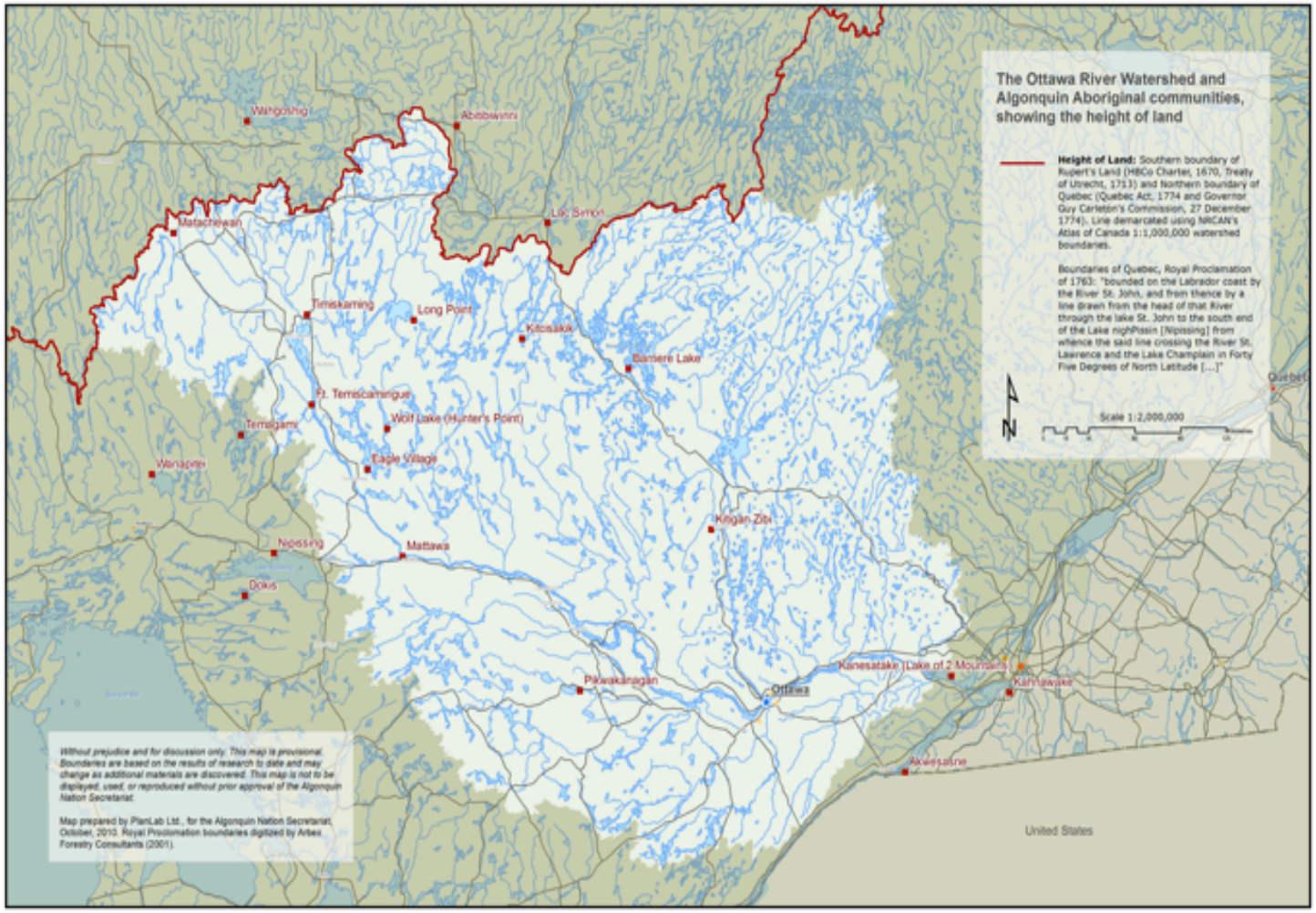

THE ALGONQUIN NATION

Proposed pipeline reconversion through Algonquin territories

Overview of the Energy East Pipline on WLFN-EVFN-TFN Statement of Assertion of Aboriginal Rights and Title

