OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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UNION OF B.C. INDIAN CHIEFS
42ND ANNUAL GENERAL ASSEMBLY
SEPTEMBER 15TH-17TH, 2010
VANCOUVER, B.C.

Resolution no. 2010-38

RE: Bill S-4, *Family Homes on Reserves and Matrimonial Interest or Rights Act*

WHEREAS the division and allocation of Matrimonial Real Property is an important concern for all First Nations;

WHEREAS First Nations have unextinguished and inherent jurisdiction for law-making with regard to the treatment of Matrimonial Real Property in their communities;

WHEREAS UBCIC has passed resolution no.2006-34, which unilaterally rejects the Federal Government's initiative to impose a law which does not recognize First Nation Nations jurisdiction regarding Matrimonial Real Property and infringes upon our Aboriginal Title, Rights and Treaty Rights;

WHEREAS the Government of Canada has introduced legislation in this area on three occasions – most recently as Bill S-4; *Family Homes on Reserves and Matrimonial Interest or Rights Act;*

WHEREAS First Nations have consistently affirmed that this legislation in its current form is fundamentally flawed, does not respect First Nations jurisdiction and will not serve to provide greater certainty or assist First Nations families in the event of disputes over Matrimonial Real Property;

THEREFORE BE IT RESOLVED the Union of BC Indian Chiefs-in-Assembly reject Bill S-4, *Family Homes on Reserves and Matrimonial Interest or Rights Act* which will be reintroduced in September by the Government of Canada once the House of Commons and Senate resume business;

Certified copy of a resolution adopted on the 16th day of September of 2010 in Vancouver, British Columbia

Grand Chief Stewart Phillip, President

THEREFORE BE IT FURTHER RESOLVED the UBCIC Executive call upon the Government of Canada to work with First Nations on a First Nations-driven approach to Matrimonial Real Property, including:

- Clear and full recognition of First Nations law making authority in this area
- Removal of any role for a "verification officer" with regards to recognizing or implementing First Nations laws;
- Support for First Nations to develop their own community-based mechanisms and institutions for dispute resolution and the administration of justice;
- Removal of the requirement to hold a referendum for First Nations to enact their own Matrimonial Real Property laws, as no other level of government is required to do so; and
- Removal of the voting threshold requirement, as no other level of government in Canada has a voting threshold and it is not required at other levels of government;

THEREFORE BE IT FINALLY RESOLVED the Union of BC Indian Chiefs work with like-minded organizations to call upon the Government of Canada and Members of Parliament to vote against Bill S-4 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.

Moved: **Debbie Abbott, Proxy, Skuppah Indian Band**
Seconded: **Chief Nelson Leon, Adams Lake**
Disposition: **Carried**
Date: **September 16, 2010**

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Grand Chief Stewart Phillip, President