



**BREAKING DOWN  
TRUDEAU GOVERNMENT'S  
"RIGHTS RECOGNITION FRAMEWORK"  
September 7, 2018**

**The Federal Definition of "Rights" Involves Converting Indigenous Nations into a  
"Fourth Level" of Governments as Ethnic Minorities in Canada**

**After the Federal Government, the Provincial Governments and the Municipal  
Governments "Indigenous Government's are the Fourth Level of Government in  
this country".**

- **Prime Minister Justin Trudeau  
June 8, 2016, Toronto, Ontario  
Canada Summit Event**

**Introduction:**

Since the 2015 Federal Election Justin Trudeau has coopted terminology like "nation-to-nation", "reconciliation", "decolonization" "self-determination" and "Inherent & Treaty Rights". This has confused many of our people and hidden the true intent of the Trudeau government's Indigenous Policy and Rights Agenda.

The Trudeau government has even co-opted the **Assembly of First Nations**, and many Chiefs and Chiefs' organizations. Although there are some Chiefs and Chiefs' organizations who are still true to serving their people working to protect and defend Inherent Rights, Aboriginal Title & Treaties and Treaty Rights!

The Trudeau government is operating in secret and is carrying out a sophisticated public relations misinformation campaign that is causing confusion among our people about the government's true intentions. This misinformation strategy is called "**Special Words and Tactics (SWAT)**."

Since forming a majority government, Prime Minister Justin Trudeau has launched the largest assault on First Nations collective rights in the 151-year history of Canada! Larger than the Harper government ever aspired to, but consistent with the intent of Pierre Trudeau's **1969 White Paper on Indian Policy! What we are seeing now is the**

## **implementation of the White Paper through federal law, policy and their proposed Recognition Framework.**

In order to re-colonize First Nations into assimilated “**Indigenous-Canadians**”, the Trudeau government has unilaterally imposed **10 Principles on Indigenous Relationships** and started to **dissolve the Department of Indian Affairs**. Trudeau has imposed two new federal departments over First Nations to implement a new law and policy “**Framework**”.

Throughout the summer the Trudeau government has conducted a national engagement process with select, invited participants. This is a top down process that goes around our peoples and places our rights on the line without our participation or consent!

As Parliament resumes on September 17, 2018, we must publicly demonstrate that we do not agree with the federal process or the resulting legislation because it violates the international minimum standards regarding the rights of Indigenous Peoples!

If passed, this legislation will affect generations of our people and we haven't had any say in the process or their plan! The federal goal is to use federal funding to force our people into new agreements that sever us from our original relationship with our lands, territories and resources as Indigenous Nations.

The time is now for Indigenous First Nation Peoples—as the legitimate rights holders—to get organized and exercise our own decision-making powers with Free, Prior Informed Consent.

The legitimate rights holders, the people, will make decisions through our governance systems - families/clans, communities and as nations. Collectively, we will be directing leadership as international self-determining peoples on our issues!

### **Trudeau's “Rights Recognition Framework” is a Threat to Our Survival!**

The “**Framework**” is a collection of federally imposed law and policy designed to terminate our pre-existing sovereignty and collective rights as Indigenous Nations and get us to surrender to Crown sovereignty as ethnic minorities, also known as, “**Indigenous Canadians**” NOT as Indigenous Nations.

The core of the planned federal “**legislative framework**” is to transition bands currently under the Indian Act into “**self-government**” agreements, which the Trudeau government is falsely calling “**self-determination**”.

