

DOCUMENTS

INTRODUCTION

The last few years have seen Native peoples in Canada adopt a variety of political strategies in an effort to resolve many historical and contemporary issues. In addition to conventional political lobby efforts, blockades and occupations have become commonplace. We have, for instance, witnessed the Haida protesting logging activities on their traditional homelands; the Sarcee protesting the Department of National Defence's policies regarding a military range on leased reserve land; the Tem-Augama of the Bear Island band, blockading a logging road across their ancestral lands; the Innu of Labrador, periodically occupying the NATO runways at Goose Bay to protest low-level flying by NATO fighters; and the demonstrations and sit-ins at INAC offices by students protesting the recent changes made in federal post-secondary education funding guidelines. Paramount among these protests have been the efforts of the Lubicon Lake Cree people to resolve their outstanding land claims in Northern Alberta.

On 6 July 1989, nine representatives of Indian First Nations in Canada signed the "Treaty Alliance of North American Aboriginal Nations" at Chibougamau, Quebec. The alliance, styled loosely after the North Atlantic Treaty Organization (NATO), is essentially a mutual defence pact, through which member First Nations allies can call upon each other for support in the event of confrontation with the Canadian state, or with any other government authorities or resource developers.

The defence Treaty was essentially the idea of Bernard Ominayak, Chief of the Lubicon Lake Indian Nation whose trials and tribulations have been well-documented.¹ The spark that ignited the Treaty seems to have been the RCMP raid on the Lubicon Nation's six-day road blockade in October of 1988. Ominayak at the time expressed the view that his people might have more power to resolve their issues if there were a mechanism in place to co-ordinate support from other Indian peoples. The mechanism Ominayak proposed in October of 1989 was the "Treaty Alliance."

In October of 1989 at Chibougamau province, nine chiefs signed the Treaty Alliance on behalf of their people. These were:

Bernard Ominayak - Lubicon Lake Indian Nation.
 Roger Jones - Ojibways of Shawanaga First Nation.
 Willard Niganobe - Mississauga First Nation.
 Graydon Nicholas - Maliseet Nation.
 Esau J. Turner - Grand Rapids Indian Nation.
 Daniel Ashini - Innu of Labrador.
 Ron Jacques - MicMac Indian Nation.
 Matthew Coon-Come - Grand Council of the Crees.

By the time this issue of **Native Studies Review** went to press (August 1990), the following First Nations' representatives had added their names to the list of signatories:

Konrad H. Sioui - Quebec & Labrador Assembly of First Nations.
 Mike Mitchell - Akwesasne Mohawk Indian Nation.
 Bentley G. Cheechoo - Nishnabe Aski Nation.
 Charles Beaver - Bigstone Indian Nation.
 Roy Whitney - Sarcee Indian Nation.
 A.J. (Al) Lameman - Beaver Lake Indian Nation.
 Ernest Sundown - Joseph Bighead First Nation.
 Harvey Scanie - Cold Lake First Nation.
 Carl Quin - Saddle Lake First Nation.
 Dan Martel - Mountain People Cree Nation.

The **Native Studies Review** is pleased to publish the full text of the "Treaty Alliance." We are also pleased to present the personal viewpoints on the Treaty Alliance of three prominent First Nations representatives, namely:

Bernard Ominayak - Chief, Lubicon Lake First Nation
 Billy Diamond - Chief, Waskaganish Band
 Georges Erasmus - National Chief, Assembly of First Nations

Winona L. Stevenson and
 James B. Waldram

NOTES

1. See, for example, E.D. Fulton's "Discussion Paper" in Native Studies Review 4, 1 and 2 (1988).

DOCUMENT ONE: TREATY ALLIANCE OF NORTH AMERICAN ABORIGINAL NATIONS

WHEREAS the sovereign territories of North American Aboriginal Nations have been invaded, occupied, exploited and despoiled by foreign powers from outside North America;

AND WHEREAS this invasion and occupation of the sovereign territories of North American Aboriginal Nations has been accomplished through deceit, force of arms and/or the threat of force of arms;

AND WHEREAS the consequence of this invasion and occupation of the sovereign territories of North American Aboriginal Nations include the extinction through deliberate genocide of many such North American Aboriginal Nations, the ever escalating exploitation of the natural resources upon which remaining North American Aboriginal Nations depend for their survival, and environmental effects so severe as to literally threaten the survival of all people everywhere on earth;

NOW, THEREFORE, The Parties to this Treaty hereby reaffirm their desire to live in peace with all peoples and governments; declare their determination to protect and preserve their peoples, lands, resources, heritage and culture; and agree to join their efforts at self-help and self-defense through mutual aid and assistance as follows:

Article 1. The Parties will consult whenever, in the opinion of any of them, the territorial integrity, political independence, security or other fundamental rights of any of the Parties is threatened.

