

THE LAND IS OUR CULTURE

UNION OF B.C. INDIAN CHIEFS

3rd Floor - 440 West Hastings

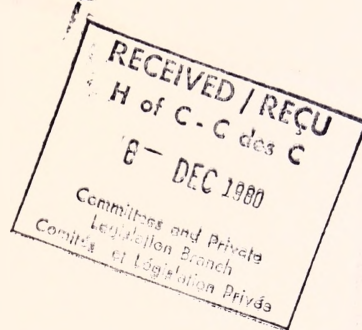
Vancouver, B.C. V6B 1L1

Telephone: (604) 684 0231

Telex: 04-34220

December 5, 1980

Mr. Richard Pregent,
Clerk,
Constitution of Canada
Special Joint Committee
Room 512-SB
House of Commons,
Ottawa, Ontario
K1A 0A6



Dear Mr. Pregent,

The enclosed Petition and Bill of Particulars sets out our concerns and position regarding the current constitutional proposals of the Government of Canada. This position has received the endorsement of the Chiefs in British Columbia, and following review in Ottawa last week in our assemblies, has wide support throughout the country.

To properly address the issues which we have identified in our Petition, we believe that it is necessary to deal with them in tripartite negotiations involving representatives of Indian Nations, Canada and Great Britain. In our view, this process must take place before the Constitution is amended and patriated.

Copies of the enclosed Petition have been transmitted to the Prime Minister and to the United Kingdom via the Governor General. We hope that members of the Joint Parliamentary Committee will take whatever measures are possible to ensure that the legitimate rights of Indian Nations are not foreclosed through hasty and ill-advised action.

Yours sincerely,

UNION OF B.C. INDIAN CHIEFS

Per:

George Manuel,
President.

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December 5, 1980

Mr. Richard Pregent,
Clerk, Constitution of Canada
Special Joint Committee
Room 512 SB
House of Commons,
Ottawa, Ontario
K1A 0A6

Dear Mr. Pregent,

Please be advised that I am President of the Union of B.C. Indian Chiefs, representing over 50,000 Indian people in the Province of British Columbia.

I am enclosing for your information the Aboriginal Rights Position Paper dated April 1980, unanimously adopted by the General Assembly of the Union of British Columbia Indian Chiefs in October 1979, and by the All Chiefs Assembly of the National Indian Brotherhood in 1980.

This document was officially presented to the Federal Government in June 1980. We have not received a response to date from the Government.

The Foundation of our position ^sis contained in the paper:

- a) recognition that we are the original people of this land,
- b) recognition that we have the right to choose and determine the type of authority we wish to exercise through our Indian Government,
- c) the expansion of our Indian Reserve lands,
- d) the expansion of our Indian resources including finances based on needs as identified by our people,
- e) the expansion of the jurisdiction and authority of our Indian Governments (Band Councils).
(See also Tab B).

Despite this clear statement of our Aboriginal Rights Position, the Prime Minister claims to be confused and uncertain as to how Indian people define Aboriginal Rights. We can only include that he has ignored our Paper.

We presented the Paper personally to Mr. John Munro in June 1980. In presenting our Paper to the Honorable John Munro we restated our position that, as a matter of legal requirement, our Indian Nations demanded participation in the Constitutional discussions between the Federal and Provincial Government set for the fall of 1980. We saw that the resolution of our Aboriginal Rights could be accomplished through the vehicle of a Ministerial Committee comprised of three Ministers and three Indian Government representatives. (See Tab D).

We specifically required that the Minister of Indian Affairs not represent the Indian Nations in the Constitutional discussion with the Government of Canada, nor could he be the sole representative of the Government of Canada in negotiating with the Indian Nations, in the implementation of the Aboriginal Rights Position Paper. As the Administrator of the trust, the Minister of Indian Affairs cannot negotiate the terms of the trust.

We anticipated that as the negotiations would not be concluded immediately, the mechanism of the Secretariat would facilitate the on-going process of the negotiations.

At the conclusion of the meeting with the Honorable John Munro we were assured that the Indian Nations would be given a place in the Constitutional discussion between the two levels of Government.

Now, on the eve of patriation, the Government of Canada had refused to allow the Indian Nations to participate in the Constitutional discussions and has not even responded to our Aboriginal Rights Position Paper.

We were forced to turn to the British Crown, the ultimate bearer of the legal trust owed to our Indian Nations, to prevent the Administor of the trust from breaching solemn rules of International law. To protect our relationship with the British Crown and our position on patriation we have commenced court proceedings. (George Manuel et al v. The Queen.) A Petition and Bill of Particulars have been delivered to the Governments of Canada and Britain as well as to the United Nations, (copies of which are enclosed). Our position is that Britain must be a party to negotiations between Canada and our Indian Nations prior to patriation. The Petition sets out our objections to the proposed Constitutional Act.

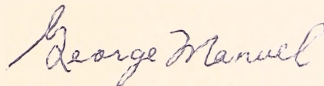
We support an equalization plan but only on the basis that payment is made directly to our Indian Nations rather than passing through the machinery of the Department of Indian Affairs or through the Provincial Government which has in the past sapped two-thirds of the money coming to our Nations.

We as a People are in the process of rebuilding and strengthening our Nations - culturally, spiritually, economically and politically. It is abundantly clear that this process cannot take place through non-Indian institutions. Illustrative of this is in the 80% drop out figure of our Indian children in the non-Indian education system. The simple truth of why our children drop out of such school is that there they are taught values that conflict with our own. Assimilation has proven not to be the answer.

It has been reported that our position on patriation is a separatist one. This is not the case. The sovereignty of our Indian Nations was fully recognized by colonial Britain and Our Nations continue to exist as sovereign today. We have not joined the Federation of Canada and now seek to do so on terms which align our rights as Nations with the Canadian Constitution. If Canada patriates the Constitution without concluding negotiations with the Indian Nations we foresee that the Indian children of Independent Canada will inherit a future of prolonged confrontation.

Yours truly,

UNION OF B.C. INDIAN CHIEFS

A handwritten signature in cursive script that reads "George Manuel".

George Manuel,
President

LM/GM:dl

Enclosures

PETITION AND BILL OF PARTICULARS ON THE ESTABLISHMENT OF
NEGOTIATIONS BETWEEN INDIAN NATIONS IN CANADA AND THE GOVERN-
MENT OF CANADA TO RESOLVE OUTSTANDING DIFFERENCES PRIOR
TO THE PATRIATION OF THE CANADIAN CONSTITUTION.

The Indian Nations in Canada transmit this Petition and Bill of Particulars to the Government of Canada requiring that the Government of Canada not submit a Resolution for a Joint Address to Her Majesty the Queen requesting the patriation of the Constitution of Canada until Canada, the United Kingdom and the Indian Nations conclude negotiations concerning the rightful position of Indian Nations in the Canada Constitution.

B I L L O F P A R T I C U L A R S

1. We, the Original Nations in Canada will no longer tolerate our lands, resources and right to self-determination being expropriated by the Government of Canada.
2. At the Conference of First Nations held in Ottawa, November 1980, our Indian Nations unanimously joined together in forming a Provisional Council of our Indigenous Governments mandated to form a Provisional Government. We are united in resolution unanimously passed that the Indian Nations of Canada, both those which entered into Treaties and those which did not, will stand together in common purpose in our Declaration which asserts these principles are inviable:

"We, the Original Peoples of this Land
know the Creator put us here.

The Creator gave us laws that govern
all our relationship to live in
harmony with nature and mankind.

