Defenders of the Land & Idle No More Networks

PRESS RELEASE

Defenders of the Land & Idle No More Condemn Government of Canada's 10 Principles

(August 25, 2017) When the Government of Canada's released its **Principles Respecting the Government of Canada's Relationship with Indigenous Peoples** last month, they said they would "*form a foundation for transforming how the federal government partners with and supports Indigenous peoples and governments*." But the analysis by Indigenous representatives from Defenders of the Land and Idle No More suggest that the federal governments "*10 Principles*" are a continuation of settler attempts to eliminate Aboriginal Title and the pre-existing right of sovereignty and self determination; as well as, a fair and just, interpretation of historic Treaties.

In a detailed 12-page Condemnation of Canada's "*10 Principles*" Undermining International Minimum Standards Regarding the Rights of Indigenous Peoples, Defenders of the Land and Idle No More show how the government document contains familiar government double-speak, where they acknowledge "*self-determination*" on one hand but then put it squarely under the umbrella of "*European assertion of sovereignty*" on the other. Regarding the implementation of the **UN Declaration of the Rights of Indigenous Peoples'**, the government says it will only implement a Canadian version. This 12 page analysis contends that if the government does not implement **UNDRIP** as it stands, it is in violation of international human rights laws.

According to the Indigenous analysis, the "*Trudeau government is advancing a racist, colonial position, which is inconsistent with the minimum human rights standards contained in the Articles of **UNDRIP***." The government's aim, they say, "*is to domesticate Indigenous Peoples and international law, both in violation of international legal standards*."

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Condemnation of Canada's "10 Principles" Undermining International Minimum Standards Regarding the Rights of Indigenous Peoples'

On July 14, 2017, the Canadian federal government released its Principles respecting the Government of Canada's relationship with Indigenous peoples, that neither substantively nor procedurally meet international minimum standards. First of all, although purporting to relate to the relationship with Indigenous Peoples, the principles were unilaterally released by the Canadian federal government under *Prime Minister Justin Trudeau* and *Justice Minister Jody Wilson Raybould*. They did not engage with, consult, let alone seek the consent of Indigenous Peoples and Nations as the proper Aboriginal and Treaty Rights Holders. Under international law, Indigenous Peoples are subjects of international law and the holders of internationally protected Indigenous rights. Again, the federal government did not engage with Indigenous Peoples and Nations regarding the content of the proposed principles before releasing them.

Canada is trying to domesticate Indigenous Peoples and international law, both in violation of international legal standards. Canada has been questioned by the UN Human Rights Committee about how they implement the **International Covenant on Civil and Political Rights** (**ICCPR**) **Article 1** on the right to self-determination in regard to Indigenous Peoples and in their response Canada indicated that it was their position that Indigenous Peoples exercise their right to self-determination as Canadians and as part of Canadian society, not recognizing that Indigenous Peoples have their own standing at international law.

Canada is not only trying to domesticate Indigenous Peoples, but also international law. Canadian federal Minister of Indian Affairs and Northern Development, Carolyn Bennett, at the **UN Permanent Forum on Indigenous Issues** in May 2016 pretended to "*announce on behalf of Canada that we are now a full supporter of the Declaration without qualification*." Minister Bennett immediately contradicted this in the next sentence by adding a qualification: "*We intend nothing less than to adopt and implement the declaration in accordance with the Canadian Constitution*." This clearly is a qualification, which goes back to the **Constitution Act 1867**. It further tries to qualify and subjugate international law to lesser national standards. This is in violation of international law: national laws and policies should only be passed if they conform with international law and not vice versa.

It is equally dangerous if a country tries to domesticate Indigenous Peoples, making their rights subsidiary to Canadian law and policy; as trying to pretend that a single country can lower or unilaterally undermine the essence of international obligations, international legal principles and international customary law.

