

STATEMENT OF THE JACKHEAD FIRST NATION

Thank you, Madam Chairperson

My name is Bill Traverse and I am Chief of the Jackhead First Nation located in what is now Manitoba, Canada.

Madam Chairperson and members of the Working Group, I want to thank you for allowing me to speak to this distinguished gathering and in particular to fellow Indigenous nations from around the world.

In 1875 my people entered into treat number 5 with the Crown of the Great Britain. My people and the leaders of the day met with the Queen's Commissioners and because we were and are nations as recognized in the Royal Proclamation of 1763, we entered into treaty number 5 with full consent.

However, the Government of Canada has never recognized our treaty as a treaty between Nations. It has recognized the treaty No. 5 as all other treaties in Canada as mere personal contracts not having the standing or enforcement as a treaty between Nations and recognized in international law.

Madam Chairman, I could speak here today of Canada's destruction of ~~our~~ treaties. However, I have filed a full statement with the Secretary of the Working Group.

At the close of my statement, I made four recommendations. They are:

1. support for the development of an international code or declaration for the indigenous nations;
2. recognize treaties made between indigenous nations and nation states as equal treaties under the protection of international treaty law;
3. the development of international rules for the recognition and protection of our indigenous institutions of government under out own laws and customs;

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4. the development of rules for the recognition and protection of our aboriginal and treaty lands and resources for our indigenous nation.

Madam Chairperson and members of the Working Group, I want to further comment on the issue of our treaty and establishment of international standards.

First, our treaty No. 5 was made between our people and the Crown of Great Britain. When Canada began to evolve into an independent nation by the British North-America Act of 1867 and finalized that independence in the Constitution Act of 1982, Canada and Great Britain have never developed any rules, conventions or processes for the succession of our treaty and its obligations to Canada.

The Elders of my indian nation maintain that our treaty No. 5 is still with Great Britain. The reason for this is, that while our consent was sought and given in the entering Treaty No. 5 in 1875, our people have had no consent in the transfer of our treaty and its obligations to the government of Canada.

Madame speaker, one of the standards and provisions of any indigenous international declaration must be the following:

That treaties entered into between indigenous nations and nations-
states must have the standing of international treaties and have
the full protection of international law

and

Indigenous nations must be consulted and granted their consent where the treaties made with one nation state are being proposed to succeed to or transfer to another nation state.

Second, at the present time the only redress for violations of our treaty are the Courts or political process in Canada. I am sure that this is true of all indigenous nations who have treaties with the dominant state.

Madame Chairperson, in view of Canada's violations of our treaty and in view of the fact that our consent was never given to transfer our treaty and its obligations from Great Britain to Canada and in respect to the recommendation made above, I will conclude my statement with one more recommendation and that is:

That a compliance or enforcement and review process and forum be established in any indigenous declaration or covenant. Our Indian nation must have a process and forum in order for us to raise complaints as to Canada's violation of our treaty and its obligations. That process must be established by the United Nations to which Canada can be brought before it to respond and answer all charges.

We, the indigenous nations need remedies for the issues that face us. For us the treaty indian nations we need to have our treaty violations heard.

No international declaration will work unless a standard of compliance is required.

Thank you

Chief Bill Traverse
Jackhead First Nation