Article 2. The Parties agree that a threat against one of them shall be considered a threat against them all; and consequently agree, if such threat occurs, each of them, in exercise of the

internationally recognized right of individual or collective self-defense, will assist the Party or Parties so threatened by taking forthwith, individually and/or in concert with the other Party or Parties, such action as it deems necessary to restore and maintain the security of the involved Party or Parties.

Article 3. The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall be organized so as to be able to meet promptly at any time. The Council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a Defense Committee which shall recommend measures for the implementation of Article 2.

Article 4. The Parties may, by unanimous agreement, invite any other North American Aboriginal Nation in a position to further the principles of this Treaty and contribute to the security of the Parties to accede to this Treaty. Any North American Aboriginal Nation so invited may become a Party to the Treaty by depositing its instrument of accession with the Council established by this Treaty. The Council shall forthwith inform each of the Parties of the deposit of each instrument of accession.

Article 5. This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective decision-making processes. The instruments of ratification shall be deposited as soon as possible with the Council established by this Treaty, which Council shall notify forthwith all of the other signatories of each deposit. The Treaty shall enter into force between the Parties which have ratified it as soon as the instruments of ratification have been deposited.

Article 6. After the Treaty has come into force, the Parties shall, if any of them so request, consult for the purpose of reviewing the Treaty, having regard for the factors then affecting the security of North American Aboriginal Nations, including the

development of universal and/or regional arrangements for the maintenance of the security of North American Aboriginal Nations.

Article 7. Any Party may cease to be a Party upon giving its notice of withdrawal to the Council established by this Treaty, which Council shall forthwith inform the other Parties of any such notice of withdrawal.

Article 8. True copies of this Treaty shall be held by each of the initial signatories to the Treaty. Duly certified copies thereof will be transmitted by the Council hereby established to each of the Parties later acceding to it.

COMMENT ON TREATY ALLIANCE BY GEORGE ERASMUS

I have been asked to make some observations about the Treaty Alliance and what it means to me as an Indian person and as a political leader of the Assembly of First Nations. In the first place, it has to be pointed out that this type of alliance is not a totally new idea among the aboriginal nations of North America. There have always been alliances of this nature between our nations and so it is not surprising to see another one come into being at this point in time. Some examples of when this took place in the past can be recalled by remembering such names as Pontiac, who gathered the Ojibway together to withstand British encroachments on their territories; and Tecumseh, who allied a great number of tribes and nations together in order to join with Canada and defeat the Americans in 1812. Along with those names and historical events we must also remember the names of other great leaders such as Poundmaker and Big Bear who allied their nations with the Metis of Louis Riel and Gabriel Dumont against the Canadian government in the last century. There are many such examples which I could give you and not all of them involve military alliances. For instance, the Huron Nation had a far-reaching system of economic and political alliances, as did the Six Nations Confederacy.

What this all serves to show is that whenever there is a need, the First Nations can and do exercise their inherent sovereignty to enter into treaties among themselves or with other non-Native nations so as to achieve strength in unity and further our common interests. This is what international treaties are all about: they involve the sharing of ideas, resources and strength between different nations. The Treaty Alliance of North American Aboriginal Nations is based upon the same concept of mutual support and assistance against adversity. In this instance, the adversary happens to be the Canadian government that has, however misguidedly, set upon a course of deceit and exploitation against the First Nations. It is the government of Canada that has chosen to dishonour its obligations under the various treaties

which it has entered into with the First Nations. These treaties form the basis for an on-going relationship that has served to realize enormous benefits for Canada and for Canadians.

