

FIRST NATIONS STRATEGIC BULLETIN

FIRST NATIONS STRATEGIC POLICY COUNSEL

Are You A Canadian?



Arthur Manuel at Standing Rock, Sioux Territory (North Dakota) December 2016.

By Arthur Manuel

2017 will mark the fact that we have been officially colonized by Canada for 150 years. This is an important milestone and it is time for us to decide if we want to continue to be colonized peoples or if we want to seek self-determination.

We have to face the fact that Canada is a settler state that was created by Great Britain to take over our Indigenous territories for use and benefit of Canada. This kind of hu-

man exploitation is called colonization and it is designed to give settler Canadians ownership over all Indigenous lands. Indigenous peoples basically subsidize the Canadian economy with free land and resources.

Colonization is a complex relationship but simple to understand if you know that dispossession, dependency and oppression are the consequences that it is designed to produce between the colonizer and the colonized. It is important to understand the **United Nations (UN)** has condemned colonization in all its manifestations because the moment you dispossess someone of their land and make him or her dependent upon the colonizer, you create a person willing to fight to be free and independent again. In this way, colonialism is against world peace.

Canadian colonialism is also based on racial discrimination, which is deeply engrained in the entire constitutional and legal fabric of Canada. Indigenous Peoples need to be careful NOT to honour the 150 years of colonization because this will validate the racism that is implicit in Canadian colonialism. Instead, Indigenous Peoples and Canadians who believe in human rights need look at Canada's 150th Birthday Party as period to undertake a commitment to decolonize Canada and recognize the right of Indigenous Peoples to self-determination.

In practical terms we need to look first at the results of colonial dispossession: the minuscule land-base that Indigenous Peoples have in contrast to settler Canadians. Our Indian reserves are only 0.2 % of Canada's land mass yet Indigenous Peoples are expected to survive on that land-base. This has

Special points of interest:

- **Canada's 150th Anniversary—Where Do You Stand?**
- **PM Trudeau & Justice Minister Wilson-Raybould Have a Two-Track Plan to Rebrand Termination as Reconciliation**
- **INAC in Secret Talks to define 'Nation-to-Nation' Relationship**

Inside this issue:

Are You a Canadian?	1
Trudeau's 2 Track Plan	4
INAC Nation to Nation	10
10 Hot Spots to Support	16
No Mining-Barriere Lake	19
Contact Us	20

'Colonization 150' continued from page 1



Map of 0.2% Reserve Lands in Canada.

“Canada has ignored these human rights recommendations because Canada’s existing policy is to terminate Indigenous constitutional and legal rights and assimilate Indigenous peoples into Canada as a settler state”

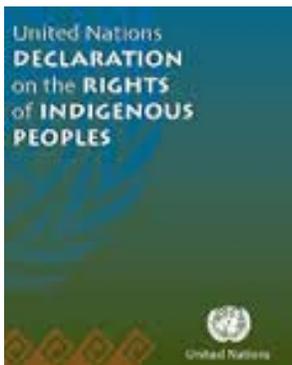
led to the systematic impoverishment of Indigenous Peoples and this impoverishment is a big part of the crippling oppression Indigenous Peoples suffer under the existing Canadian colonial system.

This 0.2% systemic impoverishment is used as a weapon by Canada to keep us too poor and weak to fight back. It is used to bribe and co-opt Indigenous leadership into becoming neo-colonial partners to treat the symptoms of poverty on the Indian reserve without addressing the root cause of the problem, which is the dispossession of all of the Indigenous Peoples’ territory by Canada and the provinces.

Settler Canadians, on the other hand, enjoy and benefit from 99.8% of our Indigenous land base under the federal and provincial governments. That is what the first Canadian Constitution established under the **British North America Act 1867**. Our lands were put under Crown title and we were left with 0.2% of the land on our Indian Reserves. Indigenous Peoples living on “**Indian Reserves**” do NOT get equal programs and services that settler Canadians get. There has always been a battle between the federal and provincial governments about what order of government is responsible for programs and services on Indian Reserves. Even in these practical terms we seem to belong to neither, and the question again is Are Indigenous Peoples Canadians?

Does this make us Canadians when programs and services are NOT available to us when we live on our Indian Reserves? Indeed 50% of Indian people live off their Indian reserves because of the lack of land, employment and education opportunities on our existing Indian Reserves. Indigenous Peoples only become Canadians by migrating to Canada based on need and not because they want too. These 0.2% Indian Reserves are in constant turmoil with their colonial masters and this is really spelled out in the **Royal Commission on Aboriginal Peoples Report 1996**.

The **United Nations human rights bodies** under the human rights treaties like the **International Covenant on Civil and Political Rights (ICCPR)**, **International Covenant on Economic, Social and Cultural Rights (ICESCR)** and **International Convention on the Elimination of All Forms of Racial Discrimination (CERD)** have made many human rights recommendations to Canada. Canada has ignored these human rights recommendations because Canada’s existing policy is to terminate Indigenous constitutional and legal rights and assimilate Indigenous peoples into Canada as a settler state.



I was an elected 0.2% Chief of my reserve for 8 years. I found out very early how futile it is to tinker with programs and services within the 0.2% land base. Canada and the provinces have never seriously wanted to increase the land base of Indigenous Peoples in Canada and Indigenous Peoples have always had to depend on the **Supreme Court of Canada (SCC)** to put pressure on the government to address the land issues of Indigenous Peoples. In this regard the **SCC** has also been very slow and expensive. The **SCC** only found Aboriginal Title in one case after 147 years after Canada’s confederation. In 2014, the **SCC** found the Tsilhqot’in people have Aboriginal Title over 1,750 square kilometers

Everyone needs to take into consideration that Canada is the second largest country in the world with a population of 35 million people of which one million are Indigenous. British Columbia is as large as California, Oregon and Washington States combined, which have a population of more than 40 million people, and

'Colonization 150' conclusion from page 2

BC has a population of only 4.6 million people of which 200,000 are Indigenous people. In Canada the size, population, constitutional and legal framework could accommodate fundamental change in expanding the land base of Indigenous Peoples from 0.2% to a size that could accommodate our right to self-determination.

The new land-base has to be based on the human rights of Indigenous Peoples to enjoy self-determination as Indigenous nations. These land-bases need to be large enough to protect our languages, cultures, laws and economies. Canadians must accept that the existing 0.2% model does not work. That fundamental increase must be made to accommodate Aboriginal and Treaty rights to land. These larger land-bases will ultimately be part of Canada's economy. It will provide Indigenous Peoples with the right to make and influence economic development choices because of our increased governance over our larger land base.

These are the broad fundamental arrangements that need to be interpreted in the context of our international right to self-determination as set out in **Article 3 of UN Declaration on the Rights of Indigenous Peoples** and **Article 1 of the ICCPR and ICESCR**. The **Supreme Court of Canada** must understand the international context of our Aboriginal and Treaty Rights as the grounds to decolonize Canada. The **Supreme Court of Canada** must take a broader view of these rights and it is up to the executive branches of Canada and provinces to manifest these legal directions in terms of consistent policies on Canada's constitution and land rights of Indigenous Peoples which were set out in section 35(1) in Canada's Constitution 1982.

