

DECLARATION RE OIL MORATORIUM ACT & GREAT BEAR RAIN FOREST

WHEREAS THE NINE TRIBES OF LAX KW'ALAAMS COLLECTIVELY DECLARE:

We are the present-day descendants of nine tribes referred to as the Gispaxlo'ots, Gitsaxlaal, Gitlaan, Gits'iis, Gitnaxangiik, Gitando, Gitutsa'aw, Gitnadoiks, and the Gitwilgyots;

We have unextinguished Aboriginal rights and title from time immemorial and continuing into the present within the land and ocean of our traditional territories (see Appendix 1);

We have protected the environment as first-stewards of our traditional territories for over 13,000 years;

We have and will always, put the protection of the environment first, but this must be holistically balanced with community, social, employment, business and other priorities;

We absolutely do not support big American environmental NGO's (who make their money from opposing natural resource projects) dictating government policy and resource developments within our traditional territories;

When such projects are environmentally acceptable and essential to meeting our non-environmental needs (such as the Eagle Spirit Energy Pipeline project) such foreign interference serves only to perpetuate the rampant poverty and dysfunction encouraged by previous colonial policies;

The announcement of the Great Bear Rainforest (see Appendix 2) whose northern boundaries encompass all of our traditional territories was done without any prior consultation or consent as required under Section 35(1) of the *Constitution Act, 1867* where the Supreme Court of Canada in *Tsilhqot'in Nation v. British Columbia* has determined that "The right to control the land conferred by Aboriginal title means that governments and others seeking to use the land **must obtain the consent of the Aboriginal title holders.... if the Crown begins a project without consent prior to Aboriginal title being established, it may be required to cancel the project.**"

In addition, the Great Bear Rainforest was imposed without our free and informed consent as required under Article 32 of the United Nations Declaration on the Rights of Indigenous Peoples which reads, in part:

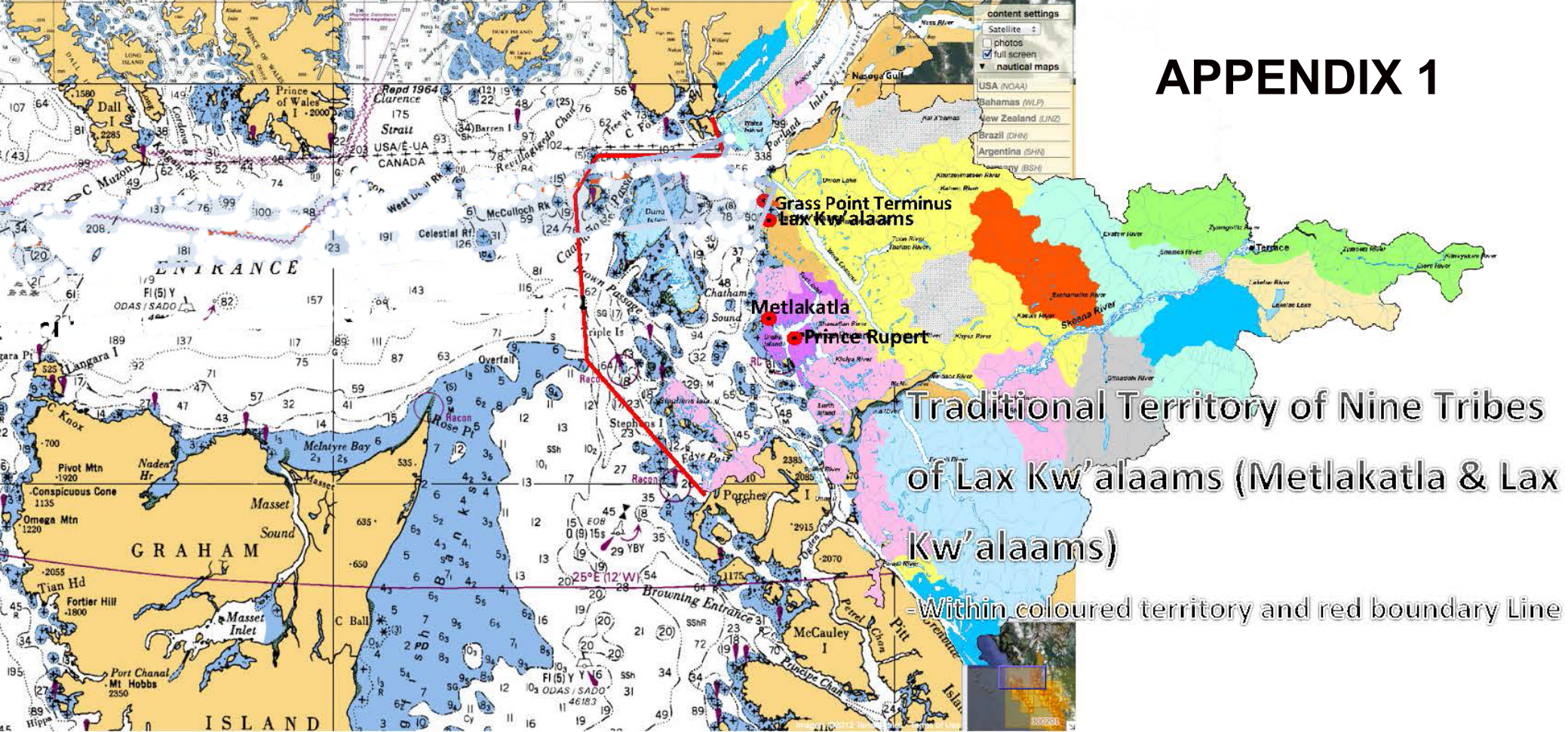
1. **Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.**
2. **States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.**
[emphasis added]

That any government promulgations, laws, or designations associated with the Great Bear Rainforest relating to the land or ocean of our traditional territory, and prohibiting economic activities deemed a high priority for the betterment of our people, are of no force and effect and we will proceed forward with any such developments that meet our high environmental standards.

