OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 1ST – JUNE 2ND, 2011
VANCOUVER, B.C.

Resolution no. 2011-25

RE: BC Hydro's Proposed Peace River Site C Hydroelectric Dam Project

WHEREAS BC Hydro submitted their Site C Dam Project Description Report to provincial and federal environmental assessment agencies on May 18, 2011, and the Province of British Columbia through their Crown Corporation, BC Hydro, plans to construct and operate an 1100 megawatt hydroelectric dam on the Peace River;

WHEREAS this project will have a devastating effect on the Treaty and Aboriginal Rights of Treaty 8 First Nations in British Columbia, Alberta and the North West Territories and the Treaty No. 11 peoples of the North West Territories. The project will eliminate our ability to continue our way of life and exercise our Treaty-protected constitutional rights to hunt, fish, trap, harvest and carry out traditional practise on the land;

WHEREAS the Treaty and Aboriginal rights of these Nations have already been infringed and the Treaty protected modes of life interfered by the devastation of vast amounts of wetlands and critical wildlife habitat by the construction and operation of the W.A.C. Bennett and Peace Canyon Dams. The Government of British Columbia and its crown agency, BC Hydro refuse to acknowledge crown responsibility for these ongoing infringements, and the Government of Canada has failed to use existing federal laws to protect and safeguard the rights of Treaty peoples from these ongoing infringements;

WHEREAS article 32(2) of the United Nations *Declaration on the Rights of Indigenous Peoples* requires States to consult and cooperate in good faith with the indigenous peoples in order to obtain their free and informed consent prior to the approval of any project. Article 32(3) of the Declaration also requires States to "provide effective mechanisms for just and fair redress for any such activities and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact";

WHEREAS further, the United Nations *Declaration on the Rights of Indigenous Peoples* sets out:

> **Article 25:** Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.
>
> **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.
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.

Article 27: 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 the Doig River, Halfway River, Prophet River and West Moberly First Nations (collectively, Treaty 8 First Nations) will use all available processes and legal options to oppose the construction of the Site C Hydroelectric Dam.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the efforts of Treaty 8 First Nations to ensure that their Aboriginal and Treaty rights are honored and preserved;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the Treaty 8 Tribal Association staff and its member First Nations (specifically, Doig River, West Moberly, Halfway, and Prophet River First Nations) in their efforts to oppose the Site C Hydroelectric Dam;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council urges the province of British Columbia to re-instate the authority of the BC Utilities Commission so that it may examine the true economic impacts to the people of British Columbia of constructing the Site C Hydroelectric Dam;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council mandates the UBCIC Executive and staff to lobby the governments of BC and Canada, and the United Nations to ensure that there is a federal full panel review of the Site C Hydroelectric Dam and that both the provincial and federal environmental assessment agencies' processes reflect Articles 4, 10, 12, 19, 26 and 29 of the United Nations *Declaration on Rights of Indigenous People*;

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council mandates the UBCIC Executive and staff to lobby the governments of BC and Canada, and the United Nations to ensure there is full consultation and accommodation of all Treaty 8 First Nations through a fair, open and transparent process that includes sufficient resources to look at the potential impacts on the traditional, spiritual, environmental, social and economic interests of Treaty 8 First Nations, and mitigation to ensure that there is no net impact on Aboriginal and Treaty rights, or denial of approval of the dam if such impacts cannot be mitigated.

Moved: **Chief Jonathan Kruger, Penticton Indian Band**
Seconded: **Chief Geronimo Squinas, Lhooskuz Dene Nation**
Disposition: **Carried**
Date: **June 2nd, 2011**