

# FIRST NATIONS, STATES OF CANADA & UNITED KINGDOM:



PATRIATION OF THE CANADIAN  
CONSTITUTION

FIRST NATIONS, STATES OF CANADA  
&  
UNITED KINGDOM:  
Patriation of the Canadian Constitution

Edited

by

Marie Smallface Marule  
Dept. of Native American Studies  
University of Lethbridge



**WORLD COUNCIL OF INDIGENOUS PEOPLES  
CONSEJO MUNDIAL DE PUEBLOS INDIGENAS  
CONSEIL MONDIAL DE PUEBLES INDIGENES**

WCIP-Secretariat  
Suite C-812  
The University of Lethbridge  
Lethbridge, Alberta  
Canada T1K 3M4  
Telephone: (403) 327-7255  
Telex #: 03-849357

Dear Reader,

Please note the following changes to this booklet;

Page 13

"CANADIAN WOMEN: 63.6..." should read "CANADIAN WOMEN: 69.9, and  
"CANADIAN MEN: 69.9..." should read "CANADIAN MEN: 63.9".

Page 17

The last sentence which contains "...a policy statement to the fact that recognition..." should actually read, in its entirety, as follows; "The irony of its racism against the Indian Nations of Canada was not realized by the Cabinet of the Canadian Government when it issued a policy statement to the effect that recognition of Dene rights to exercise self-determination would be racism."

Page 22

The correct spelling of "New Heberides" (line 10 from the bottom of the page) is "New Hebrides".

We apologize that these errors were not noticed before printing.

Yours Sincerely,

WORLD COUNCIL OF INDIGENOUS PEOPLES - SECRETARIAT

Commissioned  
by  
Constitutional Committee  
of the  
Chiefs of Alberta

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## ACKNOWLEDGEMENTS

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We also extend our gratitude to Rudolph C. Ryser who readily contributed his worldwide experiences and extensive knowledge of the complex situations facing the Indigenous peoples of Canada as well as other countries of the world.

A special thanks is due to Marie Smallface Marule who managed miraculously to find time in between her busy schedule of teaching, mothering, writing and completing other papers to edit this entire paper and contribute her expert knowledge with the same enthusiasm, intelligence and perception that often appears in her own writing.

Appreciation is also extended to Debra Hoggan for her diligent research, fine lay-out and assistance in the editing.

Our thanks to Norma Pierre who spent hours deciphering and typing our notes.

Last but not least we extend our appreciation and gratitude to the Indian Association of Alberta, the Union of British Columbia Indian Chiefs and the Native American Studies Department at the University of Lethbridge for their generous encouragement and indispensable assistance throughout the various stages of this paper.

FIRST NATIONS, STATES OF CANADA AND UNITED KINGDOM: PATRIATION OF THE  
CANADIAN CONSTITUTION

INTRODUCTION

The efforts of the Government of Canada to have the British North America Act, its Constitution, under the jurisdiction of the Parliament of Canada rather than the Parliament of the United Kingdom have escalated dramatically within the last ten years. These efforts have culminated in the consideration of the Resolution presently before the Canadian Parliament requesting the Parliament of the United Kingdom to amend the British North America Act one last time and send it to the Canadian Parliament as the Canada Act complete with a "Charter of Rights" and an amending formula thereafter to be under the domain of the Canadian Government. The issue of Patriation of the Canadian Constitution is presented to the Canadian public as a necessary formality to complete the process of independence of this former British Colony. However to the Indian Nations of Canada, Indigenous peoples of this country, this issue represents the final effort of the Government of Canada to grab our lands and resources, and terminate our politically distinct status, thereby denying our nations the rights of self-determination. To Indian peoples the issue of the Patriation of the Canadian Constitution represents the final stage of colonial imperialism.

As Indigenous peoples of upper North America, we have exercised sovereignty over our territories for thousands of years before contemporary recorded history. During the last few hundred years we have lived under circumstances of frequent conflict, and constant seige, caused by the expanding colonialism of European kingdoms and states. We have made treaties with the British Crown to ensure peaceful relations and to allow sharing of our lands and resources with her subjects. Indeed, we have agreed to take protection from the British Crown for our own political development and security. We have continued to live as distinct peoples, but our struggle to be free and fully determine our future has been seriously undermined as a result of Britain's colonization policies, and the establishment of a neo-colonial state within our territories.

The Indigenous Nations of upper North America are not now nor have they ever been a part of the Canadian Confederation. The relationship between Indian Nations and the Governments of Canada has never been formally clarified. The Provincial and Federal Governments of Canada have deliberately chosen not to include or recognize the First Nations of upper North America as founding Nations of Confederation. More than 1.4 million Indigenous peoples

maintain rights to territories covering an area of more than 2.4 million square miles. These facts have been ignored and even suppressed by the Canadian Government as it pursues the final stage of independence from the United Kingdom. Like the Government of South Africa in its attempt to engulf Namibia, the Canadian Government is trying to hide from the world its plan to steal vast natural resources and territories from their owners - the Indian Nations of upper North America.

#### INDIGENOUS POSITION

As Canada seeks to claim her independence, the Indian Nations of Canada declare our right of self-determination:

- We want our peoples, our lands, and natural resources to remain separate from and outside the control of the Canadian Federation.
- We want our people and territories to remain under the temporary protection of the British Government so that we may freely determine our own political future: whether our nations will formally affirm a political association with an independent state, whether some or all of our nations seek independence, or whether some of our nations choose to be absorbed into an independent state.
- We want to gain an equitable resolution of disputes arising from the exploitation and seizure of our nations' lands and resources by Britain and Canada.
- We want formally established internationally supervised negotiations between representatives of the Indian Nations, Canada and Britain to ensure the protection of our people and territories.
- We want guarantees that Canada will not be permitted to extend her jurisdiction over our territories and peoples as she gains independence; such authority must be extended only over such territories to which the Canadian Government can prove to have rights. Such territories must not presently be encumbered by claims of illegal alienation.

#### BRITISH COLONIALISM

The history of British and Canadian colonialism in upper North America leaves no alternative position for the Indian Nations to hold. To appreciate this fact one must briefly glance at the policies of these two states with regards to Indian peoples and the circumstances contributing to the application of these policies.

The origins of the Canadian Government's present day policy on "Indian Affairs" can be found in British Colonial policies developed during the 17th



Century in New England colonies. Their legal origins are traced to the Proclamation of Charles II which instructs colonial governors to ensure just and fair treatment of Indian Nations. Subsequent to British acquisition of New France in 1760 the colonial policy is extended to territories in upper North America, and given the effect of law by the Royal Proclamation of George III in 1763. The proclamation required that the Crown would recognize the lawful transfer of Indian lands to the Crown if, and only if, the Indian Nations gave their consent. The Doctrine of Consent became recognized as the fundamental principle of relations between our people and Britain.

The British colonial policy throughout the 17th, 18th and 19th Centuries clearly recognized the sovereignty of Indian Nations and the expediency to strictly regulate trade, commerce and territorial transactions. European rivalry for trade with Indian Nations and European conflicts extending into North America necessitated this approach, as well as alliances with Indian Nations. The most important consideration was, of course, the cost in terms of time and money of military engagements with Indian Nations. These circumstances required expedient policies of the British colonial office.

Though these circumstances no longer existed in the settled parts of upper North America at the time the schemes were initiated to create a confederation of British colonies to form the Confederation of Canada, they were very much in existence in terms of the territories north and west of the settlements. The neo-colonial state of Canada was necessary for British entrepreneurs to continue to benefit from the wealth of upper North America without the cost of local administration, military and/or diplomatic incidences with the Governments of the U.S.A.

When the British Parliament created a Federation of Provinces for the Central Government, our Indian Nations were never invited to join politically nor did we seek to join the new federation. Our nations remained politically separate from Canada, however, we have maintained our political association with Britain. Our only relations with the Government of Canada have been in the nature of Administrative ties - originally arranged by the British North America Act.

#### NEO-COLONIAL CANADA

The Fathers of Confederation (both the politicians and their financiers) found the policy and methodology set out in the Royal Proclamation of 1763 to be essential if their dreams of exploitation of Indian territories to the north and west were to be realized. The new Federal Government of

Canada was too poor to engage in Indian wars which had already proven to be disastrously expensive to the U.S.A. Therefore the continuation of the British policy after Confederation was also a matter of expediency.

Consequently a policy of pacification through diplomatic action was initiated along with a uniform Indian policy both within the existing colonies and those subsequently established. Thus agents of the British Crown, Commissioners appointed by the Canadian Federal Government, undertook to negotiate oral treaties with Indian Nations north and west of the federated colonies. Of course transportation, communication and, most important, commercial interests dictated the timing of the negotiations of these treaties. Upon pacification of these Indian Nations the legislation developed within the settled provinces was made to apply.

