money, we must rely on each individual Indian person's conscience as to whether or not he or she is going to be part of the movement.⁶⁰

Wilson assured Indian people that the Union executive would continue to meet, travel, answer inquiries, and explain the “many implications and ramifications” of the rejection of funds. The bulletin urged those on welfare to “no longer accept these soul-destroying

⁵⁸ Ibid.

⁵⁹ Vera Manuel, "The History of the Union of BC Indian Chiefs: 20 Years of Struggle for Aboriginal Rights, Updated and Edited by Mildred Poplar, 1993," (Kamloops: Union of BC Indian Chiefs, 1983), 11-12.

handouts,” and recommended, “Those...who have something to offer must once again share as our people once did.” Wilson concluded that “community kitchens should be set up and sleeping accommodations provided. When executive committee members are in your area, they will be expecting to be fed and given a place to sleep. They will not be staying in hotels.”⁶¹ The Union produced no action plan or strategy to help build self-sufficiency, which was the desire expressed behind the rejection of funds.

Band Councils across BC flooded DIA with resolutions demanding a restoration of funds, declaring that the Union did not represent them. By the end of the year, funding had been restored to most communities and the Union had lost much of its membership. Within six months, Wilson remained the only executive member who had not resigned his position.⁶² The staff had been laid off, the office closed and meetings had failed to reach quorum, attended only by the Union’s most ardent supporters. Soon, the Union capitulated and funding was restored.⁶³

The Union had struggled to rebuild throughout 1976. However, it did not fully recover until George Manuel took over as its first president in April 1977.⁶⁴ Manuel had spent the last six years in Ottawa as president of the NIB, and was the president of the newly formed World

⁶⁰ Union of BC Indian Chiefs, "Bulletin Re: Rejection of Funding," (Vancouver: Union of BC Indian Chiefs, 1975a).

⁶¹ Ibid.

⁶² George Watts and Philip Paul had formerly resigned from the executive and were replaced by Don Moses in September 1975.

⁶³ Union of BC Indian Chiefs, "Summarized Minutes of the Fourth Special General Assembly of the Union of BC Indian Chiefs Held in Kamloops, BC on November 25, 26, 27, 1975," in *Union of BC Indian Chiefs Ninth General Assembly, 1977* (Prince George, BC: Union of BC Indian Chiefs, 1975b).

⁶⁴ Before 1977, the Union was governed by a three-member executive committee. After 1977, the Union executive consisted of a President and four regional Vice-Presidents. See Union of BC Indian Chiefs, "Minutes: Union of BC Indian Chiefs 9th General Assembly," in *Union of BC Indian Chiefs 9th General Assembly* (Prince George: Union of BC Indian Chiefs, 1977b).

Council of Indigenous People (WCIP).⁶⁵ Manuel brought with him vision, experience, political connections, and an ability to organize the grassroots people. Under Manuel's leadership, the Union was guided by a vision of community-based, Indian autonomy within a restructured Canadian federation.

1977-1981 Indian Government

George Manuel's first task as President was to rebuild the Union. Manuel drew on his political connections to restore and increase federal funding to the organization. Soon, the Union was the sole recipient of DIA, DSS and Land Claims research funding for Indians in BC. Meanwhile, several Tribal Councils throughout BC had been established and began drafting their own Land Claims. The Union now faced increasing competition with other Indian organizations for legitimacy and government funding. George Manuel attempted to restructure the Union to incorporate the emerging Tribal Councils.⁶⁶ He envisioned a new structure in which the Chiefs' Council would fall under the direction of both Tribal and Band Councils. It is unclear why this initiative was not implemented. However, it could be that growing factionalism and competition within BC Indian politics prevented further discussion.

After 1975, most of the Indian leadership in BC had abandoned the Union. Wilson now presided over the BC Association of Non-Status Indians (BCANSI),⁶⁷ George Watts concentrated on the Nuu-chah-nulth Tribal Council (NTC), while Delbert Guerin

⁶⁵ Established in 1975, WCIP was an international organization of Indigenous people who vowed to work toward self-determination. See World Council of Indigenous Peoples, *Declaration of Principles* [Webpage] (Fourth World Documentation Project, 1984); available from <http://www.cwis.org/fwdp/Resolutions/WCIP/wcip.txt>.

⁶⁶ Union of BC Indian Chiefs, "Chiefs' Organizational Plan to Be Submitted to the 9th General Assembly of Chiefs," (Vancouver: Union of BC Indian Chiefs, 1977a).

(Musqueam) and Joe Mathias (Squamish) formally withdrew from the Union (along with Sechelt, Sliammon, Homalco and Klahoose) and joined the Alliance of British Columbia Indian Bands (the Alliance).⁶⁸ With the exception of BCANSI, the primary goal of these organizations was to submit Comprehensive Claims for their respective territories. Despite the Union's loss of membership, its failure to incorporate Tribal Councils, and growing factionalism, Manuel convinced Ottawa that the organization still represented the majority of Indian people in BC. Federal funding flowed accordingly. By 1980, the Union received almost \$3 million annually and employed 80 staff.⁶⁹

Under George Manuel, the Union advocated and actively supported community-driven direct action. The Union was to assume two roles: 1) develop the concept of Indian Government and support Indian communities in the exercise of Aboriginal Rights and 2) respond to political crises and deflect government tactics.⁷⁰ This strategy proved effective in 1978, when the Union was able to support Indigenous people who were being harassed and arrested under new federal fishing regulations. Throughout 1977, the Union staff and executive had attended community meetings and held community workshops to discern Indian people's concerns. The Fishing portfolio was one of prominence despite the fact that

⁶⁷ A program and service delivery organization for Non-Status Indians later known as the United Native Nations (UNN).

⁶⁸ Union of BC Indian Chiefs, "Minutes, 1977."

⁶⁹ Union of BC Indian Chiefs, "Administration Annual Audit Report," in *Union of BC Indian Chiefs 12th General Assembly: Implementing Indian Government* (Vancouver: Union of BC Indian Chiefs, 1980a).

⁷⁰ George Manuel, "President's Report," in *Union of BC Indian Chiefs 11th General Assembly* (Vancouver: Union of BC Indian Chiefs, 1979b).

it “literally had no dollars.”⁷¹ When arrests of Indian fishers began in 1978, the Union was ready.

The Union responded with a multi-faceted political and legal strategy that aimed to empower Indian communities. First, the Union raised the profile of the fishing issue by creating a media frenzy. Manuel declared the Department of Fisheries and Oceans an enemy of the people and called attention to an “army” of young Indian people trained and ready to physically defend their rights.⁷² Next, the Union folded in a legal strategy, encouraging Indigenous people to exercise their fishing rights with the assurance that if arrested, the Union would provide them with legal representation.

By 1979, almost 50 Indigenous fishers had been very publicly arrested—of the 33 cases taken to court, 32 had been won. Another 15 cases were pending.⁷³ The “Fishing Wars” and the ensuing legal victories received extensive media coverage in BC.⁷⁴ These early successes solidified the Union’s long-standing relationship with lawyers, Louise Mandell and Leslie Pinder, and cemented the Union’s confidence in the ability of Canadian courts to protect Indian people and their rights.

George Manuel then took the issue of Indigenous peoples’ fishing rights and responsibilities to the International Conference on Fisheries sponsored by the Government of Mexico, where he placed the issue in a global context:

⁷¹ Union of BC Indian Chiefs, "Fishing Portfolio," in *Union of BC Indian Chiefs 11th General Assembly* (Vancouver: Union of BC Indian Chiefs, 1979).

⁷² Phillip Mills, "Army of B.C. Indians Ready to 'Defend' Native Rights," *The Province*, July 27, 1978.

⁷³ Union of BC Indian Chiefs, "Fishing Portfolio."

⁷⁴ James Spears, "Manuel Warns of Violence in Fight over Rights," *The Province*, July 26, 1978, 4.

The industrial states, developing states and the governments of indigenous peoples must re-examine their policies on growth, consumption and progress. Political states must at once recognize the right of indigenous peoples to exercise their permanent sovereignty over natural wealth and resources as an expression of the fundamental right to self-determination. Such international recognition of indigenous peoples and their governments will provide a sound basis for intergovernmental planning for the development and management of natural resources on a global scale.⁷⁵

At the same time, the Union connected Indigenous fishing rights to its Indian Government ideology. The underlying theme of Indian Government was Indian self-determination, and Land Claims were to “be approached from the new focus of Indian Government.”⁷⁶ Though the concept was presented and developed by the Union, its form and expression were to be determined by Indian people:

The priority of the Union of BC Indian Chiefs is the regeneration of Indian Government. But Indian Government does not lie in the hands of an organization. It lies in the hands of families, clans, Bands and every reserve community in British Columbia. It is the responsibility of the local people to study, learn and implement the kind of authority you want in your Indian Governments.⁷⁷

The concept of Indian Government endorsed self-determination, Indian nationalism and the *Indian Act* Band Council system. The Union’s vision of self-determination was a future in which Indigenous peoples would be recognized as a “founding nation,” equal to the English and the French through a restructuring of the Canadian federation. Indian Government was to be a means of implementing “socio-economic self-determination”

⁷⁵ George Manuel, *Indigenous Peoples Fishing Rights and Responsibilities* (Center For World Indigenous Studies, 1979a); available from <http://www.cwis.org/fwdp/International/wcipfish.txt>.