According to a July 2018 federal “**Engagement Document**”<sup>i</sup>:

1. Federal laws and jurisdiction will continue to be imposed on our peoples and nations.
2. Provincial and Territorial laws and jurisdiction will continue to be imposed on our peoples and nations.
3. The “**Framework**” will be the basis for **ALL** relations between the Government of Canada and Indigenous peoples, First Nations, Inuit and Metis. The rights of First Nations will be watered down in a pan-Indigenous approach under this legislation.
4. “**Self-Determination**” and “**Nation Re-Building**” will be defined under federal jurisdiction by financially coercing/coopting non-self-governing **Indian Act** Bands to become federally recognized “**Indigenous Governments**” operating under various Canadian “**fourth level**” self-government regimes, including:
  - **A comprehensive land claim agreement which includes a comprehensive self-government component;**
  - **A comprehensive agreement on self-government;** or
  - **A legislated comprehensive self-government arrangement.**
5. A National “**Oversight Body**” is to be created reporting to Parliament on progress implementing Indigenous Rights and the **United Nations Declaration on the Rights of Indigenous Peoples** for First Nations, Metis & Inuit. Supposedly, the body would be “**independent**”. However, past experience shows the federal government stacks this type of structure with coopted elites with ties or sympathies to the political party in power. There is no mention of requiring international monitoring or reporting to United Nations Human Rights bodies.
6. A National “**Dispute Resolution Body**” is to be created to “**support the collaborative resolution of issues relating to the recognition and implementation of Indigenous rights.**” Again, it is claimed this body would be “**independent**”! However, the federal government controls the one-sided “**recognition**” and “**negotiation**” of rights.
7. To establish a “**Negotiation Table**” under the “**Framework**” an Indigenous Nation or “**collective**” has to “**submit information to the Minister of Crown-Indigenous Relations and Northern Affairs demonstrating that they represent a rights-bearing Indigenous nation or collective.**” Those groups who are already at what we call “**Termination Tables**” only need to make a request to “**bridge**” into the new negotiations “**Framework**”. In B.C. “**Indigenous nations and collectives there could continue to apply to the British Columbia Treaty Commission to establish**

negotiation tables. In such a case, the Government of Canada would respect the decisions of the Treaty Commission.”

8. The “**Negotiation Mandates**” under the “**Framework**” will build on the secret negotiations the Trudeau government has been conducting with about 60 “**Negotiation Tables**” with First Nations, Metis and Inuit. Here is a link to a list of the negotiating groups: <https://www.rcaanc-cirnac.gc.ca/eng/1511969222951/1529103469169>. The “**Negotiation Mandates**” at these tables will lead to various forms of “**fourth level**” ethnic minority “**Indigenous Governments**” as described in paragraph 4 above.
9. The “**Framework**” allows that “**Practical approaches could be introduced to recognize and implement interests in and title to lands.**” This is mainly referring to **Indian Act** Reserve lands, NOT traditional or Treaty territories. There are already a number of policies the federal government is using to get rid of reserves. As the **1969 White Paper on Indian Policy** put it:

***“Control of Indian lands should be transferred to the Indian people...Between the present system and the full holding of title in fee simple lie a number of intermediate states. The first step is to change the system under which ministerial decision is required for all that is done with Indian land. This is where the delays, the frustrations and the obstructions lie. The Indians must control their land...The Government believes that each band must make its own decision as to the way it wants to take control of its land and the manner in which it intends to manage it. It will take some years to complete the process of devolution.”*** – 1969 White Paper

***“The Government believes that full ownership implies many things. It carries with it the free choice of use, of retention or of disposition. In our society it also carries with it an obligation to pay for certain services. The Government recognizes that it may not be acceptable to put all lands into the provincial systems immediately and make them subject to taxes. When the Indian people see that the only way they can own and fully control land is to accept taxation the way other Canadians do, they will make that decision.”*** – 1969 White Paper

The “**Framework**” is based on the **1969 White Paper** that’s why the “**Framework**” focuses on existing Reserve Lands NOT Aboriginal Title or Treaty lands, territories or resources, because the federal goal is still to turn Reserves into private property (fee simple).

10. The “**Framework**” if adopted, will negatively and severely impact the historic Treaty relationships. 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 because Canada cannot provide documentation.

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. The federal purchase of the Trans Mountain Pipeline is a clear example of this.