The laws of the Creator defined our
rights and responsibilities.

The Creator gave us our spiritual
beliefs, our languages, our culture,
and a place on Mother Earth which
provided us with all our needs.

We have maintained our freedom, our
languages, and our traditions from
time immemorial.

We continue to exercise the rights and to fulfill the responsibilities and obligations given to us by the Creator for the lands upon which we were placed.

The Creator has given us the right to govern ourselves and the right to self-determination.

The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other Nation."

3. The Indian Nations established a political/legal relationship with Great Britain when Great Britain wished to establish a colony in Indian Territory now known as Canada. This relationship continues to exist as it has not been extinguished by the Governments of the Indian Nations or Great Britain.
4. The political/legal relationships between these Nations were established in accordance with principles of International law and were formally embodied through the exercise of the Royal Prerogative and in Treaties which continue to bind the Nations.
5. The Government of Canada through Acts of the Parliament of Great Britain has been entrusted with the administration of Great Britain's obligations to the Indian Nations. The Government of Canada has breached this Trust by pursuing a policy of expropriating our land and resources, illegally settling our land and systematically attempting to assimilate our people, undermining the authority of our Indian Governments.
6. We have persistently protested against these expropriations. The Government of Canada has either ignored our protests or declined responsibility. For example when the Nishga Tribes asserted that their land in British Columbia was illegally claimed by the Province, Sir James Lougheed, Leader of the Government in the Senate, stated on June 2, 1920"

"If Indians have claims anterior to Confederation or anterior to the creation of the two Crown colonies in the Province of B.C. they could be adjusted or settled by the Imperial authorities. If the claim be a valid one...as to the Indian Tribes of B.C. being entitled to the whole of the lands in British Columbia this Government cannot disturb that claim. That claim can still be asserted in the future."

- 3 -

As recently as 1979, the Government of Canada again asserted to the International community at Geneva, addressing the Human Rights Subcommittee on Racial Discrimination that the primary responsibility for the Indigenous people in Canada lay with Britain. This response was given in reply to an inquiry into Canadian policies regarding the Indigenous People of Canada.

7. In 1969 the Prime Minister of this Country said:

"While one of the things the Indian Bands often refer to are their Aboriginal Rights and in our policy the way we propose it, we say we don't recognize Aboriginal Rights...It's inconceivable I think that in any given society one section of the society have a Treaty with the other section...But I don't think that we should encourage the Indians to feel that their Treaties should last forever within Canada..."

He said, with respect to the stated Indian request for a preservation of Aboriginal Rights:

"And our answer -- it may not be the right one and it may not be the one which is accepted...our answer is no."

8. A Submission to the Federal Cabinet on Native Claims Policy: Comprehensive Claims dated July 29, 1979, said:

- a) Indian title is to be extinguished for money and certain concessions many of which would be of a temporary nature.
- b) Any confirmation of Indian title is explicitly rejected as a basis for agreements.
- c) Any powers or authority transferred to Indians are to be consistent with non-Indian political institutions, i.e. municipal-type administration which can be tied later into provincial law and institutions.
- d) The concept of Indian Government, as a way of confirming Indian special status, is explicitly rejected.
- e) Provincial participation in negotiating claims settlements is regarded as essential (aside from any legal requirements for this) because one important aim is to shift jurisdiction over Indians to the Provinces.

This strategy was basically accepted by the Federal Government and is its policy today.

9. At the 11th Annual General Assembly of the Union of B.C. Indian Chiefs on October 1979, the Indian Nations Aboriginal Rights Position Paper was accepted and presented to the federal government. The federal government has chosen not to respond to it in any real manner.
10. The Government of Canada has refused our request to participate in the Constitutional discussions between the federal and provincial governments. As such the Indian Nations oppose patriation. The federal government's policy to terminate Indian status and reserve land would be fully achieved through patriation.
11. In the City of Rotterdam, between November 24th and 30th, 1980, the Members of the Jury and other bodies of the Fourth Russell Tribunal came together in order to consider alleged violations of the rights of the Indians of America.

In hearings representations from Indian Nations of Canada, the Tribunal noted:

"It may well be that the most severe persecution in human history, lasting for almost five hundred years, has been mounted against the Native Peoples of the Americas...During the hearings we have been impressed by the invincible determination of the Indian Nations who do not seek to impose their way of life on others but who, with dignity, demand respect for the right to their unique identity in a pluralistic world."

The Tribunal made its decision on November 30, 1980, indicting the Government of Canada for breaches of International law and violations of the Universal Declaration of Human Rights to which Canada is a signatory. The Tribunal recommended the following:

"The States of the Americas, in any dispute about the infringement or violation of the autonomous and cultural rights of the Indian Peoples; to engage in a good faith negotiation to seek a peaceful settlement of the

dispute; and to refrain from taking recourse to any procedure, which is not mutually agreed upon."

- b) "Treaties and agreements made with Indigenous Nations or groups shall not be subject to unilateral abrogation. In no event may municipal law of any state serve as a defence to the failure to adhere to and perform the terms of Treaties and agreements made with Indigenous Nations or groups. Nor shall any state refuse to recognize and adhere to Treaties or other agreements due to changed circumstances where the change in circumstances has been substantially caused by the state asserting that such change has occurred. (N.G.O. conference on discrimination against Indigenous populations, Geneva, 1977)."
- c) "American States must immediately bring a halt to the gross and continuous violations of the rules and principles recognized under International law. States should implement measures to prevent further violations of the basic human rights and fundamental freedoms of the Indian Peoples. Those existing national laws which forcefully assimilate Indigenous Peoples against their will and violate their basic rights defined by International standards should be annulled."

The Jury found that Canada has failed to involve the Indian Nation in the current Constitutional process. It further concluded that Indian rights have not been considered in the proposed Canada Act 1980. The Tribunal adopted the Declaration presented by the Indian delegation, which stated that "Indian Peoples have the right to exist as distinct People of the world, the right to the possession of their own territory, and the right to sovereign self-determination".

12. If Her Majesty the Queen and her government in Great Britain patriate the Canadian Constitution under the terms proposed by the Federal Government of Canada, Her Majesty the Queen and her government of Great Britain will be participating with Canada in breaches of Treaty, International law and breaches of International covenants of which both Canada and Great Britain are signatories.

P E T I T I O N

An opportunity exists to elevate the constitutional amendment to an exercise in statemanship and nation building. This is a course which we would welcome because it offers the possibility of creating a place for us in Canada's federal system consistent with our rights as Indian Nations. We have given long and serious consideration in many assemblies of our people to the ways in which our special status can be integrated into Canada's federal system. We are convinced that this aim can be accomplished with the result of strengthening our Indian Nations and of strengthening the Government of Canada. This process, however must take place before the Constitution is amended.

It is our position that representatives of the Indian Nations, Great Britain and Canada must now enter into internationally supervised discussions outside of Canada to:

1. Review and define the present roles and responsibilities of all parties involved in the existing "tri-lateral" relationship, including the Indian Nations, the Canadian Government and the British Government.
2. Define in detail the full meaning and extent of the political association between Britain and the Indian Nations in Canada.
3. Define and agree in detail on the full area and boundaries of territories occupied and/or owned by the Indian Nations of Canada.
4. Define in detail the means by which existing and future conflicts may be resolved between an Independent Canada and Indian Nations.
5. Define and determine the extent and amount of payments owed to Indian Nations of Canada by the Canadian Government for

lands and natural resources already confiscated or expropriated by the Canadian Government and/or its agents; and agree to the method and terms for payment.

6. Define the terms for political existence between the Indian Nations of Canada and the Canadian Government.
7. Define the equalization payment plan between the Canadian Government and the Indian Nations.
8. Define the alternatives for individual Indian citizenship in addition to their own natural citizenship.
9. Define and agree to the necessary measures to ensure that each Indian Nation can exercise the full measure of self-government, within the Canadian Confederation.
10. Define the roles and authorities of the various parties in matters related to fishing, wildlife, religious lands protection, water resource management and control, use and development of minerals, petroleum resources, timber, and other natural resources.
11. Define the terms of a Treaty which will codify the agreements above, as well as define the measures necessary to settle the unresolved lands and other territorial claims.
12. Agree upon the formation of an International Indigenous Trust Council within the United Nations to oversee future relations between Indigenous Peoples and Countries with which they are associated.

As a last resort, if the tri-lateral negotiations are not commenced, we will take whatever other measures are necessary to separate Indian Nations permanently

from the jurisdiction and control of the Government of Canada whose intentions are hostile to our People. We will be forced to take this step while requiring Britain to fulfill the obligations owed to us.

We request that the Government of Canada give serious and immediate consideration to this Petition and Bill of Particulars and in view of the deadlines established, that a response be provided by February 6, 1980.

DATED at the City of Ottawa, December 1980.

George Manuel, President
Union of B.C. Indian Chiefs

PETITION BY THE
INDIAN PEOPLE OF CANADA
TO HER MAJESTY QUEEN ELIZABETH II

The Indian Nations of Canada submit this petition to Her Majesty, asking that Her Majesty may graciously bring to the attention of the Parliament of the United Kingdom our most serious objections to the proposals of the Government of Canada to amend the Constitution without due regard having been given to our rightful place in the Canadian Confederation.

We urge Her Majesty to refuse the patriation of the Canadian constitution until agreement is reached between Canada, the United Kingdom and the Indian Nations which will embody in the Constitution those essential obligations, undertakings, and agreements which the British Crown solemnly caused to be made with the Indian Nations of Canada and those conditions necessary to enable the Indian Nations to achieve self-determination within the Canadian Federation.

The petition of the Indigenous peoples of Canada, shows that:

1. We are the original Nations of Canada. Our ancestors lived in harmony with this land before the arrival of European settlers. We have been given this sacred birthright by the Creator to live in harmony with the Creator on this land through all our generations.
2. When the early settlers arrived in our Indian territory we welcomed those who respected our Sovereignty and treated them with peace and friendship. Those who disrespected our Sovereignty and our territorial boundaries were at war with us.

3. Who were these settlers? We learned that they came under the authority of the Royal Majesty in the United Kingdom and wanted to live in our land and benefit from its riches. Who was the Royal Majesty? We learned that she was the head of a large and powerful family representing a Nation, just as our leaders represented our Indian Nations. Our leaders wanted to make sure that our sovereign nations were dealing with the representatives of another sovereign nation. They asked:

Is it true you are bringing the Queen's kindness? Is it true you are bringing the Queen's messengers' kindness? Is it true you are going to give my child what he may use? Is it true you are going to give the different Bands the Queen's kindness? Is it true you bring the Queen's hand? Is it true you are bringing the Queen's power?

(Qu'Appelle Treaty, 1874)

And the leaders were told:

What we have heard yesterday, and you represented yourself, you said the Queen sent you here, the way we understood you as a representative of the Queen. We have understood you yesterday that Her Majesty has given you the same power and authority as she has, to act in this business...

(Treaty 3, 1873)

4. We were told that the Royal Majesty had power to protect us and would hold to her promises, we met with her representatives and agreed how our separate Nations would live together. We allowed the Royal Majesty to establish her government and her people in our land on the following terms:

- a) Our Sovereignty would always be respected by the Royal Majesty and her subjects.
- b) Her Royal Majesty would protect our Indian Nations against harm from other European Nations.
- c) Our Indian territories would be protected against settlement by the Royal Majesty's subjects unless we consented to their occupation of our land through Treaty.

d) The Royal Majesty agreed to keep her
promise which would bind her government
and our Indian Nations forever.

5. Listen now to the promises made by the Royal Majesty's
representatives to our Indian Nations:

"No government, whether provincial or
central, has failed to acknowledge that
the original title to the land existed
in the Indian tribes...Before we touch
an acre we make a treaty with the Chiefs
representing the Bands we are dealing
with, having agreed upon and paid the
stipulated price...we enter into pos-
session."

(Earl of Dufferin,
Governor General of
Canada, 1876)

"The Kings rights with respect to your
territory were against the Nations of
Europe;...But the King never had any
rights against you but to such parts
of the Country as had been fairly ceded
by yourselves with your own free con-
sent by Public convention and sale.
How then can it be said that he gave
away your lands? So careful was the
King of your interests, so fully sen-
sible of your rights, that we would
not suffer even his own people to buy
your lands, without being sure of your
free consent and of ample justice being
done you...You desire the Kings pro-
tection, you desire his power and
influence may be exerted to procure
you peace and to secure your rights."
(Montreal, March 10, 1771
His Excellency Lord
Dorchester)

And the Kings representatives reported to him:

I remark in the first place that the
provisions of these treaties must be
carried out with the utmost good
faith and the nicest exactness. The
Indians of Canada have...an abiding
confidence in the government of the
Queen, or the Great Mother, as they
style her. This must not, at all
hazards, be shaken.
(Lieutenant Governor
Morris & Right Honourable
Lord of Dufferin, 1880)

6. The promises and obligations of the Royal Majesty were set out in the Royal Proclamation of 1763, and in the treaties negotiated by the Royal Majesties and the Indian Nations. The Royal Proclamation says:

And whereas it is just and reasonable, and essential to Our Interest and the Security of our Colonies, that the several Nations or Tribes of Indians with whom we are connected, and who live under Our Protection should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to, or purchased by Us, are reserved to them, or any of them as their hunting grounds.

7. The Royal Majesty and the Indian Nations have never consented to change this agreement as set out in the Royal law and treaties. For some of our Indian Nations who made Treaties with the Royal Majesty, as these Treaties continue to bind the Indian Nations, so they continue to bind the Royal Majesty and her government. However, many of our Indian Nations did not enter into Treaties. Over 40% of the land in Canada is unceded Indian Territory, some of which is being illegally occupied by Her Majesty's subjects.
8. Our confidence has been shaken. We must talk now about the government of Canada. The government of Canada has been entrusted with the administration of Her Majesty's promises to the Indian Nations. Where did Canada get this authority? The jurisdiction to fulfil the obligation to us rests with the United Kingdom. It is through an act of Her Majesty's Parliament in Great Britain that Canada has been delegated to administer the Royal obligation. What has the government of Canada done with this trust? For years the government of Canada has been expropriating our land and resources, illegally settling our land and systematically trying to assimilate our people undermining the authority of our Indian governments.

We have protested persistently against these expropriations. For example when the Nishga Tribes asserted that their land in British Columbia was illegally claimed by the province Sir James Lougheed, leader of the government in the Senate on June 2, 1920 said:

"If Indians have claims anterior to Confederation or anterior to the creation of the two Crown colonies in the province of B.C. they could be adjusted or settled by the Imperial authorities. If its claim be a valid one...as to the Indian tribes of B.C. being entitled to the whole of the lands in British Columbia this government cannot disturb that claim. That claim can still be asserted in the future."

Rather than assisting Indian Nations and realizing their claim the government has passed legislation to assimilate us. In the early 1920s legislation was passed outlawing our spiritual practices. Another law passed in the same period made it illegal to form an association to press land claims. Legislation continues to exist which expropriates our hunting and fishing rights. Even by 1948 in British Columbia and in Canada we couldn't vote in provincial or federal elections if we lived on reserves.

9. In 1969 the Prime Minister of this country said:

"While one of the things the Indian Bands often refer to are their aboriginal rights and in our policy the way we propose it, we say we don't recognize aboriginal rights...It's inconceivable I think that in any given society one section of the society have a treaty with the other section of the society...But I don't think that we should encourage the Indians to feel that their treaties should last forever within Canada..."

He said, with respect to the stated Indian request for a preservation of aboriginal rights:

And our answer -- it may not be the right one and it may not be the one which is accepted...our answer is no.

10. In a submission to the federal Cabinet on Native Claims Policy: Comprehensive Claims dated July 29, 1979, said:

a) Indian title is to be extinguished for money and certain concessions many of which would be of a temporary nature.

- b) Any confirmation of Indian title is explicitly rejected as a basis for agreements.
- c) Any powers or authority transferred to Indians are to be consistent with non-Indian political institutions, i.e. municipal-type administrations which can be tied later into provincial laws and institutions.
- d) The concept of Indian Government, as a way of confirming Indian special status, is explicitly rejected.
- e) Provincial participation in negotiating claims settlements is regarded as essential (aside from any legal requirements for this) because one important aim is to shift jurisdiction over Indians to the provinces.

This strategy was basically accepted by the government and is their policy today.

At the 11th Annual General Assembly of the Union of B.C. Indian Chiefs in October, 1979, the Indian Nations Aboriginal Rights Position Paper was accepted, and presented to the federal government. The federal government has chosen not to respond to it in any real manner.

11. The Indian Nations oppose patriation. We know that the federal government's policy to terminate Indian status and reserve land would be fully achieved through patriation. There is no mention of the obligations owed to us in the proposed resolution. We are only mentioned in Section 24 of the Charter which says that the Charter cannot be used to deny our existing rights and freedoms; but the government tells us they do not accept that we have aboriginal rights. Is it that position which is not denied? Our rights are not entrenched in the proposed patriation. After patriation the federal and provincial governments would have the full authority to eliminate the very obligations owed to us and which made Canada possible. Section 15 of the Charter adds to the problem by saying that there

shall be equality without regard to race. What will happen to our Indian people? Will our reserves be ended because Indians will be seen to have a preferred position because of race?

12. The government of Canada has refused to listen to what the Indian Nations say about patriation. We have asked to be involved in the constitutional discussions between the federal and provincial governments, and we have been refused. We travelled across this country to appear in front of the Joint Parliamentary Committee on the Constitution to be told that we won't be listened to. Prime Minister Trudeau has deliberately prevented our voice from being heard...

It is not possible for the government of Canada to suppress our Indian Nations by refusing to listen to us. Is it possible to think that we will not exist because a government refuses to recognize us? Our Indian Nations existed long before the government of Canada did, and we have survived despite the actual neglect by this government for our physical needs and their efforts to assimilate us.

13. If Her Majesty the Queen and her government in Great Britain patriate the Canadian Constitution under the terms proposed by the Federal Government of Canada, Her Majesty the Queen and her government in Great Britain will be participating in breaches of treaty, international law and breaches of international covenants of which both Canada and Great Britain are signatories.

An opportunity exists to elevate the constitutional amendment to an exercise in statesmanship and nation building.

This is a course which we would welcome because it offers the possibility of creating a place for us in Canada's federal system consistent with our rights as Indian Nations. We have given long and serious consideration in many assemblies of our people to

the ways in which our special status can be integrated into Canada's federal system. We are convinced that this aim can be accomplished without destroying our nationhood or terminating our historical and legal rights. This process, however must take place before the Constitution is amended.

15. We propose that representatives of the Indian Nations, Great Britain and Canada enter into internationally supervised discussions outside of Canada to:

1. Review and define the present roles and responsibilities of all parties involved in the existing "tri-lateral" relationship, including the Indian Nations, the Canadian Government and the British Government.
2. Define in detail the full meaning and extent of the political association between Britain and the Indian Nations in Canada.
3. Define and agree in detail on the full area and boundaries of territories occupied and/or owned by the Indian Nations of Canada.
4. Define in detail the means by which existing and future conflicts may be resolved between an Independent Canada and Indian Nations.
5. Define and determine the extent and amount of payments owed Indian Nations of Canada by the Canadian Government for lands and natural resources already confiscated or expropriated by the Canadian Government and/or its agents; and agree to the method and terms for payment.

6. Define the terms for political existence between the Indian Nations of Canada and the Canadian Government.
7. Define the equalization payment plan between the Canadian Government and the Indian Nations.
8. Define the alternatives for individual Indian citizenship in addition to their own natural citizenship.
9. Define and agree to the necessary measures to ensure that each Indian Nation can exercise the full measure of self-government, within the Canadian confederation.
10. Define the roles and authorities of the various parties in matters related to fishing, wildlife, religious lands protection, water resource management, and control, use and development of minerals, petroleum resources, timber and other natural resources.
11. Define the terms of a Treaty which will codify the agreements above, as well as define the measures necessary to settle the unresolved lands and other territorial claims.
12. Agree upon the formation of an International Indigenous Trust Council within the United Nations to oversee future relations between indigenous peoples and countries with which they are associated.
16. As the last recourse, we propose to take whatever other measures are necessary to separate Indian Nations permanently from the jurisdiction and control of the Government of Canada, if its intentions remain hostile to our peoples, while insisting upon the fulfilment of the obligations owed to us by Her Majesty the Queen.

We humbly pray that Her Majesty gives serious consideration to this petition which is being submitted on behalf of the Indian Nations, we respect -

fully request that our grievances be given an immediate remedy, and in view of the deadlines which the Government of Canada has established, that a response be provided by December 3, 1980.

DATED at the city of Ottawa, November 1980.

PETITION AND BILL OF PARTICULARS ON THE POLITICAL STANDING OF
INDIGENOUS TRIBES AND BANDS UNDER THE PROTECTION OF THE BRITISH
GOVERNMENT IN THE FACE OF IMPENDING CANADIAN INDEPENDENCE

TO

His Excellency The Secretary-General of the United Nations

BY

Indian Nations in Canada

Requesting urgent actions by the United Nations Secretary-General to prevent the imminent breaches of International law and Human Rights being implemented by the Governments of Britain and Canada against the Indigenous Peoples of Canada.

B I L L O F P A R T I C U L A R S

1. We are the original Nations in Canada. Our ancestors lived in harmony with this land before the arrival of European settlers. We have been given this sacred birthright by the Creator to live in harmony with the Creator on this land through all our generations.
2. When Great Britain wished to establish a colony in Indian territory now known as Canada, she reached agreements with the Indian Nations who claimed the land and resources as its original inhabitants. These agreements were based upon the Sacred Trust of Civilization and were embodied in the Royal Proclamation of 1763 and the various Treaties with separate Indian Nations dating from 1693 to 1956. The concluded obligations in the agreements are as follows:
 - a) Our Sovereignty would always be respected by the Royal Majesty and her subjects.
 - b) The Royal Majesty would protect our Indian Nations against harm from other European Nations.
 - c) Our Indian territories would be protected against settlement by the Royal Majesty's subjects unless we consented to their occupation of our land through Treaty.

- d) If our title was ceded it would be through a fair and open process; once title was ceded the obligations would continue to bind the parties forever.

A portion of the Royal Proclamation states:

"And whereas it is just and reasonable, and essential to Our Interest and the Security of our Colonies, that the several Nations or Tribes of Indians with whom we are connected, and who live under Our Protection should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to, or purchased by Us, are reserved to them, or any of them as their hunting grounds.

The Treaties and agreements entered into between the British Crown and the Indian Nations are legally binding agreements with consequences in International law.

- 3. The Government of Canada was entrusted with the administration of Great Britain's obligations to the Indian Nations through Section 91(24) of the B.N.A. Act 1867, an Act of the Parliament of Great Britain.

This section states that the federal government of Canada has jurisdiction over "Indians and Lands reserved for Indians".

- 4. Canada has not fulfilled its trust obligations to the Indian Nations. Rather the Government of Canada has for years expropriated our land and resources, illegally settled our land and systematically tried to assimilate our people, undermining the authority of our Indian Governments.

Over 40% of the land in Canada is Indian territory which has never been ceded by the Indian Nations. This land is being illegally claimed and occupied by the Governments of Canada. Other examples of the illegal expropriation of land and resources include:

- a) Legislation which reduces Reserve land without the consent of the Indians.
- b) Legislation which allows provincial governments to expropriate, without compensation, and without our consent, up to 1/20 of reserve land.

- c) In the early 1920's legislation was passed outlawing our spiritual practices. Another law passed in the same period made it illegal to form an association to press land claims.
- d) Legislation continues to exist which expropriates our hunting and fishing rights.
- e) Until 1960, Indians were not entitled to vote in federal elections if we lived on reserves.
- f) Our spiritual practices subject us to prosecution under provincial game laws.
- g) Legislation compels Indian children to attend residential schools away from our communities and our cultures.

5. Not only have the Indian Nations been faced with blatantly illegal legislation, but the persistent and insidious policy behind its legislation reveals the federal government's objective to exterminate the very identity of the Indian Nations and its people.

In 1969, the Prime Minister of this Country said:

"While one of the things the Indian Bands often refer to are their Aboriginal Rights and in our policy the way we propose it, we say we don't recognize Aboriginal Rights...It's inconceivable I think that in any given society one section of the society have a Treaty with the other section of the society...But I don't think that we should encourage the Indians to feel that their Treaties should last forever within Canada..."

He said, with respect to the stated Indian request for a preservation of Aboriginal Rights:

"And our answer -- it may not be the right one and it may not be the one which is accepted...our answer is no."

In a Submission to the federal Cabinet on Native Claims Policy: Comprehensive Claims dated July 29, 1979, said:

- a) Indian title is to be extinguished for money and certain concessions many of which would be of a temporary nature.

- b) Any confirmation of Indian title is explicitly rejected as a basis for agreements.
 - c) Any powers or authority transferred to Indians are to be consistent with non-Indian political institutions, i.e. municipal-type administrations which can be tied later into provincial laws and institutions.
 - d) The concept of Indian Governments, as a way of confirming Indian special status, is explicitly rejected.
 - e) Provincial participation in negotiating claims settlements is regarded as essential (aside from any legal requirements for this) because one important aim is to shift jurisdiction over Indians to the Provinces.
6. We have persistently protested against these laws and policies of expropriation. Our Indian Nations throughout the 19th and 20th Centuries have petitioned both Britain and Canada to stop these illegalities. When challenged by the Indian Nations, the federal government of Canada has said our remedy is with Britain. In the International arena, as recently as 1979 at Geneva, Canada stated to the Human Rights Sub-committee on Racial Discrimination that the primary responsibility for the Indigenous People lay with Britain.

Yet at the same time Canada tries to foster the myth that the Indian Nations and the disposition of our rights and property are within the domestic domain of Canada. Canada presumes to defend its actions by asserting that the self-determination of the Indian Nations must be "disallowed" or limited on grounds of preventing "dismemberment of states".

7. Canada is not able to hide behind either of these ruses to avoid International scrutiny of its treatment of the Indian Nations.

In the City of Rotterdam, between November 24th and 30th, 1980, the Members of the Jury and other bodies of the Fourth Russell Tribunal came together in order to consider alleged violations of the rights of the Indians of America.

In hearings representations from Indian Nations in Canada, the Tribunal noted:

"It may well be that the most severe persecution in human history, lasting for almost five hundred years, has been mounted against the Native Peoples of the Americas...During the hearings we have been impressed by the invincible determination of the Indian Nations who do not seek to impose their way of life on others but who, with dignity, demand respect for the right to their unique identity in a pluralistic world."

The Tribunal made its decision on November 30, 1980, indicting the Government of Canada for breaches of International law and violations of the Universal Declaration of Human Rights to which Canada is a signatory. The Tribunal recommended the following:

- a) "The States of the Americas, in any dispute about the infringement or violation of the autonomous and cultural rights of the Indian peoples; to engage in good faith negotiation to seek a peaceful settlement of the dispute; and to refrain from taking recourse to any procedure, which is not mutually agreed upon."
- b) "Treaties and Agreements made with Indigenous Nations or groups shall not be subject to unilateral abrogation. In no event may municipal law of any state serve as a defence to the failure to adhere to and perform the terms of Treaties and Agreements made with Indigenous Nations or groups. Nor shall any state refuse to recognize and adhere to Treaties or other Agreements due to change in circumstances where the change circumstances has been substantially caused by the state asserting that such change has occurred. (N.G.O. Conference on discrimination against Indigenous populations, Geneva, 1977)."
- c) "American States must immediately bring a halt to the gross and continuous violations of the rules and principles recognized under International law. States should implement measures to prevent further violations of the basic human rights and fundamental freedoms of the Indian Peoples. Those existing national laws which forcefully assimilate Indigenous Peoples against their will and violate their basic rights defined by International standards should be annulled."

8. The federal government of Canada proposes to place before the British Parliament a Resolution for a Joint Address to Her Majesty the Queen requesting the patriation of the Constitution of Canada. This would be the finalization of Canada's independence. This would also finalize the federal government's policy to terminate Indian status and reserve land.

There is no mention of the obligations owed to us in the proposed Resolution. We are only mentioned in Section 24 of the Charter which says that the Charter cannot be used to deny our existing Rights and Freedoms; but the government tells us they do not accept that we have Aboriginal Rights. The rights of our Indian Nations to survive culturally, economically and politically are not protected by the proposed patriation. In fact after patriation the Federal and Provincial governments would have the full authority to eliminate the very obligations owed to us which made settlement in Canada possible. S. 15 of the Charter adds to the problem by saying that there is equality between individuals but our collective rights as Nations are denied.

Throughout the Constitutional discussions, when our Indian Nations were refused participation and in the Constitution Act as proposed, the Canadian Government has revealed its intention of forcing the Indian Nations to politically integrate into Canada, against our will, to deprive us of our political identity, against our will and to suppress the fact that our Indian Nations and our territories constitute distinct political communities outside the Canadian State.

9. The issue of the Indian Nation's participation in the patriation process came before the Russell Tribunal in November 1980.

The Jury found that Canada has failed to involve the Indian Nations in the current Constitutional process. It further concluded that Indian rights have not been considered in the proposed Canada Act 1980. The Tribunal adopted the Declaration presented by the Indian delegation which stated that "Indian Peoples have the right to exist as distinct People of the world, the right to the possession of their own territory, and the right to sovereign self-determination".