The legislation of colonies before Confederation dealing with Indian Affairs were directed by the British colonial office and geared to minimize hostilities and conflicts between Indian Nations and the settlers, primarily to prevent such hostilities from extending to areas not yet invaded. But they also served as the quasi-legal instruments for usurping Indian authority over territory then within the areas deemed to be colonies of Britain. Treaties of Peace as well as trade and military alliances which had been utilized to permit settlement in New France were discarded and the remaining territorial rights of the Indian Nations within the colonies were denigrated by legislation to lands "held in trust by the Crown for the use and benefit of Indian Bands". (Indian Act, 1876)

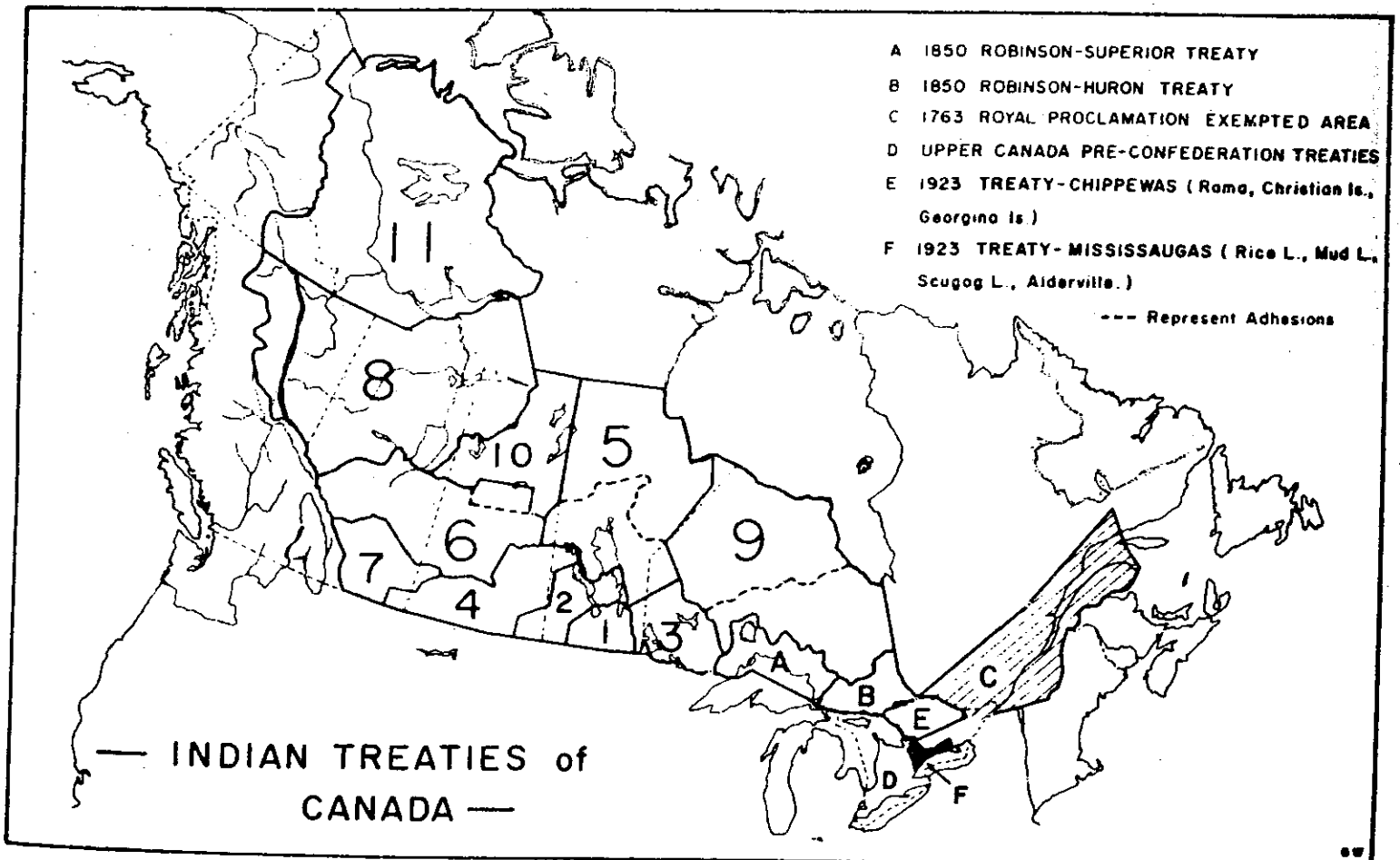
Various pieces of legislation were enacted between 1830 and 1850 and finally consolidated into one act by the Legislature of the United Canadas in 1858 and adopted subsequently by the Parliament of Canada in 1868. This colonial legislation with minor modifications became known as the Indian Act of 1876, and with few significant modifications, is the Indian Act of 1951 that is applied to the Indian Nations of Canada today.

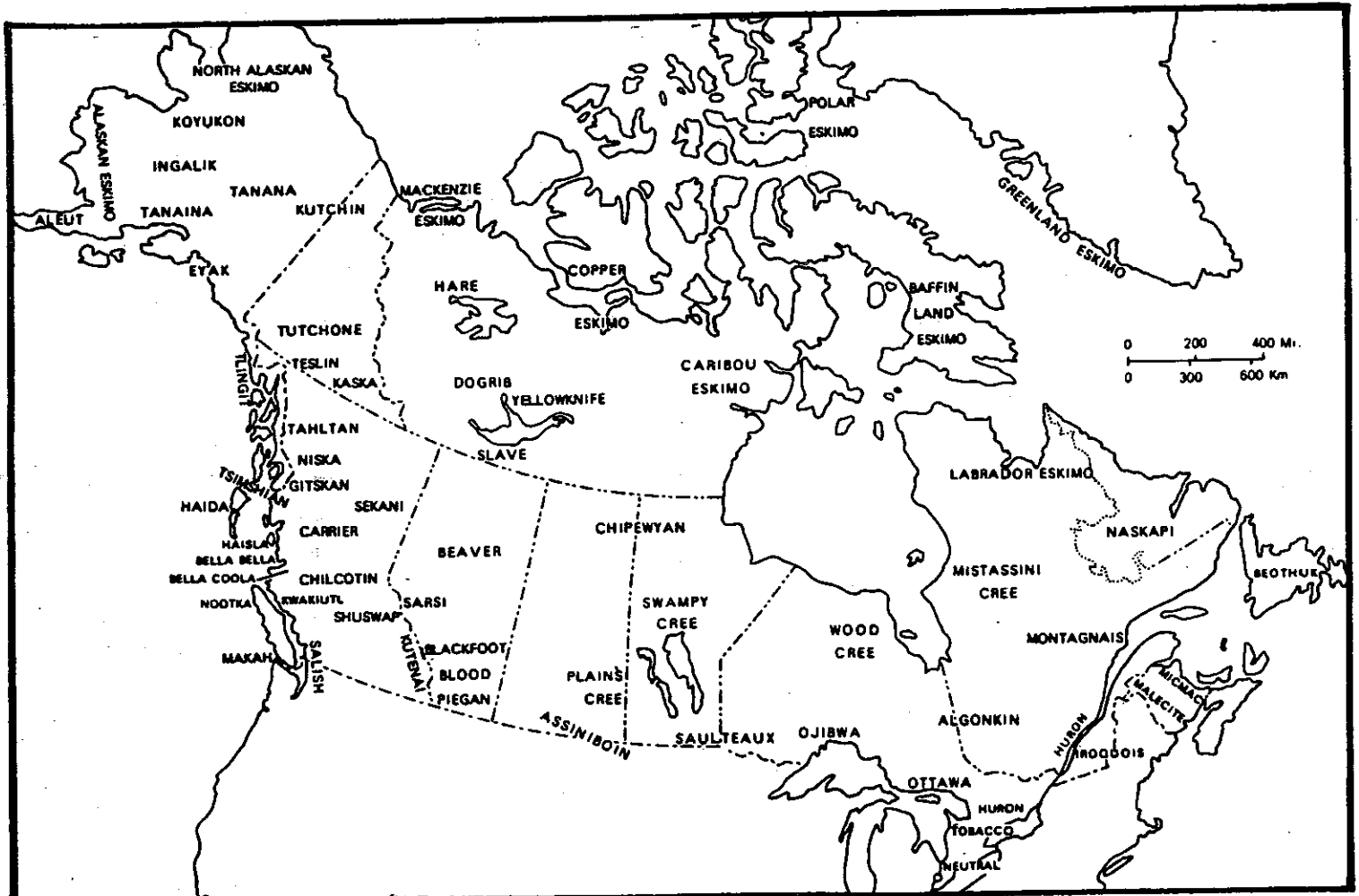
By virtue of the administrative duties delegated by the Crown, Canada has assumed a role of a neo-colonial Government exercising broad powers over the life and property of Indian Nations. In matters of dispute between Indian people and Canada itself, the Canadian Government acts as both judge and jury as well as the defendant. The Minister of Indian Affairs is both the advocate and adversary of Indian people. The administrative duties transferred to the Canadian Government in 1867 have clearly been transformed into a totalitarian system of colonial governance now used directly against the Indigenous Nations of upper North America.

To assure itself of such colonial dominance the Canadian Parliament used

the Indian Act. Among repressive acts of nation states in the world the Indian Act is a modern example of codified violence by one people against another. As an example of colonial legislation it is representative of the most racist and demeaning enactment of any government in the last 400 years. The Act is calculated to justify Government manipulations and control over individuals, Bands and Tribes of our Indian Nations. It is designed to legalize Government confiscation and exploitation of Indian-owned lands and natural resources.

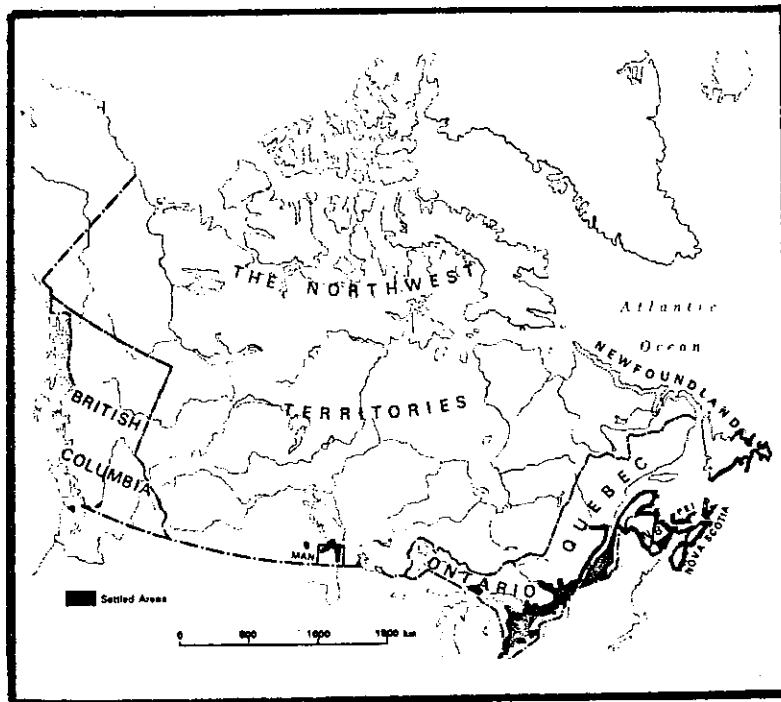
Through the British North America Act, the Dominion of Canada as the Administrator of British Trusteeship of Indian Nations was required to adopt the Doctrine of Consent. Due to the violations of the Doctrine of Consent, both Britain and its neo-colonial government of Canada have been the recipients of literally thousands of land claims initiated or identified by Tribes or Bands of our Indian Nations. These claims have resulted largely from illegal encroachments of fraudulent actions and representations by British and Canadian Government agents.





ISSUES OF TERRITORIAL RIGHTS OF NATIONS

British colonial right to territories in upper North America must be questioned, and likewise its right to transfer such territories to the Governments of Canada (Provincial or Federal). Colonial law recognized sovereignty to depend upon settlements and the military capacity to defend territory. In these terms, it can be shown that New France was only a small strip of vulnerable settlements within the area transferred to Britain through the Treaty of Paris, 1763.



Instances of questionable jurisdiction are many. The following are only a few:

1) Rupert's Land

The right of the Crown of Great Britain to assume jurisdiction of Rupert's Land and grant a Charter to the Hudson's Bay Company in 1670 must be questioned.

To quote from Charles II, May 2, 1670:

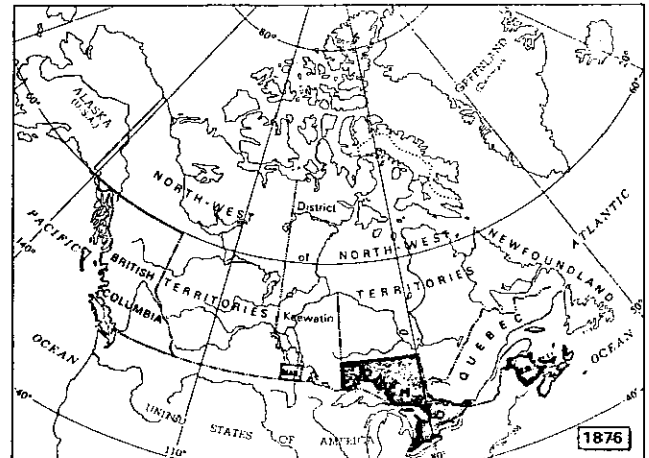
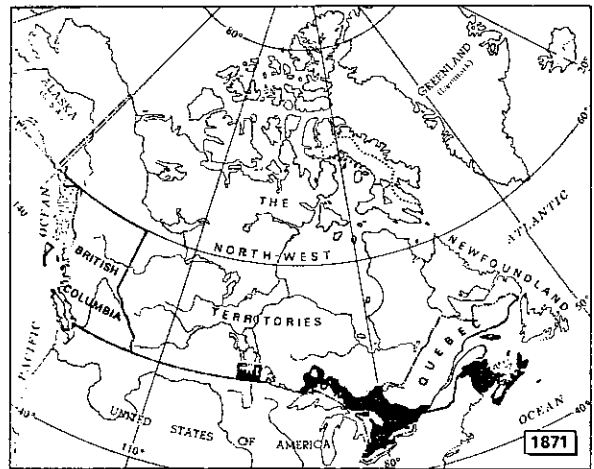
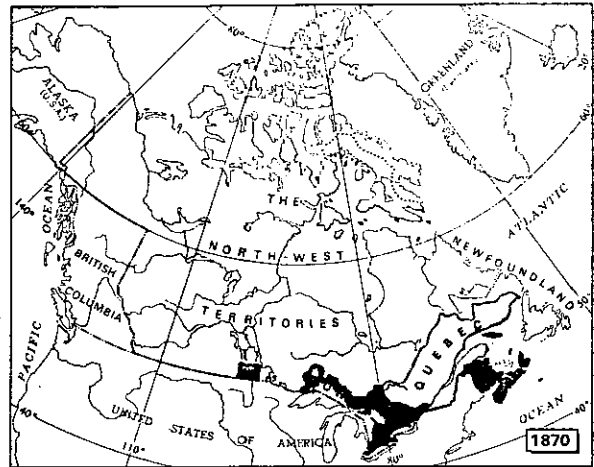
"the Landes and Territories upon the Countryes Coastes and confynes of the Seas Bayes Lakes Rivers Creakes and Soundes in whatsoever Latitude they shall be that lie within the entrance of Streights commonly called Hudson Streights...And that the said Land bee from henceforth reckoned and reputed as one of our Plantacious or Colonyes in America called Ruperts Land."

At the time of the granting of the Charter no British person had knowledge of all the lands between the waters that emptied into the Hudson's Bay. In fact, no British person saw the territory now known as Alberta for almost a hundred years after the Charter was granted. The Charter clearly violated territorial rights of Indian Nations. This, of course, brings into question the authority or jurisdiction that the British Parliament had to transfer Rupert's Land to the Government of Canada in 1870. This area represents most of the territory the Government of Canada now claims.

2) Manitoba

The area of Rupert's Land given provincial status in 1870 was only 14,000 square miles, compared to the 251,000 square miles now held under provincial authority. The entrance of Manitoba into Confederation involved only a population of 12,000, i.e. the European settlers and the Metis-- English and French. The Indian Nations whose population was at least twice that number were not included. Treaties in this area had not even been negotiated and yet the Manitoba Act, 1870 states:

"31. And whereas, it is expedient, towards the extinguishment of the Indian Title to the lands in the Province, to appropriate a portion of such ungranted lands, to the extent of one million four hundred thousand acres thereof, for the benefit of the families of the half-breed residents..."



To make matters worse, the rights of "half-breed residents" presumably guaranteed by this Act were soon eliminated by various methods including neo-colonial legislation by the Parliament of Canada.

