

from: Clifford Larry

February 12, 2001

Open Letter to the community members of Burnt Church

The federal government does have the intent of implementing a modern day treaty. The modern day treaty as defined by the Government of Canada will relinquish treaty rights and aboriginal title, as they currently exist. The government understands the significance and impact of our treaties upon what they call their "jurisdiction". In the December 5, 2000 memorandum, Department of Justice based on the Supreme Court of Canada's recommendation, advises the government to proceed with negotiations rather than run the "risk" of further court challenges. This is due to the fact that aboriginal title to the land and resources have never been surrendered, ceded, nor relinquished thereby making our covenant chain of treaties more powerful than the constitution of Canada.

The federal government intends to implement binding short-term and long-term measures that will lead to the extinguishments of aboriginal and treaty rights. These interim measures will be in the form of agreements. The final agreement will allow for the negotiators, by federal mandate, to declare a treaty. Much as in the case of the British Columbia Treaty Commission.

The Department of Indian Affairs is pushing for a treaty commission in Nova Scotia by means of a tripartite process thereby allowing the province to have a say on treaty rights and ultimately our sovereignty. To include the province of Nova Scotia would give the federal government a foothold in implementing the new treaty. The tripartite process will subject our policies and laws to the provincial regulation regarding natural resources. From this point on it will be a matter of time before other First Nation Chiefs of other regions such as New Brunswick agree to the tripartite treaty commissions. The government structured the system so that when one chief agrees the rest will follow. An example of this is the 30 of the 34 chiefs that signed fisheries agreements. Most signed without the informed consent of their communities.

On February 9, 2001 the government announced 500 million would be allocated to 34 First Nation communities. The Department of Indian Affairs and the Department of Fisheries and Oceans would control 250 million each. The Government of Canada is stating this is for the benefit of First Nation People. However in actual reality the funding would be used for consultations, negotiation

and enforcement with minimal benefit to the people. This is a budget for the federal government to continue imposing their policies, regulations and laws. The Minister of Fisheries and Oceans has stated the possibility of co-management. The Minister is also entertaining a new amendment in the fisheries act that would establish non-native commercial fisheries a voice in determining the parameters of co-management. This co-management between non-native commercial fisheries and the DFO would be for the means of determining what would be the best interest of native fishers. While federal negotiator James Mackenzie is providing to the First Nation communities "a greater role in management" of our fisheries the federal department of Indian Affairs is legislating into effect the Modern Governance Act. This means of control will be in conjunction with the implementation of the 500 million dollar consultation/buy-out money. It will also be the means of which the government will extinguish our aboriginal and treaty rights. To accept any portion of this funding would bind our community into interim measures and we will be no further ahead. So watch out for any "free" money deemed as fisheries money being offered by elected officials. Self-government as we determine it and as defined by the United Nations Declaration of Human Rights will not become a reality should we continue to allow the government to determine what is in our best interest. Keep in mind the words of Minister Nault; "there is no other deal in town". This once again sounds like an ultimatum and once again the government sees fit to negotiate with a gun held to our heads.

The Modern Governance Act is being set to replace the 124-year-old Indian Act. To date there has been no disclosure of this process to our people. As was the case when they legislated the Indian Act in 1876. Rather than include our people of the governments agenda the Minister of Indian Affairs is proudly stating how this new governance act will be a benefit to our people. He says "the act would increase the powers of first nations to create their own by-laws". The changes would also implement greater accountability and transparency. These changes could exist now if the government would respect who we are as a people regardless of an Indian Act or a new Governance Act. However, this is all part of the governments strategy to define the treaties as they see it. This new governance act is to be announced during our fall fishing season.

It is my position that we do not accept any of the 500 million dollar consultation money from the government. Any funding received will taken off the top of the compensation package for the final settlement. Rather, we proceed ahead continuing to develop our natural resource management plans. Our management plans as determined by our community are reflective of the intent and meaning of the treaties. It is our right as a Nation to determine our laws. So if the government has a desire to "reconcile" and "sustain a treaty relationship" with our people then respect our decisions as we determine what is good for our community. As well they must start to honor our existing treaties and make no attempt to amend or

extinguish the original intent and meaning of any word.

This is a very difficult period for Burnt Church. We are heading into the third year of the governments illegal, unjust and undeclared war against our people. The international community knows we are in the right and the actions of the government are motivated by greed, control and racism. It so important we stand strong and united, and continue to exercise our rights.

In Recognition and Respect
Of our Clan Mothers,

Clifford Larry

Cc: Chief and council