

A CENTURY OF DENIAL

FOREWORD

During the past hundred years, we have suffered the loss of our Land, the loss of our Resources and the loss of our Economy. We have been forced to live under laws made by a Culture that does not live in harmony with Nature but is bent upon exploiting it. We were allowed no voice in the administration of our affairs or the affairs of our Country until thirty years ago; by then our People were burdened by problems caused by foreign laws, diseases and alcohol. Many of us were and are imprisoned. As second class citizens in Canada, our voice has never been listened to; yet we have survived and we are stronger than ever.

We must survive because it is our responsibility to save our Country from the stupidity of colonial greed. We now ask for the conscience of Europe to come to our support and aid, to re-inforce our growing strength and determination to save our Land from destruction by industrial civilization. We have never surrendered and we know that we shall eventually prevail.

Ray Hance, 1980.

Chilcotin.

THE CHILCOTIN

"We were invited to sit on mats spread before the house.
Food was brought in well-wrought bowls.
Two hunters brought in pigeons they had shot.
They are good people. As I prepared to leave,
They proved their peace and friendship
By breaking their arrows and burning them."

Henry Hudson

If you were to fly due East across the Pacific Ocean to the south of fifty-three degrees latitude you would see the northern tip of Vancouver Island on your right and, as you passed over many off-shore islands below, the mainland coast would appear before you, deeply indented by fjords at the head of which lie a few modern settlements and industries, many ancient winter villages and towns of the indigenous peoples of the coast, the Bella Coola and the Kwagwewlth. Behind them the Coast Mountains rise to 12,000 feet, their peaks permanently packed with snow, their upper slopes buried under glaciers. The eastern, inland, slopes of the range drain into three great mountain lakes: Tatlayoko, the most westerly, spills into the Homathko River which rushes South into the ocean through Bute Inlet; Chilko and Taseko, flowing North through rivers which bear the same names, join and are joined by numerous rivers and streams from West, North and South to form the Chilcotin River which sweeps and tumbles to the East until it merges with the Fraser as it follows its mighty course from the Rocky Mountains to the Pacific Ocean.

From the Coast Range to the Rocky Mountains stretches a broad mountain plateau dotted with lakes and pools, deeply cut by water-courses, heavily forested in its higher reaches; where the forests give way to prairie the undulating hills are topped by woods and copses, giving the land the appearance of a great natural park. Moose and deer, bears and wolves, coyotes and ravens, eagles and osprey, hummingbird and hawk, fox and fisher, lynx and cougar, beaver and muskrat, caribou, elk and people -- all these and many more have inhabited these lands for no one knows how long. The lakes teem with fish; each summer the rivers and creeks are gorged with salmon and trout running to their spawning grounds -- or were, it should be said, for improving roads and vehicles and growing industry have brought suffering to the fish, as to moose, deer and wolves and to the indigenous people,

To the East of the Fraser live the Salish People, occupying the lower, southern, reaches of the great northern plateau, the lower Fraser valley and parts of the coast. To the West and far to the North live the great scattered peoples of the Deni Nation. From the sub-arctic to Mexico, from Alaska to Ontario is the Deni language spoken by a people who inhabit the mountain plateau of the Western interior. And so it is that in that place where the Chilcotin River flows into the Fraser, the banks of the Fraser are inhabited by the Salish on the East, and Deni on the West. They are people of contrasting languages, traditions and characteristics, yet they respond to and live within the demands of their environment in ways that are more similar than contrasting.

Until the present century the Deni and the Salish lived in their vast domains as they pleased, gathering their food and medicines from the abundant forest, prairie and waters. There were furs enough not only for their own needs but also for trade with the people of the coast. Their lives were characterised by health and independence, trust, respect and responsibility. When they reached a ripe old age they knew that, as long as they were fit, they would be provided for and listened to; when death came it was usually welcomed. The education that they gave their young was practical and efficient. They gathered the fruits of

CANADA ACT, 1980

"I was born a Prince.
When Princes speak,
I answer".

Cannonchet, 1675

Ottawa's proposed resolution respecting the constitution of Canada should not be read as the product of the democratic process. There was, it is true, a federal commission that toured the larger towns for awhile but most Canadians, if they heard of it, could not afford the time and expense of appearing before it. Since then, discussion has been limited to occasional meetings of provincial ministers with and without federal ministers, at which spokesmen for the native people have yet to be allowed to speak. The Charter of Rights and Freedoms and the Principle of Equality are inventions of the federal government.

Given the chance, the native people would argue that Canada should not request independence, nor should Westminster grant it, until they are recognized and respected in the constitution of Canada. They want to be sure that any treaties that they made with the British before 1867 will be honoured and that in those parts of Canada where no treaties have been made the principle of the Royal Proclamation of 1763 will be honoured. They want to see constitutional guarantees of their identity and their rights entrenched before Canada is granted independence for the simple and understandable reason that they cannot trust the government of Canada to act any more responsibly towards them after patriation than they have in the past.

The opinion expressed to the Foreign and Commonwealth Affairs Committee of the British Houses of Parliament that treaties became the exclusive responsibility of Canada in 1931 is not acceptable to the people from the treaty areas of Canada because they need an independent arbitrator in their dispute with Ottawa over the interpretation of those treaties. (For a reasoned discussion of that dispute as it applies to Treaties 8 and 11 see R. Fumoleau, As Long as this Land Shall Last. Toronto:

McClelland and Stewart, 1973). The legal advisor's opinion cannot, however, apply to those people who live in the non-treaty areas of Canada; those people, at least, should be heard in Westminster.