Now that Canada has gained a foothold in terms of access to the resources of this country it no longer sees the need to live up to its side of the bargain. This is something that the First Nations can never and will never accept on the part of Canada and this government should realize this fact and begin to seriously re-think its present position on treaty and aboriginal rights. In the end, I believe, this is exactly what this or any other Canadian government will have to do eventually. It is only a matter of time.

Throughout the history of the First Nations/Canada relationship there have been some things on which we could not achieve agreement. There is nothing about this. It is the kind of situation one would expect when different societies and cultures get together. Usually, these things are worked out between them. However, lately it appears to many of the First Nations that Canada's present government has chosen to adopt an extremely cynical attitude towards our rights and to our role as indigenous people. By this, I mean that we feel and perceive that the federal government is committing itself to an extended campaign of termination, extinguishment and assimilation against us as First Nations and as Indian people.

You don't have to look very far these days to see events happening where one First Nation or another is being denied basic human rights, or being told that its ancestral homelands are going to be stripped of its forests, wildlife or mineral resources notwithstanding their rights or needs. In most cases it is the federal government that is saying this. To be fair, sometimes it is a provincial government that is trying to exploit the First Nations, but in every instance the federal government is right there taking sides, and it is always against the First Nations. This should not be happening.

The government of Canada has a fiduciary duty to protect First Nations rights and interests, but somehow it has either

forgotten that duty or it has decided that it will simply not abide by it. Given the memory of our past history and dealings with the government of Canada, this does not come as a complete surprise to us. On the contrary, perhaps we have become too accustomed to seeing treaty promises broken, ignored or vitiated at almost every opportunity by the government of Canada ever since we first entered into them. Our view, however, is that these treaties represent sacred obligations and understandings on both sides and whether the Canadian government honours them or not, we will.

So, my viewpoint on the Treaty Alliance is that this is a development which is totally in keeping with the inherent sovereignty and responsibilities of First Nations. It has been necessitated by the manner in which the government of Canada has been attempting to trample upon our rights and integrity as Nations in failing to abide by the spirit and intent of the treaties.

I do wish to emphasize one very important point, however, and this is that the Treaty Alliance of North American Aboriginal Nations is not founded upon principles of violence, nor does it condone the use of violence in the furtherance of its aims and objectives. Whenever you see actions such as blockades or other forms of peaceful protests taken on the part of the First Nations, keep in mind that these are non-violent activities which we are forced to resort to because our rights, communities and ways of life are being jeopardized.

When you see our political leaders and our men, women and children being arrested and taken away by force for simply defending their homelands in a non-violent manner, then it should become quite clear to you which side is the violent one. We have been forced to confront the federal and provincial governments simply because they have consistently refused to address our rights in a serious and substantive manner. We shall continue to do so in a peaceful yet determined manner until we get some acceptable results.

Recently, the federal government has decided that core funding to Native organizations should be entirely cut off for most groups and drastically reduced for others. The question that each of us needs to ask ourselves is this: "Why has the government seen it appropriate to cut core funding?" The answer to this hypothetical question becomes clear when you consider that core funding arrangements have generally been the ones which allow for the most flexibility. The various Native political and communications organizations have, thus far, been able to do the great majority of their primary political and communications work by utilizing their core funding. Seen in this light, it can be said that the federal government is attempting to suppress the First Nations political voice through the selective denial of resources.

The Assembly of First Nations has been involved in a negotiation process with respect to funding for the 1990-1991 fiscal year. It is interesting that we are told by the bureaucrats that other resources can be made available to use from other federal programs in order to make up for the cuts to our core funding. The problem is that, by accepting resources from those other programs, Native organizations will incur a substantial increase in government control over their operations. This is a totally unacceptable and unethical act of repression against the original inhabitants of this land. The First Nations and Canadians who care about fairness and justice cannot allow this to take place.

COMMENT ON TREATY ALLIANCE BY CHIEF BILLY DIAMOND

The challenge which faces Native peoples in Canada is a monumental one. United by culture and spirit, yet divided by geography and intentional governmental actions and the lack of information, we face trying times.

The Treaty Alliance of North American Aboriginal Nations is an aggressive statement of concern and determination by those who have signed it confirming the need for us to work together and join forces. In this perspective, the signing of such a document is significant and makes a clear political statement with respect to the threat posed by both federal and provincial governments and others to our life and nationhood.

