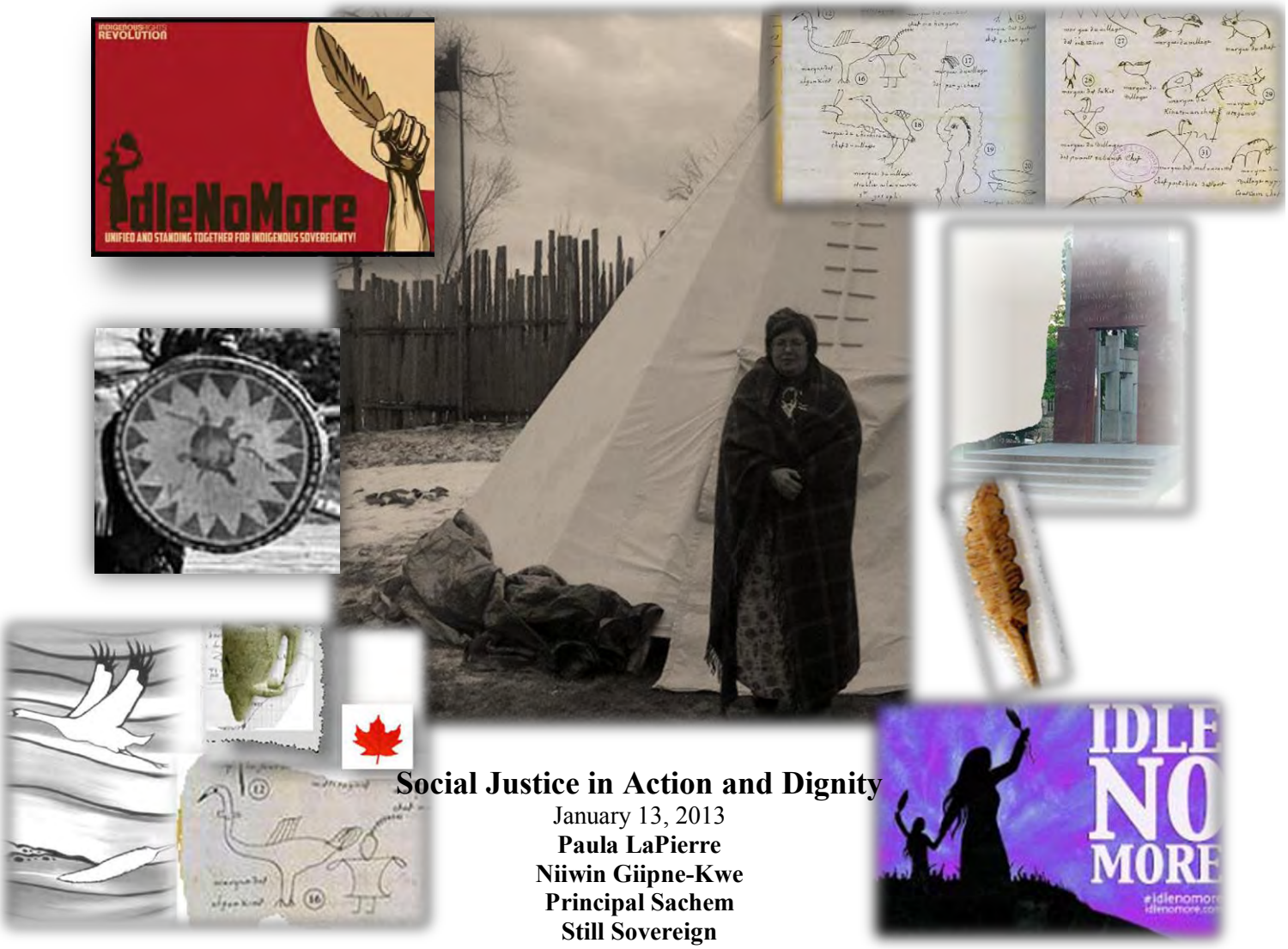
Open Submission to
His Excellency Governor General David Johnson
Representative of
Her Majesty Queen Elizabeth II
Shawn Atleo, National Chief Assembly of First Nations
and the
People of Canada

"These Treaties Are Governed by International, Rather Than Municipal Law..."
Solicitor General for Canada, J.J. Curran, 1897



