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. 2011-10

RE: Support for Kwakiutl Band Council's Legal Challenge to Provincial Forestry Decisions

WHEREAS in 2007 the Province of B.C., through the Ministry of Forests and Range, approved the removal of 14,139ha of private lands owned by Western Forest Products from TFL 6 and a Forest Stewardship Plan authorizing WFP to harvest Crown lands located in Kwakiutl traditional territory;

WHEREAS the United Nations *Declaration on the Rights of Indigenous Peoples* ("the Declaration") sets out that:

- **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; and
- **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 the Province, contrary to the Declaration and its constitutional and legal duties, failed to obtain Kwakiutl free, prior and informed consent to the above noted decision and failed to consult with and accommodate Kwakiutl in relation to the above noted decision;

WHEREAS the Province has denied, and continues to deny, Kwakiutl consultation and accommodation regarding Kwakiutl Aboriginal title and rights to the forest resources of Kwakiutl territory, including denying to Kwakiutl, interim economic accommodation in the form of a Forest and Range Opportunities Agreement;

WHEREAS in the face of the Province's continuing denial of Kwakiutl Aboriginal title and rights, the Kwakiutl have been forced to bring a legal challenge to the 2007 decision noted above;

THEREFORE BE IT RESOLVED that the UBCIC Chiefs Council supports the Kwakiutl in bringing their legal challenge to British Columbia's forestry decisions and calls on the Province of British Columbia (B.C.) to immediately suspend all forestry operations on both public and private lands in Kwakiutl territory;

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council calls upon B.C. to immediately commence negotiations with Kwakiutl to achieve fair and just accommodation for commercial forestry in Kwakiutl territory, including payment of compensation for accommodation denied to Kwakiutl due to B.C.'s position of denial;

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council direct the UBCIC Executive to work with the BC Assembly of First Nations, the First Nations Summit and the First Nations Forestry Council to advocate at the provincial and federal level regarding First Nations' role in shared decision-making and interests in forestry-related initiatives.

Moved: **Chief Fabian Alexis, Okanagan Indian Band**
Seconded: **Lucille Brotchie, Kwakiutl Band (Proxy)**
Disposition: **Carried**
Date: **March 10, 2011**