

**UNIVERSAL PERIODIC REVIEW OF CANADA**  
**Submission of the Land Claims Agreements Coalition (LCAC)**  
**to the**  
**United Nations Human Rights Council**  
**September 8, 2008**

**“A Legacy of Colonialism and Paternalism”**

*~ Standing Senate Committee on Aboriginal Peoples of the  
Parliament of Canada, May 2008<sup>1</sup>*

**A. Summary**

1. This Submission is respectfully made by the Land Claims Agreements Coalition concerning the ongoing failure of the Government of Canada to fully, meaningfully and universally implement the modern treaties between it and the members of the Coalition, who are the indigenous signatories of all of the 21 modern treaties in Canada since 1975.

2. The rights contained in these treaties, which are constitutional “building blocks” of Canadian Confederation, are human rights. However, the Government of Canada has failed universally to fully implement the spirit and intent and the broad socio-economic objectives of all modern land agreements.

3. This failure is inconsistent with the Constitution of Canada, many judgments of the Supreme Court of Canada, and Canada’s human rights obligations in international law, including the right of self-determination, the right to economic, social and cultural development and well-being, and other particular collective rights belonging and applying to indigenous peoples.

**B. The Land Claims Agreements Coalition**

4. Established in 2003, the Land Claims Agreements Coalition consists of all Aboriginal signatories to modern treaties (comprehensive land claims and self-government agreements) entered into in Canada since the first modern treaty of 1975. A list of the modern treaties entered into by Coalition members is attached.<sup>2</sup>

5. The first “modern land claims agreement” between Aboriginal peoples and the Crown in right of Canada was entered into in 1975. Since then, 21 modern treaties have been negotiated, *applying to Aboriginal traditional lands encompassing more than half of the lands and waters of Canada and the immense resources they contain.*

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<sup>1</sup> Parliament of Canada - Standing Senate Committee on Aboriginal Peoples, *Honouring the Spirit of Modern Treaties: Closing the Loopholes*, May 2008, at p. viii ([www.parl.gc.ca/39/2/parlbus/commbus/senate/com-e/abor-e/rep-e/rep05may08-e.pdf](http://www.parl.gc.ca/39/2/parlbus/commbus/senate/com-e/abor-e/rep-e/rep05may08-e.pdf) - accessed 4 Sept., 2008) [Appendix “D”]

<sup>2</sup> Land Claims Agreement Coalition, Schedule of Modern Land Claims Agreements. (<http://www.landclaimscoalition.ca>, accessed 4 September, 2008) [Appendix “A”].

6. These agreements represent “basic building blocks in the creation of our country.”<sup>3</sup>

7. Coalition members work together to ensure that comprehensive land claims and associated self-government agreements are respected, honoured and fully implemented in order to achieve their objectives. The task at hand is to implement the modern land claims agreements in ways that bring political, economic and social justice to their signatory nations and their members and that achieve in full measure, the letter, spirit, intent and lasting objectives of modern land claims agreements.

### C. Aboriginal and treaty rights are human rights

8. As noted by the United Nations Human Rights Committee in 1999, Canada has acknowledged that: “the situation of the aboriginal peoples remains ‘the most pressing human rights issue facing Canadians.’”<sup>4</sup>

9. However, the Coalition notes that Canada voted against the United Nations Declaration on the Rights of Indigenous Peoples.<sup>5</sup>

10. Key indicators of socio-economic conditions for indigenous peoples in Canada are unacceptably lower than for non-Aboriginal Canadians.<sup>6</sup>

11. The U.N. Human Rights Committee has expressed particular concern that Canada has not yet implemented the recommendations of the Royal Commission on Aboriginal Peoples (RCAP). It recommended that: “decisive and urgent action be taken towards full implementation of the RCAP recommendations on land and resource allocation.”<sup>7</sup>

### D. The issue – Canada’s modern treaty implementation policy and practice

12. In December 2006, Leaders and Representatives of the Land Claims Agreements Coalition assembled in Ottawa to discuss how Canada is doing in honouring the modern treaty undertakings it made to Aboriginal peoples over the past thirty years. They declared that:

Through these modern treaty agreements, Ottawa made important and solemn treaty promises enshrined in the constitution in return for reconciling Crown and aboriginal

<sup>3</sup> Gathering Strength – Canada’s Aboriginal Action Plan. QS-6121-000-EE-A1 Catalogue No. R32-189-1997E ([www.ahf.ca/pages/download/28\\_13342](http://www.ahf.ca/pages/download/28_13342) - accessed 4 September, 2008); Standing Senate Committee on Aboriginal Peoples, *Honouring the Spirit of Modern Treaties: Closing the Loopholes*, May 2008, at p. vii [Appendix “D”].

<sup>4</sup> Concluding Observations of the Human Rights Committee – Canada. 07/04/99 CCPR/C/79/Add.105, at par. 8 (<http://www.unhchr.ch/tbs/doc.nsf/0/e656258ac70f9bbb802567630046f2f2>, accessed 5 September, 2008); see also Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people – Mission to Canada. 2/12/2004 E/CN.4/2005/88/Add.3, at par. 17 (<http://daccessdds.un.org/doc/UNDOC/GEN/G05/100/26/PDF/G0510026.pdf>, accessed 5 September 2008).

<sup>5</sup> See [http://www.ainc-inac.gc.ca/nr/spch/unp/06/ddr\\_e.html](http://www.ainc-inac.gc.ca/nr/spch/unp/06/ddr_e.html) (accessed 4 September, 2008).

<sup>6</sup> Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people – Mission to Canada. 2/12/2004 E/CN.4/2005/88/Add.3, at par. 33 (<http://daccessdds.un.org/doc/UNDOC/GEN/G05/100/26/PDF/G0510026.pdf>, accessed 5 September 2008).

<sup>7</sup> Concluding Observations of the Human Rights Committee–Canada. 07/04/99 CCPR/C/79/Add.105, at par. 8 (<http://www.unhchr.ch/tbs/doc.nsf/0/e656258ac70f9bbb802567630046f2f2>, accessed 5 September, 2008).

sovereignties and clearing the way for development in more than half of Canada's land mass and the immense resources it contains. More than three years ago, the signatories of all major modern treaties wrote to the Government of Canada. We called for the mutual development of a new federal Policy to fully implement the fundamental objectives of these important agreements. No meaningful progress has yet been made, and the federal Crown has essentially rebuffed efforts to engage constructively. No progress has been made since that time.<sup>8</sup>

13. For indigenous signatories, land claim agreements are intended to enable economic, social and cultural development, environmental protection, and self-government.

14. Some individual progress has been made in treaty implementation. In 2008 the Grand Council of the Crees entered into a New Relationship Agreement with the Government of Canada, 33 years after entering into its treaty with Canada.

15. However, overall, members of the Coalition are frustrated and disappointed that their treaties are not all being properly implemented by the Government of Canada.

16. While the Government of Canada has enunciated its objectives many times, for example in its 1986 Comprehensive Land Claims policy, it has not worked to support the full extent of the land claims agreements.

17. The Government of Canada's 1986 Comprehensive Land Claims policy stressed that:

... land claims negotiations are more than real estate transactions. In defining their relationships, Aboriginal peoples and the Government of Canada will want to ensure that the continuing interests of claimants in settlement areas are recognized. This will encourage self-reliance and economic development as well as cultural and social well-being. Land claims negotiations should look to the future and should provide a means whereby Aboriginal groups and the federal government can pursue shared objectives such as self-government and economic development.

18. This policy objective still enjoys the support of indigenous peoples in Canada and is directly incorporated in some land claims agreements.

19. However, in the experience of the members of the Coalition, the ink is barely dry on each land claims agreement before the federal government, and especially its officials, abandons any talk of the broad objectives of the agreement, and proceeds instead on the basis that the government's sole responsibility is to fulfil the narrow legal obligations set out in the agreement.

20. The Cree-Naskapi Commission, an independent federal land claims agreement review body, stated in its 1995 Annual Report to the Parliament of Canada:

In the course of Canadian history, a notion persists that governments make promises to induce natives to surrender their lands and other rights and then routinely break these promises, frequently hiding behind legal technicalities. Regrettably, the evidence supporting this notion is extensive.

21. The members of the Coalition are not aware of any policy having been explicitly adopted by the Government of Canada that the objectives of entering into the land claim agreement are to be forgotten or ignored once it has obtained the indigenous signatures on the

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<sup>8</sup> See [http://www.landclaimscoalition.ca/pdf/061206\\_LCAC\\_Statement.pdf](http://www.landclaimscoalition.ca/pdf/061206_LCAC_Statement.pdf) (accessed 4 September 4, 2008).

document. And yet that has become the entrenched attitude of Department of Indian and Northern Affairs (“DIAND” or “INAC”) of the Government of Canada.

22. This attitude has led at least some of the indigenous peoples in Canada who have entered in good faith into these modern land claims agreements to conclude that there have been deliberate, continuing efforts on the part the federal Crown to minimize, frustrate and even extinguish the rights and benefits the Aboriginal parties expected would accrue from their treaties.

23. Some have stated that a “two-step” policy of extinguishment of Aboriginal and treaty rights can be seen in the federal neglect of what had been considered to be mutual objectives and commitments. As the first step, governments make promises to induce natives to surrender or otherwise provide so-called certainty in respect of their lands and other rights. Then, as the federal government’s commitment to the objectives and ongoing obligations under the treaty begins to wane, chronic disagreements between the parties emerge about the meaning of the various treaty provisions, litigation ensues, and little regard is had to whether the objectives are being achieved.

24. Rather than allowing the apprehension of a two-step policy of extinguishment to continue to grow, surely it would be more appropriate for the federal Crown to instead reaffirm its commitment to the timely and responsible implementation of both its obligations and the objectives of modern land claims agreements.

25. In his 2004 report to the Economic and Social Council, the U.N. Special Rapporteur on human rights and indigenous issues also reported on the concerns raised by the Land Claims Agreements Coalition. He noted that:

... the Land Claims Agreement Coalition [has] called upon the federal Government of Canada to pay urgent attention to full and meaningful implementation of the socio-economic and developmental objectives of these agreements, **warning that if conditions among signatory peoples continue to fail to improve meaningfully after the signing of such agreements, other Aboriginal peoples may conclude that there is no benefit flowing from such agreements.**<sup>9</sup> [Emphasis added.]

### **E. The Land Claims Agreements Coalition is not alone in this concern regarding the Government of Canada’s overall failure to fully implement modern treaties with indigenous peoples in Canada**

26. In addition to the international authorities referred to above, important human rights and governmental accountability authorities within Canada have repeatedly echoed the concerns raised by the Coalition.

27. Most recently, in May 2008, the Standing Senate Committee on Aboriginal Peoples of the Parliament of Canada reported:

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<sup>9</sup> Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people – Mission to Canada. 2/12/2004 E/CN.4/2005/88/Add.3, at par. 28 (<http://daccessdds.un.org/doc/UNDOC/GEN/G05/100/26/PDF/G0510026.pdf>, accessed 5 September 2008).

Treaties are solemn agreements that set out promises, obligations, and benefits for both the Aboriginal peoples and the Crown in right of Canada. The Government of Canada acknowledges that these agreements represent the “basic building blocks in the creation of our country.” ...

However... the committee is troubled by the narrow approach to treaty implementation adopted by the federal government. **Federal practices and policy in this regard have resulted in the diminishment of the benefits and rights promised to Aboriginal peoples under these agreements...**

[W]ithout the funds necessary to promote political, social and cultural development, the preservation and transmission of Aboriginal cultures to future generations cannot occur as envisioned by the treaties...

Our present study on the federal role in implementing modern treaty obligations, along with the Committee’s previous studies on specific claims, economic development and the delivery of safe drinking water to First Nations communities, suggest to us that **there are deep structural reasons for the government’s failure to make measurable and meaningful progress on issues affecting Aboriginal Canadians. We believe much of this failure rests with the institutional role and mandate of the Department of Indian Affairs and Northern Development Canada (DIAND), a department which is steeped in a legacy of colonialism and paternalism...** [W]e find that the Department’s ability to make meaningful improvements in the lives of Aboriginal peoples and its performance generally is woefully inadequate.

