



Algonquins of Barriere Lake

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R I G H T T O
S E L F - D E T E R M I N A T I O N
O F T H E
A L G O N Q U I N P E O P L E S

Presented
by
Chief Jean Maurice Matchewan

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INTRODUCTION

Madame Chair,

Thank you and the other members of the working group for allowing us this opportunity to appear before you today. I would like to introduce myself, my name is Jean Maurice Matchewan and I am Chief of the Algonquins of Barriere Lake. I would like to begin by saying that we recognize the importance of this working groups' mandate, particularly with respect to the development of international standards on the Rights of indigenous peoples through the instrument of a Declaration of Indigenous Rights. We have not come to this forum to complain for the sake of complaining. Our purpose in participating in this process is to illustrate, through example, the systematic denial of our basic Human Rights as Peoples to our Social, Cultural, Economic and Political Self-Determination. Our situation is largely due to the absence of binding International standards which recognize and respect the Rights of Indigenous Peoples to Self-Determination.

We would like to begin by providing you with a brief background of our particular situation. We will then review our current experience with the Canadian State, concluding with our recommendations for your consideration in your work on developing International standards regarding the Rights of Indigenous Peoples.

BACKGROUND

The People of Barriere Lake are part of the Algonquin Nation, we have our own system of government which is based on Land. In the Feast, which is our main institution of Indian government, we gather twice a year to Thank the Creator for what he has provided, and to discuss the Affairs of our Nation. According to our beliefs, the Feast and our other important institutions of government were given to us by the Creator from the beginning of time.

Our traditional lands lie within the geographic area now known as Quebec located within the boundaries of what is now known as Canada. Our ownership and jurisdiction of our Ancestral territory has been acknowledged historically by both the French and British Nations. The original agreement between these two Nations and ourselves is recorded on a Wampum Belt a graphic reproduction of which is displayed on our letterhead at the top of our covering page. It shows three human figures with their hands joined. The center figure symbolizes the Indian Nations and the figures to the left and right symbolize the French and English. Beside the three figures is a cross which symbolizes the Church. We read this Wampum Belt Agreement into the public record at the Canadian Constitutional Conference on Aboriginal Matters, held in Ottawa on March 26, 27, 1987.

THE WAMPUM BELT AGREEMENT

This historic agreement, according to the memories of our elders, provided that any dealing with land would involve Indian Nations. It was agreed, at the time, that the Indian Nations would always be recognized by the French-speaking and English-speaking Nations as leaders in our Homelands and that any negotiations regarding the use and sharing of the resources would necessarily involve the **CONSENT** of the Indian Nations.

This Historic Agreement also provided that the matter of Jurisdiction, was to be based on mutual **RESPECT** and **EQUALITY**.

Upon concluding this Sacred Agreement, it was witnessed by a Priest, as such, it was sanctioned by the Church which undertook to see to its fulfillment.

This Agreement was confirmed by the Articles of Capitulation of 1760 and reaffirmed in the Royal Proclamation of 1763, both of which acknowledged our preexisting Rights including our ownership of and jurisdiction over our Ancestral territory.

We have never ceded or surrendered our lands and despite the encroachments we have never acknowledged anyone else's ownership of them. Nor have we surrendered our inherent authority and jurisdiction to use, occupy, possess and manage our Territory in accordance with our Traditional Laws and Customs, which predate European contact by many thousands of years.

As it now stands the People of Barriere Lake are systematically being denied our land rights and the Right to our Political Self-Determination. In contravention of the Wampum Belt Agreement, the governments of Canada and Quebec are imposing their laws upon our People without our **Consent**. We have our own Traditional Laws and Customs which are being suppressed and denied by the non-Aboriginal governments. The government of Canada continues to attempt to impose the **Indian Act** upon us through fiscal and administrative coercion. They are aided and abetted in this effort by the government of Quebec, which also attempts to impose its laws upon us without our **Consent**.

In 1962 the Federal and Provincial governments created a 59 acre Indian Reserve at Rapid Lake. The site and size of the Reserve was selected without our **Consent**. We were coerced into moving to this Reserve because this was the only place where our children could obtain education and health services from the Federal government. At present there are over 400 people living on the Reserve and overcrowding has led to the loss of groundcover. There is extensive shoreline and inland erosion due to the loss of groundcover. Both the government of Canada, and the government of Quebec are attempting to pressure us to remain on this 59 acre Reserve, they are trying to get us to abandon our Traditional Territory and our Way of Life.