10. If Her Majesty the Queen and her government in Great Britain patriate the Canadian Constitution under the terms proposed by the Federal Government of Canada Her Majesty the Queen and her government of Great Britain will be participating with Canada in breaches of Treaty, International law and breaches of International covenants of which both Canada and Great Britain are signatories.

United Nations members agree to respect "self-determination of peoples". (U.N. Charter, Article 1(2); G.A. Res. 2625 (XXV), 24 October 1970, Preamble). "(A)ll peoples have the right of self-determination (and) to freely determine their political status." (International Covenant on Economic, Social and Cultural Rights, Article 1(1), and "(T)he will of the people shall be the basis of the authority of government" in all countries." (Universal Declaration of Human Rights, Article 21(3), U.N. Doc. A/118, 10 December 1948.) A people's "inadequacy of political, economic or social preparedness should never serve as a pretext for delaying independence" or the exercise of self-determination. (Declaration on the Granting of Independence to Colonial Countries and Peoples, Art. 3). As a "people", the Indian Nations of Canada have a right to choose their own political destiny.

P E T I T I O N

1. In recognition of the foregoing, the Indian Nations in Canada seek and request the immediate intervention of the United Nations Secretary-General on our behalf to support and provide international supervision over a tri-lateral meeting between representatives from the Government of Britain, Government of Canada, and the Indian Nations at a neutral city. The intercession of the U.N. Secretary-General is urgently requested to facilitate participation in this special meeting, to formally resolve all outstanding disputes between the parties prior to the conclusion of the process undertaken by Canada and Britain know as "Canadian Constitutional Patriation". We specifically urge the U.N. Secretary-General to undertake the following actions"
1. Initiate contact with the Governments of Canada and Britain, urging their immediate and unconditional participation in tri-

lateral negotiations on the political status of the Indian Nations of Canada, as well as their Agreement to suspend constitutional patriation processes until these negotiations are concluded to the satisfaction of all parties.

2. Gain Agreement between the parties concerning the role of the United Nations as an international presence to supervise the proceedings, once negotiations are convened.
3. Request and secure an official of the International Court of Justice to serve as official arbitor during the life of these negotiations.

2. The proposed Tri-Lateral Negotiations of the Political Status of Indigenous Peoples of Canada, convening under international supervision, must have an agenda which includes--but is not limited to--the following:

1. Review and define the present roles and responsibilities of all parties involved in the existing "tri-lateral" relationship, including the Indian Nations, the Canadian Government and the British Government.
2. Define in detail the full meaning and extent of the political association between Britain and the Indian Nations in Canada.
3. Define and agree in detail on the full area and boundaries of territories occupied and/or owned by the Indian Nations of Canada.
4. Define in detail the means by which existing and future conflicts may be resolved between an Independent Canada and Indian Nations.
5. Define and determine the extent and amount of payments owed to Indian Nations of Canada by the Canadian Government for lands and natural resources already confiscated or expropriated by the Canadian Government and/or its agents; and agree to the method and terms for payment.
6. Define the terms for political existence between the Indian Nations of Canada and the Canadian Government.
7. Define the equalization payment plan between the Canadian Government and the Indian Nations.
8. Define the alternatives for individual Indian citizenship in addition to their own natural citizenship.
9. Define and agree to the necessary measures

to ensure that each Indian Nation can exercise the full measure of self-government, within the Canadian Confederation.

10. Define the roles and authorities of the various parties in matters related to fishing, wildlife, religious land protection, water resources management and control, use and development of minerals, petroleum resources, timber, and other natural resources.
 11. Define the terms of a Treaty which will codify the Agreements above, as well as define the measures necessary to settle the unresolved lands and other territorial claims.
 12. Agree upon the formation of an International Indigenous Trust Council within the United Nations to oversee future relations between Indigenous Peoples and Countries with which they are associated.
3. Before the Tri-Lateral Conference on the Political Status of the Indian Nations in Canada is convened, we urgently request that:
1. Canada notify the Indian Governments of her intent not to finalize constitutional patriation proceedings until this tri-lateral conference has concluded.
 2. Canada notify the Indian Nations that she shall not violate the political and territorial integrity of the Indigenous Peoples before, during or after the achievement of her independence from Britain.
 3. Canada and Britain share equally in the cost to support the Indian Government's role as parties to the above mentioned tri-lateral negotiations. Such funds may be used for all necessary purposes determined by the Indian governments to ensure equal participation in the conference.
 4. Britain officially notify the Indian Nations of her intent to fulfil her trust responsibilities to them even as she seeks to promote the Canadian State's independence.

DATED in the City of Ottawa, December 1980.

George Manuel, President
Union of B.C. Indian Chiefs

PETITION BY THE
INDIAN PEOPLE OF CANADA
TO HER MAJESTY QUEEN ELIZABETH II

The Indian Nations of Canada submit this petition to Her Majesty, asking that Her Majesty may graciously bring to the attention of the Parliament of the United Kingdom our most serious objections to the proposals of the Government of Canada to amend the Constitution without due regard having been given to our rightful place in the Canadian Confederation.

We urge Her Majesty to refuse the patriation of the Canadian constitution until agreement is reached between Canada, the United Kingdom and the Indian Nations which will embody in the Constitution those essential obligations, undertakings, and agreements which the British Crown solemnly caused to be made with the Indian Nations of Canada and those conditions necessary to enable the Indian Nations to achieve self-determination within the Canadian Federation.

The petition of the Indigenous peoples of Canada, shows that:

1. We are the original Nations of Canada. Our ancestors lived in harmony with this land before the arrival of European settlers. We have been given this sacred birthright by the Creator to live in harmony with the Creator on this land through all our generations.
2. When the early settlers arrived in our Indian territory we welcomed those who respected our Sovereignty and treated them with peace and friendship. Those who disrespected our Sovereignty and our territorial boundaries were at war with us.

3. Who were these settlers? We learned that they came under the authority of the Royal Majesty in the United Kingdom and wanted to live in our land and benefit from its riches. Who was the Royal Majesty? We learned that she was the head of a large and powerful family representing a Nation, just as our leaders represented our Indian Nations. Our leaders wanted to make sure that our sovereign nations were dealing with the representatives of another sovereign nation.' They asked:

Is it true you are bringing the Queen's kindness? Is it true you are bringing the Queen's messengers' kindness? Is it true you are going to give my child what he may use? Is it true you are going to give the different Bands the Queen's kindness? Is it true you bring the Queen's hand? Is it true you are bringing the Queen's power?

(Qu'Appelle Treaty, 1874)

And the leaders were told:

What we have heard yesterday, and you represented yourself, you said the Queen sent you here, the way we understood you as a representative of the Queen. We have understood you yesterday that Her Majesty has given you the same power and authority as she has, to act in this business...

(Treaty 3, 1873)

4. We were told that the Royal Majesty had power to protect us and would hold to her promises, we met with her representatives and agreed how our separate Nations would live together. We allowed the Royal Majesty to establish her government and her people in our land on the following terms:

- a) Our Sovereignty would always be respected by the Royal Majesty and her subjects.
- b) Her Royal Majesty would protect our Indian Nations against harm from other European Nations.
- c) Our Indian territories would be protected against settlement by the Royal Majesty's subjects unless we consented to their occupation of our land through Treaty.