**We endorse the view that failure to properly implement the provisions of modern treaties puts Canada at risk for generating new legions of broken promises. However we are convinced that these challenges can be overcome. The honour of the Crown rests upon it.**<sup>10</sup> [Emphasis added.]

28. Regarding the federal Government of Canada’s approach to treaty implementation, the Senate Committee further reported:

The Committee believes that any meaningful approach to treaty implementation cannot be focused solely on fulfilling narrowly, the legal and technical obligations identified in modern treaties... The government’s focus... has largely been to discharge its obligations in a narrow sense, rather than working to achieve the full benefit of the reconciliation promised by treaties. **This, in our view, is a diminished and restricted reading of treaty-making and treaty implementation... The result is that broader considerations of economic and social well-being are set aside.**<sup>11</sup> [Emphasis added]

29. In October 2007, the Auditor General of Canada reported on implementation of one of the earliest modern treaties (signed in 1984). Her report noted:

3.92 Although the *Inuvialuit Final Agreement* has existed for 23 years, INAC [the Department of Indian and Northern Affairs Canada] has yet to demonstrate the leadership and the commitment necessary to meet federal obligations and achieve the objectives of the Agreement.<sup>12</sup>

<sup>10</sup> Standing Senate Committee on Aboriginal Peoples, *Honouring the Spirit of Modern Treaties: Closing the Loopholes*, May 2008, at p. vii-viii ([www.parl.gc.ca/39/2/parlbus/commbus/senate/com-e/abor-e/rep-e/rep05may08-e.pdf](http://www.parl.gc.ca/39/2/parlbus/commbus/senate/com-e/abor-e/rep-e/rep05may08-e.pdf), accessed 4 September 2008) [Appendix “D”].

<sup>11</sup> Standing Senate Committee on Aboriginal Peoples, *Honouring the Spirit of Modern Treaties: Closing the Loopholes*, May 2008, at p. 14-16 ([www.parl.gc.ca/39/2/parlbus/commbus/senate/com-e/abor-e/rep-e/rep05may08-e.pdf](http://www.parl.gc.ca/39/2/parlbus/commbus/senate/com-e/abor-e/rep-e/rep05may08-e.pdf), accessed 4 September, 2008) [Appendix “D”].

<sup>12</sup> Report of the Auditor General of Canada to the House of Commons, October 2007, Chapter 3: *Inuvialuit Final Agreement*, at par. 3.92 ([http://www.oag-bvg.gc.ca/internet/docs/20071003c\\_e.pdf](http://www.oag-bvg.gc.ca/internet/docs/20071003c_e.pdf), accessed 4 Sept., 2008).

30. The Auditor General's 2007 report noted the lack of any change of approach by INAC since the Auditor General raised similar concerns in 2003<sup>13</sup>, stating:

3.83 We found that INAC... has taken no action to develop performance indicators or to ensure measurement of progress toward achievement of the principles that the Agreement embodies. Department officials describe these as being Inuvialuit principles, not principles to which Canada adheres. INAC officials emphasize that the Agreement does not impart any federal obligation to realize these goals...

3.84 **We are concerned that the Department is not focused on achieving the goals expressed in the Agreement.**<sup>14</sup> [Emp[hasis Added.]

## F. The impacts of the ongoing, universal failure by Canada to fully implement modern treaties entered into with indigenous peoples in Canada

31. Objectives of land claims and related self-government agreements can be seen to fall into at least the following categories in which improvements should occur:

- a) social well-being;
- b) economic self-reliance through success and participation;
- c) growth and stability of Aboriginal populations in their traditional territories;
- d) environmental protection; and
- e) cultural and linguistic protection and enhancement.

32. Most conspicuously lacking from the federal approach to implementing, as well as negotiating land claims agreements, has been any apparent awareness that comprehensive land claims agreements should serve to bring about the inclusion of Aboriginal peoples into the regional, provincial/ territorial and national economies of which they and their lands and resources are part, and, over time, to improve the material well being of Aboriginal peoples while enriching the country as a whole. Land claims agreements can and should be regarded as important vehicles for the achievement of public policy goals, including ensuring the survival, viability and well-being of Aboriginal peoples as distinct collectivities.

