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. 2011-40

RE: Support for a Voluntary BC First Nations Coalition on Specific Claims

WHEREAS the "Justice at Last Initiative," Canada's new action plan to resolve its lawful obligations to First Nations with respect to specific claims, promised to create a system to resolve specific claims that was based on the following principles:

- Impartiality and fairness;
- Greater transparency;
- Faster processing of claims; and
- Better access to mediation;

WHEREAS instead, Canada has been employing a policy designed to reduce its specific claims inventory, not by fairly resolving specific claims but by "addressing" specific claims in the following ways:

1. Adopting a highly adversarial, technical and legalistic approach to specific claims rather than a collaborative one, resulting in unnecessary delays and arbitrary rejection of specific claims.
2. Making unilateral, untenable, take-it-or-leave it settlement offers en masse on many Specific Claims indicating those First Nations impacted by this can "take their claims to the Tribunal" – essentially negotiating in bad faith.
3. Removing claims from its Specific Claims Inventory by rejecting them, closing files and by using technical and procedural techniques to keep new claims off its inventory– creating the illusion that it has made substantive progress in resolving claims and clearing up its claims backlog.
4. Transferring the large backlog of unresolved specific claims away from Indian Affairs and the Department of Justice and onto the back of the new Specific Claims Tribunal;

Certified copy of a resolution adopted on the 15th day of September of 2011 in Whistler, British Columbia

Grand Chief Stewart Phillip, President

WHEREAS currently British Columbia has 166 First Nations who have filed a total of 695 Specific Claims against Canada, comprising 43% of the total claims currently under review. This does not include claims that have not been filed yet, of which UBCIC alone has at least 50; it also does not include claims that have not yet been identified or researched. In BC, that number could be in the 100s;

WHEREAS Article 27 of the United Nations *Declaration on the Rights of Indigenous Peoples* sets out:

> 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;

WHEREAS Article 28 of the United Nations *Declaration on the Rights of Indigenous Peoples* sets out:

> 1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
> 2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress;

WHEREAS the Assembly of First Nations' Chiefs Committee on Claims (AFN CCoC) is the body designated to work on reforming specific claims, and with only one political and one technical representative, First Nations in BC are significantly under-represented on the AFN CCoC;

WHEREAS given the large number of claimant First Nations in BC and the large number of specific claims from First Nations in BC currently in the system, the Union of BC Indian Chiefs is committed to achieving a just, fair and timely process for resolving outstanding specific claims in BC.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly support the formation of a voluntary "BC First Nations Coalition on Specific Claims" of BC Chiefs and technicians, to discuss and develop a strategy for recommendation to BC First Nations that will achieve a fair, just and timely settlement of all First Nations' specific claims in British Columbia; and, to educate and inform First Nations in BC on specific claims issues and legislation on an ongoing basis;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs-in-Assembly direct the UBCIC Research Director to coordinate the voluntary BC First Nations Coalition on Specific Claims, which will meet via conference call due to lack of resources;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly agree that any BC First Nation with an interest in specific claims, as well as designated technical staff, can participate in the BC First Nations Coalition on Specific Claims meetings.

Moved: **Chief Rick Denault, Skeetchestn Indian Band**
Seconded: **Chief Dalton Silver, Sumas First Nation**
Disposition: **Carried**
Date: **September 15th, 2011**

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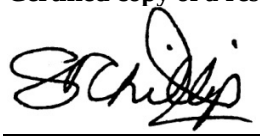

Grand Chief Stewart Phillip, President