
TITLE: Calling for a National Reconciliation Process & Implementing the Royal Commission on Aboriginal Peoples Recommendations

SUBJECT: Reconciliation

MOVED BY: Councillor Gilbert Fredette, Norway House Cree Nation, MB

SECONDED BY: Chief Gilbert Andrews, Gods Lake First Nation, MB

DECISION Carried by Consensus

WHEREAS:

- A. GUIDED BY the natural laws of the Creator and the spirit and intent of our Treaties which define our relationship with the state of Canada;
- B. AFFIRMING our endorsement of the spirit and intent of the Treaty of Niagara of 1764 and its constitutional principles of respect, peace and friendship that were established for Treaty relationships;
- C. WELCOMING the declarations of the federal government to implement the international standards in the United Nations Declaration on the Rights of Indigenous Peoples UN Declaration;
- D. WELCOMING ALSO the commitment of the federal government in the statements of the Attorney-General for Canada 'to breathe life into section 35' and to 'get rid of the shackles of the Indian Act';
- E. RECOGNIZING the unwritten principle of the Constitution of Canada that consent is the basis for constitutional legitimacy;
- F. AFFIRMING that the consent of First Nations is necessary for the legitimacy of the constitution as it is for provinces;

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- G. RECOGNIZING that recent jurisprudence from Canada's courts has augmented provincial powers to infringe upon First Nations' Treaty and Aboriginal rights and imposed upon the provinces a duty to reconcile provincial interests with First Nation interests;
- H. URGING provincial governments to participate in the national project of reconciling provincial interests with First Nation interests;
- I. URGING ALSO the federal government to retain, through laws enacted jointly with First Nations, its traditional protective role mandated by imperial policy and the purposes of section 91(24);
- J. CONVINCED that a national process of reconciliation requires a national strategy and national institutions;
- K. CONVINCED ALSO that the national project of reconciliation demands local and regional negotiations to accommodate the distinct status and circumstances of distinct First Nation.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly, respectfully calls upon the government of Canada:

1. To develop, in consultation with representatives of the First Nations in Canada, a national reconciliation process having the following features and purposes: the negotiation of the contents of a new ROYAL PROCLAMATION, as recommended by the federal *Royal Commission on Aboriginal Peoples* (1996) and the *Truth and Reconciliation Commission* (2015), that would:
 - a. declare the commitment of the federal government to the principles of the *Royal Proclamation* of 1763 as agreed at the *Treaty of Niagara 1764*, as an expression of a new relationship with First Nations;
 - b. be accompanied, in the spirit of s.35 *Constitution Act 1982*, in accordance with the distinct needs and circumstances of First Nations, and as recommended by the *Truth and Reconciliation Commission*, by legislation for 'Closing the Gap' that would identify the roles and responsibilities of the federal government respecting the delivery of social services to First Nations, including in the spheres of First Nations health and education;
 - c. be accompanied by legislation that makes the structural changes necessary for the federal government to allow it to communicate and negotiate effectively with First Nations, including the creation of a Crown Relations Office in a senior Ministry [as recommended by Canada's *Royal Commission on Aboriginal Peoples* (RCAP)];
 - d. be accompanied by legislation for the creation of specialized courts or tribunals to assist the process and arbitrate or adjudicate disputes arising from negotiations on arrangements for "getting rid of the shackles of the Indian Act".

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2. To enact legislation that guarantees financial assistance for regional negotiations with distinct 'nations' on a nation-to-nation basis concerning arrangements and mechanisms to implement the UN Declaration standards and, in the spirit of the Treaty of Niagara, to breathe life into section 35 of Canada's Constitution, which protects our Treaties.
3. To work with willing First Nation and provincial governments on the calling of a national conference, to be held within one year, to examine options for legitimizing the Constitution of Canada by attaching the consent of First Nations to constitutional provisions and interpretations, including, in particular, section 91(24) of the *Constitution Act, 1867*, and the identification of the respective roles of the federal and provincial governments in 'nation-to-nation' relationships with First Nations.

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