OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
NOVEMBER 22ND- NOVEMBER 23RD, 2011
VANCOUVER, B.C.

Resolution no. 2011-60

RE: The Perfect Storm: Completing Confederation

WHEREAS Indigenous Nations were never conquered. Throughout years of European settlement and expansion in Canada, the Royal Proclamation of 1763 established a Nation to Nation status between our Nations and the Crown and expressed high principles of justice which governed Crown interaction with Indigenous Peoples. Our inherent rights to land and governance were recognized as legal rights which Crown governments were obligated to recognize and respect - Crown government's entitlement to use the resources from our territories was to be determined through treaty;

WHEREAS these principles of law contained in the Royal Proclamation, and affirmed by Indigenous Nations through the Treaty of Niagara, 1764, and found expression in the British North America (BNA) Act - the Royal Proclamation finds expression two centuries later in Section 25 of the Constitution Act;

WHEREAS in keeping with the Royal Proclamation, treaties were concluded across Canada and in parts of BC;

WHEREAS contrary to law - Canadian law, Indigenous law and international law, including the American *Declaration on the Rights of Man* and the *United Nations Declarations on the Rights of Indigenous Peoples* - Crown Governments have systemically denied Aboriginal Title, Rights and Treaty Rights, our laws and institutions. Denial has become embedded in Provincial and Federal legislation, and Crown government policies including the comprehensive claims policy (CCP) and the government negotiation mandates it brings to the negotiation of treaties and other agreements;

WHEREAS the denial policy has resulted in Indigenous Governments and our citizens, being deprived of basis human rights;

WHEREAS Indigenous Nations tried, without success to become included in the broad constitutional review in 1982 when the Constitution was patriated. Section 35 did not carry our consent. It was included when the Premiers thought that the word “existing" meant "extinguished";

WHEREAS the Courts have determined the opposite - and have further concluded that Aboriginal Title has not been extinguished in BC: that it has a jurisdictional and economic component and that jurisdiction is not exhaustively divided between the Crown Governments, and that our laws find expression in Section 35;

WHEREAS notwithstanding the Court's jurisprudence, the Crown Governments continues to deny Aboriginal Title, Rights and Treaty Rights, creating economic uncertainty in this Province and contributing to the deplorable social and economic conditions suffered by Indigenous Nations. The Courts have placed reconciliation at the heart of Aboriginal / Crown relations, but reconciliation has yet to occur;

WHEREAS Confederation remains incomplete because Indigenous Nations have been excluded from constitutional reform.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council supports engaging in an exercise of statesmanship and nation with Crown Governments to complete Confederation in accordance with the Principles reflected in the Royal Proclamation of 1763;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council will seek support, including financial support, at the First Nations Crown Gathering 2012 for internationally supervised discussions with the Federal Government and the Provinces to embark on this process of Constitutional renewal;

THEREFORE BE IT FINALLY RESOLVED that pending funding, the UBCIC Chiefs Council will work with like-minded organizations to develop an agenda for the tri-lateral negotiations, which includes developing a framework for reconciliation which offers balance and harmony between our Title and Rights and others, and determines how Indigenous Nations can manage our affairs with the independence necessary to achieve self determination, and also with honorable interdependence with the rest of Canada.

Moved: **Kukpi7 Wayne Christian, Splatsin**
Seconded: **Chief Fred Sampson, Siska First Nation**
Disposition: **Carried**
Date: **November 23rd, 2011**