These broader issues are going to manifest themselves in the struggle of Indigenous Peoples to find land settlements in British Columbia and to come to some decision regarding climate change and the **Kinder Morgan Trans-mountain Expansion project**. Canada's existing Indigenous land policies have been a failure in British Columbia and across the country. It is apparent that the **Justin Trudeau government** is trying to circumvent dealing with the 0.2% problem by giving more money for programs and services. This may help our Band Administrations to bandage up the 0.2% system but it will not address the root cause of the poverty the 0.2% system generates day-after-day in our families.

The first step is to repudiate the concepts behind the **Colonial Doctrines of Discovery** and recognize that every Indigenous nation in Canada has underlying title to their entire territory. Plus recognize we have exclusive rights to a land base starting from 3–5 million acre so we can protect our language, culture, laws and economy. The **United States** was much more open in giving tribes larger Indian Reserves than **Canada**. The large reserves in the **USA** provide a greater economic independence for the tribes, but they are still part of the **USA** economies. Canadians need to realize that we must embark on a new direction after 150 years of colonization of Indigenous Peoples. It must be a system based on the international human rights of Indigenous peoples as nations.

I believe that under the existing colonial system in Canada, Indigenous Peoples are not Canadian because of the systemic impoverishment we are forced live in because we are alienated from our traditional territories. If we accept colonization as a foundation of our relationship to Canada we are endorsing our own impoverishment. You cannot have reconciliation under the colonial **0.2% Indian Reserve System**. It is impossible. Nothing can justify that kind of human degradation. The land issue must be addressed before reconciliation can begin.



"I believe that under the existing colonial system in Canada, Indigenous Peoples are not Canadian because of the systemic impoverishment we are forced live in because we are alienated from our traditional territories"





Former Liberal PM Chretien with current Liberal PM Trudeau

“On both sides of the Canada-U.S. border the idea was the same: assimilation of Indians and the gradual elimination of Indian Reserves“



PM Trudeau announcing his two-track approach to Indigenous Reconciliation with 3 NAO Leaders, in Ottawa, Dec. 15, 2016.

Trudeau Government’s Approach to “Reconciliation” for Completion of Confederation on Canada’s 150th Anniversary



Prime Minister Justin Trudeau & Justice Minister Jody Wilson-Raybould.

By Russell Diabo

It has been 150 years since the racist, colonial **1867 British North America Act** was adopted by the British Parliament and First Nations lands, territories and resources were stolen by the Crown governments. It’s been almost 30 years since the failure of the constitutional talks of the 1980’s to “**identify and define**” the meaning of Aboriginal and Treaty rights in the constitution. The government of Canada has taken full advantage of **section**

91 (24) of the 1867 constitution and the legal and political uncertainty of the scope and content of **section 35 rights** in the **1982 constitution** to unilaterally impose federal negotiation positions on land claims and self-government while maintaining the **Indian Act** colonial regime for delivery of Ottawa-designed and controlled programs and services.

For decades now Ottawa has employed an unwritten policy of encouraging off-reserve migration into towns and cities where First Nation Peoples’ become part of the “**urban Aboriginal**” population and are assimilated into the Canadian body politic largely as a provincial fiscal responsibility.

The United States had a more overt Indian Policy and it was called the 1956 “**Indian Relocation Act**”. One way travel expenses were given to Indian families to leave reservations. acquire vocational training and assimilate the result is urban Indian populations in most major U.S. cities.

Canada has followed a parallel strategy of Indian relocation by chronically underfunding on-reserve programs and services like housing, education and infrastructure. The results of Ottawa’s unwritten policy are seen in the inter-generational urban Aboriginal populations in Canada’s cities and towns.

On both sides of the Canada-U.S. border the idea was the same: assimilation of Indians and the gradual elimination of Indian Reserves.

As of today, there are over 400 Indian Bands across Canada from both treaty and non-treaty territories who are negotiating under the narrow terms of the **1995 federal self-government policy** to get “**beyond the Indian Act**” by becoming municipal type local governments. Dozens of other Indian bands—mainly in BC, but also in the Atlantic, Quebec, Ontario and North of 60 regions—are actively extinguishing their Aboriginal Title through the **federal Comprehensive Claims Extinguishment Policy** seeking to conclude “**Modern Treaties**”.

Trudeau’s Two-Track Approach to First Nations Termination

Justin Trudeau made big promises in 2015 on Indigenous Policy for ‘**real change**’ in a nation-to-nation relationship with Indigenous Peoples. Over the past year First Nations are starting to realize Trudeau’s interpretation of his promises are different than what many had hoped for after the Conservative Harper decade.

During the December 2016, **Assembly of First Nations-Special Chiefs’ Assembly**, **Prime Minister Justin Trudeau** said in his remarks “**I do not take my call**

‘Trudeau & JWR’ continued from page 4

for a nation-to-nation relationship with Indigenous Peoples lightly.”

Prime Minister Trudeau went on to outline his ‘*nation-to-nation*’ policy framework to the Chiefs from across Canada, as follows:

- *“Jody Wilson-Raybould is Canada’s first Indigenous Minister of Justice and Attorney General...She, along with her cabinet colleagues, will now lead a joint effort with Indigenous Peoples, aimed at de-colonializing Canada’s laws and policies that for so long have held back, rather than recognized, Indigenous rights.”*
- *“My government supports the 94 calls to action of the Truth and Reconciliation Commission...I am pleased to confirm that progress is underway on 36 of the 45 calls to action that are under solely federal purview.”*
- *“In May, Minister Bennett went to the UN to make clear our government’s unqualified support for the United Nations Declaration for the Rights of Indigenous Peoples. We remain committed to its adoption and implementation in full partnership and in consultation with Indigenous Peoples...I have asked Minister Wilson-Raybould to lead the work collectively with her Cabinet colleagues and First Nations, the Métis Nation and Inuit Peoples to ensure that this gets done.”*
- *“My government and the Assembly of First Nations have worked together to make early progress – not only against an important list of recommendations, but also in a new spirit of cooperation that will bring us closer to the goal of true reconciliation.”*
- *“So today, I commit to you that our government will enact an Indigenous Languages Act, co-developed with Indigenous Peoples, with the goal of ensuring the preservation, protection, and revitalization of First Nations, Métis, and Inuit languages in this country.”*
- *“It is time for a renewed, nation-to-nation relationship with Indigenous Peoples, one that is based on recognition of rights, respect, cooperation, and partnership.”*

On December 9, 2016, after being excluded from a **First Ministers’ Meeting on Climate Change**, National Chief Perry Bellegarde publicly called for Canada to reopen constitutional talks to ensure Indigenous leaders can be in the room when the prime minister sits down to do serious business with the provinces and territories.

According to media reports National Chief Bellegarde said:

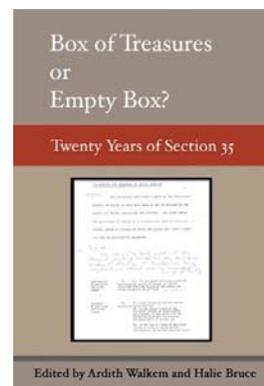
“Until that Constitution is fixed, we will continue to be excluded...Section 35 of the Constitution has recognized and affirmed the rights of Aboriginal Peoples since 1982, but they have had to go through the courts to get those rights clarified and enforced...It’s still a grey area whether it’s a full box of rights or an empty box of rights”

Bellegarde is calling for a **First Ministers Conference** devoted entirely to **Section 35**, so they can *“give true meaningful effect to the right to self-determination” and get serious about building a nation-to-nation relationship.”*



AFN NC Bellegarde excluded from FMM on Climate Change in Ottawa, Dec. 9, 2016.

“Until that Constitution is fixed, we will continue to be excluded... Section 35 of the Constitution has recognized and affirmed the rights of Aboriginal Peoples since 1982, but they have had to go through the courts to get those rights clarified and enforced...It’s still a grey area whether it’s a full box of rights or an empty box of rights”





PM Trudeau says no to re-opening the constitution at year-end press conference, Dec. 12, 2016.

“Trudeau stated that Ottawa must follow two separate tracks in its reconciliation efforts with indigenous people: 1) taking broader, whole of government long-term steps to rebuild the relationship, which will take “decades” while also 2) addressing urgent short-term needs through the \$8.4 billion allocated in Budget 2016”



TRC Commissioners named on Interim Board for Nat'l Council on Reconciliation.

‘Trudeau & JWR’ continued from page 5

On Monday December 12, 2016, **APTN** reported **Prime Minister Justin Trudeau’s** response to **National Chief Bellegarde**:

“during a year-end media conference in Ottawa, Trudeau quashed any notion his government would entertain such a request. The prime minister said his government’s energy and attention would be better spent on its stated priorities instead of “Constitutional squabbles.”

Trudeau said his government is committed to **“concrete and tangible ways”** to improve the relationship between Ottawa and Indigenous peoples.

“We will be giving significant opportunities to Indigenous peoples to succeed, investments in education that...will close the parity gap between Indigenous and non-Indigenous students...health care and outcomes... look at challenges around social and community determinants of success,” said Trudeau. “I think there’s no sense that we have exhausted all concrete and practical approaches to improving this relationship in the immediate and that’s exactly what we’re going to do.”

At a press conference in Ottawa on December 15, 2016, **Prime Minister Trudeau** added to his **AFN** speech by issuing a **“Statement by the Prime Minister of Canada on advancing reconciliation with Indigenous Peoples”**. Standing before the leaders of three **National Aboriginal Organizations (AFN, ITK, MNC)** Trudeau stated that Ottawa must follow two separate tracks in its reconciliation efforts with indigenous people: 1) **taking broader, whole of government long-term steps to rebuild the relationship, which will take “decades”** while also 2) **addressing urgent short-term needs through the \$8.4 billion allocated in Budget 2016.**

Prime Minister Trudeau specifically stated:

- **“Last year, I committed to a renewed relationship with Indigenous Peoples, one based on the recognition of rights, respect, co-operation, and partnership. Today, we take further steps on the journey of reconciliation.”**
- **“First, we will create permanent bilateral mechanisms with the Assembly of First Nations (AFN) and First Nations, the Inuit Tapiriit Kanatami and the four Inuit Nunangat Regions, and the Métis National Council and its governing members. In this Kelowna-like process, every year, we will meet to develop policy on shared priorities, and monitor our progress going forward. Similar meetings with key Cabinet Ministers will take place at least twice each year.”**
- **“Second, we will establish an Interim Board of Directors to make recommendations on the creation of a National Council for Reconciliation. The Interim Board will begin an engagement process to develop recommendations on the scope and mandate of the National Council.”**
- **“Third, we will provide \$10 million to support the important work of the National Centre for Truth and Reconciliation located at the University of**

'Trudeau & JWR' continued from page 6

Manitoba, as recommended in Call to Action 78. This contribution will help to ensure that the history and legacy of Canada's residential school system is remembered."

- *"These announcements build on progress we have made together over the past year. Work is underway on 41 of the Calls to Action outlined in the Final Report of the Truth and Reconciliation Commission that fall under federal or shared purview."*
- *"While much more remains to be done, I believe that we are making real progress towards renewing our relationship with Indigenous Peoples."*

Canada's 150th - Celebration of Termination as Reconciliation

The details are still sketchy, but going into **Canada's 150th Anniversary Year of celebrations** as a State **Prime Minister Trudeau** has outlined his two-track approach to implementing Canada's ongoing Termination Plan to end First Nations constitutional and legal rights by: **1) Maintaining the racist, colonial Indian Act system to continue to assimilate First Nations through Ottawa designed and managed on-reserve program delivery;** and **2) A "whole of government" long-term incremental approach to federal "reconciliation" to "move beyond the Indian Act" through the 400+ Termination Tables (self-government/comprehensive claims negotiations).**

There are already about 35 "**exploratory**" negotiation tables close to final agreements where the federal government is applying pressure to accelerate these final agreements. The Trudeau government refuses to disclose which of the 400+ termination tables are involved as "**exploratory tables**".

Federal Justice Minister Jody Wilson-Raybould will be leading the Liberal's two-track Termination Plan. As **AFN BC Regional Vice-Chief**, she was specifically recruited for this job by then **Liberal Leader Justin Trudeau**, way before the 2015 federal election. In February 2014, Ms. Wilson-Raybould Co-Chaired a Liberal Convention in Montreal to raise her profile within the **Liberal Party of Canada**.

Jody Wilson-Raybould—like her father **Bill Wilson**—comes from the coastal B.C. political culture represented by the **First Nations Summit** who helped establish the "**made in BC**" modern treaty termination process in 1992, which is managed by an institution called the **British Columbia Treaty Commission (BCTC)**. **Ms. Wilson-Raybould** was a Commissioner of that institution for nearly seven years, one and a half of those years as Acting Chief Commissioner. The **BCTC** is the delivery mechanism for the **federal Comprehensive Claims Extinction Policy**.

Ms. Wilson-Raybould collaborates closely with her settler husband **Dr. Tim Raybould**, a land claims negotiator. Together they produced the **AFN BC "Governance Toolkit: A Guide to Nation Building"**, published in 2014, likely in preparation for her Liberal candidacy, which followed in 2015. Curiously, **Wilson-Raybould** holds the copyright for the "**Governance Toolkit**" even though it was prepared for the **AFN-BC**. It can be found online at: <http://www.bcafn.ca/wp-content/uploads/2016/06/Governance-Toolkit.pdf>

No doubt the **AFN-BC "Governance Toolkit"** was a basis for the Trudeau Liber-



L to R: Ed John, Shawn Atleo, Jody Wilson-Raybould all from BC First Nations Summit political culture.

"Federal Justice Minister Jody Wilson-Raybould will be leading the Liberal's two-track Termination Plan"



Husband & wife, Tim Raybould & Jody Wilson-Raybould developed "Governance Toolkit".

'Trudeau & JWR' contiued from page 7



“We can expect that Jody Wilson-Raybould as Justice Minister will be peddling her and her husband’s “Governance Toolkit” as the way to implement the above promise, as well as, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and many of the Calls to Action of the Truth and Reconciliation Commission (TRC)”

al’s 2015 Indigenous Platform because it promotes negotiations **WITHIN** the federal termination policy framework of land claims and self-government policies instead of challenging the federal termination policies as being unconstitutional and in violation of international Human Rights standards for Indigenous Peoples.

