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| **TITLE:** | Rejection of the Recognition and Implementation of Indigenous Rights Framework and Associated Processes |
| **Subject:** | Federal Legislation |
| **Moved by:** | Chief R. Don Maracle, Mohawks of the Bay of Quinte, ON |
| **Seconded by:** | Chief Denise Stonefish, Delaware First Nation, ON |

**WHEREAS:**

1. First Nations’ inherent right to self-determination pre-exists contact with external governments and cannot be surrendered, extinguished, or modified. It is affirmed in the preamble and articles 3 and 4 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the UN Charter which clearly supports the right to self-determinations of peoples. This right to self-determination, along with the preemptory norms of non-discrimination and equality for all peoples, must be considered when interpreting international law related to maintaining the territorial integrity of states (e.g. article 46 of UNDRIP).
2. The relationship between First Nations and Canada has been and must continue to be governed by international law.
	1. Treaties concluded with European powers or their successors are international Treaties of peace and friendship, created for the purpose of coexistence rather than submission to the overall jurisdiction of colonial governments.
	2. The Canadian government has at no point been able to provide proof that First Nations have expressly and of their own free will renounced their sovereign attributes. Our position is that Indigenous Peoples have never renounced their international juridical status as Nations or Peoples.
	3. The cornerstone of the Vienna Convention on the Law of Treaties is the principle of *pacta sunt servanda* (agreements must be kept), meaning that Canada cannot unilaterally nullify Treaty arrangements.
	4. Non-treaty First Nations maintain their status as Nations and at no point has this status been voluntarily relinquished.
	5. Terra nullius, conquest, and armed force have been determined to be illegitimate methods of depriving a People or Nation of their nationhood or international status.
3. The Recognition and Implementation of Rights Framework (the Framework) and associated processes undermine the true Nation-to-Nation relationship between First Nations and Canada as they:
	1. Openly reject Free, Prior, and Informed Consent (FPIC) as a guiding principle of the relationship between Canada and First Nations. This is made evident by *Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples* (Ten Principles) document which states that Canada will only *attempt* to honour FPIC. This amounts to little more than consultation.
	2. Call for the infringement of inherent and unextinguished rights and jurisdictions of First Nations. The Ten Principles document clearly states that infringement of Aboriginal rights will continue unabated in situations where Canadian courts find it “justified” or where it is found to be in the best interest of the nation.
	3. Assert that the Canadian constitutional framework is the only vehicle for the exercise of inherent rights by First Nations.
4. The inherent rights and jurisdictions of First Nations cannot be derived from the constitution of a foreign government.
5. The Framework sidelines important questions of Aboriginal title, treaty obligations, land rights, and access to natural resources to avoid recognizing substantive forms of First Nations jurisdiction.

**THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:**

1. Confirm that only First Nations can determine the path to decolonization.
2. Reject Canada’s *Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples* (Ten Principles) as the basis of the relationship going forward.
3. Reject the Recognition and Implementation of Indigenous Rights Framework (The Framework), and will take all necessary steps to prevent the passing of any legislation related to The Framework created by the federal government.