Take the foundational international right to self-determination, the international remedy for colonialism. There can no longer be any debate that Indigenous Peoples have the right to self-determination. As a settler colonial state, Canada during the negotiation of **UNDRIP** wanted to deny that Indigenous Peoples have standing as Peoples in international law. The **UN Declaration on the Rights of Indigenous Peoples** (**UNDRIP**) became the longest negotiated international human rights instrument in history, in part due to the strong opposition of settler colonial states—first and foremost Canada, the US, Australia and New Zealand—especially in regard to the Indigenous right to self-determination. This is now enshrined in **Article 3** of **UNDRIP**, which replicates **Article 1(1)** of the **International Covenant on Civil and Political Rights** (**ICCPR**) and the **International Covenant on Economic, Social and Cultural Rights** (**ICESCR**) and makes it clear that this right applies to Indigenous Peoples. Since even those four settler colonial states have now changed their position on **UNDRIP**, there is international consensus that this right applies to Indigenous Peoples and it can no longer be denied. Rather it now constitutes a binding principle of international law, and on top of it, Canada is bound by international treaties like **ICCPR** and **ICESCR** that enshrine the right. The right to self-determination is the overarching umbrella right; much of its essence is then spelled out further in **UNDRIP**, in regard to land rights, governance and Indigenous prior informed consent (**PIC**). Indigenous **PIC** and therefore Indigenous decision-making power regarding access to their lands and resources has to be recognized. The Canadian federal government's "*10 Principles*" do not do that, rather they attempt to lessen and undermine those fundamental principles of international law.

Canada makes it clear under the first principle where they pretend to recognize the Indigenous right to self-determination, that their approach is still rooted in the colonial doctrines of discovery. They set out that: "*Canada's constitutional and legal order recognizes the reality that Indigenous peoples' ancestors owned and governed the lands which now constitute Canada prior to the Crown's assertion of sovereignty*." Here, Canada speaks to its assertion of sovereignty and claim to underlying title to the land, which they take as a given and do not question. If Canada was serious about meeting its international obligations it would have to move away from its reliance on the colonial doctrines of discovery. Canada should comply with the **Convention on the Elimination of Racial Discrimination** (**CERD's**) rejection[1] of the colonial doctrines of discovery as a racist basis for the claim to sovereignty, jurisdiction and title.

This was not only the first substantive recommendation of the 1995 Royal Commission on Aboriginal Peoples, but is also echoed by the Truth and Reconciliation Commission (TRC) in its call to action #45, which includes a commitment to: "*repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and terra nullius."*

[1] UN CERD, 2002, A/57/18, paragraphs 303 and 331; Concluding Observations of the Committee on Economic Social and Cultural Rights UN CESCR, 1998, UN Doc. E/C.12/1Add.31, para. 18; Concluding Observations of the Committee of the Rights of the Child, UN CRC, 2003, CRC/C/15/Add.215, para 59

Of course, the Canadian federal government also pretended to commit the **TRC calls to action**, but again Canada does the opposite in the "*10 Principles*" it relies upon the colonial doctrines. Canada remains a settler colonial state, the assertion of sovereignty by the British Crown and Canada remains based on the colonial doctrine of discovery, which has been rejected by the International Court of Justice and various UN human rights bodies as violating international law; and as racist.

In the "*10 Principles*", Canada does not refer to, but it continues to rely on its **Constitution Act 1867**, which was unilaterally passed by British parliament as the **British North America Act** 150 years ago and enshrines these colonial systems and structures and the division of powers between the federal and provincial government, leaving no room for recognition of equal Indigenous jurisdiction and power, absent fundamental (constitutional) reforms, which are not contemplated in the "*10 Principles*". This is also reflected by the fact that the federal government just decided to issue these "*10 Principles*" to guide the federal **Working Group of Ministers on the Review of Laws and Policies Related to Indigenous Peoples**, announced on February 22, 2017, mandated to review federal law and policy NOT provincial laws and policies.