One of the 2015 Trudeau Liberal’s Indigenous Platform promises was:

Prioritize developing—in full partnership with First Nations—a Federal Reconciliation Framework. This framework will include mechanisms to advance and strengthen self-government, address outstanding land claims, and resolve grievances with both existing historical treaties and modern land-claims agreements.

We can expect that **Jody Wilson-Raybould** as Justice Minister will be peddling her and her husband’s “**Governance Toolkit**” as the way to implement the above promise, as well as, the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)** and many of the Calls to Action of the **Truth and Reconciliation Commission (TRC)**.

In fact, on April 29, 2016, as Justice Minister, on **APTN, Wilson Raybould** said the government will work with First Nations who are ready to take on self-governance...She said that this could be achieved in a variety of ways, from “**sectoral government initiatives**” to “**bi-lateral self-government agreements**” to “**comprehensively negotiating a treaty under the modern treaty process.**”

On May 9, 2016, **Jody Wilson-Raybould** also told the **United Nations Permanent Forum on Indigenous Issues**:

“There is a need for a national action plan in Canada, something our government has been referring to as a Reconciliation Framework...And we do not need to re-invent the wheel completely. ...Within Canada, there are modern treaties and examples of self-government – both comprehensive and sectoral. There are regional and national Indigenous institutions that support Nation rebuilding – for example in land management and financial administration.”

On May 10, 2016, the day after **Jody Wilson-Raybould’s** remarks **federal Indigenous Affairs Minister Carolyn Bennett** also told the **United Nations Permanent Forum on Indigenous Issues**:

“We intend nothing less than to adopt and implement the declaration in accordance with the Canadian Constitution.”

“By adopting and implementing the Declaration, we are excited that we are breathing life into Section 35 and recognizing it now as a full box of rights for Indigenous peoples in Canada. Canada believes that our constitutional obligations serve to fulfil all of the principles of the declaration, including “free, prior and informed consent.” We see modern treaties and self-government agreements as the ultimate expression of free, prior



'Trudeau & JWR' conclusion from page 8

and informed consent among partners."

On January 23, 2016, in her first public speech as **federal Justice Minister, Jody Wilson-Raybould** said:

"I became involved in First Nations politics and ran for regional chief because I believe that by building on success, we could do more to accelerate the transition of indigenous communities from a colonial to a post-colonial world to finish the unfinished business of Confederation."

I submit that what **Wilson-Raybould** means by finishing the "**unfinished business of Confederation**" is completing Canada's 150 year-old First Nations Termination Plan through Trudeau's two-track process: **1) Completion of assimilation process through the Indian Act system; and/or 2) Termination "beyond the Indian Act" through conversion of pre-existing sovereignty as Indigenous Peoples into becoming ethnic-minorities/municipalities by consenting to modern termination agreements.**

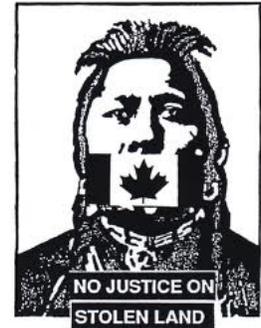
So, **Prime Minister Justin Trudeau's** promise to "**de-colonialize**" federal laws—along with **Justice Minister Jody Wilson-Raybould**—is meaningless without more lands, territories and resources for First Nations.

By Trudeau's refusal to re-open constitutional talks regarding the scope and meaning of **section 35 Aboriginal and Treaty rights**, the racist colonial relationship started by the **1867 British North America Act** becomes cemented and ensures the provinces will maintain their control over stolen First Nations lands, territories and resources.

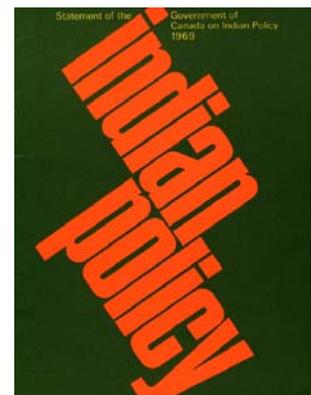
Prime Minister Justin Trudeau instead of initiating constitutional reform is relegating **AFN** to a **Joint AFN-Cabinet Committee process** on "**shared priorities**" where Trudeau has a veto on agenda items and process while **AFN** becomes a rubber stamp because a majority of Chiefs across Canada are coopted and compromised at federal negotiation (termination) tables. Moreover, the colonized management class of First Nations—from the band office level to **AFN**—seems content to administer the Federal Budget 2016 \$8.4 billion 5-year allocation for programs and services.

So, unless the grassroots Indigenous Peoples get tired of **Trudeau** (and **Wilson-Raybould**) saying one thing and doing another like fighting First Nations rights in court and on the ground, then **Canada's 150th Anniversary** will really mark the finishing off of First Nations pre-existing sovereignty by completing Confederation with First Nations becoming part of the municipal level of governments of Canada. Something the **Indian Act**, the **1969 White Paper on Indian Policy** and the **Buffalo Jump of the 1980's (Report on Native Programs & Services)** were all designed to facilitate, but now serve as a blueprint for the **Trudeau government's current National "Reconciliation" Plan.**

If First Nation Peoples' want to stop this Trudeau Termination plan and change the direction of the Canada-First Nations relationship, as I heard an Elder once say "**it's up to you**"! Otherwise, it seems it's the end of the trail for First Nations in 2017!



"the Indian Act, the 1969 White Paper on Indian Policy and the Buffalo Jump of the 1980's (Report on Native Programs & Services) were all designed to facilitate, but now serve as a blueprint for the Trudeau government's current National Reconciliation Plan"





“INAC has opened around 20 “exploratory tables” – as the department is calling them – with indigenous leaders on potential self-government and land agreements”



Prime Minister Justin Trudeau with AFN Nat'l Chief Perry Bellegarde

Nation-to-Nation Relationship Taking Shape



Joe Wild, senior assistant deputy minister for treaties and aboriginal government at Indigenous and Northern Affairs Canada. Photo provided by INAC.

INAC says indigenous groups will have power to reorganize, propose new treaties, even leave the Indian Act.

By James Munson, iPolitics, June 4, 2016

In a speech to the **Assembly of First Nations** in a Gatineau hotel last December, **Prime Minister Justin Trudeau** gave what might have been his biggest promise in an already-crowded slate of commitments to indigenous peoples.

After barely a month on the job, Trudeau told the roomful of First Nations leaders he was open to repealing laws unilaterally imposed on them.

“Where measures are found to be in conflict with your rights, where they are inconsistent with the principles of good governance, or where they simply make no public policy sense, we will rescind them,” said Trudeau.

With this exercise in reconciliation before it, the Liberals are starting to match rhetoric with action, at least in some

ways.

Indigenous and Northern Affairs Canada (INAC) has opened around 20 **“exploratory tables”** – as the department is calling them – with indigenous leaders on potential self-government and land agreements, said **Joe Wild, senior assistant deputy minister for treaties and aboriginal government**, during an exclusive interview with **iPolitics**.

