ANNUAL GENERAL ASSEMBLY
JULY 17, 18 & 19, 2012, TORONTO, ON

Resolution no. 34/2012

TITLE:	Support for Kwakiutl First Nation
SUBJECT:	Land rights and claims
MOVED BY:	Kyra Mason, proxy, Kwakiutl Band Council, BC
SECONDED BY:	Chief Bob Chamberlin, Kwikwasu'tinuxw Haxwa'mis First Nation, BC
DECISION:	Passed by the AFN Executive Committee

WHEREAS:

A. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) affirms in Articles 14, 26 and 27 the rights to education, land and territories.

B. The Province of British Columbia (BC) adopted Order in Council (OIC) 674/2009 to facilitate, within the meaning of section 31 of the BC *Land Act*, the transfer of crown land, Lot A of Section 22, Township 6, Rupert District, Plan VIP63704, in perpetuity to Her Majesty the Queen in Right of Canada for the use and benefit of Kwakiutl First Nation.

C. Her Majesty the Queen in Right of Canada committed said land to extend Kwakiutl First Nation's Fort Rupert (Tsaxis) reservation through the federal government's Addition to Reserve (ATR) process.

D. Kwakiutl First Nation designated and safeguarded the land to house a new school facility for the incalculable benefit and use of the Nation's children and youth.

E. BC's Order in Council 674/2009 contained a *reversionary clause* that attenuated the ATR process, and consequently endangered plans for a new school facility.

F. Kwakiutl First Nation required BC to rescind Order in Council 674/2009 and replace it with a new OIC minus the *reversionary clause*.

G. Kwakiutl First Nation has waited two-and-a-half years (December 2009 to July 2012) for BC to fulfill its commitment to rescind Order in Council 674/2009 and replace it with a new OIC.

Certified copy of a resolution adopted on the 12th day of September, 2012

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Call upon the Province of British Columbia to rescind Order in Council (OIC) 674/2009 and replace it with a new OIC that is conducive to the Additions to Reserve process, which will inevitably result in the building of a new school facility for the incalculable benefit and use of Kwakiutl Nation's children and youth.
2. Urge the Province of British Columbia to draft a new OIC using Section 31(2) of the *Land Act, R.S.B.C.* 1996.
3. Call on the National Chief to intercede on behalf of the children and youth of Kwakiutl First Nation in order to remind Her Majesty the Queen in Right of Canada and the Province of British Columbia that any further delay will compromise and is inconsistent with Articles 14, 26 and 27 of the United Nations Declaration on the Rights of Indigenous Peoples.

Certified copy of a resolution adopted on the 12th day of September, 2012

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF