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

Resolution no. 43/2008

SUBJECT:	Support for Joint Planning Process – Site C BC Hydro Dam
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. First Nations in British Columbia, Alberta and the Northwest Territories have Aboriginal title and Treaty and Aboriginal rights to their traditional lands and waters;

B. Article 32(2) of the United Nations Declaration on the Rights of Indigenous Peoples (the "Declaration") requires States to consult and cooperate in good faith with the indigenous peoples in order to obtain their free and informed consent prior to the approval of any project;

C. Article 32(3) of the Declaration requires States to "provide effective mechanisms for just and fair redress for any such activities and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact;

D. The Aboriginal title and Treaty and Aboriginal rights of the Carrier Sekani, Kaska and Treaty 8 First Nations of British Columbia, Alberta and the Northwest Territories (the "Affected First Nations") have been infringed and adversely impacted by the construction and operation of the W.A.C. Bennett and Site One dams;

E. As part of its Energy Action Plan, the Government of British Columbia may proceed with development of the proposed Site C Dam in the Peace River Valley;

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F. There is significant potential for the proposed construction of the Site C dam to adversely impact the Aboriginal Title and Treaty and Aboriginal rights of the West Moberley First Nation and other BC Treaty 8 First Nations; and

G. The Governments of British Columbia and Alberta are engaged in bilateral water management negotiations (the "Bilateral Negotiations").

THEREFORE BE RESOLVED THAT:

1. The Chiefs in Assembly call on the Governments of Canada and British Columbia to:
    a. Engage in comprehensive and meaningful consultations with the West Moberly First Nation and other affected BC Treaty 8 First Nations and accommodate their respective Aboriginal titles, Treaty and Aboriginal rights in connection with the proposed construction of the Site C dam;
    b. Seek reconciliation of the Aboriginal titles, rights and jurisdictions of the West Moberly First Nation and other affected BC Treaty 8 First Nations with Crown titles and jurisdictions in regard the proposed construction of the Site C dam; and
    c. Refrain from any development of the Site C dam without consulting with, accommodating and seeking reconciliation of Aboriginal and Crown titles, rights and jurisdictions, and obtaining the free, prior and informed consent of the West Moberley First Nation and other affected BC Treaty 8 First Nations.

2. The Chiefs in Assembly call on the Governments of British Columbia and Alberta to expand the Bilateral Negotiations to include the Affected First Nations.

3. The Chiefs in Assembly support the affected First Nations, including the Kaska and Carrier Sekani First Nations, in their efforts to secure accommodation, reconciliation, mitigation measures and compensation for adverse impacts on the Aboriginal title, Treaty and Aboriginal rights resulting from the construction and operation of the W.A.C Bennett and Site One dams.

4. The Chiefs in Assembly call on the Governments of Canada, British Columbia, Alberta and the Northwest Territories to engage in a comprehensive joint planning process with the affected First Nations in connection with the operation of the W.A.C Bennett and Site One dams and the proposed construction of the Site C dam or any other proposed hydro-electric or energy projects within the traditional territories of the Affected First Nations.

5. The Chiefs in Assembly call on the Governments of Canada, British Columbia, Alberta and the Northwest Territories to review and revise their respective environmental assessment legislation to ensure that the review processes set out in these legislative enactments provide for the adequate discharge of the Crown's lawful obligations to the affected First Nations.

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