



INDIGENOUS ACTION CANADA

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Honourable Prime Minister, Justin Trudeau
Office of the Prime Minister
80 Wellington Street
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RE: Recognition of Nationhood

In 1996, The Royal Commission on Aboriginal Peoples (RCAP) set forward a path to restore the essence of the early relationship between Aboriginal (sic) and settler societies and stated that the starting point for this transformation is recognition of Aboriginal (sic) nationhood.

Nations that were Indigenous to Turtle Island (Canada) forged military and trade alliances with European Nations. In the capacity of Nationhood, Indigenous peoples signed treaties with the Crown to share lands and resources.

However, Canadian policy and The Indian Act continue to diminish and prohibit any hope of meeting the aspirations for the recognition of true sovereignty by continuing to infringe on Indigenous rights of self determination and the inherent right of self-government.

The RCAP stated that recognition of Indigenous nationhood poses no threat to Canada and acknowledged that the original Nations have generally sought coexistence, cooperation and harmony with their relations and other people.

Section 35 of The Canadian Constitution fails to recognize the original Nations— who still exist in Canada and who occupied these lands for millennia— and only describes the original people as “First Nations”, rather than acknowledge their true essence of Nationhood.

RCAP provides a definition of a Nation;

“An Aboriginal Nation should be defined as a sizeable body of Aboriginal people that possesses a shared sense of national identity and constitutes the predominant population in a certain territory or collection of territories.

Thus, the Mi'kmaq, the Innu, the Anishnabe, the Blood, the Haida, the Inuvialuit, the western Métis Nation and other peoples whose bonds have stayed at least partly intact, despite government interference, are nations. There are about 1,000 reserve and settlement communities in Canada, but there are 60 to 80 Aboriginal nations.”

Indigenous Nations do not require federal (or provincial) legislation to have the constitutional authority to function as governments. That authority has its source outside the Canadian Constitution.

For example, the Government of Canada's response to The Truth and Reconciliation Call to Action Number 45 is to host a re-negotiation of the Royal Proclamation for a Covenant of Reconciliation. However, the government is negotiating with The Assembly of First Nations, whereas, prior to occupation by Settlers, each Nation was represented by its own Chief for treaties and negotiations.

Ever since the arrival of the colonizers and the imposition of their governance systems throughout Canada, the Aboriginal peoples have resisted and struggled to reconstitute their traditional forms of political representation and governance practices, to maintain control of their own affairs, and to have governments be accountable to them. (*First Nations Elections: The Choice is Inherently Theirs*, Report of the Standing Senate Committee on Aboriginal Peoples, May 2010)

The Indian Act replaced traditional self-governance with a system where Chief and Council are elected but accountable to Indigenous and Northern Affairs Canada. The European-style elections replaced traditional and distinct styles of governance which had been developed over centuries.

True self-determination requires funding and opportunity for each of the original Nations to define their own political practice and governance, based on the traditional practices that existed prior to 1869. (The first legislation undermining self-governance, assented to in June 1869, was An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Victoria)

Indigenous Nations need increased funding to undertake the work of rebuilding their original governance structures outside of the Indian Act system, and IAC encourages Canada to enhance the Nation Building Fund to support this work.

The Report of the Standing Senate Committee on Aboriginal Peoples strongly recommended against continuation or reform of the Indian Act:

The majority of First Nations testifying before this committee spoke of their desire to begin the real work of reconciliation and implementation of their governments, rejecting piecemeal efforts to reform the Indian Act in the absence of this larger agenda. Several witnesses asked this committee to recommend a process of genuine engagement to reconstitute Aboriginal governments, including their customary laws, rather than recommending federal legislative interventions as a temporary “fix” pending meaningful self-government. Consistently, we heard that tinkering with the Indian Act will not achieve the meaningful reform that First Nations desire or the fundamental purpose of section 35 – reconciliation..... The Committee believes that if the inherent right to self-government is to have any real meaning, it must certainly begin with First Nations communities designing and implementing their own processes for selecting and removing its leadership. First Nations and members of this Committee are weary of any unjust interference with the section 35 rights of Aboriginal peoples and are equally concerned that previous federal legislative attempts to reform the Indian Act have not, from the perspective of First Nations, accommodated their most fundamental values of governance, including consensual and non-hierarchical decision-making structures. (First Nations Elections: The Choice is Inherently Theirs, Report of the Standing Senate Committee on Aboriginal Peoples, May 2010, p.41)

Had these 2010 recommendations been followed, even slowly back in 2010, our young generation would have already experienced and been growing up with Indigenous self-determination and governance.

We call on the Government of Canada to support the work of collectives of Indigenous Peoples to rebuild the original Nations in a way that reflects their right to identity, traditions, values and Culture. Canada has worked to systematically destroy the original governance systems of the Indigenous Nations and holds a responsibility to help remedy the damage that colonial policies have caused.

We also call on the Government of Canada to amend the Canadian Constitution so that Canada finally affirms and confirms the basic and enduring terms of the relationship between the original Nations and the Crown.

Respectfully submitted on behalf of Indigenous Action Canada

Lorraine Rekmans, IAC member

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The Honourable Patty Hajdu, P.C., M.P., Minister of Indigenous Services

The Honourable Gary Anandasangaree, P.C., M.P., Minister of Crown-Indigenous Relations

Senate Standing Committee on Aboriginal Peoples APPA@sen.parl.gc.ca

Her Excellency Mary Simon, Governor General of Canada