AFN Special Chiefs Assembly
December 9-11, 2008 Ottawa, ON

Resolution no. 64/2008

SUBJECT:	ASSEMBLY OF FIRST NATIONS TO FILE *AMICUS CURIAE* IN SUPPORT OF THE HUL'QUMI'NUM TREATY GROUP PETITION TO INTER-AMERICAN COMMISSION ON HUMAN RIGHTS OF THE ORGANIZATION OF AMERICAN STATES
MOVED BY:	Chief Lydia Hwitsum, Cowichan Tribes, BC
SECONDED BY:	Chief Ralph Dick, We Wai Kai Nation (aka Cape Mudge Indian Band), BC
DECISION:	Carried by Consensus

WHEREAS:

A. The Hul'qumi'num Treaty Group (HTG), comprised of the Cowichan Tribes, Lyackson First Nation, Chemainus First Nation, Lake Cowichan First Nation, Halalt First Nation, Penelakut First Nation, commenced a petition to the Inter-American Commission on Human Rights on May 10, 2007;

B. Canada has raised in their written submissions the argument that the HTG should have to exhaust their domestic remedies before they can bring this matter to the international forum; that they should have to litigate to the Supreme Court of Canada and/or exhaust the BC treaty process;

C. HTG is seeking *amicus* briefs (*Amicus curiae* is a legal term of Latin origin meaning "friend of the court" e.g. non-party assistance to the Commission*).* Specifically, HTG is seeking support for their arguments that there are no "effective, available, and adequate" domestic remedies (test used by the Commission) in Canada to protect the property and other human rights of the Hul'qumi'num Peoples in their traditional lands granted to private interests;

D. Under the Commission's rules it will dismiss the HTG's petition if it feels there are adequate, effective, and available domestic remedies available to the petitioner; and

E. The HTG seeks an amicus brief from the Assembly of First Nations in support of their claim.

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THEREFORE BE IT RESOLVED that:

1. The Chiefs-in-Assembly support the petition to the Inter-American Commission on Human Rights commenced by the Hul'qumi'num Treaty Group (HTG).

2. The Chiefs-in-Assembly direct the Assembly of First Nations to file an *amicus* brief in co-operation with the Hul'qumi'num Treaty Group to the Inter-American Commission on Human Rights in Washington, D.C.

3. The Chiefs-in-Assembly direct the Assembly of First Nations to seek funding to file this brief in support of HTG by February 15, 2009, which specifically addresses the following issues:

   (a) The effectiveness of Canada's Comprehensive Claims process in protecting the property and other human rights of First Nations.
   (b) The effectiveness of the remedy where First Nations have succeeded in legal challenges (to secure recognition or protection of Aboriginal title and property rights and interests) but continue to face challenges in implementing those decisions rendered in their favour.

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