

TREATY

First Nations National Energy Strategy

Top First Nations Oil Producers are putting forward to Canadians our constructive solution for accessing resources and moving them to markets; by meeting half-way on the road to resources we can share the land and its benefits for the betterment of present and future generations. This is a proposal to the Federal Government to work with Top First Nations Oil Producers on the terms set out below.

Whereas the Creator holds mankind accountable for sustaining the earth's ability to provide for and to protect all of its inhabitants;

Whereas the Aboriginal peoples of Canada are the earth's environmental stewards and share this sacred responsibility coast to coast to coast;

Whereas Canada has reached a geo-political impasse respecting its ability to access natural resources and to export same to world markets (notably fossil fuels);

Whereas the economic priorities of the country require an urgent political solution to break the gridlock handicapping access to resources and the export thereof;

Whereas the Top First Nations Oil Producers in the western sedimentary basin have a priority role to play in breaking this access to resources and export gridlock;

Whereas the Aboriginal peoples of Canada desire (in resolving this gridlock) the opportunity to properly 'commercialize' their legal empowerment, brought about as a result of their sustained and climactic legal winning streak in the resources sector;

Whereas this First Nations National Energy Strategy is intended to resolve the foregoing issues and specifically the issue of pipeline gridlock, and also have this strategy apply generically to other resource projects situated throughout Canada;

The Top First Nations Oil Producers (Blood Tribe, Cold Lake First Nation, Enoch Cree Nation, Frog Lake First Nation, Onion Lake First Nation, Loon River First Nation, Siksika First Nation, Thunderchild First Nation and Whitebear First Nation)

and

The Government of Canada: a democratic constitutional federation governed by Parliament via the Prime Minister's executive offices, having constitutional jurisdiction respecting Aboriginal peoples.

The parties advance this First Nations National Energy Strategy in a formal Nation-to-Nation relationship and in the spirit of Reconciliation; so a renewed relationship may be showcased upon Canada's 150th anniversary of Confederation in July 2017.

THE DEFINITIONS USED THROUGHOUT THIS FIRST NATIONS NATIONAL ENERGY STRATEGY

❶ **Citizen's Plus:** key phrase expounding native empowerment and setting the tone for public policy discussion via the Hawthorn Report 'A Survey of the Contemporary Indians of Canada' in 1967; and the subsequent title of Professor Alan Cairns' book published by UBC Press 2000 calling for recognition of this constitutional reality.

❷ **Equity Participation:** denotes an ownership position to be assumed by Aboriginal peoples on resource projects impacting their Land Rights, which equity positions will require federally-backed funding arrangements for project financing and land acquisition – in order to solidify project partnerships with Aboriginal peoples.

❸ **Free Prior Informed Consent:** a key concept contained in the United Nations Declaration on the Rights of Indigenous Peoples, which in the Canadian context requires 'Honourable management in the taking up of Treaty lands' along with a renewed federal/ provincial emphasis respecting Land Rights before development.

❹ **Indigenous License:** key regulatory phrase expounded by AFN National Chief Perry Bellegarde which is founded in the rise of native empowerment via sustained legal wins in the resources sector, referenced at the First Nations Forum on Energy Vancouver Feb 11/16 and simultaneously in APTN's interview with National Chief.

❺ **Land Rights:** key legal concept expounded (post-Rexton) by the New Brunswick Commission on Hydraulic Fracturing Feb/16 that strongly prioritizes the immediate 'recognition of Indigenous people as rights holders' by the crown, resource industry and the public at large in order to address the stagnation impeding the economy.

❻ **Nation-to-Nation:** key constitutional phrase expounded by Prime Minister Justin Trudeau in his mandate letters to ministers referencing a 'nation-to-nation relationship based on recognition, rights, respect, co-operation and partnership'.

❼ **Papal Encyclical:** His Holiness Pope Francis's Encyclical 'Laudito Si' (Praise Be) On Care for our Common Home that invokes a challenge to the developed world to respect the universal Land Rights of indigenous societies as a fundamental human rights issue world-wide. (Jun/15)

❽ **Reconciliation:** a fundamental human rights concept as recently defined by the Chief Justice of British Columbia in a major Yukon land use ruling: "As the Truth and Reconciliation Commission of Canada put it: 'Reconciliation is not about 'closing a sad chapter of Canada's past' but about opening new healing pathways of reconciliation that are forged in truth and justice.'"

