



# 2005 RESOLUTIONS

**Congress of Aboriginal Peoples'  
Annual General Assembly**

April 15-16, 2005

Ottawa, Ontario



## **Resolution 2005-1**

### **First Ministers' Meetings**

**Whereas** the Canada – Aboriginal Peoples Round Tables were very important to the Congress of Aboriginal People and the PTO's in preparing the agenda for the proposed upcoming First Ministers' Meeting; and

**Whereas** at the First Ministers' Meeting political issues and discussions shall occur that share impact upon the constituents represented by the PTO's;

**Be it hereby resolved** that the Board of Directors of CAP be invited and involved in all and any First Ministers' Meetings or in any processes or tables that may follow from the Canada Aboriginal Roundtable Sessions and the First Ministers' Meeting.

**Moved by:            Jamie Gallant**  
**Native Council Prince Edward Island**

**Seconded by:        Betty Ann Lavallée**  
**New Brunswick Aboriginal Peoples Council**

**Carried unanimously**



## Resolution 2005-2

### Annual General Assembly, Intention to run for office

**Whereas** the election of executive officers of CAP is one of the most important functions and duties of delegates at a General Assembly; and

**Whereas** it is vital that the names of those persons seeking executive office be widely known by CAP members well in advance of the election day at the General Assembly;

**Be it resolved** that this General Assembly instructs the CAP Board of Directors (BOD) to take the steps necessary to amend the Constitution and By-Laws of the Association so as to require formal notification to the BOD of intention to run for office at least 30 days prior to the convening of said General Assembly; and

**Be it further resolved** that the necessary amendments to the Constitution and By-Laws be brought to the next Annual General for decision.

**Moved by:** Annie Randell  
Federation Newfoundland Indians

**Seconded by:** Brendan Sheppard  
Federation Newfoundland Indians

**Carried**



## Resolution 2005-3

### Powley Implementation Project Funding

**Whereas** the Congress of Aboriginal Peoples (CAP) has represented the interests of Métis People across Canada since its formation as the Native Council of Canada in 1971; and

**Whereas** the Supreme Court of Canada has recognized that Métis have a Section 35 constitutionally entrenched Aboriginal rights to harvest (harvest, hunt, trap, gather) for food; and

**Whereas** CAP was funded by the federal government in the fiscal year and 2004 to 2005, to undertake research, community consultations, policy development, and liaison with federal and provincial governments to develop implementation processes for the exercise of the right recognized by the Supreme Court of Canada; and

**Whereas** the Powley Implementation Project at CAP, in partnership with its participating affiliates has, despite severe time restraints, successfully executed the goals of the project to date in terms of initial community consultation, legal and policy analysis of the terms of initial community consultation, legal and policy analysis of the terms of the decision and the potential impact of its interpretation on CAP Métis constituents; and

**Whereas** work undertaken by the project to date has established an urgent need for further community consultation, research and policy development so as to identify the rights bearing Métis within the constituency of CAP and its affiliates, and assure their accommodation in whatever federal and provincial government regimes might be proposed for implementation of the Powley decision;

**Therefore, be it resolved** that CAP Annual General Assembly mandate and instruct The Executive and Board of Directors of CAP to prepare a funding submission to the Office of the Interlocutor to provide the financial resources necessary to continue CAP's Powley Implementation Project for the fiscal year 2005-2006.

**Moved by: Carter Russell  
Labrador Metis Nation**

**Seconded by: Don Davis  
Labrador Metis Nation**

**Carried unanimously**



## Resolution 2005-4

### **Nation Youth Council, Capacity Development**

**Whereas** for over 30 years the Congress of Aboriginal Peoples' National Youth Council has existed without any core funding to assist in advancing its mandate; and

**Whereas** over the past several years the participation and capacity of the Youth Council has grown substantially; and

**Whereas** this new growth demands more of the Youth Council in regards to policy making, proposal drafting, local PTO Youth Council support/development, and advocating on behalf of off-reserve Aboriginal youth; and

**Whereas** the Youth Council is attempting to increase its ability to meet on a regular basis by writing and submitting proposals to various federal departments; however, this process of depending on federal projects can be lengthy and unpredictable, leaving meeting consistency very difficult to achieve; and

**Whereas** the Congress of Aboriginal Peoples is continually accessing various programs to address various issues, for example Nuclear Waste, Powley, Diabetes Roundtable Process, etc.;

**Therefore be it resolved** that the Congress of Aboriginal Peoples (CAP) assist in the National Youth Council's goal of achieving regular meetings by incorporating an equitable component for youth into each proposal, where able, that is submitted by CAP in order to enable the National Youth Council to meet and address the issues with its youth constituents;

**Further be it resolved** that the National Youth Council will assist in this process by developing the youth component in partnership with the Congress of Aboriginal Peoples.

