

UNION OF BRITISH COLUMBIA INDIAN CHIEFS ABORIGINAL RIGHTS LEGACY OF OUR FOREFATHERS

440 West Hastings Street, Vancouver, B.C. V6B 1L1

February 9, 1980



Tahltan Tribe

We claim the sovereign right to all the country of our tribe—this country of ours which we have held intact from the encroachments of other tribes, from time immemorial, at the cost of our own blood. We have done this because our lives depended on our country. To lose it meant we would lose our means of living, and therefore our lives.

We deny the B.C. government has any title or right of ownership in our country. We have never treated with them, nor given them any such title.

Signed at Telegraph Creek, B.C., this eighteenth day of October, Nineteen hundred and ten, by:
NANOK, Chief of the Tahltans.
NASTULTA, alias Little Jackson.
GEORGE ASSADZA, KENETI, alias Big Jackson.
and eighty other members of the tribe.

Cowichan People

From time immemorial the Cowichan Tribe of Indians have been the possessors and occupants of the territory including Cowichan Valley containing a large area and situated within the Territorial limits of the province of B.C. The Indian title to the said territory was always recognised by your majesty's predecessors.

... The lands belonging to and claimed by the said Cowichan Tribe were never ceded to or purchased by the Crown nor was the Indian title otherwise extinguished.

March, 1909.

Statement of the Nishga Nation

From time immemorial the Nishga Nation or Tribe of Indians possessed, occupied and used the territory generally known as the Valley of the Naas River, the boundaries of which are well defined.

The claims which we make in respect of this territory are clear and simple. We lay claim to the rights of men. We claim to be aboriginal inhabitants of this country and to have rights as such. We claim that our aboriginal rights have been guaranteed by Proclamation of King George Third and recognized by Acts of the Parliament of Great Britain. We claim that holding under the words of that Proclamation a tribal ownership of this territory, we should be dealt with in accordance with its provision, and that no part of our lands should be taken from us or in any way disposed of until the same has been purchased by the Crown.



Nishga Land Committee, 1910.

The above statement was unanimously adopted at a meeting of the Nishga Nation or Tribe of Indians held at Kincolith on the 22nd day of January, 1913.

Gitskan-Carrier

Since time immemorial, we, the Gitskan and Carrier People of Kitwanga, Kitsuecla, Gitanmaax, Sikadoak, Kispiox, Hagwilget and Moricetown, have exercised Sovereignty over our land. We have used and conserved the resources of our land with care and respect. We have governed ourselves. We have governed the land, the waters, the fish and the animals. This is written on our totem poles. It is recounted in our songs and dances. It is present in our language and in our spiritual beliefs. Our Sovereignty is our Culture.

Our Aboriginal Rights and Title to this Land have never been extinguished by treaty or by any agreement with the Crown. Gitskan and Carrier Sovereignty continue within these tribal areas.

Kispiox, B.C.
November 7, 1977.

The reason we have Aboriginal Rights today is because our forefathers had the vision and wisdom not to compromise, because of our children yet unborn; and that was us.

CONSTITUTION SHAM

The Federal Government threw their first Constitution party two weeks ago. The only people to suffer from the after effects were the Indian people. It was a big event. The national media were invited, many national Indian leaders were invited and the rest of the country was there through their television screens. The purpose was to celebrate the Entrenchment of Aboriginal Rights in the proposed patriated Constitution. This was regarded as a great victory by the Federal Government, and it was—for the Federal Government. For the Indian people it was a sham. It isn't the Indian people who define those Aboriginal Rights. This will be done by the Government who has always tried to terminate them, and by the Courts who have certainly not always looked favourably at Aboriginal Rights.

The celebration was perhaps a bit premature. Government officials refused to comment when asked if a party was planned to celebrate Indian involvement in the Amending Formula. Without this involvement, the Federal and Provincial Governments can wipe out our rights at any time. If there is one thing that the Federal and Provincial Governments agree upon in this whole constitutional scam, it is the final extinguishment of Aboriginal Rights. Two days later it was announced there would be no Indian involvement in the Amending Formula. Indian leaders cried "Foul."

This was the final twist in a hundred year plan to terminate Aboriginal Rights and assimilate us into their society. This has been obvious from government policies from the time of confederation, to the 1969 White Paper, to their successful termination of Indian rights in the James Bay Agreement of 1975. What was a hit or miss policy is now a refined strategy, revealed in what was the Confidential 1979, Review of Specific Claims Policy that states:

- All negotiation will be with Indian groups who are prepared to accept extinguishment of their rights.
- Aboriginal Rights are to be resolved through negotiations rather than legal action because they could possibly rule in favour of Aboriginal Rights.
- A priority is to be given to extinguishing Aboriginal Rights when major resource development is likely to occur (i.e. coal).
- Indian organizations which are interested in accepting Provincial Programs and are co-operating with the Provincial Government to settle Aboriginal Rights will be encouraged and supported, while those organizations who supported Aboriginal Rights will not.
- Existing political organizations who support Aboriginal Rights are to be avoided in negotiating settlement. Tribal Council and Indian Bands are to be alienated from such organizations in order to enhance the government's negotiating position.

