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

Resolution no. 2010-41

RE: First Nations' Rejection of a "Property Ownership Act"

WHEREAS First Nations have a relationship with our territories that is rooted in our spirituality as a gift from the Creator;

WHEREAS our spiritual connection with our territories is the foundation of our life as Peoples. First Nations have a sacred responsibility to honour and preserve our spiritual connection to our territories;

WHEREAS the United Nations Declaration on the Rights of Indigenous Peoples affirms First Nations collective rights to our territories and resources;

WHEREAS the Union of BC Indian Chiefs is mandated through its Constitution to uphold the guiding principles in the position paper "Aboriginal Title and Rights" adopted in 1979 and revised in 1985, which states, "Each First Nation collectively maintains Title to the lands in its respective Traditional Territory" and further "Our People consistently state that our Aboriginal Title and Rights cannot be bought, sold, traded or extinguished by any Government under any circumstances";

WHEREAS by Resolution 2010-25, the Union of BC Indian Chiefs-in-Assembly recommended that the draft mandate statement developed by the UBCIC Constitution Committee be supported and endorsed and appended to the Union of BC Indian Chiefs Constitution and Bylaws, and the mandate statement includes that:

> "The UBCIC's mandate is to work towards the implementation, exercise and recognition of our inherent Title, Rights and Treaty Rights and to protect of our Lands and Waters, through the exercise, and implementation of our own laws"

WHEREAS in *Delgamuukw v. British Columbia* (1997), the Supreme Court of Canada ruled that Aboriginal Title was never extinguished and therefore takes precedence over fee simple title;

WHEREAS Department of Indian Affairs official Paul Fauteux sent letters to 65 select First Nations to discuss a special project regarding reserve land and First Nations development, and followed up with 33 of those First Nations, and the project appears to advance the idea that privatization of reserve lands would solve First Nations' economic issues;

WHEREAS the First Nation Tax Commission (FNTC) received funding from the Government of Canada to pursue the concept of proposed federal legislation – a "First Nation Property Ownership Act" (POA), and the FNTC is currently meeting with "interested stakeholders, including First Nations" to promote the development of POA legislation and provide a report to the Government of Canada by the December 2010;

WHEREAS the proposed POA would endorse "fee simple title" of First Nation reserved lands, a concept that is in direct contradiction to First Nation sacred responsibilities and distinct relationship to our territories;

WHEREAS this proposed POA would enable First Nation lands to be "transferred to non-First Nation persons" and would erode our collective rights in our reserved lands; and fee simple title will lead ultimately to the

individual privatization of indigenous collective lands and resources and impose the colonizer's model on our Peoples;

WHEREAS the POA literature ignores the ultimate risk that all First Nation lands, currently held in trust by us for our future generations, could disappear through "fee simple title" thereby violating our responsibility to subsequent generations and our sacred treaties;

WHEREAS the POA literature negates the constitutionally protected land rights and those affirmed through treaty;

WHEREAS on July 22, 2010**,** the Assembly of First Nations passed resolution 44/2010 rejecting a First Nations Property Ownership Act, and recommending that First Nations pass resolutions rejecting this process;

WHEREAS First Nations face extreme barriers to economic development; however, First Nations should not have to extinguish their Aboriginal Title, Rights, and Treaty Rights in order to become economically independent;

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs-in-Assembly collectively affirm our inherent Aboriginal and Treaty rights and jurisdiction to advance our own land tenure systems as directed and mandated by our peoples, consistent with our spiritual connection with the land;

THEREFORE BE IT FURTHER RESOLVED the Union of BC Indian Chiefs-in-Assembly reject the proposed federal legislation for a First Nation "Property Ownership Act";

THEREFORE BE IT FURTHER RESOLVED that the Union of BC Indian Chiefs-in-Assembly mount a strategic lobby to oppose the proposed federal legislation for a First Nation "Property Ownership Act";

THEREFORE BE IT FURTHER RESOLVED that the Union of BC Indian Chiefs-in-Assembly direct the Executive to convey to the Government of Canada that "stakeholder feedback" is not consultation, and additionally to advocate for more federal funding into stimulating economic development, creating jobs and generating revenues from our territories;

THEREFORE BE IT FINALLY RESOLVED that the Union of BC Indian Chiefs-in-Assembly work with like-minded organizations including the Assembly of First Nations to monitor development of a First Nation Property Ownership Act and communicate any developments to First Nations in BC;

Moved:
Seconded:
Disposition: **TABLED**
Date: