

Statement by Wayne Ahenakew, Federation of Saskatchewan Indian Nations
For the sixth session of the Working Group on Indigenous Populations.
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Madame Chairperson, Distinguished members of the Working Group, Distinguished Representatives of the Government, Brothers and Sisters of the Indigenous Peoples.

Let me begin by first congratulating Madame Erica Daes on her acclamation for her continuance as chairperson for the Working Group. I would also further express congratulations on your re-election to the Sub-Commission on Prevention of Discrimination and Protection of Minorities. I would also take this opportunity to commend the efforts of the Working Group on the proposed draft of set International Standards, and the work that has gone into it for its development.

The statement I am making is brief as I have had an opportunity in tabling the documentation, however I will be touching on the three areas of Development, Standards and the Treaty Study. I would first take this opportunity on making comment on the proposed standards and Humanitarian needs of the people I am here representing. I ask my brothers and sisters to understand the beliefs on the treaties we feel are sacred and stand for, even though by virtue of 'Sec 35' of the Canadian Constitution which recognizes existing Aboriginal and Treaty Rights. There has been to date no intent by the present Government on implementation or application. It is unfortunate that Government continues to breach and abrogate rights enshrined in which we regard as fundamental rights.

I continue to make a special reference to the term 'Peoples' in which our Canadian Government opposes based on the fact they do not want to recognize the special rights entailed to those who have Treaties, we within the Treaty areas in Canada regard themselves as a distinct people with unique special rights that continue to exist for 'as long as' the sun shines the grass flows and rivers flow.

I would further comment that the Treaty rights I make reference to: are those of a collective nature and not as to what our Governments claim as belonging as individual rights. We grieve that the present crown of Canada in last winter's session deemed that these Treaties were regarded as only Domestic Agreements'. We claim otherwise, this can be supported by making

special reference on statements made by the solicitor general of Canada the Honorable J.J. Curran regarding (Unsettled Accounts Arbitration) Indian Claims, Robinson Treaties Vol 5 entered in the Department of Indian Affairs on International, rather than Municipal Law. They were made with the tribes under the authority of the Sovereign and the faith of the nation was pledged in dealing with those annuities. He goes further to say, I quote: "All those claims are safeguarded in a manner that is quite different from any claims that would arise between two subjects of her Majesty who might come before any court to have their matters adjudicated upon "end of quote".

I will be tabling this document of the statement in hopes that the working group will take into consideration the nature and scope of the Treaties.

While territories and resources continue to be dialogued you have heard the brother from Canada express breach of a formula adopted by Saskatchewan Manitoba ^{INDIAN} Nations, their provincial governments and the Federal Government. While we desperately continue to address the guarantees that remain unfulfilled, we have to date been ignored by Governments. I would report that it has been over 100 years since our forefathers and great grandfathers signed the treaties. In Saskatchewan we continue to face approximately 50% of unfulfilled land claims and Land Entitlements and in some cases 100% of unfulfilled Lawful obligations pertaining to land.

Further to the principles and standards regarding surfaces and sub-surface rights along with renewable resources, I contend that in accordance and by virtue of treaties, these jurisdictions are of those properties of Indigenous nations with their respective territories. However, the government continues to stagnate or sabotage any initiative and every process we have attempted. While the government of Canada displays a "rosy" picture, their performance is clear to us, that their agenda is to kill any incentive that would enhance the recognition of Treaties, ^{THIS IS SO} because of their "guilt" in failing to accomodate a process of implementation in accordance with the Canadian constitution.

Within this statement, I have attempted to demonstrate the realities of conditions that presently prevail in Saskatchewan and other areas of Canada. It is hoped in regard to the principles and standards presently being discussed which is of vital importance and the end result will be in our favour of the message I relay and the effects it will have on our future.

I would like to make comments on statements made by the observer delegation

of Canada, pertaining to Self Determination and Self Government. "Self Government" is something that Canada cannot give to the Treaty nations. It is something that we have always had and maintained, this is supported by the fact in which our Indian Governments were able to enter into the Treaties that continue to exist, we further submit based on these arrangements entered into that we are a "Nation within a Nation" and I would further submit the amendments proposed by virtue of the Indian Act does not support the Treaty rights that we stand for and that the Government has no jurisdiction on implementing those jurisdictions when those authorities belong to the jurisdiction of those Indian governments who determine their destiny on membership.

In conclusion, I convey to the Working Group the issues that continue to prevail on reneging and abrogation of our rights enshrined in the Canadian constitution continue on the basis of no process identified by government for implementation. While we have patiently awaited the Prime Minister's promise that he would entertain a Bilateral process back in 1985 to begin a process that would address Treaty, we still await for such a development and continue strides for a Treaty Commissioner to be appointed by Parliament and who would report directly to Parliament in specifically catering to the unfulfilled obligations of Treaty along with that trust responsibility that the Crown of Canada is obliged to.

I have submitted our document titled "Indian Nations in Unity with the Sacred Treaties" to both our chairperson Ms. Daes and to Alphonse Miguel Martinez charged with the responsibility of the "Treaty Study". The treaty document tabled gives a description firstly of the Item and Issue, an explanatory detail, the Indian Government position, the Federal Governments position, the Provincial Government position and last the current situation. I would invite the "Special Rapporteur" on the Treaty Study to come directly to the Indian Communities in Saskatchewan as it is us whom are the experts on our treaty arrangements and would request to the working group to enhance the present draft standards through this recommended process.

I would also comment on the draft prepared regarding the Universal Declaration on Indigenous Rights resulting from last week's preparatory meeting. I will be taking this document back to Saskatchewan and will commence discussion and deliberation based on this draft.

Regarding further statements made on behalf of the Canadian Government on the financial assistance given to various organizations and Indian bands, these funds are only based in accordance to their rules, terms and policies. The funding made available are those that any other Canadian is eligible for and make reference to this, as my colleagues Chief Vern Bellegarde who is the Chief of our national organization, The Prairie Treaty Nations Alliance which has been in existence for approximately five years has not received any financial assistance. In fact, Chief Bellegarde had to beg from various Indians Nations to get here. Chief Bellegarde will be addressing specifically to the Treaty on Friday.

Thank you.