

# Listuguj Mi'gmaq Government Order-In-Council



Chronological no.: 2068	Subject: Federal Contribution Agreements	Originated by:
The Council of the Listuguj Mi'gmaq Government		District Gespe'gewa'gi
Date of duly convened meeting	D M Y 0 6 0 5 1 3	Province Gepeg

**WHEREAS** the Mi'gmaq of Listuguj are part of the Mi'gmaq Nation of Mi'gma'gi which is comprised of seven Districts and approximately thirty Mi'gmaq communities, which encompass parts of Eastern Quebec and what is known today as Atlantic Canada, namely, New Brunswick, Nova Scotia, Prince Edward Island, and Newfoundland;

**WHEREAS** the Mi'gmaq Nation entered into the covenant chain of Peace and Friendship Treaties with the British Crown during the period, 1725 to 1779, and have never ceded any of their traditional territory and maintain Aboriginal rights and title to the lands, waters and marine areas and resources of their traditional territory;

**WHEREAS** in Canadian constitutional and international law, indigenous peoples have the right to recognition, observance and enforcement of their Treaties and States have ongoing obligations in this regard;

**WHEREAS** section 35 of the Constitutional Act, 1982 recognizes and affirms existing Aboriginal and Treaty rights;

**WHEREAS** section 36 of the Constitution Act, 1982 affirms that Parliament and the legislatures together with the Government of Canada and the provincial governments, are committed to promoting equal opportunities and providing essential public services of reasonable quality to all;

**WHEREAS** the United Nations Declaration on the Rights of Indigenous People (UNDRIP) is a universal international human rights instrument that was adopted by the UN General Assembly on 13 September 2007 and was formally endorsed by the Government of Canada in November 2010;

Moved: Calvin Barnaby  
 Seconded: Wendell Metallic  
 Abstain: -  
 Opposed: -  
 Status:  Passed  Defeated  Tabled

Quorum 7

*[Handwritten signatures of seven councillors]*  
 (Councillor) (Councillor) (Councillor) (Councillor) (Councillor) (Councillor) (Councillor)

Mi'gmaq Nation

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**WHEREAS** Article 21 of the UN Declaration affirms that Indigenous people have the right, without discrimination, to the improvement of their economic and social conditions and that states shall take effective measures in this regard;

**WHEREAS** the Federal Funding Agreement 2011-12 and the Amending Agreement for 2013-2014 proposed by the Government of Canada exploit the disadvantaged situations in First Nations communities by determining the nature and scope of programs and services and imposing excessive and onerous conditions and controls, while evading federal responsibility;

**WHEREAS** it is inaccurate to portray in preamble A and B of the Federal Funding Agreement that the federal government's role is simply to "transfer funds" to First Nations Councils, and that such Councils are the sole provider of diverse programs and services and that the First Nation Councils are solely accountable for them.

**WHEREAS** section 14.14.1 of the Federal Funding Agreement presumes that First Nations and their Councils agree to all references to "legislation and particular government publications" that are in force or issued at the time of such Agreement and include "any subsequent amendments or replacements thereof";

**WHEREAS** Schedules to the Amending Agreement include over fifty references to policies, manuals, guidelines, etc. being "amended from time to time" and presume that First Nations agree to such future amendments without any knowledge of their nature and scope;

**WHEREAS** the federal government is aware that First Nations generally do not accept such legislation (e.g. in omnibus Bills C-38 and C-45) and publications that are relevant to the Agreement, if they have been imposed, are contrary to the Federal Government's constitutional and international obligations, or otherwise undermine Indigenous peoples' rights;

**WHEREAS** the "federal principle" is an underlying constitutional principle that calls for coordination and cooperation among three entities - federal, provincial and Aboriginal;

## **DO HEREBY RESOLVE:**

**THAT** on the basis of the foregoing, the Listuguj Mi'gmaq Government does not agree to the Federal Funding Agreement and Amending Agreement as a basis for ensuring improved programs and services;

**FURTHER BE IT RESOLVED THAT** substantively and procedurally, these two documents are inconsistent with Canadian constitutional and international human rights law;

**FURTHER BE IT RESOLVED THAT**, in particular, these documents serve to impose federal and provincial laws, regulations and policies that may adversely affect First Nations' rights and jurisdiction without genuine consultation and negotiations;

**FURTHER BE IT RESOLVED THAT** these documents are not consistent with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith, which are core principles in Canada and internationally and are interpretive principles for the UN Declarations;

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**FURTHER BE IT RESOLVED THAT** the Crown in right of Canada is failing to act honourably in ensuring essential services and programs in First Nations communities through agreements that address funding and other issues;

**FURTHER BE IT RESOLVED THAT** in view of the complex nature of these documents and the countless laws, regulations, policies, etc., that are being referenced, the most effective and efficient approach to address this matter is to involve our national and regional organizations;  
and

**THEREFORE BE IT RESOLVED THAT** should the First Nations be compelled in effect by the Government of Canada to enter into this Federal Funding Agreement and Amending Agreement in order to ensure diverse programs and services, such action by the Listuguj Mi'gmaq Government would be taken without its free, prior and informed consent and would be taken under **duress**.