

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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August 18, 2010

Honourable John Duncan
Minister of Indian and Northern Affairs Canada
House of Commons
Ottawa, ON K1A 0A6
By post and facsimile: (819) 953-4941

Dear Minister Duncan:

We are writing with respect to Bill S-4, *Family Homes on Reserves and Matrimonial Interests or Rights Act*. This paternalistic Bill was passed by the Senate on July 6, 2010 despite the overwhelming amount of witnesses and Senators who spoke against it. This Bill is the third attempt at enacting Matrimonial Real Property (MRP) legislation; the Union of BC Indian Chiefs (UBCIC) opposed both Bill C-47 and C-8. Once again the federal government is imposing law on First Nations people and infringing on our Aboriginal Title and Rights. First Nation traditional law and jurisdiction addresses the issue of MRP, Bill S-4, like its predecessors, does not recognize First Nations jurisdiction and instead imposes a delegated authority.

There is an unrealistic expectation that Bill S-4 will provide interim measures to deal with MRP while First Nations work to enact their own MRP laws. INAC officials have admitted that this legislation directly conflicts with First Nations beliefs and laws. There is no indication that the proposed "centre of excellence" to assist First Nations by providing information, advice and examples of matrimonial real property regime templates will be in place before Bill S-4 is enacted. Also, INAC has not disclosed any funding support or resource plan for First Nation communities who will be directly impacted by this legislation.

The federal government has not fulfilled its legal duty to consult with First Nations regarding Bill S-4 and the impact it will have on First Nation communities. Three-month regional dialogue sessions do not constitute meaningful consultation and do not allow for the level of detail and analysis that needs to be done at the community level. Further discussion and consultation is needed to determine the impact this Bill will have on First Nation communities. First Nations should not be subjected to a federal law without first having a reasonable opportunity to properly assess and carefully consider the lasting effect it will have on their communities.

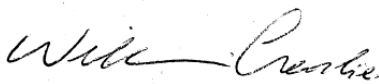
The Union of BC Indian Chiefs opposes Bill S-4 and will not support it unless it is amended to acknowledge the inherent right of First Nations to create their own laws and include the recommendations of the AFN, NWAC, First Nation communities, and Ministerial Representative. The updated legislation should go out to First Nation communities for review before going through the House of Commons.

We urge the federal government to coordinate efforts with federal Aboriginal groups in addition to BC PTO's to create a policy for engaging with Aboriginal people. The Ministerial Representative's report on the MRP consultation and consensus process could serve as a basis to begin discussions.

On behalf of the UNION OF BC INDIAN CHIEFS



Grand Chief Stewart Phillip
President



Chief William Charlie
Vice-President



Chief Bob Chamberlin
Secretary-Treasurer

cc: First Nations Summit Task Group
Regional Chief Wilson-Raybould, BC Assembly of First Nations
National Chief Shawn A-in-chut Atleo, Assembly of First Nations
Native Women's Association of Canada