



YOUR VOTE YOUR FUTURE
WHITECAP DAKOTA SELF-GOVERNMENT

Members' Information Package Community Approval Vote – April 27, 2023

Amendments to Whitecap Dakota Self-Government Agreement to Establish a Self-Government Treaty with Canada

Whitecap Dakota First Nation Members will vote on April 27th, 2023 to amend the Whitecap Dakota Self-Government Agreement. Proposed amendments will amend it to become a treaty that will:

- Support WDFN's sovereignty and inherent right to self-government; and,
- Recognize WDFN as Aboriginal Peoples under the Constitution of Canada

A Members' Vote to Amend our Self-Government Agreement

- Council presented a **Self-Government Agreement** to WDFN members in October 2022 for approval. The Agreement was overwhelmingly approved by members with 92% voting in favour, with over 60% of membership participating in the vote.
- On October 17, 2022, Chief Bear, together with Councillor Eagle and Councillor Royal met with Hon. Marc Miller, Minister of Crown-Indigenous Relations. They once again argued for proper recognition of the Dakota as part of Canada and acknowledgement of our contributions to the creation of this country.
- Following this meeting, when the Self-Government Agreement was in Cabinet for review, the Government of Canada finally acknowledged the truth: that Dakota people are 'aboriginal peoples of Canada' as defined by the Canadian Constitution with all the rights that go with that.
- Voting to amend the Self-Government Agreement to become a Treaty will confirm Whitecap Dakota's proper status in Canada.



Community Vote to Approve Self-Government Agreement

**April 27/23 – Band Membership Meeting
(In person & via Zoom)—Details Inside**



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Why Amend Our Agreement to Become a Self-Government Treaty?

With the proposed amendments in the Self-Government Agreement, Whitecap Dakota First Nation will be recognized as Aboriginal Peoples in the Canadian Constitution and will protect WDFN's inherent right to self-government.

The Self-Government Treaty Agreement as amended will:

- Recognize WDFN as aboriginal peoples with s.35 and s.25 constitutional rights
- Whitecap's Self-Self-Government Agreement will be fully protected as a Treaty
- Commit to future treaty work to deal with Aboriginal rights (lands, title, etc), and strengthen WDFN's position in these negotiations



SECTIONS 35 AND 25 OF CANADA'S CONSTITUTION—PROTECTING ABORIGINAL RIGHTS

Canada's Constitution includes two important sections that protect aboriginal rights and interests:

Section 35 entrenches and affirms indigenous/aboriginal rights in Canadian Constitutional law. The Supreme Court has used it to protect a range of different Indigenous and treaty rights, including legal recognition of traditional practices and rights (e.g hunting and food harvesting, marriage and adoption) and the ability to argue for ownership (title) of traditional lands.

Section 25 is part of Canada's Charter of Rights that provides some balance for aboriginal rights by guaranteeing that Charter Rights will not weaken existing aboriginal rights.

Is this like the other Treaties in Saskatchewan?

This agreement does not require a "release" on any rights the Whitecap Dakota may have. This agreement deals with implementing the Inherent Right to Self Government. It does commit to future treaty work to deal with other aboriginal rights (lands, title, etc). Other than the language added to change the Self-Government Agreement to a Self-Government Treaty, the rest of the document is unchanged. It retains the law-making powers and authorities, supported by a fiscal relationship.





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What are the Proposed Changes to the Self-Government Agreement?

Canada’s Law will recognize WDFN as an Aboriginal peoples under its Constitution (s. 2.01)

WDFN will be a s. 35 rights-holder under the Canadian Constitution, possessing the inherent right of self-government along with other aboriginal rights recognized in Canadian Law and in the Supreme Court.

Constitutional Protection of the Self-Government Treaty (s. 2.14)

Constitutional protection is the highest form of protection available and means that future Canadian governments could not unilaterally repeal the Treaty or take away rights that have been recognized by the Treaty.

Common Objectives section added that will govern the new relationship under this Treaty (s. 1.02), including how agreement is renewed and updated (s. 31.03)

Implementing WDFN’s inherent right of self-government and implementing the UN Declaration on the Rights of Indigenous Peoples in accordance with the Canadian Constitution:

- Achieving equity in well-being and enhancing economic opportunity;
- Strengthening Dakota culture, language and heritage.

WDFN does not have to “release” any of its rights as part of the Self-Government Treaty but does have a 3 year “forbearance” provision (s. 2.07)

- WDFN does agree, for a period of 3 years, not to sue Canada for matters relating to the Treaty. But there is no other release of an aboriginal or title right of any kind agreed to.
- WDFN does agree to exercise its right of self-government for matters addressed in the treaty consistent with what is set out in the treaty. In other words, it will play by the rules of the Treaty.

Future work on a Reconciliation Treaty

As part of future negotiations, WDFN and Canada intend to address other aboriginal rights (e.g. aboriginal title, lands, etc.) through a future “Reconciliation Treaty”.



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Whitecap Community Vote — April 27, 2023

Voting Process

The following question for the Approval Vote will be asked of the Eligible Voters (WDFN Members who are 18 years of age as of April 27, 2023) by secret ballot:

Do you approve the amendments to the Whitecap Dakota First Nation Self Government Agreement, originally approved by 92% of WDFN Members who voted on October 7, 2022, which will:

- recognize the Whitecap Dakota First Nation and its Members as "aboriginal peoples of Canada" with an inherent right of self-government under the Canadian Constitution; and,
- give full constitutional protection through sections 25 and 35 of Canada's Constitution to the amended agreement, now titled A Self-Government Treaty Recognizing the Whitecap Dakota Nation / Wapaha Ska Dakota Oyate?

How Can I Vote?

In Person:

When: Thursday, April 27, 2023 at 5:30 pm (voting to start at 7 pm)

Where: In-person Band Membership Meeting at Dakota Dunes Resort

E-Voting:

E-Vote Registration to begin on Monday, April 24th at 12:00 pm

E-vote Polls open on Thursday, April 27th 9 am—7:30 pm

**more information on e-voting available on Facebook and at www.whitecapdakota.com*

Copies of the Approval Package may be obtained from the Whitecap Dakota Government Office or on the WDFN website (www.whitecapdakota.com)