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Federation of Saskatchewan Indians

United Nations

Working Group on Indigenous Populations

August, 1987

Geneva

Madame Chairperson, members of Indigenous people and delegation of the working committee. First, I would express my gratitude for the opportunity of forwarding the concern and statements on behalf of the Federation of Saskatchewan Indian Nations (FSIN) who are affiliates of the Prairie Treaty Nations Alliance (PTNA). The PTNA is composed of 124 Indian Nations of Western Canada covering parts of Manitoba, all nations of Saskatchewan, parts of Alberta and northern British Columbia.

I would like to address recent developments in Canada concerning the Indian Nations and specifically the issues relating to the treaties between the Indians and the government of Canada.

The treaties were negotiated by the Indian Nations as sovereign nations. They come from a bilateral process and involved the consent

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of both the Indian nations and the representatives of Great Britain and Canada. We have repeatedly sought recognition that the bilateral treaty relationship continues to be the fundamental legal and political relationship between our nations and Canada. We have sought a continuing bilateral process to clarify our mutual obligations and to resolve disputes. While Section 35 of the Canadian Constitution recognizes existing treaty rights, the government has avoided accepting a bilateral process. A bilateral process was promised in 1983, but that promise appears to have been forgotten. Constitutional amendments in 1983 require consultation with the Indian Nations before any constitutional amendments to our treaty rights, but our consent is not required.

We have to report that the Government of Canada has not recognized the twin principles of the bilateral process and the requirement of consent, though these are fundamental principles in our treaty relationship. Canadian policy continues to be largely based on legislation, the Indian Act, and not on the treaty relationship.

There have been developments in the Canadian courts. The Supreme Court of Canada has ruled that the treaties must be interpreted in



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favour of Indian rights. They have sought to uphold the honour of the Crown in its dealings with our nations. We welcome this development. Yet the same court has said that our treaties are not international law treaties, while giving no reasons for this conclusion. We are aware that the report of the special rapporteur, Mr. Martinez Cobo, called for a special study of the treaties between Indigenous Nations and Nation States. This is urgently necessary. We call upon the working group to institute such a study and pledge our full support and cooperation in this work.

In closing I would like to table the following documents:

1. Indian Treaty Rights
2. Canada-Indian Nations Relationships
P.T.N.A.
3. The First Nations
4. F.S.I.N. Development Under Treaty
5. Round Table on the Politics and Law of First Nations
(Presented at World Assembly of First Nations, July 20 - 21, 1982)
6. Statement of Positions and Principles of P.T.N.A.

Thank you, Madame Chairperson.