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. 2011-13

RE: Principles for UBCIC Exploratory Process on First Nations Citizenship

WHEREAS the appropriate approach to determining citizenship is one that is based within the laws and traditions of Indigenous Peoples; and,

WHEREAS on March 11, 2010, the Minister of Indian and Northern Affairs (INAC) tabled Bill C-3 *Gender Equity in Indian Registration Act*, to respond to the BC Court of Appeal finding in the *McIvor* case that the *Indian Act* registration provisions perpetuated gender-based discrimination. Upon tabling Bill C-3, the Minister of INAC announced that a joint exploratory process be developed to examine and explore issues related to First Nation citizenship, band membership and registration ("exploratory process");

WHEREAS the United Nations *Declaration on the Rights of Indigenous Peoples*, ratified by Canada on November 12, 2010, directs an approach that recognizes Indigenous Peoples' collective and ancestral rights and responsibilities to determine our own identity and citizenship flowing from our own laws:

> **Article 8**: Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture….States shall provide effective mechanisms for prevention of, and redress for…Any form of forced assimilation or integration…
>
> **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;

WHEREAS without incorporating amendments suggested by UBCIC, Bill C-3 *Gender Equity in Indian Registration Act*, came into force on January 31, 2011; and INAC officially launched the exploratory process which is scheduled to conclude phase one activity in December 2011;

WHEREAS the UBCIC Chiefs Council continues to be extremely concerned that the larger question of Indigenous citizenship is not addressed through the *Indian Act;*

WHEREAS UBCIC Resolution 2010-08 directed the UBCIC to explore opportunities to work with UBCIC member nations and communities to articulate Indigenous laws about citizenship as an alternative to the status-based process that Canada currently follows;

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and the UBCIC Bill C-31 Working Group to apply for funding of $100,000 through INAC's exploratory process on First Nations citizenship, Band registration, and membership in order to facilitate regional, Nation-based dialogue sessions;

THEREFORE BE IT FURTHER RESOLVED UBCIC has passed a number of resolutions pertaining to citizenship, and the engagement facilitated at the regional sessions will be in accordance with key principles outlined in these resolutions including:

- The appropriate approach to determining citizenship is one that is based within the laws and traditions of Indigenous Peoples;
- First Nations have an inherent right to self-determination, as entrenched in the Constitution Act, 1985, especially with respect to citizenship, as recognized in the Royal Commission on Aboriginal Peoples;
- The status and registration provisions of the *Indian Act* violate the United Nations *Declaration on the Rights of Indigenous Peoples* which recognizes the rights of Indigenous Peoples to continue exist as Peoples and contains Article 8, which expressly rejects the forced assimilation of Indigenous Peoples;
- Zero tolerance for sexual discrimination against descendants of Indigenous women;
- Adequate resourcing at the community level is required to address any new citizenship laws;
- First Nations must have the ability to maintain and protect the legal/legislative status and existence of its present and future citizens.

THEREFORE BE IT FURTHER RESOLVED an important goal of the facilitated dialogues, that will include historical context and necessary research including financial impacts on each First Nation, and follow-up work will be to support member Nations in their internal discussions and deliberations pertaining to citizenship;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council further directs the UBCIC Executive to advocate for funding and related support to be provided to First Nations for local dialogue and decision-making with respect to membership, registration and Citizenship;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and UBCIC Bill C-31 Working Group to compile information from all of the regional sessions into a single report that is presented to the UBCIC Chiefs Council.

Moved: **Chief Fabian Alexis, Okanagan Indian Band**
Seconded: **Chief Ko'waintco Michel, Nooaitch**
Disposition: **Carried**
Date: **March 11, 2011**