

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE
209 - 345 Chief Alex Thomas Way
Kamloops, B.C. V2H 1H1
Tel: 250-828-9746
Fax: 250-828-0319



VANCOUVER OFFICE
Suite 401, 312 Main Street
Vancouver, BC V6A 2T2
Tel: 604-684-0231
Fax: 604-684-5726
1-800-793-9701
Email: ubcic@ubcic.bc.ca
Web: www.ubcic.bc.ca

News Release

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Recognition of Rights Policy for Treaty Negotiations in BC is Fundamentally Flawed

(Coast Salish Territory/Vancouver, B.C. – September 5, 2019) Today, the Union of BC Indian Chiefs (UBCIC) was disappointed to learn that BC, Canada, and First Nation Chief Negotiators in the BC Treaty Commission (BCTC) Process have finalized their *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in BC* (the “Policy”) despite the serious infringements of human rights that it poses.

A significant concern UBCIC has with the Policy is that it enables the Crown to recognize and privilege the inherent rights of some BC First Nations, while not recognizing the inherent rights of other First Nations, specifically those not involved in the BCTC Process. Furthermore, this Policy does not adequately address the case of neighboring Nations with unresolved territorial issues; Indigenous Nations involved in overlapping or shared territorial disputes will undoubtedly have their Title and Rights infringed upon because of the Policy.

Grand Chief Stewart Phillip, President of the UBCIC stated, “At the end of the day it’s about extinguishment – certainly for those outside of the BCTC process. We are disappointed that the Crown is imposing a discriminatory and flawed framework for negotiations that is entrenched in colonial ‘divide and conquer’ tactics; it stands to reinforce divisions between First Nations and undermine the standard of free, prior, and informed consent entitled to all Indigenous peoples. UBCIC has made clear that a principled approach to negotiations that is inclusive and supported by all First Nations in BC is needed. We conducted a Symposium in May that engaged with First Nation Chiefs and leaders on emerging developments in negotiations outside of the BCTC process. As a result of the First Nation-led discussion and strategizing, we were able to identify and highlight in our Summary Report key principles that are grounded in Indigenous self-determination, jurisdiction, and unity that should guide negotiations. We urge the Crown to follow and integrate these principles into their approaches.”

By Resolution 2019-30, *Recognition and Reconciliation of Rights Policy for Treaty Negotiations in BC*, the UBCIC Chief's Council firmly opposed any policy or framework that is intended to reinforce divisions between First Nations and does not properly respect the Title, Rights, and free, prior and informed consent of all First Nations.

"The Policy will undoubtedly impact all First Nations in BC. It acts as further scaffolding to the current, fundamentally flawed BCTC process which continues to deny the inherent Aboriginal Title and Rights of neighboring nations outside of the BCTC process by allowing negotiations to proceed despite outstanding shared territory and overlap disputes," stated Chief Don Tom, Vice-President of the Union of BC Indian Chiefs. "Not only was the process of its development initiated with only a few First Nations and with a lack of transparent communication from the government, but the Policy grossly fails to meet the minimum standards of the *United Nations Declaration on the Rights of Indigenous Peoples* and the principles of *Tsilhqot'in* as articulated by the Supreme Court of Canada."

Kukpi7 Judy Wilson, Secretary Treasurer of UBCIC, concluded: "The Crown must unequivocally recognize the inherent rights of all Nations; Crown rights recognition cannot be limited to those who have filed a Statement of Intent under the BCTC process. The Policy they have finalized will not facilitate reconciliation or renewed Nation-to-Nation relationships, but instead create more obstacles, legal challenges, and difficulties for First Nations in BC seeking to have their Title and Rights recognized and respected. We continue to call for the Crown to address the human rights infringements permitted in the current BCTC process- instead, the Crown has approved a policy that adds further institutional legitimacy to a process that they are fully aware requires serious transformation. The sheer premise of recognizing the rights of only some First Nations is completely inconsistent with the Canadian Constitution."

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Media inquiries:

Grand Chief Stewart Phillip, President, UBCIC: 250-490-5314

Chief Don Tom, Vice-President, UBCIC: 604-290-6083

Kukpi7 Judy Wilson, Secretary-Treasurer, UBCIC: 250-320-7739

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

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