3) British Columbia

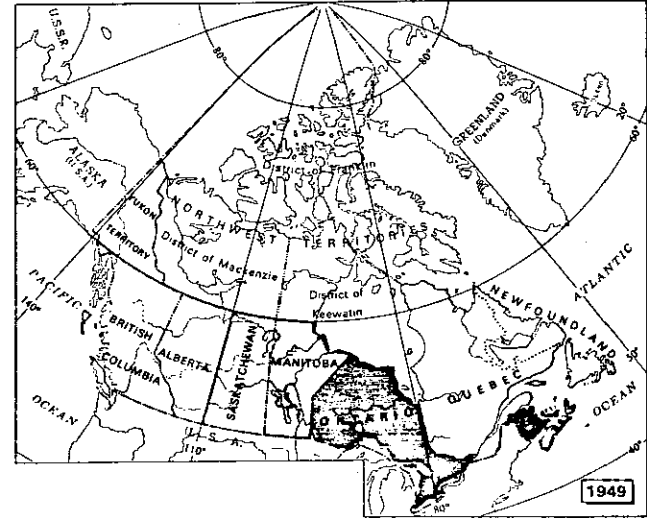
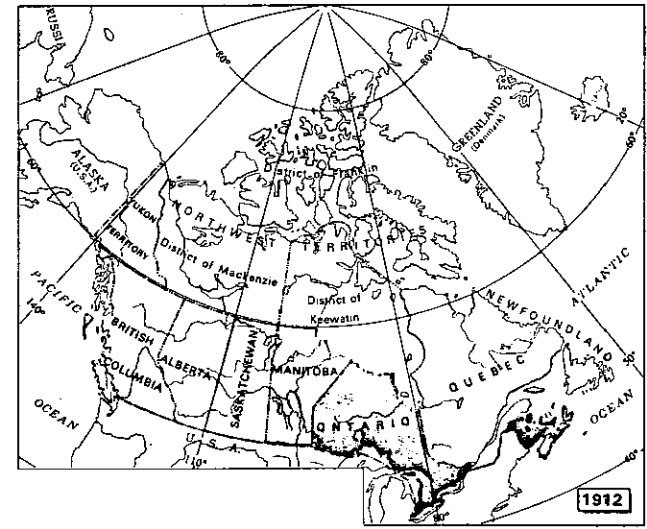
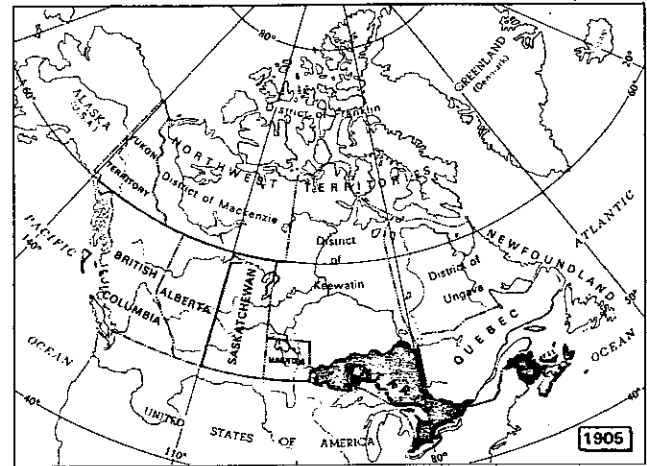
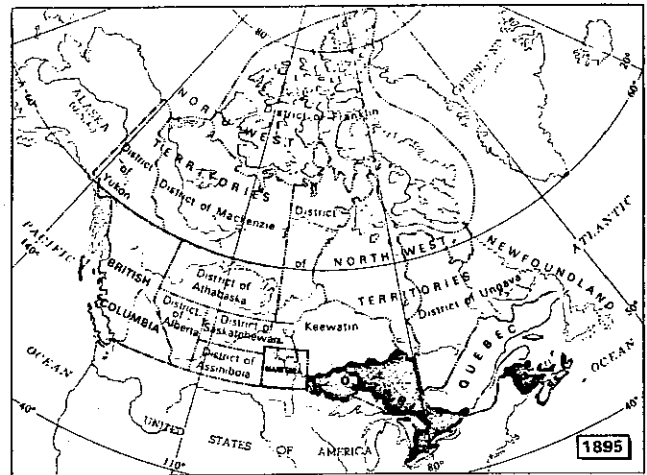
A year later, in 1871, the united colonies of Vancouver and the Mainland entered Confederation upon the consent of the 20,000 settlers. Again, the Indigenous inhabitants numbering at least four times more than the settlers and in control of at least 90% of the territory were not included. And yet the Terms of Union of British Columbia, 1871, state:

"13. The charge of the Indians, and the trusteeship and management of the lands reserved for their use and benefit, shall be assumed by the Dominion Government, and a policy as liberal as that hitherto pursued by the British Columbia Government shall be continued by the Dominion Government after the Union.

To carry out such policy, tracts of land of such extent as it has hitherto been the practice of the British Columbia Government to appropriate for that purpose, shall from time to time be conveyed by the Local Government to the Dominion Government in trust for the use and benefit of the Indians on application of the Dominion Government; and in case of disagreement between the two Governments respecting the quantity of such tracts of land to be so granted, the matter shall be referred to the decision of the Secretary of State for the Colonies."

4) Prairies

The establishment of Provinces in the Prairies also reflects the same exclusion of the majority Indigenous



populations with dominion over the major portion of territories arbitrarily included within provincial boundaries. The administration of Britain's trust responsibilities by the neo-colonial governments of Canada has resulted in a state of suzerainty, and as a result, it has been in constant violation of individual and group rights of the peoples of the First Nations.

5) James Bay, Quebec

In November, 1975, the James Bay Cree and the Inuit of Quebec signed an Agreement with Canada, Quebec, and three crown corporations of Quebec. This agreement concerned the surrender of native title and aboriginal rights to "Northern Quebec", an area of 400,000 square miles. Only 1.3% (5,408 square miles) of this area was to be held in trust by the Federal Government, as provided under the Indian Act. All other territories were made vulnerable to potential expropriation by the Quebec Government without compensation. The Agreement was "negotiated under the threat of imminent development...with extinguishment and assimilation the basic policy."

Macleans, a Canadian Weekly Newsmagazine, in its June 1, 1981 issue's cover story, Rumbles from the North, reports:

"When he signed the James Bay Agreement in 1975, Grand Chief of the Cree Council, Billy Diamond thought it a victory for native land claims. Now, as pressure mounts from other native groups to resolve their billion dollar demands, his agreement stands as a warning that government is not to be trusted. The settlement, he says, has brought the James Bay Cree only illness and open sewers."

It appears as if both the Provincial and Federal Governments have violated the Agreement and are failing to implement the provisions.

6) North West Territories

The various Canadian Governments through the last 114 years have used their institutions and laws to give an appearance of legality to their theft of indigenous lands and resources. They have also perpetuated myths about their protective and benevolent treatment of the Indigenous populations as agents of the trustees for administration of the Treaties entered into between Indigenous Nations and the British Crown. Oral treaties negotiated by agents of the British Crown were set in legal jargon reflecting the terms and conditions which suited the interests of the Canadian Government but ignored the actual oral transactions. A clear example of this fraudulent representation of the Western Numbered Treaties is the version of Treaty Number 11 which purports to have secured the agreement of the Dene Nation to the ceding of one hundred thousand square miles of land in



1921. Due to the fact that the alleged signatories as well as witnesses to the oral transactions are still alive, it has been proven that the oral transactions involved only a formalization of a treaty of peace and friendship between the Dene Nation and the British Crown. At no time during the treaty transactions had discussions of territorial transfers from the Dene Nation to the British Crown taken place. And yet the Canadian Government propagandized that their version of Treaty Number 11 written in virtually the same terms as earlier written versions of other treaty transactions was the legal and correct version upon which they based their claim to territorial jurisdiction in the Mackenzie District of the North West Territories.

In December 1980 the Federal Government introduced the Canada Oil and Gas Act, Bill C-48, to regulate the exploration and development of oil and gas reserves in Canada Lands. It interpreted Canada Lands to include the Yukon, the North West Territories and the 200 mile off-shore territory all along the west and east coasts and the Beaufort Sea. These areas are Indigenous territories.

Section 61 of Bill C-48 reads as follows:

- (1) "The interest and rights provided by this Act replace all oil and gas interests and rights, or prospects thereof, acquired or vested in relation to Canada Lands prior to the coming into force of this Act."
- (2) "No person shall have any right to claim or receive any compensation, damages, indemnity or other form of relief from Her Majesty in Right of Canada, or from any servant or agent thereof, or for any acquired or vested future interest or right or any prospect thereof that is in place or otherwise affected by this Act, for any duty or liability."

This Bill has received two readings in the House of Commons and is now before the Standing Committee on National Resources and Public Works.