The exploratory tables – a series of non-binding discussion groups that are meant to find consensus ahead of tougher negotiations over powers — have the potential to one day create the material for a broad, national policy on indigenous self-government and sovereignty rights. But that isn’t necessarily the goal.

“It helps to inform how we’re developing a policy framework that maybe knits some of this together and maybe your policy framework really just ends up being just a bunch of core principles to help guide policy,” said Wild, speaking in his office overlooking the Ottawa River in Gatineau.

The tables are predicated on the unique challenges of having a policy on indigenous self-government, which could easily lose legitimacy if INAC took a strong-arm approach. That’s why the department calls the tables **“co-development”** — it’s a vision-making process that is supposed to lead to shared ideas about ultimate aims rather than beginning with an adversarial forum.

“It’s more flexibility on my end to be able to say, ‘We’re going to allow for the fact that things can look a little different in different communities based on needs — and based on their actual experience of what their needs are on the ground and I don’t need to force anyone into a cookie-cutter approach,’” said Wild.

The tables represent a significant break from past approaches in that Ottawa is open to hearing more innovative ideas about how to entrench indigenous rights into the core of how communities are governed, said Wild.

In Canada, there are major gaps among communities over self-governance be-

‘Nation-to-Nation’ continued from page 10

cause of the date agreements were entered into and the evolution of court decisions and public opinion over the past century.

To help make sense of it all, **INAC** makes a distinction between **pre-1975 treaties** and **post-1975 treaties** — 1975 being the year the first modern land claim was signed in Quebec. The federal government never interpreted many of the treaties before 1975 in a way that aligns with recent judicial interpretations on aboriginal rights. They were also accompanied by legislation that sought assimilation and social control like the **Indian Act**, which created a system of band governance that doesn't provide for autonomy remotely resembling an equal footing with Canada.

There are 70 treaties across the country classified under the pre-1975 category, according to INAC. Among the post-1975 deals, there are 26 modern comprehensive land claim agreements across Canada, says the **Land Claims Agreements Coalition**, a lobby group for signatories to modern claims. There are over 100 self-government and land claim negotiating tables still in process across the country, some of which have been in place for decades, according to **INAC**.

The majority of First Nations people — not including Inuit or Metis communities — live under the pre-1975 treaties. There are 617 First Nations communities Canada and 364 of those are under those deals, representing 59 per cent of the total aboriginal population.

And critically, there are dozens of regional groups that represent nations outside of any formal political or legal process. While these likely play a key role in the exploratory tables — especially in places where dozens of communities consider themselves to be part of one nation — **INAC** will not divulge who sits on each table.

On top of the legacy of Canada's interpretation of the pre-1975 treaties, there's another way in which Ottawa's rules on sovereignty frustrate indigenous peoples. The federal government's own policies on self-government and comprehensive land claims since 1975 are dated when compared to court decisions as well. The department's '**Inherent Right Policy**' — which is the core of its views on self-government — is decades-old, while the comprehensive land claim policy — which determines how modern land claims are negotiated — dates back to the 1990s.

The exploratory tables offer a route to overcome both of these anachronisms.

“There's a notion of sovereignty that can still exist in a way that doesn't threaten the fabric of the nation,” said Wild. **“There may be a few areas where you've got to be a little bit careful, like raising an army, the border of the country versus other countries, but the rest of it? You could probably figure out ways in which it all kind of works and it doesn't actually do anything that would threaten the standing of Canada as Canada.”**

Wild, who sits at the apex of one of the most unique mandates in the federal government, has wrestled with the concepts he's now charged with enforcing.

A career public servant with a background in law, he speaks with a passion about the delicate nature of indigenous rights in policy-making. But he didn't come to



“INAC makes a distinction between pre-1975 treaties and post-1975 treaties — 1975 being the year the first modern land claim was signed in Quebec”



Federal DIA Minister Jean Chretien & GCCQ Grand Chief Billy Diamond at James Bay Agreement signing, 1975.



L to R: INAC Minister Carolyn Bennett, PM Justin Trudeau, Justice Minister Jody Wilson-Raybould

“But for all the grand promises, the Liberal position on self-government and treaties has been short on details”

‘Nation-to-Nation’ continued from page 11

the post, which he took two years ago, with an appreciation for their scope.

After a youth spent in the Canadian public school system, and even courses in law school that covered recent developments in aboriginal law, he saw indigenous issues really just as a matter for social engineering like finding ways of boosting education levels. He had no idea how powerful terms like self-government were until he heard what they meant to actual indigenous people.

“When I first started the job, I wanted to really focus on outcomes and I didn’t really want to think about the sovereignty or rights,” said Wild. *“Through listening to a lot of people a lot wiser than me in the first few months on the job, it kind of clicked in. There is something fundamental in section 35.”*

Section 35 of the Constitution Act of 1982 is the backbone of indigenous rights in Canadian law, both in the post-1975 land claims and in court decisions. It affirms the indigenous rights and land title that existed before Crown sovereignty was declared and reaffirmed treaties that came before the repatriation of the constitution.

It’s also become the roadmap for the Liberal government’s ambitions on indigenous policy.

Trudeau proposed a major revamp of the portfolio during the election, including the endorsement of the **Truth and Reconciliation Commission** on residential schools’ final report, the adoption of the **United Nations’ Declaration on the Rights of Indigenous Peoples (UNDRIP)** and the creation of a national public inquiry into missing and murdered indigenous women. Trudeau’s use of the term **‘nation-to-nation’** also marked a change of course from previous governments for its emphasis on equality.

But for all the grand promises, the Liberal position on self-government and treaties has been short on details.

During a committee appearance in May, **INAC Minister Carolyn Bennett** — when asked about progress on reconciliation — mentioned Wild’s work on treaties, calling him **“amazing”** for bringing a new approach.

“It is going to be through creativity and innovation that his happens,” said Bennett before the **House of Commons indigenous and northern affairs committee** on May 5.

Over the past few months, **Bennett** — along with **Justice Minister Jody Wilson-Raybould** — has referred continuously to an expansion of the rights enshrined in section 35 in public statements.

Both ministers have said they want to **“breathe life”** into section 35, leading to some speculation that the government might codify in law the details of what it contains.

“What’s being signalled there is for a number of years, a lot of people looked at section 35 as an empty box, and the only way to figure out what was in section 35 was to hammer it out through a negotiated treaty,” said Wild. *“And what we’re saying is that, actually no; Section 35 is a full box of rights and the point of the treaty is to establish the relationship between the various governments*



INAC Minister Carolyn Bennett at Standing Committee on Aboriginal Affairs.

‘Nation-to-Nation’ continued from page 12

about how the rights are going to be exercised.”

The exploratory tables, an arena for these new interpretations of section 35 to take form, could impact treaty negotiations, self-government powers and resource management across Canada — among other things under Wild’s responsibility.

For indigenous people, the exploratory tables offer an avenue for greater economic development and the reinterpretation of ancient traditions and culture into governance structures. Since they’re still in their infancy and could lead to different deals across the country, their impact is hard to foresee.

