

IDLE NO MORE

The Harper Government of Canada is currently putting through 8 BILLS that violate treaties and are meant to destroy and assimilate First Nations in the same way the 1969 White Paper was meant to.

The 1969 White Paper aimed to eliminate the Indian Act, Get Rid of Treaty Rights, Do Away with Reserves Lands, and Assimilate.

Never in history has there been so many bills regarding and impacting First Nations been pushed through the House of Commons at one time. They are below.

All found below are changes of the Indian Act, impositions, and encroachments of legislations onto First Nation people **without the right to free, prior, and informed consent**

Bill C-45: Jobs and Growth Act (Omnibus Bill)

I. Land Surrenders

- This process prevents any debate or Grand Chiefs to present views of amendments.
- Indian Act changes with **zero consultation** of communities.
- Lowers threshold for the surrender of reserve lands
- The Minister will have the power to call a meeting, ask a band to surrender their lands, and whoever shows up as a majority – it is surrendered and the Cabinet does not get a say anymore.
- It is no longer the majority of the band list that determines such a surrender of such Reserve lands, it is now just a handful of people (Ex. five in attendance and three voting yes).
- The Minister can expedite this and First Nation people or leaders can't even have a say on it.

II. Navigable Waters Act

- The Federal Government vacates jurisdiction over waters, parks, fisheries, etc. and the responsibility and duty to consult, honour treaty rights, as now they cannot do anything w/out talking to First Nations first.
- By vacating it to the Province, the Feds wash their hands clean of Treaty Rights knowing the Province are free to do whatever they want.
- Allows Provinces to have more powerful expropriation powers.
- Power to decide fate of individual First Nations –even in Treaty Territory.
- Harper Government wishes to “unlock” our lands for the maximized benefit of Canadians.

Bill S-2: Family Homes of Reserve Matrimonial Interests of Rights Act

- Does not recognize any First Nation by-laws that already set out matrimonial property laws.
- That is **denying First Nation law making power** – and attack on sovereignty.
- For the first-time in history – legal rights can be given to non-Indians over holds on lands on Reserve.
- A majority of First Nation marriages are outside the community – 80%-90% out-marry rate in some places.
- Reserve land can begin to start to transfer to non-First Nation people.
- A judge (without notifying the First Nation, no attest, no evidence, or no charge) can give occupation of house and land to a non-First Nation person – indefinitely.
- This will add to the overrepresentation in prison and does not apply to Canadian citizens.
- Even though housing lists are long and there's lack of land on reserve, this will add to it.
- Land, protected under treaties, exclusively for First Nations, can be given and transferred to non-First Nation people through this bill. (Note: 0.2% of all land in Canada is on reserve. All reserves put together are smaller than Vancouver island.)

First Nation Education Act

- Incorporates and imposes Provincial Laws into First Nation Education on Reserves.
- **Violation of Treaty Right to Education.**
- The Feds wish to take the Treaty Right to Education – nationalize it, control it, legislate it.
- Does not account for Education being chronically underfunded – even in comparison to the Province.
- The Feds will vacate jurisdiction to the Province – not just stepping away from Treaty Obligations – but Funding Obligations. (“Want to apply for Post-Secondary? Go Apply for Provincial Scholarships.” is coming)

Bill S-212: An Act to Amend the Interpretation Act

- Non-Derogation of Aboriginal and Treaty rights

Bill S-212: First Nations Self-Government Recognition Bill and FNPOA

- The 1887 Dawes Act (United States) in Canadian Form (privatization of reserve land: will take community-held Reserve Lands and divide up into individual parcels.
- This land can be sold to non-Indians and corporations, like any piece provincial lands, under provincial laws and registries, with no Aboriginal or Treaty rights associated anymore.
- Even if the band has all underlying title, it can resemble management (not true governance).
- The objective is to destroy our governance systems all-together and land grabs.
- In the US, the biggest land grabs of indigenous land were not from treaties, but from the Dawes Act.
- Wasn't just reserve lands, but it took 90 million acres in treaty lands locked down by treaty and within two generations, 90,000 indigenous people in the US became homeless in their home territories.
- After Dawes, more amendments were set to go and over half of the privatized lands were given to government, military, and corporations for resource extraction.
- Canada is now eyeing-up the Tarsands, pipelines, Ring of Fire, etc - and so is China)
- To put a pipeline through a community, the community's consent is no longer needed nor Chief and Councils, but just the individual people where the pipe would go beneath.
- This circumvents **all** Duty to Consult and Treaty Rights.
- To get into this “opportunity” – a community must absolutely and unconditionally surrender the reserve land and all rights attached to it, to the Crown, and Canada will “give you back” Federal Title – a surrender of sovereignty. (A dwindled legal title moves from first title to fourth title)