33. In his 2004 report concerning Canada, the U.N. Special Rapporteur on the rights of indigenous peoples concluded:

The settling of comprehensive land claims and self-government agreements are important milestones in the solution of outstanding human rights concerns of Aboriginal people. **They do not, in themselves, resolve many of the human rights grievances afflicting Aboriginal communities and do require more political will regarding implementation, responsive institutional mechanism, effective dispute resolution mechanisms, and stricter monitoring procedures at all levels.**<sup>15</sup> [Emphasis added.]

<sup>13</sup> Report of the Auditor General of Canada to the House of Commons, November 2003, Chapter 8: Indian and Northern Affairs Canada – Transferring Federal Responsibilities to the North, at par. 8.2, 8.10, and 8.94 (<http://www.oag-bvg.gc.ca/internet/docs/20031108ce.pdf>, accessed 4 September, 2008).

<sup>14</sup> Report of the Auditor General of Canada to the House of Commons, October 2007, Chapter 3: Inuvialuit Final Agreement, at par. 3.82-3.84 ([http://www.oag-bvg.gc.ca/internet/docs/20071003c\\_e.pdf](http://www.oag-bvg.gc.ca/internet/docs/20071003c_e.pdf), accessed 4 Sept. 2008).

<sup>15</sup> Report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people – Mission to Canada. 2/12/2004 E/CN.4/2005/88/Add.3, at par. 93 (<http://daccessdds.un.org/doc/UNDOC/GEN/G05/100/26/PDF/G0510026.pdf>, accessed 5 September 2008).

34. Similarly, it has been noted in a paper recently published by the [Canadian] Institute for Research on Public Policy (IRPP) that Comprehensive Land Claim Agreements (CLCAs) appear not to be a “panacea for Aboriginal peoples:”

In and of themselves, **treaties do not change the socio-economic conditions and overall well-being of communities, nor do they radically alter the colonial structure that Daniel Salée identifies in his study for the IRPP as one of the main explanations for the ‘glacial pace’ of changes in the living conditions of Canadian Aboriginal peoples** (2006). But, over time, and with proactive leadership and collaboration between all parties involved, CLCAs can become the instruments whereby Aboriginal peoples establish a governance relationship that better reflects their social, economic and political aspirations.<sup>16</sup> [Emphasis added]

35. Professor Papillon’s paper for the IRPP concludes:

Governments should therefore acknowledge that land claims settlements are much more than land transactions: **they are living documents that establish broad parameters for a decolonizing relationship that is bound to change as the conditions and priorities of the Aboriginal signatories change.**<sup>17</sup> [Emphasis added.]

## G. A way forward, consistent with Canada’s international and domestic human rights obligations

36. The Government of Canada’s approach to implementing modern treaties entered into with indigenous peoples in Canada needs to be changed if it is to adhere to the legal, constitutional, and human rights reality of these agreements. What is called for is a change in the perspective, indeed in the very culture of the Government of Canada in respect of its view of the new relationships set out in land claims and self-government agreements.

37. In this spirit, the Coalition calls for a new land claims implementation policy, based on the Coalition’s “Four-Ten Declaration”, which is Appendix “B” to this Submission.<sup>18</sup> The Coalition’s “Four-Ten Declaration” contains the following “Fundamental Principles concerning a new land claims implementation policy in Canada:

1. The history of nation-to-nation contact and interaction between the Crown and the aboriginal peoples in Canada has created an enduring relationship between the Crown and aboriginal peoples, one that is fundamentally predicated on the honour of the Crown.
2. “[T]he doctrine of aboriginal rights exists, and is recognized and affirmed by s. 35(1), because of one simple fact: when Europeans arrived in North America, aboriginal peoples were already here, living in communities on the land, and participating in distinctive cultures, as they had done for centuries.” Supreme Court of Canada, *Van der Peet*, [1996] 2 S.C.R. 507 at para 30.
3. “The historical roots of the principle of the honour of the Crown suggest that it must be understood generously in order to reflect the underlying realities from which it stems. In all its dealings with Aboriginal peoples, from the assertion of sovereignty to the resolution of claims and the implementation of treaties, the Crown must act honourably.