⁷⁶ Robert Manuel, "Indian Government Portfolio," in *Union of BC Indian Chiefs 11th General Assembly* (Vancouver: Union of BC Indian Chiefs, 1979).

⁷⁷ George Manuel, "Indian Government Workshop, Kamloops Indian Student Residence, March 11, 12, 13," in *Speeches by George Manuel, Part 3: 1977-1980* (Vancouver: Union of BC Indian Chiefs, 1978a).

through the existing political structures established by the *British North America Act* and the *Indian Act*.⁷⁸

In order to lobby the Canadian government for the implementation of Indian Government, the Union worked to develop a people's movement throughout BC. The Union invoked Indian nationalism as a galvanizing force and declared Indian people "the first founding nation of Canada."⁷⁹ The Union created a flag as a national symbol to represent Indian Country and fostered Indian pride through the promotion of Indigenous history, culture and values during workshops and Assemblies.⁸⁰ The Union also adopted the term Indian Sovereignty, drawing on the idea of pre-colonial "sovereign Indian Nations."⁸¹ Indian Sovereignty in this context meant "strong Indian governments on...Indian lands," which exercised control over Indian culture, education, lands and resources (on and off reserves).⁸² Ultimately, the Union advocated "a degree of sovereignty and authority to self-government, through...Band Councils (Indian Governments), within Canada."⁸³

Though George Manuel acknowledged the *Indian Act* was designed by Canada "for its own colonial conveniences," he advocated the Band Council as the vehicle for Indian

⁷⁸ George Manuel, "Speech to the United Fishermen and Allied Worker's Union General Assembly," in *Speeches by George Manuel, Part 3: 1977-1980* (Vancouver: Union of BC Indian Chiefs, 1978b), Union of BC Indian Chiefs, "Indian Government," (Vancouver: Union of BC Indian Chiefs, 1978).

⁷⁹ Manuel, "Indian Government Workshop."

⁸⁰ The Union flag is designed with a white circle in the centre, in which individual Bands could place the name of their reserve or Band insignia. This centre is surrounded by red arrows, signifying Indian peoples' determination and power to safeguard their homelands. The flag is still used by the Union today. See <http://www.ubcic.bc.ca/flag.htm>.

⁸¹ George Manuel, "Indian Sovereignty: The Indian Bible of British Columbia," (Vancouver: Union of BC Indian Chiefs, 1977).

⁸² Ibid, 2.

⁸³ Ibid, 1.

Government and the means through which Aboriginal Rights were to be exercised.⁸⁴ In doing so, he upheld the constitutional and colonial framework of Canada:

The framework for [Indian] Government already exists: Band Council government is set up under the Indian Act under the direct and legal authority of the [British North America] Act. ...It is not right to attack Indian Affairs before we have something to replace it. We have to develop our own government and our own government has to be our present Band Councils.⁸⁵

In order to entrench the concept of Indian Government in the Union mandate, the executive drafted the *Aboriginal Rights Position Paper*, which outlined the principles of Indian Government. The position paper articulated the official Union position, establishing a framework for “a just and equitable resolution of the Aboriginal Rights and Land Question in British Columbia.”⁸⁶

The *Aboriginal Rights Position Paper* rested on the principle that Aboriginal Rights could not be extinguished, terminated or sold. These rights included political and territorial rights subject to Canadian laws and limited to Indian Reserves. The hope was that both would be expanded to accommodate the needs of Indian people:

Aboriginal Rights means that we collectively, as Indian people have the right within the Canadian Constitution to govern through our own unique forms of Indian Government (Band Councils) an expanded version of our Indian Reserve Lands that has an adequate amount of associated resources and is large enough to provide for

⁸⁴ George Manuel, "Selected Notes from George Manuel's Presentation to the Lakes District Council, May 1, 1979," in *Speeches by George Manuel, Part 3: 1977-1980*, ed. Union of BC Indian Chiefs (Vancouver: Union of BC Indian Chiefs, 1979c), 4.

⁸⁵ Manuel, "President's Report, 1979."

⁸⁶ Manuel, "Indian Government Portfolio, 1979."

all the essential needs of all our people, who have been defined as our citizens or members through our Indian Governments.⁸⁷

The position paper set out “a framework in which Indian people can continue to exist as Indian people in Canada,” and specified five basic terms of reference. These include a right to Indian Government, which would be strengthened and expanded through the *British North America Act*, larger Indian Reserves, adequate and continuing access to lands and resources, and the transfer of 24 areas of exclusive Indian jurisdiction including citizenship, land, health, education, economy, and justice. The *Aboriginal Rights Position Paper* was formally adopted at the 1979 General Assembly.⁸⁸

While the Union was formulating the *Aboriginal Rights Position Paper*, its defectors were forming new alliances. Bill Wilson, George Watts, Joe Mathias and Delbert Guerin (Musqueam) had aligned with former Union vice-presidents Ray Jones (Gitksan) and Ernie Willie (Kwakiutl), as well as James Gosnell (Nisga’a Tribal Council) and Ed Newman (Native Brotherhood of BC) under the Alliance.⁸⁹ The Alliance now represented a strong alternative to the Union and solidified the growing factionalism within the Indian movement in BC. This factionalism was rooted in individual aspirations and egos, as well as philosophical differences regarding the shape and direction of Indian politics in BC. On one hand, the Union believed that Indian Government was the appropriate means to protect and advance Aboriginal Title and Rights. The Alliance on the other, believed that Land Claims were more appropriate.

⁸⁷ Manuel, "Speech to the United Fishermen and Allied Worker's Union General Assembly."

⁸⁸ Union of BC Indian Chiefs, *Constitution and by-Laws*.

⁸⁹ Tennant, *Aboriginal Peoples and Politics*, 197, Union of BC Indian Chiefs, "Minutes, 1977."

Advocates of Indian Government aspired to co-existence between Canada and Indian nations through expanded and exclusive Indian jurisdiction confirmed by the Canadian constitution and maintained through a sharing of resources. Continued and adequate access to land and resources was considered an Aboriginal Right that could not be surrendered, sold or extinguished. Conversely, advocates of Land Claims believe that co-existence will ensue once the dispute over land use and ownership in Indigenous territories is settled. Rather than continuing and shared access to land and resources, compensation would be paid to Indigenous peoples for any surrender of their territories.

Not surprisingly, the primary criticism aimed at the Union by its detractors was its lack of movement on Land Claims. Wilson's 1972 Land Claim proposal had long been abandoned by the Union and none were drafted in its place. In 1978, Wilson organized an "All-Tribes Forum" to gain support for the redistribution of DIA funding in BC, which would enable Tribal and Band Councils to draft their own Land Claims:

[W]e do not require huge bureaucracies at the Provincial level, but require basic organization and education at the Tribal or community level in order to deal properly with the question of Aboriginal Rights and Land Claims.⁹⁰

In 1980, Union detractors (including the Alliance) merged under the Aboriginal Council of BC (AbCo). AbCo was established by the Department of Indian Affairs to facilitate the development of Tribal Councils and Comprehensive Land Claims in BC. AbCo supporters publicly denounced the Union's direction and its community mobilization approach:

⁹⁰ All Tribes Council, "Aboriginal Council of British Columbia: A Proposal," in *Aboriginal Rights and Land Claims Revival* (Prince George, BC: First All Tribal Councils/Groups and Indian Organizations Meeting, 1978).

The groundwork for the aboriginal council was laid in 1977 when three smaller groups, dissatisfied with the direction they saw the Union taking, set out to form a new organization having native land claims and Aboriginal Rights as its focus.

Council executive member Delbert Guerin, an Alliance member, said the council eschewed the confrontational and militant approach adopted by the UBCIC in favour of negotiation.⁹¹

Union members considered AbCo a divisive tactic on behalf of Indian Affairs, which capitalized on the growing ideological rifts among the Indian leadership in BC:

The 'Aboriginal Rights Council' meeting...is a colonial tactic to divide and conquer. If you look at the 'Aboriginal Rights Council' Conference, their philosophy is—they want to be equal and they want to sell out their rights. We are here to discuss how we can strengthen our rights as a people. There are two different philosophies in this province and we have to recognize that.⁹²

While AbCo supporters concentrated on formulating Comprehensive Claims for submission, the Union stood by its principle that Aboriginal Rights should not be bought, sold, surrendered or extinguished, "even for a hundred billion dollars," and refused to enter into the Comprehensive Claims process as long as the outcome required the extinguishment of Aboriginal Rights.⁹³ The Union did not hesitate to inform the others of their position:

I am totally against selling our Aboriginal Rights. I told the Nishgas at their convention that the only reason that you're talking about Aboriginal Rights now is because your forefathers had the wisdom not to compromise, not to sell out your Aboriginal Rights.⁹⁴

⁹¹ "New Alliance Gaining Support," *The Province*, November 29 1981.

⁹² Union of BC Indian Chiefs, *Minutes: Union of BC Indian Chiefs 13th Annual General Assembly, October 28-30, 1981* (Vancouver: Union of BC Indian Chiefs, 1981).