In addition, the settler colonial state of Canada in the "*10 Principles*" continues to rely on others of its long-standing policies, that have already been found to violate international law by various UN Human Rights Bodies, such as its "*Comprehensive Claims Policy*" on land rights. This policy is based on a land selection and modification approach that results in final termination agreements resulting in the de facto extinguishment of Aboriginal Title. This is a racially discriminatory policy against Indigenous proprietary interests. In addition, the loan funding for negotiations under the policy, including the so-called **British Columbia Treaty Process** and the **Algonquins of Ontario Process**, has funded negotiations with groups who are not the proper Title and Rights Holders, employed divide and rule strategies, including against the **Lubicon Cree**, resulting in overlapping claims and other ways to undermine the collectively held Title to Indigenous Peoples' lands, territories and resources. Both the *federal Ministers of Justice, Jody Wilson-Raybould, and of Indian Affairs and Northern Development, Carolyn Bennett*, have promoted these policies and agreements under them as the ultimate expression of Indigenous free, prior and informed consent, when it does the opposite, it subjugates Indigenous Peoples to federal and provincial decision-making power.

Indigenous Peoples' free, prior and informed consent has a jurisdictional dimension and recognizes Indigenous Peoples as decision-makers regarding access to their lands and resources, which is constantly undermined by Canada and the provinces claiming to be final decision-makers. The settler colonial state of Canada says that Indigenous Peoples do not have a right to say no to projects on their lands, this constitutes a further violation of their internationally protected Indigenous rights. Indigenous Peoples have a right of self-determination, and Indigenous free, prior and informed consent to access or allocate any of their lands, territories and resources, is required.

It is clear from the "*10 Principles*" that the settler colonial state of Canada wants to maintain the status quo, it is not interested in fundamental reform. One only has to look to "*Principles 7 and 8*", in "*Principle 7*" the state seeks to maintain an approach that can justify the infringement of Indigenous rights, this is unacceptable. Under it, the state remains in the dominant position and Indigenous Peoples are not full decision-makers regarding their territories and Peoples. It also does not recognize underlying Indigenous title to these lands and territories. Maintaining the status quo would mean to maintain the system of 0.2% of the land-base claimed by Canada constituting **Indian reserves**, which are under federal jurisdiction, while the remainder is mainly under provincial jurisdiction, but it is really the settler colonial governments, settlers and corporations that benefit of the 99.8% of the land. This is what Canada is talking about in "*Principle 8*" referring to a renewed fiscal relationship, where dependency of Indigenous Peoples is maintained and the most that is envisioned are micro-economic ventures rather than recognition of the macro-economic dimension of Indigenous rights and the entitlement to full remuneration based on recognition of underlying Indigenous Title.

- **Issued by the Unsettling150.ca Coordinating Group**

Defenders of the Land & Idle No More Networks

Critique of Racist, Colonial Principles on Relationships with Indigenous Peoples
Issued by Government of Canada - July 14, 2017

As far as we are concerned these federal "*10 principles*" are a 254 year-old continuation of settler attempts to eliminate: 1) Aboriginal Title; 2) the pre-existing right of sovereignty and self-determination of Indigenous Nations; and 3) a fair, just, interpretation of the status of historic Treaties.

The Trudeau government is advancing a racist, colonial position, which is not only inconsistent with the minimum human rights standards contained in the Articles of *UNDRIP*, but in the *Convention on the Elimination of Racial Discrimination*, the *Covenant on Civil and Political Rights* and the *Covenant on Economic, Social and Cultural Rights*.

The following are our specific responses to the racist, colonial "*10 Principles*" and federal commentary. Available online: http://www.justice.gc.ca/eng/csj-sjc/principles-principes.html

Re: Principle 1. The Government of Canada recognizes that all relations with Indigenous peoples need to be based on the recognition and implementation of their right to self-determination, including the inherent right of self-government.

