

REMARKS OF THE UNION OF BRITISH COLUMBIA INDIAN CHIEFS BEFORE THE FIFTH SESSION OF THE UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS, Geneva, Switzerland, August 3, 1987 - August 7, 1987.

MADAME CHAIRPERSON of the Working Group on Indigenous Populations, I am SOL TERRY, President of the Union of British Columbia Indian Chiefs. I bring to you Madame Chairperson and members of the Working Group greetings from the member nations of the Union.

The Union of British Columbia Indian Chiefs has been privileged to contribute to the efforts of the Working Group on Indigenous Populations over the last several years. It is our wish to continue to assist the Working Group as it pursues its complicated and important tasks.

We address the Working Group on agenda item number 5 with special emphasis on the setting of standards in connection with the right of Indigenous Nations to exercise the natural right of self-determination. We agree that the meetings of the Working Group should not be used solely to make complaints. Therefore, we would have the Working Group note that we will present examples of circumstances between Indian Nations in British Columbia and the state of Canada. With these examples, we hope to assist members of the Working Group in their better understanding of our recommendations for standards relating to self-determination.

SELF-DETERMINATION is for Indian Nations the process of exercising self-governance without external interference. This is a natural right flowing from our position as the first nations to rise upon the soil. Our nations were not created or established by force or coercion, nor were they created with the signing of a law on a piece of paper. Our nations were created from natural laws.

From time immemorial, the first nations practiced uncontested, supreme and absolute power over our territories, our resources and our lives with the right to govern, to make and enforce laws, to decide citizenship, to wage war or to make peace and to manage our lands, resources and institutions. Aboriginal Title and Rights are the terms we use to describe these fundamental realities of our nations.

ABORIGINAL TITLE AND RIGHTS means we as Indian people hold Title and have the right to maintain our sacred connection to Mother Earth by governing our territories through our own forms of government. Our Nations have a natural and rightful place within the family of Nations of the World. Our political, legal social and economic systems developed in accordance with the laws of the Creator since time immemorial and continue to this day.

Our power to govern rests with the people and, like our Aboriginal Title and Rights, it comes from within the people and cannot be taken away. As with our power to govern, we possess the natural right to determine our own future.

WHILE WE SAY that we, like all human beings, have the natural right to decide our own way of life independent of external intervention, to have the right is not the same as exercising the right. Our nations may choose to exercise the right, but there are competing forces in the world who seek to deny us how we will decide our political future, how we decide to use and dispose of our natural resources and even how we decide to practice our social and cultural life.

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To illustrate this point I would like to briefly describe our efforts to exercise political self-determination in our relations with the state of Canada. The State of Canada was only recently established in 1982 under its own constitution. Prior to 1982, Indian Nations in our part of the World strongly urged the emerging state of Canada to enter into a dialogue where our nations might join the new state of Canada in political confederation. Our proposal was that our nations and the people of Canada would share in political power to govern a fully confederated state of Canada. For many years before 1982, our nations sought to exercise our natural right to determine our own political status by seeking to negotiate a power sharing arrangement that would be mutually advantageous to Indian Nations, and to the people of Canada. Despite our greatest efforts, the leaders of Canada rejected all of our proposals. Instead of renewing efforts to enter into dialogue with our nations, the Canadian leadership chose to enter into subterfuge and manipulations. Instead of entering into mutually defined negotiations, the Canadian leaders chose to deny our nations an equal place at the negotiating table.

Canadian leaders rejected any discussion of our sharing of political power in the government of Canada. Our nations were advised that the new state of Canada had no place for our nations. On April 17, 1982 the new state of Canada was proclaimed as constituted, but no Indian nation would share in the political powers of governance in the federal system of governments. Our nation were, by the decision of the Canadian people, placed outside of the Canadian political system of governments.

Our national identities and our national existence as peoples were not to become a part of the new state of Canada. Since 1982, our nations have been outside of the state of Canada in search of a political status. But, Madame Chairperson of the Working Group, we must note that despite the fact that the leaders of Canada denied our choice to become a part of the State of Canada as an expression of our own self-determination, the state of Canada has worked very hard during the last five years to frustrate the exercise of self-determination by our nations. Since Canada rejected our desire to become a part of Canada as co-equal partners in the political governance of Canada, the government of Canada has worked to dismember our nations and confiscate our lands and resources.

The government of Canada has said to the Working Group that it has worked to include our nations in its constitutional process. This is not true. Indeed, the government of Canada has worked to divide our nations in an effort to create the appearance that we have participated. Now Canadian government representatives say to this working Group that "there is not yet a consensus" among Indian Nations on the Canadian Constitution. Madame Chairperson, How can there be a consensus among Indian Nations, or how can there even be a process of negotiations at this late date when five years ago the leaders of Canada demonstrated their disdain for our nations by rejecting all of our proposals and then they established a constitution for Canada without us. Madame Chairperson, I would suggest to this body and to the world that you have all been a victim of a sham, a fiction perpetuated by the government of Canada. There are no negotiations now on the constitution of Canada involving Indian nations. What is actually occurring is a public fiction covering efforts by the state of Canada to breakup Indian nations and confiscate our lands and resources. The fiction now being perpetuated in the international community is aimed at denying our nations the right to decide our own political future without Canadian interference.

Self-determination of our nations now rests solely with our own choices, but Canada must stop its attempts at interfering with our decisions. Canada's uncompromising rejection of legitimate Indian national aspirations for self-determination make a lie of its reports of cooperation with Indian nations.

Our nations and our peoples are outside of Canada now. We have yet to determine a different political course which may include or may not include the state of Canada. Our nations did not choose to be separate and distinct politically from Canada, it was Canada which pushed our nations out and rejected our full participation.

THE UNION OF BRITISH COLUMBIA INDIAN CHIEFS RECOMMEND that the Working Group on Indigenous Populations consider these principles as the foundation for the right of self-determination of indigenous nations.

- ... We are the original people of these lands and have the right to survive as distinct Peoples into the future;
- ... Each First Nation collectively maintains Title to the lands in its respective traditional territory;
- ... We have the right to choose and determine the authoritz we wish to exercise through our Indian governments;
- ... We have the right to exercise jurisdiction within our traditional territories to maintain our sacred connection to Mother Earth through prudent management and conservation of the resources for the economic survival and well-being of our citigens ;
- ... Only through a process of informed consent may our governing powers or our land be shared.

MADAME CHAIRPERSON, and members of the Working Group, we have attached to my oral remarks a document of long standing among our nations which describes in greater detail the elements and measures of Aboriginal Title and Rights. I submit this added information as a part of my remarks since time does not permit their full reading.

ON BEHALF OF THE UNION OF BRITISH COLUMBIA INDIAN CHIEFS, I thank the Working Group on Indigenous Populations for this opportunity to discuss our views concerning the right of Self-Determination