

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
5th Floor, 342 Water Street
Vancouver, B.C. V6B 1B6
Tel: 604-684-0231
Fax: 604-684-5726
1-800-793-9701
Email: ubcic@ubcic.bc.ca
Web: www.ubcic.bc.ca

UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL MAY 29TH – MAY 30TH NANAIMO, B.C.

Resolution no. 2013-25

RE: Creation of UBCIC Specific Claims Working Group

WHEREAS Canada introduced the *Justice at Last* initiative in 2007 to improve previous processes for specific claims resolution by:

1. Eliminating the Specific Claims backlog;
2. Bringing about the fair and timely resolution of specific claims through meaningful negotiations and mediation;
3. Eliminating Canada's conflict of interest;

WHEREAS *Justice at Last* offered great potential for Canada to improve Crown-First Nations relationships by meaningfully and finally resolving its outstanding lawful obligations pertaining to specific claims;

WHEREAS Canada is not resolving specific claims through negotiation, mediation and acknowledgement of and compensation for past wrongs; rather, Canada is quickly processing and "concluding" claims, using a publicly accessible inventory to report on its "success" in reducing the backlog of claims. In reality the majority of claims (88%) are being rejected or their files closed;

WHEREAS Canada has not eliminated the backlog of specific claims, rather, it has created two new backlogs that it does not intend to adequately provide funding to resolve:

1. A backlog of claims that can access the Tribunal resulting from the mass rejection of valid claims;
2. A backlog of new claims resulting from Canada's practice of partial acceptances – which forces First Nations to research and advance "split" allegations into as many as 10 new claims;

WHEREAS Canada has not eliminated the conflict of interest, which is deeply entrenched at all stages of the specific claims process;

WHEREAS Canada is sabotaging any remaining potential for the fair resolution of specific claims by challenging the Specific Claims Tribunal's supposedly binding decisions;

WHEREAS Canada is not resolving specific claims in a timely or efficient manner. It is rejecting claims *en masse*, creating new backlogs and inadequately funding claims development and claims at the Tribunal. Canada is creating additional delays and costs that will only increase;

WHEREAS the *United Declaration on the Rights of Indigenous Peoples* sets out:

Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process;

Article 28: 1) Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent. 2) Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council calls for creation of a UBCIC Working Group on Specific Claims to work toward the fair and just resolution of BC Specific Claims;

THEREFORE BE IT FURTHER RESOLVED the UBCIC Chiefs Council, having called for nominations from the floor to participate in a UBCIC Working Group on Specific Claims, does hereby appoint the following members to the UBCIC Working Group on Specific Claims:

1. Chief Dan Manuel, Upper Nicola Indian Band
2. Chief Maureen Chapman, Skawahlook First Nation
3. Chief Joyce Sam, Nooaitch First Nation

THEREFORE BE IT FURTHER RESOLVED that the UBCIC Chiefs Council directs the UBCIC Working Group on Specific Claims to conduct an environmental scan and a review of options for action to be presented to the UBCIC Chiefs Council;

THEREFORE BE IT FINALLY RESOLVED that the UBCIC Chiefs Council directs the UBCIC Executive to advance this issue as a national political agenda item and ensure communications go to all First Nations and like-minded organizations.

Moved: Chief Maureen Chapman, Skawahlook First Nation
Seconded: Chief Harold Aljam, Coldwater Indian Band
Disposition: Carried
Date: May 30, 2013