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. 2011-44

RE: Dissolution of UBCIC HST Committee

WHEREAS the provincial government of British Columbia announced its intentions on September 1, 2009 to adopt the proposed Harmonized Sales Tax (HST), combining BC's 7% provincial sales tax with the 5% federal sales tax, and implemented the HST on July 1, 2010;

WHEREAS as Indigenous Peoples exercising our sovereignty, First Nations in B.C. have the right to tax and BC infringed this right to tax implicit to sovereign governments by excluding First Nations from the unilateral decision to impose the Harmonized Sales Tax (HST);

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

> **Article 19**: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them;
>
> **Article 27:** States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process;

Certified copy of a resolution adopted on the 16th day of September of 2011 in Whistler, British Columbia

Grand Chief Stewart Phillip, President

WHEREAS the UBCIC Chiefs-in-Assembly created the UBCIC HST Committee through UBCIC Resolution 2009-51 to implement the mandate set out in UBCIC Resolution 2009-41 "Support for work regarding Harmonized Sales Tax (HST) and related Tax Matters," and the HST Committee mandate was expanded by Resolution 2010-21, "Support for Legal Challenge to Implementation of HST";

WHEREAS by Resolution 2011-21 "UBCIC Rejection of HST," the UBCIC Chiefs Council unanimously rejected the unilaterally-imposed Harmonized Sales Tax (HST) given the lack of consultation with First Nations and lack of expert economic or legal study on the impacts of HST on First Nations in BC;

WHEREAS the UBCIC Chiefs Council endorsed the Terms of Reference (TOR) for the HST Committee by Resolution 2010-43 and the TOR set out that in Section 12.1 that "the HST Committee is a permanent UBCIC committee until it is dissolved through resolution by the UBCIC Chiefs Council";

WHEREAS the Province of British Columbia held a referendum in 2011 to determine if the HST should be rescinded and the Provincial Sales Tax (PST) reinstated in combination with the federal Goods and Services Tax (GST), and the voters of British Columbia did vote in favour of returning to the PST and GST.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly acknowledge and thank the UBCIC HST Committee members, Chief Michael LeBourdais, Whispering Pines/Clinton and Chief Greg Blaine, Ashcroft Indian Band; and former UBCIC HST Committee members Keith Matthew, Simpcw First Nation and Don Moses, Lower Nicola Indian Band, for their dedication, commitment, and hard work in carrying out the mandate provided by the UBCIC Chiefs Council;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly recognize that the UBCIC HST Committee has fulfilled its mandate;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly do hereby dissolve the UBCIC HST Committee.

Moved: **Chief Dan Manuel, Upper Nicola Indian Band**
Seconded: **Chief Coreen Child, Kwakiutl First Nation**
Disposition: **Carried**
Date: **September 16th, 2011**

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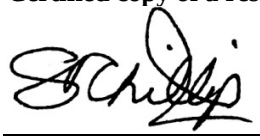

Grand Chief Stewart Phillip, President