

# CONFEDERACY OF TREATY SIX FIRST NATIONS

c/o Alexander First Nation  
TREATY SIX TERRITORY  
via BOX 510, MORINVILLE  
ALBERTA, CANADA

July 16, 1992

His Excellency  
the Right Honourable Ramon Hnatyshn  
Governor General of Canada  
Government of Canada  
Ottawa, Ontario

Right Honourable Brian Mulroney  
Prime Minister of Canada  
House of Commons  
Ottawa, Ontario

## RE: TREATY SIX CONSTITUTIONAL POSITION

We, the Chiefs of the Treaty Six First Nations, within the region of the Province of Alberta, gave official notification to the Crown, as represented by the Government of Canada, that we have never consented, nor would we ever consent to altering the bilateral relationship set out under Treaty Six between the Treaty Six First Nations and the Imperial Crown. Furthermore, we the Chiefs of the Treaty Six First Nations, gave official notification to the Crown, as represented by the Government of Canada, that we do not consent, nor will we ever consent to altering, diminishing, affecting or extinguishing Treaty Six in any way whatsoever.

As the Treaty Six First Nations, we are all aware that the Canadian law states that a Treaty First Nation can alter, diminish, affect or extinguish a Treaty by consenting to such alteration, diminution, affect or extinguishment. Throughout the current constitutional discussions, the Assembly of First Nations have been filing positions and making representations on constitutional amendments with respect to First Nations and Treaty in the context of the multilateral constitutional discussions. On May 5, 1992, and subsequent to that date, we the undersigned Treaty Six First Nations in Alberta had officially notified the National Chief of the Assembly of First Nations that we, the Treaty Six First Nations, were no longer members of the A.F.N. Accordingly, any representations made or positions filed by A.F.N. are not representations made or filed on behalf of the Treaty Six First Nations.

We feel very strongly that the positions put forward by the A.F.N., as are currently being discussed within the multilateral constitutional discussions, will have serious and detrimental effect on our Treaty Six. When the Treaty Six First Nations entered Treaty Six with the Imperial Crown, consent to adhere to Treaty Six was given by the respective First Nations through their Chief and Headmen. Therefore, in order to alter, diminish, affect or extinguish the same Treaty Six, the Chief and the Headmen of the Treaty Six First Nation would need to give consent. We have notified the Crown that we do not give such consent now and we never will. The purpose of that notification was to clearly state to the Crown that our consent cannot be implied; we officially notified the Crown, as represented by the Government of Canada, that there is no consent.

We must make it clear, again, that this consent does not only extend to issues pertaining to the Crown's interpretation of what Treaty Six represents. It is time that the agreements made pursuant to Treaty Six are respected and honoured in a manner as indicated in the "principles of protocol agreement" as hereinafter described. Despite the agreements between the Treaty Six First Nations and the Crown under Treaty Six, the Federal and Provincial Governments and their legal systems continue to interpret Treaty Six without our consent. As the Treaty Six First Nations, we have our own laws and our own way of interpreting and understanding these laws. Our understandings and interpretations must be recognized. This was an agreement between the Treaty Six First Nations and the Crown pursuant to Treaty Six.

Treaty Six established a bilateral relationship between the Treaty Six First Nations and the Imperial Crown. This relationship is often called the trust relationship. The Treaty that was entered into between the Treaty Six First Nations and the Imperial Crown sets out the special relationship and obligations flowing between them. As a result, Treaty Six places our Treaty First Nations in a different position than all other aboriginal groups. It is for this reason that we must have a bilateral process which allows for separate and distinct discussions. We are not only now beginning discussions as other aboriginal groups may be; we are reaffirming and understanding the constitutional relationship that was set out in Treaty Six over one hundred years ago. As the Treaty Six First Nations, we are talking about a restructuring of the Constitution of Canada only to reflect the agreements made in our Treaty Six. No discussions can proceed which deviate from the original bilateral process that was established by our Forefathers.

When the newcomers came to our Territory, we were and continue to be a sovereign and independent Nations with our own law and form of government. As the Treaty Six First Nations, we entered into an alliance with your Nation in which we agreed to live side by side in peace. This is our Treaty Six. It is a recognized international instrument.

The Treaty recognized our inherent laws and our inherent governments. The Treaty also recognized the laws and governments of the Imperial Crown. Treaty Six was an agreement between two Nations to understand on another's laws and governments, and not to interfere. Furthermore, there were other binding obligations set out and agreed to in Treaty Six which were to be honoured and fulfilled by the Crown which created a bridge between your Nations and ours. The Treaty Six First Nations and the Crown, respectively, must set up a mechanism within our own respective governments and legal systems to ensure that these obligations are fulfilled.

We, the Chiefs of Treaty Six First Nations, have honoured and continue to honour our obligations under Treaty Six. As the Constitution of Canada is your supreme law, you must set up mechanisms within that law to ensure that your obligations pursuant to Treaty Six are honoured. Therefore, any provisions in the Canadian Constitution with respect to the Treaty or Inherent Rights of Treaty Six First Nations must be structured to reflect this original agreement pursuant to the international agreement entitled Treaty Six. Continuing in the spirit of our sacred Treaty Six, we too, as the Treaty Six First Nations must continue to affirm Treaty Six in our laws and governments in accordance with our supreme law, **THE PIPE**. The Constitution of Canada is not our law.

