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UNITED NATIONS
WORKING GROUP ON INDIGENOUS POPULATIONS
SIXTH SESSION, AUGUST 1988, Geneva

STATEMENT ON THE TREATIES

STATEMENT BY:

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PRAIRIE TREATY NATIONS ALLIANCE *

NATIONS MAKE TREATIES - TREATIES DO NOT MAKE NATIONS

The Prairie Treaty Natoins' Alliance represents those peoples who are the direct heirs of the Indian parties to Treaties entered into between their Nations and Her Majesty the Queen. Specifically, we represent Indian Nations who are signatory to the PTNA Convention, our instrument for political affiliation. We are a 128-Band alliance of Indian Natoins from across the Prairie Provinces and from northeastern British Columbia in Canada, representing approximately 120,000 Indian people.

To understand the nature of our relationship through the Treaties with the Crown, and the objective of Indian self-determination which we seek, we must be clear on our position on Indian sovereignty within Canada. Unless our rightful political status is acknowledged and given constitutional force, the federal government will continue its colonial policies aimed at dissolving us within Canadian society.

These policies include:

- Canada's attempts within the United Nations and the International Labour Office to prevent the international community from recognizing or even studying, the status of our Treaties;
- Canada's efforts, with provincial support, to deny any real content to our aboriginal and treaty rights, as entrenched in the Canadian Constitution;
- Canada's campaign to municipalize our lands and communities under provincial control, and to call this "self-government", when it is really delegated local administration; as acknowledged by the Canadian Delegation to this assembly on Tuesday August 2, 1988
- Canada's control over how our Nations define our own citizenships; Canadian Legislation Bill C-31, a regressive, repressive and totally unacceptable to our Indian Nations. Our inherent and collective right to determine our own citizens remains with the Indian Natoins.
- Canada's unilateral interpretation of the content of the Treaties, and refusal to engage in bilateral negotiations to ensure that those agreements are fully implemented, our claims fairly settled, and ongoing protection provided.

Together, these amount to a denial of our inherent sovereignty and the limited ways in which it was modified by agreement through the Treaties.

No country, not even the strongest, has the power to rule its people and territory free from controls exerted by other sovereign nations. To varying degrees, compromises are made. These affect all those powers of any sovereign nation which are necessary for self-government and self-determination.

Through such compromises, a nation can act in a sovereign way to give up part of its sovereignty, and enjoy the protection of another power. But that does not make its sovereignty any less real. The nation keeps its inherent right of self-government. Sovereignty is retained as long as this right is not given up.

Prior to the Treaties, our Nations had thriving political, cultural and social institutions. They had highly structured governments. They exercised all the powers necessary to maintain social and political stability. There were distinct governments with clearly defined lines of authority and jurisdiction.

One attribute of a sovereign nation is the power to make those formal legal agreements which are called treaties. The treaty making power is a recognition of our collective rights as Indigenous Nations.

The Crown, of course, has a very long history of recognizing and acknowledging our inherent and Treaty rights. The Royal Proclamation of 1763 is a primary constitutional document that protects our rights. In it, the British King, George III confirmed Indian ownership of Indian Lands and stipulated that these could be acquired only by the Crown, and then only with the consent of the Indian Nations affected.

The instruments chosen by the Crown to acquire Indian Lands were called "Treaties", rather than "contracts" or "agreements". In this way, the Crown recognized the capacity of our Nations to enter into Treaties.

Treaty-making based on Indian consent was to be the required and sole procedure for the Crown and its agents in dealing with the Indian Nations over land and political matters. The process of Treaty negotiations was, and is, that of mutually-recognized sovereign nations coming together to establish an ongoing relationship. That process and protocol is bilateral in nature, between the Crown and the Indian Nations. This approach must be utilized if our Treaties are to be affected in any way.

The Crown's responsibilities now lie with the Government of Canada, which has assumed exclusively all obligations contained in the Treaty relationship. These cannot be delegated to third parties, such as the Provinces.