Critically, Wild doesn’t have a mandate to implement what indigenous leaders propose to him in the tables.

He can, however, take the ideas he hears to Bennett and cabinet for a mandate to negotiate.

“It’s smart risk-taking,” said Wild, who said everything from central federal departments to his deputies know about the new experimental process. *“There is a balance in how you do all of this in a way where you’re not putting ministers into a corner where they don’t have a choice, either.”*

Before the co-development approach, the most important meeting place between **INAC** and nations would be at negotiation tables, which Wild described as *“almost like a collective bargaining session – it’s a lot of lawyers in an almost adversarial talk at times.”*

The new exploratory tables are meant to create a discussion before new agreements are hammered out between lawyers, a space where more general ideas — centred on socioeconomic outcomes changing over decades — can be discussed, said Wild.

“So instead of me guessing, I’m sitting down and we’re having a conversation about the shared outcomes,” said Wild. *“It’s a way of looking at the journey of self-determination as a partnership...listening to how that particular group thinks that journey has to work and then being more responsive to that.”*

INAC is willing to entertain treaties that have a time limit so that there is no question the agreement would extinguish aboriginal rights to land and resources. The department is also interested in hearing about governance deals that aren’t necessarily treaties, but deal with specific responsibilities.

INAC also doesn’t mind looking at new kinds of amending formulas for treaties, said Wild, in order to overcome criticism that Ottawa is reluctant to change the agreements once they’re signed.

The department is also open to renegotiating the role of the numbered treaties that cover Ontario and the Prairies, where the **Indian Act** has a greater role than places with post-1975 agreements on land and government.

During an emergency **House of Commons** debate on the suicide crisis in the northern Ontario town of Attawapiskat in the House of Commons, **Wilson-Raybould** said the **Indian Act** was not the right way to govern the community.



Clerk of the PCO Michael Wernick with AFN NC Bellegarde. Photo by Dale Leclair.

“The exploratory tables, an arena for these new interpretations of section 35 to take form, could impact treaty negotiations, self-government powers and resource management across Canada”



Justice Minister Wilson-Raybould during HoC debate on suicide, April 12, 2016.



“INAC is in early talks with the Assembly of First Nations, the national lobby group for First Nations chiefs in Ottawa, to act as an interlocutor for those numbered-treaty communities that want to leave Indian Act”

‘Nation-to-Nation’ continued from page 13

INAC is open to looking at how communities under **Treaty 9**, which includes **At-tawapiskat**, might want to change that deal and erode the powers of the act, said Wild.

“There’s something in that conversation that’s well worth having and we’re absolutely open to having that conversation,” he said.

INAC is in early talks with the **Assembly of First Nations**, the national lobby group for First Nations chiefs in Ottawa, to act as an interlocutor for those numbered-treaty communities that want to leave **Indian Act**, said Wild.

The talks are a major opportunity to incorporate indigenous interpretations of what the numbered treaties meant into their implementation, said **AFN National Chief Perry Bellegarde**, who hails from Saskatchewan’s Little Black Bear First Nation, which entered into Treaty 4.

“For us in the numbered treaties, there have never been processes to move beyond the Indian Act,” said Bellegarde. *“It’s exciting times going forward.”*

There are ways to interpret the numbered treaties that allow them to be in line with a nation-to-nation relationship, said Bellegarde.

“Our challenge now is to move beyond the Indian Act and get into treaty implementation and treaty enforcement according to the spirit and intent of treaties,” he said.

The exploratory tables also cover areas where treaties haven’t been signed, like much of British Columbia, where many First Nations have turned down the province’s own treaty process.

INAC is in discussions with the Tsilhqot’in nation over that type of discussion, said Wild. The Tsilhqot’in were behind a major Supreme Court of Canada decision in 2014 that affirmed their title to land in the B.C. interior, the first time the court had ever done so.

“It’s early stages but we’re having that conversation,” said Wild.

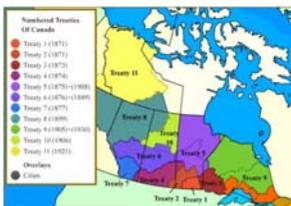
The co-development process will also deal with aboriginal organizations that aren’t necessarily recognized as governments like bands under the **Indian Act** or a body under a self-government agreement.

“A prime example of that is the Manitoba Métis Federation where they don’t fit under any of our current policy frameworks,” said Wild. *“That conversation will help us to eventually be able to develop a policy framework that could work for the Métis.”*

Last month, INAC and the federation signed a **memorandum of understanding** that attempts to rectify broken promises made to the Métis. The **MOU** stems from a 2013 Supreme Court of Canada decision on the issue.

In many cases, indigenous governments and groups don’t represent actual nations. Often, broader regional groups are unified by a common ethnic or cultural link.

So the co-development process includes the possibility that indigenous governments can reorganize in a way that best reflects what they view as nations, a com-



Treaties 1-11 in Canada.

'Nation-to-Nation' conclusion from page 14

plicated process because it means opening up the potential for territorial overlaps between them.

That process also has to face practical considerations, said Wild, like when an amalgam of communities is big enough to warrant having its own school system or whether it should use a provincial system.

"Once you hit around five thousand kids, then you start to have a sufficient size that justifies the same types of added extras that a provincial school system has, so that means more assistant teachers, more resources that know how to handle say kids with autism or kids with other special types of needs," said Wild.

INAC also advises other federal departments and agencies, most notably **Natural Resources Canada** and the **National Energy Board**, on how to approach the duty to consult aboriginal groups when major industrial projects are planned on their traditional territories.

But Wild sees that and the exploratory tables as two different things. While land is often discussed in self-government talks, it's not as central as the discussion over governance more generally.

The work at the tables will give the resource industry clarity, said Wild, despite criticisms over Ottawa endorsing the **United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)** in May.

"It helps everyone who is trying to do business in that area because the rules of the game are now clearly set out," he said.

On May 10, **Bennett** announced in New York that Canada would no longer be officially opposed to **UNDRIP**, which calls for indigenous rights to land and governance powers to be recognized, among other things. **Wilson-Raybould** spoke at the **UN** a day earlier on Canada's indigenous policies.

Bennett and **INAC** have said little on what adopting **UNDRIP** will look like in Canadian law.

However, **Bennett** said endorsing **UNDRIP** is **"breathing life into section 35,"** similar language to that used by **Wilson-Raybould** during the emergency debate on Attawapiskat.

Both ministers have referred to **UNDRIP** as acting as a kind of minimum standard as **INAC** reviews its indigenous rights policies.

In his interview with **iPolitics**, Wild described the underlying ideas within **UNDRIP** as being in line with Canada's **section 35**.

"The basic principle that is lying underneath the UN declaration..is that we should recognize and reconcile the preexisting rights and sovereignty that indigenous nations enjoyed prior to Crown sovereignty being declared," he said. **"That's the promise section 35 is trying to bring and the way the courts try to describe it is we're all here now."**

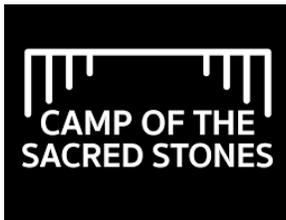
With the work of the exploratory talks only beginning, Wild foresees the department doing more work at alerting indigenous leaders that the floor is wide open to new ideas.