The Government of Canada has been assuring Indigenous peoples of Canada that the amendments to the Resolution it has now made guarantee aboriginal and treaty rights and that the terms of these rights will be negotiated after patriation. But their introduction of Bill C-48 makes a sham of any provisions it is offering on Indigenous rights. It is then surprised that the First Nations do not trust such an arrangement. To quote the Dene Nation spokesman, Fred Gudmundson:

"The Government said it accepted Berger's recommendations on the MacKenzie Valley Pipeline in 1977: a moratorium of ten years, until such time as the Dene Land Rights had been settled and the creation of institutions that would allow the Dene to control development in a way that wouldn't totally disrupt our lives. But as soon

as the decision was made not to issue a pipeline license, the Government cut off land claim negotiations. Talks of negotiations only resumed when application to build the Norman Wells pipeline was lodged last year. Then on April 21st, the Government named their Land Claims Negotiator. On April 23rd, the N.E.B. approved the pipeline. It's incredible. It's the most shoddy kind of politics you can imagine."

"Bill C-48, along with the National Energy Board's decision to approve the Norman Wells pipeline, just proves that there's no guarantee of Aboriginal or Treaty Rights through the Constitution. We have no alternative but to declare that this Government cannot be trusted to do anything. The more power that it is given, constitutionally or otherwise, the more dangerous it is for us."

Given the lack of good faith the Federal Government has demonstrated in its dealings with the Dene Nation, the Dene Nation has had no choice but to reject Treaty 11 as fraudulent and all Treaty annuities.

#### EFFECTS OF CANADIAN NEO-COLONIALISM

Interest in exploitation of resources is the motivation for efforts to treat with Indigenous Nations, and subsequent encroachment upon their lands and resources. Promises of economic and social assistance of Indigenous Nations were used to disarm the various Indigenous peoples. After initial appearances of compliance to treaty promises through establishment of Government agencies and implementation of minor treaty provisions, the process of subjugation would be initiated. All aspects of Indigenous community life would then be regulated to ensure destruction of Indigenous self-reliance and self-determination. After 114 years of Canadian Government colonialism the result for Indigenous peoples is misery and poverty within their own wealthy territories. This state of affairs is recognized by the Government of Canada but even so, it is still misrepresented. The following is a quote from one of the official government briefing documents (in capitals are the more accurate statistics obtained from various other Canadian sources):

"Because Canada's native people live, as a rule, in conditions which are very different from those of most Canadians - as sample statistics set out below attest - there would well be serious questions asked about whether the native peoples enjoy basic rights in Canada:

-Indians have a life expectancy ten years less than the Canadian average;

OUR LIFE EXPECTANCY IS MORE THAN 20 YEARS LESS THAN THE CANADIAN AVERAGE;

CANADIAN WOMEN: 63.6, INDIGENOUS WOMEN: 41.5 YEARS;

CANADIAN MEN: 69.9 YEARS, INDIGENOUS MEN: 43.3 YEARS;

-Indians experience violent deaths at more than three times the national Canadian average;

INDIAN SUICIDES BETWEEN AGES 15-30 ARE 17 TIMES THE CANADIAN AVERAGE;

-approximately 60% of Indians in Canada receive social assistance;

-only 32% of working age Indians are employed;

WITHIN THE CANADIAN ECONOMY, 80% OF THE INDIGENOUS FAMILIES EARN LESS THAN \$3,000 PER YEAR;

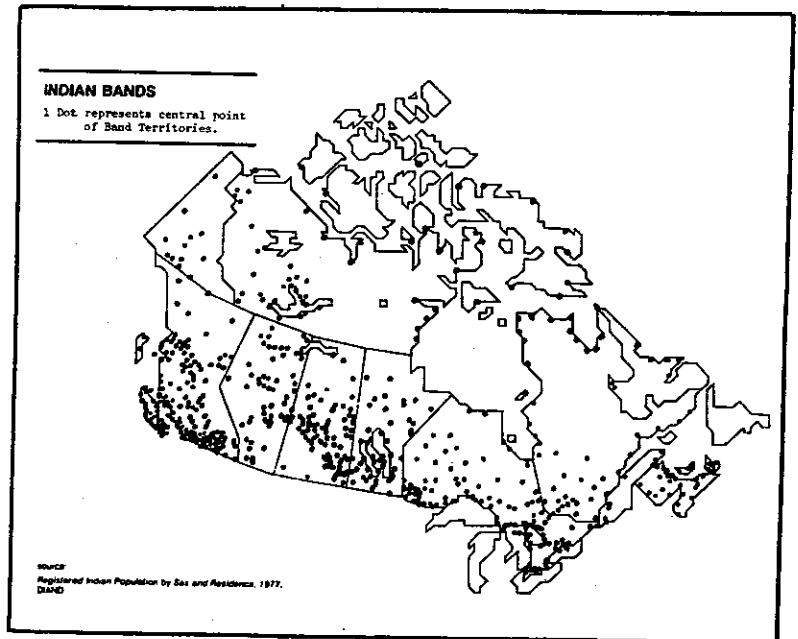
61% EARN LESS THAN \$2,000 PER YEAR;

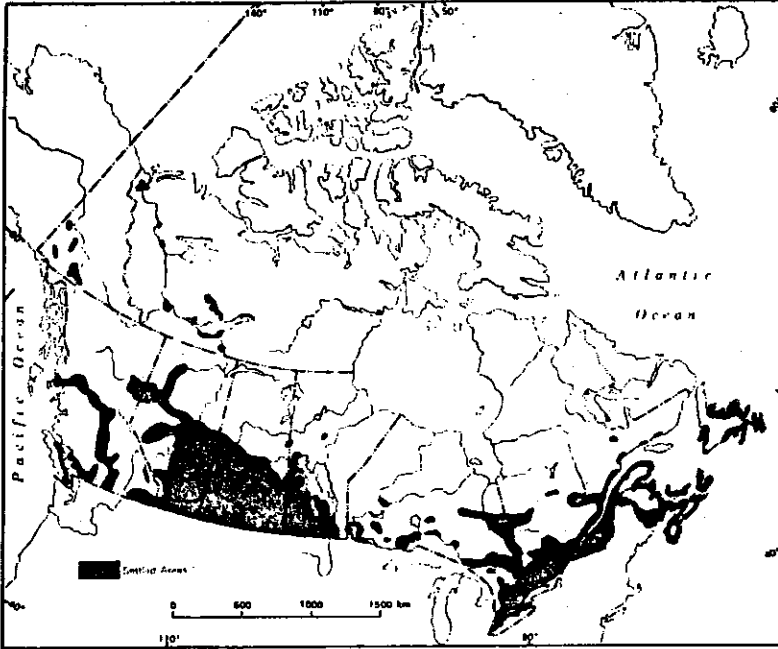
WHILE CANADIANS EXPERIENCED THE 1980 UNEMPLOYMENT RATE OF 7.1%, OUR PEOPLES HAVE EXPERIENCED AS HIGH AS 80% UNEMPLOYMENT.

(Office of the Prime Minister)

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Even after its encroachment of Indigenous territories the Canadian Government had no real jurisdiction or authority over most of it despite treaties, until they had, with the help of starvation and disease, imprisoned our peoples upon homelands -- reduced and denigrated to reserve size and status under colonial legislation. Amendments to the 1876 Indian Act were made as required to repress and oppress the First Nations of Canada. For 67 years between 1884 and 1951 the Indian Nations of Canada were virtually interned in concentration camps with no recourse to international law or justice.





Settled Areas of Canada, 1976

The pacification and oppression of the Indian Nations of Canada were part of the process of colonization of upper North America. The primary facet being economic imperialism. The primary interest was harvest and/or exploitation of this country's bountiful natural resources - wildlife, rivers, soil, minerals, petroleum, forests, and marine life. Each new legislative or administrative initiative

in Indian Affairs by the Government of Canada meant for the Indian people more oppression and more encroachment of territories and resources. Nonetheless, it can be shown that the Indigenous Nations still occupy their traditional territories and are the majority inhabitants of at least 60% of Canada.

#### RIGHTS OF SELF-DETERMINATION

The international issue of the Patriation of the Canadian Constitution is one of paramount importance for the survival of the Indigenous Peoples of Canada. It is one which necessitates the international community to re-examine its commitment to the United Nations and the principles it is supposed to revere and maintain.

Chapters XI and XII of the UN Charter concerning Non-Self-Governing and Trust Territories are relevant to the Indigenous Nations of Canada.

To quote Article 73, Chapter XI:

" Members of the United Nations which have or assume responsibilities for the administration of territories whose people's have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

- a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;
- b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;
- c. to further international peace and security;
- d. to promote constructive measures of development, to encourage research, and to co-operate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and
- e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply."

