

MUSHKEGOWUK COUNCIL

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MUSHKEGOWUK COUNCIL 14TH ANNUAL ASSEMBLY

RESOLUTION NO. 1999-09-08

MOVED BY:

Attawapiskat
First Nation

Chief Mike Metatawabin
Fort Albany First Nation

Kashechewan
First Nation

SECONDED BY:

Fort Albany
First Nation

Chief Dan Koosees
Kashechewan First Nation

Moose Cree
First Nation

New Post
First Nation

ADOPTED BY CONSENSUS

Chapleau Cree
First Nation

Certified copy of a Resolution
passed on September 2, 1999

Missanabie Cree
First Nation

Lawrence Martin
Grand Chief

September 2, 1999
Fort Albany, Ontario

FEDERAL POSITION ON APPEAL OF WORKFARE RULING

WHEREAS the government of Ontario imposed fundamental changes to social assistance, including the introduction of "workfare", on the First Nations of Ontario without our consent;

WHEREAS Mushkegowuk Council challenged the legislation in court;

WHEREAS the federal government intervened before the court to oppose Mushkegowuk Council and to support the unilateral provincial legislation;

WHEREAS the Superior Court of Ontario ruled on August 23, 1999 that the unilateral imposition of these changes upon First Nations governments contravened our historic and constitutional rights and was legally invalid;

WHEREAS the Premier of Ontario has stated that the province intends to appeal the Court's ruling;

WHEREAS

1. Crown and federal governments have throughout colonial and Canadian history recognized in principle the legal, moral and practical right of First Nations to govern themselves (although often contravening the principle in their practices);

2. The decision of the Court is consistent with and implements recent policy statements publicly made by the federal government which purport to recognize First Nations' inherent right of self-government;

3. The position and action of the provincial government in its workfare legislation are an unprecedented intrusion into First Nation self-government rights which existed and were practised from before European contact and which have been recognized and affirmed in principle in the federal Indian Act and other Canadian law ever since;

4. Any action by the federal government towards reversing the decision of the Court is contrary to the spirit of current and evolving reality of Aboriginal rights in Canada, and would show a fundamental lack of respect for critical First Nations concerns;

THEREFORE BE IT RESOLVED that the Chiefs in Assembly of Mushkegowuk Council urge the new federal Minister of Indian and Northern Affairs, the Honourable Robert Nault, to review the position of the federal government with respect to this court case;

AND BE IT FURTHER RESOLVED that the Chiefs in Assembly of Mushkegowuk Council request Minister Nault to urge the Province of Ontario not to appeal the August 23, 1999 decision of the Court, and to instead work with the Mushkegowuk Chiefs in good faith towards a social assistance system which meets the real needs of Mushkegowuk people;

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AND BE IT FURTHER RESOLVED that the Mushkegowuk Chiefs in Assembly request Minister Nault and the federal government to intervene before the Court of Appeal, if there is an appeal, to support the existing decision of the Court.