**Moved by:** **Randy Drover**  
**National Youth Representative**

**Seconded by:** **Jamie Gallant**  
**Native Council Prince Edward Island**

**Carried**



## Resolution 2005-5

### Powley Decision Interpretation

**Whereas** the Supreme Court of Canada (SCC) has recognized that Métis have a Section 35 constitutionally entrenched Aboriginal right to harvest (hunt, fish, trap, gather); and

**Whereas** CAP was funded by the federal government in the fiscal year 2004 to 2005, to undertake research, community consultations, policy development, and liaison with federal and provincial government to develop implementation processes for the exercise of the right recognized by the SCC; and

**Whereas** research undertaken to date indicates that federal and many provincial governments are adopting very narrow interpretations of the terminology used in the SCC Powley decision test; and

**Whereas** many, if not most Métis constituents of CAP could be excluded from, or made subject to prosecution as a result of, the just exercise of their constitutionally entrenched harvesting rights by narrow interpretations of those terms (i.e. Métis, Historic Community, pre-European control.);

**Therefore be it resolved** that the delegates of the CAP 2005 Annual General Assembly instruct and mandate the Executive and Board of Directors to facilitate such community consultation, research, policy development, and communications activity as will establish a factual and legal basis for a broad and accommodating interpretation of the terms of the Powley decision on the part of the federal and provincial government so as to guarantee to CAP Métis constituents, just and equitable access to the exercise of the constitutionally entrenched Métis Aboriginal rights to harvest.

**Moved by:**           **Bernard Heard**  
                                  **Labrador Metis Nation**

**Seconded by:**   **Brendan Sheppard**  
                                  **Federation Newfoundland Indians**

**Carried**



## Resolution 2005-6

### **CAP National Youth Council, Urban Multipurpose Aboriginal Youth Centre Initiative (UMAYC) funding.**

**Whereas** various Provincial/Territorial Organizations have applied under the Urban Multipurpose Aboriginal Youth Centre Initiative to obtain cultural programming as well as available programs that UMACY can provide; and

**Whereas** efforts to access funding through the available avenues have been unsuccessful due to seemingly unjust reasoning; and

**Whereas** Aboriginal Youth Specific programs are not easily accessible outside of the Friendship movement and are often times out of reach to our Aboriginal youth; and

**Whereas** the Youth have expressed a need to receive teachings of their culture and traditions as a part of their growth and leadership abilities;

**Therefore be it resolved** that CAP where it applies with the support of their respective affiliates, seek to lobby Canadian Heritage to provide CAP with the ability to administer the UMACY program to its youth constituents in their individual PTO's in the same manner as NAFC currently does with affiliates.

**Moved by: Candace Russell  
Federation Newfoundland Indians**

**Seconded by: Wendy Wetteland  
New Brunswick Aboriginal Peoples Council**

**Carried unanimously**



## Resolution 2005-7

### **CAP National Youth Council, Student Employment Initiative**

**Whereas** the Congress of Aboriginal Peoples Youth Council has a vision of hope for the Aboriginal youth to ignite an employment partnership with the Congress of Aboriginal Peoples and each of its Provincial/Territorial Organization; and

**Whereas** Human Resources and Skills Development Canada acts as the primary stakeholder in providing necessary service delivery programs that fall within the Federal Youth Employment programs, similar to the Youth Employment Strategy and Skills Link Programs. However aboriginal students may work for aboriginal youth in achieving increased opportunities in employment and skills development; and

**Whereas** The Congress of Aboriginal Peoples has already stated their commitment to the Aboriginal Youth of Canada;

**Therefore be it hereby resolved** that those three organizations work together to develop Aboriginal Youth specific employment programs to be housed within or through each Provincial/Territorial Offices to be accessed by Aboriginal Youth across Canada's urban sectors; and

**Be it further resolved** that the Congress of Aboriginal Peoples National Youth Council hopes to see similar programs to that of Aboriginal "Hire a Student" program developed across each PTO office from May-August of every summer to increase full-time, part-time and casual work and skills development for Aboriginal Youth.

**Moved by:**           **Linsey T. Ernest**  
                                  **United Native Nations**

**Seconded by:**   **Everett Wetelainen**  
                                  **Ontario Métis Aboriginal Association**

**Carried unanimously**



## Resolution 2005-8

### 2010 Winter Olympic Games

**Whereas** the Congress of Aboriginal Peoples (CAP) formally engage and involve Aboriginal Peoples before and during the 2010 Winter Olympic Games with the intent of forming an “Aboriginal Olympic Legacies Fund” for the benefit of Aboriginal Youth, Aboriginal athletes and Aboriginal entertainers; and

**Whereas** CAP seek support from the federal, provincial or joint initiatives for the development to have a lasting impact beyond the 2010 Olympic Games and the Congress of Aboriginal Peoples may engage in involvement which may vary but may include the following initiatives: sports and culture activities, inclusiveness opportunities, economic opportunities, and communication initiatives;

**Therefore, be it resolved** that the Congress of Aboriginal Peoples form an Aboriginal Olympic Legacies Fund.

**Moved by:** Leonard Laboucan  
United Native Nations

**Seconded by:** Linsey T. Ernest  
United Native Nations

**Carried unanimously**



## **Resolution 2005-9**

### **Gun Registry**

**Whereas** the Canadian gun registry is a major hindrance and cost to Aboriginal peoples;

**Therefore be it resolved** that the Congress of Aboriginal Peoples support the elimination of the gun registry.

**Moved by:           John Olson  
                              United Native Nations**

**Seconded by:       Oliver Munro  
                              United Native Nations**

**Carried**



## Resolution 2005-10

### Definition of a “sustenance hunter”

**Whereas** the Congress of Aboriginal Peoples formally contest the federal government’s definition of a “sustenance hunter”, which states that one no longer qualifies as a “Sustenance hunter” once living within a twenty minute radius from a food and/or grocery store; and

**Whereas** the Congress of Aboriginal Peoples may formally acknowledge that Aboriginal hunters have traditionally hunted on behalf of Aboriginal Elders, used for ceremonial purposes, the sick, disabled and families that are in need;

**Therefore, be it resolved** that Congress of Aboriginal Peoples dispute the definition of a “sustenance hunter” on behalf of all Aboriginal Peoples of Canada.

**Moved by:           John Olson**  
**United Native Nations**

**Seconded by:   Leonard Laboucan**  
**United Native Nations**

**Carried unanimously**



## Resolution 2005-11

### Veterans

**Whereas** the National Aboriginal Veterans Association (NAVA) currently does not receive core funding for either the National Aboriginal Veterans Association, and/or for their Provincial affiliates; and

**Whereas** these gallant and valiant men and women risked life and limb in order to protect this great country of ours and theirs called Kanata;

**Whereas** these Aboriginal men and women have been largely ignored by the Government of Canada, especially in the area of compensation and benefits;

**Be hereby resolved** that the 2005 Assembly of the Congress of Aboriginal Peoples of Aboriginal Peoples direct and mandate the Executive and Board of the Congress to immediately undertake the task of lobbying the Prime Minister and Cabinet Ministers of the Federal Government of Canada for funds on behalf of NAVA.

**Moved by:** Betty Ann Lavallée  
New Brunswick Aboriginal Peoples Council

**Seconded by:** Barry LaBillois  
New Brunswick Aboriginal Peoples Council

**Carried Unanimously**



## Resolution 2005-12

### Aboriginal Youth, ages 7-12

**Whereas** the Federal Government (Ministry of Social Development) is funding various programs for children 0-6 (CAP-C, CPNP, Headstart, Early Years & Best Start); and

**Whereas** these programs benefit children 0-6 in culture, language and development; and

**Whereas** this results in a gap in service for children 7-12; and

**Whereas** this is a crucial time of development for children aged 7-12;

**Therefore be it resolved** that CAP ensure that the federal and provincial government are aware of the dire need of funding for programs for children 7-12.

