

# FIRST NATIONS STRATEGIC BULLETIN

## FIRST NATIONS STRATEGIC POLICY COUNSEL

### ***IDLING SOME MORE: AFN & 100's of Chiefs Capitulate to Harper's Termination Plan***



Meeting between PM Harper & AFN Delegation, Jan. 11, 2013, in Ottawa. (Photo courtesy of PMO/Jason Ransom)

By Russell Diabo

As I wrote in my last newsletter (FNSB Vol. 10, Issues 7-10) on September 4, 2012, Prime Minister Harper launched three new policy measures intended to speed up Canada's longstanding Plan to Terminate First Nations Inherent, Aboriginal and Treaty rights.

**Termination**—in this context means the ending of First Nations pre-existing sovereign status through federal coercion of First Nations into Land Claims and Self-Government Final Agreements that convert First Nations into municipalities, their reserves into fee simple lands and extinguish-

ment (through modification) of their Inherent, Aboriginal and Treaty Rights.

Canada's Termination Plan was ramped up on September 4, 2012, through these three policy measures among other federal initiatives, including:

- First Nation regional and national political organizations will have their core funding cut and capped. For regional First Nation political organizations the core funding will be capped at \$500,000 annually.
- First Nation Band and Tribal Council funding for advisory services will be eliminated over the next two years.
- A "**results based**" approach to negotiating **Modern Treaties** and **Self-Government Agreements**. There was an internal federal assessment process that ended on March 31, 2013, of 93 negotiation tables, involving 403 Indian Bands/Non-Status/Metis with a combined population of 331,945, across Canada, to determine who will and who won't agree to terminate Inherent, Aboriginal and Treaty rights under the terms of Canada's **Comprehensive Claims** and **Self-Government** policies. For those tables who were deemed not in agreement with Canada's "**core mandates**," the process was to end as the federal government withdrew negotiations and funding to the "**unproductive table**".

**NOTE:** Since all 93 of these Termination Tables are still listed on the **AANDC** website as of the end of September 2013, one can only assume **all** of the listed negotiation tables have agreed to accept the Harper government's **core negotiating Comprehensive Claims/Self-Government mandates** and desired results, which are comprised of the following key tenets:

- **Accept the extinguishment (modification) of Aboriginal Title;**
- **Accept the legal release of Crown liability for past violations of Aboriginal Title & Rights;**

### **Special points of interest:**

- **Chiefs Capitulate to Harper accept Core Mandates of Termination Tables**
- **Alta Outcome Document reflects Global Indigenous Consensus**
- **Indigenous Right to Self-Determination Needs Pressure, Tension, Action**
- **Idle No More & Defenders of the Land Form Alliance**

### **Inside this issue:**

Chiefs Capitulate to PM	1
UN on Alta Conference	10
Alta Outcome Document	11
Self-Determination Right	17
INM-DOL Call To Action	19
Contact Us	20



Chiefs blocked in Parliament, Dec. 4, 2012.

“These new federal laws were all drafted as part of the Harper government’s plan to gradually eliminate status Indians by advancing the Conservative ideology of promoting individual rights to undermine collective or group rights, rather than encouraging a balance between individual and collective rights”



AANDC Headquarters—Termination Central

## ‘Idling Some More’ continued from page 1

- *Accept elimination of Indian Reserves by accepting lands in fee simple;*
- *Accept removing on-reserve tax exemptions;*
- *Respect existing Private Lands/Third Party Interests (and therefore alienation of Aboriginal Title territory without compensation);*
- *Accept (to be assimilated into) existing federal & provincial orders of government;*
- *Accept application of Canadian Charter of Rights & Freedoms over governance & institutions in all matters;*
- *Accept Funding on a formula basis being linked to own source revenue;*

Other measures too, essentially accepting to become Aboriginal municipalities. [Adapted from Federal Powerpoint entitled “Results Based Approach to Canada’s Participation in Treaty and Self-Government Negotiations - Engagement Process”]

On top of the internal federal assessment of the willingness of negotiation tables to agree to the federal Termination Plan and the spending cuts to First Nation organizations and bands, the Harper government has used its majority in Parliament and the Senate to pass these Bills:

- **Bill C-27: First Nations Financial Transparency Act** [Forces public release of consolidated audits, including payments to Chiefs/Councillors & band’s own source revenues to business competitors & gives more powers to AANDC Minister]
- **Bill C-45: Jobs and Growth Act, 2012** [Omnibus Bill includes **Indian Act** amendments relaxing procedures for voting on-reserve lands surrenders to facilitate on-Reserve commercial developments. Also amended **Navigable Waters & Fisheries Acts** weakening federal oversight and environmental protections]
- **Bill S-2: Family Homes on Reserves and Matrimonial Interests or Rights Act** [Imposes provincial matrimonial/land management laws on-Reserve unless/until band laws replace provincial law, costing extra money for bands & many bands don’t have extra money due to funding caps & cuts. Doesn’t address related issues of housing shortages, family violence and the need for community-based dispute resolution mechanisms]
- **Bill S-8: Safe Drinking Water for First Nations Act** [Creates regulations regarding First Nations drinking water, but not the capacity to comply]

These new federal laws were all drafted as part of the Harper government’s plan to gradually eliminate status Indians by advancing the Conservative ideology of promoting individual rights to undermine collective or group rights, rather than encouraging a balance between individual and collective rights.

Another longstanding federal policy objective is the gradual elimination of Indian Reserves by converting Reserve lands into fee simple (private) lands for eventual inclusion into the provincial land tenure system. So relaxing the Reserve land surrender requirements, expanding the application of the **First Nations Land Management Act**, to dozens of bands—an interim step towards converting Reserve lands into fee simple (private) lands—and imposing provincial laws on Reserve for matrimonial real property are all part of the federal government’s First Nations Termination Plan.

### Prorogation of Parliament & Announcement of Harper’s Remaining Priorities

On September 13, 2013, the Governor-General Prorogued (suspended) Parliament at

## 'Idling Some More' continued from page 2

Prime Minister Harper's request. This delay in the resumption of Parliament allows time for the Harper government to prepare for the final two year phase of its mandate as a government.

For those of you who don't know what prorogation means, the Parliament of Canada website explains the political implications:

*The principal effect of ending a session by prorogation is to end business. All government bills that have not received Royal Assent prior to prorogation cease to exist; committee activity also ceases. Thus, no committee can sit after a prorogation. . . In order for government bills to be proceeded with in a new session, they must be reintroduced as new bills or they may be reinstated, if the House agrees to this. . . The Standing Orders provide for the automatic reinstatement of all items of Private Members' Business in a new session. Committee work may also be revived either by motion in the House, or in committee, depending upon the nature of the study. [emphasis added]*

So as we can see from the above statement, Prime Minister Harper can use his majority in the House of Commons and the Senate to reintroduce and pass the Conservative's First Nations Bills that didn't pass before Prorogation.

It also seems that Rob Clarke's private member's Bill among others will be automatically reinstated in the new session of Parliament:

- **Bill C-428: Indian Act Amendment and Replacement Act** [Private Conservative MP's Bill, but supported by Harper government. Amends provisions of the **Indian Act** including repealing provision which limit bylaw authority and require submission to the Minister before they can come into force; repeals provisions related to residential schools, and repeals provisions that give the Minister authority over the handling of wills and estates on reserves. Sets out in preamble a commitment to develop new legislation to replace the Indian Act and continuing work in "*exploring creative options for the development of this new legislation in collaboration with the First Nations organizations that have demonstrated an interest in this work*". Establishes a requirement for the Minister to report annually on efforts to replace sections of the **Indian Act** with modern amendments or legislation.]

There will be a **Throne Speech** on October 16, 2013 setting out the Harper government's priorities for the next two years, **PM Harper** has already publicly stated his top priority continues to be jobs and the economy, of course Canada's economy is based upon lands and resources stolen from First Nations without compensation or benefit to them except through **Canada's Land Claims and Self-Government Termination Policies**.

Reportedly, the **Throne Speech** will include references to a **First Nations Education Act** and the **First Nations Property Ownership (Conversion of Reserve Lands to Fee Simple) Act**. We will only know for sure on October 16<sup>th</sup> when the **Throne Speech** is read by the **Governor-General**.