It is fully expected by native spokesmen that Ottawa will use its power to amend the constitution of Canada to transfer the responsibility for their affairs and their lands from the federal to the provincial governments. To this they are opposed for two major reasons. First, they see no good reason why Ottawa should be allowed to escape from the consequences of its compromise, neglect and betrayal of its trust relationship with their people; they think that Ottawa should be taken to task and obliged to honour its commitments. Second, bad though

Ottawa's policies have been those of the provincial government (in Victoria) are far worse; they are so bad as to threaten disaster if not genocide. So much of what they have over the decades wrung from a reluctant Ottawa would be jeopardized overnight.

Perhaps the most mystifying part of the proposed resolution is Ottawa's reasons for seeking Westminster's approval of amendments to the British North America Act before returning the constitution to Canada, especially as it is "a matter of pride" that Canada should achieve independence at once. Can it be that Ottawa does not trust Canadians to govern ourselves responsibly? Or is it that they are somehow trying to pull the wool over the eyes of British Parliamentarians, not to mention the Canadian people. The ongoing debate in Canada suggests that ^{it} is both and that the Trudeau government is anxiously trying to place its francophone policies beyond the reach of those who oppose them. The irony is that this protection is precisely what the indigenous peoples are asking for, as yet without success. As it is, those Canadians who are unhappy with the Charter which is now being railroaded through their Parliament have little choice but to inform the British Parliament of their misgivings.

Throughout the Charter of Rights and Freedoms there is a constant harping on the need to protect the rights of minorities from the will of the majority; but when it comes to the rights of the native people -- who

consider themselves to be a special minority -- the resolution becomes vague indeed. Native rights are "undeclared rights" and should they need to be clarified in the future, that "will be determined by the courts". Yet when the Nishgas of Northwestern British Columbia went to the courts with their claim to ownership of the Nass Valley, no determination was made and seven years later the matter is still unresolved; this is perhaps the only case in which the Supreme Court of Canada has failed to reach a decision.

In the explanatory notes published by the government of Canada the resolution becomes downright irresolute over the question "Are the rights of native peoples protected by the Charter?" Nothing, we are told, can deny any rights "that may pertain to the native peoples"; they will not lose "any other rights they may now have". In a document that reflects "the government's strongly held views: these may pertain and may now have ring hollow indeed; they smell of deceit again. Native people are describing the proposed resolution as "the gravest danger to all our Indian rights" and arguing that their rights must be entrenched before patriation. The Canadian Prime Minister is saying that native rights will have to be defined after patriation because the native people have not told him what it is that they want; his own bureaucrats could show him the nonsense of that excuse.

The government of Canada, the largest single advertiser in the country, is busily trying to propagandize Canadians at home by lulling them ("Trust us; your government is doing a good job for you"), bracing them ("The way things are now -- it's humiliating!") and admonishing them ("We have been debating for long enough. It's time for action: let's bring the constitution home to Canada where it belongs!"). There are many Canadians who consider that the debate has barely begun and that the whole process of patriation is being rushed. They see the Charter as a hastily written, incomplete, biased and discriminatory document that will, if Westminster allows it, be rammed down our throats as forcibly as were metrification and the official languages, if in a more novel manner.

In the meantime, the feds are busy trying to propagandize London; "Any attempt by Westminster to delay or to debate our proposal will be viewed as unwelcome intrusion into the internal affairs of a proud and sovereign nation", so goes the line. "You must pass this request without debate because we in Ottawa say you must". On the other hand there are many Canadians, including all the indigenous peoples, who trust and hope that the British will not ignore their appeal and that Westminster will investigate Ottawa's proposal very thoroughly. They hope and trust that it will not be forgotten in Westminster that the indigenous peoples of Canada have been deceived throughout colonial history and that their legitimate claims have been thwarted most notably in the Victoria government's lie to Ottawa in 1871 and in Ottawa's lie to Westminster in 1979.

Should a country whose politicians have assumed the habit of lying, they ask, be drawing up a new constitution? Should another country, which occupies a trust relationship to the citizens of the former country, enable the process of reform by a corrupt government or should it delay the reforms until the liars are ousted and the corruption healed? The moral power of the British is widely respected in Canada. If the British stood so firmly against South Africa and Rhodesia, how can they not stand against the Trudeau government's immoderate haste in achieving constitutional reform.

If, in the face of British opposition, the Trudeau government decides to act unilaterally, what will have been lost? No more, certainly, than if Westminster were to accede to Ottawa's demands. Much will have been gained, however, for in their vital struggle the indigenous peoples of Canada will have the satisfaction of knowing that their faith in the good will of the Queen was not misplaced and of knowing that the British will, if need be, bring to the attention of the United Nations the unpleasant fact that Canada is guilty of contravening agreements to which she is signatory regarding civil, human, minority and aboriginal rights.

It should be said clearly that the Indian people of Canada have a very strong sense of a personal relationship with the British Sovereign, who is also their Queen. They do not see her so much as a constitutional

monarch; to most of them a Queen-who-is-not-a-Queen is at once an incomprehensible phenomenon, a nonsensical idea and an absurd statement. To them the Queen is the embodiment of the British -- and indeed of the European -- people. Those who made treaties made them, through their Chiefs, with Kings and Queens; any changes to those treaties must be discussed by their Chiefs with the Queen. That is a self-evident truth to people with clear minds and honest souls. The indigenous peoples of British Columbia remember the colonial Governor who promised them that they would be assured in the possession of their land because the Queen had said that it should be so. They have been waiting patiently for more than a century for action to be taken. But now that changes are proposed to the structure of Canadian society, they want their Chiefs to discuss the matter with the Queen. It is for this single, simple reason above all others that the British Parliament must not allow itself to betray the integrity of the promises that it made in the name of the Sovereign to these vital and genuine people: they trust her.

