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

TO

His Excellency The Secretary-General of the United Nations

BY

Indian Nations in Canada

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

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

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

VF Aboriginal Title and Rights - Constitutional aspects - Canada

UNION OF B.C. INDIAN CHIEFS RESOURCE CENTRE

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

A portion of the Royal Proclamation states:

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

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

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

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

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

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

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

- c) In the early 1920's legislation was passed outlawing our spiritual practices. Another law passed in the same period made it illegal to form an association to press land claims.
 - d) Legislation continues to exist which expropriates our hunting and fishing rights.
 - e) Until 1960, Indians were not entitled to vote in federal elections if we lived on reserves.
 - f) Our spiritual practices subject us to prosecution under provincial game laws.
 - g) Legislation compels Indian children to attend residential schools away from our communities and our cultures.
5. Not only have the Indian Nations been faced with blatantly illegal legislation, but the persistent and insidious policy behind its legislation reveals the federal government's objective to exterminate the very identity of the Indian Nations and its people.

In 1969, the Prime Minister of this Country said:

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

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

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

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

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

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

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

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

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

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

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

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

- a) "The States of the Americas, in any dispute about the infringement or violation of the autonomous and cultural rights of the Indian peoples; to engage in good faith negotiation to seek a peaceful settlement of the dispute; and to refrain from taking recourse to any procedure, which is not mutually agreed upon."
- b) "Treaties and Agreements made with Indigenous Nations or groups shall not be subject to unilateral abrogation. In no event may municipal law of any state serve as a defence to the failure to adhere to and perform the terms of Treaties and Agreements made with Indigenous Nations or groups. Nor shall any state refuse to recognize and adhere to Treaties or other Agreements due to change in circumstances where the change 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."

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

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

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

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

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

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

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

P E T I T I O N

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

1. Initiate contact with the Governments of Canada and Britain, urging their immediate

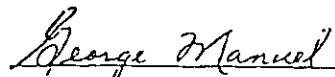
lateral negotiations on the political status of the Indian Nations of Canada, as well as their Agreement to suspend constitutional patriation processes until these negotiations are concluded to the satisfaction of all parties.

2. Gain Agreement between the parties concerning the role of the United Nations as an international presence to supervise the proceedings, once negotiations are convened.
 3. Request and secure an official of the International Court of Justice to serve as official arbitor during the life of these negotiations.
2. The proposed Tri-Lateral Negotiations of the Political Status of Indigenous Peoples of Canada, convening under international supervision, must have an agenda which includes--but is not limited to--the following:
1. Review and define the present roles and responsibilities of all parties involved in the existing "tri-lateral" relationship, including the Indian Nations, the Canadian Government and the British Government.
 2. Define in detail the full meaning and extent of the political association between Britain and the Indian Nations in Canada.
 3. Define and agree in detail on the full area and boundaries of territories occupied and/or owned by the Indian Nations of Canada.
 4. Define in detail the means by which existing and future conflicts may be resolved between an Independent Canada and Indian Nations.
 5. Define and determine the extent and amount of payments owed to Indian Nations of Canada by the Canadian Government for lands and natural resources already confiscated or expropriated by the Canadian Government and/or its agents; and agree to the method and terms for payment.
 6. Define the terms for political existence between the Indian Nations of Canada and the Canadian Government.
 7. Define the equalization payment plan between the Canadian Government and the Indian Nations.
 8. Define the alternatives for individual Indian citizenship in addition to their own natural citizenship.
 9. Define and agree to the necessary

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

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

DATED in the City of Ottawa, December 1980.


George Manuel, President

INDIGENOUS PROVISIONAL GOVERNMENT OF CANADA
REPRESENTATIONS TO THE UNITED NATIONS

MISSIONS

PURPOSE:

To ensure that Indian Nations can choose how they will relate to England or Canada. We are not asking for separation, we are asking to maintain legal and moral ties with England because we have never been a part of Canada.

OBJECTIVES:

1. To postpone the patriation of the Canadian Constitution.
(For the next six (6) months the patriation of the Canadian Constitution is a continuous state of emergency)
2. To establish the TRILATERAL CONFERENCE between the INDIAN NATIONS, GREAT BRITAIN and the GOVERNMENT OF CANADA.

MISSION GUIDELINES:

1. Describe the existing situation of the Indigenous Nations within Canada and why we are in a state of emergency.
2. Encourage missions to transmit reports of meetings, particularly the Bill of Particulars and Petition to their governments for study and possible courses of action.
3. Request Missions to support the Indigenous Nations of Canada in postponing patriation of the Canadian constitution until the Indigenous Nations concerns are met and whatever transpires does not effect the Indigenous Nations status with Great Britain.
4. Request Missions to encourage the Secretary General to implement what is request in the Bill of Particulars and Petition.
5. Request to send Indigenous Nations delegates to foreign Ministeries in the future and open doors for further contact with foreign affairs in each country.