In any event, **Canada's Termination Plan**, which is reflected in federal policies, legislation and continued use of the **Indian Act** (with amendments) for maintaining Ottawa's management and control system of First Nations, is being implemented without resistance or protest by those Chiefs and First Nation leaders in federal negotiations—including **AFN National Chief Shawn Atleo and the AFN Executive Committee**.

### Idle No More-Chief Theresa Spence Pressures & January 11<sup>th</sup> Meeting with PM

Idle No More is a social and political movement for environmental protection and advocacy for Indigenous rights, which was started by four women who held teach-ins in Saskatchewan last November 2012, and "*tweeted*" out the phrase that eventually caught fire across the nation and throughout the world. The teach-ins were about the threats posed by the Harper government's omnibus **Bills C-38 and C-45**, which amended a number of federal



PM Harper & AFN NC Atleo in pre-meeting before Jan. 11th 2013.

"Prime Minister Harper can use his majority in the House of Commons and the Senate to reintroduce and pass the Conservative's First Nations Bills that didn't pass before Prorogation"



"Chief" Harper wearing headdress.

## 'Idling Some More' continued from page 3



Idle No More demonstration in Ottawa, Jan. 11th 2013. (Photo by R. Diabo)

“The Idle No More movement was boosted by the high profile pressure provided by the hunger strike and demands of Attawapiskat Chief Theresa Spence”



Idle No More demonstration Ottawa Jan. 11th 2013. (Photo by R. Diabo)



L to R: Sheelah McLean, Nina Was'te, Sylvia McAdam, Jess Gordon, Idle No More Founders

laws that weakened environmental protections for waters and lands and affected Aboriginal and Treaty rights.

The Idle No More movement was boosted by the high profile pressure provided by the hunger strike and demands of Attawapiskat Chief Theresa Spence in December 2012 through to January 2013.

Chief Theresa Spence demanded that the Governor-General and Prime Minister call a national meeting of First Nation Chiefs/Leaders to discuss the non-fulfillment of the historic Treaties, pointing to her community as an example of federal neglect and Treaty breaches.

As a result of the Idle No More demands to stop the legislation and Chief Spence's demands for a national meeting on Treaties In Canada, last winter, thousands of people - Aboriginal and non-Aboriginal - took up round dances in malls, rallies on the streets, and traffic slowdowns at international bridges, rail-lines, and border crossings.

On January 11, 2013, the national day of action called by **Idle No More** organizers culminated in a gathering of over 4,000 people outside of the **Prime Minister's Office (PMO)** in Ottawa while inside the **PMO**, Prime Minister Harper was meeting with an **AFN** delegation of Chiefs/Leaders.

The **PM-AFN** meeting occurred because of the national and international media and public attention on the **Idle No More** rallies and demonstrations, as well as **Chief Spence's** hunger strike and demands for a national meeting on Treaties and First Nation living conditions.

In the week preceding the January 11th meeting scheduled between the **AFN** and **Prime Minister Harper**, divisions spread among the Chiefs about whether or not to meet the **PM**, particularly after Attawapiskat Chief Theresa Spence—who was still on a hunger strike—stated that she would not attend the meeting with the **PM** because the **Governor-General** would not be in attendance, which was part of her original demand when she began her hunger strike.

Despite repeated requests from **AFN** representatives, the **PM** refused to include the **Governor-General** in the January 11<sup>th</sup> meeting. The **Governor-General** issued a press statement saying he would host the Treaty Chiefs at his residence after the scheduled meeting with the **PM**.

Chief Spence reacted at an **AFN** pre-meeting on January 10<sup>th</sup> by stating this was not what she requested, so she would not go to the meeting with the **PM**. **Onion Lake Chief Wallace Fox** got up to the microphone after **Chief Spence** made her position known to those assembled in the **AFN** pre-meeting and he pleaded for all of the Chiefs and **AFN National Chief Shawn Atleo** not to go to the meeting with the **PM**. A long procession of Chiefs and leaders formed around him, each proclaiming that they would not attend the **PM** meeting either. Even National Chief Atleo got up and made a passionate speech about First Nation rights, giving the impression he would not attend the **PM meeting**. However, National Chief Atleo never explicitly said in his speech that he would not attend the meeting with the **PM**.

On the morning of January 11, regional Chiefs' caucuses were taking place while thou-



Attawapiskat Chief Theresa Spence with supporters during her hunger strike at an AFN Pre-Meeting in the Delta, Ottawa, Jan. 9th 2013. (Photo by R. Diabo)

## 'Idling Some More' conclusion from page



AFN National Chief Shawn Atleo with his supporters reacts to Chief Spence and other Chiefs/FN Leaders boycott of January 11th 2013 PM meeting, at AFN pre-meeting January 10th 2013. (Photo by R. Diabo)

sands of Idle No More participants were arriving in Ottawa for a planned demonstration outside of the **PMO**. Many Chiefs and leaders believed that everyone, leaders and people alike, would take part in the demonstration outside and boycott the **PM meeting** as many Chiefs and leaders had announced the night before, but word soon spread that **National Chief Atleo**, members of the **AFN Executive Committee**, and some other Chiefs and regional leaders were gathering at the **AFN National Office** to prepare a delegation to attend the meeting with the **PM**.



Idle No More demonstration in Ottawa Jan. 11th 2013. (Photo by R. Diabo)

“thousands of demonstrators had surrounded the Langevin Building and, feeling betrayed by the AFN delegation, were shouting criticisms at the members of the AFN delegation as they entered the PMO building”

The **PMO** is located in the **Langevin Building in Ottawa** across from **Parliament Hill**. By the time of the 1 P.M. scheduled meeting with the PM, thousands of demonstrators had surrounded the **Langevin Building** and, feeling betrayed by the **AFN delegation**, were shouting criticisms at the members of the **AFN delegation** as they entered the **PMO building**.

In the end the First Nations representatives who attended the **PM-AFN meeting** were:

- **National Chief Shawn A-in-chut Atleo**
- **BC Regional Chief Wilson Raybould**
- **AFNQL Regional Chief Ghislain Picard**
- **Yukon Regional Chief Mike Smith**
- **New Brunswick / PEI Regional Chief Augustine**
- **Grand Council of the Crees Grand Chief Matthew Coon Come**
- **Treaty 6 Grand Chief Craig Mackinaw, Ermineskin Cree Nation, AB**
- **Treaty 7 Grand Chief Charles Weaselhead, Blood Tribe**
- **Treaty 8 Grand Chief Roland Twinn, Sawridge First Nation, AB**
- **Chief Norma Johnstone, Mistawasis Cree Nation, SK**
- **Chief George Ginnish, Eel Ground First Nation, NB**
- **Chief Deborah Robinson, Acadia First Nation, NS**
- **Chief Marcel Head, Shoal Lake Cree Nation, SK**
- **Chief Terrance Paul, Membertou First Nation, NS**
- **Chief Leo Omani, Wahpeton Dakota Nation, SK**
- **Chief Douglas White, Snuneymuxw First Nation, BC**
- **Chief Eric Fairclough, Little Salmon Carmacks, Yukon**
- **AFN National Youth Council, Sasha Maracle**
- **Elder Bertha Commonda, Kitigan Zibi Anishinabeg Nation (now deceased)**

Many of these First Nation representatives have ties to federal Termination Negotiation Tables a few even represent Modern Treaty groups.



## 'Idling Some More' continued from page 5



PM Harper with AFN NC Atleo during a lead up meeting to the Jan. 11th 2013 PM-AFN meeting.

“Facilitating fair, expeditious resolution of land claims through reforming the comprehensive claims policy based on recognition and affirmation of inherent rights rather than extinguishment”



Michael Wernick, DM-AANDC, key implementer of federal Termination Plan.