Bill S-8: Safe Drinking Water for First Nations

- Will give the Federal Government the power to set up rules and regulations around water and sanitation and will be able to force Chief and Councils to do whatever the Feds see as necessary on water, but no funding.
- They can demand that Chief and Councils fix water systems, but if there is no money to do so – it is taken from band operating funding formulas (that pays for housing, social assistance, etc.).
- If the Federal Government's contractors screw up, the Federal Government is not liable and they indemnify themselves from getting sued. If you don't agree, you will go to prison.
- Transfers jurisdiction and **pushes Provincial Laws on Reserve Lands.**
- Contractors and Water Companies with ties to Harper aim to get very wealthy off of First Nations Poverty.

Bill C-428: Indian Act Amendment and Replacement Act

- Rob Clark's Bill to Repeal the Indian Act All-Together.
- Getting rid of old Provisions with **zero consultation or with the consent of First Nations people.**
- Getting rid of old Provisions without consulting (or with the informed consent) of those still in the TRC process who were impacted by it. (foregoes what community members and those who were impacted).
- Doesn't acknowledge a Band's abilities to pass band by-laws.
- Takes away the power of bands to pass by-laws to prohibit alcohol on reserves – by taking power away to create by-laws and govern. ("You will get drunk and you will like it.")
- Takes half of the Estates/Wills provision out of the Indian Act and leaves what happens if you do not have one – creates a battle between the Province and the Feds about what happens with your property.
- It is up to First Nations to decide if they want to repeal it, how they want to, when they want to, how they wish to transition, to replace it with what, etc.
- As terribly paternalistic and colonial as the Indian Act is, it currently protects a reserve from Provincial Laws, protects reserve Treaty Rights, prevents taking reserve land, prevents mining and development and pipelines. An all-out repeal of the Indian Act means Enbridge looking for a pipe to lay quickly.
- The Feds do not have a say if they are kept on the hook of obligations or not.

Bill C-27: First Nations Financial Transparency Act

- This bill will force First Nations to open up all the books, source revenue, and business revenue (for the public) – in doing so, can continue making funding cuts and justifying it by high-lighting businesses on reserves trying to supplement poverty.
- Fail to make business information public, one can be taken to court and funds can be cut off.
- Is this truly meant to give access to information due to "mismanagement" for community members – or another way to continue cutting off funds?
- Currently, anybody can get a copy from Indian Affairs if not from the band – the inaccessible claim is a myth.
- Currently, if leaders speak up, they risk having budgets slashed.
- There is the occasional mismanaging leader, but a study was done of all band audits ever done regarding evidence of corruption. Less than 3% of audits ever found anything about individuals mismanaging and using band funds for personal purposes, as well as misspending. This is a lower corruption rate than all Municipalities and provinces in Canada.
- The average salary for a First Nation leader is \$36,000.
- The salary of the average Canadian (be it research of photocopying) is \$46,000
- 30 of the 615 First Nation leaders are paid zero – as opposed to what Mayors and Premiers make.

Before attempting to push these through, Harper made a pre-emptive strike against First Nations by slashing funding (sometimes up to 80%) to fracture capacity where we could protect ourselves fully through our organizations.

****All points on this handout can be found in "Idle No More Alberta - Dr. Pamela Palmater" (Parts 1, 2, 3, and 4) (Youtube)****

All of these Bills are also in direct violation of Article 18, 19 & 20 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).
IDLE NO MORE idlenomore.ca