⁹³ Manuel, "Presentation to Lakes District, 1979."

⁹⁴ *Ibid.*, 4.

While AbCo drafted Land Claims, Union leaders continued to lobby Canada for the expansion of Indian governing powers within the Canadian constitution. Soon after Trudeau announced his intention to patriate the constitution, it became clear that there was no place in Canada for Indian nations. The Union quickly mobilized Indian people in an intense and costly battle to stop the patriation of the constitution.

1981 The Constitution Express

In October 1980, Trudeau intensified the drive to patriate the Canadian Constitution. Because there had been no mention of Indian people, Indian Government or Aboriginal Rights in the context of the new constitution, George Manuel believed that upon patriation, "Indian nations will be terminated swiftly and with a stroke of the pen!"⁹⁵ Within five weeks, the Union organized the "Constitution Express," in which two trains carried over 1000 people from BC to Ottawa to demand that Aboriginal Rights be included in the new constitution. After arriving in Ottawa, busloads headed to New York City to present their case to the United Nations.⁹⁶

To mobilize the people and engage the media, the Union again invoked Indian nationalism, this time emphasizing the distinction between Indian nations and the nations of Canada and Britain. The Union incorporated the concepts of treaty and nationhood as recognized by the Royal Proclamation of 1763.⁹⁷ Louise Mandell thoroughly explained the Proclamation to

⁹⁵ Union of BC Indian Chiefs, "Indian Nations and the Constitution," (Vancouver: Union of BC Indian Chiefs, 1980b).

⁹⁶ Peter McFarlane, *Brotherhood to Nationhood: George Manuel and the Making of the Modern Indian Movement* (Toronto: Between the Lines, 1993), 264-281.

⁹⁷ In 1763, Britain issued a Royal Proclamation to formalize their claims to North America. Identifying the lands of the west as reserved for the "Indian nations," Britain decreed that these territories were now under the "Sovereignty, Protection, and Dominion" of the Crown, and were to be surrendered solely to the Crown. This established the concept of Indian nations in a nation-to-nation relationship with the colonial governments under British sovereignty. Under British

the 1981 Assembly, emphasizing the idea of a legal relationship between Britain and Indian nations that could not be changed without Indian consent. This caused many to “rethink our ideas of Nationhood and our relationship with Canada.”⁹⁸

On April 17, 1982, Canada’s new constitution was proclaimed. The *Constitution Act, 1982* declared, “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.”⁹⁹ Aboriginal Rights were to be defined in a series of First Ministers’ Conferences throughout the 1980s. The Union refused to acknowledge this as a victory, noting that nothing had changed—there was still no place in the Canadian federation for Indian nations. Instead, Canada had claimed the right to define Aboriginal Rights, and would define them as they always have, contrary to the position of the Union:

By Aboriginal Rights, we mean that we are the founding nations of this country, that we have a right to an expanded land base and resource base to give us economic self-sufficiency, that we have a right to make our own decisions and retain control over: land management, environment, justice, religion, citizenship, communications, fishing, hunting, trapping, economic development, health, birds, marriage, air space, taxes, education, conservation, forests, minerals, oil and gas and wildlife, and that list is not limited.

When the government talks about Aboriginal Rights, it means no more than our cultural rights to perform Indian dances and songs, and to make bannock.¹⁰⁰

Sovereignty, Peace and Friendship treaty-making gave way to surrender treaties and the international character of the nation-to-nation relationships was erased.

⁹⁸ Mildred Poplar, "We Were Fighting for Nationhood Not Section 35," in *Box of Treasures or Empty Box? Twenty Years of Section 35*, ed. Ardith Walkem and Halie Bruce (Penticton: Theytus Books Ltd., 2003), 35.

⁹⁹ Canada, *Constitution Act, 1982* [Website] (Department of Justice, 1982); available from http://laws.justice.gc.ca/en/const/annex_e.html.

¹⁰⁰ George Manuel, "Indian Ideology: A Speech by George Manuel at the 6th Special General Assembly," in *Indian Survival State of Emergency: Special General Assembly, Union of B.C. Indian Chiefs* (Vancouver Indian Centre: Union of BC Indian Chiefs, 1981).

In the end, the passing of the *Constitution Act, 1982* quashed the Union's dreams of a Canadian federation in which Indians were recognized as founding nations equal in status to the British and the French. Still, George Manuel believed that the Union had "as an organization, developed the political sophistication to face our oppressors with courage and determination."¹⁰¹

Since 1977, the Union had been facing intense competition with former staff, executive and membership now associated with the Aboriginal Rights Council (AbCo). After the Constitution Express, DIA dissolved the Union monopoly on federal funding, reducing its share to 24 percent; the rest being distributed to Tribal Councils and other organizations under the umbrella of AbCo.¹⁰² Though the organization was heavily in debt after the Constitution Express, the Union refused to engage the issue, preferring to accept the financial loss and engage in fundraising rather than fight other Indian leaders,¹⁰³

I do not mind fighting government or white people, but I do not like fighting other Indian people no matter how much they fight me. [AbCo] is an all Indian organization except for Fred Walchli [DIA Regional Director General] who is the President. They are the ones who made a decision that money...should not go to the UBCIC. I am not going to fight because if I do I will be fighting Indians.¹⁰⁴

The Union also organized large community meetings to maintain its political momentum. The rise in community involvement in the Union was not met with parallel involvement from the Chiefs. George Manuel commented with some concern that while more than 1000

¹⁰¹ Ibid.

¹⁰² Tennant, *Aboriginal Peoples and Politics*, 198.

¹⁰³ The Union solicited donations from its membership and held a radio telethon to help pay for the Constitution Express. See Union of BC Indian Chiefs, *Minutes, 1981*, 104-118.

¹⁰⁴ Ibid.

people had attended a recent community forum in Kamloops to discuss the constitution, few Chiefs had shown up at the 1981 Assembly,

The Chiefs should not be threatened when the Band members are interested in an issue they cannot actively support or haven't got the time to support. ... We're doing something wrong when the people will turn up given the opportunity and the Chiefs will not turn up at the meeting such as this one to talk about the major issue. ... Perhaps the Band members are more afraid of losing their fishing rights, their hunting rights than the Chiefs are.¹⁰⁵

George Manuel stepped down as Union President during the 1981 Assembly. He had suffered a heart attack during the Constitution Express, and more recently suffered a stroke that had paralyzed him. Heavily indebted and lacking strong leadership, the Union soon lost its political momentum and the membership focused on local administrative concerns.¹⁰⁶

In 1983, the Chiefs' Council recommended the Union be dissolved.¹⁰⁷ Throughout 1982, Robert Manuel (George's son and successor as UBCIC President) had managed to reduce the organization's deficit, but believed that the Union's problems ran far deeper than financial:

As the years have gone by, we have gotten further away from a reasonable and appropriate framework within which we, the political leadership, can all comfortably and productively operate. I believe it is necessary at this time to reverse that direction and to build our institutions on Indian Government.¹⁰⁸

¹⁰⁵ Ibid.

¹⁰⁶ Union of BC Indian Chiefs, *Union of BC Indian Chiefs 14th Annual General Assembly, October 1982: Minutes of Proceedings* (Williams Lake: Union of BC Indian Chiefs, 1982).

¹⁰⁷ Union of BC Indian Chiefs, *Union of BC Indian Chiefs 15th Annual General Assembly* (Vancouver: Union of BC Indian Chiefs, 1983a), Tab J, Appendix A.

¹⁰⁸ Ibid, Tab J, Appendix B, Page 1.

Robert questioned the appropriateness of the organizational structure to implement Indian Government due to the lack of support and direction from the membership and an inability to counter the influence of Tribal Councils. Robert advocated “a flexible and responsive political vehicle within which Indian Government may naturally develop” and believed that “operating within the legalistic corporate framework impeded this development.”¹⁰⁹ However, the 1983 Assembly believed the Union was an important and necessary organization and voted against the motion to dissolve. Instead, the Assembly resolved to “determine, through debate, what direction this organization will pursue.”¹¹⁰ After the resolution was passed, Saul Terry was elected President and remained at this post until 1998. Rather than restructure, the Union transformed the concept of Indian Government and shifted its focus to Indian Sovereignty.

1983-1993 Indian Sovereignty

Throughout 1984, the Union revised its position to reflect the political and ideological developments generated by the Constitution Express. In 1985, the Union adopted the *Aboriginal Title and Rights Position Paper*, the four principles of which remain the guiding principles of the Union:

- 1) Recognition that we are the original people of this land;
- 2) Recognition that we have the right to choose and will determine the type of authority we wish to exercise through our Indian Governments;
- 3) Recognition that we have the right to exercise and will exercise the sufficient jurisdiction within our traditional tribal territories

¹⁰⁹ Ibid.