The federal representatives were:

- **Prime Minister Stephen Harper**
- **Minister John Duncan, Aboriginal Affairs and Northern Development (AANDC)**
- **Minister Tony Clement, Secretary of the Treasury Board**
- **Minister Leona Aglukkaq, Health Canada**
- **Parliamentary Secretary Greg Rickford**
- **Deputy Minister AANDC Michael Wernick**
- **Associate Secretary to the Cabinet and Deputy Minister Intergovernmental Affairs, Janice Charette**
- **A/Deputy Secretary, Social Affairs, PCO, Meena Ballantyne**
- **Deputy Minister Natural Resources Canada, Serge Dupont**
- **Deputy Minister Human Resources and Skills Development Canada, Ian Shugart**

The **AFN** went into the meeting with an **8 point position**, which was:

1. Commitment to an **immediate high level working process with Treaty Nation leadership** for establishing frameworks with necessary mandates for the implementation and enforcement of Treaties on a Treaty by Treaty basis, between the Treaty parties Nation-to-Nation.
2. Facilitating **fair, expeditious resolution of land claims** through reforming the comprehensive claims policy based on recognition and affirmation of inherent rights rather than extinguishment.
3. **Resource Equity, Benefit and Revenue Sharing** building on treaty implementation and enforcement and comprehensive claims resolution there must be a framework that addresses shared governance of resource development and the fair sharing of all forms of revenues and benefits generated from resource development.
4. **All legislation must be unquestionably consistent with s.35 of the Canadian Constitution and the UNDRIP.** Legislation and provisions of legislation as in C-38 and C-45 that contravene our Treaty and inherent rights must be reconsidered and implementation of these provisions be put to a halt. We must have an environmental regulatory regime in this country that respects our rights. Legislation that tinkers around the edges of the Indian Act must stop and be replaced with support for First Nation government and nation re-building including a mechanism for our Nations to push away from the Indian Act as they determine. To fulfill the original relationship, Canada must put in place an ongoing process that all new bills and policies of the federal government must be in full compliance with section 35 and consistent with international human rights standards.
5. **Fundamentally transformed fiscal relationship** guaranteeing fairness and sustainability and removing all arbitrary caps and burdens on the current inefficient, ineffective and unfair funding relationship for First Nation programs and services.
6. Immediate Commitment to the establishment of a **National Public Commission of Inquiry on Violence Against Indigenous Women and Girls**, including special focus on murdered and missing Indigenous women, and the broader factors that lead to increased vulnerability among Indigenous peoples.
7. A **guarantee**, as in Shannen's Dream, of First Nation schools in every First Nation that each and every First Nations parent and child can be proud of, that fully reflects our languages and cultures and provides a safe and supportive place to learn.
8. In order to be effective, progress on these areas will require **fundamental change in the machinery of government** including direct political oversight, a dedicated Cabinet Committee with a secretariat within the Privy Council Office with specific responsibility for the First Nation-Crown relationship to oversee implementation.

## 'Idling Some More' continued from page 6

**Prime Minister Harper** rejected all of the points except the **establishment of a high level process on historic Treaties and Comprehensive Claims Policy**. The AFN accepted this outcome.

Following the January 11<sup>th</sup> **PM-AFN meeting**, on January 23, 2013, **CBC** reported that **Attawapiskat Chief Theresa Spence** "*decided to end her six-week-long hunger strike after members of the Assembly of First Nations and the Liberal and New Democrat caucuses agreed to back a list of commitments supporting aboriginal issues.*"

The declaration lists 13 commitments:

- *An immediate meeting between the Crown, the federal and provincial governments, and all First Nations to discuss treaty and non-treaty-related relationships.*
- *Clear work plans and timelines, and a demand that the housing crisis within First Nations communities be considered as a short-term immediate action.*
- *Frameworks and mandates for implementation and enforcement of treaties on a nation-to-nation basis.*
- *Reforming and modifying a land-claims policy.*
- *A commitment towards resource revenue sharing, requiring the participation of provinces and territories.*
- *A commitment towards sustained environmental oversight over First Nations lands.*
- *A review of Bill C-38 and C-45 to ensure consistency with constitutional requirements about consultation with aboriginal peoples.*
- *Ensure that all federal legislation has the consent of First Nations where inherent and Treaty rights are affected.*
- *The removal of funding caps and the indexing of payments made to First Nations.*
- *An inquiry into violence against indigenous women.*
- *Equity in capital construction of First Nation schools and additional funding support for First Nation languages.*
- *A dedicated cabinet committee and secretariat within the Privy Council Office responsible for the First Nation-Crown relationship.*
- *Full implementation of the United Nations Declaration of the Rights of Indigenous Peoples.*

With the end of **Chief Spence's hunger strike** and the dropping off of **Idle No More rallies and demonstrations**, the media and public attention on the environmental and Indigenous issues moved to other issues of the day. The **13 point declaration of Chief Spence** was also forgotten as weeks passed and spring arrived.

### Harper's Two Dirty SOC's (Senior Oversight Committees)

As summer began, **AFN National Chief Shawn Atleo**, **BC Regional Vice-Chief Jody Wilson-Raybould** and **Saskatchewan Regional Vice-Chief Perry Bellegarde** began discussions with the Government of Canada regarding the "*high level*" processes on **historic Treaties and Comprehensive Claims policy** the Prime Minister promised during the January 11<sup>th</sup> **PM-AFN meeting**.

The **historic Treaty Senior Oversight Committee** has met with problems due to disagreements among Treaty Chiefs. A **National Treaty Gathering** was held at the **Onion**



Chief Theresa Spence in Delta Ottawa after PM-AFN meeting took place, Jan. 11, 2013. (Photo by Nahum Diabo)

"Prime Minister Harper rejected all of the points except the establishment of a high level process on historic Treaties and Comprehensive Claims Policy. The AFN accepted this outcome"



Bernard Valcourt has to manage implementation of Harper's FN Termination Plan.



Perry Bellegarde, heads up Treaty SOC

“The two “high level” Canada-AFN SOC processes really just turn the AFN representatives into junior advisors to the federal government”



Jody Wilson-Raybould heads up the Comprehensive Claims Policy SOC for AFN.

## ‘Idling Some More’ continued from page 7

**Lake Cree Nation** on the same dates as the **AFN Annual Assembly** was held in **Whitehorse, Yukon**, friendly territory for National Chief Atleo.

**Saskatchewan Regional Vice-Chief Perry Bellegarde** recently told **CBC Power and Politics** host **Evan Solomon**, the **Treaty SOC process** has been delayed because **AFN** is waiting for the **Prime Minister** to write back with an agreement on the mandate of the **Treaty SOC**.

There are a significant number of Treaty Chiefs who continue to oppose AFN having anything to do with Treaty discussions with the government of Canada.

A delegation of Treaty Chiefs is going to England on the 250<sup>th</sup> anniversary of the **Royal Proclamation of 1763**.

As for the **Comprehensive Claims SOC process**, **AFN National Chief Shawn Atleo** and **BC Regional Vice-Chief Jody Wilson-Raybould**, assisted by **AFN staffer Tonio Sadik**, sidelined the members of the **AFN Comprehensive Claims Policy Reform Working Group**—which has been in place several years now with a mandate from the Chiefs-in-Assembly to seek changes to the policy—so they could negotiate a weak terms-of-reference between **AFN** and the **government of Canada (PMO, PCO, AANDC & DOJ)** to “review” the policy, as federal officials put it, though not necessarily to change it.

So far only those First Nation representatives who have agreed to compromise their Aboriginal Title and Rights by accepting to negotiate under **Canada’s Comprehensive Claims & Self-Government Termination policies** are at the **Comprehensive Claims SOC table**, except for **UBCIC Grand Chief Stewart Phillip**, whose organization now represents First Nations who are both in and out of the **BC Treaty Extinguishment process**.

The two “*high level*” **Canada-AFN SOC processes** really just turn the **AFN representatives** into junior advisors to the federal government. It is a return to the 1970’s when **Prime Minister Pierre Trudeau** and **National Indian Brotherhood (NIB) President George Manuel** agreed to establish a **joint NIB-Canada Cabinet Committee**. Shortly after its creation **NIB President George Manuel** withdrew from the **joint cabinet committee** when he saw it was only being used by **PM Trudeau** as a rubber stamp for federal policy.

Unfortunately, in my humble opinion, we do not have principled leaders like **George Manuel** representing us on these two dirty, one sided, **SOC’s** offered to us by **Prime Minister Harper**.