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We, the Chiefs of Treaty Six First Nations, have honoured and continue to honour our obligations under Treaty Six. As the Constitution of Canada is your supreme law, you must set up mechanisms within that law to ensure that your obligations pursuant to Treaty Six are honoured. Therefore, any provisions in the Canadian Constitution with respect to the Treaty or Inherent Rights of Treaty Six First Nations must be structured to reflect this original agreement pursuant to the international agreement entitled Treaty Six. Continuing in the spirit of our sacred Treaty Six, we too, as the Treaty Six First Nations must continue to affirm Treaty Six in our laws and governments in accordance with our supreme law, **THE PIPE**. The Constitution of Canada is not our law.

The Imperial Crown made these binding obligations to the Treaty Six First Nations under Treaty Six. These sacred trust obligations were unilaterally placed in the hands of the Canadian state by the Imperial Crown of Great Britain.

We demand that Canada meet the obligations passed to it by the Government of Great Britain by establishing a bilateral process for discussion. The process cannot be unilateral, because it departs from the consensual approach reflected in Treaty Six between the Treaty Six First Nations and the Crown. Therefore, the Treaty Six First Nations must play a role in ensuring that their Treaty Six is recognized, honoured, respected and enforced by Canadian government and law. In playing such a role, we do not make the Canadian government and laws ours. We are adhering to the consensual approach set out in Treaty Six.

The time has come to affirm the relationship set out in Treaty Six. By way of this letter, we the Chiefs of the Treaty Six First Nations must again remind the Government of Canada that we do not consent to involvement in the current multilateral constitutional process, nor do we consent to any amendments to the Constitution of Canada or any laws or agreements made pursuant to it which alter, diminish, affect or extinguish our Treaty Six in anyway whatsoever. Any such amendments made will be considered to be impositions upon us.

We further demand that the Government of Canada honour the binding sacred trust obligations placed in your hands unilaterally by the Imperial Government of Great Britain, by establishing a bilateral process immediately to discuss the implementation of Treaty Six in our respective legal systems.

**PRINCIPLES FOR PROTOCOL AGREEMENT AFFIRMING THE RELATIONSHIP OF TREATY SIX FIRST NATIONS AND THE CROWN PURSUANT TO TREATY SIX.**

\* *Bilateral discussions would ensue between the Treaty Six First Nations and the Crown in Right of Canada to reach an understanding of the nature of Treaty Six and the obligations contained within it.*

\* *The Treaty Six Chiefs, within the Region of Alberta have resolved and consensually agreed to remain united as a Confederacy of Treaty Six First Nations to protect and maintain the spirit and intent of certain basic unalterable principles contained within Treaty Six which are clearly outlined in the attached Declaration of Affirmation of Treaty Six Authority and Powers and all bilateral discussions must be conducted in accordance with those principles.*

\* *Financial Arrangements are based in the Treaty Six Agreement made by our Forefathers and the Crown, and shall continue to be based on this principle.*

\* *It shall be clearly understood and agreed that Section 91(24) of the Constitution Act, 1867 which states that the Parliament of Canada shall have exclusive legislative authority with respect to "Indians, and Lands Reserved for the Indians" shall continue to be a mechanism within the framework of Canada's Constitution to allow Canada to fulfill its responsibilities and obligations pursuant to Treaty Six with respect to Treaty First Nations alone. Furthermore, no such legislation would be enacted without consensual agreement between Treaty Six First Nations and the Crown as agreed to in Treaty Six.*

- \* *It shall be clearly understood and agreed that Treaty Six affirms and recognizes the inherent jurisdictions of First Nations to govern and there must be no provision in the Constitution of Canada which interferes with this inherent jurisdiction already recognized and affirmed by Treaty Six.*
  
- \* *Treaty Six cannot be interpreted. Treaty Six is not static; it evolves and will continue to evolve as long as the sun shines, the grass grows and the rivers flow. It is the consensual agreements between the Treaty First Nations and the Crown, agreed to from time to time, that will ensure that the current understanding of Treaty Six is continually honoured.*
  
- \* *The Treaty Six First Nations never have and never will consent to altering, diminishing, affecting or extinguishing the international nature of Treaty Six in anyway whatsoever.*



Chief <u>Caroline Beaudouin</u> <u>Chiese</u> First Nation	Chief <u>[Signature]</u> <u>[Signature]</u> First Nation
Chief <u>George Gordon</u> <u>Lezig Lake</u> First Nation	Chief <u>[Signature]</u> <u>Whitefish Lake</u> First Nation
Chief <u>Howard Proulx</u> <u>ENOCH</u> First Nation	Chief <u>[Signature]</u> <u>ALEXIS</u> First Nation
Chief <u>[Signature]</u> <u>BEAVER LAKE</u> First Nation	Chief <u>[Signature]</u> <u>Beaver Lake</u> First Nation
Chief <u>John S. [Signature]</u> <u>IRMINGSTON</u> First Nation	Chief <u>[Signature]</u> <u>TRUDE LAKE</u> First Nation
Chief <u>Jim Buffin</u> <u>SAMSON</u> First Nation	Chief <u>[Signature]</u> <u>HEATH HALL</u> First Nation
Chief <u>[Signature]</u> <u>[Signature]</u> First Nation	Chief _____ _____ First Nation
Chief <u>[Signature]</u> <u>ALEXANDER</u> First Nation	Chief _____ _____ First Nation
Chief <u>Walter Cain</u> <u>PAUL</u> First Nation	

cc: Honourable Minister Tom Siddon  
 Honourable Minister Joe Clark  
 Provincial Premiers  
 Territorial Leaders  
 Standing Committee Aboriginal Affairs

House of Lords  
 Aboriginal Leaders  
 Members of Parliament  
 Alberta Caucus



