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SHNAWBE-ASKI NATION GRAND COUNCIL TREATY NO. 9

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23 JUL 1982	
ACT 137	
To:	Mr. Nyamockye
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<input type="checkbox"/>	Action completed
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Initials	

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July 19, 1982

Division on Human Rights
Office D-318
Palais des Nations
CH-1211, Geneva 10
Seitzerland

ATT: The Chairperson of the United Nations Working Group on
the Rights of the Indigenous Peoples

Gentlemen:

The Nishnawbe-Aski Nation first identified itself to the Government of Canada and the Government of the Province of Ontario, in Canada, of our rights as a nation within the Canadian social and political structure in August 1977.

Our battles have been magnified over the last several years by the efforts of the government of Canada to patriate the British North America Act to Canada from Great Britain. The British North America Act is essentially the Constitution of Canada, but since the Parliament of Great Britain, any amendments to the British North America Act have to receive the direct approval of the Parliament of Great Britain. Canada was insistent that she should have her own Constitution, with all of the accompanying rights to amend that Constitution within the political structure of Canada itself.

This right was presented by an act of Canadian Parliament called the Canada Act and was approved by the United Kingdom Parliament earlier this year, 1982. On April 17, 1982, the Queen of Great Britain visited Canada and on that day, publicly proclaimed that Canada now had her own Constitution. The British North America Act had been patriated from Great Britain to Canada.

What did this mean to the Aboriginal people of this country? Our position was that this meant that our historic ties to Great Britain that we had felt were sacred, were now severed forever. Our position was that as sovereign nations within the North American continent, we have a basic right of self-determination and that any effort to nullify that basic right or to override it with an alien form of government, had to receive the direct consent of the Abor-

iginal Nations. We lobbied extensively in Great Britain to stop the Patriation of the British North America Act.

From all intents and the final results of the British Parliament, our efforts were in vain. However, the Nishnawbe-Aski are still fighting at the Court level in Great Britain, that our basic right of sovereignty, our identification as nations within the continent of North America, still exists. The Court is dealing now, and presumably will make a decision whether or not the doctrine of consent of all those people who have a right to be involved in matters of consent, were involved in the Patriation of the British North America Act. Certainly, our hope is that the Supreme Court of Great Britain will rule that the Patriation of the British North America Act, without consent of a recognizable entity within the Canadian social and political structure, was illegal.

This covering letter will explain the last page of the submission that was made by the Nishnawbe-Aski to the Aboriginal Forum of the World Council of Indigenous People at Canberra, Australia. The bottom line of the whole concept of Federal and Provincial jurisdictions, under our renewed Canadian Constitution, is control and jurisdiction over lands and resources. Certainly, it is recognizable that any nation must rely upon its ability to produce from the land that it has authority to govern over. Its economic structure is dependent upon its ability to produce for its people and to maintain its economy.

The Nishnawbe-Aski Nation, the Ojibway and the Cree people who have lived in this part of North America from time immemorial, have suffered a fate from a form of colonialism that literally denies them the right of their own methods and ways of tradition and their lifestyle as has been governed by their own spiritual beliefs. Our identification in the land is complete. Our people have proven over the years that we have utilized every inch of space in this vast area of land that incidentally is almost unexplored in terms of today's search for mineral wealth.

In November of 1980, we took to the International scene at the Fourth Russell Tribunal in Rotterdam, Holland, our case that charged the governments of Canada and Ontario with social, political and economic genocide. We proved to the jurors of the Fourth Russell Tribunal that our case was worthy of a moral judgement in our favour and was worthy of the support from the International scene. Our case was clearly outlined and is available upon request.

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In the spring of 1981, we took our case, involving our rights in the lands, to the World Council of Indigenous Peoples in Canberra, Australia, and there we submitted the attached document and we secured a resolution that gained a unanimous support. We now respectfully request the United Nations Working Group on Indigenous Populations to review the submission that we made at Canberra, Australia, and to render a support to the cause of the Nishnawbe-Aski of Canada in our search for our right to self-determination and our rights for an equal participation in the wealth that this vast country still contains. We have suffered in the past. Our people are suffering today. With the Patriation of the British North America Act and a forthcoming conference that may establish legal definitions of Aboriginal Rights, the future can certainly be bleak for our people. Our rights as an Indigenous population are without question and worthy of support.

We thank you for this opportunity to present to you our position.

In Solidarity for greater awareness of Aboriginal Rights,



Fred Plain,
Director for the Development of Nishnawbe-Aski Government and
Special Advosr to Grand Chief Wally McKay, Nishnawbe-Aski Nation,
Canada

FP:ck
Encl.