

2024-06-27 - 001

## JOINT COUNCIL RESOLUTION

### Request for Band Division and Recognition/Reinstatement/Re-Establishment

**WHEREAS** the Chakastaypasin Band of the Cree Nation adhered to Treaty 6 on August 28, 1876, following which IR 98 was surveyed and set aside by the Crown for the use and benefit of the Chakastaypasin Band of the Cree Nation and its members;

**AND WHEREAS** the James Smith Cree Nation adhered to Treaty 6 on August 28, 1876, following which Indian Reserve ("IR") 100 was surveyed and set aside by the Crown for the use and benefit of the James Smith Cree Nation and its members;

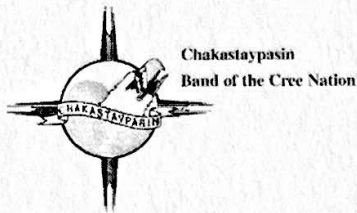
**AND WHEREAS** Indian Reserve IR 100A was surveyed in 1887 within Treaty 6 territory for the use and benefit of the "Cumberland Band of Indians on the Carrot River near Fort à la Corne" (known as the Peter Chapman Band);

**AND WHEREAS** the Crown broke up the Chakastaypasin Band by transferring the majority of band members to Peter Chapman and then proceeded with the unlawful surrender and sale of IR 98;

**AND WHEREAS** the Crown effected an unlawful surrender of the southern portion of IR 100A and subsequently effected the invalid amalgamation of the Peter Chapman Band at IR 100A, including their members and those members who had been transferred from Chakastaypasin and the remaining IR 100A Reserve lands with the James Smith Band in 1902;

**AND WHEREAS** the Crown's actions in relation to the transfer of Chakastaypasin members, and the unlawful amalgamation of the Chakastaypasin, James Smith, and Peter Chapman Bands represent a profound abuse of authority and a series of corresponding breaches of the Treaty, statutory and common law and fiduciary duties owed to the three constituent First Nations;

**AND WHEREAS** at a Band Assembly of the full membership of the invalidly amalgamated JSCN #370 Band held in May of 2000, the membership voted to ratify the *James Smith Cree Nations Election Act* ("JSCNEA") and also passed a Resolution entitled "James Smith Cree Nation



JAMES SMITH CREE NATION  
HOME  
OF  
INDIAN GOVERNMENT

PETER CHAPMAN BAND  
CUMBERLAND 100A

Assembly Resolution Respecting Reinstatement and Restoration Process” that provided as follows:

**Whereas**, there is a James Smith Band of the Cree Nations Resolution respecting the reinstatement of the James Smith Band, the Chakastaypasin Band and the Peter Chapman Band, dated December 22, 1997,

**And Whereas**, the James Smith Band, the Peter Chapman Band and the Chakastaypasin Band have elected the Chiefs and Councils for each Band on January 18, 19 and 20, 2000,

**And Whereas**, Indian and Northern Affairs Canada Ministers have instructed their officials to initiate the work and documentation required reinstating the respective bands,

**Therefore, Be it Resolved** that the James Smith Cree Nations formally initiate the restoration of the James Smith Band through its respective Chief and Council,

**And Be it further resolved** that the Peter Chapman Band of the Cree Nation formally initiate the reinstatement of the Peter Chapman Band through its Chief and Council,

**And Be it further resolved** that the Chakastaypasin Band of the Cree Nation formally initiate the reinstatement of the Chakastaypasin Band through its Chief and Council,

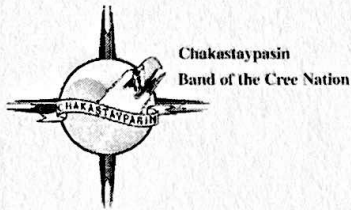
**And finally, be it resolved** that Indian and Northern Affairs provide the additional administrative monies required to initiate the work required and to complete the documentation for each of the three bands and the Federal Order-in-Councils recognizing the original status of the James Smith Band, the Peter Chapman Band and the Chakastaypasin Band.

