OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE
209 - 345 Yellowhead Highway
Kamloops, B.C. V2H 1H1
Tel: 250-828-9746
Fax: 250-828-0319

VANCOUVER OFFICE
5th Floor, 342 Water Street
Vancouver, B.C. V6B 1B6
Tel: 604-684-0231
Fax: 604-684-5726
1-800-793-9701
Email: ubcic@ubcic.bc.ca
Web: www.ubcic.bc.ca

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

Resolution no. 2010-45

RE: Province's Policy Document "Updated Procedures for Meeting Legal Obligations When Consulting with First Nations – Interim", dated May 7, 2010

WHEREAS Indigenous Nations have always held and continue to hold Title to the lands and resources within their respective Territories;

WHEREAS Aboriginal Title and Rights exist in BC and have never been extinguished and therefore are a burden on any Crown title that may be held by the Province of British Columbia;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP), adopted September 13th, 2007 by the UN General Assembly, recognizes that Indigenous peoples have the right to self-determination under international law, which includes rights to autonomy in relation to internal affairs, and rights to freely determine their political status and pursue economic, social and cultural development; and

WHEREAS the UNDRIP also affirms Indigenous rights to own, use, develop and control lands and resources, and requires states to give legal recognition and protection to these rights, through, *inter alia*, obtaining their free, prior and informed consent before adopting legislative or administrative measures affecting Indigenous peoples and before approving any project affecting their lands and resources;

WHEREAS the Province has developed a policy document entitled, "Updated Procedures for Meeting Legal Obligations When Consulting with First Nations – Interim", dated May 7, 2010 (the "Policy");

Certified copy of a resolution adopted on the 17th day of September of 2010 in Vancouver, British Columbia

Grand Chief Stewart Phillip, President

WHEREAS the Policy entrenches the Province's *status quo* legal positions, avoids reconciliation, and is contrary to decisions of the Supreme Court of Canada, including the *Morris and Olsen* decision, which held that the Province has no jurisdiction to infringe treaty rights. In the Policy the Province simply assumes jurisdiction to infringe treaty rights;

WHEREAS the Policy was developed without the meaningful and adequate involvement of First Nations in BC;

WHEREAS the Policy continues the dispossession of Indigenous Nations from our homelands, under cover of undertaking a process which is all about form over substance; and

WHEREAS the Policy will directly impact and affect all First Nations in B.C.;

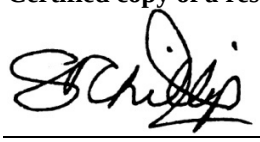
THEREFORE BE IT RESOLVED that Union of BC Indian Chiefs develop a coordinated strategy aimed at compelling BC to comply with the standards and principles set out in the *UN Declaration on the Rights of Indigenous Peoples;*

THEREFORE BE IT FURTHER RESOLVED that part of the coordinated strategy will be for the UBCIC to develop a strategic attack on the Policy including political and coordinated legal action;

THEREFORE BE IT FINALLY RESOLVED that UBCIC Chiefs-in-Assembly direct the UBCIC Executive and staff to work with like-minded organizations including the First Nations Summit and the BC Assembly of First Nations to address the Policy and to ensure that the Province meaningfully engages with First Nations in BC with respect to the review of this Policy.

Moved: **Chief Jonathan Kruger, Penticton Indian Band**
Seconded: **Chief Rob Edwards, Lower Similkameen Indian Band**
Disposition: **Carried**
Date: **September 17, 2010**

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



Grand Chief Stewart Phillip, President