

OUR LAND IS OUR FUTURE

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News Release

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UBCIC Supports the Gitanyow in their Appeal and Calls for All First Nations' Rights to be Respected Equally

(Coast Salish Territory/Vancouver, B.C. – August 2, 2019) The Union of BC Indian Chiefs (UBCIC) is applying for leave to the BC Court of Appeal to intervene in a critical case being advanced by the Gitanyow Hereditary Chiefs. In the case under appeal, *Gamlaxyeltxw v. British Columbia (Minister of Forests, Lands & Natural Resource Operations)*, the Hereditary Chiefs continue to defend the Aboriginal title and rights of the Gitanyow people.

The case concerns the Crown's obligations to the Gitanyow, whose rights and livelihoods were being imperiled by provisions of the Nisga'a Final Agreement (1999) and the provincial government's failure to provide consultation and collaborative management regarding the Nass Moose population. The unprecedented court decision altered the scope of the Crown's duty to consult Aboriginal rights holders and gave precedence to treaty rights over Aboriginal rights where there are unresolved territorial boundaries.

Grand Chief Stewart Phillip, President of the Union of BC Indian Chiefs, stated: "The *Gamlaxyeltxw* decision not only gave Gitanyow little certainty regarding ongoing consultation obligations but set a dangerous precedent that will negatively impact other First Nations affected by ongoing modern treaty 'overlaps.' UBCIC is seeking leave to intervene in the appeal as an organization that advocates for the interests of BC First Nations and is dedicated to ensuring that a hierarchy of rights is not imposed upon our people, or the rights of neighbouring nations treated as though extinguished."

The UBCIC firmly opposes any notion that would treat Aboriginal title and rights unequally among Indigenous groups, namely those that have concluded a treaty and those that have not. Such an approach is entirely out of step with Canada's Constitution and with the *United Nations Declaration on the Rights of Indigenous Peoples*. The UBCIC supports the Gitanyow Hereditary Chiefs in their appeal of *Gamlaxyeltxw* and, filed our court application today.

Chief Don Tom, Vice-President of the Union of BC Indian Chiefs, stated “The bottom line is that Aboriginal title and rights are not conditional; they are not to be protected only when they are proven in court or declared in a Treaty. UBCIC has participated as an intervenor in a wide range of cases advancing Aboriginal title and rights, and our unique and long-term perspective on the process of rights recognition, including through treaties, will prove invaluable to the Court.”

“It is imperative we support the Gitanyow and their appeal of a decision that not only pushes the legal framework for the duty to consult back to pre-*Delgamuukw* times, but generates the divisive mindset that reconciliation with some Indigenous peoples through the BC Treaty Commission process can only occur at the expense of the rights of other Indigenous peoples,” concluded Kukpi7 Judy Wilson, Secretary Treasurer of the Union of BC Indian Chiefs. “We have always stood on the ground that the inherent rights of all First Nations to their territories must be respected equally and this is something we wish to bring forward in this case too.”

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UBCIC Resolution 2018-27 “UBCIC Intervention in Gitanyow”:

https://d3n8a8pro7vhmx.cloudfront.net/ubcic/pages/3840/attachments/original/1530912839/UBCIC_CC06-27_Resolution2018-27_GitanyowIntervention.pdf?1530912839

UBCIC is an NGO in Special Consultative Status with the Economic and Social Council of the United Nations.

For more information please visit www.ubcic.bc.ca