OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
43RD ANNUAL GENERAL ASSEMBLY
SEPTEMBER 14TH – SEPTEMBER 16TH, 2011
WHISTLER, B.C.

Resolution no. 2011-47

RE: Support for Advancing Kwakiutl School Facilities and Addition to Reserve

WHEREAS as the original and Indigenous Peoples to this great land, we have the inalienable right of self determination and as the rightful owners we hold Aboriginal title over our respective traditional territories, lands and resources, as we continue to exercise our collective and inherent authorities and jurisdictions and govern ourselves and our territories according to our laws;

WHEREAS Indigenous Nations and their respective territories situated in the province of British Columbia assert and affirm their Inherent right of Self-determination including the jurisdictional powers relating to Education;

WHEREAS the Kwakiutl Nation has developed a reputation as a leader of excellence in education, evidenced by critical work at the daycare, pre-school, school-based, and adult-based programming levels, with a strong community support network in place, and a focus on culturally-based learning;

WHEREAS the Kwakiutl Nation applied for a new school facility as a critical next step to ensure program continuance and expansion, and intends to build this school and facility on land that will be acquired through the Addition to Reserve (ATR) process;

WHEREAS the Kwakiutl received an Order in Council (OIC) from the Province in December, 2009, approving the Transfer of Administrative Control of a 32.1 ha parcel of crown land to Aboriginal Affairs and Northern Development Canada (AANDC) to hold in trust on behalf of the Kwakiutl until the land can be added to reserve;

WHEREAS the Kwakiutl recently stopped the ATR process because they discovered that the OIC contained a "reversionary clause" stating that if the land ever loses its Indian Reserve status in the future, it will revert back to

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Grand Chief Stewart Phillip, President

the province; and, given treaty possibilities of the future, this is not acceptable to the Kwakiutl or to AANDC, and so the OIC was returned to the Province requesting that the reversionary clause be deleted;

WHEREAS the United Nations *Declaration on the Rights of Indigenous Peoples* sets out the Rights of Indigenous Peoples pertaining to lands and **Article 26** states that:

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned;

WHEREAS the United Nations *Declaration on the Rights of Indigenous Peoples* sets out:

Article 5: Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

Article 14:

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

WHEREAS the Kwakiutl Nation is not currently able to advance their new school facility because the OIC in the ATR process contained a "reversionary clause" which impacts any future treaty potential.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly fully support the Kwakiutl Nation in advancing the construction of their new school facility on their planned Addition to Reserve land;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to demand that the Province of British Columbia immediately delete the "reversionary clause" that is currently in the Order in Council approving the Addition to Reserve land where the new school facility is planned to be built;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to provide political support to the Kwakiutl Nation in continuing their efforts to secure the best possible future for their children and community by further developing a system that enhances and supports First Nations control of their First Nations education.

Moved: **Chief Coreen Child, Kwakiutl First Nation**
Seconded: **Terry Dorwood, proxy, Tla-o-qui-aht First Nation**
Disposition: **Carried**
Date: **September 16th, 2011**

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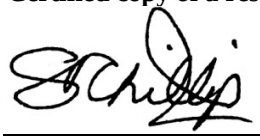

Grand Chief Stewart Phillip, President