



Assembly of
First Nations
BC Region



First
Nations
Summit



Union of
British Columbia
Indian Chiefs

RESOLUTION OF THE SPECIAL JOINT ASSEMBLY OF FIRST NATIONS CHIEFS IN BRITISH COLUMBIA

SUBJECT: SUPPORT FOR THE *NEW RELATIONSHIP* DOCUMENT

WHEREAS

- A. The decisions of the Supreme Court of Canada in *Taku River Tlingit* and *Haida*, and decisions in numerous other cases, confirm that the Crown must act honourably toward all First Nations through meaningful consultation and accommodation, and through good faith negotiations focused on fair reconciliation of pre-existing Aboriginal sovereignty and asserted Crown sovereignty.
- B. These cases have strengthened the legal position of First Nations to advance their Aboriginal title and rights.
- C. Following the release of these decisions, resolutions were passed by the First Nations Summit, the Union of British Columbia Indian Chiefs, and the BC Assembly of First Nations to work promptly and together to develop a plan to ensure the implementation of these and other Court decisions. This unity of purpose was strengthened on March 17th, 2005 with the signing of an historic Leadership Accord where the provincial First Nation organizations committed to work together as a Leadership Council for the benefit of all First Nations in British Columbia.
- D. Among the joint commitments was an agreement to engage with the provincial and federal governments regarding the implementation of the Crown's honourable duty to consult with and accommodate Aboriginal title, rights and interests.
- E. Premier Campbell has acknowledged that the Province must make a bold shift in how the Provincial Crown conducts business, not only because of the *Taku River Tlingit* and *Haida* decisions and subsequent court decisions dealing with the Crown's duty, but also because of the growing level of conflict and uncertainty. The Province has acknowledged that it can no longer be "business as usual".



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- F. The framework document entitled *A New Relationship*, has been agreed to by the Leadership Council and Premier Gordon Campbell. This document is a result of discussions with senior provincial government officials during March 2005 on how to establish a new Government-to-Government relationship based on respect, recognition and accommodation of Aboriginal title and rights.
- G. The *New Relationship* document sets out a vision statement, goals of the parties, principles of a new relationship, as well as actions plans that set out some next steps that must be acted upon to advance this new relationship and the common vision.
- H. An historic “Special Joint Assembly” of First Nations Chiefs in British Columbia was convened by the Leadership Council on May 19 & 20, 2005 to present and discuss the *New Relationship* document.

THEREFORE BE IT RESOLVED

1. That the First Nation Chiefs of British Columbia in attendance at the Special Joint Assembly held on May 19th & 20th, 2005 support the further development and implementation of the *New Relationship* document.
2. That the Leadership Council will continue to report back to their respective constituencies regularly and jointly to the First Nations leadership and communities in British Columbia through joint assemblies.
3. That the Leadership Council continue to fully support First Nations to plan, coordinate and implement local, regional, and provincial actions and strategies to protect, advance and exercise their respective Aboriginal title, rights and interests, including their inherent right of self-government.

MOVER: Bev Percival, Gitxsan Hereditary Chiefs

SECONDER: Chief Fred Sampson, Siska First Nation

DATE: May 20, 2005

Passed by consensus.

This resolution contains the final wording approved by the delegates at a Special Joint Assembly of First Nations Chiefs in British Columbia on May 20, 2005.

The New Relationship

I. Statement of Vision

We are all here to stay. We agree to a new government-to-government relationship based on respect, recognition and accommodation of aboriginal title and rights. Our shared vision includes respect for our respective laws and responsibilities. Through this new relationship, we commit to reconciliation of Aboriginal and Crown titles and jurisdictions.

We agree to establish processes and institutions for shared decision-making about the land and resources and for revenue and benefit sharing, recognizing, as has been determined in court decisions, that the right to aboriginal title “in its full form”, including the inherent right for the community to make decisions as to the use of the land and therefore the right to have a political structure for making those decisions, is constitutionally guaranteed by Section 35. These inherent rights flow from First Nations’ historical and sacred relationship with their territories.

The historical Aboriginal-Crown relationship in British Columbia has given rise to the present socio-economic disparity between First Nations and other British Columbians. We agree to work together in this new relationship to achieve strong governments, social justice and economic self-sufficiency for First Nations which will be of benefit to all British Columbians and will lead to long-term economic viability.