The Regional DIA strategies of divide and conquer are thus exposed as an integral part of an overall strategy to do away with our Aboriginal Rights. The Director General of B.C. has organized a Forum to implement federal government policy, and is ignoring those Bands, District Councils and organizations who want to strengthen Indian Government and Aboriginal Rights. The Chairman of the Forum is the Director General himself. After years of trying to remove DIA from the Chair, we find it is back in the seat again. Tribal Councils are established in isolation from each other and with conflicting territorial boundaries. Tribal Councils don't meet except under DIA sponsorship.

The DIA has hired Indian people from across the country to sell their Indian Government Bill (proposed changes to the Indian Act) in spite of opposition from Indian Nations. Tribal Councils, Bands, individuals and Provincial Organizations are invited to open Government budget meetings, there to fight over small sums allotted by the Government.



Lillooet Tribe

We the underwritten chiefs of the Lillooet tribe (being all the chiefs of said tribe) declare as follows:—

We speak the truth, and we speak for our whole tribe, numbering about 1400 people at the present time.

We claim that we are the rightful owners of our tribal territory, and everything pertaining thereto. We have always lived on our country: at no time have we ever deserted it, or left it to others. We have retained it from the invasion of other tribes at the cost of our blood. Our ancestors were in possession of our country centuries before the whites came.

We are aware the B.C. government claims our country, like all other Indian territories in B.C.; but we deny their right to it. We never gave it or sold it to them. They certainly never got the title to the country from us, neither by agreement nor conquest, and none other than us could have any right to give them title.

Spences Bridge, B.C., May 10, 1911.

JAMES NRAITESKEL, Chief Lillooet Band.
JAMES STAGER, Chief Pemberton Band.
PETER CHALAL, Chief Mission Band.
JAMES JAMES, Chief Seaton Lake Band.
JOHN JOUSTGHEEN, Chief Pasulko Band.
DAVID EKSIAPALUS, Chief No. 2 Lillooet.
CHARLES NEKAULA, Chief Nkemts Band.
JAMES SMITH, Chief Tenas Lake Band.
HARRY NKASUSA, Chief Samakwa Band.
PAUL KOITELAMUGH, Chief Skookum Chuck.
AUGUST AKSTONKAIL, Chief Port Douglas.
JEAN BAPTISTE, Chief Cayuse Creek Band.
DAVID SWINSTWAUGH, Chief Bridge River.
THOMAS BULL, Chief Sliahos Band.
THOMAS JACK, Chief Anderson Lake Band.
CHIEF FRANCOIS.
THOMAS ADOLPH, for La Fountain Indians.

ENTRENCHMENT: THE LAST OF THE BEST DEALS

Since the first white man set foot on Indian territory, he has sought to control, by whatever means he can, all the elements of this land we call home.

Whether by force or by negotiations, he has been constant in his methods and true to his goal of domination.

From John A. Macdonald to Pierre Trudeau, from beads and blankets to million dollar cash settlements, the non-Indian has always been willing to make a deal for that which the Creator has given.

It is strange, though, that his best deal has been no deal at all: our lands and heritage in exchange for a very small part of the same lands, heritage and pride.

JAMES BAY: PRESSURED TO SELL

He said to the Cree and Inuit of James Bay: give up your Aboriginal Title to the lands and resources that you've traditionally owned, and in exchange, we will give you cash and the "exclusive use and enjoyment" of a small part of that same traditional territory. This deal offered to the Cree and Inuit

The latest and perhaps the last deal being offered our Indian Nations concern our Aboriginal Rights and the Constitution.

DIVIDE AND RULE THROUGH PROGRAMS:

Any deal the Federal Government has finalized with our Indian people has always been in the shadow of an imposed legislated settlement and ongoing resource exploitation. The federal government has been able to negotiate on its own terms because it has been successful in alienating regional and local organizations and Band office support away from a strong provincial political organization. It has done this by offering cash deals in the form of programs: Indian Economic Development programs, housing, health services, education and the very future of our children.

The federal government position has remained unchanged in the past hundred years. It has constantly tried to buy out our Aboriginal Rights.

was done under very great economic and political pressure. Even as the negotiations took place, giant earthmovers were changing forever a land that had given life to generations of indigenous hunters and trappers.



"OUR BEST OFFER OR NOTHING" FEDS TELL COPE

Another example of a deal offered under extreme pressure and a "take this or get nothing at all" philosophy, was the Agreement in Principle between the Committee of Original Peoples Entitlement (COPE) and the Federal Government.

This agreement was not one in recognition of Aboriginal Rights, but offered a cash settlement and small tracts of land as compensation for the extinguishment of aboriginal title.

OUR FOREFATHERS REFUSED THIS SAME DEAL

He has been able to compromise beliefs in our Aboriginal Rights by repeating: accept this deal or get nothing. But this "nothing" can only be defined in white men's terms. You can't put a dollar sign on human dignity and declare it non-taxable and payable over the next ten years.