The International Covenant on Economic, Social and Cultural Rights provides for the First Nations' right of self-determination in Article 1, Part 1, to quote:

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

The Canadian Government has continually violated our rights to self-determination by depriving our people of most of their territories and resources and obstructing our usage of such territories it has designated "reserve lands" i.e. tracts of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band; (Indian Act, 1951). The blatant discrimination of Indigenous peoples of Canada is very clear in terms of the distribution of the revenue from our exploited lands and resources. Prince Edward Island a province of a mere present day population of 124,000 people

and a land base of only 2,183 square miles is provided with grants of 85.6 million dollars (80% of its annual budget) in 1980 from the Federal Government. Prince Edward Island gets such grants annually, based on the equalization formula and agreement between the Federal and Provincial Governments of Canada. While 300,000 "Status Indians" with a land base of 1.6 million square miles are not permitted their own Government determination of Federal budget allocations of a billion dollars (in 1980). Instead half of this is administered by a colonial bureaucracy which utilizes most of the funds to perpetuate itself and provide employment to 9,000 civil servants among whom less than 5% are Indigenous. The rest of the funds are channeled through other Federal departments such as National Health and Welfare and again less than 10% reaches the community for their determination of usage. Inevitably, the Federally allocated budget presumably for the use and benefit of Indigenous communities ends up benefiting non-Indigenous peoples.

A prime example of this situation is the usage of the Department of Indian Affairs Education Program funds (more than 60% of its budget). Little of this fund is ever utilized by Indian Governments for their priorities and self-initiated programs. Most of the money is transferred to non-Indigenous School Boards for payment of seats in their schools for Indian children. Most Indigenous communities are discouraged from aspiring to have community controlled and parentally directed schools. The few that exist are always deliberately under-funded and therefore sub-standard in terms of facilities and programs. Much of the budget for Indian community schools are used to employ non-Indigenous teachers accountable to the Department of Indian Affairs and not to the community.

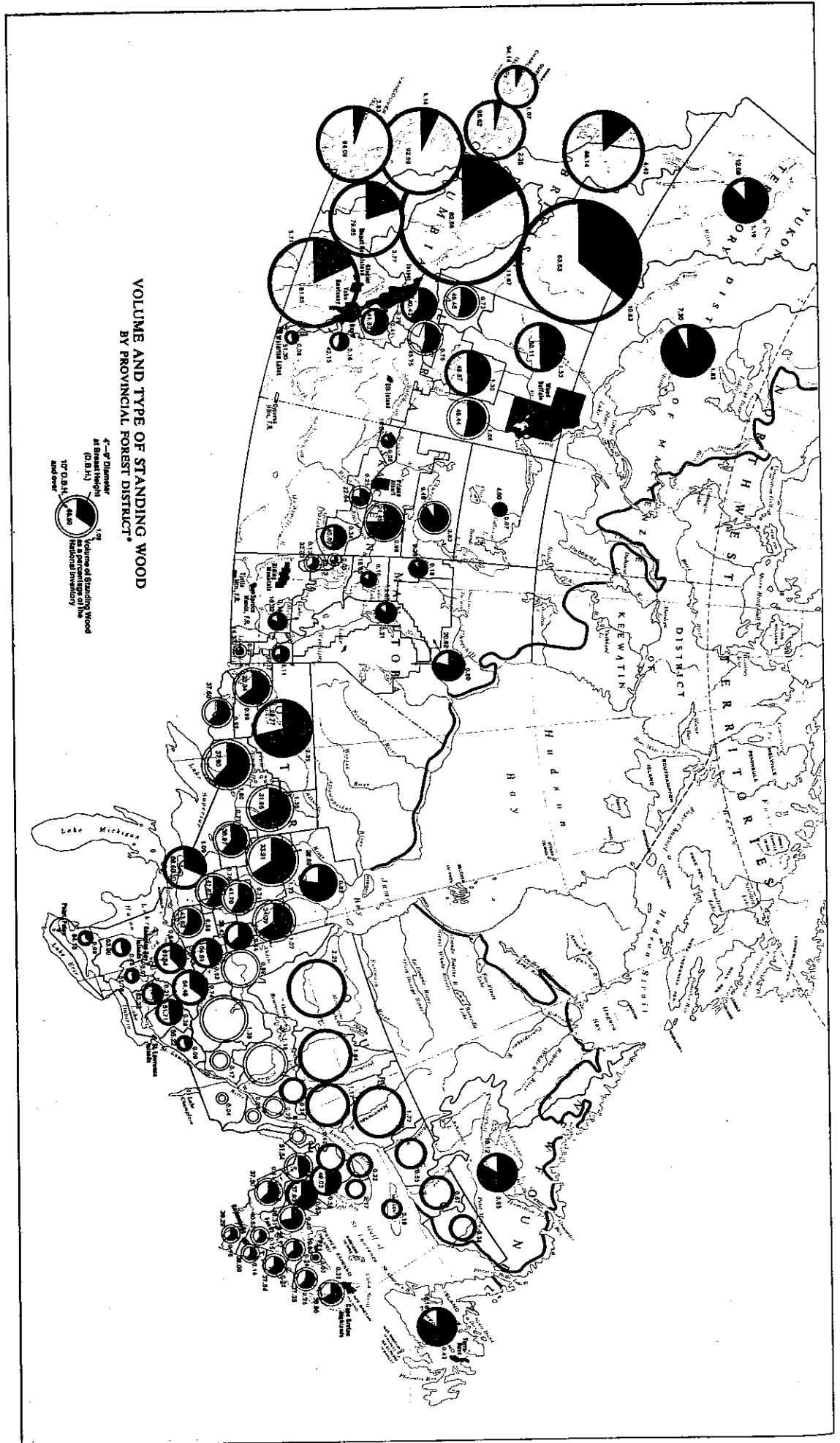
Another example of the blatant discrimination of Indigenous peoples is their lack of benefits from resources exploited within their territories under Provincial Governments' direction. The Province of Alberta has been obtaining billions of dollars from fuel production (6.8 billion in 1976 to mention only one of the many sources of revenue) and yet Indigenous Governments and communities are denied any share of this incredible wealth. While citizens in the Province of Alberta receive benefits through grants to their local governments for administration, roads, sewers, water and sanitation plants, electrification, housing, school and hospital facilities and related services; Indian communities receive none. Instead they are charged a greater per capita cost for "seats in provincial schools and medical treatment under the Alberta Health Insurance Plan". While Municipal Governments received bonus grants in 1980 from the Alberta Heritage

Fund, of 500 dollars per capita, Indigenous communities received none. And yet all Indigenous peoples within the Province of Alberta are forced to pay all Provincial taxes of goods and services.

This pattern of discrimination has been uniform and consistent for the duration of any relations Indigenous Nations have had with the Canadian Governments. At the time that our Indian Nations agreed to share some of their lands with British subjects the Government Policy was to grant of that land, free of charge, 150 acres per capita to settlers. At the same time it restricted Indigenous peoples usage of their own lands to 10 acres per family in the area now known as British Columbia. It not only limited Indigenous peoples to usage of less land than settlers, it also legally denied Indigenous peoples as individuals to be eligible for the land grants provided for settlers. In fact Indigenous peoples' generous agreement to share the use of some of their territories in exchange for promised benefits of economic and social assistance ended up costing them dearly.

The Canadian violation of UN Human Rights provision in terms of the Indigenous peoples of Canada are as blatant in the last 14 years as they were in the previous century. It is clear that Canadian interest in exploitation of the petroleum resources in the North West Territories and other northern areas under Indigenous domain have motivated recent escalated efforts to deny the Indigenous nations their economic, social and political rights. In 1969 the Trudeau Government issued a "new" policy on Indian Affairs. Under the guise of finally providing equality to the Indigenous peoples of Canada, the Government proposed to eliminate our distinct status and take even the Indigenous territories it had recognized and denigrated to "reserve lands".

It also initiated negotiations with the Indigenous peoples of the North West and Yukon Territories. Their offer was for equality in the Canadian society; limited "reserve lands" and cash compensation. It refused to recognize the group rights of Indigenous peoples to self-determination and territorial jurisdiction. It in fact denied the Dene Nation the rights it had given to 100,000 people in Prince Edward Island in 1867; 12,000 people in Manitoba in 1870; and 20,000 people in British Columbia in 1871. It also denied the Dene Nation the same rights it was providing constitutionally to the French Canadians in Quebec. Again the argument utilized was individual human rights. The irony of its racism against the Indian Nations of Canada was not realized by the Cabinet of the Canadian Government when it issued a policy statement to the fact that recognition of Dene rights to exercise self-determination would be racism.





