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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.

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B I L L   O F   P A R T I C U L A R S  
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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 Britains' 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."

As recently as 1979, the Government of Canada again asserted to the International community at Geneva, addressing the

Human Rights Sub-Committee 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 agreement.
- 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:

- 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 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.

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P E T I T I O N  
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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 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

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