¹¹⁰ Union of BC Indian Chiefs, *Union of BC Indian Chiefs 15th Annual General Assembly, October 1983: Minutes of Proceedings* (Vancouver: Union of BC Indian Chiefs, 1983b).

to maintain our sacred connection to Mother Earth through management and conservation of the resources and the use of the resources necessary for the economic survival and well-being of our citizens;

- 4) Recognition that it is only through a process of informed consent that our territory, its resources, or our governing authority over our lands and our people may be shared.¹¹¹

This position paper superseded the 1978 *Aboriginal Rights Position Paper*, and reflected a shift in focus from Indian Government to a “Sovereign position on Title and Nationhood.”¹¹² The Union’s Sovereign position stands on the belief that Indian Government is rooted in the relationship between the people, land and Creator. Certain rights and responsibilities given to Indigenous people by Creator are inherent to Indigenous people and constitute Indian Sovereignty and Nationhood:

We as Indian people have the right to maintain our sacred connection to Mother Earth by governing our territories through our own forms of Indian Government. Our Nations have a natural and rightful place within the family of nations of the world.¹¹³

This Sovereign ideology reflected a progression from the Union’s vision of establishing a separate order of government within the Canadian constitutional framework toward the establishment of nation-to-nation governance in an international context.¹¹⁴ However, this position is tempered by its grounding in the Canadian legal framework and the implicit acceptance of Crown sovereignty and ownership over Indigenous nations and their territories. In particular, the *Aboriginal Title and Rights Position Paper* upholds the Royal

¹¹¹ Union of BC Indian Chiefs, "Aboriginal Title and Rights Position Paper Ratified at the 17th General Assembly," (Vancouver: Union of BC Indian Chiefs, 1986).

¹¹² Union of BC Indian Chiefs, *Self-Determination of Our Indian Nations: Conference on Indian Self-Government* (Vancouver: Union of BC Indian Chiefs, 1984).

¹¹³ *Ibid.*

Proclamation of 1763 as a confirmation of the nation-to-nation relationship between Canada and Indian nations and declares that the Crown's fiduciary responsibility obligates Canada to "lead Indian Nations to independence and self-determination through a process of decolonization."¹¹⁵

The Union continued to lose membership throughout the 1980s as the influence and activity of Tribal Councils grew. By 1987, several Tribal and Band Councils had submitted Comprehensive Claims, and it became clear that those who remained with the Union did not intend to submit such Claims.¹¹⁶ The Union had reaffirmed its position that Aboriginal Rights could not be extinguished or sold in the *Aboriginal Title and Rights Position Paper* and refused to submit or endorse Comprehensive Claims. Instead, the Union focused on self-government and the international arena, while the Tribal Councils and others focused on drafting, filing and advancing Land Claims.

By the end of the decade, AbCo had morphed into the First Nations Congress (the Congress),¹¹⁷ headed by Joe Mathias and Bill Wilson. Having the support of a majority of the Tribal Councils, the Congress confidently claimed to represent all Indian people in BC. The Congress met with senior executives of BC's largest fishing, forestry, and mining companies to inform them about Land Claims and to pressure the province into

¹¹⁴ Union of BC Indian Chiefs, *Sovereignty Is Nationhood: Union of BC Indian Chiefs' 17th Annual General Assembly, October 22, 23, 24, 1985* (Vancouver: Union of BC Indian Chiefs, 1985).

¹¹⁵ Union of BC Indian Chiefs, "Title and Rights Position Paper."

¹¹⁶ Tennant, *Aboriginal Peoples and Politics*, 206.

¹¹⁷ According to the First Nations Congress, "First Nation" indicated an Indian Band, a tribal council or a UNN Local. See *Ibid.* Today, the term First Nation usually refers to registered Indian Bands, Tribal Councils or a combination of these.

negotiations.¹¹⁸ Pressure to settle Land Claims in BC had been growing throughout the 1980s. Having laid formal claim to their territories, several communities erected blockades¹¹⁹ and sought court injunctions to prevent resource extraction in their territories until their Claims had been settled. As the courts filled up with these and other Aboriginal Title and Rights cases, the Union acted as an intervener in several cases, including *Guerin v. The Queen* (SCC, 1984), *Meares Island* (BCCA, 1985), *Sparrow* (SCC, 1990), and *Delgamuukw* (SCC, 1997),¹²⁰ but otherwise did not join forces with the Congress and its supporters.

The summer of 1990 saw a rash of blockades in BC in support of the Mohawk people in Kanehsatake who were engaged in an armed standoff with the Canadian state.¹²¹ Many of those engaged in blockades in BC connected the events at Kanehsatake to their own dispossession and oppression. While several Union communities had set up blockades, it is unclear whether the Union initiated or coordinated any of these actions. By December 1990, BC agreed to participate in Land Claims negotiations and signed an agreement with the First Nations Congress to establish a task force that would define the scope and the process of negotiations in BC.¹²²

The Union refused to participate in the task force. Instead, the Union submitted the *Draft Framework Treaty Proposal*, which set out the “principles and process of treaty-making

¹¹⁸ Ibid.

¹¹⁹ Nicholas Blomley, "Shut the Province Down": First Nations Blockades in British Columbia, 1984-1995," *BC Studies* 3 (1996).

¹²⁰ Union of BC Indian Chiefs, "The Union of B.C. Indian Chiefs: An Organizational Overview," (Vancouver: Union of BC Indian Chiefs, 1993b).

¹²¹ Blomley, "Shut the Province Down."

between Canada and the signatory First Nations in British Columbia.”¹²³ According to this proposal, negotiations would take place on the principle that Aboriginal Title and Rights continue to exist and would not be extinguished. Negotiations would centre on compensation and limitations on the exercise of Crown and Indian sovereignty and territorial control in the interest of co-existence and sharing. Treaties would be “living treaties,” subject to review every 15 years and would be constitutionally protected, international agreements. The Union treaty process would take place in “open, public treaty councils, as prescribed by the *Royal Proclamation of 1763*,” in which Canada, BC and Indian Nations would participate. All negotiations would be financed by Canada. The Union proposal was submitted to and ignored by Canada. Within months, the Task Force recommended a six-stage negotiation process open to all BC First Nations. In 1992, the BC Claims Task Force recommendations were adopted. Shortly after, British Columbia, Canada and the First Nations Congress established the First Nations Summit and the BC Treaty Commission.

The BC Treaty Commission established the six-stage BC Treaty Process. While BC and Canada agreed to share costs of negotiation and settlement, the First Nations Summit agreed on behalf of the Indian people of BC to accept loans for negotiation that would be paid back after settlement. Under the BC Treaty Process, settlement consists of Final Agreements that ensure “certainty...particularly concerning the ownership of and jurisdiction over land and resources.”¹²⁴ The Union equates certainty in this context to the

¹²² BC Claims Task Force, "Report of the British Columbia Claims Task Force," (Vancouver: 1991).

¹²³ Union of BC Indian Chiefs, *Draft Comprehensive Framework Treaty* (Vancouver: Union of BC Indian Chiefs, 1990).

¹²⁴ BC Claims Task Force, "Report, 1991," 28.

extinguishment of Aboriginal Title and Rights. Indeed, BC and Canada negotiate on the premise that Indigenous territories in the province belong to the Crown, and offer 5% of these territories to Indian people for their use and occupancy. The outcome of negotiations would be a series of agreements that set out the terms in which this 5%, along with cash payment (minus the amount borrowed for negotiation) for the remaining 95% would be distributed among the First Nations of BC.¹²⁵ The Union adamantly opposes these terms of negotiation and remains the principal opponent of the BC Treaty Process.

1993-2004 The BC Treaty Process

Though the Union continued to lose membership throughout the 1990s as more Bands entered the BC Treaty Process, the organization found a political niche as the voice of resistance to the Treaty Process and its drive for certainty. In 1993, the province agreed to establish a Joint Policy Council (JPC) with the Union as an alternative to the Treaty Process. The JPC engaged in negotiations regarding provincial policies affecting Indian people, including lands and resources, health and welfare, and education.

The JPC mandate focused on provincial policies involving Indian people “without undermining the nation-to-nation relationship between Indian Nations¹²⁶ and the government of Canada.”¹²⁷ Instead, it focused on building a government-to-government relationship between First Nations and BC. The Union viewed the JPC “as an opportunity

¹²⁵ See Taiaiake Alfred, *Deconstructing the British Columbia Treaty Process* [Portable Document Format] (2001); available from <http://www.taiaiake.com/pdf/bctc.pdf>.

¹²⁶ Indian Nation is defined as a “tribal Nation governing body within a traditional territory in BC that has been mandated by its citizens to enter into policy discussions on their behalf with the Government of British Columbia.” See, British Columbia and Union of BC Indian Chiefs, “Memorandum of Understanding: Respecting the Establishment of a Government-to-Government Relationship between the Indian Nations Comprising the Union of BC Indian Chiefs and the Government of British Columbia,” in *Tribute to Our Founders, Celebrating 25 Years' of Indian Leadership: UBCIC 25th Annual General Assembly* (Vancouver: Union of BC Indian Chiefs, 1993).

to build an ‘exit door’ for the Province to vacate fields of jurisdiction that properly belong to our First Nations and the Federal Government.”¹²⁸ The fundamental restructuring of the relationship between Indian peoples and the Canadian state based on co-existence and sharing that the Union had demanded through Indian Government and Indian Sovereignty was no longer in demand. Instead, the Union engaged in negotiations for delegated authority over certain areas, including First Nation education, children and families, heritage, health and justice.¹²⁹ In addition to these policy tables, the JPC was responsible for developing principles for treaty-making, establishing the Institute of Indigenous Government and examining provincial forestry and environment policies. After ten years, the JPC was dissolved by the new BC Liberal government, and replaced with the current *Strategic Approaches to Accommodation Policy*.¹³⁰

Under the *Strategic Approaches to Accommodation Policy*, BC endeavors to enter into “Accommodation Agreements” with Indian Bands. Within the Treaty Process, BC views these agreements as ‘interim measures.’¹³¹ For those outside the Treaty Process, they are touted as alternatives to the Treaty Process. Upon entering these agreements, Bands agree not to sue the government or engage in any political action that would challenge the infringement of Aboriginal Title or Rights in exchange for access to limited timber and revenue-sharing in their territories,

¹²⁷ Union of BC Indian Chiefs, *Joint Policy Council* [Webpage] (2004b); available from <http://www.ubcic.bc.ca/jpc.htm>.

