ANNUAL GENERAL ASSEMBLY
July 15, 16, & 17, 2008, Quebec City, QC

Resolution no. 21/2008

SUBJECT:	Emergency Resolution on the Truth and Reconciliation Commission Senior Legal Counsel
MOVED BY:	Alvin Fiddler, Proxy, Kingfisher First Nation, ON
SECONDED BY:	John Beaucage, Proxy, Wikwemikong First Nation, ON
DECISION:	Carried by consensus.

WHEREAS:

A. The Truth and Reconciliation Commission (TRC) was established pursuant to the Indian Residential Schools Settlement Agreement, ratified by survivors in 2007, and formally beginning its work on June 1, 2008;

B. The TRC is intended to contribute to truth, healing and reconciliation, to be forward-looking and results-oriented in terms of rebuilding and renewing First Nation relationships and the relationship between First Nation and non-First Nation Canadians;

C. The TRC has the mandate to provide survivors of Indian Residential Schools (IRS), and anyone who has been affected by the IRS legacy, with an opportunity to share their individual experiences in a safe and culturally appropriate manner through statement-taking or truth-sharing;

D. The TRC has the mandate to create as complete an historical record as possible of the IRS, their purpose, operation, supervisions, effects and consequences;

E. In order to fulfill its mandate, the TRC must not only be independent it must be seen to be independent;

F. Under the IRS Settlement Agreement, the TRC is required to adopt principles which assure accessibility, victim-centered processes, no harm to the participants, respect and safety of the survivors;

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Phil Fontaine, National Chief

G. The Commissioners appointed a senior legal counsel for the Commission who was very recently employed as a Crown Prosecutor to prosecute First Nations Chiefs and Council members in a highly controversial and widely publicized legal struggle involving protection of First Nations lands, contempt proceedings, imprisonment and extremely onerous fines which the prosecutor urged the Court to levy "until it hurt the Kitchenuhmaykoosib Inninuwug First Nation";

H. The prosecutor was subsequently chastised by the appellate court for his harsh approach to the matter;

I. The defendant Chiefs and Councilors subsequently had their prison sentences and fines quashed by the appellate court;

J. The appellate court commented that the heavy fines and imprisonment sentences imposed in this case marginalized the significance of Aboriginal law and rights and that it was wrong to focus solely on punishment and deterrence;

K. The secondment of this same individual to be senior legal counsel to the TRC creates the perception of bias, incongruence and possible conflict with the general intent, purpose and principles of the TRC; and

L. The appointment of the same individual who in his submissions to the Court that it should "hurt the Kitchenuhmaykoosib Inninuwug First Nation" will interfere with the principles of inclusive participation, safety, and culturally appropriate and respectful setting for the citizens of the Kitchenuhmaykoosib Inninuwug First Nation the TRC is mandated to provide.

THEREFORE BE IT RESOLVED that:

1. The Chiefs-in-Assembly call on the TRC to re-consider its choice of Senior Legal Counsel to the TRC in order to ensure the greatest compliance with the purpose and principles of the TRC and to ensure maximum effectiveness and participation of all survivors, their families and communities in this essential process of healing and reconciliation.

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Phil Fontaine, National Chief