3. Who were these settlers? We learned that they came under the authority of the Royal Majesty in the United Kingdom and wanted to live in our land and benefit from its riches. Who was the Royal Majesty? We learned that she was the head of a large and powerful family representing a Nation, just as our leaders represented our Indian Nations. Our leaders wanted to make sure that our sovereign nations were dealing with the representatives of another sovereign nation.' They asked:

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- b) Her Royal Majesty would protect our Indian Nations against harm from other European Nations.
- c) Our Indian territories would be protected against settlement by the Royal Majesty's subjects unless we consented to their occupation of our land through Treaty.

d) The Royal Majesty agreed to keep her promise which would bind her government and our Indian Nations forever.

5. Listen now to the promises made by the Royal Majesty's representatives to our Indian Nations:

"No government, whether provincial or central, has failed to acknowledge that the original title to the land existed in the Indian tribes...Before we touch an acre we make a treaty with the Chiefs representing the Bands we are dealing with, having agreed upon and paid the stipulated price...we enter into possession."

(Earl of Dufferin,
Governor General of
Canada, 1876)

"The Kings rights with respect to your territory were against the Nations of Europe;...But the King never had any rights against you but to such parts of the Country as had been fairly ceded by yourselves with your own free consent by Public convention and sale. How then can it be said that he gave away your lands? So careful was the King of your interests, so fully sensible of your rights, that we would not suffer even his own people to buy your lands, without being sure of your free consent and of ample justice being done you...You desire the Kings protection, you desire his power and influence may be exerted to procure you peace and to secure your rights."

(Montreal, March 10, 1771
His Excellency Lord
Dorchester)

And the Kings representatives reported to him:

I remark in the first place that the provisions of these treaties must be carried out with the utmost good faith and the nicest exactness. The Indians of Canada have...an abiding confidence in the government of the Queen, or the Great Mother, as they style her. This must not, at all hazards, be shaken.

(Lieutenant Governor
Morris & Right Honourable
Lord of Dufferin, 1880)

6. The promises and obligations of the Royal Majesty were set out in the Royal Proclamation of 1763, and in the treaties negotiated by the Royal Majesties and the Indian Nations. The Royal Proclamation says:

And whereas it is just and reasonable, and essential to Our Interest and the Security of our Colonies, that the several Nations or Tribes of Indians with whom we are connected, and who live under Our Protection should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to, or purchased by Us, are reserved to them, or any of them as their hunting grounds.

7. The Royal Majesty and the Indian Nations have never consented to change this agreement as set out in the Royal law and treaties. For some of our Indian Nations who made Treaties with the Royal Majesty, as these Treaties continue to bind the Indian Nations, so they continue to bind the Royal Majesty and her government. However, many of our Indian Nations did not enter into Treaties. Over 40% of the land in Canada is unceded Indian Territory, some of which is being illegally occupied by Her Majesty's subjects.
8. Our confidence has been shaken. We must talk now about the government of Canada. The government of Canada has been entrusted with the administration of Her Majesty's promises to the Indian Nations. Where did Canada get this authority? The jurisdiction to fulfil the obligation to us rests with the United Kingdom. It is through an act of Her Majesty's Parliament in Great Britain that Canada has been delegated to administer the Royal obligation. What has the government of Canada done with this trust? For years the government of Canada has been expropriating our land and resources, illegally settling our land and systematically trying to assimilate our people undermining the authority of our Indian governments.

We have protested persistently against these expropriations. For example when the Nishga Tribes asserted that their land in British Columbia was illegally claimed by the province Sir James Loughheed, leader of the government in the Senate on June 2, 1920 said:

"If Indians have claims anterior to Confederation or anterior to the creation of the two Crown colonies in the province of B.C. they could be adjusted or settled by the Imperial authorities. If its claim be a valid one...as to the Indian tribes of B.C. being entitled to the whole of the lands in British Columbia this government cannot disturb that claim. That claim can still be asserted in the future."

Rather than assisting Indian Nations and realizing their claim the government has passed legislation to assimilate us. In the early 1920s legislation was passed outlawing our spiritual practices. Another law passed in the same period made it illegal to form an association to press land claims. Legislation continues to exist which expropriates our hunting and fishing rights. Even by 1948 in British Columbia and in Canada we couldn't vote in provincial or federal elections if we lived on reserves.

9. In 1969 the Prime Minister of this country said:

"While one of the things the Indian Bands often refer to are their aboriginal rights and in our policy the way we propose it, we say we don't recognize aboriginal rights...It's inconceivable I think that in any given society one section of the society have a treaty with the other section of the society...But I don't think that we should encourage the Indians to feel that their treaties should last forever within Canada..."

He said, with respect to the stated Indian request for a preservation of aboriginal rights:

And our answer -- it may not be the right one and it may not be the one which is accepted...our answer is no.

10. In a submission to the federal Cabinet on Native Claims Policy: Comprehensive Claims dated July 29, 1979, said:

a) Indian title is to be extinguished for money and certain concessions many of which would be of a temporary nature.

- b) Any confirmation of Indian title is explicitly rejected as a basis for agreements.
- c) Any powers or authority transferred to Indians are to be consistent with non-Indian political institutions, i.e. municipal-type administrations which can be tied later into provincial laws and institutions.
- d) The concept of Indian Government, as a way of confirming Indian special status, is explicitly rejected.
- e) Provincial participation in negotiating claims settlements is regarded as essential (aside from any legal requirements for this) because one important aim is to shift jurisdiction over Indians to the provinces.

This strategy was basically accepted by the government and is their policy today.

At the 11th Annual General Assembly of the Union of B.C. Indian Chiefs in October, 1979, the Indian Nations Aboriginal Rights Position Paper was accepted, and presented to the federal government. The federal government has chosen not to respond to it in any real manner.

11. The Indian Nations oppose patriation. We know that the federal government's policy to terminate Indian status and reserve land would be fully achieved through patriation. There is no mention of the obligations owed to us in the proposed resolution. We are only mentioned in Section 24 of the Charter which says that the Charter cannot be used to deny our existing rights and freedoms; but the government tells us they do not accept that we have aboriginal rights. Is it that position which is not denied? Our rights are not entrenched in the proposed patriation. After patriation the federal and provincial governments would have the full authority to eliminate the very obligations owed to us and which made Canada possible. Section 15 of the Charter adds to the problem by saying that there

shall be equality without regard to race. What will happen to our Indian people? Will our reserves be ended because Indians will be seen to have a preferred position because of race?

12. The government of Canada has refused to listen to what the Indian Nations say about patriation. We have asked to be involved in the constitutional discussions between the federal and provincial governments, and we have been refused. We travelled across this country to appear in front of the Joint Parliamentary Committee on the Constitution to be told that we won't be listened to. Prime Minister Trudeau has deliberately prevented our voice from being heard...

It is not possible for the government of Canada to suppress our Indian Nations by refusing to listen to us. Is it possible to think that we will not exist because a government refuses to recognize us? Our Indian Nations existed long before the government of Canada did, and we have survived despite the actual neglect by this government for our physical needs and their efforts to assimilate us.

13. If Her Majesty the Queen and her government in Great Britain patriate the Canadian Constitution under the terms proposed by the Federal Government of Canada, Her Majesty the Queen and her government in Great Britain will be participating in breaches of treaty, international law and breaches of international covenants of which both Canada and Great Britain are signatories.

An opportunity exists to elevate the constitutional amendment to an exercise in statesmanship and nation building.

This is a course which we would welcome because it offers the possibility of creating a place for us in Canada's federal system consistent with our rights as Indian Nations. We have given long and serious consideration in many assemblies of our people to

the ways in which our special status can be integrated into Canada's federal system. We are convinced that this aim can be accomplished without destroying our nationhood or terminating our historical and legal rights. This process, however must take place before the Constitution is amended.

