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. 2011-05

RE: Addition to Reserve for High Bar First Nation

WHEREAS High Bar First Nation reserves along the Fraser River bed are unsuitable for habitation, provide no tenable, arable land for residential or community construction, and therefore no homeland for High Bar First Nation band members;

WHEREAS the United Nations *Declaration on the Rights of Indigenous Peoples* sets out the Rights of Indigenous Peoples pertaining to lands and Article 26 states that:

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned;

WHEREAS High Bar First Nation has requested an Addition to Reserve (ATR) for years and been denied land by the Department of Indian and Northern Affairs Canada (INAC);

WHEREAS the High Bar First Nation Council passed Resolution No. 20/02/11 seeking UBCIC's support of their request for immediate provision of an ATR from INAC, and further, that UBCIC recommend to INAC that the provision of an ATR be made a priority in the British Columbia region;

WHEREAS by Assembly of First Nations (AFN) Resolution no. 09/2010, the Chiefs-in-Assembly mandated the AFN to continue discussions with INAC to implement their Political Agreement of November 2007 which makes specific provision for a review of policies and practices related to ATR, and

in particular, work towards obtaining positive changes to the ATR policy on issues that would include, but not be limited to:

a. The development of a new category of ATR that will apply to First Nations who receive cash awards from the Specific Claims Tribunal.
b. A renovation of the existing ATR policy and "Chapter 10" of the INAC Lands Manual to make this process more transparent and improve the ability of First Nations to obtain additions to reserve and/or to create new reserves.
c. Consideration of the situation faced by landless Bands and those without, but seeking, band status.
d. Advance other measures that arise that could improve the ATR policy and/or process.
e. Establish a list of priorities based on settlement agreements and adequate resource requirements.
f. The purchase of lands directly to settle claims where Canada acknowledges that the land in question has never been surrendered by the First nation, and that this be done outside of the ATR process;

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council fully supports High Bar First Nation's request for an Addition to Reserve (ATR);

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to immediately communicate full support to the Department of Indian and Northern Affairs Canada (INAC) of provision of an ATR for the High Bar First Nation, and to recommend that the provision of an ATR be made a priority in the British Columbia region;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council directs the UBCIC staff to send a copy of the UBCIC Executive's letter supporting High Bar First Nation's request for an ATR to the Assembly of First Nations;

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to monitor the progress on AFN Resolution no. 09/2010 and report back to the UBCIC Chiefs Council as progress is made.

Moved: **Chief Lenora Fletcher, High Bar First Nation**
Seconded: **Chief Fabian Alexis, Okanagan Indian Band**
Disposition: **Carried**
Date: **March 10, 2011**