



COMPREHENSIVE FRAMEWORK

A summary of the framework governing the “legal and political relations” between the “inherent sovereignty” of First Nations and the “assumed sovereignty” of Canada impacting on the “sovereignty/treaty relations, the Nation-to-Nation, Government-to-Government relations”.

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Part I: The Current “Comprehensive Framework”

The current framework governs the “legal and political relations” between the “inherent sovereignty” of First Nations and the “assumed sovereignty” of Canada impacting on the “sovereignty/treaty relations, the Nation-to-Nation, Government-to-Government relations”.

In order to achieve mutual understandings respecting the current legal and political framework and relations we will examine the following:

1. The current status of inherent rights and title.
2. The current status of the national powers of the inherent rights and powers of self-determination and the power associated with governing that are already lawfully and politically recognized.
3. The national powers of treaty making of the government of First Nations.
 - a. Inherent rights reserved, recognized, and confirmed by treaty making and the treaties 1 to 11.
 - b. Review of the international status of treaty number six as confirmed by the United Nations study on the international status of treaties that includes the finding that the British government violated the treaty by enacting the Natural Resources Agreement of 1930.
 - c. The novation of the Crown Theory:
 - Impacting on the Crown in Right of Canada as represented by the Federal Government.
 - The national powers of treaty making as identified by the United Nation’s study that requires both parties having to give legal effect to the treaty under their respective governments, jurisdiction and laws in order to maintain the “international status of the Treaty”.
 - The parties have failed to implement this national power of treaty making and both parties are required to give legal effect to the treaties 1 – 11.
 - The treaties 1 to 11 form “one major treaty” between First Nations and the Crown/Canada.
 - There is major outstanding legal and political business respecting the implementation of the numbered treaties that includes all the “lands and resources reserved” by treaty making and the treaties as they impact on the title of lands and resources of the respective nations and their respective bands (communities).
4. The royal instructions and the British Government, English Common Law instruction in the form of the Royal Proclamation of 1763 that provides for the legal and political recognition of the following, (as confirmed by the late Judge Dixon of the Supreme Court).
 - a. Recognition of the nationhood/sovereignty status of Indian nations.

- b. Recognition of the inherent rights and title of Indian nations.
- c. Recognition of the national treaty making powers of the governments of Indian nations.
- d. Established the treaty making of the international treaties between the Indian nations and empire of England as represented by the Crown in Right of Ireland and England as represented by the British government.

Note: the Royal Proclamation of 1763 is currently recognized under section 25(2) of the Constitution Act 1982.

In Judge Dixon's words this is Canada and the Crown's Charter of Rights recognizing your "inherent rights and title, but you will need your own Charter of Rights identifying and defining all your rights.

5. The Constitution Act 1982:

- a. Applies the BNA Act 1867 respecting the federal powers under section 91 and provincial powers under section 92.
- b. Section 91(24) provides for federal powers for Indians and Indian lands (not Indians on Indian lands). This includes the Federal Government legal and political obligations for Indians in all sectors under federal government, jurisdiction and laws not provincial government, jurisdiction and laws.
- c. Provides for the constitutional recognition of the treaties 1 to 11 that are supreme over federal laws and requires the Crown in Right of Canada as represented by the Federal Government to give legal effect to the treaties that includes the "legal and fiscal obligations" in all sectors.
- d. Section 35(1) provides for the constitution to provide for the recognition of the treaties, treaty rights, inherent rights/aboriginal rights.
- e. Section 35(2) provides for Indians, Inuit and Metis.

What form of recognition for Indians? Citizenship and citizens of Indians are recognized by:

- The numbered treaties that recognize First Nation government and jurisdiction for their respective citizenship of their nations and the citizens of their bands/communities under their Citizenship Acts.
- Indians are recognized as British subjects under the Treaties 1 to 11 that provides for "dual citizenship status" as British subjects not wards of the state as per the Indian Act.
- Section 35(2) provides for the recognition of Indians as having dual citizenship as Indians of Canada, not members of Canada.
- The Indian Act and Bill C-31 membership are designed to terminate Indians and the rights of Indians based on the colonial policies with the Doctrine of Discovery and the Empire Colonial Policies with the objectives of: "civilization, Christianization, assimilation, integration and liquidation".