The same deal that we are offered today was offered to our forefathers a century ago. It is through their wisdom, their refusal to compromise and sell, that we can stand today to speak about Aboriginal Rights, and demand recognition.

When we speak of Aboriginal Rights, we speak of basic rights to the land, its resources, our own governments and self-determination. It is not an abstract concept but it's something that Indian Nations had before, and we will have again.

When it comes to Aboriginal Rights, there can be no "best deals". There is but one simple principle and all we ask is that recognition and respect be paid that principle of Indian Aboriginal Rights.

OUR FOREFATHERS REFUSED TO COMPROMISE. OUR POSITION HAS NOT CHANGED.

I have heard people say that you should take what you can get while you can. I would sooner take nothing now and the Indian children in the future will have something to fight for. If we sell out now, they will have nothing. We have no choice. It is the only alternative that we have—to demand the recognition of our aboriginal rights.

Indian leaders in the past had the wisdom not to compromise. They stood their ground and refused to move. They wanted the recognition of Aboriginal Rights. If the Indians of that time had surrendered their Aboriginal Rights, if they had compromised, there would be no Aboriginal Rights to talk about in British Columbia today. Our forefathers had the foresight and wisdom to say that we have children yet unborn that will be faced with this situation, they will have no Aboriginal Rights when they are born. They were talking about us. Our position has not changed. As long as I am the leader of the UBCIC, our position is not going to change from that of our forefathers. I do not want to be responsible for selling the rights of our children yet unborn.

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

Alkali Lake Bands

Declaration of Independence 1975

From PEAVINE MOUNTAIN atop the mountain known as Border Mountain, Half of the SPRINGHOUSE HILLS, straight across to Chimney Lake to the Lac La Hache P.S.Y.U. and down that line to the south-east corner of T.P. 75; back towards the Fraser River along the Williams Lake P.S.Y.U. line; and from the Fraser River back along its bed to the PEAVINE MOUNTAIN: Indian Reserve #6 (Wycotte Flats) and Indian reserve #16.

These lands are part of the traditional territory of the Alkali Band of the Shuswap Nation. We have never surrendered any of our lands, nor have we ever given up our aboriginal rights to the land, water, forests or any of the resources on or under the land. Like our ancestors, we depend on this land for our living as well as our children and grandchildren, even those as yet unborn.



Chiefs of Tribes, B.C. 1870

Declaration of the First Nations

We the original peoples of this land know the Creator put us here.

The Creator gave us laws that govern our relationships 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 fulfill the responsibilities 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.

December, 1980 in Ottawa.

Land Claims in B.C.

1880: start of our historical battle for our land claims. Individual tribes and local groups start making representations, petitions and start sending delegates to the provincial and Federal governments. Chiefs of the Lower Fraser and South Vancouver Island protest encroachment on Indian land.

1887: the Chiefs of Port Simpson and the Nass petition for return of their land and formal treaty guaranteeing their rights to those lands forever:

"What we don't like about this government is their saying this: 'We will give you so much land.' How can they give it to us when it is our own land."

1906: Squamish delegation go to England with a petition.

1909: 20 tribes from southern B.C. send delegations to London.

1910 & 1911: Declarations of title to tribal territory and assertion that these titles had never been extinguished by: Shuswap, Tahltan, Okanagan, Lillooet, Thompson, Sto:lo, Chilcotin and Carrier Nations.

1913: Privy Council replies that title will only be recognised when Indian Nations "surrender such title, receiving from the Dominion benefits to be granted for extinguishment of title to unsundered territories."

This position hasn't changed.

1916: meeting on Mission reserve form the Allied Tribes of B.C. to present land claims directly to the Imperial Privy Council. Firmly refuse to accept settlement based on PC 751, 1914.

1919: "Statement of Allied Tribes of B.C. to the Government of B.C.," prepared by Peter Kelly, a Haida

Minister, and incorporating for the first time all claims for Indian Tribes in the Province. This is also the first demand for action on related social and economic issues.

1926: the Allied Tribes, through Peter Kelly, Andrew Paull, Chief David Basil and Chief Chillihtitza, present land claim positions to Parliament which sets up a Joint Committee to hold hearings and make recommendations.

My forefathers and my own father were some of the leading chiefs of British Columbia and they never relinquished their titles, but now they are dead, and I am their successor, and I still have the title; I did not give them to anybody, and now I come over here in Ottawa so that the government in Ottawa will give me power in my titles and my rights.
the Indians do not want to be en-

franchised; they want to be as they are. All the Indians want is to be just Indians, and not to be taken as white people, and made to live like the white people; they want to be the way their forefathers used to be, just plain Indians. That is what my people want. They do not want to be enfranchised.
Chief Johnny Chillihtitza.

1927: Joint Committee judges that land claims are not proven. It repeats Federal government position: if Indians surrender title, terminate position on Aboriginal Rights, then the Parliament will recognise and pay us for them. The definition of Aboriginal Rights was to be decided by the Courts. The Allied Tribes refuses to accept such a judgment. The Joint Committee also makes a recommendation, later to become law, that fund raising by Indian organizations for land claims become a criminal offense.