A clear difficulty with the document, however, is that the tools to implement the statements of intent are not addressed.

The most important weapon of all is information. There is a clear and determined effort by Government to undermine Native sovereignty, self-government and self-determination. This is reflected in actions taken in different parts of the country through political, economic and other means. This conspiracy is real and ever present.

It has been said many times that "information is knowledge" and when the Aboriginal Nations of Canada are able to sit down, see what is happening throughout the country in their relations to government, make the necessary comparisons and come to the logical and inevitable conclusions, we will then be able to act and react properly. The idea of this treaty alliance was born from a concept of a coalition of Indian Nations which would firstly distribute information, experiences and knowledge and allow the Indian Nations of Canada to be better able to see the plan and strategy of government to undermine our progress and commitment. The strategy adopted by the government as regards Lubicon Lake, the Ouje-Bougoumou Band and the Tamagami Band may all be the same, but without our people being able to realize there is a common strategy and approach, it is difficult to react.

As such, we have a clear political statement in the Treaty Alliance document which restates a general principle, but gives no

way in which the Nations can implement it or work in common to protect each other. We must be able to know what government is saying in British Columbia, Ontario and Newfoundland and react aggressively to it. Signing a document saying we respect each others autonomy and will fight to protect our mutual interests is fine, but if there is no way of doing so and no way of knowing what the real threats are, the exercise of signing a document serves purely political motives with no concrete results.

The United Nations and other international organizations have had the same experience and we should not be ignorant of it.

COMMENT ON TREATY ALLIANCE BY CHIEF BERNARD OMINAYAK

Increasingly Canada's aboriginal people are under seige by both levels of Canadian Government and major resource development companies. They bull-doze their way into areas such as ours, using their considerable political and economic power to push aside the people they find there, exploiting the natural resources, wasting the natural resources, using up the natural resources and then moving on, typically having destroyed both the land and the aboriginal people. For all their wealth, power, education and world-wide experience, they seem incapable of understanding what we always knew--that you can't destroy everything and still have anything left.

In the past aboriginal people have tended to take these people at their word and basically to follow their laws and the rules which they've made for supposedly protecting important rights and competing interests. However, painful experience makes clear that their rules and laws don't work to protect our important rights and interests, but only to rationalize, sanction and enforce what they intended to do all along.

In the past aboriginal people have also tended to operate independently of each other, each with our own agenda and each with our own battles to fight. Fighting to defend our rights and interests independently of each other, and essentially following political and legal rules developed by the other side, have not served us well. If we can't do better in the future there won't be much left to talk about, either on the ground, in constitutional conferences or any place else.

For all of our cultural, linguistic, historical, economic and geographic diversity, it seems clear that we have at least a couple of basic things in common, things on which we can all agree, things around which we can form a common front. These things are protection of our aboriginal lands and our right as sovereign aboriginal peoples to manage our own affairs and govern ourselves.

The Treaty Alliance of North American Aboriginal Nations is based on commonly accepted principles of international law regarding the rights of sovereign peoples to defend themselves and their lands. It is consequently similar in both tone and substance to earlier mutual defense and assistance pacts signed by other nations under threat.

As a first step the Treaty Alliance establishes a planning mechanism for considering ways and means of enhancing our individual capabilities through a pooling of available resources. For years aboriginal nations have been agreeing to support each other but the content of that support has been typically left until a crisis and then defined in process under duress. The Treaty Alliance is an effort to do better than just react.

The Treaty Alliance creates a "Council" of signatories which in turn constitutes a "Defense Committee." It will be the job of the Defense Committee to plan and recommend specific measures to give force and effect to the general commitment of the signatories "to join their efforts at self-help and self-defense through mutual aid and assistance."

Aboriginal Nations must be prepared to do what is required to ensure that the Canadian Government and major resource development companies start taking aboriginal people and our rights a little more seriously. Signatories to the Treaty Alliance hope that it will provide us with what we need to work more effectively together to protect our rights and lands. If the major resource development companies and their cronies in Canadian Government can't be stopped from simply bull-dozing aboriginal people out of their way, it won't be long before aboriginal people lose everything we have and value as people.