

INDIAN NATIONS AND THE CONSTITUTION

- A Position Paper -

Prepared by
UNION OF B.C. INDIAN CHIEFS
440 West Hastings Street
Vancouver, B.C. V6B 1L1

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INTRODUCTION: "A STATE OF EMERGENCY"

As Indian Nations, we have battled for many years on many fronts to retain our special status, dignity and pride. As Indian people we fought and will continue to fight for our right to exist as Sovereign Nations gathering strength from each battle. When we lose we become more determined and find other ways to continue the battle. We have fought governments, corporations, courts, small people, big people, and those who ever stood to threaten our lands and our rights. We've withstood racism, poverty, disease, ignorance, assimilation, social chaotic disorder and political suppression by paternalistic governments. WE HAVE SURVIVED. But now, our Indian Nations across Canada are in "A State of Emergency". Our future as Indian people has been put on the line.

The Prime Minister of Canada, with the support of the Prime Minister of Britain, is taking moves to single-handedly transfer the British North America Act from control by Britain to the Control of Canada. In his constitutional proposal, a "Charter of Rights" is included which aims clearly at terminating the rights of Indian people and would declare band citizens as ordinary citizens of an independent Canada. Further, the proposal is prepared and written in

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such a way that all Canadians, and even many Indians, would welcome such a move. This is so subtly hidden within Trudeau's proposal that only under close scrutiny can the threat be seen.

Living without Indian lands, without Aboriginal and Treaty Rights presently guaranteed by the Imperial Crown, without hunting, fishing, trapping, and gathering rights, without a place to call our homeland and all our people assimilated under the authority of the provincial governments and the Canadian Federal Government: is in fact what will happen to our Indian Nations if the Canadian Federal Government's proposed resolution on patriation of the Constitution is approved by the House of Commons and the Senate WITHOUT GUARANTEES BY THE BRITISH GOVERNMENT AND THE INTERNATIONAL COMMUNITY THAT BANDS WILL RETAIN THEIR LANDS AND RESOURCES, THE CONTINUING RIGHT OF SELF-GOVERNMENT AND SELF-DETERMINATION.

Confident that you will give this issue serious consideration, we, therefore put before you our proposal for immediate action to prevent the Canadian Federal Government and the British Government from terminating the British

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Trusteeship over our Indian Nations, and further prevent the political and cultural absorption of our Indian Nations and peoples into an independent Canada. As in every state of emergency, we ask for a full mandate to take the necessary steps to ensure that Indian Governments, Indian Lands and Aboriginal and Treaty Rights are preserved and protected against British and Canadian efforts.

PART I

CANADIAN CONSTITUTION: BEYOND THE B.N.A. ACT

The British North America Act, 1867, with its amending Acts, is the written Constitution of Canada. It was legislated under the authority of the Imperial Crown of Britain and the British Parliament. The B.N.A. Act delegates British authority to provincial and federal governments in the Commonwealth of Canada. It did not create or delegate authorities to Indian Governments.

It is important to note that in its totality, written and unwritten, the B.N.A. Act represents the principles which shape Canadian institutions, inter-group relationships and the future expectations of Canadian citizens. The Constitution (B.N.A. Act) provides the general rules by which Canadian citizens live and which governments are compelled to observe. It is Canada's FUNDAMENTAL LAW, authorized by the British Parliament and as such, it is something which is intended to be protected from casual or unilateral tampering by any government of the day.

The B.N.A. Act is British Law which directs the legal and political actions of Canadian and provincial governments.

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It also contains provisions which convey duties (administrative in character) originally held wholly by the Imperial Crown to Canada to administer the Crown's responsibilities to Indian Nations located in upper North America. These delegated administrative duties empower the Canadian Federal Government to protect Indian National lands, Indian Government, and provide financial and technical assistance to Indian Governments in fulfillment of British Treaty responsibilities. The commitment of Britain to Indian Nations partly delegated to Canada, is one which arises from the law of nations which requires that more powerful sovereigns may preserve and protect less powerful sovereigns. Treaties and Agreements by and between Indian Nations and Britain created a political association where the less powerful Indian Nations took the protection of the more powerful nation of Britain. Britain and Canada's duties with respect to Indian Nations are a result of International Law and not any domestic law of Canada.[1]

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1. some principles of basic international law include: the Treaty of Utrecht, 1763; the Treaties of Peace and Friendship with the Indian Nations of Nova Scotia and New Brunswick, 1713 and 1763; the Articles of Capitulation of Quebec 1757 and Montreal 1760; the Treaty of Paris, the Treaty of Vienna, the Jay Treaty, 1794. International Covenant on Civil and Political Rights, Declaration on the Granting of Independence to Colonial Countries U.N. Charter.

