



Canada: A colonial state and structure.



Inherent Rights & Jurisdiction.

"As a matter of fundamental principle, Canadians should recognize and accept the fact that First Nation and First Nation families possess and are entitled to possess the primary and sole authority to decide what is in the best interests of their children" (Cardinal, 1996, p. xvi). These are God given rights.

Why?

"Controlling our choice of a path- the realization of the full potential of the Indian people, or despair, hostility and destruction- is our belief that we must (not negotiate our identity). He cannot realize his potential as a brown white man. Only by being...simply what he is, can he ever be at peace with himself or open to others. The present course of the federal government drives the Indian daily closer and closer to the second alternative... despair, hostility, destruction" (Cardinal, 1996, p,145).

Treaty Parties

This relationship is between Nations, our Nations and Great Britain. Canada is not a signatory; which is why our Treaties have international stature.

Sovereignty: a sovereign owns the land.

Nations are sovereign. That is why
Canada did not sign the Treaty; they
are not a sovereign stand alone
nation.

We are our own people and do not
belong to Canada.

The Cree Nations never ceded their
lands, therefore they still remain
sovereign.

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It is God given.

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Doctrine of discovery.

The doctrine of discovery states that if there are people there and they are not Christians they do not have a title to land (1493 papal bull).

Doctrine of discovery states that the land is 'terra nullius'; which means that it is no mans land. We were not considered humans.

A Great Misconception:

The Treaties were signed with Great Britain's crown, not Canada.
The Treaties have international power and are recognized in the international arena.

International law states that in order to enter into a territory that is occupied you need a Treaty (Royal Proclamation 1763).

The Treaty is how we live here side by side.

It was meant for peaceful coexistence not complete domination.

Royal Proclamation of 1763

In part of Canada's constitution, it is written, permission for the British crown.

Means that a Treaty has to be signed with the British crown, not with the British people, to allow the British to enter into the territory.

The Elders Understand the Treaties.

The Vienna Convention on Treaties, Article 11, states that an oral and written treaty has the same standing in international law.

How relevant are the Treaties today?

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Royal Proclamation of 1763

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states that a Treaty has to be
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Lord Denny's decision states that:

1. the Treaties are as good as the day they were made (Canada was not a signatory to these and they were made between Nations) and
2. no parliament or legislature can change the terms of the treaty, unless the Indians so request it.