### Conclusion

In my view the **Idle No More movement** has become **Idle Some More** because 100’s of Chiefs and First Nation leaders (**402 bands/Non-Status/Metis**) have capitulated to **Canada’s core mandates** in the **negotiations at the 93 federal Termination Tables**, which affects a total population of **331,945**. Most of these people are status Indians who will have their legal and political status changed when final agreements are reached at these **93 Termination Tables**.

#### Population Affected by Region

First Nations from each region of Canada are included in the **Termination Negotiation Tables**. The break down by region is as follows:

<b>Prince Edward Island -</b>	<b>1,100</b>
<b>Nova Scotia -</b>	<b>15,000</b>
<b>Newfoundland/Labrador -</b>	<b>5,200</b>
<b>New Brunswick -</b>	<b>14,000</b>

## 'Idling Some More' conclusion from page 8

Quebec -	35,155
Ontario -	124,600
Manitoba -	11,300
Saskatchewan -	17,450
Alberta -	10,000
British Columbia -	76,695
Northwest Territories -	15,995
Yukon -	<u>5,450</u>
<b>Total</b>	<b>331,945</b>

These figures don't include the populations of the **Land Claims Agreement Coalition** who have already compromised their pre-existing constitutional rights.

Whether you live on or off Reserve or in or out of your territory, as a member of a band at a **Termination Table** you will get to vote in a **referendum to accept or reject an agreement-in-principle or a final agreement**. These agreements once ratified will affect you and your future generations once and for all time.

It seems many First Nation peoples are **Idling Some More** because their Chiefs/leaders have capitulated to the **government of Canada (and the provinces)** and are now negotiating their **terms of surrender** to become essentially **municipalities within Canada's federation**. Under these circumstances if the people want real change they will not only have to challenge the **government of Canada** but **their own Chiefs/leaders** as well.

To use a Star Trek metaphor, I guess most Chiefs/leaders believe "**resistance is futile**". The question remains, do the people believe this too?

On **October 7<sup>th</sup>**, a **National Day of Action** called by **Idle No More** will demonstrate if the numbers of people are still there who want change in Canada for the environment and for Indigenous Peoples rights.

For a list of the **93 Termination Tables and bands participating in them** go to this website: <http://www.aadnc-aandc.gc.ca/eng/1346782327802/1346782485058>



"To use a Star Trek metaphor, I guess most Chiefs/leaders believe "resistance is futile". The question remains, do the people believe this too?"



Courtesy of Ross Montour, Mohawk Nation at Kahnawake





“Indigenous peoples from around the world today issued a common position for the high-level plenary meeting of the United Nations General Assembly, also known as the World Conference on Indigenous Peoples, to be held at New York Headquarters from 22 to 23 September 2014”

## ***Position for 2014 World Conference on Indigenous Peoples, to Be Held at Headquarters, 22-23 September Preparatory Meeting in Norway Declares Common***

ALTA, NORWAY, 12 June — Indigenous peoples from around the world today issued a common position for the high-level plenary meeting of the United Nations General Assembly, also known as the World Conference on Indigenous Peoples, to be held at New York Headquarters from 22 to 23 September 2014.

The “Alta Outcome Document” is a set of recommendations adopted by the Global Indigenous Preparatory Conference in Alta, Norway. Indigenous peoples from the seven regions of the world — Asia; Africa; North America; Central and South America and the Caribbean; Eastern Europe, Russian Federation, Central Asia and Transcaucasia; the Arctic; and the Pacific, as well as the Indigenous Women and Youth Caucuses — gathered in Alta at a global meeting organized by the Saami Parliament of Norway.

“This is a crucial step leading up to the World Conference,” said Paul Kanyinke Sena, Chair of the United Nations Permanent Forum on Indigenous Issues. “By formulating a common position, indigenous peoples have given their voices added strength and relevance in the dialogues that will make up the World Conference.”

Around 600 delegates and observers attended the preparatory conference, including members of the Permanent Forum, led by Mr. Sena, the Expert Mechanism and the Special Rapporteur on the Rights of Indigenous Peoples. Also present were Luis Alfonso de Alba, Permanent Representative of Mexico to the United Nations in New York, and John B. Henriksen, international representative of the Saami Parliament, both of whom were appointed by the President of the sixty-sixth session of the General Assembly to conduct consultations with Member States on his behalf.

The delegates identified, as concrete recommendations for inclusion in the final outcome document of the World Conference, four overarching themes that capture their priorities: indigenous peoples’ lands, territories and resources; United Nations action for the implementation of the rights of indigenous peoples; implementation of the rights of indigenous peoples; and indigenous peoples’ priorities for development, including the right to free, prior and informed consent.

The Permanent Forum, at its recently concluded twelfth session (20-31 May) at Headquarters, conducted a day-long discussion on the World Conference, reaffirming the United Nations Declaration on the Rights of Indigenous Peoples as the normative framework for the World Conference, and reiterating as fundamental the full and effective participation of indigenous peoples in that event.

For media queries, including interviews with United Nations officials and indigenous representatives, please contact Martina Volpe Donlon, Department of Public Information, at tel.: +1 212 963 6816; or e-mail: [donlon@un.org](mailto:donlon@un.org).

To contact the Secretariat of the Permanent Forum on Indigenous Issues, please get in touch with Nilla Bernardi, Department of Economic and Social Affairs, at tel.: +1 212 963 8379; or e-mail: [bernardi@un.org](mailto:bernardi@un.org).

For more information on the preparatory meeting in Alta, Norway, please see [www.wcip2014.org](http://www.wcip2014.org), or the website of the United Nations Permanent Forum on Indigenous Issues, at <http://social.un.org/index/IndigenousPeoples.aspx>.



Arthur Manuel & Janice Makokis Co-Chairs NAIPC in Alta, Norway June 10, 2013. (Photo by R. Diabo)



UNITED NATIONS  
**WORLD CONFERENCE ON  
 INDIGENOUS PEOPLES**  
 A HIGH-LEVEL PLENARY MEETING OF THE GENERAL ASSEMBLY

**United Nations—World Conference on Indigenous Peoples—  
Global Indigenous Preparatory Conference 2013, Alta, Norway**

**ALTA OUTCOME DOCUMENT**

**Introduction**

We Indigenous Peoples and Nations (hereinafter referred to as Indigenous Peoples) representing the 7 global geo-political regions including representatives of the women’s caucus and the youth caucus have gathered in the traditional territories and lands of the Sami people at Alta, Norway. Our purpose was to exchange views and proposals and develop collective recommendations on the UN High Level Plenary Meeting of the General Assembly to be known as the World Conference on Indigenous Peoples (hereinafter referred to as HLPM/WCIP), which will convene in New York, 22 – 23 September 2014. This document sets forth our recommendations along with the historical and current context of Indigenous Peoples.

**Preamble**

As the original and distinct Peoples and Nations of our territories we abide by natural laws and have our own laws, spirituality and world views. We have our own governance structures, knowledge systems, values and the love, respect and lifeways, which form the basis of our identity as Indigenous Peoples and our relationship with the natural world.

Indigenous Peoples have been instrumental in the advocacy for and recognition of human rights including the collective and individual human rights of Indigenous Peoples and have participated in international forums and processes. This has, among other things, resulted in the adoption of the ILO Convention 169 and the UN Declaration on the Rights of Indigenous Peoples (herein after referred to as the Declaration), the establishment of the UN Permanent Forum on Indigenous Issues, the Expert Mechanism on the Rights of Indigenous Peoples and the UN Special Rapporteur on the Rights of Indigenous Peoples.



Participants of the North American Indigenous Peoples Caucus at the Global Preparatory Indigenous Peoples Conference , June 14, 2013, Alta, Norway. (Photo by Ben Powless)

For centuries, we Indigenous Peoples have faced and continue to face colonization of our lands, territories, resources, air, ice, oceans and waters, mountains and forests. This has resulted in patterns of domination, exploitation and subjugation of our Peoples. Such patterns can be traced to claims of discovery and conquest, papal bulls, royal charters, “manifest destiny” and other erroneous and legally invalid doctrines.