INAC Minister Bennett
at UNPFII, May 10,
2016.

"Bennett and INAC have said little on what adopting UNDRIP will look like in Canadian law"





“Here are ten struggles you could consider donating to, volunteering time for, or supporting in other ways”



10 INDIGENOUS AND ENVIRONMENTAL STRUGGLES YOU CAN SUPPORT IN 2017: THE PLACES THAT NEED HELP MOST, AND ALL WAYS TO SUPPORT THEM

THE PLACES THAT NEED HELP MOST, AND ALL WAYS TO SUPPORT THEM.

The Black Snake is not yet dead. Far from it. The corporations behind the **Dakota Access pipeline** made it clear that they “*fully expect to complete construction of the pipeline without any additional rerouting in and around Lake Oahe.*”

The winter camps will stand their ground as long as **DAPL** construction equipment remains on **Oceti Sakowin treaty land**. We can all continue to support them by emailing or calling the **U.S. Army Corps of Engineers at 202-761-8700** to ask when it will open the Environmental Impact Statement process to public comment. We can also keep pressure on the banks to divest with our international campaign to **#DefundDAPL**.

But while international attention has been on the Standing Rock Sioux and the #NoDAPL struggle, the **Obama** and **Trudeau** administrations have approved several other pipeline projects slated to run across indigenous territories from Canada to the U.S. and Mexico. The struggle to protect sacred lands from climate change, toxic pollution, and the fossil fuel industry continues to rage around the world.

In the year ahead, it is our hope that the energy and love we have received in our struggle against the Dakota Access pipeline can also be extended to other indigenous communities in their local battles. Here are ten struggles you could consider donating to, volunteering time for, or supporting in other ways:

1. **Trans-Pecos pipeline and Comanche Trail pipeline – Texas - Chihuahua, Mexico**

In May 2016, the **Obama** administration approved two pipeline projects by **Energy Transfer Partners**, the same company behind **DAPL**. The Trans-Pecos and Comanche Trail pipelines would carry fracked gas from Texas into Mexico, where it will supply the Mexican energy grid. The Two Rivers camp is a resistance camp being erected in the face of the Trans-Pecos pipeline. Support their legal defense fund and camp fundraiser. Or support the efforts of No Trans Pecos Pipeline, the Big Bend Conservation Alliance, and the Frontera Water Protection Alliance as they organize against these pipelines.

2. **Copper One Rivière Doré Mine – Quebec, Canada**

The Algonquins of Barriere Lake have set-up a land protection camp at a proposed mining site in the heart of their territory, where core sample drilling for the **Rivière Doré copper mine** is scheduled to begin at any time. They have been camped for weeks to protect the headwaters of the Ottawa River, which could have catastrophic downstream effects if mined. The staked area is abundant with lakes, wetlands, and waterways and is also a crucial hunting and fishing area for Barriere Lake families. See their urgent call to action here and donate to the campaign or get involved here. <http://www.barrierelakesolidarity.org/p/t.html>

3. **Sabal Trail pipeline – Alabama - Georgia - Florida**

The Sabal Trail pipeline, a 515-mile natural gas pipeline project, is being constructed from Alabama to Georgia to Florida. It threatens one of the largest freshwater aquifers in the world. The Sacred Water Camp and Water Is Life Camp are

'10 Struggles' continued from page 16

ongoing camps in need of supplies, experienced organizers, and other people. An upcoming mass civil disobedience event is inviting all to mobilize in Florida. Get in touch here or donate to support the camps. Also support the organizing efforts of the SPIRET Foundation and Bobby C. Billie, one of the clan leaders and spiritual leader of the Council of the Original Miccosukee Simanolee Nation Aboriginal Peoples, in their efforts to hold regulatory agencies accountable for support of the pipeline. Contact organizers Shannon Larsen or email Beth Huss.

Keep up to date with events with all groups statewide at the Water Protector Alliance calendar.

4. Line 3 pipeline – Alberta, Canada to Superior, Wisconsin

Canada **Prime Minister Justin Trudeau** recently announced the government's approval of the massive Line 3 pipeline project, designed to transport tar sands oil from the mines of Hardisty, Alberta, to Superior, Wisconsin, through the heart of Anishinaabe territory and some of the most beautiful lakes and wild rice beds in the world. The Assembly of Manitoba Chiefs is challenging the Trudeau government's approval of Line 3. Follow and support Honor the Earth's work, learn about ongoing resistance to Line 3, and follow community members' opposition to the pipeline here.

5. Kinder Morgan Trans Mountain pipeline – Alberta to British Columbia, Canada

The expansion of Kinder Morgan Trans Mountain pipeline, also approved by Canada's federal government, would transport tar sands oil from northern Alberta to the British Columbia coast. The Sacred Trust is an initiative of the Tsleil-Waututh Nation and a mandate to stop this project. You can donate here through RAVEN (Respecting Aboriginal Values and Environmental Needs) or Join their mailing list to follow this campaign and receive updates.

6. Pilgrim pipeline – New York and New Jersey

The Ramapough Lunaape Nation, a community in the Ramapo Mountains currently face the threat of the Pilgrim pipeline, which would transport Bakken crude oil from Albany, New York, to Linden, New Jersey. Meanwhile, Spectra Energy continues to expand its pipeline network so that more fracked natural gas can be transported and ultimately exported out of the country. Read about the history of the Ramapough Lunaape here, follow the developments at Split Rock Prayer Camp, and follow ongoing efforts to resist continued Spectra expansion with the FANG Collective and Resist Spectra.

7. Petronas/Pacific Northwest Terminal – Prince Rupert, British Columbia

The Petronas/Pacific Northwest Terminal is a proposed liquefied natural gas plant on traditional Lax Kw'alaams territory Lax U'u'la (Lelu Island) at the mouth of the Skeena river near Prince Rupert, British Columbia. Plans call for a 48-inch diameter submarine pipeline to be dredged into estuary sediment to supply fracked gas from Treaty 8 territory. Ten Indigenous nations and 60,000 people in the Skeena watershed rely on fish there for food, commercial fishing, and cultural



“The expansion of Kinder Morgan Trans Mountain pipeline, also approved by Canada's federal government, would transport tar sands oil from northern Alberta to the British Columbia coast”



LAND DEFENDERS



ARE HEROES

“SUPPORT THE LONG-RUNNING RESISTANCE OF PROTECT MAUNA KEA ON THE BIG ISLAND OF HAWAII, THE UNIS'TOT'EN CAMP IN BRITISH COLUMBIA, AND SAVING OAK FLAT! AT THE SAN CARLOS APACHE INDIAN RESERVATION IN ARIZONA”



‘10 Struggles’ conclusion from page 17

identity. The Lelu Island Camp has been set up on Lax Kw'alaams traditional territory to stop this terminal from being built without consent.

8. Diamond pipeline – Oklahoma - Arkansas - Tennessee

Arkansas Rising is a collective of guardians working through direct action to stop the Diamond pipeline, a 20-inch diameter pipeline that would run 440 miles from Cushing, Oklahoma, to Memphis, Tennessee. The pipeline would cross more than 500 waterways, including five major watersheds. Construction has already begun. Donate to their efforts here.