The federal government is controlling and managing the "*federal recognition and implementation*" of Indigenous Peoples right to self-determination and the inherent right to self-government by manipulating the use of the **Assembly of First Nations** and "*regional First Nation organizations*" through a top down national process in order to bypass the legitimate Aboriginal Title & Rights Holders and historic Treaty Nations by maintaining a veto over process, scope of negotiations and funding as set out in the two **AFN-Canada MOU's** on Joint Priorities and Fiscal Relations.

This is not self-government – it is a right of governance – for historic Treaty Nations that was recognized at the time of the treaty making – self-government is a policy of Canada – it is not a legal distinction.

The definition of Indigenous Nation or rights-holding group should be Peoples with an "S" because self-determination is a right of a collective and not as individuals – if the government recognizes the right of self-determination – then it is up to Peoples who have rights to territories and resources – the rights the federal government has set out in Principle 1—language, customs, traditions and historical experience—are rights of "**minorities**" in international law – this is unacceptable to us as Indigenous Peoples.

Our response to the federal comment on the "*key moment*" of historical experience "*assertion of Crown sovereignty*" This is a racist statement - the Crown cannot assert sovereignty over our territories – this is not recognized by international law. The International Court of Justice in 1972 stated that no government can assert title or jurisdiction over Indigenous Peoples. So, this wrong and unacceptable!

Canada keeps limiting the discussions to Section 35 and says that the rights are only those recognized after 1982 – this is also unacceptable to us as Indigenous Peoples!

Our response to the federal comment that the "*promise*" of section 35 "*reflects articles 3 and 4 of the UN Declaration*" The Declaration is a resolution of the General Assembly – it is not legally binding – what about other international instruments – like the **Convention on the Elimination of Racial Discrimination**? What about the **Covenant on Civil and Political Rights** or the **Covenant on Economic, Social and Cultural Rights** which contain language related to self-determination and the rights of the Indigenous Peoples to make decisions for themselves?

This whole clause is empty because the **UNDRIP** has no international monitoring mechanism. As it now stands, there is no international body who is going to oversee these Principles and compliance!

Moreover, Canada's view of these modern section 35 agreement negotiations is that the Indigenous Peoples need to give up their rights by consenting to federal pre-conditions to be federally recognized. Alternatively, Canada uses its section 91(24) authority to pass federal laws unilaterally imposing national standards over Indigenous Peoples.

This is not recognition of the right of self-determination or adherence to international human rights law, so this is a basic lie!

For the historic Treaty Nations the Treaty sets out the relationship and responsibilities – the federal government wants to change the nature of the historic treaties without saying so – this is unacceptable to historic Treaty Peoples.

Re: Principle 2. The Government of Canada recognizes that reconciliation is a fundamental purpose of section 35 of the *Constitution Act, 1982*.

As Indigenous Nations' Title was given by the Creator, Indigenous Peoples have pre-existing sovereignty and the right of self-determination. We do not accept that Canada can make "*federal recognition*" of Indigenous self-determination conditional! Moreover, Canada's assertion of sovereignty to Indigenous Peoples lands and resources is based on the illegal, racist doctrine of discovery – there can be no reconciliation if there is no basic acknowledgment of this basic fact! It is Ottawa doubletalk. These are Indigenous Peoples' lands and resources – there is no legitimate Crown title!

The UNDRIP and the TRC Report are not legal instruments, what is a "*constitutional value*"?

The fact is, Canada is a successor state and has a legal obligation to implement the historic treaties entered into between Indigenous Nations and Great Britain, this is not merely a "*constitutional value*"!

These "*10 Principles*" are reminiscent of the **1969 WHITE PAPER** issued by Pierre Elliot Trudeau and his Minister Jean Chretien – which was rejected by our ancestors – accepting thse "*10 Principles*" means accepting that the provinces have jurisdiction in relation to the pre-existing Title, Rights and historic Treaties entered into between Indigenous Nations and Great Britain. This is an international issue!