DECEMBER 8, 1980

1. TANZANIA:

Chief Executive Secretary
Chama Cha Mapindiezi
P.O. Box 50
Dodoma
United Republic of Tanzania

DELEGATION:

Steven Kakfwi - Dene Nation
Marie Wilson
Elaine Thomas
Jerry Jack
Jean Brown

TANZANIA: "Welcome to Tanzania"

PRESENTATION: Bill of Particulars and Petition.

QUESTIONS:

Were you consulted on the Constitution in 1867?

Do you have specific lands or territories now? (ie: your own?)

Do you want special representatives/representation in Parliament?

Do you want more power within the control of Indigenous authorities?

Do you want certain provisions/jurisdictions within individual provinces?

How united are you people?

What is the reaction of the Ottawa government to your proposals?

Do you have the text of the Constitutional proposal?

Have you spoken to Britain?

What do you really want?

- to get rid of the rest of the population?

- get back all your land?

- conglomerate all INDIGENOUS PEOPLES into one land to be exclusively yours?

What do you want us to do?

What do you want from negotiations?

What do you hope to get out of maintaining ties with Britain?

How many nations are you?

Can you indentify what land you want?

POLITICAL ANALYSIS/ADVICE:

"You can't really think of self-determination (realistically) unless you have specific territory. Otherwise you can only talk about more fair, equitable, deomocratic participation." But that's your right so go after it. You must decide what you really want:

You need two lines of action:

1. Need better organization across Canada (National leadership to define political, economic and social rights.)
2. Can only get rights by confronting those who have taken away your rights. It is important to talk to Canadian and Provincial political parties, even more than governments because they are more honest.

After some discussion he said he knew we could do it because setting up our Provisional Government is a good sign, in that we are getting united and that the majority of our people are in agreement. He then expalined how their country will supooort our issue because of the way Canada is discrimenating the Indigenous People of Canada in the fight for land and rights. And stated we must set our goals and objectives before we can negotiate and put pressure on the government of Canada.

CONDITIONAL COMMITTEES:

1. Further discussions with Indigenous delegations.
2. Tanzania will use dipolmatic and "other" channels with Canada to let Canada know this problem is bigger than it thought.
3. Tanzania will use UN offices and facilities to spread word.

All these commitments are dependant on getting answers to some of the above questions. Tanzania, is in principle, in support of helping all OPPRESSED people, but, has to know more specifically what this group wants.

COMMITTMENTS:

1. Will pass on all documents of government of the United Republic of Tanzania, and to the Revolutionary Party, and to

(8)

President (and the Chairman) Nyrere to study and see if there is anything they can do.

"We will do everything we can in our power to helping you people to obtain what you want." "We know you people can do it."

2. We will correspond.
3. We will keep in touch with you, and with other interested parties. (Canada and Britain)

REQUESTS:

1. Want extra copies of the Soloem Declaration for President Nyrere.
2. Wants to know what other missions were contacted and what their reactions were. (to prepare diplomatic war "if necessary".
3. Would like correspondance and further meetings.
4. Would like text of constitutional package.

2. INDIA

DELEGATION:

Chief Nathan Spinks

Joe Basil

Frank Rivers

Rhoda Spinks

PRESENTATION:

We presented the Bill of Particulars and basically maintained our position that we are separate from Canada and have always been and requested the mission to seek help to sponsor us in the Committee of 24 and asked the mission to request their government that our submission be put on record. And strongly emphasized the Canadian government took all the Indigenous peoples and put them on reserves and are currently trying to take all our rights away ie; hunting and fishing and that basically Canada and England are meeting and saying that there should be more more Indians just Canadian Citizens. And told them we have gone to England and the Queen will not meet with us.

RESPONSE:

The representative told us that we were part of Canada because we are voters of Canada. However he said that it has to go to the foreign ministry and will follow through in transmitting information to the foreign ministry and will talk to his people and see what they can do to support our Petition and that it will be forwarded to Delhi, India.

3. AUSTRALIA:

Their advice was that the Committee of 24 is only supposed to deal with decolonization and Indian people aren't in a decolonization issue. However they are willing to forward us more information. The Committee of 24 only deals with the list of non-self governing territories.

They will forward our request to their Australian government.

They requested George Manuel's address and indicated that they would like to speak to chiefs and not underlings. They also stated that they would like to continue dialogue.

(A more detailed report is expected)

4. DENMARK:

DELEGATION:

Steve Kakfwi

Ron George

Chief Roger Jimmy

Liz Adrian

Chief Nathan Spinks

PRESENTATION: Bill of Particulars and Petition

QUESTIONS:

Have you talked to Britain? Yes for years.

What is the British reaction? In sort of a dilemma - colonist, either way.

If Canada were to assume all ties, as they now exist with Britain without changing these, would that be enough? Would you be satisfied?

We then explained the growing trend of transfer of responsibility from Ottawa to the provinces which is a lack of good faith.

Would constitutional package being proposed by Ottawa also include changing political status of the two northern territories with Canada?

Do certain number of provinces (Majority, as an American state model) have to approve patriation process? No, just parliament, ie: the party in power. For the proposed amending formula yes.

What are your immediate plans? To continue lobby in Ottawa, Britain, the UN & our provisional government.

