

OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS
ANNUAL GENERAL ASSEMBLY
OCT 2ND TO 4TH, 2018
MOCCASIN SQUARE GARDENS, Tk'EMLÚPS TE SECWÉPEMC TERRITORY

Resolution no. 2018-37

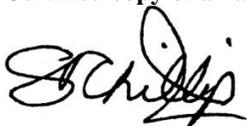
RE: BC's Proposed Reforms to the BCTC Process

WHEREAS the UBCIC's mandate is to work toward the implementation, exercise and recognition of inherent Aboriginal Title and Rights, and Treaty Rights, and to protect our Lands and Waters, through the exercise and implementation of Indigenous laws and jurisdiction;

WHEREAS the BC Treaty Commission ("BCTC") was established in 1993 with the goal of achieving reconciliation with First Nations through treaties that provide cash and land settlements and implement self-government. The BCTC only completed four treaty agreements between 1993 and 2016, triggering the 2016 Multilateral Report to reform the treaty process. The Multilateral Report was created by the BC Government, the Government of Canada, and the First Nations Summit;

WHEREAS since 1992, UBCIC has engaged in significant work to respond to the need for reform in the BCTC process and for broader rights recognition. UBCIC has identified several issues that must be remedied by the provincial government. These issues include the Crown's approach involving extinguishment and limitation of rights, in a manner inconsistent with reconciliation and with the established law and standards of *Tsilhqot'in Nation* and the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), and inconsistencies between the BCTC Process and UBCIC's understanding that treaties should be relationships that reconcile Indigenous sovereignty and Crown sovereignty on a nation-to-nation and ongoing basis;

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WHEREAS the BCTC process has long been out of step with the established law, and is not designed on the proper basis of the recognition of Title and Rights, including as confirmed in *Tsilhqot'in Nation*, and that this has contributed to the BCTC process being a source of division and conflict, including where the rights of other Nations are violated through the Crown's use of the BCTC process;

WHEREAS on July 9th, 2018, the BC Ministry of Indigenous Relations and Reconciliation released a rolling draft discussion paper titled "B.C.'s Proposed Approach to Treaty Transformation" ("Discussion Paper"), which outlines several proposals to reform the treaty process so that it respects case law and the UN Declaration;

WHEREAS the UN Declaration, which the government of Canada has adopted without qualification, and has, alongside the government of BC, committed to implement, affirms:

Article 3: Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 4: Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

Article 37: (1) Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements. (2) Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements;

WHEREAS UBCIC provided BC a letter on April 25, 2017, stating that the starting point for change should be the "four principles" adopted by consensus of the Indigenous leadership of BC on September 10, 2014:

1. Acknowledgement that all our relationships are based on recognition and implementation of the existence of Indigenous peoples' inherent title and rights, and pre-confederation, historic and modern treaties, throughout British Columbia.
2. Acknowledgement that Indigenous systems of governance and laws are essential to the regulation of lands and resources throughout British Columbia.
3. Acknowledgment of the mutual responsibility that all of our government systems shall shift to relationships, negotiations and agreements based on recognition.
4. We immediately must move to consent based decision-making and title based fiscal relations, including revenue sharing, in our relationships, negotiations and agreements;

WHEREAS BC's Treaty Transformation Discussion Paper does not describe how its proposals for the BCTC Process will relate to current work underway as identified within the FNLC-BC Commitment Document of October 2015 and affirmed in July 2018, and BC's commitment to implement the UN Declaration and the principle of free, prior and informed consent, in particular how these principles apply to First Nations that are not in the BCTC Process; and

WHEREAS the Discussion Paper's proposals for treaty reform do not propose bold, concrete actions to reform the BCTC process or make engagement between BC and First Nations consistent with the UN Declaration, do not advance reconciliation, and do not respond clearly to concerns held and expressed by

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UBCIC, including inconsistencies with the principles of Treaty. It does not provide any expression of how the Province will address issues of rights recognition for First Nations both inside and outside of the BCTC Process, or for First Nations who are signatories to Douglas Treaties.

THEREFORE BE IT RESOLVED the UBCIC Chiefs-in-Assembly conclude that the proposals presented in the Discussion Paper to reform the BC Treaty Commission (BCTC) process, are a missed opportunity for meaningful response to problems with the BCTC process, as they are inconsistent with the principles of reconciliation and the UN Declaration, which the Government of BC has committed to implement; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs-in-Assembly call upon the Governments of BC and Canada to remedy the issues that have been repeatedly raised by BC First Nations about the BCTC process since its inception. UBCIC is prepared to work collaboratively with BC and Canada to discuss solutions that would lead to meaningful implementation of the UN Declaration both outside and inside a reformed BCTC process and would respond clearly to the concerns that have been outlined by UBCIC over many years.

Moved: Chief Clifford White, Gitxaala Nation
Seconded: Chief Donna Aljam, Nicomen Indian Band
Disposition: Carried
Abstentions: 1
Date: October 4, 2018

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