Re: Principle 3. The Government of Canada recognizes that the honour of the Crown guides the conduct of the Crown in all of its dealings with Indigenous peoples.

The unilateral issuance of these "*10 Principles*" proves that the phrase "*honour of the Crown*" is a legal fiction outside of a courtroom.

Re: Principle 4. The Government of Canada recognizes that Indigenous self-government is part of Canada's evolving system of cooperative federalism and distinct orders of government.

This Principle confirms that Canada is trying to domesticate Indigenous Peoples and international law, both in violation of international legal standards. Canada has been questioned by the UN Human Rights Committee about how they implement the **International Covenant on Civil and Political Rights** (**ICCPR**) **Article 1** on the right to self-determination in regard to Indigenous Peoples and in their response Canada indicated that it was their position that Indigenous Peoples exercise their right to self-determination as Canadians and as part of Canadian society, not recognizing that Indigenous peoples have their own standing at international law.

Canada is not only trying to domesticate Indigenous Peoples, but also international law. Canadian federal Minister of Indian Affairs and Northern Development, Carolyn Bennett, at the UN Permanent Forum on Indigenous Issues on May 10, 2016, pretended to "*announce on behalf of Canada that we are now a full supporter of the Declaration without qualification*." Minister Bennett immediately contradicted this in the next sentence by adding a qualification: "*We intend nothing less than to adopt and implement the declaration in accordance with the Canadian Constitution*." This clearly is a qualification, which goes back to the **Constitution Act 1867**. It further tries to qualify and subjugate international law to lesser national standards. This is in violation of international law: national laws and policies should only be passed if they conform with international law and not vice versa.

It is equally dangerous if a country tries to domesticate Indigenous Peoples, making their rights subsidiary to Canadian law and policy; as trying to pretend that a single country can lower or unilaterally undermine the essence of international obligations, international legal principles and international customary law.

Re: Principle 5. The Government of Canada recognizes that treaties, agreements, and other constructive arrangements between Indigenous peoples and the Crown have been and are intended to be acts of reconciliation based on mutual recognition and respect.

Historic Treaties were not meant to be an instrument of reconciliation – treaties were necessary for the Crown's subjects to enter Indigenous Peoples' territories – that is not reconciliation – Canada does not legitimately possess the lands and resources Indigenous Peoples' own. The words "*agreements and other constructive arrangements*" were added to the **UN Study on Treaties** as a way to side-track the *Special Rapporteur on Treaties – Miguel Alfonso-Martinez* away from the Treaties – he asked Canada to provide him with the international definition for agreements and other constructive arrangements – they never provided him with any definition. The use in this federal "*10 Principles*" position is designed to provide a smokescreen .

Ongoing cooperation – means that Indigenous Peoples are supposed to stand out of the way as the land and resources are taken from their lands without their consent – that is Canada's view of cooperation and partnership.

After 1973 – the "*land claim agreements*" are all based on the federal **Comprehensive Land Claims Policy** – this is not treaty-making like the historic Treaties were. That's why "*land claims agreements*" were only added to section 35(3) of the **Constitution Act 1982**, in the 1983 constitutional amendment and weren't included in section 35(1) of the original **Constitution Act 1982**.

One of the underlying assumptions in the "*10 Principles*" is that the historic treaties do not form an instrument for federal recognition and implementation of rights.

Re: Principle 6. The Government of Canada recognizes that meaningful engagement with Indigenous peoples aims to secure their free, prior, and informed consent when Canada proposes to take actions which impact them and their rights, including their lands, territories and resources.

This Principle states that the federal government "*aims to*" secure free, prior informed consent, this is a deliberate re-write—a watering down—of the UNDRIP articles, particularly article 19, which states:

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions ***in order to obtain their free, prior and informed consent***

before adopting and implementing legislative or administrative measures that may affect them. [emphasis added]

Article 19 states "*in order to*" not "*aims to*" obtain free, prior, informed consent. These "*10 Principles*" are another example of bad faith on the part of the Trudeau government to mislead Indigenous Peoples and the Canadian public about such an important matter. This is NOT reconciliation!