¹²⁸ Union of BC Indian Chiefs, "UBCIC-BC Cabinet Joint Policy Council," in *Tribute to Our Founders, Celebrating 25 Years' of Indian Leadership: UBCIC 25th Annual General Assembly* (Vancouver: Union of BC Indian Chiefs, 1993a).

¹²⁹ *Ibid.*

¹³⁰ British Columbia, *Strategic Policy Approaches to Accommodation* [Portable Document Format] (Ministry of Forests, 2003); available from http://www.for.gov.bc.ca/haa/Docs/Accommodation_Policy_final_draft_10.pdf.

¹³¹ See BC Claims Task Force, "Report, 1991," 84.

Instead of extinguishment, which it sort of is, are these new agreements where indigenous people are going to be asked to put their title into hibernation and put it to sleep for period of twenty years.¹³²

In this manner, BC hopes to secure certainty from Bands outside the BC Treaty Process. Despite this warning, several Union members signed these Agreements throughout 2003-2004.¹³³

The provincial government poses a challenge for Indigenous people in BC as they usher in a “New Era” of privatization and a drive for certainty based on the extinguishment of Aboriginal Title and the transfer of Indigenous territories into private ownership. To meet this challenge, the Union has been working to bridge the polarization of the Indian leadership and has been a driving force behind the Title and Rights Alliance (TRA), in which it joins leaders from the First Nations Summit, Treaty 8 Tribal Association, Council of the Haida Nation, and Northwest Tribal Treaty Nations together to confront BC’s drive for certainty.

Since 1993, the Union has come to symbolize resistance to the BC Treaty Process. Over the years, due to its principled stand against extinguishment, the Union has maintained a reputation for contention and sometimes confrontation. In 2004, four Nuu-chah-nulth Bands—Ehattesaht, Hesquiaht, Nuchatlaht, and Tla-o-qui-aht—rejoined the Union after a 25-year absence.¹³⁴ It may be that after more than a decade of futile and frustrating

¹³² Union of BC Indian Chiefs, "Union of BC Indian Chiefs 33rd Annual General Assembly, October 30-November 1: Minutes (Verbatim)," (Vancouver: Union of BC Indian Chiefs, 2001), 24.

¹³³ British Columbia, *Agreements with First Nations* [Webpage] (Ministry of Forests Aboriginal Affairs Branch, 2004a); available from http://www.for.gov.bc.ca/haa/FN_Agreements.htm.

¹³⁴ The Nuu-chah-nulth Tribal Council is currently re-structuring to accommodate an internal division spurred by disagreement regarding impending Final Agreements under the BC Treaty Process.

negotiations within the BC Treaty Process, many Indian communities will once again look to the Union for leadership.

UBCIC SWOT ANALYSIS

Strategic thinking involves understanding what is happening inside an organization and what is happening in the external environment in which it operates. This helps identify the organization's capabilities and limitations in relation to its most critical issues. The framework for this examination is SWOT (Strengths, Weaknesses, Opportunities and Threats) Analysis, which focuses on the organization's most important strengths and weaknesses and the critical opportunities and threats it may experience while working towards its goals.

This framework has proven to be problematic in the context of the Union of BC Indian Chiefs. While the internal strengths are quite clear, often the line between internal weakness and external threats is blurred. It seems the same forces that threaten to destroy it from the outside also weaken it from the inside. These forces are: fiscal dependence/control and political factionalism/competition. This highlights the fact that in many ways, the Union is part of the very system it exists to overcome. Also, the line between opportunities and threats is highly contextual. Often, political opportunities arise during times of crisis. Thus, what may constitute a threat to the goal of protecting Indigenous territories provides an opportunity for unification and political mobilization.

UBCIC Strengths

Integrity

Today, the Union's greatest strength lies in its integrity. The Union's long history bestows the organization with a reputation among Indian people as one of principled leadership and contention. For thirty-five years, Indian political activists and leaders have worked with the Union. This creates a sense of connection between the organization and Indigenous communities, as current UBCIC President, Chief Stewart Phillip observes:

The one thing I noticed when I traveled around the province, it didn't matter where I was or whether there were communities currently involved in this organization or not. One thing was common in every place. As soon as I arrived, the people would come up to me, mostly older people, and either tell me the once worked for the Union or their community was once part of the Union. This organization has very deep roots.¹³⁵

The Union's active and pivotal role in the modern Indian rights movement, along with its principled stand against the surrender of Indigenous territories lends it a certain degree of integrity, credibility and legitimacy in the eyes of Indian people throughout BC.

This reputation enables the Union to attract employees who share the same values and desire to work towards justice for Indigenous people. Often, given their experience, credentials and level of formal education, Union staff and volunteers could obtain more secure, higher paying jobs elsewhere, but choose instead to work for the Union. This results in a high level of staff dedication to the organization and its goals.

¹³⁵ Union of BC Indian Chiefs, "2001 Minutes," 124.

Resources and Information

The Union subscribes to the notion that “knowledge is power.”¹³⁶ This idea holds true in an organizational context in that, “limited knowledge limit’s leaders’ ability to act.”¹³⁷ Over the years, the Union has worked to develop and maintain its Resource Centre, which has become an unrivalled collection of archival and circulating material relevant to Indigenous peoples and territories. This collection provides the Union with the ability to inform and educate themselves and others about many of the issues and challenges facing Indigenous people.

The wealth of information and skills offered by the Resource Centre and Union employees provides the organization with the capacity to act intelligently and strategically. Effective political organizations conduct research, analyze, theorize and strategize to increase understanding and overcome challenges. Presently, the Union has the infrastructure and human resources necessary to carry out these functions from a perspective that would allow the Union to formulate and achieve its goals in an informed and innovative manner.

The Union also offers an electronic news clipping service and has an extensive electronic network. Through this electronic network, the Union is able to gather and distribute information quickly. Together, the Resource Centre, Union staff and news clipping service enable the Union to analyze, inform, be informed and to organize political actions quickly and effectively, while providing opportunities for strategic partnerships and alliances with like-minded organizations and institutions.

¹³⁶ Union of BC Indian Chiefs, *UBCIC*.

Flexibility

Throughout its history, the Union of BC Indian Chiefs has demonstrated an ability to adapt and re-organize to meet changing demands. One reason for the Union's longevity is its willingness to reorganize or reprioritize to maximize opportunities and minimize threats. Over the years, the Union has faced various leadership, legitimacy and financial crises with a level of flexibility and innovation that has enabled the Union to maintain a principled stand against the surrender of Indigenous territories in a rapidly changing and often hostile political environment.

Threats & Weaknesses

Fiscal Control/Dependency

The formation of the Union of BC Indian Chiefs and the sudden mobilization of Indian people in BC was met not with state repression, but with state funding. By 1972, the annual budget of the Union had reached \$2 million.¹³⁸ While Tennant argues that Trudeau's policy of providing substantial funding to Indian political organizations gives "the impression of trying to make amends for the prohibition of political fundraising from 1927-1951," it is likely that he hoped to contain, control, and neutralize the threat that the mobilization and politicization of Indigenous people posed. Because the Chiefs aimed to represent people who were impoverished after generations of colonization, and thus unable to support the organization financially, the Union turned to the Canadian government and their offers of financial support. This established a relationship in which the Union is dependent upon the

¹³⁷ Raymond Breton, *The Governance of Ethnic Communities in Canada: Political Structures and Processes in Canada*, vol. 26, *Contributions in Ethnic Studies* (New York: Greenwood Press, 1991), 96.

¹³⁸ Tennant, *Aboriginal Peoples and Politics*, 165.

state for financial resources. Canada, in turn, is dependent upon the Union for maintaining an air of legitimacy, while containing Indigenous dissent.

When dealing with political mobilization, the Canadian state attempts to contain dissent in order to exert control and minimize its political and fiscal costs. In particular, the state will try to centralize atomized dissent by pressuring representatives to form a “united front” before considering their demands, and will often offer continuing financial support once such an organization exists.¹³⁹ In doing so, Canada only has to manage one point of conflict (as opposed to 144 disparate Indian communities, for example) and needs only to deal with one set of demands for redress and recognition, while keeping ideological disagreements and power struggles contained within the organization.¹⁴⁰ Having contained dissent, the state will then move to control it by determining its expression.

