



MUSHKEGOWUK COUNCIL

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**Mushkegowuk Council
26th Annual Mamowihitowin**

Resolution No. 2011-09-36

TREATY DIARIES ORAL PROMISES; FILING OF LAWSUIT TO PROTECT MUSHKEGOWUK LANDS

WHEREAS we the Mushkegowuk People have always inhabited and governed and held sacred the lands on the coast and rivers of Western James Bay, as our ancestral homeland; and

WHEREAS in 1905 and 1906 the governments of Canada and Ontario sent representatives to our territories to propose a treaty by which our peoples would share the lands; and

WHEREAS our Mushkegowuk treaty negotiation representatives refused to enter into a treaty unless the governments of Canada and Ontario would agree to recognize our permanent and undiminished ancestral rights of hunting, fishing, trapping and harvesting on our lands; and

WHEREAS the governments of Canada and Ontario agreed and promised in the oral negotiations and agreement to permanently recognize such rights, as recorded in the stories of our elders and in the diaries of Daniel MacMartin, the Ontario treaty negotiator; and

WHEREAS the negotiators asked our representatives to sign a written treaty document, which was written in a language they could not read, and which contradicted the oral treaty agreement by including a "taken up"

Attawapiskat
First Nation

Moved by:

Chief Linda Job
Taykwa Tagamou Nation

Kashechewan
First Nation

Seconded by:

Chief Keith Corston
Chapleau Cree Nation

Fort Albany
First Nation

Moose Cree
First Nation

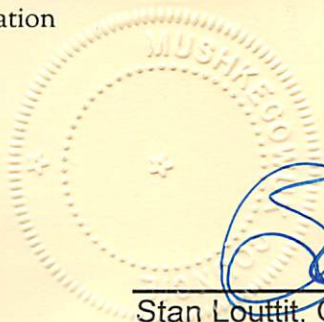
Taykwa Tagamou
Nation

Carried

Chapleau Cree
First Nation

Certified copy of a resolution passed
on September 30, 2011

Missanabie Cree
First Nation



Stan Loufit, Grand Chief

September 30, 2011
Moose Cree First Nation

clause allowing governments to take our land, which was not discussed with our people and was not agreed to by our people; and

WHEREAS the governments of Canada and Ontario, and various resource developers and companies, have ever since 1905/1906 attempted to extract the resources of our homelands for their benefit, without our consent, and contrary to the oral treaty promises and agreement of 1905/1906; and

WHEREAS this 26th Mamowihitowin of the Mushkegowuk Council has reviewed a draft Statement of Claim for a Treaty Diaries Oral Promises Lawsuit in the name of Peter Archibald Sr. to defend and uphold the ancestral land rights of the Mushkegowuk People and the Mushkegowuk First Nations, which rights were originally agreed to and guaranteed by the Canadian and Ontario governments in the Oral Treaty Promises; and

SPECIAL POSITION OF ATTAWPISKAT FIRST NATION

WHEREAS the Chief and delegates of the Attawapiskat First nation support in principle, for the benefit of the Mushkegowuk Council First Nations as a whole, the Treaty Diaries Oral Promises Lawsuit in Taykwa Tagamou Nation territory as set out in the draft Statement of Claim presented at this Mushkegowuk Mamowihitowin; and

WHEREAS the Attawapiskat First Nation Chief and delegates also must take into account historical questions in Attawapiskat about whether the Attawapiskat First Nation actually entered the Treaty in 1905/1906, as the

governments have claimed, and therefore it is not clear at this point whether the Treaty Diaries Oral Promises apply directly to the Attawapiskat First Nation; and

WHEREAS at least one First Nation requires a further period of up to several months to review and consider the possible Lawsuit before being in a position to approve the launching of the Lawsuit;

THEREFORE BE IT RESOLVED that the Mushkegowuk Council First Nations at this 26th Mushkegowuk Mamowihitowin express their support in principle for the Treaty Diaries Oral Promises Lawsuit by Peter Archibald Sr. on behalf of the members of the Taykwa Tagamou Nation as a "test case" with the intention of defending and strengthening the sacred land rights of all Mushkegowuk Council First Nations and of the Mushkegowuk People, and potentially other Treaty 9 First Nations, based on the draft Statement of Claim reviewed at this Mamowihitowin; and

BE IT FURTHER RESOLVED that the Mushkegowuk Council of Chiefs be authorized by this Mamowihitowin to review the Treaty Diaries Oral Promises Lawsuit in the next several months, and if there is unanimous support of the Chiefs, the Council of Chiefs shall authorize and direct the Mushkegowuk Council's legal counsel, as counsel for Peter Archibald Sr., to give formal notice to the province, under the *Proceedings Against The Crown Act*, of the intention to file in Court the Statement of Claim reviewed in draft at this Mushkegowuk Mamowihitowin, and to file the Lawsuit in Court after the notice period.