

OUR LAND IS OUR FUTURE

UNION OF BRITISH COLUMBIA INDIAN CHIEFS

FOUNDING HEAD OFFICE
209 - 345 Chief Alex Thomas Way
Kamloops, B.C. V2H 1H1
Tel: 250-828-9746
Fax: 250-828-0319



VANCOUVER OFFICE
401 - 312 Main Street
Vancouver, B.C. V6A 2T2
Tel: 604-684-0231
Fax: 604-684-5726
1-800-793-9701
Email: ubcic@ubcic.bc.ca
Web: www.ubcic.bc.ca

UNION OF B.C. INDIAN CHIEFS CHIEFS COUNCIL

FEBRUARY 22ND – 23RD, 2023

MUSQUEAM COMMUNITY CENTRE, X^WMƏƏK^WƏY^ƏM (MUSQUEAM TERRITORY)

Resolution no. 2023-06

RE: Membership with the Jay Treaty Border Alliance

WHEREAS the Union of BC Indian Chiefs does not recognize the artificial border imposed between Canada and the United States which has the impact of artificially dividing many Indigenous peoples, both territorially and culturally;

WHEREAS First Nations peoples were self-governing societies with protocols with our neighbours and had an inherent and pre-colonial right to trade, commerce and live in areas that pre-dates arbitrary colonial borders and the *Treaty of Amity, Commerce and Navigation of 1794*, known as the Jay Treaty, which First Nations peoples were not a signatory to;

WHEREAS the Jay Treaty, signed by the British Crown and United States of America states that:

Article III: “It is agreed that it shall at all times be free to His Majesty’s subjects, and... also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories and countries of the two parties, on the continent of America, (the country within the limits of the Hudson’s Bay Company only excepted) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other...”;

WHEREAS the *United Nations Declaration on the Rights of Indigenous Peoples* (UN Declaration), which the government of Canada has adopted without qualification, and has, alongside the government of BC, passed legislation committing to implement, affirms:

Article 36(1): Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

(2): States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right; and

WHEREAS Canada refuses to recognize the Jay Treaty and First Nations in Canada with Indian Status cards continually face racially biased difficulties at the border crossings, including confiscation of cultural items, traditional foods, and lack of understanding of familial and community relations on both sides of the colonial border;

WHEREAS the Jay Treaty does not give all First Nations and Native Americans equal border crossing rights and represents a limitation on our inherent right to engage in commerce, trade and residency, including the entry of goods (duties and tariffs), and identification requirements, such as blood quantum requirements;

WHEREAS border crossing rights are meaningful for community building and rebuilding familial relations including sharing traditional foods and plants, cultural gatherings, and ability to live on our traditional territories without interruption by colonial borders and laws;

WHEREAS by UBCIC Resolution 1999-21, “Jay Treaty Implementation”, the UBCIC Chiefs Council committed to work to have the Jay Treaty implemented to the benefit of First Nations peoples within BC;

WHEREAS the Jay Treaty Border Alliance (JTBA) is a voluntary-run organization formed in 2017 by American tribal governments and First Nations to work collaboratively to address the constraints and problems with the Jay Treaty and create relationships with the United States Customs and Border Protection and Canada Border Services Agency; and

WHEREAS the JTBA is seeking members with a one-time buy-in of \$5,000 which goes towards the cost of meetings that facilitate dialogue with American tribal governments and First Nations. The Union of BC Indian Chiefs has an opportunity to engage in this dialogue by becoming a member of the JTBA and participate in submissions to the Canadian government on the full implementation of the UN Declaration and the National Action Plan.

THEREFORE BE IT RESOLVED the UBCIC Chiefs Council fully supports the conversation and dialogue facilitated by engagement with the Jay Treaty Border Alliance (JBTA) and directs the UBCIC Executive to seek membership in the JTBA to further engage, subject to available resources; and

THEREFORE BE IT FINALLY RESOLVED the UBCIC Chiefs Council directs the UBCIC Executive and staff to work with the Jay Treaty Border Alliance and other like-minded organizations to work together and form a solution to the problems of the Jay Treaty, including creating our own process to border crossings, while recognizing our inherent right to border crossings without harassment and perversion of our rights to trade, commerce and residency.

Moved: Councillor David Marchand, Okanagan Indian Band (Proxy)

Seconded: Chief Arnie Lampreau, Shackan Indian Band

Disposition: Carried

Date: February 22nd, 2023