These claims have manifested in colonial strategies, policies, and actions designed to destroy Indigenous Peoples thereby resulting in the ongoing usurpation of Indigenous Peoples’ lands, territories, resources, air, ice, oceans and waters and, mountains and forests; extensive destruction of Indigenous Peoples’ political and legal institutions; discriminatory practices of colonizing forces aimed at destroying Indigenous Peoples’ cultures; failure to honour Treaties, agreements and other constructive arrangements with Indigenous Peoples and Nations; genocide, ecocide, loss of food sovereignty, crimes against humanity, war crimes and the militarization of Indigenous Peoples and our lands; corporatization and commodification of Indigenous Peoples and our natural resources; and the imposition of “development” models that are destroying the life-giving capacities and integrity of Mother Earth and producing a range of detrimental impacts of which climate change could prove to be the most destructive.

The provisions of the Declaration that affirm the inherent rights of Indigenous Peoples to participate fully in decision-making that affects us, will continue to guide and frame our



Plenary Session Global Indigenous Preparatory Conference. (Photo by R. Diabo)

**“For centuries, we Indigenous Peoples have faced and continue to face colonization of our lands, territories, resources, air, ice, oceans and waters, mountains and forests. This has resulted in patterns of domination, exploitation and subjugation of our Peoples”**



North American Indigenous Peoples Caucus in session. (Photo by R. Diabo)



Debra Harry, Paiute Nation, NAIPC Member, Global Coordinating Committee.

**“We affirm that the inherent and inalienable right of self determination is preeminent and is a prerequisite for the realization of all rights. We Indigenous Peoples, have the right of self determination and permanent sovereignty over our lands, territories, resources, air, ice, oceans and waters, mountains and forests”**



Members of African Caucus in Alta, Norway.

## ‘Alta Outcome’ continued from page 11

work for the HLPM/WCIP.

We further affirm that nothing in this process or its outcomes may be interpreted as diminishing or eliminating any of the rights of Indigenous Peoples contained in the Declaration, or any of the other international standards which protect, defend and uphold the inherent economic, social, cultural, civil, political, educational and spiritual rights of Indigenous Peoples.

We reaffirm the peremptory norms of international law, including on equality and non-discrimination, and assert that the realization of the rights of Indigenous Peoples, including those affirmed in the Declaration, must be upheld by States, individually and collectively, free from all forms of discrimination including discrimination based on race, ethnicity, religion, gender, sexual orientation, age and disability. We also reaffirm that the Declaration must be regarded as the normative framework and basis for the Outcome Document and its full realization.

We affirm that the inherent and inalienable right of self determination is preeminent and is a prerequisite for the realization of all rights. We Indigenous Peoples, have the right of self determination and permanent sovereignty over our lands, territories, resources, air, ice, oceans and waters, mountains and forests.

We condemn violence against Indigenous women, youth and children as one of the worst human rights violations affecting Indigenous Peoples and families. Violence against Indigenous women, youth and children is dehumanizing and also affects their spiritual development and violates their fundamental rights.

We have identified four overarching themes that encapsulate those issues that are of greatest importance to us as Indigenous Peoples. We recommend that each overarching theme be the respective theme for each of the three round tables and the one interactive dialogue that make up the HLPM/WCIP. Each of the four themes are accompanied by specific and concrete recommendations for inclusion in the final Outcome Document of the HLPM/WCIP.

### **Theme 1: Indigenous Peoples’ lands, territories, resources, oceans and waters**

1. *In order* to fulfil their obligations to guarantee Indigenous Peoples’ right of self determination and permanent sovereignty over our lands, territories, resources, air, ice, oceans and waters, mountains and forests, we recommend that States, as a matter of urgency, establish effective mechanisms through agreements reached with the Indigenous Peoples concerned, to effectively implement the aforementioned rights consistent with State’s obligations under international law, the UN Charter, the Declaration and Treaties and agreements concluded with Indigenous Peoples and Nations;

2. *Recommend* that States affirm and recognize the right to the protection, preservation and restitution of our sacred places, sites and cultural landscapes and establish mechanisms that can effectively promote the implementation of these rights including through the allocation of sufficient financial resources;

3. *Recommend* that States, in keeping with Indigenous Peoples law, traditions, customs, and land tenure systems, and with the full, equal and effective participation of Indigenous Peoples, establish tribunals, commissions or other bodies with full judicial authority, to identify lands, territories and resources including lands taken without the free, prior and informed consent to which Indigenous Peoples have inherent rights through traditional ownership and/or use, including through delineation and demarcation, and to resolve disputes, including through the recovery of such lands, territories and resources. In all of the aforesaid situations, the laws, customs and usages of Indigenous Peoples shall be recognized;

4. *Recommend* that States comply with judicial pronouncements, decisions of national and international courts and recommendations of Treaty bodies and establish and provide adequate resources for effective redress for historical injustices in relation to Indigenous Peoples’ lands, territories and natural resources;

## 'Alta Outcome' continued from page 12

5. *Recommend* that States with the full and effective participation of Indigenous Peoples establish mechanisms, to ensure the implementation of the right of free, prior and informed consent before entering the lands and territories of Indigenous Peoples, including in relation to extractive industries and other development activities. We further recommend that States cease the removal of Indigenous Peoples from their ancestral lands and territories. In cases where they are being or have been removed, displaced and/or dispossessed, States shall provide restitution or when this is not possible, just, fair and equitable compensation including the return of land and humanitarian assistance as required by the Indigenous Peoples affected;

6. *Recommend* that States uphold and respect the right of self determination and the free, prior and informed consent of Indigenous Peoples who do not want mining and other forms of resource extraction, "development" and technologies deemed as degrading to their human, cultural reproductive and ecosystem health. Where mining and other forms of resource extraction are already occurring, States shall develop mechanisms with the full and effective participation of Indigenous Peoples to develop a comprehensive strategy for ecologically sustainable and equitable development to end and prevent uncontrolled and unsustainable industrial contamination and degradation with plans for clean-up, remediation and restoration. Such a strategy shall incorporate strengthening the capacity of Indigenous youth in relation to sustainable development practices based on Indigenous knowledge and the relationship with the land as well as the protection and promotion of the important role of traditional knowledge holders including Indigenous Elders and women;

7. *Recommend* that States implement a comprehensive human rights and ecosystem based approach into all climate change measures and initiatives recognizing and valuing Indigenous world views including knowledge systems, technologies, innovations and practices, customary institutions and Indigenous governance, lands and resources, with enforceable safeguards in all climate agreements. We further recommend the urgent transition away from fossil fuel dependence towards decentralized, locally controlled, clean, renewable energy systems and infrastructure; and

8. *Recommend* that States develop and enforce in conjunction with Indigenous Peoples legislation or policies to acknowledge and protect Indigenous Peoples' traditional and subsistence livelihoods and other customary or culturally based land and resource uses and Indigenous economies and that such legislation or policies be adopted with the free, prior, and informed consent of Indigenous Peoples.

### **Theme 2: UN system action for the implementation of the rights of Indigenous Peoples**

1. *Recommend* the creation of a new UN body with a mandate to promote, protect, monitor, review and report on the implementation of the rights of Indigenous Peoples, including but not limited to those affirmed in the Declaration, and that such a body be established with the full, equal and effective participation of Indigenous Peoples;

2. *Recommend* that the General Assembly call for the establishment of an international mechanism to provide oversight, redress, restitution and the implementation of Treaties, agreements and other constructive arrangements between Indigenous Peoples or Nations and States, predecessor and successor States;

3. *Recommend* that States provide legal recognition to Indigenous Peoples as Indigenous Peoples where so demanded by the Peoples concerned, consistent with the provisions of the Declaration that affirm the inherent rights of Indigenous Peoples;

4. *Recommend* that the General Assembly appoint an Under-Secretary General for Indigenous Peoples, in order to strengthen the capacity and efforts of the UN towards ensuring the full realization of the rights of Indigenous Peoples as well as the inclusion and reflection of these rights including the right to full and effective participation in decision making in all activities of the UN;

5. *Recommend* that all UN agencies, programs and funds engaging in activities impacting



Conference Coordinating Committee, Alta, Norway.

**"Recommend that States uphold and respect the right of self determination and the free, prior and informed consent of Indigenous Peoples who do not want mining and other forms of resource extraction, "development" and technologies deemed as degrading to their human, cultural reproductive and ecosystem health"**



NAIPC in session in Alta, Norway.

## 'Alta Outcome' continued from page 13



NAIPC members in plenary session, Alta, Norway.