Further, Canada bears trusteeship obligations towards Treaty Indian Nations which the federal government has the task of fulfilling. These include measures to ensure the maintenance and development of our societies, cultures and resources. In the past, the supposed legislative and administrative protections for our Nations have proved ineffective.

They have not ensured :

- the maintenance of our political status,
- fair and equitable settlement of our land claims,
- fulfillment of our treaty land entitlements,
- sharing of the proceeds from resource development,
- recognition of our property and territorial jurisdictions,

- enforcement of the treaties, and
- performance by the Crown on its trusteeship responsibilities.

So much for the past. How have our sovereign rights under treaty been dealt with in the extremely important process now underway to amend Canada's constitution ?

The Prairie Treaty Nations' Alliance was denied direct access to the First Ministers' Conference held last year, even though it was, and is, the only organization mandated to speak jointly on behalf of the Treaty Indian Nations in much of western Canada.

Even so, the Alliance's position was tabled there, and I want to stress three points from it :

one, the federal government is the sole institution responsible for the Crown's obligations under Treaty, and the trust this involves;

two, the exclusively bilateral character of any acceptable process dealing with our relations with Canada;

and there, the need for our free consent to any measures affecting us.

The presumption that Canada, the provinces, and certain Indigenous peoples will meet in conference to identify the meaning of Self-Government, is one thing that the member nation of the Prairie Treaty Nations Alliance cannot and will not agree with.

First : the multi-lateral process is totally unacceptable because of the bi-lateral nature of the treaties.

Second: the member Nations of the PTNA will continue to assert our inherent right to self-government and will not be dictated to with respect to how our Nations will organize and structure their governments system. That is our business.

At this point, Madame Chairperson, I would like to make reference to a document entitled "Indian Nations - In Unity with our Sacred Treaties", we have presented it to you and to your colleague, Mr Miguel Alphonso Martinez. I would request that you make it available to your other colleagues in the Working Group. The document identifies the sovereign and inherent rights of our indigenous peoples. It also identifies the rights that flow from the Treaties.

The Canadian Government and the Provincial Government position on each issue is also outlined.

The interesting column in the document outlines the "current situation". While Canada paints a very rosy picture for the International Community, the Indian Nations in Canada have a very different perspective of the situation. We have to live with the unfulfilled promises. Because of time constraints, I will not enumerate these at this time. The action or non-action is self-evident.

I would like to make reference to two documents which you have been given earlier. The Prairie Treaty Nations Alliance Document entitled "Canada-Indian Nations Relationships", and the Federation of Saskatchewan Indian Nations document entitled "The First Nations - Indian Government and the Canadian Confederation". These documents provide an historical perspective of the Treaties and they also outline very clearly a Treaty perspective for the implementation of our sacred, living Treaties. I trust that these documents will provide very positive reference points in dealing with the issue of the Treaty Study.

While we agreed in the Treaties to some limitation on our external sovereign abilities, this does not at all provide for the domination which Canada continues to impose upon us.

Canada's policies towards Treaty Indian Nations must be grounded in recognition of our inherent sovereignty and of the treaty relationship. This is crucial if non-Indian governments are to be kept from interfering in our internal affairs, and if we are to achieve and re-experience the self-determination which is our fundamental rights as peoples.

I appeal to the United Nations Working Group on Indigenous Populations to continue the dedication you have shown in the past and request your full support for the efforts of Mr. Alphonso Martinez in a Treaty Study.

I also appeal to the member states of the United Nations to support the call for a Treaty study.

My final appeal is to the Canadian Government; Canada, give the Treaty Study your full support; give the Treaty Indian Nations in your country the necessary fiscal support so that we can participate fully at the National and International levels.

We are only asking that we be dealt with fairly, equitably, and with justice; so that we may live with pride and dignity among, and with the settler societies.

Nations make Treaties - Treaties do not make Nations. Thank you Madam Chairman.