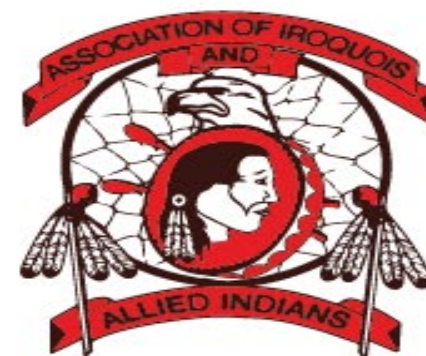




International Diplomatic Affairs

Renewing the Nation-Nation Relationship
between First Peoples/Nation and the Crown

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Where Do We Go From Here?

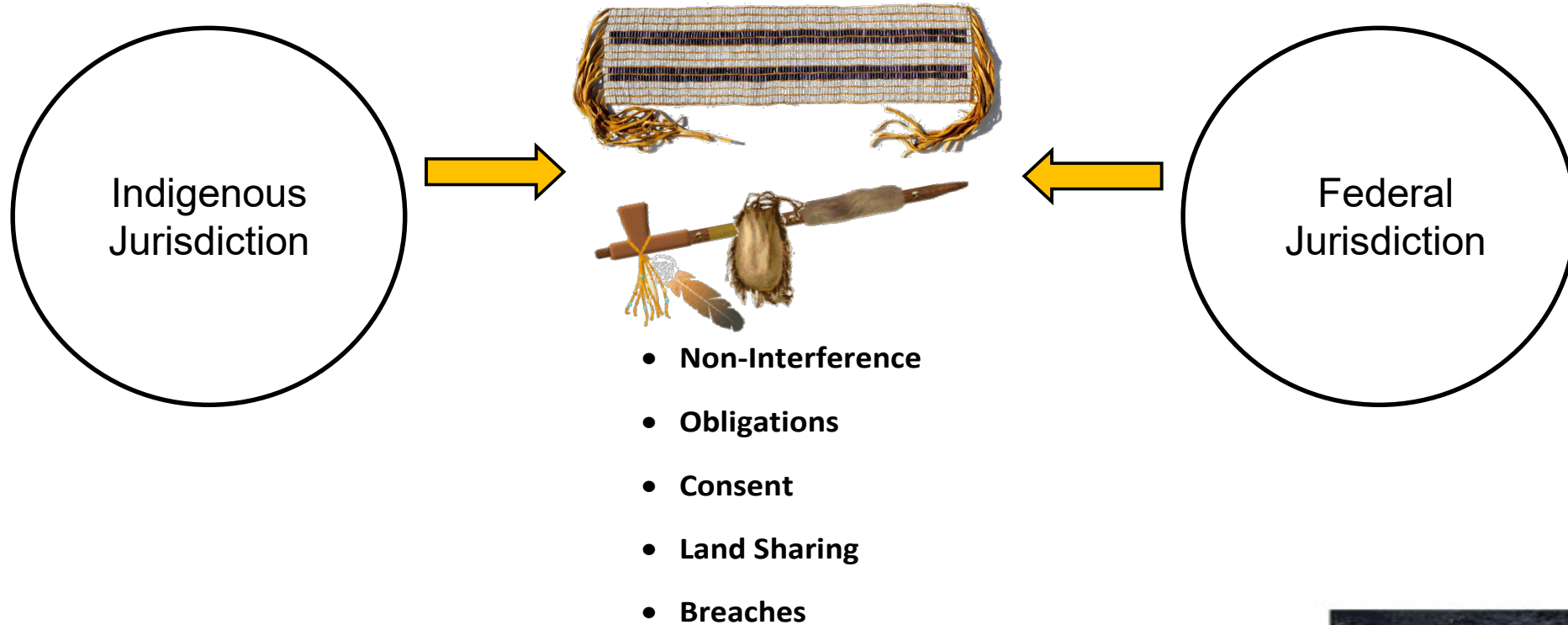
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Treaty Standard

Diplomacy and International Relations

Trade and Commerce



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Treaty Standard Supported by International Law

- UN Treaty Study:
 - **194...States should produce unassailable proof that the Indigenous peoples in question have expressly and of their own free will renounced their sovereign attributes.**
 - There is not unassailable proof that we have consented to give up our jurisdiction, ceded our lands, or domesticate our treaties
- The relationship between First Nations and Canada is governed by international law:
 - The Vienna Convention on the Law of Treaties
 - UN Covenant on Civil and Political Rights
 - United Nations Declaration on the Rights of Indigenous Peoples

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International Diplomatic Affairs: First Peoples/Nations and the Canadian Crown

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SECTION I: HOW CANADA CAN “GET OUT OF THE WAY”

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Removal of Canada's 10 Principles

- Unilaterally developed
- Supports infringement of Indigenous Right
- Goes against Free, Prior, and Informed Consent
- Does not meet treaty standard
- “Sovereign and Subject” vs. Nation-Nation

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Removal of the Inherent Rights and Specific Claims Policies

- Delegated authority/contingent rights
- Promotes non-assertion of rights/extinguishment
- Promotes “justifiable infringement” of Indigenous rights

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Removal of the Doctrine of Discovery from Canadian Law

- Section 35 case law and the “Integral to a Distinctive Culture Test” is the modern-day implementation of the Doctrine of Discovery and must be completely removed

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SECTION II: FULFILLING THE SPIRITUAL COVENANT OF THE TREATY PROCESS

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The Minister of Crown-Indigenous Relations

- Canadian Cabinet has sole jurisdiction to implement treaties and enter treaty negotiations
- Minister of Crown-Indigenous Relations is given full authority of the Cabinet of Canada to fulfill all treaty obligations
- Mutually agreed upon principles of understanding must be developed between Canada and First Nations

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International Third-Party Mediation

- Dispute resolution mechanism
- Full toolbox:
 - Independence through international law and legally binding agreements
 - Authority to compel parties to the table
 - Funding and capacity for research and reporting

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The Governor General

- The governor general has a sacred responsibility to hold Canada accountable for the treaty implementation process
- The governor general shall have the power to withhold consent of Canadian legislation when it violates treaty standards

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SECTION III: NATION-BUILDING AND STAGED WITHDRAWAL OF JURISDICTION

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The Evolutionary Process of Nation-Building

- Re-establish First Peoples/Nations governance processes
- Develop new First Peoples/Nations legal entities outside of Crown control
- Make decisions regarding composition of nations

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National Resource Body

- Create First Peoples/Nations resource body to support development of law-making, governance structures, and leadership selection processes
- Purpose:
 - Provide roster of legal and technical experts
 - Establish networks
 - Assist in designing self-assessment programs
 - Create repository of First Nations laws

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Withdrawal of Jurisdiction

- Where First Peoples/Nations articulate their jurisdiction, federal and provincial agencies will withdraw.
- Jurisdictional withdrawal will include expanding First Peoples/Nations land base

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SECTION IV: CANADA'S ROLE

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Reparations and Nation-Building

- To redress past harms
- To redress continued disruption of First Nations' social, cultural, political, and economic ways of life
- Necessary for First Nations to rebuild and participate in the economy
- 2.5% of Canadian GDP on an annual basis

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Law and Policy Review

- Must be consistent with international treaty standard and nation-to-nation relationship

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Engaging Provinces and Territories

- It is the responsibility of the Minister of Crown-Indigenous Relations to ensure a smooth withdrawal of provincial jurisdiction
- Garner provincial support for treaty implementation

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