TITLE:	Canada's "Results-Based" Approach to Treaty and Self-Government Negotiations
SUBJECT:	Comprehensive Claims
MOVED BY:	Arthur Manuel, Proxy, Neskonlith Indian Band, BC
SECONDED BY:	Chief Madeleine Paul, Eagle Village First Nation, QC
DECISION:	Carried by Consensus

WHEREAS:

A. The *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) sets out that:

   i. Article 19: States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

   ii. Article 27: States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories, and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

B. Aboriginal title and rights flow from the land and the historic relationships that Indigenous Peoples have with their lands.

C. On September 4, 2012, Canada announced that it would be taking a new "results-based" approach to its participation in treaty and self-government negotiations, which would include a faster process focusing on tables with the "greatest potential for success."

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D. This approach was developed without any consultation with First Nations, and calls into question federal commitments made at the January 2012 Crown-First Nation Gathering.

E. As a step within the new results-based approach, Canada intends to have all Indigenous parties negotiating treaties or agreements under the Comprehensive Claims Policy complete an "Assessment of Negotiations - Template Questionnaire" to assess the likelihood of reaching a negotiated agreement with each Indigenous group.

F. Canada will focus energy and resources on those negotiating tables it deems most likely to reach an agreement under its existing policies, while making the decision to suspend negotiations with other tables.

G. Canada has failed to address any of the meaningful issues raised by First Nations about the current CCP and process and the assessment, including the fact that there is no provision for disengagement and the implications respecting the growing debt that many First Nations have accrued as a result of Canada's failed CCP.

THEREFORE BE IT RESOLVED that the Chiefs-in-Assembly:

1. Call on Canada to rescind its so-called "results-based" approach to treaty and self-government negotiations for its failure to meaningfully address the problems with outdated federal policies relating to comprehensive claims and inherent rights.
2. Call on Canada to live up to the commitments it made at the January 2012 Crown-First Nation Gathering by working collaboratively with First Nations, which includes "ensuring that federal negotiation policies reflect the principles of recognition and affirmation mandated by Section 35 of the *Constitution Act, 1982* and advance certainty, expeditious resolution, and self-sufficiency."
3. Invite the UN Special Rapporteur on the Rights of Indigenous Peoples to inform, educate and investigate the effects and impacts of federal policies and legislation on Indigenous Peoples.

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