**Moved By:** Dorothy Wynne  
Ontario Métis Aboriginal Association

**Seconded By:** Ellen Robinson  
Native Council Nova Scotia

**Carried unanimously**



## Resolution 2005-13

### Regional Representation

**Whereas** the Congress of Aboriginal Peoples comprised of provincial territorial organizations from the various regions of Canada, (Atlantic Quebec, Ontario, the Prairies, British Columbia, the territories of Yukon, Northwest Territories, and Nunavut); and

**Whereas** each of these various regions have unique histories that have resulted in varied treatment and recognition of the Aboriginal peoples living within those regions; and

**Whereas** these regional realities exist and need to be recognized and addressed;

**Be it hereby resolved** that the Congress of Aboriginal Peoples as a National Aboriginal Representative Organization recognize that regional differences and realities exist, and support regional PTOs as important and vital organizations to raise specific regional realities that need to be acted upon.

**Moved by: Gary Gould  
New Brunswick Aboriginal Peoples Council**

**Seconded by: Barry Logan  
New Brunswick Aboriginal Peoples Council**

**Carried**



## Resolution 2005-14

### Letter Campaign

**Whereas** it has come to the assembly the Congress of Aboriginal Peoples, that there is great cause to be deeply concerned with the political climate which is exclusionary and intended to favour certain Aboriginal political groups; and

**Whereas** the assembly made up of various PTO's want CAP to strengthen their voice on matters that will affect these PTO's;

**Therefore be it resolved** that the CAP Executive construct a position paper to be utilized by all PTO's and their members they represent as part of a letter campaign to all MP's, MLA's and those concerned with these pressing matters, by May 1, 2005.

**Moved by: Rick Stowell  
United Native Nations**

**Seconded by: Karl Angus  
United Native Nations**

**Carried unanimously**



## Resolution 2005-15

### Aboriginal Human Resource Development Agreements

**Whereas** the AHRDA is vital to the development of our people and our community as a whole; and

**Whereas** HRSD has ignored the request by the NCPEI to deal with the fundamental issues and overall concerns raised by community members; and

**Whereas** HRSD has indicated that the NCPEI will be excluded from the AHRDA in PEI and are not willing to support the off-reserve Aboriginal organizations, which represent non-status, status, Metis peoples; and

**Whereas** HRSD has made the decision to allow a Tribal Council representing the status on reserve people in PEI to provide services to all Aboriginal peoples which will in fact cause clear discrimination; and

**Whereas** the Misquadis Aboriginal Council of Winnipeg federal appeal court decision sets a precedent, recognizing urban Aboriginal control service delivery of the AHRDAS;

**Be it resolved** that CAP executive ensure that these fundamental issues be addressed with the Minister of State for HRD and actively and consistently lobby for a separate AHRDA for the off-reserve community in PEI to ensure equality for all Aboriginal people.

**Be it further resolved** that CAP lobby to ensure that no other PTO be faced with the same issue dealing with HRSD in the future.

**Moved by:**           **Rikki Schock**  
                                  **Native Council Prince Edward Island**

**Second by:**       **Maureen Chaisson**  
                                  **Native Council Prince Edward Island**

**Carried unanimously**



## Resolution 2005-16

### Non-insured Health Benefits

**Whereas** the CAP recognizes the importance of advocacy in health on behalf of off-reserve, status Indians who are entitled to non-insured health benefits; and

**Whereas** there has been a steady erosion of the non-insured health benefits, thereby leading to common practices such as – “extra billing”, “paying up front”, and currently, “non payment of medical premiums” creating unnecessary hardships within the Aboriginal Community;

**Therefore be it hereby resolved** that CAP effectively lobby and advocate to retain “non-insured benefits” for off-reserve Aboriginal people at a level that may be consistent with that of other “non-insured benefit” recipients.

**Moved by: Frances Stegner  
United Native Nations**

**Seconded by: Karl Angus  
United Native Nations**

**Carried unanimously**



## **Resolution 2005-17**

### **Aboriginal Youth Bursaries/Scholarships**

**Whereas** our honourable distinctive past president Harry W. Daniels was honoured at the AGA of 2005; and

**Whereas** Harry W. Daniels dedicated his life to all Aboriginal Peoples in Canada; and

**Whereas** CAP is sponsoring books being written on Aboriginal rights;

**Be it resolved** that any monies raised by these efforts be directed towards a special fund; and

**Be it further resolved** that this special fund be established to provide bursaries and scholarships for all CAP youth across Canada for purposes of furthering their education.