Has negotiating forum been set up to negotiate with the Federal Government and UK as you are hoping? (Trilateral talks) Yes, further explanation of Provisional Government.

Is Canada going to wipe out/terminate the status of Indigeneous Nations? They wanted us to elaborate on why we believe Canada is intent on carrying out policies that would be "dangerous" or a threat to the well being or existence of Nations. The Bill of Particulars was explained well to the mission.

COMMITMENTS:

They will transmit documents to Copenhagen and our capital. There was no specifications that this would be to the head of government. And NO indication of how long it would be there. And NO, guarantees of anything. in spite of optimism express by Indigeneous group because of the Home Rule Model in Greenland. Greenland was given provincial status by the Danish Government.

They said further delegations are welcome to appeal to Denmark again at any time.

They said other Nordic countries will think about it too, probably within context of the Nordic conference.

5. CANADA

DELEGATION:

Marie Marule

Chief Saul Terry

The dialogue was a very cordial discussion. Presentation of Bill of Particulars and emphasizing state of emergency did have a little impact. There was no indication of being against it. It was emphasized very strongly that the action Canada has taken has international ramification to the Indigeneous peoples of Canada.

(A more detailed report is expected)

6. IRELAND:

Representative: Don Donavue

DELEGATION:

Ron George

Emory Gabriel

Fay Nelson

Trudy Williams

PRESENTATION:

Introduced Bill of Particulars and explained the major points such as seeking recognition from the UN of the sovereign Indian Nations of Canada. Canada has not upheld their obligations given them by their trusteeship of agreements signed between sovereign Indian Nations of Canada and England.

When Mr. Donavue asked what significance this "constitution" had on B.C. we replied that the proposed charter would transfer the jurisdiction of native Indian concerns to the provinces and we cited the example of how Joseph Trutch dealt with natives after confederation when the province was given jurisdiction of land encompassed by the borders of what is now known as B.C.

He questioned whether or not Canada was deliberately trying to shut Indians out of any dealings (especially the constitution). We cited how Prime Minister Trudeau, starting with the "White Paper Policy" and now this proposed charter, has been continually trying to shed his responsibility of trusteeship and eliminate any honest and honourable dealings with the native Indian people.

Our diplomatic efforts to date have met with no response or acknowledgement which has resulted in our taking this route.

He closed by saying that they have heard a "lot of talk of the Canadian constitution: and it is recognized as a problem. He said we must remember that we will be talking to a lot of people who do not know anything on this matter.

He thanked us for coming and enlightening him on this issue and stated: "Thank you for coming, We are certain to take interest in you, quite frankly, quite a lot of interest, We'll be asking a lot of questions about the Canada Constitution."

7. CUBA

DELEGATION

Marie Marule

Frank Rivers

Alex Jimmie

Wallace Manyfingers

We met with Alferedo Almeida, Councillor of Cuban Mission. We outlined our position briefly. He was sympathetic with our concerns and wanted to go directly into what steps have been taken in the future.

He advised us to make contact with the Ambassador of Canada.

He also advised us we make a submission to the Geneva Commission on Human Rights by February 1981.

The President of the Commission and the Cuban Ambassador in Geneva will be informed of the submission.

We pointed out that the existing systems in the UN do not adequately cover Indigeneous Peoples concerns nor our collective rights and that we are looking for alternatives.

One of their cultural institutes is having a session in Cuba in September 1981 and suggested we make representation and indicated that they will contact us on further information.

8. SAUDI ARABIA

A meeting was set up for 12 noon to 1p.m. on December 9, 1980, but the meeting did not materialize, we went through two and half hours of... waiting in the executive lounge. At 2:15, the Saudi Arabia mission was contacted but we were told by the woman responsible for making meeting arrangements that follow up is necessary in the future, either send them the Bill of Particulars or meet with their Embassy in Ottawa.

REPORTS FOR THE UNITED KINGDOM, YUKOSLAVIA, CANADA, NORWAY, FINLAND, IRAN, TRINIDAD/TABAGO HAVE NOT YET BEEN SUBMITTED. WE ARE STILL EXPECTING THEM TO BE SUBMITTED TO COMPLETE THE REPORT.

The following is a list of people who went on the bus to New York:

1. Chief Wayne Christian
2. Tina Marie Chrisian
3. Adam Christian
4. Chief Saul Terry
5. Mary Ann Terry
6. Nelson David Terry
7. Chief Nathan Spinks
8. Rhoda Spinks
9. Chief Alex Jimmie
10. Joan Jimmie
11. Chief Dave Quilt
12. Mathilda Quilt
13. Chief Roger Jimmie
14. Lillian Jimmie
15. Jason Jimmie
16. Baby
17. Marguerite Slash (99)
18. Chief Niel Phillip
19. Steven Kakfwi - Dene Nation
20. Marie Wilson
21. Ken Dennis
22. Jim Bob
23. Arnold Ritchie
24. Jean Brown
25. Elaine Thomas
26. Faye Nelson
27. Trudy Williams
28. Frank Rivers
29. Emory Gabriel
30. Liz Adrian
31. Lyn Terbasket
32. Joe Basil
33. Monica Howard
34. Murray Green