This certainly has been the case for the Union of BC Indian Chiefs. Canada consistently uses fiscal control as a primary means of determining the organization’s structure, governance and priorities. In doing so, Canada is able to predict, control and usually ignore, the demands issued by the Union. If the Union does burst forth with innovative strategies that speak to the people, Canada simply has to reduce funding to cripple the organization enough to eliminate the threat, as it did after the Constitution Express.

The Union formed in response to a deep sense of injustice and a willingness to act collectively for redress. However, beyond forming a united front, the BC Chiefs had yet to develop a clear vision of just what to do. As a result, the organization was easily co-opted

¹³⁹ Breton, *Governance of Ethnic Communities in Canada*, 56.

by the Department of Indian Affairs. Beginning with its coalescence of province-wide dissent into one central Indian Chiefs' organization under the *Societies Act*, through the days of program and service delivery, to the current situation in which only the most benign initiatives are put forth, rather than challenge the Department's authority over Indian people, the Union has become part of its structure.

Once part of the state structure, the organization is prevented from formulating innovative political structures that are grounded in Indigenous traditions, values and beliefs. Instead, Indian leaders are compelled to imitate and perpetuate the very structures of governance they oppose. Once leaders enter this arena, they must play a game in which their opponent holds the power to make, break and change the rules. This places Indian leaders at a significant strategic disadvantage that renders them virtually powerless.

Dependency on government also serves to neutralize the threat of political mobilization by disconnecting the leadership from the people, capturing leaders' allegiance, and framing the 'repertoire of contention,'¹⁴¹ thereby reducing the likelihood of political mobilization, and failing that, ensuring that mobilization will not seriously threaten the status quo.

Generally, the dependence on government funding and the creation of a "Brown Bureaucracy" reduces the time leaders spend in their communities and reorients their priorities from community participation and development to organizational maintenance,

¹⁴⁰ Ibid, 54-56.

¹⁴¹ The collective strategies and tactics people utilize when in conflict with others. See Sidney Tarrow, *Power in Movement: Social Movements and Contentious Politics*, 2nd ed. (Cambridge: Cambridge University Press, 1998).

no matter how large or small the bureaucracy.¹⁴² As organizations institutionalize, as they do once they accept government funding, they become less concerned with the needs of the people. This is due in part to the professionalization of leaders, who become experts, “accustomed to dispatching important business on [their] own responsibility...without any attempt to consult the rank and file.”¹⁴³ Though the 1975 rejection of funds is a memorable example of this dynamic, the disconnection between the Union and Indian people permeates the history of the Union, as does criticism for its inability to overcome this gap.

Once leaders become disconnected from the daily lives, wants and needs of the communities, it is a challenge for them to serve the interests of people and they are more likely to serve the interests of the organization and the government that controls it.¹⁴⁴

George Manuel recognized the difficulties this poses for Indian leaders,

Government makes an impossible situation for our people. Once you have accepted government funding like we within UBCIC, then you have to accept the fact that you have two masters. One is the people you represent and the other master is the government who gives the money.¹⁴⁵

These two masters rarely agree. Because strong Indigenous communities and organizations would challenge the legitimacy of the state, the Department of Indian Affairs has a deep interest in keeping Indian communities weak—surviving, but not thriving. The leadership is caught between the master who wants freedom and the master who wants to control.

¹⁴² Breton, *Governance of Ethnic Communities in Canada*, 78.

¹⁴³ Robert Michels, "Oligarchy," in *The Sociology of Organizations: Basic Studies*, ed. Oscar Grusky and George A. Miller (New York: Free Press, 1970).

¹⁴⁴ Breton, *Governance of Ethnic Communities in Canada*, 77-78.

¹⁴⁵ Manuel, "Indian Ideology."

Often, leaders will attempt to balance the demands of their two masters, resulting in a lifeless blend of liberation rhetoric and an unwillingness to mobilize against the state.

Occasionally, these challenges are temporarily overcome and mobilization occurs. However, since DIA ultimately determines the Union's political structure, governance and priorities, the strategies and tactics utilized are mildly disruptive at best. The Union's repertoire of contention consists of writing letters, issuing press releases, position papers and declarations, lobbying politicians, speaking publicly against government policy and engaging in legal analysis and intervention. Occasionally, the Union will encourage or support direct action and protest rallies. This repertoire has met with varying success throughout the years.

Rather than looking to Indigenous traditions, values, and beliefs, the Union turned to non-Indigenous traditions, values and experts for direction. Consequently, the Union has incorporated political structures, decision-making processes and ideologies that are "weak, contradictory and dangerous to the Indian position,"¹⁴⁶ This has not been without criticism or consequences. Indeed, the initial period of co-optation and incorporation (1969-1975) created a legitimacy crisis that ultimately led to the Union's near fatal collapse.

Political Division/Factionalism

Almost immediately after the formation of the Union of BC Chiefs in 1969, struggles over ideology, power and prestige intensified as they were being acted out in one arena. These struggles have resulted in intense competition for resources, legitimacy and active support

¹⁴⁶ Diana Recalma, "Personal Analysis of the BC Indian Position Paper," (Vancouver: Union of BC Indian Chiefs, 1971).

among the leadership, which in turn has resulted in extreme polarization and fragmentation within the Indian rights movement in BC.

Had the leadership been able to engage in political organizing without external control, perhaps a level of solidarity and accommodation could have been achieved. However, this was not the case and today there are two primary factions stemming from the original united front. On one side, there is a set of leaders whose principles and strategies are amenable to those of the governments; this faction has gained access to significant resources and legitimacy in the larger society. The Union on the other hand, represents a position that counters the goals of the state and therefore has become marginalized, and is often ignored or disparaged by governments in an attempt to delegitimize the Union's position.¹⁴⁷ This makes it difficult for the Union to influence government policies and garner widespread support.

In addition to inter-organizational conflict, the same dynamics create internal division and power struggles which plague the Union membership, creating instability that severely constrains the effectiveness of the organization. This vulnerability is manifest in the signing of Accommodation Agreements by Union members, which can be viewed as de facto extinguishment agreements. The signing of these agreements by Union members weakens the political position of the organization and represent an unprincipled compromise that threatens the integrity of the Union.

¹⁴⁷ BC Forestry Minister Mike DeJong was referring to the Union in 2004, "I think there are some first nations and some first nations leaders, unfortunately, who are mired in the old ways of confrontation." British Columbia, *Media Monitoring: Scrum, Mike DeJong, Minister of Forests, May 20, 2004* [Electronic Mail] (Ministry of Forests Communications, 2004b).

Opportunities

Currently, among Indian people, there is growing disillusionment with British Columbia's Treaty Process. Meanwhile, BC is preparing to host the 2010 Winter Olympics. A combination of the two provides significant opportunity for the Union of BC Indian Chiefs to bring people together in the effort to protect Indigenous territories.

After 11 years and over \$255 million borrowed, many BC Treaty negotiations have reached an impasse due to the governments' unwillingness to move from their "narrow and self-serving mandates...which routinely deviate from the [BC Claims Task Force's] 19 principles."¹⁴⁸ This disillusionment, coupled with BC's push for certainty may force people out of the Treaty Process as they feel pressure to sign Final Agreements they simply cannot accept. Similarly, as Final Agreements draw near and communities are asked to ratify the Agreements, the people may become politicized and look beyond their leadership for support and decisive, principled action. Thus, as Indigenous people are forced to consider the decision to forever surrender their territory to the Canadian state, more people may look toward the Union for leadership, support and direction. How the Union chooses to respond to these opportunities will determine whether the organization will remain a relevant and important voice in the Indigenous struggle for land and self-determination.

Another political opportunity brought forward by the 2010 Olympics is the worldwide attention that the event will bring to BC. Two main political opportunities presented are 1) the ability to generate international allies and support and 2) the reduction of the likelihood

¹⁴⁸ R.S. Ratner and Andrew Woolford, "Fragile Coalition: Aboriginal Politics and Treaty-Making in British Columbia," (Vancouver: University of British Columbia, 2004), 9.

of state repression, such as the military action leveled on the Mohawk warriors at Oka and the Gustafson Lake Defenders in BC. However, since “repression is a more likely fate for movements that demand fundamental changes and threaten elites than for groups that make modest demands,”¹⁴⁹ the degree of opportunity in this context is dependent upon how great a challenge the Union is prepared to level against the Canadian state.

CONCLUSION & RECOMMENDATIONS

The Union of BC Indian Chiefs’ primary goal is to protect and advance the political and territorial rights of Indigenous people, while establishing a just relationship among Indigenous and non-Indigenous peoples in the territories now occupied by British Columbia and Canada. Currently, the Union engages in political and legal advocacy that responds to member initiatives and government action or inaction. This strategy is developed and directed through infrequent Assemblies and Chiefs’ Council meetings, in which the membership is the primary decision-maker. As well, the Union engages in research and policy analysis, which is largely controlled by government programs and initiatives. Ultimately, this strategy fails to build on the organization’s strengths and does not work to minimize its weaknesses, nor does it enable the Union to effectively deal with political opportunities and challenges as they arise.

Throughout its history, the Union has attempted to achieve its goals through various political initiatives and strategies, all while formulating its ideology. Beginning with the formation of a united front in 1969, the Indian Chiefs of BC joined forces to draft a general

¹⁴⁹ Tarrow, *Power in Movement*.