<sup>16</sup> Prof. Martin Papillon, *Aboriginal Quality of Life under a Modern Treaty*, in *IRPP Choices*, Vol. 14, no. 9, August 2008, at p.5 (<http://www.irpp.org/choices/archive/vol14no9.pdf>, accessed 4 September, 2008).

<sup>17</sup> Prof. Martin Papillon, *Aboriginal Quality of Life under a Modern Treaty*, in *IRPP Choices*, Vol. 14, no. 9, August 2008, at p.19 (<http://www.irpp.org/choices/archive/vol14no9.pdf>, accessed 4 September, 2008).

<sup>18</sup> See Appendix B ([http://landclaimscoalition.ca/pdf/C\\_LCAC\\_410.pdf](http://landclaimscoalition.ca/pdf/C_LCAC_410.pdf), accessed 5 September, 2008).

Nothing less is required if we are to achieve "the reconciliation of the pre-existence of aboriginal societies with the sovereignty of the Crown." Supreme Court of Canada, *Haida Nation v. British Columbia (Minister of Forests)* [2004] S.C.C. 73 at para 17.

...

5. Treaties and land claims agreements between the Crown and Aboriginal peoples are acknowledged to be "basic building blocks in the creation of our country ...[T]reaties -- both historical and modern -- and the relationship they represent provide a basis for developing a strengthened and forward-looking partnership with Aboriginal people." Government of Canada, "Gathering Strength -- Canada's Aboriginal Action Plan", 1997.

...

7. Modern land claims agreements, which give rise to treaty rights, are multi-faceted, and the ongoing rights they affirm are, among other things, constitutional, statutory, contractual, fiduciary, and in keeping with the "living tree" principle of Canadian law, evolving and progressive in nature.

8. The negotiation and implementation of modern land claims agreements, and their ancillary agreements, engage the honour of the Crown, and demand results and ongoing outcomes that are just. "Where treaties remain to be concluded, the honour of the Crown requires negotiations leading to a just settlement of Aboriginal claims." Supreme Court of Canada, *Haida Nation v. British Columbia (Minister of Forests)* [2004] S.C.C. 73 at para. 20.

9. The treaty rights arising from modern land claims agreements express the mutual desire of the Crown and aboriginal peoples in Canada to reconcile through sharing the lands, resources and natural wealth of this subcontinent in a manner that is equitable and just – no longer so as to solely assimilate, take or extinguish the interest of the aboriginal peoples involved, but rather so as to implement mutual objectives that will ensure their socio-economic, political and cultural survival, well-being and development as peoples.

10. Aboriginal and treaty rights are human rights, and they are not amenable to extinguishment as a matter of respect for Canada's international human rights obligations. "The situation of the aboriginal peoples remains the most pressing human rights issue facing Canadians.... [T]he practice of extinguishing inherent aboriginal rights be abandoned as incompatible with article 1 of the [International] Covenant [on Civil and Political Rights]." United Nations Human Rights Committee, *Concluding Observations of the Human Rights Committee - Canada*. 07/04/99 CCPR/C/79/Add.105.

38. In its May 2008 report, the Standing Senate Committee on Aboriginal Peoples of the Parliament of Canada recommended that the Government of Canada, in collaboration with the Land Claims Agreements Coalition and its present and future members, take immediate steps to develop a new national land claims implementation policy, based on the principles laid out by the Coalition.<sup>19</sup>

## H. Conclusion

39. In this Submission, the Coalition respectfully brings to the attention of the U.N. Universal Periodic Review Canada's ongoing failure to fully and meaningfully implement the spirit and intent and the broad socio-economic objectives of all modern land claims agreements.