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The B.N.A. Act recognizes explicitly that Indian Nations are geographically located in Canada, that the Indian Nations have proprietary interest in Indian Lands (which refers to ALL lands reserved, upon any terms and conditions, for Indian occupation; NOT just Indian Reserves)[2], and establishes that the Canadian Federal Government has the duty to administer the Imperial Crown's

relations with Indian Nations. In other words, the present Constitution reflects the extent and degree of delegated authority Canada has to administer relations with Indian Nations. The B.N.A. Act is in part a direct result of Treaties and Agreements made between Indian Nations and Britain. These Treaties and Agreements made between Indian Nations and the Imperial Crown, established a special protected status where the Indian Nations became politically associated with and took their protection from the British government. THESE AGREEMENTS AND NOT THE B.N.A. ACT ARE THE FOUNDATION ON WHICH THE INTERNATIONAL RIGHTS OF INDIAN NATIONS ARE BASED AND THE ONLY HOPE FOR OUR FUTURE SURVIVAL AS A PEOPLE. The B.N.A. Act is merely a subordinate instrument by which Britain transferred some of its duties to Indian Nations to Canada.

2. St. Catherine Milling Supreme Court Decision: (1889) 14 A.C. 46 at p.59.

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Indian Nations have not been consulted or made a party to the patriation of the B.N.A. Act by either the British or Canadian Government even though Indian Nations will be affected. Our political relationship to Britain and administrative relationship to Canada is being significantly changed without any attempt by Canadian or British authorities to seek the approval of Indian Nations. No systematic provision is being made to insure that our Indian National interests are being protected. While we do not in principle object to Canada becoming independent from Britain, we do object to the arrogant dismissal of our political, economic, and cultural rights. We object to not having our political rights recognized by either Britain or Canada as they pursue their present course of action. We seek nothing less than our direct participation in discussions with both Canada and Britain to insure the political integrity of our association with Britain and the security of our various Nations from absorption in Canada.

TRUDEAU'S PATRIATION RESOLUTION:
DEFINITELY INDIAN TERMINATION

The Resolution [3] on patriating the Constitution was released to the public on October 2, 1980, and went before

3. Proposed Resolution for a Joint Address to Her Majesty the Queen respecting the Constitution of Canada: The Prime Minister: October 2, 1980.

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Parliament on October 6, 1980. The intent is to seek a joint address from Parliament to complete the patriation process

by the end of the year, if possible.

What appears to be simple patriation is, in reality, a significant set of Constitutional amendments which have serious implications for all Indian Nations.

For example:

1) The Resolution re-defines the Constitution of Canada in terms which EXCLUDE all references to the Proclamations, Enactments, Agreements, Treaties and other documents entered into between Indian Nations and the Imperial Crown. These documents which serve as the basis for British and Canadian recognition of Indian Rights appear to be relegated now to the status of historical artifacts with no legal force in Canada. THE EFFECT OF THESE AMENDMENTS IS TO RELEASE CANADA FROM ALL ADMINISTRATIVE RESPONSIBILITIES TOWARD INDIAN NATIONS PERFORMED ON BEHALF OF THE BRITISH GOVERNMENT. IN ACCORDANCE WITH TREATIES AND AGREEMENTS AND ROYAL PROCLAMATIONS BRITAIN MUST RESUME DIRECT RESPONSIBILITY OF THESE DUTIES.

2) The amending formula contained in the Resolution makes no provision for participation by Indian Nations, now or in the future, on domestic Canadian Constitution matters. THIS CAN BE

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INTERPRETED TO MEAN THAT, INSOFAR AS INDIAN NATIONS ARE CONCERNED, CANADA WILL NOT RECOGNIZE A PLACE FOR INDIAN NATIONS IN ITS FEDERATION.