9. Atlantic Sunrise pipeline and Sunoco Mariner East 2 pipeline – Pennsylvania

The Atlantic Sunrise pipeline is a proposed high-pressure 42-inch diameter pipeline to carry fracked gas from Marcellus Shale to U.S. markets to the south. Members of Lancaster Against Pipelines and supporters have built a blockade, nicknamed “The Stand,” on a farm in Conestoga in Lancaster County in the path of a proposed route. They are refusing to grant right of way to the project and have said they will occupy it if construction begins. Visit the Clean Air Council for more information, find the schedule for public input here, and keep an eye out for an upcoming mobilization at Pennsylvania Against Atlantic Sunrise. The Sunoco Mariner East pipeline is a proposed natural gas liquid pipeline that would cross four states. The construction permits for the pipeline could be granted any day. Stay updated at Juniata Watershed People Before Pipelines. Energy Transfer Partners and Sunoco Logistics are parent corporations of the Dakota Access pipeline and will be merging in the first quarter of 2017.

10. Bayou Bridge pipeline – Louisiana

In 2017, Bold Louisiana is organizing to stop the proposed Bayou Bridge pipeline in Louisiana, a state that is experiencing climate devastation and coastline loss at an average rate of one football field of land every hour. This pipeline, a sister and end point to the Dakota Access pipeline, would run from Lake Charles to St. James, Louisiana. Support their efforts, follow their progress, or go to Baton Rouge to disrupt the Bayou Bridge public hearing on January 12.

#NoDAPL #TwoRiversCamp #NoTPPL #NoCTPL #BarriereLake #StopSabalTrail #StopLine3 #StopKM #StopETP #WaterIsLifeCamp #SacredWaterCamp #StopSpectra#StopPilgrimPipeline #SplitRockCamp #NoLNG #ArkansasRising #StopDiamondPipeline #NoASPL #LancasterAgainstPipelines #NoMarinerEast #NoBayouBridge

AND WE’LL SUGGEST THREE MORE: SUPPORT THE LONG-RUNNING RESISTANCE OF PROTECT MAUNA KEA ON THE BIG ISLAND OF HAWAII, THE UNIS'TOT'EN CAMP IN BRITISH COLUMBIA, AND SAVING OAK FLAT! AT THE SAN CARLOS APACHE INDIAN RESERVATION IN ARIZONA.

This article was written by the Indigenous #NoDAPL coalition who have been organizing at Standing Rock: Honor the Earth, Sacred Stone Camp, Indigenous Environmental Network, and the International Indigenous Youth Council.

Urgent Call to Action and Updates on the Struggle of the Algonquins of Barriere Lake Against Mining!

What's the latest news?

Drilling on the territory has yet to begin. The community is now aware of specific drilling sites, which they are monitoring. A Quebec consultation on logging has delayed drilling, Quebec consults on cutting trees but not the related mining exploration activities like cutting trails for equipment and clearing drill sites. But tree-cutting and trail construction for drilling could begin as early as next week. Permits may be issued by Quebec to remove trees as early as Monday, December 18, 2016. In the meantime, community members have been winterizing the land defense camp. They are also continuing political efforts targeting the Quebec Ministry of Energy and Natural Resources.

Things you can do

1) URGENT: Ask Quebec to deny permits for drilling and road-building today and Monday: If you are a resident of Quebec, Please call and e-mail the Ministère de l'Énergie et des Ressources Naturelles and the Ministère des Forêts, de la Faune et des Parcs today or Monday, and ask them to deny permits for [removal of trees, trail-making and drilling] in Copper One's Riviere Dore claim on the territory of the Algonquins of Barriere Lake. These permits are being issued without the free, prior and informed consent of the Algonquins of Barriere Lake and stand in direct violation of the community's wishes for no mining on their traditional territories. Barriere Lake has expressed their opposition to mining on their territories in a September 2016 band council resolution and September 2012 letter to the Quebec government. The extraction of non-renewable resources from ABL territory violates the **1991 Trilateral Agreement** with Quebec and Canada; the **1998 Bilateral Agreement** with Quebec and the **2001 Lincoln-Ciaccia Joint Recommendations**. Tell Quebec to honor its word and deny these permits.

**MERN: – Mines///418 627-62781 800 363-7233(Toll-free in Canada and United States)/
service.mines@mern.gouv.qc.ca**

**MERN Director of Aboriginal Affairs// 418 627-6254// 5700, 4e Avenue Ouest, C-422//
Québec (Québec) G1H 6R**

**MFFP Haute-Gatineau-et-du-Cabonga //266, rue Notre-Dame, RC 100///Maniwaki
(Québec) J9E 2J8**

Phone: 819 449-3333 // Fax : 819 449-6865. Email : outaouais@mffp.gouv.qc.ca

**Bureau of the sub-Minister of Forests// 5700, 4e Avenue Ouest, bureau A-405// Qué-
bec (Québec) G1H 6R1// Phone: 418 627-8652**

2) Watch the movie Honour your Word : You can now stream the movie on your computer for \$4.99. Even better, watch it with friends or organize a screening with a group. Be part of a growing network of supporting individuals and groups.

3) Donate: Thank you to everyone who has donated so far. Donations from people like you have covered basic costs of the land defense camp and monitoring of the territory. These costs are ongoing, and there are likely to be other needs in the months ahead. Donations continue to be very welcome and helpful. You can donate through Paypal or by cheque.

4) Sign and share the petition: You can sign it online, or print this paper copy: printable English version—<https://organizingforjustice.ca/wordpress/wp-content/uploads/2016/12/ABL-ANQ-petition-oct2016-eng.pdf>

5) Print the PDF brochure (1pg doublesided, folded in three) on Barriere Lake's struggle against Mining to make copies and distribute- <https://organizingforjustice.ca/wordpress/wp-content/uploads/2016/12/ABL-Brochure-Nov-8-16-English-Draft.pdf>

6) Spread the word and stay tuned : Soon there will be other ways to support the commu-



“Drilling on the territory has yet to begin. The community is now aware of specific drilling sites, which they are monitoring. A Quebec consultation on logging has delayed drilling, Quebec consults on cutting trees but not the related mining exploration activities like cutting trails for equipment and clearing drill sites”



Advancing the Right of First Nations to Information

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The First Nations Strategic Policy Counsel 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: http://epe.lac-bac.gc.ca/100/201/300/first_nations_strategic_bulletin/index.html

'ABL—No Mining ' conclusion from page 19

nity. By email or through our Facebook page, stay tuned for upcoming events to be announced in the coming weeks or months in Montreal, Ottawa or Toronto.

6) **Watch these two short videos** that you can stream online on the struggle of the Algonquins of Barriere Lake against mining-<https://organizingforjustice.ca/?p=941>

What is at stake?

For the community, a huge mine in the heart of their territory would have devastating effects. The community has invited other users of the territory and supporters to join them in protecting this area, which includes part of the largest wildlife reserve in Quebec. Communities downstream also have reasons to oppose the proposed mine, which threatens to contaminate the headwaters of the Ottawa river