II. Goals

Our shared vision includes a celebration of our diversity, and an appreciation of what we have in common. We recognize the vision of First Nations to achieve the following goals:

1. To restore, revitalize and strengthen First Nations and their communities and families to eliminate the gap in standards of living with other British Columbians, and substantially improve the circumstances of First Nations people in areas which include: education, children and families, and health, including restoration of

- habitats to achieve access to traditional foods and medicines;
2. To achieve First Nations self-determination through the exercise of their aboriginal title including realizing the economic component of aboriginal title, and exercising their jurisdiction over the use of the land and resources through their own structures;
 3. To ensure that lands and resources are managed in accordance with First Nations laws, knowledge and values and that resource development is carried out in a sustainable manner including the primary responsibility of preserving healthy lands, resources and ecosystems for present and future generations; and
 4. To revitalize and preserve First Nations cultures and languages and restore literacy and fluency in First Nation languages to ensure that no First Nation language becomes extinct.

The strategic vision of the Province for British Columbians is:

1. To make B.C. the best educated, most literate jurisdiction on the continent;
2. To lead the way in North America in healthy living and physical fitness;
3. To build the best system of support in Canada for persons with disabilities, special needs, children at risk and seniors;
4. To lead the world in sustainable environmental management, with the best air and water quality, and the best fisheries management, bar none; and
5. To create more jobs per capita than anywhere else in Canada.

This vision can only be achieved if First Nations citizens attain these goals. To achieve these

strategic goals, we recognize that we must achieve First Nations economic self-sufficiency and make First Nations a strong economic partner in the province and the country through sustainable land and resource development, through shared decision-making and shared benefits that support First Nations as distinct and healthy communities. All British Columbians will benefit from a richer understanding of First Nations culture and from economic, political and cultural partnerships with First Nations. We therefore agree to the following principles and action plan.

III. Principles to Guide the New Relationship

We will mutually develop processes and implement new institutions and structures to achieve the following:

- integrated intergovernmental structures and policies to promote co-operation, including practical and workable arrangements for land and resource decision-making and sustainable development;
- efficiencies in decision-making and institutional change;
- recognition of the need to preserve each First Nations' decision-making authority;
- financial capacity for First Nations and resourcing for the Province to develop new frameworks for shared land and resource decision-making and to engage in negotiations;
- mutually acceptable arrangements for sharing benefits, including resource revenue sharing; and
- dispute resolution processes which are mutually determined for resolving conflicts rather than adversarial approaches to resolving conflicts.

This vision statement to establish a new relationship has been written as a measure of good faith by the parties to put into words our commitment to work together to explore these concepts and develop their full meaning.

IV. Action Plans

We agree to work together to manage change and take action on the following:

1. Develop new institutions or structures to negotiate Government-to-Government Agreements for shared decision-making regarding land use planning, management, tenuring and resource revenue and benefit sharing;
2. Identify institutional, legislative and policy changes to implement this vision and these action items;
3. Develop additional protocols or accords to further the implementation of the vision, as required from time to time;
4. Identify processes to ratify agreements;
5. Establish funding and distribution structures/institutions to support First Nations' capacity development and effective participation in the processes established through these action items;
6. Establish effective procedures for consultation and accommodation;
7. Appoint a joint working group to review Forest and Range Agreements and make recommendations to the parties on options for amending those agreements, in order to make them consistent with the Vision and Principles above;

8. Identify and develop new mechanisms on a priority basis for land and resource protection, including interim agreements;
9. Develop impartial dispute resolution processes and work towards a decrease in conflicts leading to litigation; and
10. Create an evaluation process for monitoring and measuring the achievement of this vision and these action items.

V. Management Committee and Working Groups

The parties will establish a joint management committee of senior officials to:

- develop terms of reference, priorities, and timelines for the management committee and the working groups by May 31, 2005;
- identify current issues of substantial concern, and consider short and long term steps the parties could take to facilitate their resolution;
- jointly develop policy frameworks;
- establish joint working groups and provide direction, timelines and co-ordination to further the implementation of the action items;
- identify and allocate financial and technical resources for the work of the management committee and the working groups;
- make recommendations to the parties to address problems as they arise in the implementation of the vision; and
- engage the Government of Canada.