3) The Resolution on patriation spells out a Canadian Charter of Rights and Freedoms which includes a 'non-discriminatory' clause. Another clause refers to protecting the 'traditional rights and freedoms' enjoyed by native peoples (Indian, Inuit, Metis). How will the Canadian courts interpret these provisions in the future when individual Indian rights issues are being adjudicated? One very likely interpretation, given a constitutional requirement for "non-discrimination"[4] is that individual Indians, Inuit and Metis will share the same rights together and with Canadian citizens. The special legal rights of Indian individuals would be considered "discriminatory" and therefore illegal under the Canadian Constitution. Traditional rights and freedoms in this context become cultural rights of a minority population -- the right to perform Indian songs and dances and make bannock.

4) The Resolution on patriation entrenches equalization payments to provinces (these are Federal grants paid to provinces out of revenues collected from various

sources to enable them to share in

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4. The "White Paper" of 1969, which was designed to terminate all special Indian constitutional and legal rights, described its objectives as a policy of "non-discrimination" - in much the same words that would be used in the new Constitution.

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the total wealth of Canada more or less equally.) This provision makes it a constitutional requirement that provinces extend their programs and services to all Canadian citizens. Does this mean that provinces will be compelled constitutionally to assume jurisdiction and full responsibility for all programs and services used by individual Indians? This is very probable. The fact is that the special relationship which has existed between Indian Nations and the Canadian Federal Government will be terminated. Provincial governments will assume the powers and responsibilities now held by Indian Governments and the Canadian Federal Government. Indian Governments will for all practical purposes be considered by the Canadians as defunct -- non-existent.

FEDERAL INTENTIONS: HISTORICAL EVIDENCE AND FACTS

The measures which are now underway to patriate and amend the Canadian Constitution appear to be designed to remove all constitutional impediments to an accelerated termination of the special status and rights of Indian Nations by eliminating Canada's administrative responsibilities now carried out on behalf of Britain. Canada seems intent on nothing less than the total assimilation of Indian peoples and the complete destruction of Indian Governments.

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Current Canadian intentions with respect to Constitutional amendment should not come as a surprise. The fact that a new Constitution appears geared to a termination policy, rather than to any recognition or enhancement of Indian rights, is entirely consistent with long-standing Canadian objectives and practices.

Any exhaustive analysis of Federal policies and practices would have given us a clear picture of Canadian intentions with respect to Constitutional changes. For purposes of this statement, the following examples will illustrate that there has been no qualitative change in Canadian objectives with respect to Indian Nations since Canada confederated. The only element that does change from

time to time is Canadian strategy and rhetoric. We offer the following evidence:

- i) Following Confederation in 1867, Canada's stated policy regarding Indian Nations was to 'civilize them'. The ultimate goal for Indians was to be our complete assimilation, our dispersal and our disappearance as a distinct people.[5] Accordingly, many legal devices and program measures were employed over the years to replace traditional tribal systems of government, to

5. Daugherty and Mandill: Indian Government under Indian Act Legislation (1868-1951): Prepared for DIAND: Ottawa 1980: p iii.

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eliminate Indian traditions, beliefs and cultural practices, to destroy Indian languages, and to deprive Indian Nations of territories and resources required to maintain an economic basis for our livelihood.

- ii) After many generations of assimilation orientated ~ Federal measures, the Federal Government intended to bring the process to an official and irrevocable conclusion in 1969. In that year, a "White Paper"[6] was presented to Parliament which would have put an end to special status and all Indian rights. This plan provided that:[7]

- the Constitution would have been amended eliminating all reference to Indians;
- the Indian Act, which guarantees a number of specific rights, would have been repealed;

6. Statement of the Government of Canada on Indian Policy, 1969: presented to the first session of the twenty-eighth Parliament by the Hon. Jean Chretien, Minister of Indian Affairs and Northern Development, June 25, 1969.

7. As drafted, the current Constitutional amendments appear to be designed to bring about the implementation of the 'White Paper' objectives.

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- The Department of Indian Affairs and its special budgetary appropriations for Indians would have disappeared;
- Indian reserves would have lost their protected status;
- full jurisdictional powers over Indians would have

been transferred to the provinces.

THE ONLY REASON THAT THE 'WHITE PAPER' PROVISIONS WERE NOT IMPLEMENTED WAS THAT INDIAN NATIONS WERE ABLE TO UNITE SOLIDLY ACROSS CANADA IN EFFECTIVE OPPOSITION.

