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REVIEW OF DEVELOPMENTS PERTAINING TO THE PROMOTION  
AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOM  
OF INDIGENOUS POPULATIONS

ASSEMBLY OF FIRST NATIONS

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Speaker: Gordon Peters (~~Head of~~  
for Ontario)  
Regional  
Chief.

Thank you Madame Chairman.

On behalf of The Assembly of First Nations of Canada, of which I am the Ontario Regional Chief, I welcome this opportunity to speak briefly on the topic of "Review of Developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous populations".

I am afraid that as far as the First Nations in Canada are concerned there is little that I can report to the Working Group about developments which would promote and protect our human rights and fundamental freedoms. If we have not gone backwards, at most we are standing still.

You have heard from other speakers from Canada, and you yourself Madame Chairman were there as our guest and saw first hand, that the First Ministers on Aboriginal and Treaty Rights ended without agreement. We still believe that Canada has much to gain from coming to terms with us the Original People.

The Prime Minister of Canada and the Premiers of the Provinces failed to agree on a constitutional amendment which would, in its effect, have acknowledged the distinctness of the Aboriginal Peoples in Canada and allowed us to carry <sup>on</sup> further negotiations leading towards self-determination and full realization of our rights.

Yet, hardly one month later, the same federal and provincial leaders reached an agreement to recognize the distinctness of the French-speaking people of Quebec. Indeed, they recognised the French and English-speaking persons as constituting a fundamental characteristic of Canada against which all Law must be measured!!

This was done in the now famous Meech Lake Accord. Since then, several constitutional and other experts have spoken against the Accord.

As far as the Aboriginal Peoples are concerned, the four Aboriginal Peoples National Organizations ( of which the Assembly of First Nations is one, ) also spoke out against the Accord. We see its effect as being detrimental to the restoration of our true place in our homeland.

Let us be clear, We were not opposed to the inclusion of Quebec in the Canadian Constitution, We were opposed to how it was done.

Permit me to quote from the leading distinguished Canadian Expert on Constitutional Law, The Honorable Eugene Forsey. Two weeks ago ~~He~~ addressed the Special Joint Committee on the 1987 Constitutional Accord in these terms:

"Apart from excepting them from the operation of the duality principle and the distinct society principle, the Accord has nothing for the aboriginal peoples. To secure the insertion of any substantive provisions would almost certainly have been impossible, especially so soon after the failure of the very recent First Ministers Conference on this subject. But it seems a pity that the matter could not at least have been added to Senate reform and fisheries as a subject for future First Ministers Conferences,

It would have had at least symbolic importance" ..

Madame Chairman, This appears to be our immediate future  
less than <sup>"</sup>Symbolic Status in our own homeland.

The burden has been left to the Aboriginal People to create another Forum that will protect our ancestral heritage and our linkage to our Territorial Lands and our resources.

This is a monumental task, especially in the light of the fact that our resources are few and the political will of the Federal and Provincial Governments of Canada is limited.

Madame Chairman, the distinguished representative of the observer delegation of Canada this morning referred to the proposal which the government of Canada made about the right of Self-Government of the Aboriginal Peoples of Canada.

This is not the place for me to give a detailed account of the reasons why We, the Aboriginal Peoples of Canada rejected that proposal.

Suffice it for me to say that we rejected the proposal largely because it purported to create a right which is already inherent in our Aboriginal Nations.

<sup>already</sup> We have the right to Self-Government, 2. Autonomy and 3. Self-Determination. No Government can give us that. What We want is to have that right acknowledged and protected by the Constitution; and to have a process in which all First Nations could negotiate for themselves the implementation of that right within Canada.

The Assembly of First Nations also rejects the Canadian approach to community negotiations. The Sechelt model, to which the Canadian government's representative referred, is based upon authority delegated from the federal and provincial levels of government.

The First Nations, argue instead, that our governmental authority is inherent and should be acknowledged by the Constitution.

Finally, Madame Chairman, please allow me to thank you again, on behalf of the First Nations, for accepting our invitation to be in Canada earlier this year to observe the First Ministers Conference.

And since you said not to congratulate you on your recent re-election, I will not.

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