



Students' Society of McGill University  
Association étudiante de l'Université McGill

Office of the Speakers  
Bureau de Présidents du Conseil

Submitted for: January 24, 2013  
Resolved clause 1 committed on:  
January 24, 2013 to the General Assembly  
Resolved clauses 2 and 3 adopted on:  
January 24, 2013

### **Motion Regarding Support for Indigenous Peoples and Allies**

*Whereas*, article 35 of the Canadian Charter of Rights and Freedoms recognizes and affirms the aboriginal and treaty rights of the aboriginal peoples of Canada;

*Whereas* the Supreme Court of Canada held that when there is real or constructive knowledge of potential Aboriginal rights or title while contemplating conduct that might adversely affect it, the Crown holds a duty to consult the rights holders;<sup>12</sup>

*Whereas* the manner of the consultation must be meaningful;<sup>3</sup>

*Whereas* Bill C-45 will adversely affect Aboriginal and Treaty Rights as recognized and affirmed by S.35;<sup>4</sup>

*Whereas* the Crown has not fulfilled its duty to consult regarding Bill C-45;

*Whereas*, the United Nations Declaration on the Rights of Indigenous Peoples, to which Canada is a signatory, protects the rights of First Nation and Inuit communities to their land, which may not be taken or put to uses without free and prior consent, and more specifically the rights of aboriginal peoples to maintain their cultural, spiritual, economic, and conservation practices on their traditional land;

*Whereas*, destructive economic practices take place on the land of native peoples across the world without their consent and without just compensation;

*Whereas*, destructive economic practices take place on the land of native peoples across Canada without their consent, including in Barriere Lake, northern Alberta, throughout Northern Quebec, and British Columbia;

*Whereas*, those practices include extracting and refining the tar sands, logging, mining, the damming of rivers, and transportation projects like pipelines, high-voltage electricity lines, and logging roads;

*Whereas*, the native peoples and their allies across Canada have joined together in the Idle No More movement to put an end to these practices;

*Whereas*, the national power balance with regard to First Nation, Inuit and Métis policy lies squarely

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<sup>1</sup> Haida Nation v. British Columbia (Minister of Forests), 2004 SCC 73. File No.: 29419. 2004: March 24; 2004: November 18, p. 13-14, paragraphs 35-40.

<sup>2</sup> Mikesew Cree First Nation v. Canada (Minister of Canadian Heritage), 2005 SCC 69, File No.: 30246. March 14, 2005: November 24, 2005.

<sup>3</sup> Haida Nation v. British Columbia, p. 13-14, paragraphs 35-40.

<sup>4</sup> Mikesew Cree First Nation and Frog Lake First Nation have filed documents to federal court on January 8, 2013, arguing that provisions in Bill C-45 and Bill C-38 erode federal environmental protection in their territories, which violates their treaties and duty to consult.



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in the federal government's favour, and this government has proven to be unsympathetic to dialogue on a "Nation-to-Nation" basis as prescribed by the 1991 Royal Commission on Aboriginal Peoples (Erasmus-Dusseault Commission);

*Whereas*, there is an ongoing campaign run by students and alumni calling on McGill University to divest its holdings in companies that lobby to do business on or do business on native land without the consent of the community;

*Resolved*, that the SSMU adopt a position in support of the Idle No More movement and in support of the struggles of the Society's First Nation and Inuit members and allies.

**Comment [PC1]:** Committed to the SSMU General Assembly

*Resolved*, that the SSMU support campaigns to lobby the McGill administration to identify and divest its holdings in companies that do business or that lobby to do business on native land without the permission of the communities there.

*Resolved*, that the SSMU take reasonable steps to divest its holdings in those same companies, and that the FERC be mandated to research means by which this may be achieved.

Moved by:

Zachary Rosentzweig, Clubs and Services Representative  
Claire Stewart-Kanigan, Arts Representative  
Moe Nasr, Senate Caucus Representative  
Colleen Morawetz, Arts Representative

Adopted