

REINVIGORATING TREATY CROWN RELATIONS Treaty 6 Elders Forum Gold Eagle Casino Forum, North Battleford, SK February 4 – 5, 2020 - by Eric John Large, oníckswapowini

I attended the above forum. On **Day One** Dan Bellegarde of Little Bear Treaty 4 presented a power point on the Treaty 4 Governance Centre and the planning process for Treaty 6 (Saskatchewan). This covers Treaty implementation, the role of Treaty Commissioners, Crown Saskatchewan obligations, design of a strategic plan. Bellegarde stated “Treaty trumps policy” and emphasized the spirit and intent of Treaty. He summarized the making of Treaties 1 to 11 from 1871 to 1921. He presented background of the Treaty 4 Governance Model from 1999 that includes a draft protocol, declaration, governance institute, and a proclamation and convention. He described this model as a nation building initiative that acknowledges harms done to and resources taken from Treaty peoples. Along with institutional development Bellegarde mentioned the importance of language and traditional teachings, building capacity and justice.

Karla Bird, Onion Lake Treaty 6 delivered a 14 slide “Onion Lake Cree Nation Treaty No. 6 Current State of Affairs” presentation from January 2019. She said the White Paper 2 is still active. The Government Orders-in-Council have directed the federal departments to work toward municipalization without free and informed consent of Original peoples, the formation Indigenous Services Canada (ISC) and Crown Indigenous Relations and Northern Affairs Canada (CIRNAC), and the offer of 10 year grants with terminal funding and the prospect of taxation to address chronic underfunding on-Reserve. With the elimination of the Indian Act several Federal bills assented to since 2014 are on standby to impact land and resources (Bill C-86); languages (Bill C-91); provincial control of child welfare (Bill C-92; creation of ISC and CIRNAC (Bill C-97); and elimination of Indian Status (Bill S-3). Impending federal priorities by the Federal government via the Speech from the Throne include Indian Health Reform; First Ministers meetings involving Constitutional talks, and changing Lands Reserved for Indians to Treaty Lands; and effects to Sec. 91.24 of the Indian Act. Key court cases of importance [more to the Crown than Original peoples] are: Van Der Peet (1996) ruling on the right of activity (practice, tradition or custom); Delgamuukw (1997) the right to exclusive use and occupation of land; and the Tsilhqot’in (2014) ruling on Aboriginal Title vs. Land Claims that reaffirmed previous Supreme Court (SCC) decisions, e.g. Delgamuukw and Haida. However, the Tsilhqot’in decision upholds the “Doctrine of Discover” that recognizes the Crown’s underlying title to all land. The federal response to Federal legislation for example to Tsilhqot’in is the reliance of Section 35 and the design of interim policy such as the Comprehensive Land Claims Policy which has the extinguishment of Aboriginal title and municipalization. A governance agreement derives from Federal powers which can give limited powers to First Nations who can be coerced to negotiate with a province for assurance of their civil or political rights without recognition of their inherent rights.

Karla’s slide presentation includes next step, of ‘occupy the field’ with Self Determination Plans and Implementation of FNs Systems. Self determination plans include law development such as a Convention Law, Iskonkan Law, Education Law, Privacy Law, Health Law, Citizenship Law, Election Law, Financial Act and others being developed. Okimaw Lewis referred to the Medicine Chest Treaty right in which a Health Law would reside along with Treaty-based funding in contrast with the Crown structure where the Governor General has taken care of First Nations from 1867 through the BNA Act and the departments of Finance and Health. Okimaw Lewis spoke using a slide illustrating the Spirit and Intent of Treaty based on the four cardinal directions and the elements of fire, air, water and fire, and important aspects of nehiyaw life cycle all in a law lodge. Other aspects of the spirit and intent include responsibilities for hunting/fishing, culture and ceremonies. Along with the Medicine Chest other promises were a school-house, non-taxation and others that formed a Treaty relationship must involve

informed consent with Creator, and the Crown on its sacred honor. Karla outlined the 4-step process used to calculate health funding needs of Onion Lake. These are: Current State Analysis, Future Program Requirements, Demographic Analysis, and Conduct Health Funding Analysis.

On **Day Two** of the forum, during the the Elders Circle, elders expressed interest and concerns on: “okisitawna” (things or conditions made), “iskonkana” (Reserves), protocols of our people when they gathered together and with other people, the true Spirit and Intent of Treaty, make our own Treaty card, elders have never said we surrendered the land, develop proposal to obtain the Fort Pitt land for our organizational home, control of hospital, and wildlife. Other concerns are: for truth and reconciliation to be meaningful the truth must be revealed; it is not for nothing we are called ‘iyiniwak’, eh îynamawatama ka kîyawkîkwai; the 69 White Paper is still here; the Coast Gas Line will be detrimental to our health and the Wet’suwet’en people should be supported from this forum; the spirit and intent of Treaty is not there on the other side [not understood] but that it is with us. With the Indian Association we were able to work together such as in responding to the 1969 White Paper with Harold Cardinal.

Jimmy O’Chiese, O’Chiese Treaty 6 elaborated on the original Treaty and making of Treaty 6, Governance and Law Making. Using a power point Elder O’Chiese illustrated the intrinsic value of land and its relation to Treaty. He mentioned Cypress Hills “asîyiniw atinaw” sacred site and other sites where people conducted ceremonies. He noted the importance of leadership and kinship. He said the Creator granted us roles and responsibility that led to peace and friendship treaties. He briefly described how the organs of the body work together such as the heart, kidneys, pancreas, muscles which are related to sweetgrass and illustrate kinship, and the workers, the sun and the water. He is concerned today resource extraction in the land is done without protocols. He then outlined the formation of the first man “kise aiysîyiniw” and first woman who had five sons. The first children were the turtle, wolf, buffalo, and moose. These formed clans each with a clan mother. Laws were based on this, laws created by Creator used in Treaty making. The day before Treaty there were simple laws, international law, and now the rule of law. He said the first man and the first woman are etched on a mountain in Jasper (showed picture on slide). He said there is a man’s *Pipe* and a woman’s *Pipe*. He said this is land-based education. Another is the birch bark canoe on which is imprinted a tipi our home, our clan, and our leaders.

Elder O’Chiese stated the first Treaty was made in 1613, the Tawagonthi Two Row Wampum Treaty with the Dutch. The second Treaty was the Treaty of Fort Niagara made with the British. He said our laws came with the canoe to a peace and friendship Treaty with the British ships which came with their laws and which arrangement was recognized in the Royal Proclamation of 1763. The third Treaty was made in 1871 [and the numbered Treaties]. Elder O’Chiese questioned the buying and selling of our land by the Hudson’s Bay Company and asked “where is our share of the proceeds of the sale? He said from 1884 to 1951 things were outlawed and there was no legal representation. He stated, “if the moonîyâw does not understand my language of Treaty, then Treaty is unfinished business”. He said the ancestors’ 4 direction X was used to mark the Treaty and there was also a Treaty medal. He asked why did the Queen transfer those resources in the NRTA [Natural Resources Transfer Act] transferred without your consent? Clan mothers were involved in decision making in Treaties. Elder O’Chiese said “we need to reinstate our laws, languages, and governance, and to go back to Treaty-based funding”. He warned against signing the 10- year funding offer of the government. The Queen needs to be reminded of her people. Elder O’Chiese concluded his presentation with “we need to educate our people, our visitors what the Treaty means. We need to ask questions. The NRTA was transferred without our consent. You need to say something because it’s about the future generations.”