- Indians are currently being registered under the Indian Act – Bill C-31 with Indian Status with no rights or benefits and/or Indian status with rights and benefits. The ones registered with no rights or benefits is a clear violation of inherent rights, treaties and treaty rights and section 35(2).
- Other sections of the Constitution Act can be reviewed as required.

6. International Laws and UNDRIP

- a. The international law recognized the inherent sovereignty of Indian Nations.
- b. The national powers of the governments of Indian Nations.
- c. UNDRIP is a United Nations declaration on the recognition of rights of Indigenous peoples. (The federal government is committed to implementing UNDRIP) First Nation governments have the legal and political obligation to identify, define and implement inherent rights of the people and our nations.

Part II: Implementation of the Comprehensive Legal and Constitutional Framework.

1. Sovereignty, Treaty and Political Relations

- Implementing the political relations of the equality of governments, jurisdictions, law and courts respecting the Federal Government, First Nations Government and Provincial Government. Implementing the inherent sovereignty of First Nations and governments of First Nations under their respective customs, traditions and practices.

2. Inherent Rights/Title and Treaty/Treaty Rights Relations

- Both governments as parties to the treaties giving legal effect to the treaties.
- Implementation of inherent rights, treaties and treaty rights through traditional and contemporary systems by sectors under: a schedule of First Nations laws, a new schedule of federal laws; and, new legal and political institutions and structures by sector.
- Providing jurisdictional and legal arrangements recognizing the “portability of inherent rights and treaty rights”. Terminate the on/off reserve Indian policies, etc.

3. Judicial Relations and First Nations Justice System

- Judicial relations respecting the federal justice system, provincial justice system and First Nations justice system under First Nation government, jurisdiction and laws.
- Implement the interfaces of jurisdiction and laws.
 - First Nations/Indigenous Laws
 - Canada’s English Common Laws
 - Quebec’s French Civil Code/Laws

- New legal and political institutions and structures respecting judicial relations.
4. Economic Relations and a First Nations Economy
 - Economic relations respecting federal, provincial and First Nations economic relations.
 - Establishing a First Nations economy under First Nation government, jurisdiction and laws.
 - The First Nations economy will provide for First Nation's equity and ownership in every sector of the economy.
 - The First Nations economy will be community based and intertribal that includes regional, national and international trade and commerce as recognized by treaties 1 to 11 and the Jay Treaty.
 5. Fiscal relations and the financing of governments of First Nations
 - a. Implementing the First Nations fiscal relations and the financing of governments of First Nations under First Nations Finance Administration Act.
 - b. The First Nations Finance and Administration Act will lawfully mandate:
 - c. First Nations budgets.
 - d. Establishing a First Nations Departments of Finance and Auditor General.
 - e. Establishing First Nation Auditing Firms.
 - f. Grant Funding and Consolidation of Federal "Indian Monies" to be transferred out of the Federal Consolidated Revenue Fund.
 - g. New fiscal relations and Government-to-Government fiscal agreements based on the respective Finance Administration Acts of the governments of First Nations and federal government.
 - i. Annual indexing cost of living.
 - ii. Acceptable standards for salary grids in all sectors that includes the political sector, executive management and all of the sectors.
 - iii. Expenditures and benefits for each sector.
 - iv. The budgets will include operation and maintenance, minor and major capital by sector.
 - h. Amendments to the Finance Administration Act of Canada similar to sector 19(1) Nisga'a Amendment.
 - i. Budgets implementing inherent rights and treaty rights by sector.
 - j. Budgets for the total population of the band.
 6. International Relations and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)

Implementation of First Nations/Canada International Relations

First Nations governments implementing international laws and UNDRIP.

Federal government implementation of UNDRIP.

Implementation of the Jay Treaty by First Nations and the Crown in Right of England.