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 federal “*10 Principles*” and the “**Framework**” is that the historic treaties do not form an instrument for federal recognition and implementation of rights.

11. The entire “**Framework**” is based on a new “**Fiscal Relationship**”! As stated above, the Trudeau government distinguishes between “**non-self-governing**” Indian Act Bands and Aboriginal groups who have signed **Modern Treaties & Self-Government Agreements**.

There are two different fiscal relations processes and two different federal departments one for Indian Act Bands (**Indigenous Services**) and one for federally created “**fourth level**” “**Indigenous Governments**” through **Self-Government Agreements** and/or so-called **Modern Treaties (Crown-Indigenous Relations)**.

The new federal “**Department of Indigenous Services Canada (DISC)**” is taking over much of what the former **Department of Indian Affairs** used to do in implementing the Indian Act, which is to deliver on-reserve programs and services. This Department is also to fund the capacity of bands until they can be coerced/co-opted into signing new self-government agreements or modern treaties to move them into the new “**Department of Crown-Indigenous Relations**”

(CIR)". The removal of the on-reserve tax exemption will be part of new agreements.

The Trudeau government is using federal legislation, policy and new 10-year funding agreements for bands under the Indian Act to force our people into new agreements that break our original relationship with our lands, territories and resources as Indigenous Nations.

The new federal "**Department of Crown-Indigenous Relations (CIR)**" is taking over the implementation of section 35 self-government agreements, modern treaties and "**Indigenous-Canadian**" agreements under the proposed "**Framework**".

The federal "**Department of Indigenous Services Canada**" is intended to be temporary until all existing Indian Act bands are converted essentially into ethnic municipalities as "**Indigenous-Canadians**" and then "**DISC**" will also dissolve.

**12. This federal legislation must be stopped and a new process started that is based upon our original instructions from the Creator; our pre-existing sovereignty; our Aboriginal Title; our historic Treaties; our internationally recognized right of self-determination; the restoration of our stolen lands, territories & resources, or restitution for lands, territories and resources not returned!**

**13. We ask our Elders, pipeholders, medicine or traditional people and all our people to pray on Monday September 17, 2018, the day Parliament resumes. We must start the process of mobilizing our youth, families, communities and Nations to stop the Trudeau government's Termination legislation and start building a new relationship in the right way from the ground up and not the top down!**

**14. We ask our people to organize teach-ins around the Federal Plan and Recognition Framework for the month of September to prepare for what's coming!**

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**- *This document is issued by the Coordinating Group of the Idle No More, Defenders of the Land and Truth Campaign Networks<sup>ii</sup>. For More Information Go To: info@IdleNoMore.ca***

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<sup>ii</sup> Link to Federal Engagement document: Working together to create the foundation for the Federal Recognition and Implementation of the Inherent and Treaty Rights of Indigenous Peoples in Canada <https://www.aadnc-aandc.gc.ca/eng/1531511313025/1531511414691>

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ii **Defenders of the Land** is a network of Indigenous communities and activists in land struggle across Canada, including Elders and youth, women and men, dedicated to building a fundamental movement for Indigenous rights, was founded at a historic meeting in Winnipeg from November 12-14, 2008. **Idle No More** was founded by four women (three of whom are Indigenous and one of whom is White) in November 2012 in response to several bills passed in Canada that undermine Indigenous rights and environmental protection. The movement grew quickly, and by January 2013 there were tens of thousands of Indigenous and non-Indigenous people taking part in locally-based actions and mass mobilizations around the world. The **Truth Campaign** is a core team of people who worked on Russ Diabo's 2018 campaign for the position of AFN National Chief and who are now working to get Crown governments and Canadian society to address "**Truth Before Reconciliation**" because the Truth and Reconciliation Commission and its Calls to Action are not sufficient to address the colonization that First Nations have historically experienced and which continues today particularly under the colonial policies and legislation passed under the Constitution Act 1867.