**Moved by:           John Larabie**  
**Ontario Métis Aboriginal Association**

**Seconded by:       George (Joe) Brown**  
**Ontario Métis Aboriginal Association**

**Carried**



## **Resolution 2005-18**

### **Elders' Council**

1. Provide the Funds to establish Council of Elders, one from each provincial/territorial organization
2. Establish Protocols per Nations
  - For instance: gifts of tobacco for all elders present
  - To have a table set aside for elders only
  - Foresee that each group has an elder's helper
  - Establish a budget for an elders' council to meet, organize and to address problems of elders
    - Health, abuse, violence

**Moved by: Barbara Wyss  
United Native Nations**

**Seconded by: Annie Smith St. George  
Alliance Autochtone du Quebec**

**Carried unanimously**



## Resolution 2005-19

### Bill C-31

**Whereas** nearly 20 years have passed since Bill C-31, an act to amend the Indian Act, became law allowing for the re-instatement of Indian Women who had lost status under section 12:1(b) of the previous Indian Act and which allowed the registration of the 1<sup>st</sup> generation children of these women; and

**Whereas** no compensation was ever offered to or given to these women or their children who were victims of sexual discriminatory, racist and assimilationist provisions of the previous Indian Act; and

**Whereas** the grand children of these same Indian women are now facing the same discriminatory practices that denied their grandmothers registration under the Indian Act; and

**Whereas** there are membership codes being developed by First Nations;

**Be it resolved** that the Congress of Aboriginal Peoples immediately following this AGA call upon the Government of Canada to immediately establish discussions that are aimed at:

1. establishing a compensation program that recognizes the denial of programs, services, benefits and rights that these individuals suffered as a result of being denied status under previous Indian Act;
2. that looks into the impacts of the generational cut off of the grandchildren of those Indian Women who were re-instated by Bill C-31;
3. that CAP establish with NWAC (National Women's Association of Canada) a joint working group to work on this issue;
4. discussion with the Federal government to put a moratorium be put on membership code development.

**Moved by: Gary Gould**  
**New Brunswick Aboriginal Peoples Council**

**Seconded by: Tina Faye Grant**  
**New Brunswick Aboriginal Peoples Council**

**Carried unanimously**



## Resolution 2005-20

### Treaty Rights, Atlantic Region

**Whereas** the federal government, under advice from the Department of Justice, has adopted a policy that results in a lack of formal recognition of off reserve treaty descendants represented by the Atlantic PTOs as not being, “modern manifestations” of the signatories of pre-confederation treaties; and

**Whereas** this policy has no basis in law, but has similar intent and impact as the 1975 superceded by law concept that resulted from the 1973 Supreme Court of Canada’s decision in Calder;

**Be it hereby resolved** that CAP immediately establish, in concert with the Atlantic PTOs, a strategy to challenge this policy which has as its sole purpose the limiting of access to treaty rights to bands.

**Moved by: Gary Gould  
New Brunswick Aboriginal Peoples Council**

**Seconded by: Grace Conrad  
Native Council Nova Scotia**

**Carried unanimously**



## Resolution 2005-21

### Childcare

**Whereas** the federal government has committed federal funds for childcare; and

**Whereas** working Aboriginal parents struggle day by day to feed and clothe their families; and

**Whereas** the children of our nation live in poverty; and

**Whereas** single working parents in our communities encounter hardships just to feed and clothe their families and do not receive any kind of assistance and are the working poor;

**Be it hereby resolved** that CAP lobby the government to access federal funding for childcare and create a mechanism/program for PTOs to deliver this program to the communities where the need is.

**Moved by:**            **Barb Cameron**  
                                 **New Brunswick Aboriginal Peoples Council**

**Seconded by:**    **Sherry Osborne**  
                                 **New Brunswick Aboriginal Peoples Council**

**Carried unanimously**



## Resolution 2005-22

### Fetal Alcohol Syndrome

**Whereas** there is a definite need to ensure that families and children of families who are suffering from Fetal alcohol Syndrome Disorder and these effects require support; and

**Whereas** Fetal Alcohol Syndrome Disorder is a disability that effects the life span of such children and families;

**Be it resolved** that CAP Executive lobby for funding for PTO's to deal with providing supports for early intervention, education and one on one care which may include speech therapist, physio-therapist, occupational therapist, etc to ensure these children's families are supported at a young age to ensure a positive and healthy life span.

**Moved by:**           **Maureen Chaisson**  
                                  **Native Council Prince Edward Island**

**Seconded by:**   **Nora Richard**  
                                  **Native Council Prince Edward Island**

**Carried**