15. We propose that representatives of the Indian Nations, Great Britain and Canada enter into internationally supervised discussions outside of Canada to:

1. Review and define the present roles and responsibilities of all parties involved in the existing "tri-lateral" relationship, including the Indian Nations, the Canadian Government and the British Government.
2. Define in detail the full meaning and extent of the political association between Britain and the Indian Nations in Canada.
3. Define and agree in detail on the full area and boundaries of territories occupied and/or owned by the Indian Nations of Canada.
4. Define in detail the means by which existing and future conflicts may be resolved between an Independent Canada and Indian Nations.
5. Define and determine the extent and amount of payments owed Indian Nations of Canada by the Canadian Government for lands and natural resources already confiscated or expropriated by the Canadian Government and/or its agents; and agree to the method and terms for payment.

6. Define the terms for political existence between the Indian Nations of Canada and the Canadian Government.
7. Define the equalization payment plan between the Canadian Government and the Indian Nations.
8. Define the alternatives for individual Indian citizenship in addition to their own natural citizenship.
9. Define and agree to the necessary measures to ensure that each Indian Nation can exercise the full measure of self-government, within the Canadian confederation.
10. Define the roles and authorities of the various parties in matters related to fishing, wildlife, religious lands protection, water resource management, and control, use and development of minerals, petroleum resources, timber and other natural resources.
11. Define the terms of a Treaty which will codify the agreements above, as well as define the measures necessary to settle the unresolved lands and other territorial claims.
12. Agree upon the formation of an International Indigenous Trust Council within the United Nations to oversee future relations between indigenous peoples and countries with which they are associated.
16. As the last recourse, we propose to take whatever other measures are necessary to separate Indian Nations permanently from the jurisdiction and control of the Government of Canada, if its intentions remain hostile to our peoples, while insisting upon the fulfilment of the obligations owed to us by Her Majesty the Queen.

We humbly pray that Her Majesty gives serious consideration to this petition which is being submitted on behalf of the Indian Nations, we respect -

fully request that our grievances be given an immediate remedy, and in view of the deadlines which the Government of Canada has established, that a response be provided by December 3, 1980.

DATED at the city of Ottawa, November 1980.

Union of B.C. Chief

THE LAND IS OUR CULTURE

SUBMISSION

TO

THE FOREIGN AND COMMONWEALTH AFFAIRS COMMITTEE

OF THE

BRITISH HOUSE OF COMMONS

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Presented by the

Union of British Columbia Indian Chiefs

440 West Hastings Street

Vancouver, B. C.

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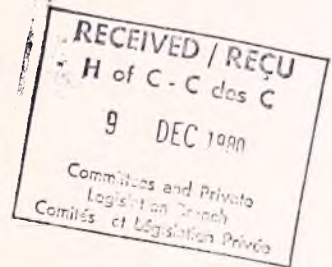
THE LAND IS OUR CULTURE

UNION OF B.C. INDIAN CHIEFS

3rd Floor - 440 West Hastings
Vancouver, B.C. V6B 1L1
Telephone: (604) 684-0231
Telex: 04-54220

December 5, 1980

Hon. Harry Hays, P.C.
Room 457-S,
The Senate,
Ottawa, Ontario
K1A 0A4



Dear Senator Hays,

Please be advised that I am President of the Union of B.C. Indian Chiefs, representing over 50,000 Indian people in the Province of British Columbia.

I am enclosing for your information the Aboriginal Rights Position Paper dated April 1980, unanimously adopted by the General Assembly of the Union of British Columbia Indian Chiefs in October 1979, and by the All Chiefs Assembly of the National Indian Brotherhood in 1980.

This document was officially presented to the Federal Government in June 1980. We have not received a response to date from the Government.

The Foundation of our position ^sis contained in the paper:

- a) recognition that we are the original people of this land,
- b) recognition that we have the right to choose and determine the type of authority we wish to exercise through our Indian Government,
- c) the expansion of our Indian Reserve lands,
- d) the expansion of our Indian resources including finances based on needs as identified by our people,
- e) the expansion of the jurisdiction and authority of our Indian Governments (Band Councils).
(See also Tab B).

Despite this clear statement of our Aboriginal Rights Position, the Prime Minister claims to be confused and uncertain as to how Indian people define Aboriginal Rights. We can only include that he has ignored our Paper.

We presented the Paper personally to Mr. John Munro in June 1980. In presenting our Paper to the Honorable John Munro we restated our position that, as a matter of legal requirement, our Indian Nations demanded participation in the Constitutional discussions between the Federal and Provincial Government set for the fall of 1980. We saw that the resolution of our Aboriginal Rights could be accomplished through the vehicle of a Ministerial Committee comprised of three Ministers and three Indian Government representatives. (See Tab D).

We specifically required that the Minister of Indian Affairs not represent the Indian Nations in the Constitutional discussion with the Government of Canada, nor could he be the sole representative of the Government of Canada in negotiating with the Indian Nations, in the implementation of the Aboriginal Rights Position Paper. As the Administrator of the trust, the Minister of Indian Affairs cannot negotiate the terms of the trust.

We anticipated that as the negotiations would not be concluded immediately, the mechanism of the Secretariat would facilitate the on-going process of the negotiations.

At the conclusion of the meeting with the Honorable John Munro we were assured that the Indian Nations would be given a place in the Constitutional discussion between the two levels of Government.

Now, on the eve of patriation, the Government of Canada had refused to allow the Indian Nations to participate in the Constitutional discussions and has not even responded to our Aboriginal Rights Position Paper.

We were forced to turn to the British Crown, the ultimate bearer of the legal trust owed to our Indian Nations, to prevent the Administor of the trust from breaching solemn rules of International law. To protect our relationship with the British Crown and our position on patriation we have commenced court proceedings. (George Manuel et al v. The Queen.) A Petition and Bill of Particulars have been delivered to the Governments of Canada and Britain as well as to the United Nations, (copies of which are enclosed). Our position is that Britain must be a party to negotiations between Canada and our Indian Nations prior to patriation. The Petition sets out our objections to the proposed Constitutional Act.

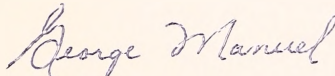
We support an equalization plan but only on the basis that payment is made directly to our Indian Nations rather than passing through the machinery of the Department of Indian Affairs or through the Provincial Government which has in the past sapped two-thirds of the money coming to our Nations.

We as a People are in the process of rebuilding and strengthening our Nations - culturally, spiritually, economically and politically. It is abundantly clear that this process cannot take place through non-Indian institutions. Illustrative of this is in the 80% drop out figure of our Indian children in the non-Indian education system. The simple truth of why our children drop out of such school is that there they are taught values that conflict with our own. Assimilation has proven not to be the answer.

It has been reported that our position on patriation is a separatist one. This is not the case. The sovereignty of our Indian Nations was fully recognized by colonial Britain and Our Nations continue to exist as sovereign today. We have not joined the Federation of Canada and now seek to do so on terms which align our rights as Nations with the Canadian Constitution. If Canada patriates the Constitution without concluding negotiations with the Indian Nations we foresee that the Indian children of Independent Canada will inherit a future of prolonged confrontation.

Yours truly,

UNION OF B.C. INDIAN CHIEFS

A handwritten signature in cursive script that reads "George Manuel".

George Manuel,
President

LM/GM:dl

Enclosures

Aboriginal Rights
Position
Paper



UNION
OF
BRITISH COLUMBIA
INDIAN CHIEFS