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<sup>19</sup> Standing Senate Committee on Aboriginal Peoples, *Honouring the Spirit of Modern Treaties: Closing the Loopholes*, May 2008, at p. 41-48 ([www.parl.gc.ca/39/2/parlbus/commbus/senate/com-e/abor-e/rep-e/rep05may08-e.pdf](http://www.parl.gc.ca/39/2/parlbus/commbus/senate/com-e/abor-e/rep-e/rep05may08-e.pdf), accessed 4 September 2008) [Appendix "D"].



40. The Coalition respectfully requests that the Human Rights Council adopts the following Conclusions and Recommendations, consistent with the content of this Submission:

***The Human Rights Council:***

- a. ***Notes*** Canada's record as a country in respect of overall socio-economic development and social inclusion has been a positive one in a number of important respects;
- b. ***Observes*** that more than any other state facing the challenge of gross disparities between segments of society (such as between indigenous peoples in general and all other Canadians), Canada has had the popular good-will, the territory and resources, the governmental capacity, the foundation of existing constitutional, legal, policy and treaty frameworks, and the economic means to succeed;
- c. ***Notes*** that the situation of indigenous peoples in Canada remains the most pressing human rights issue facing Canadians;
- d. ***Notes*** with concern the "glacial pace" of changes in the living conditions of indigenous peoples in Canada, attributable in part to the Government of Canada's failure to universally implement the spirit and intent and broad socio-economic objectives of land claims agreements with indigenous peoples in Canada;
- e. ***Observes*** that Canada has not adequately supported the full extent of modern treaties, and that its practice of ignoring the spirit and intent and broad objectives of these agreements is contrary to its human rights commitments and obligations;
- f. ***Urges*** Canada to affirm its full commitment to the universal, timely and responsible implementation of the spirit and intent, and both its obligations and the broad socio-economic objectives, of land claims agreements entered into with indigenous peoples;
- g. ***Further urges*** Canada to promptly develop, consistent with Canada's international human rights obligations and relevant rulings of the Supreme Court of Canada, a new national land claims implementation policy based on the principles of the Land Claims Agreements Coalition's "Four-Ten Declaration,"<sup>20</sup> in full consultation (as required by the Supreme Court of Canada) with the Coalition; and
- h. ***Concludes and recommends*** that the fulfillment of the broad socio-economic objectives of modern land claims agreements entered into with indigenous peoples in Canada, and associated self-government agreements, must be undertaken, not only because it is the obligation of the Government of Canada, but because it is in Canada's national and international interest to do so.

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<sup>20</sup> See Appendices B and C hereto.

## Appendix “A”

### Schedule of Land Claims Agreements in Canada

<b>Name of Agreement</b>	<b>Year</b>
James Bay and Northern Quebec Agreement	November 1975
Northeastern Quebec Agreement	January 1978
Inuvialuit Final Agreement	June 1984
Gwich'in Comprehensive Land Claim Agreement	December 1992
Nunavut Land Claims Agreement	May 1993
Yukon First Nations Final Agreements:	
- Champagne and Aishihik First Nations	May 1993
- First Nation of Nacho Nyak Dun	May 1993
- Teslin Tlingit Council	May 1993
- Vuntut Gwitchin First Nation	May 1993
- Little Salmon/Carmacks First Nation	July 1997
- Selkirk First Nation	July 1997
- Tr'ondëk Hwëch'in First Nation	July 1998
- Ta'an Kwäch'än Council	January 2002
- Kluane First Nation	October 2003
- Kwanlin Dün First Nation	February 2005
- Carcross/Tagish First Nation	October 2005
Sahtu Dene and Metis Comprehensive Land Claim Agreement	September 1993
Nisga'a Final Agreement	May 2000
Tlicho Land Claims and Self Government Agreement	August 2003
Labrador Inuit Land Claims Agreement	December 2005

## Appendices “B” – “D” (in separate Adobe PDF file)

Appendix “B”: Land Claims Agreements Coalition, *“Four-Ten” Declaration of Dedication and Commitment*, December 2006

Appendix “C”: Land Claims Agreements Coalition, *A New Land Claims Implementation Policy* (2004 working paper)

Appendix “D”: Standing Senate Committee on Aboriginal Peoples, *Honouring the Spirit of Modern Treaties: Closing the Loopholes*, May 2008