What is the new nation to nation relationship? Canada is not a nation – it is a state and as for going "*beyond the legal duty to consult*", if Canada is really and truly going to implement UNDRIP the "*duty to consult*" needs to be replaced with obtaining the free, prior informed consent of Indigenous Peoples' when development affects their lands, waters, territories and resources.

The federal government is also manipulating the standard in article 18 of UNDRIP, which states:

Article 18
Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, ***through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions***. [emphasis added]

Through the **AFN-Canada MOU's on Joint Priorities and Fiscal Relations** the federal government is using the **Assembly of First Nations** (and other National Indigenous Organizations) and "*regional First Nation organizations*" as "*indigenous decision-making institutions*" knowing full well that most Indigenous (First Nation) Peoples are forced to choose their Chiefs and Councils through the racist, colonial **Indian Act**, which is not based upon Indigenous (First Nations) Peoples' procedures or Indigenous decision-making institutions. The June 12, 2017, **AFN-Canada Memorandum of Understanding on Joint Priorities** is an attempt by the federal government to by-pass the Indigenous rights holders and the right to self-determination provided for in article 3 of **UNDRIP** and the related international human rights instruments.

The Supreme Court of Canada, indeed the judicial branch of the federal government, is in a conflict of interest when deciding cases involving Aboriginal title versus the assertion of Crown title, which is based on the racist, illegal doctrine of discovery. The SCC showed its racist, colonial bias when it held in the 2014 **Tsilhqot'in** decision that the radical or underlying title to land in Canada belongs to the Crown. In fact, the Supreme Court of Canada has never denied that the Crown asserted sovereignty over our territories – the Court has said that Indigenous rights were crystalized at the time of contact – this cannot be reconciled without fundamental constitutional change!

Unless and until Canada enters into a constitutional process to negotiate an agreement with duly selected Indigenous Peoples on the meaning of section 35 Aboriginal and Treaty rights, particularly vis-a-vis the **Constitution Act 1867**, then this statement is meaningless.

Re: Principle 7. The Government of Canada recognizes that respecting and implementing rights is essential and that any infringement of section 35 rights must by law meet a high threshold of justification which includes Indigenous perspectives and satisfies the Crown's fiduciary obligations. Principle 8. The Government of Canada recognizes that reconciliation and self-government require a renewed fiscal relationship, developed in collaboration with Indigenous nations, that promotes a mutually supportive climate for economic partnership and resource development.

It is clear from the "*10 Principles*" that the settler colonial state of Canada wants to maintain the status quo, it is not interested in fundamental reform. One only has to look to "*Principles 7 and 8*", in "*Principle 7*" the state seeks to maintain an approach that can justify the infringement of Indigenous rights, this is unacceptable. Under it the state remains in the dominant position and Indigenous Peoples are not full decision-makers regarding their territories and Peoples. It also does not recognize underlying Indigenous title to these lands and territories. Maintaining the status quo would mean to maintain the system of 0.2% of the land base claimed by Canada constituting Indian reserves, which are under federal jurisdiction, while the remainder is mainly under provincial jurisdiction, but it is really the settler colonial governments, settlers and corporations that benefit of the 99.8% of the land. This is what Canada is talking about in "*Principle 8*" refers to a renewed fiscal relationship, where dependency of Indigenous Peoples is maintained and the most that is envisioned are micro-economic ventures rather than recognition of the macro-economic dimension of Indigenous rights and the entitlement to full remuneration based on recognition of underlying Indigenous Title.

