

**Mushkegowuk Council  
21<sup>st</sup> Annual Assembly 2006**

**Resolution No. 2006-09-35**

**Moved by:**

Chief Glenn Nolan  
Missanabie Cree First Nation

**Seconded by:**

William Cachagee, Proxy  
Chapleau Cree First Nation

**Adopted by Consensus**

Certified copy of a resolution  
passed on Sept. 22, 2006

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Stan Louttit, Grand Chief

September 22, 2006  
Fort Albany, Ontario

**Accommodation of Attawapiskat First  
Nation Concerns in the Rupert's Land  
Legal Action**

WHEREAS in 1869 the Parliament of Canada committed to the Queen of Great Britain that if Her Majesty united Rupert's Land (and the Mushkegowuk traditional territory) with Canada, Canada in return would "*make adequate provision for the protection of the Indian tribes whose interests and well-being are involved*"; and

WHEREAS the federal and provincial governments of Canada, instead of adequately protecting Mushkegowuk interests, passed numerous laws dealing with land ownership, mining, forestry, hunting and governance laws which have severely harmed the Mushkegowuk First Nations and Mushkegowuk people materially and culturally; and

WHEREAS the First Nations of Mushkegowuk Council commenced legal action to strike down various laws relating to lands and resources and governance as being unconstitutional and contrary to the 1869 commitment of Canada; and

WHEREAS the Attawapiskat First Nation has expressed concern about the possibility that:

1. some references in the lawsuit document to the collective "Mushkegowuk Nation" and the collective "Mushkegowuk Territory" might be misinterpreted in court and

2. some references in the lawsuit document to the collective "Mushkegowuk Nation" and the collective "Mushkegowuk Territory" might be misinterpreted in court and cause conflict with the Aboriginal rights and title of the Attawapiskat First Nation; and

3. some reference to Treaty 9 in the lawsuit documents might conflict with the potential claim by Attawapiskat First Nation that they did not sign the treaty; and

4. some parts of the lawsuit might conflict with the Attawapiskat First Nation's commitments in its agreement with DeBeers related to the Victor diamond mine; and

WHEREAS it continues to be the desire of the Mushkegowuk Council to accommodate the concerns of Attawapiskat First Nation so that Attawapiskat First Nation can resume participation in the legal action if it desires;

THEREFORE BE IT RESOLVED that legal counsel be instructed to amend the lawsuit documents to:

1. remove references to a separate "Mushkegowuk Nation" and a separate "Mushkegowuk Territory" to avoid confusion in court;

2. ensure that references to the Treaty in the court documents do not

state that the Attawapiskat First Nation signed the treaty; and

3. create an exception for the requirements of the existing Attawapiskat First Nation agreement with DeBeers, to exempt the mining and related rights in the agreement from the claims of the lawsuit; and

BE IT FURTHER RESOLVED that these amendments are not intended to derogate from the collective interests and aspirations of the Mushkegowuk First Nations and the Mushkegowuk people, but to promote co-operation and reduce the potential for unnecessary confusion and conflict in this particular legal action.