That we were not consulted and have not given consent to the *Oil Tanker Moratorium Act* which we categorically reject and similarly has no application or effect in our traditional territories; and

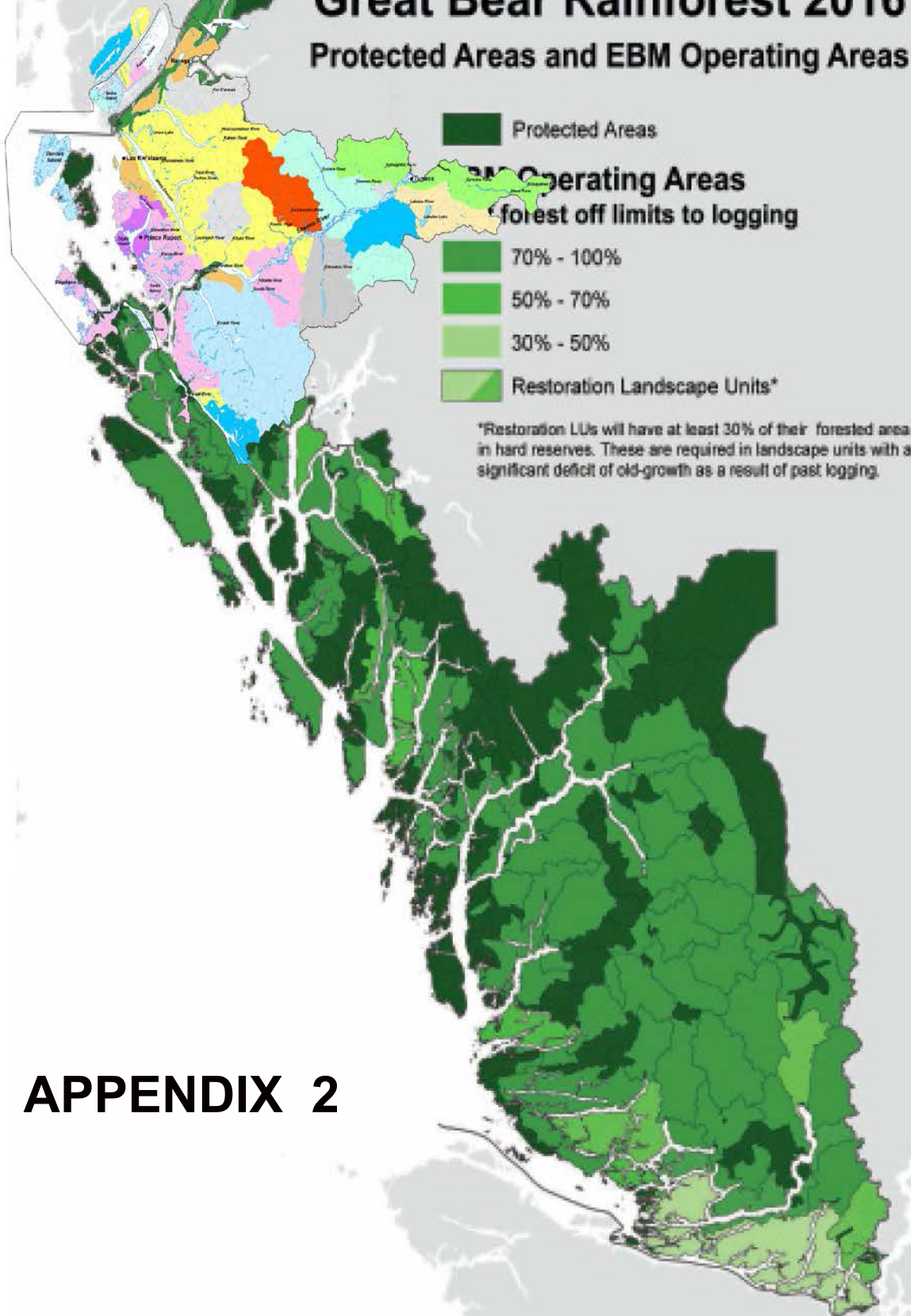
That such initiatives run counter to Prime Minister Trudeau's supposed reconciliation commitment to "...to a renewed [nation-to-nation] relationship with Indigenous Peoples, one based on the recognition of rights, respect, co-operation, and partnership" and the United Nations Declaration on the Rights of Indigenous Peoples (see Appendix 3 for relevant provisions).

APPENDIX 1



Overlay of Traditional Territory of Nine Tribes of Lax Kw'alaams on:

Great Bear Rainforest 2016 Protected Areas and EBM Operating Areas



APPENDIX 2

APPENDIX 3

Relevant Provisions of United Nations Declaration on the Right of Indigenous Peoples

Article 3

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 23

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 26

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
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.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.
2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.
3. States shall 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.