OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
MARCH 9TH – 10TH, 2011
VANCOUVER, B.C.

Resolution no. 2011-12

Re: Indigenous Title and Rights Action

WHEREAS the UBCIC Chiefs Council re-affirms and asserts Indigenous Title, Rights and Treaty Rights to their respective territories;

WHEREAS Canada continues to deny Indigenous Title, Rights and Treaty Rights in spite of the clear direction from the Supreme Court of Canada which articulates principles governing Indigenous/Crown relationship in decisions such as *Delgamuukw, Haida, Taku* and *Morris* by continuing to solely rely on the federal Comprehensive Claims Policy which serves as the basis for Federal negotiation mandates regarding Indigenous Title, Rights and Treaty Rights;

WHEREAS the United Nations Committee on the Elimination of Racial Discrimination has condemned Canada's approach to treaty negotiations, and has called upon Canada to cease demanding that Indigenous Nations relinquish their Indigenous Title, Rights and Treaty Rights;

WHEREAS the United Nations Declaration on the Rights of Indigenous Peoples calls for the recognition of Indigenous Title as fundamental to the right to Self-Determination, which is a basic and universal human right, specifically:

- **Article 3**: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development
- **Article 4**: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions
- **Article 9**: Indigenous peoples and individuals have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right

- **Article 26(1)**: Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired;

WHEREAS on January 28, 2000, the First Nations organizations located in what is now referred to as British Columbia, signed a "Consensus Statement", which stated:

> ***The Assembly of First Nations, including the Union of B.C. Indian Chiefs, the Interior Alliance and the First Nations Summit, hereby join together publicly to affirm the Aboriginal title and rights of all First Nations in British Columbia and Canada. Canada's Comprehensive Claims Policy is predicated on the denial of our rights and title. We categorically reject this policy and Canada's implementation of this policy. We call upon Canada to assert the honour of the Crown and to adopt a new policy of recognition, affirmation and implementation of Aboriginal title;***

WHEREAS despite the dedicated efforts by the Assembly of First Nations, Canada has failed to bring about positive changes to the federal Comprehensive Claims Policy; and

WHEREAS the AFN Ad Hoc Working Group on Comprehensive Claims is a working group consisting of members of the AFN Executive, Provincial/Territorial Organizations, Chiefs and technicians who have begun work on action items to advance strategies on the assertion of Indigenous Title, Rights and Treaty Rights;

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive to work with the AFN Ad Hoc Working Group on Comprehensive Claims which includes the BC Assembly of First Nations and the First Nations Summit;

THEREFORE BE IT FURTHER RESOLVED the Chiefs Council fully supports Grand Chief Stewart Phillip, President of the UBCIC signing the revised Consensus Statement: Comprehensive Claims Policy;

THEREFORE BE IT FURTHER RESOLVED the Chiefs Council creates an Indigenous Title and Rights Working Group to work with the AFN Ad Hoc Working Group on Comprehensive Claims to focus the work on the national level on political, legal negotiations and coordinated direct action consistent with the All-Chiefs Task Force recommendations;

THEREFORE BE IT FURTHER RESOLVED the Chiefs Council hereby encourages UBCIC members to volunteer and participate in the Indigenous Title and Rights Working Group; and

THEREFORE BE IT FINALLY RESOLVED the Chiefs Council is fully committed to ensuring that Indigenous Title, Rights and Treaty Rights are recognized, and support the following action items of the AFN Ad Hoc Working Group on Comprehensive Claims:

1. Seek to advance principles that can be used as the basis of building a consensus among First Nations to reject Canada's Comprehensive Claims and Inherent Rights Policies. To this end, the Consensus Statement on Comprehensive Claims from January 2000 was advanced for review and renewal (draft attached).
2. Advance a strategy in preparation for the First Nations-Crown Gathering (expected this calendar

year) to address issues relating to Canada's Comprehensive Claims and Inherent Rights policies, including a presentation of the UBCIC Executive and Indigenous Title and Rights Working Group to the Minister's Special Representative, James Lornie.

3. Look to and build on Canadian jurisprudence and international instruments that have been advanced since 1982 as a basis for reconciliation in the contemporary era. This would include the United Nations' Declaration on the Rights of Indigenous Peoples, International Labour Organization (ILO) convention 169, and important case law. The Transformative Change Accord and All Chiefs Task Force action plan will also be instructive.
4. Prepare shadow reports in preparation for the Periodic Review of Canada with respect to the Convention on the Elimination of Racial Discrimination (CERD) in 2012.
5. Seek the formal rescinding of the Doctrine of Discovery as a legal basis for settlement and replace this with a new international doctrine based on the principle of reconciliation (i.e. a Doctrine of Reconciliation).
6. Advance a public education strategy focused both on communities and Canada as a whole.
7. Advance an economic strategy that uses risk analysis as the basis for quantifying and accounting for unextinguished Indigenous Title and Rights.

Moved: **Kathryn Teneese, Tobacco Plains Indian Band (Proxy)**
Seconded: **Chief Wayne Christian, Splatsin**
Disposition: **Carried**
Date: **March 10, 2011**

CONSENSUS STATEMENT
COMPREHENSIVE CLAIMS POLICY

THE UNDERSIGNED HEREBY JOIN TOGETHER publicly to re-affirm the Aboriginal Title and rights of all First Nations of British Columbia and Canada.

Canada's Comprehensive Claims Policy is predicated on the denial of our rights and title. We categorically reject this policy and Canada's implementation of this policy.

WE CALL UPON CANADA to assert the honour of the Crown and to adopt a new policy of recognition, affirmation and implementation of Aboriginal Title, consistent with the *American Declaration of the Rights and Duties of Man* and the *United Nations Declaration on the Rights of Indigenous Peoples,* which was endorsed by Canada on November 12, 2010.

SIGNED this 8th day of March, 2011:

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Shawn A-in-chut Atleo, National Chief, Assembly of First Nations

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Jody Wilson-Raybould, BC Regional Vice Chief, Assembly of First Nations

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Grand Chief Stewart Phillip President, Union of BC Indian Chiefs

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Grand Chief Edward John, First Nations Summit