

COMMISSION ON HUMAN RIGHTS

**Sub-Commission on Prevention of
Discrimination and Protection
of Minorities**

**Working Group on Indigenous Peoples
Eleventh Session
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Item 5: Recent Developments pertaining to the promotion of protection of human rights and fundamental freedoms of Indigenous populations, including economic and social relations between Indigenous Peoples and States.

There are a number of recent developments in Canada which relate to two Indigenous Communities: the Lubicon Cree of northwestern Alberta and the Cheslatta Carrier Nation of northwestern British Columbia.

The Lubicon Cree are a classic example of an Indigenous nation which has been left aside in the Treaty process. Their lands and resources are exploited and used by the coloniser government without regard for the Indigenous Peoples. The impact of oil explorations and logging on trapping and hunting have been devastating. In the 1970s, the Lubicon's Territory became the site of one of the most intensive oil exploration in the Province of Alberta. Through the 1980s, billions of dollars from oil and gas were made. In the 1990s, the provincial government leased forestry lands to multi-national Japanese corporations for clear cut logging. The Lubicon have initiated an international campaign to boycott products made by Daishowa-Marubeni and Mitsubishi.

For over fifty years, the Lubicon have tried to reach an agreement with the Federal and Provincial governments. All efforts by the Lubicon have fallen on deaf ears. Last year, an Independent commission was established to review the Lubicon case. The Lubicon people including the Chief and their Elders testified before the Commission. The Federal and Provincial governments refused to appear. In March 1993, the Commission made its findings public. The Commission called for open negotiations. It was clear from the Royal Proclamation of 1763, that the Crown must be committed to public negotiations. The Lubicon have agreed to open public negotiations. The Government of Canada has not wanted to negotiate in public. What has the Government of Canada got to hide? The Lubicon Cree are not afraid, and their position is clear. The Lubicon Cree will not extinguish their rights to their territory as a condition of settlement. The Lubicon maintain that the right to determine their citizenship is a right of their nation which was supported by the Commission. Attached to this intervention is a copy of the recommendations of the Commission for the Working Group record.

There is one item related to the Commission recommendations which Chief Bernard Ominayak wished to be stressed at this Working Group, namely the establishment of an independent tribunal. At present within the State of Canada, the government decides when, where, if and how negotiations are going to take place. If the Indigenous Peoples object, the government takes its marbles and goes home. Indigenous Peoples then wait. If an independent tribunal was established the Indigenous Peoples could put their case before it, Canada could put its case before it, while a third independent party could help mediate a solution.

The United Nations could play a constructive role in this process. There are conditions of our participation. We must have a right to consent to the final process. The Lubicon Cree can never accept a confidential process conducted behind closed door. They do not agree to such a process in Canada and could never agree to such a process within the United Nations. Every thing must be done in public. There are two purposes in this process. There must be

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trust between the parties. An open and public process can be the foundation for building trust. In addition, it helps to educate the public about the process and the issues. After five hundred years of contact, we have learnt a few rules. We know that we must see everything first. Consent is the key to the process.

In the limited time remaining, I want to draw the attention of the Working Group to the issue of the Cheslatta nation which is member of the Carrier Sekanie of the Northwestern British Columbia. In the 1952, the Cheslatta were forced off their land by hydro-electric development through the Alcan Aluminum plant wishing to generate electric power. Their lands were flooded, and their village burnt to the ground. Alcan collected the gravehouses and markers from the cemetery and then burned them. Then, over the ashes, Alcan erected a stone cairn with an Aluminum plaque with these words: «This monument was erected in 1952 to the memory of the Indian men, women and children of the Cheslatta Band, laid to rest in the cemetery on the Reservation Five, now under water, May they rest in peace.»

A second phase has been planned for 1993, known as the Kemano Completion Project. Alcan wants to add 540 megawatts of electricity to sell to British Columbia Hydro with the excess exported to the United States of America. This project was implemented by the governments of Canada and British Columbia against the advice given by their own scientists. The Department of Indian Affairs own records indicating that the project will affect an estimated one hundred and thirty Indigenous Communities out of the recognised one hundred and ninety-six nations, whose total population is 35,130. The project will reduce eighty percent of the river's salmon stocks and expose aquatic fur bearing animals. Sulfur dioxide and fluoride emissions will harm deciduous plants as well as animals. Approximately 600,000 gallons per day of aqueous effluents will be discharged into the Stuart and Nechako Rivers causing extensive pollution. In addition, the Kemano Completion Project will destroy the Indigenous Peoples' main source of food, prime trap lines, game trails and moose ranges which will all be flooded. In a recent submission by the Cheslatta First Nation, the Cheslatta said: «We have very little left to lose. That is why we have vowed to fight for what little we have left. If we do not fight now, we are bound to die with the Nechako River».

The Cheslatta Peoples are sending extensive information to the Human Rights Center for the record.

I thank the member of the Working Group for their attention.

Palais des Nations, 29 July 1993