

COMMISSION ON HUMAN RIGHTS  
Sub-Commission on Prevention of  
Discrimination and Protection  
of Minorities

Working Group on Indigeneous Populations  
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FOUR NATIONS OF HOBBEEMA

Madame Chairperson:

My name is Melvin Potts, and I represent the Four Cree Nations of Hobbema, Alberta, Canada. Thank you for this opportunity to address this assembly. I also wish to extend congratulations to this Working Group for its dedication and efforts for the betterment of we the Indigeneous peoples of the world.

We endorse the mandate of the Working Group on Indigeneous peoples to set up standards on how we are to be treated. ~~But~~ as Indigeneous Peoples we have always been subjected to laws imposed by the dominant or governing States. These laws have consistently been developed without participation or consent. While we respect the sincerity of the Working Group in preparing their seven (7) draft principles, we note that they are substantially different from the now twenty-two (22) draft principles prepared by the indigeneous peoples. So even though we have theoretically participated in the drafting process, the ultimate product causes us to wonder whether our input is being taken into account. We respectfully suggest that the draft Principles are not fully protective of our rights in a number of ways, the most notable being:

- 1) The absence of a clear principle of the right to self determination of indigeneous peoples;
- 2) The absence of a principle clearly identifying our ownership of lands, resources and our right to economic development;
- 3) The ~~absence~~ of a principle recognizing our treaties;
- 4) The ~~absence~~ of a principle on the need for our control of medicare, health, social and other services.
- 5) We disagree with the presumption of principle 1 and 2 that the rights of indigeneous peoples are fully protected in international laws;
- 6) Lastly, we feel that the relationship of collective and individual rights has not been addressed. This is of particular concern to us because our way of life includes certain rights which are uniquely collective in nature and others which are individual.

WGIP 87/NAM.CAN/17

The foregoing concerns regarding the seven (7) draft principles are vital to the setting of standards to assure our fair and equitable treatment by the Government of Canada. Contrary to the statements by the observer delegate of the Government of Canada, the whole picture is not being presented and in fact Canada has consistently denied us our inherent right to self determination. Some illustrations are as follows:

- a) At the recent First Ministers Conferences where our treaty rights were being defined, we were constitutionally prevented from having a direct input into decisions affecting our lives;
- b) Further, at these First Ministers Conferences, self determination was not an agenda item, but instead we were supposed to negotiate a limited form of self government. We submit that self determination is something that is not negotiable.
- c) Lastly, our treaties which were entered into by our Indian Nations and by the British Crown have consistently been undermined constitutionally, legislatively, judicially and financially. By way of example, without our participation and consent in 1930, the Government of Canada transferred all these lands, mines, minerals and royalties reserved by our Nation by treaty to the Government of Alberta. Also, the Indian Act, an Act which was designed to only administer our right has in fact, from the beginning, eroded the status of our treaties. The Judicial system has not safeguarded our treaties and have not been interpreting them according to the spirit and intent. Further, we are constantly confronted by massive financial cutbacks particularly in the areas of health and education, both of which are specific treaty Guarantees. These cutbacks only serve to hamper our peoples self determination individually and collectively.

In view of these concerns, we strongly feel that without a standard for the treatment of treaties and other similar agreements, our treaties will shortly become things of the past.

We therefore respectfully submit the following recommendations to assist you in reconsidering the seven (7) draft principles:

1. The Working Group on Indigenous Populations must pay heed to the submissions of we the indigenous peoples.
2. There should be a specific inclusion in the principles on self determination, treaties, lands, natural resources, health, medicine and social and other services.
3. A special rapporteur should be appointed to do a study on treaties and to make specific recommendations thereto.

We will continue to struggle to improve our life in Canada , but we feel that due to the attitudes of the Government of Canada, we may have exhausted our domestic remedies. Consequently, our only real hope for justice in Canada lies with the United Nations and in particular with the Working Group in its setting up of standards for our fair and equitable treatment. We will therefore continue to support, participate in, and assist this Working Group in its pursuance of a Declaration On Indigeneous Peoples. We look forward to the day when the United Nations General Assembly ratifies such a Declaration. Perhaps, then, our children and their children will be able to truly enjoy their rightful place as Indigeneous Peoples in the Family of Nations.

Thank you, Madam Chairperson.