“Recommend that the Declaration be a minimum human rights standard used in the Human Rights Council Universal Periodic Review so that States are formally assessed in relation to their progress in implementing the rights of Indigenous Peoples”



Deb Harry presenting NAIPC position on text during plenary, Alta, Norway.

on Indigenous Peoples appoint an officer, or establish a team of officers on a permanent and full-time basis, with particular responsibility to ensure that all such activities are responsive to and adapted for the particular situation of Indigenous Peoples and to provide training and capacity building for all new and existing UN staff regarding Indigenous Peoples' rights;

6. *Recommend* that all UN agencies, funds and programmes engaging in activities impacting on Indigenous Peoples form advisory councils or forums composed of representatives of Indigenous Peoples including women, youth and persons with disabilities to engage in dialogue and provide advice on policy making and country and regional level operations;

7. *Recommend* that a review be undertaken of the nomination processes for UN mandated positions relating to Indigenous Peoples' rights to ensure that the processes are consistent with the Declaration. Further we recommend that more Indigenous candidates with expertise on Indigenous Peoples' rights be appointed to Treaty monitoring bodies;

8. *Recommend* that following the HLP/WCIP, work be undertaken to organize an official UN World Conference on Indigenous Peoples with the full, equal and effective participation of Indigenous Peoples at all stages;

9. *Call* on the World Heritage Committee, UNESCO and States to revise the World Heritage conventions operational guidelines to ensure the rights and territories of Indigenous Peoples are respected in the nomination, designation, management and monitoring of world heritage sites incorporating or affecting their lands, territories, resources, ice, oceans and waters, and mountains and forests and to ensure that Indigenous Peoples' right to free, prior and informed consent is obtained in world heritage decision making processes;

10. *Pursuant* to the universal application of the right of self determination for all Peoples, recommends that the UN recognize Indigenous Peoples and Nations based on our original free existence, inherent sovereignty and the right of self determination in international law. We call for, at a minimum, permanent observer status within the UN system enabling our direct participation through our own governments and parliaments. Our own governments include *inter alia* our traditional councils and authorities;

11. *Recommend* States, UN agencies and donor groups ensure the rights of Indigenous Peoples are respected in development aid cooperation; and

12. *Recommend* that the Declaration be a minimum human rights standard used in the Human Rights Council Universal Periodic Review so that States are formally assessed in relation to their progress in implementing the rights of Indigenous Peoples.

### Theme 3: Implementation of the Rights of Indigenous Peoples

1. *Based* on the right of self determination Indigenous Peoples have the right and authority to develop and implement on an equal basis with States the standards and mechanisms that will govern relationships between them and, with the full, equal and effective participation of Indigenous Peoples we recommend that:

a) States develop processes to ensure that regional, constitutional, federal/national, provincial, and local laws, policies and procedures comply with the Declaration and other international human rights standards that uphold the rights of Indigenous Peoples;

b) Indigenous Peoples institutions, conflict resolution processes and juridical systems are respected and protected; and

c) that National Human Rights Institutions develop specific programmes that focus upon the implementation of the Declaration;

2. *Recommend* that States enter into new Treaties, agreements and other constructive arrangements with Indigenous Peoples and Nations as a way to effectively implement their rights and resolve violent conflicts and disputes and that the implementation of all Treaties, agreements and other constructive arrangements be ongoing and effective;

3. *Recommend* that States using the principles of Indigenous consent, ownership, control

## ‘Alta Outcome’ continued from page 15

and access, collect, analyze and disaggregate data on Indigenous Peoples, including Elders, women, youth, children and persons with disabilities, to help draft and implement public policy and legislation that better addresses the situation of Indigenous Elders, women, youth, children and persons with disabilities;

4. *Recommend* that States recognize that the implementation of the rights of Indigenous Peoples includes the review, formulation, amendment and implementation of laws, policies, and strategies and that these processes must be undertaken with the free, prior and informed consent of Indigenous Peoples, and be informed by evidence based on ethical collection, analysis, and the use of disaggregated data;

5. *Recommend* that States uphold and implement the rights of Indigenous women as sacred life givers and nurturers as well as strengthen – with the full and effective participation of Indigenous women – the protection of Indigenous women and girls through the formulation and implementation of national, regional and international plans of action developed in conjunction with Indigenous Peoples effective laws, policies and strategies;

6. *Recommend* States with the full, equal and effective participation of Indigenous women, youth and girls take immediate action to review, monitor and provide comprehensive reports on violence against Indigenous women, youth and girls, in particular sexual violence, domestic violence, trafficking and violence related to extractive industries as well as provide redress for victims;

7. *Recommend* States cease current, and refrain from any further, militarization and initiate processes to demilitarize the lands, territories, waters and oceans of Indigenous Peoples. This can be achieved *inter alia* through the repeal and/or discontinuance of “anti terrorist”, national security, immigration, border control and other special laws, regulations, operations and executive orders that violate the rights of Indigenous Peoples. Special measures should be taken to ensure the protection of Indigenous Elders, women, youth, children and persons with disabilities, particularly in the context of armed conflicts;

8. *Recommend* that States in conjunction with Indigenous Peoples establish and develop commissions of inquiry or other independent, impartial and investigative mechanisms to document matters of impunity and other human rights concerns of Indigenous Peoples and to ensure that recommendations to governments to end impunity for violations of Indigenous Peoples’ rights are effectively implemented. We further recommend that perpetrators be brought to justice and the victims compensated and rehabilitated;

9. *Recommend* that States work proactively, nationally and internationally with the full equal and effective participation of Indigenous Peoples to develop effective mechanisms to identify and repatriate sacred and culturally significant items and ancestral remains, in accordance with Indigenous Peoples’ customs, traditions and beliefs;

10. *Recommend* that States fully honour and in conjunction with Indigenous Peoples create conditions for the right of self determination of Indigenous Peoples including through formal decolonization processes to those Indigenous Peoples who seek it, and that all administering powers of non-self governing territories take all steps necessary to eradicate colonialism in all its forms and manifestations;

11. *Recommend* that States, in conjunction with Indigenous Peoples support the effective implementation of Indigenous Peoples’ right of self determination through providing financial support and revenue sharing to Indigenous Peoples;

12. *Recommend* also that States, relevant UN system organizations and international financial institutions and donor organizations support the implementation of Indigenous Peoples’ right of self determination including through capacity building to achieve this end in all regions;

13. *Further* recommend that, in keeping with our right of self determination and free prior and informed consent, Indigenous Peoples participate effectively and fully in the negotiations of all relevant international agreements that may affect them including multi lateral and bilateral trade and investment agreements and organizations including in the review



Crystal Lameman presented on Tar Sands impacts during conference side event, Alta, Norway.

“Recommend that States fully honour and in conjunction with Indigenous Peoples create conditions for the right of self determination of Indigenous Peoples including through formal decolonization processes to those Indigenous Peoples who seek it”



James Anaya, UN Special Rapporteur speaks to plenary session, Alta, Norway.

## ‘Alta Outcome’ conclusion from page 15



Ron Lameman, Treaty 6 speaks at NAIPC session, Alta, Norway.

“Indigenous Peoples’ priorities for development are predicated on the full, equal and effective recognition of our rights to lands, territories, resources, air, ice, oceans and waters, and mountains and forests and the connection between customs, belief systems, values, languages, cultures and traditional knowledge”



Willie Littlechild member of UNEMRIP speaks to plenary session, Alta, Norway.

of existing agreements; and

14. *Recommend* States establish regional mechanisms to monitor the implementation of the Declaration.