The Quebec government continues to marginalize our subsistence economy by issuing timber licences, allowing our forests to be clear-cut. The navigation to our hunting and

trapping grounds by water is affected by the changes in water levels, this is caused by the "pattern of operation" of Provincially created Reservoirs. We face increasing competition with non-aboriginal hunters and fishers who are being licenced by the Provincial government. We need the animals and fish for our survival, not for sport.

The net effect of resource developments in our area has been destruction of the environment and degradation of our people. At present, only 16 of our population of 441 are employed, the rest receive welfare and a few find seasonal work. We do not participate in the forestry activities that are occurring in the region, and we participate in the tourism sector very little. We do not benefit from the wage economy.

Our goal is to get the governments of Canada to recognize and respect our territorial and jurisdictional rights so that we can work to achieve sustainable development within our Territory, based on our Traditional Customary Laws.

Our main problem is that the Federal and Provincial governments do not now recognize or respect our Aboriginal Title to our Territory. This results in jurisdictional disputes between us and the governments of Canada over our use, occupation, possession, management and control of our Territory.

EXPERIENCE WITH THE CANADIAN STATE

Canada is hailed abroad for having given special recognition to aboriginal peoples in its renewed Constitution. However the truth of the matter is that the Constitutional recognition which we were given has done little to improve the situation of our people. Section 35 of the Constitution Act 1982 "Recognizes and Affirms the existing Aboriginal and Treaty Rights of Aboriginal Peoples". However the Federal and Provincial governments are interpreting this provision in the narrowest sense by emphasizing the word "existing" in section 35. Prior to the amendment of the Canadian Constitution, we received assurances from the governments of Canada that the word "existing" did not detract from the meaning of section 35. Now they are arguing in Canadian courts that section 35 only protects aboriginal and treaty rights to the extent they were "existing" or infringed as at the enactment of section 35. In other words, they are saying that entitles them to continue violating our rights.

There is a denial that there exists in Canada any Inherent Aboriginal Rights, including Aboriginal Title. The Constitutional interpretation that these non-Aboriginal governments are advancing is that the only avenue available to Aboriginal Peoples to have a "Recognized" form of "Self-Government" is to enter into negotiations with the Federal and Provincial orders of government, and if these non-Aboriginal governments agree then a "delegated" form of local government might be given through "enabling

legislation". However there is no guarantee that "Self-Government negotiations" will necessarily lead to any agreements that will allow for the "Self-Determination" of Aboriginal Peoples in Canada.

We feel that Canada is corrupting the principle of **Consent** through the instrument of "Self-Government Agreements" which we believe can only lead to the termination of our rights. The Government of Canada is also using financial, administrative and Political techniques to over-ride **Indian Consent**. For example, the **Standing Committee on Aboriginal Affairs and Northern Development** no longer meets because the ruling party Members of the Committee refuse to attend. As a result, the Committee cannot obtain a quorum. This allows the Executive Branch of the Federal government to arbitrarily impose policies and practices on our Community while denying us a Parliamentary forum to express our legitimate concerns.

CONCLUSIONS AND RECOMMENDATIONS

In conclusion, we must point out that the **Three-Figure Wampum Belt** which we introduced into the public record at the 1987 First Ministers' Constitutional Conference on Aboriginal Matters, is a record of the original Agreement that the Algonquin Nation, and other Indian Nations, entered into with the French-speaking and English-speaking Nations. This Wampum Belt, as well as others constitutes a pre-Confederation Agreement, with the European Nations.

We consider this Wampum Belt to be a Treaty. What we would ask, is that you consider including in a "Draft Declaration of Indigenous Rights", a principle of recognizing and respecting the Historic Treaties between the Indigenous Nations and non-Indigenous Nations as Internationally valid political and legal instruments. As a part of this proposed principle, or separately, we suggest that the Historic Treaty-Making Process form the basis for State Accomodation of Indigenous Nations boundaries and jurisdictions. We feel that Treaties with Indigenous Nations should be in accordance with International Law pertaining to Treaties between Nations. If these principles were included in an International Declaration of Indigenous Rights we would then have a chance to achieve Political Self-Determination.

As an additional consideration, we would ask that the recommendations contained in the April 1987 report of the "World Commission on Environment and Development", be considered by the Working Group for inclusion in a Declaration of Indigenous Rights. Further to this, we recommend that the primary instrument to promote "recognition and protection" of Indigenous Rights for their sustainable development, be Treaties that are freely entered into with full and informed Indigenous Consent.