

Commission on Human Rights
 Sub-Commission on Prevention of
 Discrimination and Protection
 Minorities
 Working Group on Indigenous Peoples
 Sixteenth Session
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Agenda item 8 Treaty Study Report

Oral intervention by Sharon Venne - Joseph Bighead Cree, Valley River First Nation, Akaitcho Territory Government, Deh Cho and Opatchust First Nation

Dr. Alfonso-Martinez - let us first commend you for your hard work and dedication to this study. There have been tremendous obstacles in your path. Not only from the vast amounts of materials related to this area but also the methods that needed to be applied in the analysis of the materials. In the colonization period, European states determined that Treaty making with the Indigenous Peoples was an option to war. So, Treaties were entered into with the Indigenous Peoples. These Treaties were concluded between nations. The European settlers wanted to live in our territories and were prepared to acknowledge our ownership and jurisdiction to gain access. As the number of settlers increased in our territories, the colonial states determined that the treaties did not need to be continued. There was an attempt to unilaterally terminate the treaties by the colonial states who were not parties to the Treaties. Indigenous Peoples who have not been able to decolonize ourselves as the process of decolonization set up under the United Nations has been closed to us by state parties who have a vested interest in continuing their occupation of our lands. So, the Indigenous Peoples in the 1970's determined that we need to appeal to the United Nations for justice and fairness.

Our Elders know that we are nations with our own legal systems and our own governments. We have treaties with European crowns. These treaties mean something. Our Elders directed us to come to the United Nations and request that the UN to undertake a study of the Treaties. From the initial contact with the United Nations, it was determined that no forum for Indigenous Peoples. A forum needed to be created to raise the issue. Cobo in his report told the Sub-Commission that Treaties merited special consideration. Armed with this recommendation, Indigenous Peoples pushed for a study on Treaties. In 1988, we were close. It was not until 1989 that the Economic and Social Council approved the study. The very first thing that we did was to invite the Special Rapporteur to visit our Elders.

Since we hold our treaty making and the laws related to treaty making within as an oral understanding, we needed to have the rapporteur come to the Elders and listen. In a break with the standard UN practice of gathering only written information and making reports, the Rapporteur traveled within Indigenous territories and listened to our Elders. It is easy to see in the report that he was listening to our Elders and more importantly understood our Elders. Our understanding of International law coincided with our Indigenous legal system for entering into Treaties. This is reflected in the report. I am sure that our Elders are going to be very pleased with the tone and nature of the report. We have been waiting for one hundred years to hear another person acknowledge that our Treaties are like all other treaties. They are not domestic contracts. They are not "modern" - they are treaties like all other treaties without qualifications.

In this regard, it is noted that the report is firmly anchored in international law and standards that have developed over time. Indigenous Peoples did not want to have their treaties placed in a new context. We were prepared to subject them to international review. They stand the test of time. We are a Peoples with all the rights of Peoples who are exercising the right of self-determination when we negotiated and entered into Treaties with the colonizers. That much is very clear.

Professor Martinez - we need to continue to look for ways to implement our Treaties. There are valuable suggestions in the report on various options. As Indigenous Peoples, we need to explore those options. We look to this working group to assist us in those endeavors. Since the report has been tabled this year, we would call on the members of the Working Group to have this agenda item next year for a follow-up on the recommendations. We need to take the report back to the communities and translate into our Indigenous languages. The report will be given to the Elders and our Peoples for their reactions. From the meetings in the communities, they will have a more concrete programme of action which could be tabled with the working group next year. The item related to Treaties should continue on the agenda of the Working Group since the implementation of this report will be an ongoing concern to the members of the Working Group.

As Peoples who have not yet had the chance to decolonize - we welcome the report. We thank you for your work and the work of your consultant Dr. Isabelle Schulte-Tenckhoff who is not present at the Working Group.

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