Land Claim for all Indigenous territories in BC, while attempting to counter the Canadian government's assimilation agenda. During these formative years, the Union cemented its structures and governance in Canadian laws and political traditions. Soon, the Union had become an arm of the Department of Indian Affairs, focused on program and service delivery for Indian people in BC. This direction was widely rejected by Union membership and led to a passionate rejection of DIA and its influence over Indian communities.

The 1975 rejection of funds was a spontaneous and powerful reaction to the co-optation of the Union and marked the beginning of a period self-reflection and visioning on behalf of the organization. Though the 1975 Assembly had brought a vision of Indigenous independence, freedom and dignity to the Union, there was a distinct lack of community participation and development. During the Constitution Express, the Union was able to overcome this gap and generated a period of intense political mobilization and development that had profound and lasting effects.

After the Constitution Express, the Union's vision shifted away from Indian Government toward a vision of Indian Sovereignty. The idea of a domesticated Indian Nation comprised of *Indian Act* Band Councils, exercising expanded governing powers on expanded Indian Reserves within the framework of the Canadian federation had given way to a vision of internationally recognized Indian Nations co-existing alongside the Canadian federation. Unfortunately, this shift in focus was accompanied by a move away from community participation and politicization toward a strategy grounded solely in bureaucratic and legal tactics. In addition, the Union did not re-orient its structure or strategies to reflect its

ideological shift away from the Band Council system. As a result, the Union espoused visions of Indian nationhood while existing in relative obscurity for over a decade.

Throughout the evolution of its ideology, the Union maintained a strong and principled stand against the extinguishment of Aboriginal Rights, while other Indian leaders engaged in political activity that did not necessarily rest upon this principle. As the Union's competitors gained in political ascendancy, the Indian rights movement in BC became increasingly polarized, with the Union being pushed to the margins. From the margins, the Union became an outspoken opponent of the BC Treaty Process, which had been established by Canada and BC in collaboration with the Union's competitors. Here, the Union found a political niche in opposition to the extinguishment of Aboriginal Title and Rights. Since then, the Union has become synonymous with non-extinguishment and has thus maintained a level of integrity among Indigenous people. This has enabled the Union to confidently uphold its mission to protect and advance the rights of Indigenous people and establish a just relationship between peoples in these lands.

However, the Union's ability to act on these goals is impaired by its dependency on government funding, which is often used by the Canadian state to control the activities of the Union and its membership. In addition, the Union is constrained by factionalism within the Indian rights movement, as well as division within its membership that threaten the integrity of the organization. This results in a significant gap between what the Union says it does and what it actually does. The Union must address these critical issues in order to meet the political opportunities and challenges raised by BC's New Era, in which

Indigenous people are facing increasing pressure to surrender their territories to the state and to forever extinguish their rights to their territories.

The Union has several strengths that would enable it to protect and advance the rights of Indigenous peoples while working toward a just relationship among peoples in these lands. First, the Union must preserve its integrity by remaining strong on the principle of non-extinguishment. Only then could the Union build on its reputable history of principled contention and strengthen its existing roots in Indigenous communities. Second, the Resource Centre, news clipping service and its dedicated, capable and politically-engaged staff provide the necessary infrastructure and skills to carry out the Union's mission. Finally, the Union has always proven willing to restructure, reorganize and re-prioritize in order to protect the interests of the Indian people in BC. With these strengths and resources, the Union would be remiss if it failed to grasp the opportunities and face the challenges put forth by BC's New Era.

Over the next five-years, Indigenous communities in British Columbia will be facing great pressure to surrender their territories to the Canadian state. In order to face this challenge, the Union must mobilize its strengths, minimize its weaknesses and threats, while making the most of political opportunities. To do so, the Union must bridge the gap between what it says it does and what it actually does. It has been said, "Bureaucracy...sees to it that action, words and thoughts never meet. Action stays at the workplace, words in meetings, and thoughts on the pillow."¹⁵⁰ Perhaps, then, the key to addressing the critical issues facing

¹⁵⁰ Eduardo Galeano, "Celebration of the Marriage of Word and Deed," in *The Book of Embraces* (New York: W.W. Norton & Company, 1989).

the Union lies in connecting its words and actions, while lifting Indigenous thoughts from the pillow. To embark on this task, the Union of BC Indian Chiefs would benefit from a five-year strategic plan that aims to bridge the gap between words and actions and fosters thoughtful alternatives to the surrender of Indigenous territories, while working towards just co-existence among Indigenous and non-Indigenous peoples in these lands. The following recommendations aim to provide direction for such a strategic plan.

Recommendation 1: Open Membership

The Union is primarily an Indian Chiefs' organization. As such, it gives primacy to the Department of Indian Affairs' Chief and Council system of governance. During the formation of the Union and the drafting of its constitution, the Chiefs and their experts were confident that they could effectively represent Indian people. However, over the past 35 years it has become apparent that the struggle to protect Indigenous territories and advance Indigenous rights is a responsibility that the Indian Chiefs cannot carry on their own, nor should they be expected to.

Controlled by the *Indian Act* and fiscal arrangements, Band Chiefs and Councils are forced to comply with government-driven programs, policies and processes. This reality affects the perspectives, priorities and strategies that these Union members bring to the organization. Also, immersed in the administration of Indian Reserves and DIA programs on Reserves, the Union membership is limited in its ability and/or willingness to carry out the Union's mission. Often, the only involvement by Union membership is attendance at Annual General Assemblies and/or Chiefs' Council meetings. Here, the membership is required only to make political decisions; they are not required to uphold or implement the

decisions once resolutions have been passed. Lastly, by marginalizing hereditary chiefs and community members during discussion and decision-making, the ideological orientation of the Union remains firmly within the confines of the Department of Indian Affairs agenda.

In order to weaken the influence of the Department of Indian Affairs and invite innovation, the Union could restructure its membership criteria and privileges to include Indigenous people as well as Indian Chiefs. In doing so, the Union could act as a forum for generating dialogue, strategizing, and coordinating decisive action aimed at formulating alternatives to the surrender of Indigenous rights and building relationships and protocols for co-existence of all peoples in Indigenous territories.

Opening up the membership for the purposes of protecting and advancing Indigenous rights, while fostering a just relationship among peoples would require that the Union hold regular meetings, workshops, and conferences throughout the province. During the Constitution Express, the Union went into Indian communities to politicize and mobilize Indian people. Today, technological innovations enable the Union to maintain an extensive electronic network that exceeds the current membership and reaches Indigenous communities worldwide. A combination of physical presence in communities and the electronic network would enhance the Union's ability to attract a larger, more diverse membership. Developing a larger membership should coincide with a restructuring of membership fees in a manner that would help reduce fiscal dependency.

Recommendation 2: Develop a Communications Strategy

The Union of BC Indian Chiefs would benefit from a focused and incisive communication strategy. Through this strategy, the Union could develop and disseminate a clear, coherent message that serves to raise the profile of the organization, its vision, and its principles, while generating dialogue focused on finding alternatives to the surrender of Indigenous territories and the extinguishment of Indigenous rights. This would require the Union to revisit its mission, vision and guiding principles, which are fundamental to acting strategically, as well as engage in research and analysis that focuses on developing an alternative knowledge stream to the status quo, preferably grounded in Indigenous knowledges, understandings and beliefs.

Integral to a focused communication strategy would be the development of alternatives to the current thought structure regarding Indigenous people and their territories. Thus, during the development of its communication strategy, the Union should focus on shifting its message away from the concept of fiduciary responsibility and demands for recognition of Aboriginal Title and Rights. Today, the concepts of fiduciary responsibility, Aboriginal Title and Aboriginal Rights all rest upon the false assumption that Canada holds title to Indigenous territories and thus serve to perpetuate the colonial relationship that is marked by the assertion of Crown Sovereignty over Indigenous territories. These concepts clearly run counter to the protection and advancement of Indigenous rights and do not provide sound principles for a just and equitable relationship among peoples in these lands.

Recommendation 3: Establish Fundraising and Volunteer Programs

The Union of BC Indian Chiefs' activities are directly controlled through fiscal arrangements with federal and provincial governments, particularly through Project Funding. These arrangements determine the scope, content, and direction of Union activities. By funding only those initiatives that are amenable to government policies, while disqualifying those that are objectionable, governments are able to control many of the Union's activities. This is evident not only in EDCI and other project funding, but also in the Union's policy analysis and research portfolios.

The Union's policy analysis is focused solely on discussions regarding the implementation of provincial child, health and social services policies. Similarly, the Research Department is concerned primarily with Specific Claims Research in accordance with the 1982 *Native Claims Policy* developed and enforced by Canada. Rather than engage in research and policy analysis that would enable the Union to identify relevant and critical issues, overcome problems, and formulate solutions and strategies that reflect the organization's goals, the Union carries out research and analysis that ultimately serve the governments' agendas.

Most organizations orient their activities to meet the requirements of their benefactors or shareholders. As organizations such as the Union come to rely on government funding for their existence, they are distanced from their communities and membership, spending more time administering programs and policies and less time communicating with the people or

addressing their concerns.¹⁵¹ Undertaking fundraising and a volunteer program would help close this gap, as the Union’s financial dependence would shift away from the government toward its membership. In addition, the volunteer program would directly connect the Union with community members, as well as reduce the amount of financial resources required for administration and professional services.

