

MUSHKEGOWUK COUNCIL

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MUSHKEGOWUK COUNCIL
17TH ANNUAL ASSEMBLY

RESOLUTION NO. 2002-09-17

MOVED BY:


Chief Theresa Hall
Attawapiskat First Nation

SECONDED BY:

Chief Glenn Nolan
Missanabie Cree First Nation

ADOPTED BY CONSENSUS

Certified copy of a Resolution
passed on September 12, 2002



Ernest C. Beck, Grand Chief

September 12, 2002
Missanabie, Ontario

**LEGAL CLAIM TO UPHOLD THE
RUPERT'S LAND PROTECTION
PLEDGE**

WHEREAS the First Nations of Mushkegowuk Council are Aboriginal nations who have occupied since time immemorial our traditional Mushkegowuk Territory near James Bay and Hudson Bay in what Britain and Canada referred to as Rupert's Land;

WHEREAS immediately after Confederation in 1867, Canadian leaders urgently sought to expand Canada to the north and west and petitioned the Queen of Great Britain to unite Rupert's Land with their new country;

WHEREAS in 1869, to win the Queen's support for Canada's request to unite Rupert's Land with Canada, the Canadian Parliament passed a resolution pledging that if Her Majesty consented to that union, "it will be the duty of the Government to make adequate provision for the protection of the Indian tribes whose interests and well-being are involved in the transfer" (the "Protection Pledge");

WHEREAS in response to Canada's request for union and Canada's promise of protection for Aboriginal tribes or nations, Her Majesty did unite Canada and Rupert's Land on terms which included Canada's Protection Pledge;

WHEREAS in the decades thereafter, and continuing to the present, Canada and Ontario passed and maintained many laws which in

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fact fundamentally harmed various critical interests of the Mushkegowuk First Nations and the Mushkegowuk Nation, including our interests in our traditional hunting, in the forests and minerals of our Territory, and in our traditional forms of governance;

WHEREAS the Mushkegowuk First Nations believe that those laws contravene the Protection Pledge made in 1869 and that therefore the conflicting laws are of no force and effect in relation to us and our traditional territories;

WHEREAS the Canadian government, and the Canadian and Ontario people, have benefitted enormously from the Protection Pledge they made in 1869, which led to the union of Rupert's Land with Canada, while at the same time the Canadian and Ontario Governments have failed to carry out their obligations under the Pledge;

WHEREAS the failure of the Canadian and Ontario governments to abide by the Protection Pledge needs to be addressed by the education of our own people, the education of the people of Ontario and Canada, actions of the Ontario and Canadian governments and government officials, and the upholding of our rights in the courts;

WHEREAS the Mushkegowuk Board of Chiefs has over an extended period reviewed a process to assert our rights in the courts and has reviewed draft claim documents and has approved in principle the commencement of a legal claim;

WHEREAS a draft *statement of the legal claim* has been reviewed by *this Assembly*.

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THEREFORE BE IT RESOLVED that the Mushkegowuk Council Assembly approves the commencement of legal action against Canada and Ontario to uphold the promise made by the Canadian Parliament in 1869 to protect our interests after the union of Rupert's Land with Canada.