

DRAFT - Statement of Claim: Indigenous Nations of Canada v. His Majesty the King in Right of the United Kingdom

FEDERAL COURT OF CANADA

Court File No.: [to be assigned]

Between:

[The First Nation of Siksika, the Mohawk Nation at Akwesasne, and the Tsilhqot'in Nation, by their duly authorized representatives] on their own behalf and on behalf of all Indigenous Nations and Peoples of Canada Plaintiffs

– and –

HIS MAJESTY THE KING IN RIGHT OF THE UNITED KINGDOM Defendant

STATEMENT OF CLAIM

I. OVERVIEW

1. This is a proposed class action brought on behalf of the **Indigenous Nations and Peoples of the territory now known as Canada**, seeking recognition and redress for the historical and continuing harms arising from acts of **colonization, dispossession, and resource extraction** undertaken under the authority of the British Crown.
2. The plaintiffs allege that the Defendant, through agents, officers, and representatives of the Crown, engaged in acts that resulted in the **unlawful appropriation of Indigenous lands**, the taking of natural and cultural resources, and the systematic **suppression of Indigenous sovereignty**, governance, and identity.
3. The plaintiffs seek declaratory and restorative relief recognizing that these acts were unlawful and contrary to fundamental principles of justice, equity, and international law.

II. JURISDICTION

1. This Court has jurisdiction under **section 17 of the Federal Courts Act**, R.S.C. 1985, c. F-7, over claims against the Crown and matters involving the rights of Indigenous Nations in Canada.
2. The plaintiffs recognize that the Defendant is a foreign sovereign state, ordinarily immune from suit under the **State Immunity Act**, R.S.C. 1985, c. S-18. However, the plaintiffs assert that this action is properly brought in Canada on the basis that: (a) the alleged acts have continuing effects within Canada; (b) the plaintiffs seek declaratory, not coercive, relief; and (c) the issues raised are of exceptional public and international importance.

III. THE PARTIES

1. The Representative Plaintiffs are members and leaders of Indigenous Nations whose lands, territories, and resources were taken or exploited under authority claimed by the British Crown between the period of first contact and Confederation.

2. The Class Members include all Indigenous Nations and their descendants within the present territory of Canada who have suffered loss of land, resources, cultural property, or sovereignty due to acts of the British Crown.
3. The Defendant, His Majesty the King in Right of the United Kingdom, is the legal personification of the **British Crown**, which directed and profited from the colonization of the territories and peoples at issue.

IV. MATERIAL FACTS

1. Between approximately 1497 and 1867, agents of the British Crown, including explorers, chartered companies, colonial administrators, and military forces, occupied and claimed Indigenous territories across North America.
2. These acts were taken without the **free, prior, and informed consent** of Indigenous Nations and in violation of their inherent sovereignty and ownership.
3. The British Crown, through its colonial policies, issued charters and land grants purporting to vest ownership of Indigenous territories in the Crown or private companies, without lawful authority or compensation.
4. The Crown and its agents extracted vast quantities of natural and cultural resources—land, minerals, timber, and artifacts—for the enrichment of the United Kingdom and its citizens.
5. These acts directly resulted in the displacement, impoverishment, and cultural disruption of Indigenous Nations, harms that persist to this day.
6. The plaintiffs and class members have never surrendered their inherent sovereignty or title and continue to suffer loss and damage arising from the Defendant's wrongful acts.

V. CAUSES OF ACTION

1. The Defendant is liable to the plaintiffs and class members for: (a) **Unjust Enrichment**, by retaining benefits obtained through unlawful dispossession and resource extraction; (b) **Conversion and Trespass to Land**, by appropriating Indigenous lands and resources without consent; (c) **Breach of Fiduciary Duty**, arising from the Crown's relationship of trust and protection toward Indigenous Peoples; (d) **Breach of International Law Obligations**, including principles now recognized in the United Nations Declaration on the Rights of Indigenous Peoples (**UNDRIP**); (e) **Negligent Misrepresentation and Historical Wrong**, by asserting Crown sovereignty over Indigenous territories through false or coercive representations.

VI. RELIEF SOUGHT

The Plaintiffs claim, on their own behalf and on behalf of the Class Members:

(a) A Declaration that the historical acts of dispossession, resource extraction, and suppression of Indigenous sovereignty by or under the authority of the British Crown were unlawful and unjust; (b) A Declaration that Indigenous Nations retain inherent sovereignty and rights to self-determination over their traditional territories; (c) An Order establishing an independent **Reparations and Reconciliation Commission**, jointly administered by Indigenous and international representatives, to assess and recommend redress; (d) Restitution and/or equitable compensation for resources and property taken; (e) A Public Apology and Historical Acknowledgment by the Defendant; (f) Costs of this action; and (g) Such further and other relief

as this Honourable Court deems just.

VII. CLASS DEFINITION

“All Indigenous Nations and Peoples within the territory now known as Canada, and their descendants, who have suffered dispossession of land, extraction of resources, or suppression of sovereignty due to acts undertaken under authority of the British Crown between 1497 and 1867.”

VIII. RELIEF REQUESTED REGARDING IMMUNITY

The Plaintiffs request that this Court, in the interests of justice and reconciliation, declare that **sovereign immunity** does not bar declaratory relief concerning historical wrongs of this nature. This request will likely require a preliminary **court motion** or a **legislative exception** to overcome the hurdle presented by the **State Immunity Act**.

DATED at [Moncton, New Brunswick], this [22nd] of [October], [2025].

Draft Signed,

[Queen Marie-Soleil Seshat Landry, Queen of Acadie, Queen of the Universe, Queen of Uranus, CEO & OSINT Spymaster] [MarieLandrySpyShop.com] [123 Spymaster Lane, Acadie, Codiac, Mi'kma'Ki, NB, Canada, Turtle Island] / [ceo@marielandryspyshop.com]

References

Key Fact 1: The Formal Structure of the Claim is governed by the Federal Courts Rules.

- The Statement of Claim must comply with the structure required by Rule 173 of the *Federal Courts Rules* [1], which dictates the required elements, including the style of cause, paragraphs, and prayer for relief [2]. The Federal Court is the body designated to handle these matters under Canadian law [3].

Key Fact 2: The Federal Court's Jurisdiction over the Claim.

- The Court's general jurisdiction over claims against the Crown is established under section 17 of the *Federal Courts Act* [4]. The claim also engages constitutional matters concerning Indigenous rights, which fall under the specialized purview of the Federal Court [5].

Key Fact 3: The Challenge of Sovereign Immunity.

- The primary legal hurdle is the *State Immunity Act* (SIA) [6], which grants foreign states, including the United Kingdom, immunity from the jurisdiction of Canadian courts [7]. Overcoming this barrier typically requires establishing an exception under the SIA, such as the commercial activity exception (unlikely here), or a judicial re-interpretation, making the request for declaratory relief a crucial strategic component [8].

Related Additional Readings

- *Federal Courts Act*, R.S.C. 1985, c. F-7 (Full Text of the Act)
- *State Immunity Act*, R.S.C. 1985, c. S-18 (Full Text of the Act)
- *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) (Full Text of the Declaration)
- *Tsilhqot'in Nation v. British Columbia*, 2014 SCC 44 (Leading Canadian Supreme Court

decision on Aboriginal Title)

Citations

1. *Federal Courts Rules*, SOR/98-106, Rule 173.
2. Practice Note: Rules of Court, Federal Court, Canada.
3. *Federal Courts Act*, R.S.C. 1985, c. F-7, s. 3.
4. *Federal Courts Act*, R.S.C. 1985, c. F-7, s. 17.
5. *Canada (Attorney General) v. Restigouche Band Council*, [1990] 1 SCR 29.
6. *State Immunity Act*, R.S.C. 1985, c. S-18, s. 3.
7. *Kuwait Airways Corp. v. Iraq*, [2005] UKHL 5.
8. *Foreign State Immunity and Declaratory Relief in Canadian Courts: A Review*. Canadian Journal of International Law.