



## BRITISH COLUMBIA ASSEMBLY OF FIRST NATIONS

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### BCAFN ANNUAL GENERAL MEETING

Resolution 20/2019

Musqueam Community Centre, Xʷməθkʷəy̓əm, Vancouver, BC  
September 18-20, 2019

**SUBJECT:** SUPPORT FOR THE PENTICTON INDIAN BAND IN ITS EFFORTS TO  
OBTAIN JUSTICE FOR ITS VALID SOUTH OKANAGAN COMMONAGE  
SPECIFIC CLAIMS

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**MOVED BY:** CHIEF BYRON LOUIS, OKANAGAN INDIAN BAND

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**SECONDED BY:** CHIEF HARVEY MCLEOD, UPPER NICOLA BAND

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**DECISION:** CARRIED

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### WHEREAS:

- A. Specific claims address past wrongs against Indigenous Nations. Claims are made by Indigenous Nations against the Government of Canada and relate to the administration of Indigenous land and other assets;
- B. Specific claims are separate and distinct from comprehensive land claims or modern treaties;
- C. The Penticton Indian Band entered into the specific claims process to seek justice and resolution regarding the Colony's and later Canada's failure to reserve and protect its South Okanagan Commonage adjacent to Okanagan Lake, and:

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Certified copy of a resolution adopted on the 19<sup>th</sup> day of September, 2019, at the Musqueam Community Centre, Xʷməθkʷəy̓əm, Vancouver, BC

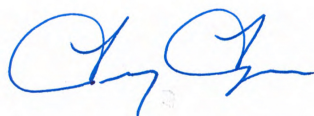
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Terry Teegee, BC Regional Chief

- D. On December 2011, the Penticton Indian Band filed a specific claim with a large amount of historical documents with the Minister of Aboriginal and Northern Development Canada;
- E. On February 18, 2015, Canada accepted the specific claim for negotiation;
- F. In 2016, the Auditor General of Canada released a report on the specific claims policy and process and have called on the government to make fundamental changes to the policy to ensure that specific claims do not continue to be mismanaged by the Government;
- G. On July 27, 2016, Canada agreed to withdraw their requirement that the Penticton Indian Band agree to the cap the settlement of the negotiation at \$150 million;
- H. On June 18, 2019, the Penticton Indian Band and Canada signed a Negotiations Protocol to come to a mutual agreement to find a solution to this claim;
- I. In December 2018, Canada renewed its commitment to honour its obligations to Indigenous people, right past wrongs, renew its relationship with Indigenous people, and work collaboratively to settle outstanding claims as a key to advancing reconciliation with Indigenous people. To date, Canada has settled 522 specific claims through negotiated settlements with First Nations across the country;
- J. The AFN has been mandated by numerous resolutions (resolutions: 50/2007, 82/2008, 15/2010, 24/2010, 79/2012, 2/2013, 31/2013) to fulfill its role to advocate for the just reconciliation of First Nation specific claims. The AFN Chiefs Committee on Lands, Territories and Resources is a body established in the early 1990s that continues to provide the political oversight for this work;
- K. On February 14, 2018, the Government of Canada reaffirmed its full support for the UN Declaration on the Rights of Indigenous Peoples, without qualification, and committed to its full implementation, including government support for Bill C262, An Act to ensure that the laws of Canada are in harmony with the United Nations Declaration on the Rights of Indigenous Peoples.
- L. The *United Nations Declaration on the Rights of Indigenous Peoples* affirms:

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**Terry Teegee, BC Regional Chief**

**Article 8(2):** States shall provide effective mechanisms for prevention of, and redress for... (b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

**Article 28(1):** Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which then have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent;


**Article 26(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.

**THEREFORE BE IT RESOLVED THAT:**

1. The BCAFN Chiefs-in Assembly fully supports the Penticton Indian Band in its efforts to reach a fair, just, and timely resolution of its South Okanagan commonage claim, including:
  - a) Support to move beyond the Specific Claims Policy Process as identified in the Auditor General of Canada Report of 2016
  - b) Support to move away from the Loan Funding Policy currently attached to the Specific Claims Policy
  - c) Request for an audience with the Assembly of First Nations Chiefs Committee on Claims (CCoC).

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**Terry Teegee, BC Regional Chief**