**AND WHEREAS** the *JSCNEA* which was enacted, and came into force on March 19, 2002, sets out the governance structure and reflects the separate entities of each of the constituent bands (“Sectors”) which make up the unlawfully amalgamated James Smith Cree Nation #370;

**AND WHEREAS** the *JSCNEA* under Section V provides that the government of the James Smith Cree Nation #370 is composed of a Joint Council consisting of a Chief and four headmen (headpersons) for each of the Chakastaypasin, James Smith, and Peter Chapman Sectors;

**AND WHEREAS** the *JSCNEA* provides that quorum of the Joint Council for James Smith Cree Nation #370 shall consist of the Chief and 2 Headmen from each of the Chakastaypasin, James Smith, and Peter Chapman Sectors, and where a Chief of either of the three constituent bands is absent a Headman (Headperson) will be appointed by the absent Chief to conduct business at a duly called Joint Council meeting;





**AND WHEREAS** the Joint Council is currently responsible for the management and administration of the James Smith Cree Nation #370 *Indian Act* Band and together constitute Chief and Council within the meaning of the *Indian Act*;

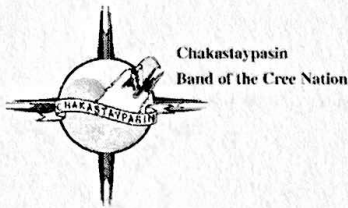
**AND WHEREAS** the Joint Council and each of the three Sectors contest the validity of the transfers of members and the unlawful amalgamation of the three constituent bands, and remain committed to the pursuit of the official restoration/reinstatement of the Chakastaypasin Band of the Cree Nation, the James Smith Cree Nation, and the Peter Chapman Band;

**AND WHEREAS** the challenge by JSCN #370 and the individual Sectors regarding the validity of the Crown's actions was included as a central component of Specific Claims submitted on behalf of all three Sectors in 2014, which have been the subject of negotiations with Canada since 2018;

**NOW THEREFORE BE IT RESOLVED THAT:**

1. The Joint Chiefs and Councils hereby formally submit a request to Canada to recognize and/or reinstate the three separate and distinct Treaty bands of Chakastaypasin, James Smith, and Peter Chapman as "Bands" within the meaning of the *Indian Act*, as authorized under s. 17 of that *Act*; and
2. The Joint Chiefs and Councils hereby request that Canada provide the funding required to support the de-amalgamation (Band division) process; and
3. The Joint Chiefs and Councils hereby request that Canada provide the funding and support required to re-establish the three separate and independent Bands, including but not limited to funding for programs and services and community infrastructure funding.

**Chakastaypasin Band of the Cree Nation**



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INDIAN GOVERNMENT

PETER CHAPMAN BAND  
CUMBERLAND 100A

Chief Calvin Sanderson

Date

Councillor Florence Sanderson

June 27, 2024  
Date

Councillor Barry Sanderson

June 27, 2024  
Date

Chakastaypasin Derrick Sanderson

June 27, 2024  
Date

James Smith Cree Nation

Chief Kirby Constant

June 27, 2024  
Date

Councillor Justin Burns

June 27, 2024  
Date

Councillor Gerald McKay

June 27, 2024  
Date

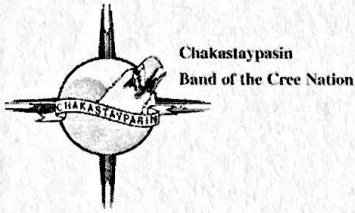
Councillor Alvin Moostoos

June 27, 2024  
Date

Councillor Tanya Moostoos

June 27, 2024  
Date

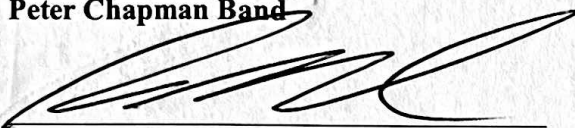




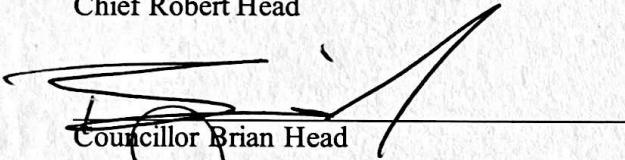
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CUMBERLAND 100A

**Peter Chapman Band**

  
Chief Robert Head

JUN 27, 2024  
Date

  
Councillor Brian Head

June 27/2024.  
Date

  
Councillor Valerie Whitehead

June 27/2024  
Date

  
Councillor Adam Whitehead

June 27/2024  
Date