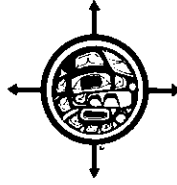


OUR LAND IS OUR FUTURE

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PRESS RELEASE
July 6, 2004

FOR IMMEDIATE RELEASE

Blatant Breach of Legal Obligation to Consult and Accommodate Aboriginal Title Interests of First Nations

(Coast Salish Territory/Vancouver, July 6, 2004) "With the BC Rail Partnership Agreement, having been approved by the Federal Competition Bureau, the Campbell Government is on-record as stating that it will not fully disclose the details of the agreement. The Campbell Government has demonstrated, once again, its utter disdain for Aboriginal Title when it comes to the BC Liberal's 'full-steam ahead' privatization agenda. We know that the Agreement includes renewal options that amount to be a 990 year lease, what other surprises lay ahead?" Chief Stewart Phillip, President of the Union of BC Indian Chiefs (UBCIC), commented today on the recent approval of the merger of BC Rail and Canadian National (CN) under the auspices of the BC Rail Partnership Agreement.

Chief Phillip continued, "The UBCIC rejects the practice of the Campbell Government to view Aboriginal Title and Rights solely through the corporate lens of risk-management. This tactic is based on the continuing denial that Aboriginal Title and Rights exist and that the provincial government's duty of consultation is only procedural and not a legal duty. Accordingly, the Campbell Government is offering token accommodation or benefits agreements to lessen their legal liability."

A legal review of the BC Rail Deal was conducted on behalf of the UBCIC. To reiterate, one of its main findings is that the Campbell Government will cite the pending *BC Rail Benefits (First Nations) Trust Act* as "proof of economic benefit to argue that the damage suffered by Indigenous Peoples was mitigated or lessened (insofar as Indigenous Peoples participated in, and benefited from their decision to privatize BC Rail), and also possibly to show consultation. In the event that any Indigenous communities who were part of the Trust choose to challenge the transfer from BC Rail to Canadian National Railway in the future, government would likely argue that it met this test, in part, by seeking 'workable accommodations' as evidenced by the creation of the Trust."

"The provincial correspondence regarding the BC Rail deal, contain statements that the Campbell Government does not believe Aboriginal Title or Rights are involved in the transfer because it's a transfer of existing interests 'not fee simple title or change the ownership of the land underneath the rail bed' therefore consultation or accommodation are not required. We continue to assert that the existence of the Trust will be used by the Campbell Government as a 'workable accommodation' in the event of a legal challenge. It is absolutely conceivable that a legal challenge may occur as soon as CN attempts to exercise the section of the Agreement to purchase parcels of BC Rail lands for one dollar," said Chief Phillip.

Chief Phillip concluded "We recognize is that the Agreement represents much more than the consolidation of two railways. Rather, it is a massive land swap from a former provincial crown corporation to a private third party interest. As recent court decisions have indicated, there is an 'enforceable, legal and equitable duty to consult' to both the provincial crown and to third parties. The Campbell Government will demonstrate that participation in the Trust serves as direct benefits to First Nations and satisfies their procedural duty of consultation.

Obviously, we as First Nations, reject this self-serving interpretation of the Provincial Government's and third-parties' legal and enforceable duties to consult and accommodate our Aboriginal Title and Rights.

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