As noted above, the "*infringement*" test is a legal standard first imposed by the Supreme Court of Canada in its 1990 **Sparrow** decision. It is inconsistent with the minimum standards set out in **UNDRIP** (and related human rights instruments) or the right of self-determination, free, prior, informed consent and the right to the lands, territories and resources which Indigenous Peoples have traditionally owned, occupied or otherwise used or acquired. As justification of taking the lands and resources of Indigenous Peoples' the federal government uses the concept of public good – which is its settler colonial version of the collective right – settler rights override Indigenous Peoples' rights!

There is a threshold that Canada sets and then makes the rules to infringe Indigenous Peoples rights – that means that there is no real recognition that Indigenous Peoples' rights are important as against the Crown's assertion of rights.

Again, the federal government's control of "*federal recognition*" of Indigenous rights means that the July 12, 2016 **AFN-Canada Memorandum of Understanding on Fiscal Relations** and the June 12, 2017 **AFN-Canada Memorandum of Understanding on Joint Priorities** is an

attempt to bypass the real rights holding Indigenous (First Nation) Peoples in decision-making and their right of self-determination by denying Indigenous Peoples' procedures and Indigenous Peoples' institutions NOT the racist colonial **Indian Act**. The federal government cannot legitimately say it is developing a "*renewed fiscal relationship*" "*in collaboration with Indigenous nations*". This is NOT reconciliation!

Under its unilateral section 35 policy negotiation framework the federal government controls "*federal recognition*" of the Indigenous Peoples' right of self-government and what the federal "*land claims*" policies allow. These federal policies and legislation are written to coerce Indigenous (First Nation) Peoples under federal and provincial jurisdiction and provincial land tenure systems (fee simple). This is not "*fair*" or legal access to the lands, territories and resources illegally taken from Indigenous Peoples through the **Constitution Act 1867**.

These are all elements of the current federal so-called "*Inherent Right*" self-government policy. Canada wants all the Indigenous (First Nation) Peoples to give up their pre-existing sovereignty and right of self-determination and convert to the federal version of self-government (and self-determination), which is a municipal form of government within the Canadian Federation, in violation of internationally accepted rights of Indigenous Peoples'.

Re: Principle 9. The Government of Canada recognizes that reconciliation is an ongoing process that occurs in the context of evolving Indigenous-Crown relationships.

This principle and statement is meaningless.

Canada is trying to domesticate Indigenous Peoples and international law, both in violation of international legal standards.

There can be no real reconciliation between Canada and Indigenous (First Nation) Peoples because the federal government controls "*recognition*", "*negotiation*" and "*implementation*", this is evident in the federal self-government, land claims policies and federal legislation. This is further evident by the federal use and control of the **Assembly of First Nations** and the "*regional First Nations organizations*" as consultative bodies for changes to federal policy and law, bypassing legitimate Indigenous Peoples procedures and decision-making institutions. Federal "*recognition*" is through **Indian Act** "*band councils*" and "*Chiefs*".

Fundamental change is required through constitutional reform.

Re: Principle 10. The Government of Canada recognizes that a distinctions-based approach is needed to ensure that the unique rights, interests and circumstances of the First Nations, the Métis Nation and Inuit are acknowledged, affirmed, and implemented.

This is another meaningless principle – a "*distinctions-based approach*" means nothing when you read the entire "*10 Principles*" and federal comments.

It is equally dangerous if a country tries to domesticate Indigenous Peoples, making their rights subsidiary to Canadian law and policy; as trying to pretend that a single country can lower or unilaterally undermine the essence of international obligations, international legal principles and international customary law.

Moreover, the federal government is still ignoring the right of Indigenous (First Nation) Peoples "*in accordance with the traditions and customs of the community or nation concerned*" to recognize and register their own Peoples. The federal government is instead using section 91(24) of the **Constitution Act 1867** and the **Indian Act** to manipulate "*federal recognition*" of Indigenous (First Nation) Peoples causing forced assimilation, conversion or integration into the general Canadian population as "*ethnic, religious or linguistic minorities*" NOT as Indigenous Peoples'.

- **Issued by Unsettling150.ca Coordinating Group**