- iii) Federal attitudes concerning Aboriginal and Treaty Rights were revealed at the time that the 'White Paper' was being promoted. The position[8] was to the effect that: 'Aboriginal Rights are so general and undefined that it is not realistic to think of them as specific claims capable of remedy ... A plain reading of the words used in the Treaties reveals the limited and minimal promises which were included in them ... The significance of Treaties in meeting the economic, educational, health and welfare needs of Indian people has always been limited and will continue to decline'.

8. Federal Policy reported in document entitled Indian Claims in Canada: Ottawa, 1975: p.22.

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- iv) Following the Prime Minister's promises to Indian Nations that the 'White Paper' would be 'put on the shelf' and that future policy would be developed through consultation, the Minister of Indian Affairs set out a future strategy for the Prime Minister in a letter dated April 30, 1971.[9] On page 3, paragraph four of this letter, Mr. Chretien indicates that the 'White Paper' objectives remain valid and attributes Indian resistance to the fact that the 1969 plan provided for deadlines. The clear implications in this letter is that the Federal Government remains committed to the 'White Paper' objectives, which now will be achieved through 'an evolutionary process of provincial and Indian inter-involvement by promoting contacts at every level of government, at the same time recognizing the truth of the matter - that progress will take place in different areas in different ways at a different pace'.

9. LETTER FROM JEAN CHRETIEN, Minister of Indian Affairs and Northern Development to Prime Minister: April 30, 1971.

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- v) Following 1971, the Federal Government went to great lengths to emphasize 'consultation' as the new style of relating to Indians. The 'White Paper' was now a wolf in sheep's clothing, the new strategy requiring that its provisions be put in place, piece by piece, wherever Indian Nations were not sufficiently alert or aware of what was going on. One of the main instruments for implementing the 'White Paper' objectives was the

office of Native Claims. In 1973, this office devised a strategy[10] for settling comprehensive claims which was first employed to terminate the rights of the James Bay Cree and remains in effect today. This 1973 policy is reviewed in detail in a 1979 submission to Cabinet. It states:

- a) Indian title is to be extinguished for money and certain limited concessions, many of which would be of a temporary nature.
- b) Any CONFIRMATION of Indian title is explicitly rejected as a basis for agreements.

10. NATIVE CLAIMS POLICY: COMPREHENSIVE CLAIMS: Submission to Cabinet dated July 20, 1979 and approved July 25, 1979.

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- 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) Economic self-sufficiency for Indians is to be sought through wage employment or through prudent management of cash resulting from claims settlements. Indian ownership and development of resources is not regarded as an economic alternative because confirmation of Indian title is unacceptable.
- f) Claims settlements are to be adaptable from one area to another. In other words, the essential provisions of the James Bay and Northern Quebec Agreement are to be applied in B.C., the Yukon, the Northwest Territories and elsewhere.
- g) Provincial participation in negotiating claims settlements is regarded as essential (aside

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from any legal requirements for this) because one important aim is to shift jurisdiction over Indians to provinces.

- vi) Following the successful negotiation of the James Bay and Northern Quebec Agreement, the Federal Government refined a strategy designed to accelerate termination

of 'special status' and the ultimate assimilation of Indians. This strategy was codified in 1979 [11, 12] and is currently in effect. It states that:

- a) Negotiation with Indians is to be on a 'pragmatic' basis, i.e., with those Indian groups who are prepared to accept extinguishment of their rights.
- b) Priority is to be given to extinguishing Indian Rights in those areas where major resource development is likely to occur.
- c) Issues of Indian title are to be resolved through negotiation rather than legal action, because they

11. Ibid.

12. Review of Specific Claims Policy: dated September 18, 1979, Minister's briefing regarding Federal policy and strategy regarding the settlement of specific claims.

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could rule in some instances in favour of Indians under the present Constitution.

- d) Rigid time limits are to be set on negotiations and enforced with threats of legislated settlements.
- e) Existing national and provincial Indian political organizations are to be avoided in negotiating settlements. Regional and local Indian organizations and Bands are to be alienated or isolated from membership in such political organizations to facilitate negotiations on Federal terms.
- f) Indian organizations which are interested in accepting provincial programs and are willing to serve as program delivery agencies for government will be encouraged and supported (as opposed to political organizations which are committed to Indian Rights).
- g) Federal negotiators are instructed not to waste time discussing matters which the government is not prepared to accept, i.e.:

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- confirmation of Indian title
- Indian ownership of resources
- Indian Government (as opposed to municipal-type administration), etc.
- support for indigenous Indian institutions.

