SPECIAL CHIEFS ASSEMBLY
DECEMBER 6, 7 & 8, 2011, OTTAWA, ON

Resolution no.73/2011

TITLE:	Expediting the process of obtaining a new reserve for Lake St. Martin First Nation due to Artificial Flooding
SUBJECT:	Environmental Concerns / Relocation
MOVED BY:	Myrle Ballard, Proxy, Lake St. Martin First Nation, MB
SECONDED BY:	Grand Chief Derek Nepinak, Proxy, Opaskwayak Cree Nation, MB
DECISION:	Carried by Consensus

WHEREAS:

A. The United Nations Declaration on the Rights on Indigenous People states:

Article 8
2. States shall provide effective mechanisms for prevention of, and redress for:
(*b*) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
(*c*) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

Article 10
Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 26
1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

Certified copy of a resolution adopted on the 8th day of December, 2011 in Ottawa, Ontario

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 28

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

B. Lake St. Martin First Nation has been under full evacuation since May 2011 due to artificial flooding of their community which has since been deemed beyond reclamation.

C. Lake St. Martin First Nation members have been living in hotels and temporary accommodations throughout Manitoba since May 2011 due to the artificial flooding of their community.

D. Lake St. Martin First Nation is in a unique situation and is now completely without a land-base and unable to pursue present cultural, traditional, and economic activities and remains in limbo as to their future.

E. Lake St. Martin Chief and Council supports resettlement of community members to a new community on higher ground and to pursue the development of a sustainable community that will be capable of economic development opportunities to ensure basic needs for safe drinking water, healthy sufficient housing, healthy food security, capacity building, and healthy economy and livelihood.

F. Lake St Martin First Nation community members need to be moved from hotels and temporary housing and resettled into a new community; and for the new community to be expedited and to be declared reserve-status.

G. Aboriginal Affairs and Northern Development has a provision to assist First Nations to relocate to a community on an urgent basis through by declaring and converting land; by adding to or creating a new reserve, or by relocating a reserve community within an existing reserve, where a natural disaster threatens the immediate safety of a community's residents or where such a disaster has already occurred, and where relocation is the most viable long-term option.

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

1. Urge the Federal government and Minister of Aboriginal Affairs and Northern Development Canada to expedite the process of finding new land and converting it to reserve status so that the Lake St. Martin First Nation community members can move out of hotels and temporary housing and into their own community.

Certified copy of a resolution adopted on the 8th day of December, 2011 in Ottawa, Ontario

---

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF

2. Support the aspirations of the Lake St. Martin First Nation in creating a sustainable green community that will benefit Lake St. Martin First Nation through different economic activities associated with the development of a new community base and partnerships.
3. Direct the National Chief and Assembly of First Nations to advocate to all governments for both immediate and sustained action on this matter as requested by the Lake St. Martin First Nation Chief and Council.

Certified copy of a resolution adopted on the 8th day of December, 2011 in Ottawa, Ontario

SHAWN A-IN-CHUT ATLEO, NATIONAL CHIEF