The Union could look to develop annual sources of funding such as an annual “walk for reconciliation” on National Aboriginal Day, which would also increase its profile and membership, while encouraging co-existence and justice among Indigenous and non-Indigenous peoples in these lands. In addition to such annual events, the Union could adopt an organization-wide fundraising and volunteer placement strategy similar to that currently employed by the Resource Centre.

Recommendation 4: Build Strategic Alliances

The Union of BC Indian Chiefs’ current mission includes improving intertribal relationships and developing common strategies to protect Aboriginal Title. Prioritizing (and refocusing these objectives away from notions of Aboriginal Title) would facilitate the protection and advancement of Indigenous rights, while providing a strong basis for co-existence with non-Indigenous peoples—particularly if these relationships and strategies work to overcome the existing displacement and fragmentation of Indigenous communities and nations brought about by the *Indian Act* Band Council, the Indian Reserve system and other colonial structures and processes.

¹⁵¹ Breton, *Governance of Ethnic Communities in Canada*, 78-79.

The Union could mobilize its strengths to forge strategic alliances with Indigenous communities and organizations, as well as like-minded, non-Indigenous organizations throughout the Americas. The building of such alliances could work to overcome factionalism within the Indian rights movement, foster co-existence among peoples, and increase the likelihood of successfully challenging government and industry as they move to privatize and industrialize Indigenous territories.

First, the Union could continue on its present efforts to strengthen the Title and Rights Alliance through diplomacy and dialogue in a cooperative search for alternatives to the surrender of Indigenous territories and the extinguishment of Indigenous rights. Alliance-building within the Indian Rights movement would be facilitated by the Union's withdrawal from the historical competition for government funding, which would in turn increase its advantage in the competition for legitimacy. This would reduce the political ascendancy of the Union's competitors, levelling out the power imbalance, and lead to a degree of accommodation and solidarity within the movement.¹⁵²

The Union could also adopt an organization-wide partnership-building strategy similar to that currently employed by the Resource Centre. Drawing on its strengths in resource and information services, the Union could seek partnerships with like-minded organizations, institutions and individuals that would facilitate sharing of resources and information and a move away from dependency on government funding. In addition to partnerships, the Union should carefully consider engaging with non-Indigenous allies in order to develop and implement strategies of resistance and just co-existence.

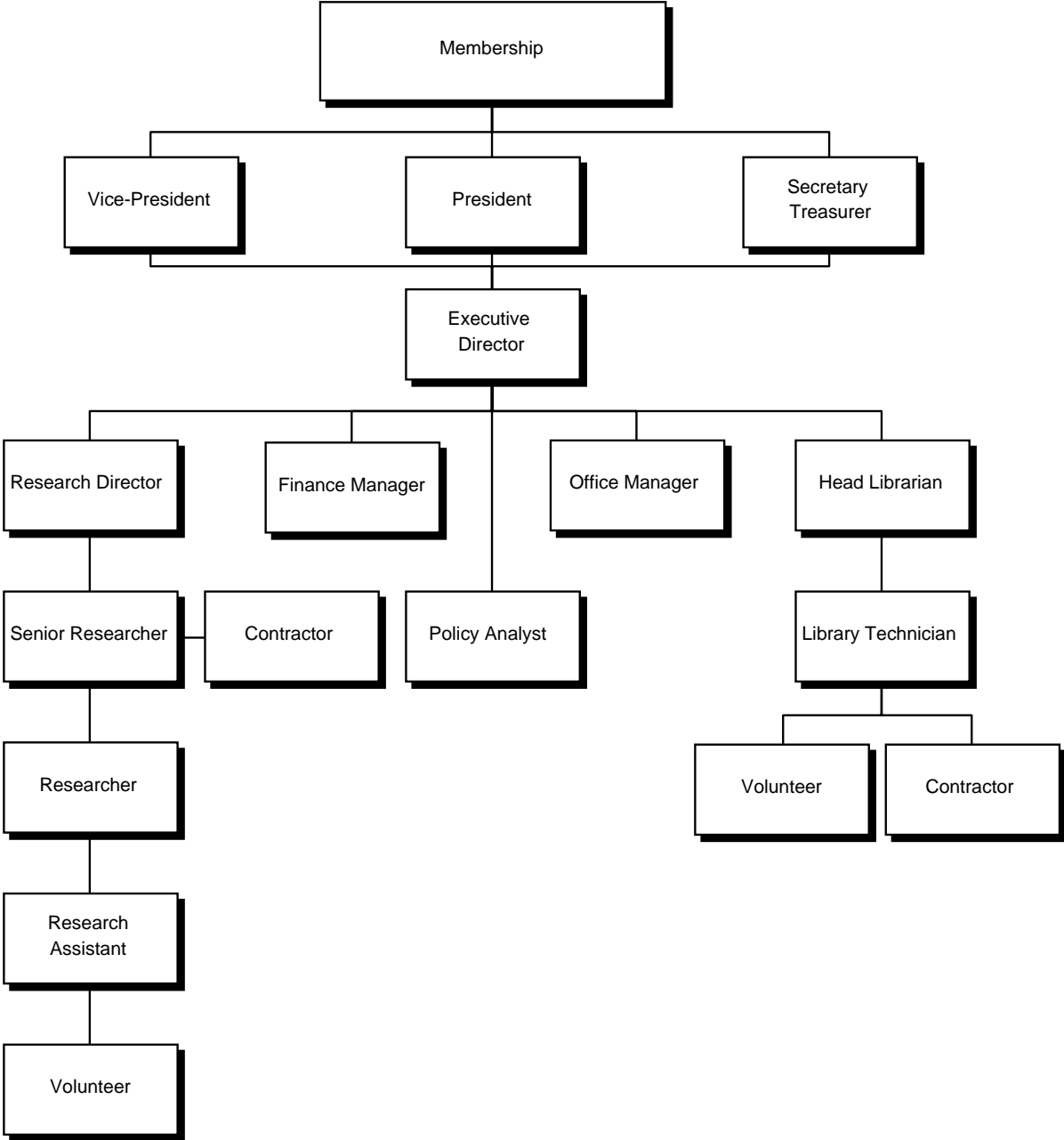
The Union could also utilize its NGO status at the United Nations to forge mutually beneficial relationships with Indigenous organizations throughout the Americas. Through international forums such as the United Nations, the Union could foster networks, alliances and solidarity with other Indigenous peoples and organizations amenable to the protection and advancement of Indigenous rights at regional, domestic and international levels. Such networks and alliances would invite innovation and foster coordinated, international action and support for the protection and advancement of Indigenous rights, while fostering co-existence among peoples in Indigenous territories.

A five-year strategic plan guided by these four recommendations could place the Union of BC Indian Chiefs in a position in which it is renowned for its leadership, integrity and innovation in the protection and advancement of Indigenous rights. The Union could sustain a unified defense of Indigenous territories throughout British Columbia, while employing an inclusive and self-sufficient approach to governance and knowledge sharing. Through the Union of BC Indian Chiefs, Indigenous people could choose from a variety of political action opportunities and be involved in decision-making processes for the future of our communities and our territories. In this manner, the Union of BC Indian Chiefs' would signal to the world a commitment to reclaiming land and dignity for Indigenous people of the world.

¹⁵² See Breton, *Governance of Ethnic Communities in Canada*, 13-39.

APPENDIX 1: UNION OF BC INDIAN CHIEFS ORGANIZATIONAL CHART

UNION OF BRITISH COLUMBIA INDIAN CHIEFS
 ORGANIZATIONAL CHART
 OCTOBER 2004



GLOSSARY

Aboriginal. A legal category of individuals or collectivities in Canada, which are recognized as Indian, Inuit or Métis.

Aboriginal Rights. The legal embodiment of Indigenous peoples' territorial, political, social and economic rights that flow from original occupation of the territories now occupied by Canada. Aboriginal Rights do not connote self-determination. Instead, Aboriginal Rights are 'recognized and affirmed' in the Canadian Constitution and are defined by Canadian courts. As currently defined in Canadian law, Aboriginal Rights are constitutionally protected, collective rights inherent to Aboriginal people that allow certain sustenance activities subject to Canadian laws and regulation.

Aboriginal Title. The legal embodiment of Indigenous peoples' territorial rights. As currently defined in Canadian law, Aboriginal Title must be proven to exist in a court of law and does not connote exclusive or absolute ownership and jurisdiction over Indigenous territories. Instead, Aboriginal Title refers only to a right of exclusive use and occupation of land that can be infringed solely by the federal Crown for purposes such as resource extraction, economic and infrastructure development, settlement and environmental protection. See (Alfred, 1999: 120-122)

Fiduciary Responsibility. A legal trust obligation the Crown assumed when it asserted sovereignty over Indigenous territories. This obligation assumes that ultimate title to Indigenous territories lies with the Crown. According to Canadian Law, though Indians possess Aboriginal Title to certain lands, Aboriginal Title can only be surrendered to the Crown. This limitation obligates Canada to act in the best interests of the Indians. That is, Canada has a "fiduciary responsibility" to Indian people. See *Guerin v. The Queen* [1984] 2 S.C.R. 335.

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