ANNUAL GENERAL ASSEMBLY
July 15, 16, & 17, 2008, Quebec City, QC

Resolution no. 41/2008

SUBJECT:	Support for BC Common Table
MOVED BY:	Doug Kelly, Proxy, Shxw'ow'hamel First Nation, BC
SECONDED BY:	Chief Stewart Phillip, Penticton Indian Band, BC
DECISION:	Carried by consensus.

WHEREAS:

A. Approximately 140 First Nations in British Columbia have been engaged in treaty negotiations with Canada and British Columbia for the past 15 years as a part of the BC Treaty Commission (BCTC) process;

B. In order to enable First Nations to obtain the technical and legal services necessary to engage with the Crown on a "level playing field" many First Nations have had to cover up to 80% of their annual costs through loan agreements from Canada that contain "penalty" clauses, including time limit provisions;

C. The Crown has failed to negotiate in good faith by establishing preconditions to the conclusion of individual treaties, including a requirement that First Nations:
   - surrender their section 35 Constitutionally protected aboriginal rights and title;
   - forfeit their section 87 Indian Act tax exemptions; and
   - agree to remove their lands from the protection of section 91(24) of the Constitution and become fee simple lands under provincial jurisdiction;

D. The federal government has failed to review its federal comprehensive claims policy and the federal inherent right to self-government policy to bring these in line with current jurisprudence consistent with resolution no. 45/2004 passed by consensus at the AFN Annual General Assembly in Charlottetown, PEI, in July 2004;

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Phil Fontaine, National Chief

E. Canada and British Columbia have marginalized many of those First Nations that have refused to participate in the BCTC process based on these and other factors;

F. The combined debt of the participating First Nations now exceeds $400 million and this debt represents an undue burden on First Nations no longer satisfied with the trajectory of the BCTC process;

G. Sixty-four First Nations within the existing BCTC process have joined together with the support of the Union of BC Indian Chiefs who are not participants within the BCTC process to engage with Canada and BC in a Common Table facilitated by the BCTC to collectively address the issues of:

- certainty/recognition;
- status of lands;
- shared decision making;
- fish;
- fiscal relations, and
- governance;

H. The First Nation members of the Common Table have called for options to be brought to Cabinet to address enduring inconsistencies between recent jurisprudence and government policy.

THEREFORE BE IT RESOLVED that:

1. The Chiefs-in-Assembly support BC First Nations in their efforts to have the governments of Canada and British Columbia negotiate in good faith in pursuit of viable, durable and honourable modern treaties and/or other recognition-based land rights agreements that endorse the Constitutionally protected rights and title of First Nations.

2. The Chiefs-in-Assembly call on the governments of Canada and British Columbia to waive all debts that have accrued as a result of loan funding under the BCTC process in recognition of the impediments that continue to encumber First Nations that have engaged this process in good faith.

3. The Chiefs-in-Assembly call for a meeting between representatives of all BC First Nations and the Prime Minister of Canada and the Premier of British Columbia to demonstrate the unity of First Nations across Canada and to discuss issues relating to the negotiation of aboriginal title and rights in good faith, along with other issues that have given rise to the Common Table process.

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