AFNQL Resolution

- **RESOLUTION REGARDING REAL AND MEANINGFUL CONSULTATION OF OUR NATIONS ON THE ENERGY EAST PIPELINE PROJECT**

- WHEREAS the First Nations in Québec and Labrador hold Aboriginal rights, Aboriginal title and treaty rights, as recognized and affirmed by the *Constitution Act, 1982*;

- WHEREAS under the *United Nations Declaration on the Rights of Indigenous Peoples*, the First Nations of Québec and Labrador have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired as well as the right to own, use, develop and control such lands, territories and resources;

- WHEREAS the Government of Canada, under Prime Minister Justin Trudeau, has repeatedly expressed its desire for a "new relationship" with First Nations and for a true Nation to Nation partnership, including in Minister Bennett's Mandate Letter;

- WHEREAS the Government of Canada, under Prime Minister Justin Trudeau, has expressed its intention to implement the 94 Calls to Action of the Truth and Reconciliation Commission and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), thereby leaving First Nations with the understanding that the obligation to obtain the free, prior and informed consent of First Nations will soon be clearly enshrined in Canadian Law;

- WHEREAS the Government of Canada, in partnership with provincial and territorial governments, adopted the *Vancouver Declaration on Clean Growth and Climate Change*, which recognizes that the transition to a low carbon economy must be done "in partnership with Indigenous peoples based on recognition of rights, respect and cooperation";

- WHEREAS the First Nations in Québec and Labrador have repeatedly expressed their lack of confidence in the National Energy Board process which the Energy East tar sands pipeline will be reviewed under;

- WHEREAS despite such criticism, the Government of Canada has failed to remedy the serious flaws in the NEB process, including a lack of adequate funding to participate in the NEB process, the refusal of the NEB to consider Energy East's important contribution to the climate change crisis and the NEB's bias in favour of industry. Moreover, there was a lack of prior consultation with First Nations over the environmental assessment guidelines provided by the NEB to TransCanada and regarding the admissibility of the filing documentation provided by TransCanada;

- WHEREAS the Trudeau government has taken certain positive steps in announcing more consultation of First Nations outside of the NEB process and in factoring into its decision-making on the Energy East project a consideration of the greater amount of greenhouse gas (GHG) emissions that the Alberta Tar Sands will produce as a result of building the pipeline, but neither of these steps will change the broken NEB process;

- WHEREAS as of April 27, 2016, no discussions had been engaged between the Government of Canada and First Nations representatives to set up a consultation process for the Energy East pipeline project which will provide First Nations the necessary time and resources to independently assess and communicate the impacts of the Energy East project on their territory, on their community and, ultimately, on their rights;

- **NOW THEREFORE, BE IT RESOLVED:**

- THAT the First Nations in Québec and Labrador firmly state their lack of confidence in the current National Energy Board review process;

- THAT the First Nations in Québec and Labrador demand that the NEB hearing process for Energy East be put on hold until such time as the federal Crown reforms the NEB process in collaboration with First Nations and in fulfilment of the Crown's Constitutional duties owed to First Nations;

- THAT the First Nations in Québec and Labrador call upon the federal Crown, in the course of carrying out the Constitutional duty to consult, to truly adopt as its own the deep concerns our Nations have about the impacts of the Energy East project on our rights, our peoples and our future;

- THAT the First Nations in Québec and Labrador call upon the federal Crown to ensure that our First Nations have access to sufficient time and funding to independently assess and communicate the impacts of the Energy East project on their territory, on their community and, ultimately, on their rights;

- THAT the First Nations in Québec and Labrador reiterate that Canada must obtain the free, prior and informed consent of First Nations that will be affected by the Energy East project before authorizing the project;

- THAT the First Nations in Québec and Labrador mandate the Regional Chief of the AFNQL to follow-up on the above with Prime Minister Trudeau, as well as with the Ministers involved in the Energy East decision-making process, using all means deemed necessary.