❾ **Resource Revenue Sharing:** denotes a major fiscal wealth-sharing arrangement yet to be negotiated between Canada and Aboriginal peoples respecting access to resources and access to exports; being one of five key components for projects to succeed in addition to: shared decision-making, shared project benefits, shared environmental protection based upon acceptance of traditional knowledge, and Indigenous License.

❿ **Treaty Federalism:** a key constitutional concept expounded by Professor Leroy Little Bear on how the Crown relationship can be reconciled with Aboriginal people; from research conducted and taught at the Peter Lougheed Institute, Indigenous Governance, Banff Centre.

⓫ **Truth and Reconciliation Commission:** launched by former Prime Minister Stephen Harper, resulting in 94 recommendations, since accepted by Prime Minister Justin Trudeau. The Final Report Vol 1 TRC Summary links making progress on Reconciliation to making progress on 'Land, sustainability and economic development'.

⓬ **United Nations Declaration on the Rights of Indigenous Peoples:** a decade old universal human rights declaration now given unqualified political support in Canada by the governments of Canada and Alberta (simultaneously) reacting to the rise of native empowerment and the priority to consult/ accommodate Land Rights.

THE ASSUMPTIONS UNDERPINNING THIS FIRST NATIONS NATIONAL ENERGY STRATEGY

Top First Nations Oil Producers are intent on commercializing their Land Rights on a Nation-to-Nation basis; and assume that Canada sees the benefit of this initiative to mutually promote access to energy resources and the export thereof.

Top First Nations Oil Producers assume that Canada welcomes the First Nations National Energy Strategy as constituting a major Reconciliation initiative; merging the rise of native empowerment Land Rights with Canada's key energy priorities.

Top First Nations Oil Producers assume that Canada's embrace of this initiative expressly consigns to history the deleterious legacies of: the doctrine of terra nullus, the Indian act, the residential schools, and inter-generational cultural genocide; now replaced by a new reordering of access to resources and export thereof, predicated upon the principles of Equity Participation, Free Prior Informed Consent, and Indigenous License.

Top First Nations Oil Producers assume Canada recognizes them as Citizen's Plus; and they in turn recognize Canada as constructively promoting Treaty Federalism.

Top First Nations Oil Producers assume Canada will request their Free Prior Informed Consent respecting access to resources and export of resources proposals, prior to exercising federal oversight and jurisdiction leading to the approval of same. In making this assumption, the Top First Nations Oil Producers do not assert veto power; rather the opportunity to weigh-in on the manner that Canada intends to proceed thereto given the potential negative impact on their Land Rights.

THEREFORE BE IT RESOLVED

❶ The Parties will negotiate and conclude a national Resource Revenue Sharing accord over the next six months – as a template to benefit all Aboriginal peoples.

❷ The parties will agree to Equity Participation, Free Prior and Informed Consent, and Indigenous License (joint management arrangements) on all resource projects under federal jurisdiction, including access to financial capital on commercial terms in order to promote access to resources and the export of resources.

❸ The parties will collaborate on finding a pipeline route to tidewater for the export of oilsands bitumen, which is a national economic priority in the eyes of the Top First Nations Oil Producers, and which will accordingly drive this strategy forward.

❹ The parties will jointly promote this First Nations National Energy Strategy, nationally and internationally, in order to portray Canada's human rights leadership on the United Nations Declaration of the Rights of Indigenous Peoples and the Papal Encyclical. This will likewise showcase the Canadian Constitution as being a world-class template for the reconciliation of Indigenous Land Rights in a democratic state.

❺ That July 1 2017 – Canada's 150th anniversary – be earmarked as the target date for announcing a 'new relationship' between Canada and Aboriginal peoples, which will be predicated upon the equitable sharing and management of land and resources for the benefit of all Canadians.