

**IDLE NO MORE
THERE IS SOMETHING HAPPENING HERE...**

**Neal J. Smitheman
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FIRST NATION STATISTICS

- Total Population of Canada 31,241,030
- Aboriginal Population 1,172,790
- Increase in Population from 1996 to 2006
 - Aboriginal 47%
 - Non-Aboriginal 8%
- In 2006 48% of Aboriginal People were less than 25 years old
 - 31 % for Non-Aboriginals
 - Median age of Aboriginal Population was 27 compared with 40 for Non-Aboriginals
- From 2001 to 2006, the Aboriginal Population 15-64 years (i.e., of working age) increased by 25%, compared with 6% for other Canadians

FIRST NATION STATISTICS cont'd

- By the end of 2017, Aboriginal People of working age (15 and older) will number close to 1 million, about 3.4% of the working age population over all
- From 2001 – 2011, the size of the Aboriginal working age population will grow 3-5 times faster than the Non-Aboriginal counterpart
- Between 1982 and 2007 the registered Indian Population more than doubled

FIRST NATION STATISTICS cont'd

- **Aboriginals and the Mining Industry**
 - 12,000 Aboriginal Communities are located within 200 km of mineral and metal activities
 - More than 36% of First Nation Communities are located less than 50 km from one of the primary mines developed in Canada
 - According to the 2006 Canadian Census, Aboriginal employment accounted for 7.5% of the total mining labour force compared with 5.1% in 2001

CONSTITUTIONAL ACT, SECTION 35

(1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

QUERY:

- What's an Indian?
- First Nation?
- Aboriginal?
- Metis?

Idle No More Movement

- Indigenism
- Nation to Nation
- The issue about the Governor General
 - 2007 UN Declaration on Indigenous Rights
 - Article 19 says States must obtain the “free, prior and informed consent” of indigenous people before implementing legislation that may affect them.

HDI and The City of Brantford

Haldiman Tract

- Caledonia
- Brantford
- Kitchener
- Waterloo
- Shelburne

Back To Basics - Haida Duty To Consult

“The foundation of the duty in the Crown’s honour and the goal of reconciliation suggest that the duty arises when the Crown has knowledge, real or constructive, or the potential existence of the Aboriginal right or title and contemplates conduct that might adversely affect it.”

“At all stages, good faith on both sides is required. The common thread on the Crown’s part must be “the intention of substantially addressing [Aboriginal] concerns” as they are raised, through a meaningful process of consultation. Sharp dealing is not permitted. However, there is no duty to agree; rather, the commitment is to a meaningful process of consultation.”

Haida Nation v. British Columbia (Minister of Forests), [2004] 3 SCR 511

HAIDA EXTENDED

Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage), [2005] 3 S.C.R 388

Treaty 9

“And, whereas, the said Indians have been notified and informed by His Majesty’s said commission that it is His desire to open for settlement, immigration, trade, travel, mining, lumbering, and such other purposes as to his Majesty may seem meet, a tract of country, bounded and described as hereinafter mentioned, and to obtain the consent thereto of His Indian subjects inhabiting the said tract, and to make a treaty and arrange with them, so that there may be peace and good-will between them and His Majesty’s other subjects...”

Treat 9 (cont'd)

“And whereas, the said commissioners have proceeded to negotiate a treaty with the Ojibeway, Cree and other Indians, inhabiting the district hereinafter defined and described, and the same has been agreed upon, and concluded by the respective bands at the dates mentioned hereunder, the said Indians do hereby cede, release, surrender and yield up to the Government of the Dominion of Canada, for his Majesty the King and His successors for ever, all their rights titles and privileges whatsoever, to the lands included within the following limits...”

“And His Majesty the King hereby agrees with the said Indians that they shall have the right to pursue their usual vocations of hunting, trapping and fishing throughout the tract surrendered as heretofore described, subject to such regulations as may from time to time be made by the government of the country, acting under the authority of His Majesty, and saving and excepting such tracts as may be required or taken up from time to time for settlement, mining, lumbering, trading or other purposes...”

MYTHS

- Constitutional right to be consulted
- Traditional Territory
- First “Nations”
- Third Party Duty to Consult

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