- h) Federal 'public relations' are to be designed to convey to Indians and the general public that government actions are 'positive'.
- i) Projected cash outlays in return for Indian title are to be emphasized, because on the surface, they appear substantial. In reality, however, payments are to be extended over many years and would be offset by royalties and other revenues accruing to the government from resource development on former Indian lands. Indians would also be required to assume increasing responsibility for financing various programs and would reduce Federal program expenditures accordingly.

The above noted examples, taken from Federal documents, show that the Federal 'game plan' for Indians has remained essentially unchanged between 1886 and 1980. It is evident that current Federal Constitutional intentions and moves are consistent, insofar as Indians are concerned, with giving final and absolute effect to a termination policy.

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PART I: CONCLUSION
INDIAN SELF-DETERMINATION OR INDIAN TERMINATION

- 1) Indian Nations have been programmed for termination of Canadian trust administration and ultimate assimilation, for one hundred and thirteen years. Both Britain and Canada have sought release from the trust responsibility and the administrative responsibility owed to Indian Nations. They will even go so far as to ignore International Law and the Treaties and Agreements which they made with Indian Nations. Canada's principle interest is to gain FULL domain over vast lands and natural resources owned by Indian Nations. Britain's principle interest is to reduce its economic and political obligation to Indian Nations. Both Britain and Canada are engaged in an effort to wholly expropriate the lands and natural resources of Indian Nations while planning to assimilate individual Indians into Canadian society.
- 2) There is not one scrap of hard evidence anywhere that the Canadian Federal Government supports Indian economic, social and political aspirations. The greater evidence is that Canada has sought to destroy all Indian Nations in the upper North American Continent.

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- 3) Current Canadian efforts to occupy Indian leaders with Indian Act revisions, program objectives for the 1980's, local and tribal government matters, etc., must be seen, in the present context, as a diversionary strategy

designed to distract our attention while our fundamental political rights are being stolen. Canada seeks to expropriate Indian territory and natural resources by quietly absorbing all Indian territory and peoples into an independent Canada.

- 4) Canadian authorities are optimistic that they can get away with their plan because they believe that most Indian leadership is weak and divided, that many Indian people are badly informed and disinterested, and that various program "projects" will keep the rest busy.
- 5) If we value our rights and our future, we must employ every means at our disposal to mobilize our people and resist any British or Canadian attempt to politically absorb our Indian Nations into Canada in accordance with the declared unilateral terms of the Canadian Federal Government.
- 6) Support by Indian Nations on Canadian Constitutional patriation can occur only when there is full consultation between Indian Nations, Britain and Canada and agreement in major areas of concern to us is assured.

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INDIAN POLITICAL RIGHTS PRESERVED

Indian Nations within Canada's borders were never conquered. European traders, and in later years, settlers were made welcome in a land and environment which was alien to them. Throughout the years of European settlement and expansion, Indian Nations sought a mutual accommodation, one that would permit a bountiful land to be shared to the benefit of all. Indian Nations sought to preserve their political identity separate from Canada even as it expanded and surrounded Indian territories. Indian National co-existence with Canada has historically been the commitment of all Indian nations.

Indian Rights to land, resources, culture, language, a livelihood and self-government are NOT something conferred by Treaties or offered to Indians as concessions by a beneficent government. Neither Canada nor Britain had the right, under International Law to impose their authorities over us. Only through Treaties and Agreements with Britain have Indian Nations come to have a political association with Britain. The Rights of our Nations are inherent to our people. These are the rights which Indian Nations enjoyed from time immemorial. THESE RIGHTS ARE PRE-EXISTING AND

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INVIOABLE. THE AUTHORITY OF INDIAN NATIONS DOES NOT DEPEND ON THE CANADIAN CONSTITUTION. A CANADIAN CONSTITUTION CAN ONLY ACCOMMODATE INDIAN RIGHTS - IT CANNOT DIMINISH, ALTER OR ELIMINATE THEM. SUCH POWER RESTS ONLY WITH THE CITIZENS

OF THE VARIOUS INDIAN NATIONS.