### Theme 4: Indigenous Peoples’ priorities for Development with free, prior and informed consent

1. *Indigenous Peoples’* priorities for development are predicated on the full, equal and effective recognition of our rights to lands, territories, resources, air, ice, oceans and waters, and mountains and forests and the connection between customs, belief systems, values, languages, cultures and traditional knowledge. We therefore recommend that rights, culture and spiritual values be integrated into strategies that relate to development including sustainable development goals and the post 2015 UN Development Agenda;

2. *Recommend* States adopt public policies which guarantee the right to food, food sovereignty, food security and safety and the right to water and clean air for Indigenous Peoples. Further, that States cease subsidizing the expansion of industrial, commercial agriculture plantations which promote toxic chemical fertilizers and pesticides as well as genetically modified organisms (GMO’s) in Indigenous lands and territories;

3. *Recommend* States support programmes of Indigenous Peoples to strengthen the capacity of Indigenous youth, including on the transmission of traditional knowledge, innovations and practices as well as languages and on the important role of Indigenous Peoples including Elders and women as traditional knowledge holders. Further, that States and UN agencies, programs and funds respect and promote Indigenous Peoples’ right to free, prior and informed consent in relation to their traditional knowledge and traditional cultural expressions;

4. *Recommend* States take a rights based and culturally appropriate approach to public safety and access to justice guided by Indigenous Peoples’ legal orders and traditional justice systems and by standardised and disaggregated data collection focused on prevention and restorative justice as well as protection and rehabilitation;

5. *Recommend* States cease State sponsored population transfers and demographic engineering of Indigenous Peoples that *inter alia* result in the minoritization of Indigenous Peoples;

6. *Recommend* States with the full, equal and effective participation of Indigenous Peoples provide adequate resources that enable the empowerment of Indigenous Peoples to deliver and have access to high quality and culturally based education, health including mental health and housing to improve the wellbeing of Indigenous Peoples; and that Indigenous individuals are provided with appropriate health care on an equal basis;

7. *Recommend* States take urgent action to adopt strategies that enable Indigenous Peoples to exercise their right to education particularly youth and children and their sovereign rights to establish their own educational system affirming the scholarship of their knowledge systems, sciences, technologies, intellectual property and cultural manifestations;

8. *Recommend* States ensure meaningful and effective participation and the free, prior and informed consent of Indigenous Peoples in accordance with their protocols in order to reform the dominant education system to reflect the histories, identities, values, beliefs, cultures, languages and knowledge of the Indigenous Peoples to whom it is being delivered; and

9. *Call* on States to reaffirm the rights of Indigenous Peoples to their economic, social and cultural development with due regard to their freedom and identity and the recognition that the right to sustainable development is both procedural and substantive. We further call upon States to ensure the full, equal and effective participation of Indigenous Peoples in the development of mechanisms to ensure that ecosystem based sustainable development is equitable, non-discriminatory, participatory, accountable, and transparent, with equality, consent and decolonization as important overarching themes that protect, recognize and respect the rights of Indigenous Peoples and that are in harmony with the sacredness of Mother Earth.

## INDIGENOUS RIGHT TO SELF-DETERMINATION



Arthur Manuel during North American Indigenous Peoples Caucus, June 10, 2013, in Alta, Norway.  
(Photo by R. Diabo)

By Arthur Manuel, Spokesperson, Indigenous Network on Economies & Trade

**Self-determination** is the international remedy for colonization. Colonization is the ugly consequences when international relationships were based racism, human intolerance and land grabbing. Canada is still a colonial state. Colonialism from an Indigenous perspective is based on dispossession, dependency and oppression. The **United Nations** has condemned colonization in all its manifestations. The only place where it continues to exist is in Canada, the United States, Australia and New Zealand. My late father **George Manuel** used to refer to the Indigenous Peoples as being part of the **4<sup>th</sup> World**.

He called us part of the **4<sup>th</sup> World** because we were being oppressed and we should be eligible for self-determination but we were a minority colonized Indigenous Peoples living in a settler majority state. Canada's position is that the majority settler state has the power to exercise self-determination and that Indigenous Peoples right to self-determination is included inside the decision of the settler government. This is what Canada told the **United Nations Human Rights Committee** in 2005.

The **United Nations Human Rights Committee** is responsible for reviewing how state governments that signed the **International Covenant on Civil and Political Rights** implement the Covenant inside their country. Canada is a signatory to this International human rights Covenant. **Article 1 of the International Covenant on Civil and Political Rights** states: "*All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*"

The **United Nations Human Rights Committee** asked Canada in 2005 to "*provide information on the concept of self-determination as it is applied to Aboriginal peoples in Canada*". Canada provided some analysis and their position on self-determination but basically left the issue hanging by telling the **Human Rights Committee** that Canada was at the time participating in discussions on self-determination at the **Working Group on the UN Declaration on Rights of Indigenous Peoples (DRIP)**. The **UN DRIP** was passed in 2007.

In addition to the Canada **Constitution Act 1982** recognizing and affirming Aboriginal and Treaty Rights in section 35 (1) it also imposed that Canada under section 37 (1) constitutional conferences that "*shall have included in its agenda matters that directly affect the aboriginal peoples of Canada, and the Prime Minister of Canada shall invite representatives of those peoples to participate in the discussions on those matters.*" It is important to realize that section 35 (1) and section 37 (1) are linked together and are an integral part of the right of Indigenous Peoples to self-determination in Canada.

There are two interdependent peoples entitled self-determination in Canada. In Canada there are **Indigenous Peoples** and **Canadian settlers** who are entitled to self-determination. The patriation of the Canadian Constitution 1982 and the subsequent failure of the constitutional conferences on Aboriginal matters means that only the Canadian settlers achieved self-determination. It is important to realize that Canada cannot achieve full self-determination without Indigenous Peoples also achieving self-determination.

It is imperative to Canada's territorial integrity that they recognize and affirm Aboriginal and Treaty Rights. The constitutional conferences were supposed define what Aboriginal and Treaty Rights would change the federal and provincial powers that were granted them under the **British North America Act 1867**. The **BNA Act 1867** was a colonial mandate that turned over all Aboriginal and Treaty territories to the federal and provincial government.

It was the **BNA Act 1867** that "*dispossessed*" us of our territories and automatically made us "*dependent*" upon the federal and provincial governments. When Indigenous Peoples fought against this colonization Canada amended the **Indian Act** and prohibited us from meeting on our land rights from 1926 – 1951. Though the prohibition law has been repealed and the constitution recognizes and affirms Aboriginal and Treaty Rights, Canada and the provinces mutually and exclusively insist on making all access and benefit decisions regarding our land.

When Indigenous Peoples resist this business-as-usual approach of the federal and provincial governments use the settler courts, police and army to oppress us. **Colonization is dispossession, dependency and oppression**. These are the underlying policies of Canada to Indigenous Peoples. It is important for Indigenous Peoples to realize that the



**L to R:** Rodolfo Stavenhagen, Art Manuel, Ed Bianchi at meeting in Rapid Lake, Barriere Lake Algonquin Territory.

“It is only through pressure, tension and self-determination will powers move from sections 91 federal and 92 provincial to section 35 Indigenous powers in the Canadian Constitution 1982”



**L to R:** Barriere Lake Chief Harry Wawatie & Elder Michel Thusky at Stavenhagen meeting in Rapid Lake..

## ‘Indigenous Self-Determination’ conclusion from page 17

broader framework of addressing the poverty we experience is to decolonize ourselves by self-determination.

Indigenous Peoples need to tell the **UN Human Rights Committee** to continue to keep pressure on Canada to apply **Article 1 of the International Covenant on Civil and Political Rights** to Indigenous Peoples. It is equally important for Indigenous Peoples to quit agreeing to continue to participate under federal and provincial laws, regulations and policies that entrench us under their jurisdiction. You cannot accept delegated authority under federal and provincial powers and at the same time ask for self-determination based on Indigenous Peoples sovereignty.



Rodolfo Stavenhagen UN Special Rapporteur at meeting with Indigenous representatives hosted by the Algonquin Nation Secretariat & Algonquins of Barriere Lake, May 24, 2004, in Rapid Lake, Algonquin Territory, Quebec

The federal and provincial governments want to maintain their colonial privileges and authority by keeping Indigenous Peoples under the jurisdiction of the federal and provincial governments. It is only through **pressure, tension and self-determination** will powers move from sections 91 federal and 92 provincial to section 35 Indigenous powers in the Canadian Constitution 1982. Canada in their 2005 submission to the **UN Human Rights Committee** admitted that some Indigenous Peoples in Canada could be eligible for self-determination but many other Indigenous Peoples are not “**peoples**” but merely “**collectives**”.

