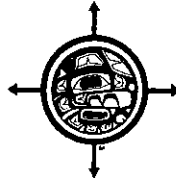


# OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS  
CHIEFS COUNCIL  
JANUARY 30-31, 2006  
VANCOUVER, B.C.

**Resolution no. 2006-06**

## **Re: Interim Agreement on Forest and Range Opportunities**

**WHEREAS** UBCIC is an organization whose mandate is to achieve recognition of each Nation's aboriginal title and respect for our inherent jurisdiction to make laws and decisions to utilize and look after our territories. Our position was beautifully expressed in the 1910 Memorial to Sir Wilfrid Laurier, presented by the Interior Tribes, which is attached to this Resolution and forms part of it;

**WHEREAS** where Treaties have been concluded, UBCIC's mandate is to ensure that the Treaties are honoured;

**WHEREAS** for well over a century, the Province of British Columbia ("B.C.") has denied the existence of aboriginal title, treating aboriginal people as trespassers within our own territories when we attempt to exercise our rights. Our forests have been managed and degraded by B.C. for profit, with the resources allocated to others, without concluding Treaty, without our consent, without adequate or any consultation with us, and over our objections;

**WHEREAS** the Supreme Court of Canada has now clearly stated that B.C.'s disregard of our aboriginal title, which has not been extinguished in B.C., is contrary to law, and further, that the honour of the Crown requires B.C. to consult and to accommodate when it contemplates decisions which could infringe upon our aboriginal title, rights and interests, including at the strategic planning and policy level;

**WHEREAS** in March, 2005, the Province, and First Nations' Leadership Council, representing the AFN – B.C. Region, First Nations Summit, and UBCIC (the "Leadership Council") entered into a New Relationship based on respect, recognition and accommodation of aboriginal title and rights, and a commitment to implement a new government-to-government relationship through the conclusion of agreements in the areas of land use planning, management, tenuring and revenue sharing. The March, 2005 document is attached to this Resolution and forms part of it (the "New Relationship").

**WHEREAS** prior to the New Relationship, B.C. offered to First Nations only some limited economic benefit in the form of revenue and a timber supply, through the vehicle of a Forest and Range Agreement

("FRA") and refused to negotiate other benefits, in spite of the facts that the terms and conditions of the FRA were unacceptable to many First Nations, the staggeringly high unemployment and poverty of First Nations, the Court finding significant deficiencies with the FRA, and that the B.C. continues to alienate forest resources within their territory to others;

**WHEREAS** in the spirit of the New Relationship B.C. agreed to revisit the terms of the FRA, with input from the Leadership Council and their advisors, and a new template entitled Interim Agreement on Forest and Range Opportunities ("FRO") has been tabled with UBCIC [Chiefs Council] on January 31, 2006 for review;

**WHEREAS** UBCIC supports the New Relationship and recognizes that the FRO reflects B.C.'s commitment to making policy shifts necessary for the New Relationship to be implemented, notably sections 8.3, 11.12 and 12 of the FRO, and provisions in the FRO to amend the FRO to opt into new approaches through New Relationship discussions;

**WHEREAS** UBCIC appreciates that the FRO fixes some of the more glaring problems reflected in the FRA, including removal of the provision that enabled the Province to cancel the agreement if First Nations challenged B.C. forestry decisions in Court;

**WHEREAS** UBCIC also recognizes that the FRO retains features of the FRA that do not reflect the New Relationship, which are inconsistent with the recognition of aboriginal title, and our inherent jurisdiction and responsibility to the land, most notably:

- sections 4.2 coupled with 6.5, wherein First Nations must agree that the benefits provided under the FRO constitute interim accommodation of the economic component of the potential infringements of our aboriginal title and rights. These provisions are included in the FRO in the absence of any negotiations with First Nations, related to our entitlement based on the value and benefits derived from the use of our forest resources by others, or the impact of commercial logging on our traditional economies and way of life;
- sections 1.1, 1.2, 1.4 and 4, wherein important strategic level, administrative and operational decisions are made by the Province through a process of consultation, which does not provide for any collaborative or co-operative assessment and planning, or for the operation of our laws and values which have protected the land for thousands of years before the assertion of Crown sovereignty. Nor do these sections contemplate the legislative change required for the Province to give effect to the New Relationship;

**THEREFORE BE IT RESOLVED** UBCIC does not support the FRO in its present form;

**THEREFORE BE IT FURTHER RESOLVED** UBCIC respects the authority of our member communities to decide whether to enter into the FRO, based on their communities' needs;

**THEREFORE BE IT FINALLY RESOLVED** in any event, UBCIC takes this opportunity to convey to B.C. our concerns and understandings about the FRO, and in particular:

- (a) The benefits provided under the FRO do not constitute an acceptable standard for economic accommodation for the infringement of aboriginal title and rights in the forestry sector generally. As stated in Clause 1.9, the revenue component reflects the present budget limitations of the Minister of Forests.

- (b) This economic opportunity is not a substitute for addressing the economic component of aboriginal title in the context of the four Agreements contemplated by the New Relationship in the areas of land use planning, management, tenuring and resource revenue sharing, and in the conclusion of Treaties.
- (c) The principle of recognition of aboriginal title is fundamental to the success of the New Relationship and provisions in the FRO, notably 11.5, is to the opposite effect.
- (d) To be viable, the allocation under the FRO must include long-term tenure of range and economically viable timber, and not be limited beetle susceptible stands, which First Nations expect will be addressed by B.C. through the negotiation of a separate agreement (ie. other than the FRO).

**Moved:** Chief Art Anthony, Neskonlith Indian Band  
**Seconded:** Chief Scotty Holmes, Upper Nicola Indian Band  
**Disposition:** Carried  
**Date:** January 31, 2006