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. 2011-49

RE: Support for First Nations Heritage Conservation Action Plan without Infringement on Nations

WHEREAS by Resolution 2007-48, the UBCIC Chiefs Council acknowledged that the existing *Heritage Conservation Act* and associated management regime does not recognize Aboriginal Title and Rights, nor does it adequately address the needs and interests of First Nations as it relates to their culture and heritage resources. The regulatory framework provided for in the *Heritage Conservation Act* prevents First Nations from protecting our sacred sites, the sanctity of our artifacts and the remains of our ancestors in accordance with our traditional laws and customs;

WHEREAS the United Nations *Declaration on the Rights of Indigenous Peoples* provides a framework of governance relations that is of particular relevance to the relationships between BC First Nations and the provincial government regarding protection of our heritage resources, ancestral remains, and sacred and spiritual sites:

- Article 8(1): Indigenous individuals have the right not to be subjected to forced assimilation or destruction of their culture.
- Article 11(1): Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect, and develop the past, present, and future manifestations of their cultures, such as archaeological and historical sites, artifacts, ceremonies…
- Article 11(2): States shall provide redress through effective mechanisms, which may include restitution developed in conjunction with indigenous peoples, with respect to their cultural,

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Grand Chief Stewart Phillip, President

intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

- Article 12(1): Indigenous peoples have the right to "maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
- Article 12(2): States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.
- Article 31(1): Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions... and their intellectual property;

WHEREAS the Union of BC Indian Chiefs (UBCIC), First Nations Summit (FNS), and the BC Assembly of First Nations (BCAFN) were mandated by resolution to support the work of the Joint Working Group on First Nations Heritage Conservation (JWGFNHC), whose purpose is to identify First Nations issues and concerns based on community input, develop options, and make recommendations to 1) create a meaningful role for First Nations in provincial heritage conservation; 2) improve the protection and conservation of First Nations heritage sites, cultural property and ancient human remains in BC and 3) improve protection for sacred and spiritual sites or areas;

WHEREAS by resolutions passed at the UBCIC, BCAFN, and FNS, as well as at an All-Chiefs' Assembly, the First Nations leadership in British Columbia endorsed the First Nations Leadership Council Terms of Reference, which sets out in section 4.1 that "councils, working groups, committees and partner organizations are accountable to, and receive direction from, Nations in BC through their respective internal processes…" and this applies to the JWGFNHC;

WHEREAS by resolutions passed at the UBCIC, BCAFN, and FNS, as well as at an All-Chiefs' Assembly, the First Nations leadership in British Columbia also endorsed the Accountability Framework that the First Nations Leadership Council and all councils, working groups, committees and partner organizations must uphold (including the JWGFNHC), and the Accountability Framework sets out:

> 3.3 FNLC and all council, working group, committee and partner organizations are community-driven, Nation based (rooted in Nations as opposed to being imposed by the FNLC or any councils, working groups, committees, or partner organization), and transparent;

WHEREAS the First Nations Leadership Council and the JWGFNHC circulated a community-driven and Nation-based rolling draft First Nations Heritage Conservation Action Plan ("Action Plan") to all First Nations in BC in four separate rounds for further input and feedback from February 2011 to July 2011, including at the First Nations Heritage Forum and at the UBCIC and FNS assemblies in March 2011;

WHEREAS by Resolution 2011-06, the UBCIC Chiefs Council supports Secwepemc assertion of jurisdiction over their cultural heritage protection, and acknowledges that it is their right, as a sovereign Nation, to manage the protection of cultural heritage resources within Secwepemc Territory;

WHEREAS the JWGFNHC have now considered all community and Nation-based feedback and are bringing the final September 2011 draft Action Plan (V.4) to the respective assemblies of the UBCIC, FNS, and BCAFN for further discussion and endorsement, and the resulting Action Plan will be used to inform the work of the JWGFNHC, as well as digitized and made available to communities.

THEREFORE BE IT RESOLVED THAT the UBCIC Chiefs-in-Assembly fully respect and support Indigenous Nations to continue the exercise and defense of their inherent right to ensure the protection of their respective territories, through the implementation of their laws principled upon Indigenous values through cultural, family and community interconnectedness; and

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly support the attached First Nations Heritage Conservation Action Plan, which clearly states:

> **Any reviews or recommendations made by the Joint Working Group on First Nations Heritage Conservation (JWGFNHC) are not, and could not be, a substitute for direct Crown consultation with individual First Nations. The work of the JWGFNHC shall have no negative impacts or infringements on individual First Nations and their own specific cultural heritage strategies, such as Heritage MOUs, Heritage Protocols, Position Papers, or any other cultural heritage strategy determined by an individual Nation. Each First Nation maintains the authority to develop and assert their own policies, laws and permitting systems according to their own legal traditions;**

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs-in-Assembly direct the Joint Working Group on First Nations Heritage Conservation to commence implementation of the First Nations Heritage Conservation Action Plan in a manner that has no impact or infringement on individual First Nations abilities to develop their own specific cultural heritage strategies, and to continue to report regularly to First Nations on progress.

Moved: **Chief Don Harris, Douglas First Nation**
Seconded: **Chief Nelson Leon, Adams Lake Indian Band**
Disposition: **Carried**
Date: **September 16th, 2011**

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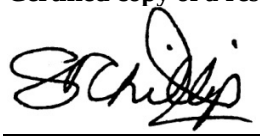

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