Canada does say in their statement that Indigenous Peoples do benefit from additional programs and services and we represented under their electoral system and we are Canadian citizens. The real problem with this interpretation of the situation is that the former **UN Special Rapporteur Rodolfo Stevenhagen** reported to the **UN General Assembly** in 2005 that during his Official Visit to Canada he had to note that there was a “**persistent disparity**” between Indigenous Peoples and other Canadians. Indigenous Peoples did not voluntarily decide to be impoverished. Therefore how can we be said to be part of Canada.

We are poor because we are not Canadians in any substantive manner and our Indian Reserve lands are 0.2% of our original territory. Canada and the provinces therefore have 99.8% of our Aboriginal and Treaty Territory. This is what is colonization and dispossession. This is the source of our systemic and ongoing poverty under Canada’s colonial system. It is this kind of human degradation that is why the **United Nations** condemns colonization in all its manifestations.

We must decolonize and achieve self-determination and not fall for the trap of building our future under the federal and provincial governments. I believe that Indigenous leaders who want to be under federal and provincial powers should **enfranchise themselves and become Canadians**. I know Canada is using all kinds of money, jobs, business opportunities and revenue sharing schemes to attract Indian Bands into endorsing federal and provincial government economic development plans. I do not believe we can trust the federal and provincial governments and for the majority of Indigenous Peoples I know the record speaks for itself.

You can contact Arthur Manuel by e-mail at: [amanuel@telus.net](mailto:amanuel@telus.net)

## A Call to Action from Idle No More & Defenders of the Land— Sovereignty Summer

**Idle No More** has sparked an awakening of Indigenous and non-Indigenous peoples internationally in support for democracy, human rights and environmental protections. In three short months, the movement has succeeded in raising global consciousness through education, cultural resurgence, and democratic political activism. We have shaken the foundations of inequality in Canada, and invited communities to join in a movement for social and environmental justice. We now need many more people to stand with us.

The **Harper government's agenda is clear**: to weaken all collective rights and environmental protections, in order to turn Canada into an extraction state that gives corporations unchecked power to destroy our communities and environment for profit. Harper is trying to extinguish Indigenous Peoples' Inherent, Aboriginal and Treaty rights to their territories, because these rights are the best and last protection for all Canadians. **Idle No More** has confronted these policies, and Harper supporters such as **ex-Minister of Aboriginal Affairs John Duncan, suspended Senator Patrick Brazeau, resigned Minister Peter Penashue, and Tom Flanagan** have been called into question by grassroots people.

**Idle No More** will help rebuild the nation-to-nation relationship that is the foundation of this country. This means deepening democracy, respecting Indigenous sovereignty and protecting the land and waters from further resource extraction without the affected Indigenous Peoples' free, prior, and informed consent.

We know it will take a lot more to defeat Harper and the corporate agenda. But against the power of their money and weapons, we have the power of our bodies and spirits. There is nothing that can match the power of peaceful, collective action in the defense of people and Mother Earth.

**Idle No More and Defenders of the Land**, a network of Indigenous communities in land struggle, have joined together to issue this common call for escalating action. Our demands are clear and in accordance with the principles of co-existence and mutual respect between Indigenous and non-Indigenous Peoples. We demand that Canada, the provinces and the territories:

1. Repeal provisions of **Bill C-45** (including changes to the **Indian Act** and **Navigable Waters Act**, which infringe on environmental protections, Aboriginal and Treaty rights) and abandon all pending legislation which does the same.
2. Deepen democracy in Canada through practices such as proportional representation and consultation on all legislation concerning collective rights and environmental protections, and include legislation which restricts corporate interests.
3. In accordance with the **United Nations Declaration on the Rights of Indigenous Peoples'** principle of free, prior, and informed consent, respect the right of Indigenous peoples to say no to development on their territory.
4. Cease its policy of extinguishment of Aboriginal Title and recognize and affirm Aboriginal Title and Rights, as set out in **section 35 of Canada's constitution**, and recommended by the **Royal Commission on Aboriginal Peoples**.
5. Honour the spirit and intent of the **historic Treaties**. Officially repudiate the racist **Doctrine of Discovery** and the **Doctrine of Terra Nullius**, and abandon their use to justify the seizure of Indigenous Nations lands and wealth.
6. Actively resist violence against women and hold a national inquiry into missing and murdered Indigenous women and girls, and involve Indigenous women in the design, decision-making, process and implementation of this inquiry, as a step toward initiating a comprehensive and coordinated national action plan.

### CALL TO ACTION

#### Sovereignty Summer

Indigenous communities have the right to determine the development on their traditional and treaty territories. In defending their right to say "**No**" to unwanted development, First Nations like **Barriere Lake, KI, Grassy Narrows** and many others are advancing alternatives that help us re-imagine our relationship to the environment. Across the country, people are increasingly supporting First Nations who are trying to protect lands, waters and air for everyone, and to win recognition of marine protections, of sustainable forestry, of local, just economies, and of the principle that we must respect the environment that we are a part of.

We are calling on non-Indigenous people to join Indigenous communities in coordinated non-violent direct actions in the summer. Alternatives will only come to life if we escalate our actions, taking bold non-violent direct action that chal-

Advancing the Right of First Nations to Information

First Nations Strategic Policy Council  
Innisfil, Ontario

Phone: (613) 296-0110

E-mail: [rdiabo@rogers.com](mailto:rdiabo@rogers.com)



The First Nations Strategic Policy Council is a collection of individuals who are practitioners in either First Nations policy or law. We are not a formal organization, just a network of concerned individuals.

This publication is a volunteer non-profit effort and is part of a series. Please don't take it for granted that everyone has the information in this newsletter, see that it is as widely distributed as you can, and encourage those that receive it to also distribute it.

Feedback is welcome. Let us know what you think of the Bulletin—Russell Diabo, Publisher and Editor, First Nations Strategic Bulletin.

---

For Back Issues Go To:

Canada Library & Archives -Electronic Collections

---

## 'Idle No More-Defenders of the Land' conclusion from page 19

lenges the illegitimate power of corporations who dictate government policy.

Signed by:

IDLE NO MORE FOUNDERS, LEAD ORGANIZERS, PROVINCIAL AND TERRITORIAL CHAPTERS, AND WORKING GROUPS

DEFENDERS OF THE LAND

KITCHENUHMAYKOOSIB INNINUWUG FIRST NATION

ALGONQUINS OF BARRIERE LAKE

ARDOCH ALGONQUIN FIRST NATION

JUDY DA SILVA - GRASSY NARROWS WOMEN'S DRUM

CHIEF CANDICE PAUL - ST MARY'S FIRST NATION

CHIEF ARLEN DUMAS - MATHIAS COLOMB CREE NATION (PUKATAWAGAN)

INDIGENOUS ENVIRONMENTAL NETWORK

MILTON BORN-WITH-A-TOOTH - PEIGAN NATION\*

TERRY SAPIER - TOBIQUE FIRST NATION\*

DINI ZE TOGHESTIY - HEREDITARY CHIEF, LIKHTS'AMISYU CLAN, WET'SUWET'EN

FREDA HUSON - SPOKESPERSON OF THE UNIST'OT'EN-WET'SUWET'EN NATION

MEL BAZIL - LHE LIN LIYIN CO-FOUNDER, GRASSROOTS WET'SUWET'EN

CAROL MARTIN - DOWNTOWN EASTSIDE WOMEN'S CENTRE\*

REBEKA TABOBONDUNG - PUBLISHER, MUSKRAT MAGAZINE

AUDREY HUNTLEY - NO MORE SILENCE NETWORK

MELINA LABOUCAN-MASSIMO - LUBICON CREE FIRST NATION\*

RUSSELL DIABO - MOHAWK NATION (KAHNAWAKE)\*

ARTHUR MANUEL - SECWEPENC NATION, INDIGENOUS NETWORK ON ECONOMIES AND TRADE

CLAYTON THOMAS-MULLER - PUKATAWAGAN CREE NATION\*, INDIGENOUS TAR SANDS CAMPAIGN

INDIGENOUS SOVEREIGNTY AND SOLIDARITY NETWORK

**\*Identification provided for information purposes only.**

**To add your First Nation, your organization, or yourself as a signer, send an email to [defendersoftheland@gmail.com](mailto:defendersoftheland@gmail.com) or [idlenomoremedia@gmail.com](mailto:idlenomoremedia@gmail.com). Please indicate whether you are Indigenous or a non-Native supporter.**