CANADIAN INDEPENDENCE AND INDIGENOUS RESOURCES

Central to the controversy between the First Nations and the Canadian Government are the matters of land and natural resources. During the tenure of its administration of our territories on behalf of Britain, the Canadians have confiscated, expropriated or otherwise stolen millions of acres of Indigenous lands and unmeasured quantities of our natural wealth in the form of timber, water, wildlife, minerals, petroleum and metals. These resources properly belonging to our peoples have been used to enrich Canadians and trans-national corporations. The pace of land and natural resource expropriation has increased during the last ten years (1971-1981).

The following statistics give a representative picture of the wealth of our territories:

-In the northern part of Indigenous territories, above the 60th parallel, there are 554 million acres of sedimentary land that are potentially petroleum producing. It has been estimated that these lands contain 85 billion barrels of recoverable crude oil and 510 trillion cubic feet of natural gas.

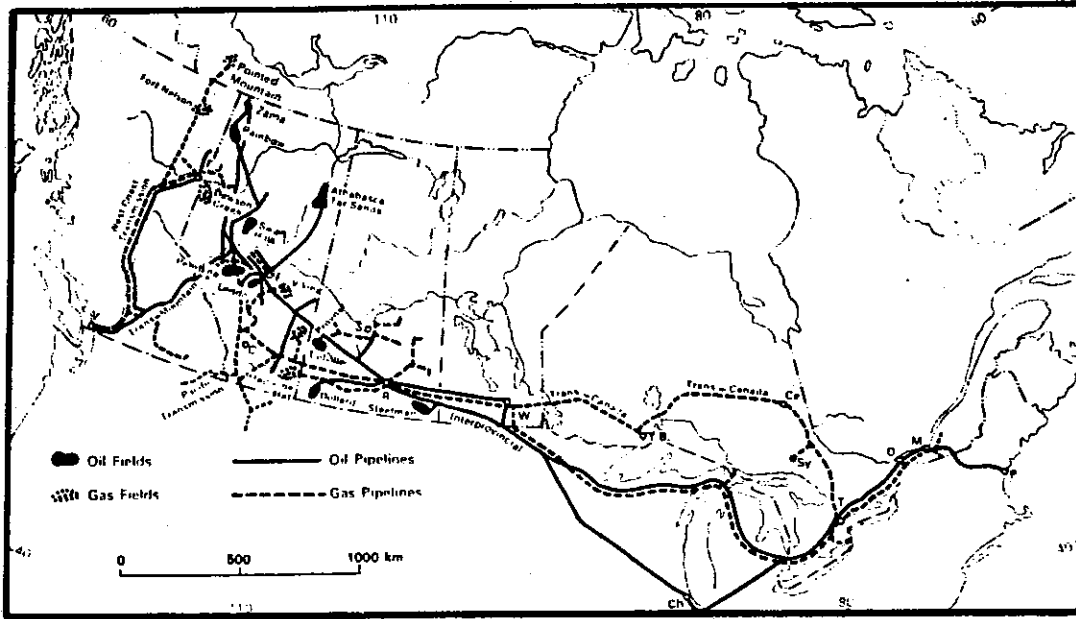
-On the east and west coast of Indigenous territories, there are an additional 376 million acres of potential petroleum producing sediments containing 32 billion barrels of recoverable crude oil and 189 trillion cubic feet of natural gas to a water depth of 200 metres, and a great deal more further out.

All of this oil (117 billion barrels) and natural gas (699 trillion cubic feet) is potential wealth for our people. But Canada has expropriated these resources by granting leases to resource companies (80% of land) for periods as long as 53 years. These resources belong to the First Nations. They certainly do not belong to Canada or Britain.

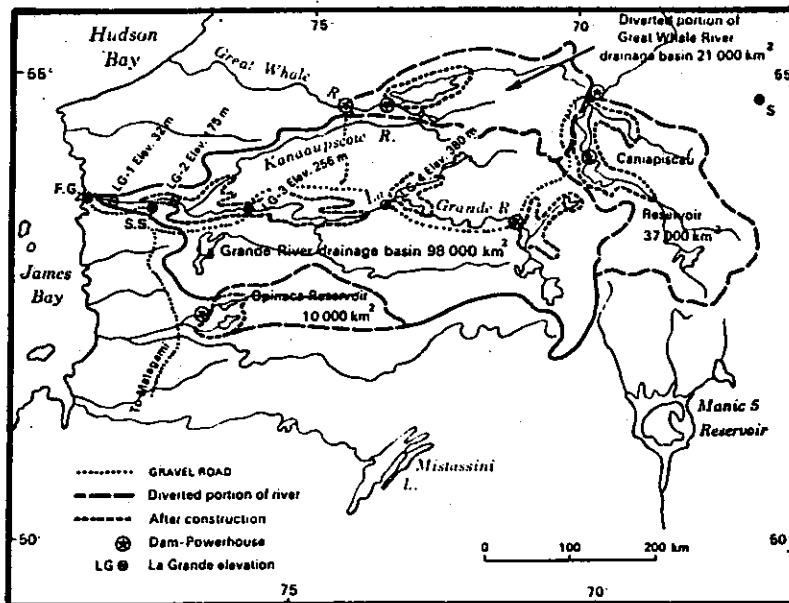
A further indication of the wealth of Indigenous territories and their resources being raped by the Provincial and Federal Governments is set out below. These figures were obtained from Canada Year Book 1978-1979, published by Statistics Canada: (thousand dollars)

	<u>Canada</u>	<u>B.C.</u>	<u>Alberta</u>	<u>Ontario</u>
Mineral Production	\$15,392,838	\$1,421,096	\$6,995,572	\$2,594,042
Farming Operations	4,042,328	192,113	722,652	813,528
Fishery Products	713,338	167,099	22,072	22,104
Lumber Production	1,996,856	1,243,731	62,839	180,044
Fur Pelts Produced	47,505	2,095	7,376	11,076

Gross general revenue of the Federal Government:- \$34,703 million.



### James Bay Development Project



The figures below were also obtained from Canada Year Book, 1978-1979.  
Detailed mineral production, Canada and provincial, 1976 (thousands):

		Canada	Sask.	Alberta	B.C.
<b>FUELS</b>	\$	7,993,404	462,612	6,829,549	567,033
Coal	t	25,311	4,627	10,687	7,711
	\$	604,000	12,900	223,800	306,500
Natural gas	m <sup>3</sup>	86,858,171	1,608,397	73,652,127	10,498,755
	\$	2,466,621	8,250	2,302,235	130,137
Natural gas byproducts	m <sup>3</sup>	16,543	135	16,055	353
	\$	794,325	5,787	722,414	16,124
Oil, crude	m <sup>3</sup>	77,843	8,824	65,799	2,337
	\$	4,128,458	435,675	3,531,100	114,272

If Canada gains independence and absorbs our territories her criminal seizure of oil and natural gas resources will be sanctioned by Britain. Between 1886 and 1971 the Canadians have extracted large quantities of copper, gold, iron ore, lead, nickel, silver, uranium and zinc from Indigenous soils. The exploitation of these metals combined with non-metallic minerals and fuels has come to exceed the value of 25 billion Canadian dollars each year. In excess of 2 billion Canadian dollars worth of timber is removed from our territories each year. Rivers flowing through our territories helped produce in excess of 160.5 billion kilowatts of electrical energy to power Canadian industry and Canadian homes (1971).

#### EQUIVALENT SITUATIONS IN THE WORLD

Like many colonial powers, Britain has mistakenly believed that decolonization means granting independence to her own subjects who established settlements within the territories of other nations. In Southern Rhodesia, now known as Zimbabwe, Belize, New Zealand, Australia and Canada, the British Crown established European settlements and then nation-states among non-European peoples.

The mistakes Britain made in Africa are now being repeated in North, Central and South America and in the South Pacific. In Australia the governments created by the British Parliament are actively working to deny the Indigenous peoples their right to self-determination by extending colonial rule over the Indigenous inhabitants of the territory. Like the First Nations in upper North America, the Indigenous Nations of Australia are not now nor

have they ever been a part of the British-created federal system of governments imposed on the territory. The neo-colonial Australian Governments deny that the Indigenous peoples of Australia have the sovereign right to determine their own political future.

In 1988 the neo-colonial governments of Australia will achieve independence from Britain. By so doing they will attempt to absorb the Indigenous Nations, their territories and natural resources into an independent Australian state against the free will of the Indigenous people. As in Canada, Britain and her colonies have set the stage for more direct colonial control over Indigenous peoples through the establishment of new independent states within Indigenous homelands. Such colonial expansion and continuing domination over Indigenous homelands and territories is contrary to the spirit and intent of the United Nations Charter, the Declaration of the granting of independence to colonial countries and peoples and a host of international instruments to which Britain is a party.

