

# OUR LAND IS OUR FUTURE

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UNION OF B.C. INDIAN CHIEFS  
48<sup>TH</sup> ANNUAL GENERAL ASSEMBLY  
SEPTEMBER 21<sup>ST</sup> TO 23<sup>RD</sup>, 2016  
MUSQUEAM COMMUNITY CENTRE, x<sup>w</sup>məθk<sup>w</sup>əy<sup>əm</sup> (MUSQUEAM TERRITORY)

Resolution no. 2016-30

## RE: UBCIC Political and Legal Action Plan to Move Beyond the BC Treaty Process

**WHEREAS** the UBCIC Executive was directed by the UBCIC Chiefs Council in Resolution 2016-02, to seek legal advice and advance the best legal action possible to uphold the Title and Rights and responsibilities of Indigenous peoples in BC not involved in the BC Treaty Commission Process (BCTC), and to work with like-minded groups across the province to address this important matter;

**WHEREAS** Canada has fully endorsed the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) which sets out:

### Article 26

(1): Indigenous peoples have the right to the lands, territories, and resources which they have traditionally owned, occupied or otherwise used or acquired.

(2): Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

(3): States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

**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

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which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process;

**WHEREAS** in follow-up to UBCIC Resolution 2016-02, UBCIC legal counsel and St'at'imc Chief Don Harris, Xa'xtsa, provided a presentation to the UBCIC Chiefs Council on June 1, 2016 that included St'at'imc experience with the BCTC as well as an initial exploration of possible legal actions in response to the BCTC. Legal counsel highlighted that there are multiple questions about the ongoing viability and legality of the BCTC;

**WHEREAS** by Resolution 2016-25, the UBCIC Chiefs Council directed the UBCIC Executive and legal counsel to organize a full day, facilitated session at the UBCIC Annual General Assembly in September, 2016, on the BCTC Process and pathways and strategies for going forward, working collectively to develop principles and processes for negotiation based on recognition of Title and Rights and Proper Title and Rights holders that can be to the benefit of all First Nations in BC as they seek to achieve a just reconciliation with the Crown on a Nation to Nation and Government to Government basis;

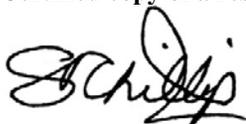
**WHEREAS** to further advance this work, a draft UBCIC political and legal action plan titled "Moving Beyond the BCTC Process and into Proper Negotiations Based on Recognition and Implementation of Aboriginal Title and Rights" was prepared for dialogue and review at the UBCIC AGA on September 21, 2016, along with expert presentations and dialogue on the standards of UNDRIP v. the BCTC Process, the standards of *Tsilhqot'in* v. the BCTC Process, and developing a model of negotiations based on recognition and implementation of Aboriginal Title and Rights; and

**WHEREAS** the draft action plan outlines six complementary strategies, and concrete actions to advance each of those strategies:

1. Directly advocate for the Federal Crown to align their negotiations approaches with the UNDRIP and the established law.
2. Directly and publicly make the insufficiency of the current BCTC Process for the purposes of recognition and reconciliation based on *Tsilhqot'in Nation* and UNDRIP a matter of election debate in the run-up to the May Provincial election.
3. Support current and on-going legal actions that challenge proposed land transfers that have been agreed to in the BCTC Process on the basis that they are a Crown infringement of the Title and Rights of neighbouring Nations.
4. Collectively identify and support a potential new legal challenge to a specific instance of Crown infringement by a proposed Treaty.
5. Develop, announce, and advance the implementation of a new and detailed approach to negotiations and agreement-making grounded in the recognition and implementation of Aboriginal Title and Rights, and Proper Title and Rights holders, that can benefit all First Nations in British Columbia, including through a new reconciliation framework.
6. Establish options and approaches for advocacy and resolution of territorial boundary issues through collaborative work between First Nations.

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**THEREFORE BE IT RESOLVED** the UBCIC Chiefs-in-Assembly hereby endorse the UBCIC Political and Legal Action Plan “Moving Beyond the BC Treaty Commission Process and into Proper Negotiations Based on Recognition and Implementation of Aboriginal Title and Rights”;

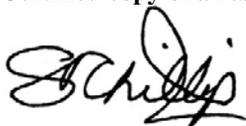
**THEREFORE BE IT FURTHER RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive, legal counsel and staff to identify necessary resourcing and timelines, and carry out the UBCIC Political and Legal Action Plan; and

**THEREFORE BE IT FINALLY RESOLVED** the UBCIC Chiefs-in-Assembly direct the UBCIC Executive to provide a report on progress at the February, 2017 UBCIC Chiefs Council meeting.

**Moved:** Chief Nathan Matthew, Simpcw First Nation  
**Seconded:** Chief Don Tom, Tsartlip First Nation  
**Disposition:** Carried  
**Date:** September 21, 2016

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