Indian Nations understand a Constitution to be a pact among founding peoples. The citizens of Indian Nations had their own constitutions separate from Canada and Britain. We understand our special relationship with the Canadian Federal Government to be in the nature of a partnership where Canada administers Britain's responsibilities to Indian Nations and the Indian Nations respect Canada's political integrity. This arrangement was intended to permit us to survive and prosper as Indian Nations, co-existing with Canada.

Despite the spirit and intent of the many Agreements entered into with the Crown, succeeding Canadian governments have behaved as if Indian Nations are a conquered people without any rights to a future of their choosing. Canada has violated Britain's Trust and the Trust of Indian Nations repeatedly. The result has been our impoverishment and our alienation from the international community.

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A new Canadian Constitution can have two alternative results insofar as Indian Nations are concerned. It can have the effect of entrenching poverty, dependency, and alienation; or it can re-open avenues to Indian National growth and development in terms consistent with rights recognized and affirmed in all previous transactions with the Imperial Crown of Britain. The peoples of Indian Nations can become an oppressed national minority of Canada or remain a people of self-reliance representing themselves to the rest of the peoples in the world.

We are too deeply rooted as the First Nations in North America to be destroyed by the short-sightedness, manipulations and racist philosophies of transient politicians. No matter what violence is done to our peoples; our identity and aspirations will never be legislated out of existence by second and third party countries. The most recent attack on Indian identity will produce little aside from even more serious divisiveness and confrontations which will exact heavy social and economic costs from all the citizens in Canada and in Indian Nations.

A much more positive approach is in order, one that would elevate constitutional patriation and amendment to an exercise in statesmanship and true nation-building.

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Exclusion of Indian participation from a broad constitutional review and a review of relations between Indian Nations and Britain and Canada must be of necessity, the first mistake which Canadian and British authorities must correct. Until this is done, Indian Nations reject the proposed independence of Canada in total as a hostile and

aggressive act and are prepared to employ all means to resist its fulfillment. We believe that peaceful and responsible diplomatic measures can and will remedy this difficult dilemma. In brief, the following measures are essential to resolving and indeed, preventing serious conflict:

I. Representatives of Indian Nations, Britain and Canada enter into internationally supervised discussions in Oslo, Norway 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

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the Indian Nations of Canada, as well as the full area and boundaries of what will become an Independent 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 means and extent to which Indian Nations of Canada and the Canadian Government must deal with the movement of Indian Nations citizens and Canadian citizens through Indian National Territories and Canadian territories.
- 7) Define the terms for political coexistence between the Indian Nations of Canada and the Canadian Government.
- 8) Define the terms for controlling and regulating commerce over, through and within Canadian territories and Indian National Territories.
- 9) Define in detail the extent and method by which financial aid and other supports will be extended

to the governments of Indian Nations after Canadian independence.

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- 10) Define the alternatives for individual Indian citizenship, in addition to their own national citizenship, and arrange for the release of Indian prisoners held in Canadian prisons.
- 11) Define the terms and arrangements which will be provided by Britain and/or Canada for the defense of Indian National Territories.
- 12) Define the extent to which Indian Nations will carry out their own foreign relations.
- 13) Define and agree to the necessary measures to ensure that each Indian Nation will exercise the full measure of self-government.
- 14) 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.
- 15) Define the terms of a Treaty which will codify the agreements above, as well as define the measures necessary to resolve the unresolved lands and other territorial claims.
- 16) 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.

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On these preceding points, the three parties must agree. A Treaty between the parties will be essential to the fulfillment of covenants and commitments made.

- II. Canada must notify the Indigenous Provisional Government of her intent not to finalize constitutional patriation proceedings until this tri-lateral conference has concluded.
- III. The Canadian Government must notify the Indigenous Provisional Government that she shall not violate the political and territorial integrity of the Indian Nations before, during or after the achievement of her independence from Britain.

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Questions may be referred to: Director of Research
Center for World Indigenous Studies
PMB 214
1001 Cooper Point RD SW Suite 140
Olympia, Washington 98502-1107 USA
360-754-1990
www.cwis.org <<http://www.cwis.org>>
usaoffice@cwis.org <<mailto:usaoffice@cwis.org>>

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