Engagement of the existing international indigenous organizations and groups by sector.

Part III: This comprehensive legal and political framework as identified and currently exists provides for the implementation of the following:

1. Implementing inherent sovereignty and Canada's assumed sovereignty through the sovereign treaty relations that provides for mutually acceptable, political relations, treaty relations, judicial relations, economic relations, fiscal relations and international relations.
2. Implementing the Nation-to-Nation and Government-to-Government relations.
3. Implementing the treaties, treaty rights and inherent rights through traditional and contemporary systems by sector under First Nation law and Federal laws.
4. Implementation of "reconciliation by decolonization" in all sectors.
5. Implementing new legal and political institutions and structures of Parliament, the Federal Government and First Nations and first nation government at all levels.
6. Implementing new fiscal relations and the financing of governments of first nations at all levels.
7. Implementing the 94 Calls to Action.
8. Implementing the UNDRIP
9. Implementing the portability of the inherent rights and treaty rights of Indian people and the rights of Indian nations.
10. Comprehensive revenue sharing
11. Implementing the "termination" of the Doctrine of Discovery, the Papal Bulls of the 14th Century, and the Empire Colonial Policies of the 1830 Detribalization Policies with the objectives of: civilization, Christianization, integration, assimilation and liquidation.

Canada's colonial policies:

- 1947 plan to liquidate Canada's Indian Problems within 25 years;
- 1969 White Paper Policies to amend existing laws and/or construct new laws to terminate the special rights and status of Indians. Implementing the First Generation Devolution Policies;
- The 1974/76 Native Policies to terminate Indian policies and employing Indians, Inuit and Metis as gate keepers and to implement these colonial

policies and to establish local governments on reserves under provincial jurisdiction and laws.

- The 1980 Buffalo Jump implementing the second generation devolution policies and INAC's Self-government policies, transferring the federal government legal fiscal/obligations for Indians in all sectors to provincial and/or territorial governments.
- Terminate the Special Words and Tactics "SWAT" Plans and Strategies
 - Targeting "shoot the messenger" where the Indian leaders are promoting sovereignty and are implementing First Nation government etc.
 - Fiscal intimidation, economic intimidation, political intimidation, legal/jurisdictional intimidation.
 - Current strategies implementing funding increases "carrot on a stick" to band that go under provincial government impacting on the jurisdiction for education when the same increase in funding can be provided directly to bands implementing education under First Nation government, jurisdiction and laws.

Funding being provided to bands and/or Tribal Councils implementing the first and second generation devolution policies, no funding for bands implementing First Nation government, jurisdiction and laws.

These Doctrine of Discovery, Papal Bulls, the 1830 Detribalization policies and objectives are all implemented under the 1947, 1969, 1974/75 and 1980 Colonial Policies and they are institutionalized in all sectors and Canadian laws for Indians that are all based on these policies cause "systemic racism" in all institutions and the laws of Canada respecting Indians.

The continued implementation of these colonial policies will not achieve reconciliation and the current third world conditions experienced by Indians on and off reserve. They will continue to deteriorate.

Part IV: The framework provides for comprehensive revenue sharing; section 35 of the Constitution Act 1982 is a "full box".

Part V: This comprehensive legal and political framework provides First Nation people to "implement and validate lawfully" their inherent rights and powers of self-determination through the powers associated with our form of government, jurisdiction and laws that includes:

- Powers associated with determining our form of government.
- Powers associated with determining our form of justice and laws.
- Powers associated with determining our form of citizenship.

- Powers associated with determining our internal, external and international affairs.

Part VI: The “SWAT” Strategy

The “SWAT” strategy is one of federal government failure to recognize the lawful capacity of First Nations and people to make laws that formally gives legal effect to our form of government and the failure to provide for the financing of First Nation governments.

Part VII: Options

The options include:

- Self-termination; or,
- Self-determination.

Part VIII: Canada’s 150 year anniversary.

The 2017 Celebration of Canada’s 150 year anniversary must be celebrated by Indians and our Nations “our way for the next seven generations”.