The Government of France has practiced the same colonial philosophy as Britain. France claimed possession of the island country now known as New Caledonia in 1853. The original inhabitants are known as the Kanaks. Since its occupation began, France has imposed its people and its government on the Kanaks. The French Government proclaimed the Kanaks homeland to be a part of France and has sought to confirm this by sending thousands of French citizens to New Caledonia to vote in favor of French control. The Kanak people have never agreed to their people or territory becoming a part of France. They choose to remain a distinct people with their own culture and control of their own territory. The Kanaks choose to freely determine their own future without French colonial domination. Yet the French Government has rigidly held to its colonial control over an island people thousands of miles from its shore.

On the positive side are other political developments in the South Pacific. In 1980 the New Heberides now known as Vanuatu, a group of 80 islands received independence for their 96,500 Indigenous peoples after almost 100 years of British/French rule. Earlier in 1978 the Solomon Islands consisting of 10 large and 912 small islands attained independence after 85 years as a British protectorate. This new nation state has a population of 196,825 of which 169,500 are Indigenous. Even earlier in 1962 Western Samoa consisting of two large and 20 small islands and a population of 152,000 of which 149,500 are Indigenous received independence from New Zealand. This was after 43 years under New Zealand League of Nations mandate. These developments emphasized the fact that self-determination and self-government are not dependent upon

military actions nor monetary wealth.

The Indigenous Nations of North, Central and South America and the South Pacific are in solidarity against the imposition of colonial or neo-colonial expansion into our territories and among our people. We choose to preserve our own nations and territories and exercise our rights as distinct peoples. We do not oppose the freedom of others, but we do oppose those who would deny us our freedom.

#### CONCLUSION

The Indigenous Nations of Canada can not expect justice and fair treatment by the Government of Canada, and therefore, must seek every means to remain separate from the state of Canada upon its independence. The issue is not Canadian independence of Britain but a question of protection of Indigenous rights. Given the record of Canada's treatment of Indigenous peoples while acting as an agent of the British Crown's trust responsibility, the Indigenous nations have no choice but to request transfer of administration of this trust back to the United Kingdom, and UN supervision of future administration. The Indigenous Nations know that only by application of UN provisions for Non-Self-Governing and Trust Territories can survival be ensured. The question of the affiliation of Indigenous Nations to the state of Canada must not be unilaterally decided by the Government of Canada. Their devious means of a Charter of Rights and an amending formula for its independence constitution to deny Indigenous Rights must be condemned. Decolonization of the settlement colonies does not guarantee decolonization of the Indigenous Nations adjacent to these colonies. In fact Canadian Government independence forbodes escalated colonization of Indigenous territories and peoples. The right of Indigenous Nations to decolonize must be treated as equal in importance to the decolonization of the colonies in upper North America. Indigenous rights to self-determination can be no less than those demanded by the Prime Minister of Canada for Euro-Canadians.

As the original peoples of this continent - as the First Nations - we choose to exercise our right of self-determination, the right to determine our own political future. We are prepared to oppose all efforts to deny our rights as a people. Our people, our territories and our natural resources must remain separate from the Canadian state. Britain has the primary duty to ensure that our economic and political future is not undermined by Canada. As Britain grants independence to Canada, we seek her guarantee that:

1. Our peoples, territories and natural resources will be preserved from Canadian absorption.
2. Our right to full self-government will be protected.
3. Our right to control, use and dispose of our own lands and natural resources is ensured against Canadian confiscation.
4. Britain and Canada enter into internationally supervised negotiations with representatives of our nations at the earliest possible date to clarify our political status, the boundaries of our territories and the mechanisms for resolving territorial and natural resource disputes between our nations and the Canadian state.
5. Britain join with the First Nations to establish a United Nations authority to oversee a British - First Nations trusteeship for a specified period during which we will decide whether it is desirable to establish political association with an independent state, seek our own independence as free states or we seek to be politically absorbed into an independent state.

Anything less than the fulfillment of these conditions will be considered a denial of our sovereign rights as free peoples. We do not choose violent confrontation to protect our inherent rights as people, but like the Basques, Kurds, Palestinians, Kanaks of New Caledonia and the Canadians we yearn to be free to choose our own political future.

#### EPILOGUE

The First Nations of Canada have formed a Provisional Government. This Government will have its Constitution ratified within one year. It will assume jurisdiction for the national and international affairs of its member nations and undertake to implement their right of self-determination. After 114 years, the totalitarian governance of the Canadian Government of Indigenous peoples and their territories will be replaced by a democratic Indigenous Government. As the Indigenous Peoples of the Islands of the South Pacific attain independence, the Peoples of the First Nations of upper North America will unite to exercise their rights of self-determination within their territories be they mere Islands in this great continent. Our economic capacity to provide for our needs under UN trusteeship status will of course, depend on the treatment we receive at the hands of world statesmen as we seek just settlement of our territorial disputes with the State of Canada and fair compensation for the exploitation of our resources.

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# National & Regional Statistics of Relevance

Population - 1976

<del>Bands</del>		
Population, Mar. 1975		270,494
565 Bands	41	112
2,209 Reserves	90	169
Average	1,622,362.7	1,655,297.8
Pop. Res.	24,208	35,015
Crowdland	1,872	4,567
off. Res.	<u>5,552</u>	<u>21,409</u>
	31,632	60,991

72% Rural or Isolated.

Pop. incr. 3% every year. will double in 23 years. (twice Can. increase)

Res. incr. stable at 1% [Where is 3% increase?]

1970 - + 1/2 Indian Pop. under 17 yrs.

+ 1/3 Can. Pop. " " "

Adult Indian - 2x more dependents

1975-1990 (15 yrs.) potential employables (turning 15)

8,000/yr.

Estimates - 50% over 15 receives some form of soc. assistance

1/3 over 15 - no income

1/4 " " - major source - transfer payments from fed. govt.

1969 - 80% Indian families annual income below level - poverty line \$3000 for individual.

8,118  
 7,118  
 2,000  
 5,000  
 5,000  
 5,000  
 5,000

61% Indian families annual income less than \$2000.00

Potential Labor Force (1975)

		<u>Employed</u>	<u>Man Years</u>	<u>Man Mos.</u>
National	74,833	39,928	17,089	5.5
Alberta	10,432	7,974	3,443	5.2

Summary [11,868 15-16 & 59-64 not considered employable]  
Labor Force 62,965  
Man Years 17,059 (27%)  
Additional Man Years required 45,876 (73%)

8,901 man years or 15,483 Indian employed in Social Services, Band Management, or other social or community work programs.

Labor Force	1973	1980
	73,000	107,000
		34,000
		+46% increase

Housing

		<u>Canadian</u>
1969 -	73% no running water	2.7%
	81% " indoor toilet	4.6%
	85% " " bath	7.4%
	81% " sewer or septic tank.	?

# Britain Indigenous Colonies

## Data Base

### Indigenous Nations:

333,599 @3% - dislocated communities, bands and tribes (282,762) <sup>382,762</sup> ~~(216,799)~~ 611 ~~565~~ - 2275 reserves  
862,500 @3% - non-status - Metis (750,000) settlements  
20,700 @3% Inuit (18,500) settlements  
1216,799 Band average 6,369,612  
over 1.2 million Indigenous  
1980 estimate: 1,044,936

Dine Nation

Salish Nation

Iroquois Nation

Inuit Nation

Lakota Nation

~~population increasing @ rate of 3% per year~~

twice Canada increase

1/2 Indigenous population under 17 years

50% over 15 receive some form of social assistance

1/3 over 15 no cash income.

1/4 " " major cash income transfer payments from federal Govt.

80% (1969) Indig families below \$3000 cash earnings.

61% Indig families annual income less than \$2000/annum.

### Canadian immigration

From 1946-1973 3,842,963

From 1857-1945 10,000,000+

Canada does not maintain a strict census of Indigenous population - 1971 <sup>312,760</sup> 295,715

Population increase of Indig of  
Northern Saskatchewan 34.5 per 1000 people

Venezuela - 35.3

Mexico - 35.4

Granada - 35.9

Cook Island - 37.4

Belize 37.5

Guam 53.8

Condition of reserve Dwellings 1971

47.4 good

26.8 Fair

25.8 Poor.

} 52.6

in urban areas 22% stated that their  
property was not good enough to rent  
to white people And so poor Indian people  
are forced to accept housing conditions  
unacceptable to whites" Joint NIB / DIAUD  
Socio Economic Study Mar 31, 1977.

Life expectancy:

Canada

ma

63.6

Fem

69.1

Ind.

41.5

43.3

Unemployment @ 80%

as low as 65% rural

68% urban

} years.

Canada reports 7.1%