

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

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UNION OF B.C. INDIAN CHIEFS
CHIEFS COUNCIL
JUNE 2ND TO JUNE 3RD, 2010
VANCOUVER, B.C.

Resolution no. 2010-21

RE: Support for Legal Challenge to Implementation of HST

WHEREAS Indigenous Peoples in their respective territories confirm and defend their Aboriginal Title, Rights, ownership and jurisdiction over the lands and resources;

WHEREAS the Union of BC Indian Chiefs is mandated to protect, defend and maintain Indigenous self-determination and Indigenous land rights;

WHEREAS as Indigenous Peoples exercising our sovereignty, First Nations in B.C. have the right to tax and B.C. infringed this right to tax implicit to sovereign governments by excluding First Nations from the unilateral decision to impose the Harmonized Sales Tax (HST);

WHEREAS the HST stands to greatly increase the poverty of First Nations living in B.C. Our collective poverty is of unique relevance to the imposition of HST, as it is the result of historic, institutionalized injustice and seizure of our land and ability to exercise our culture and governance;

WHEREAS by Resolution 2009-41, the UBCIC Chiefs in Assembly supported work regarding the Harmonized Sales Tax (HST) and related tax matters, including:

1. Directing the UBCIC Executive to raise concerns with the provincial and federal governments calling for meaningful consultation and accommodation around the implementation of HST and the Comprehensive Integrated Tax Co-ordination Agreement (CITCA);
2. Striking a representative Chiefs Committee that seeks resources and produces a report on HST and BC First Nations, and a paper analyzing other adverse tax policies affecting BC First Nations;

WHEREAS by Resolution 2009-51, the UBCIC Chiefs in Council nominated and appointed Chief Don Moses, Chief Keith Matthew, and Chief Mike LeBourdais to the HST Committee;

WHEREAS in September 2009, the HST Committee began efforts to engage the provincial and federal Ministries of Finance, and commissioned a report on HST and BC First Nations. The HST Committee made a presentation to the Senate Standing Committee on Finance during hearings on Bill C-62, An Act to Amend the Excise Tax, and has done several press releases speaking out against the imposition of HST;

WHEREAS the Union of BC Indian Chiefs continues to seek a meeting with the provincial and federal finance ministers to advocate for consultation and accommodation with BC First Nations around implementation of HST;

WHEREAS the Fight HST campaign in BC has been dedicated to repealing the HST tax throughout BC, and;

WHEREAS as part of the Fight HST campaign, Bill Vander Zalm launched a Citizen's Initiative petition against the HST on April 6, 2010, and has successfully met the threshold of collecting the signatures of 10 per cent of registered voters in each of the province's 85 ridings, and these signatures will be verified by Elections BC after July 5;

WHEREAS the Fight HST Campaign will ultimately consider a legal challenge to the HST if necessary, on the basis that the HST contravenes the Constitution Act 1867 and the Excise Tax Act;

WHEREAS an HST Panel, consisting of Chief Keith Matthew, Cliff Atleo, Bill Vander Zalm, Chris Delaney and Merle Alexander, presented to and answered questions at the Chiefs Council meeting of June 2010.

THEREFORE BE IT RESOLVED that the Union of BC Indian Chiefs Council directs the HST Committee and UBCIC Executive to continue the HST work as set out in Resolution 2009-41;

THEREFORE BE IT FURTHER RESOLVED that the Union of BC Indian Chiefs Council directs the Union of BC Indian Chiefs HST Committee and Union of BC Indian Chiefs Executive to work with the Fight HST Campaign and other like-minded organizations to continue publicizing impacts of the HST on First Nations in B.C.;

THEREFORE BE IT FINALLY RESOLVED that the Union of BC Indian Chiefs Council supports the Fight HST campaign in exploring legal options, including a constitutional challenge to the implementation of the HST.

Moved: Chief Wayne Christian, Splots'in First Nation
Seconded: Chief Fred Sampson, Siska Indian Band
Disposition: Carried
Date: June 3, 2010