Social Justice in Action and Dignity

January 13, 2013

Paula LaPierre
Niiwin Giipne-Kwe
Principal Sachem
Still Sovereign
Kichesipirini Algonquin First Nation
Kichi Sibi Anishnabe
Canada

Kichesipirini Algonquin First Nation
By Honouring Our Past We Determine Our Future

Being Idle No More, the Indigenous Peoples of Canada Have Proudly Initiated Positive Action in a Social Justice Movement For the Entire Human Family

Social Justice in Action and Dignity

Idle No More is Love in Action

Paula LaPierre, Principal Sachem

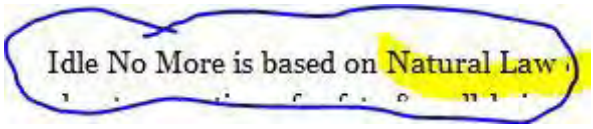
Statements regarding the Robinson Treaties by the Solicitor General for Canada, Hon. J.J. Curran:
"We contend that these Treaties are governed by international, rather than municipal law.
They were made with the tribes under the authority of the Sovereign, and the faith of the nation was pledged in dealing with those annuities.
The Crown is a trustee towards those Indians, and is bound to watch over their interests and enforce their rights ...
And will not be allowed to set up its own laches as a defence against these claims....
All these claims are safeguarded in a different manner from any claim that would arise between two subjects of Her Majesty who might come before any Court to have their matters adjudicated upon."
(Curran, 1897:63).
From the records of the Federal - Provincial Arbitrations (Unsettled Accounts Arbitration), Indian Claims, Robinson Treaties, Vol. 5, entered in the Department of Indian Affairs, January 12, 1897: The Hon. J.J. Curran, Q.C., Solicitor General for Canada

"Anishinàbe aking ate awasò kikinàwadjichigan. Kì kàgige anishinàbe akìwan. Mikawenimàdàg inigik anishinàbeg kà kodgitòwàdj, kigi gaye kakina pemàdizdjig wagidakamig. Mikawenmàdà gaye kichimanidò kà kìjigokedj igì mininàng pimàdiziwin, nibwàkàwin, tibinawewiziwin gaye wìdj-apìtenimigoziwin ondjikakina pemàdzidjig. Kakina ke wìdjideyemònangwà anamikawàdànig. "

"The land on which this structure stands is part of the traditional territories of the Algonquin Anishnabe people. We have occupied these lands since time immemorial. It is fitting that this symbol should stand here as a reminder of the suffering of oppressed people everywhere and of our faith in the wisdom of the Great Spirit and the promise of Life, Dignity, Freedom, and Equality for all living beings. We welcome all who come here to share in our hope."

... By his presents he has taken away the stakes that support it, trying to win the Nations which you are upholding; and you, scorning his kindness, have trampled under foot the orders and the promise of your Ancestors. They blush with shame, in the land of souls, at seeing you violate, with an unbearable perfidy, the laws of nature, the law of Nations, and all human society.

Jesuit Relations, XL (1653) 179-81



Idle No More in Canada is a Moral Action

On December 21, 2012, on a cold, wet, blizzardy winter day in the city of Ottawa, I marched in solidarity with people of Canada. We marched together in a show of public unity regarding two main issues. Together, publicly, and in peace, we marched to express their dissent regarding omnibus budget Bill C-45. Bill C-45 is a large omnibus bill implementing numerous measures, many of which activists claim weaken environmental protection laws.

And we also gathered and walked in solidarity to support Chief Theresa Spence.

Chief Theresa Spence of Attawapiskat began a hunger vigil on December 10, 2012, insisting on meaningful meetings to deal with First Nation sovereignty and Treaty relationships.

Our march officially began on what is currently known as Victoria Island, but is in fact a place of ancient cultural significance in unceded Algonquin territory. We began there as a show of honour for Chief Theresa Spence and as a continuing expression of Algonquin Nation custom and tradition. My accompanying friend and I visited the Sacred Fire and put tobacco down at the river as part of our greatest respect for the protocols of our Anishnabe peoples, established since time immemorial. I thought of the specific significance of this Island and the once impressive role the "Chaudiere Falls" played in the official meetings between two cultures, tow nations, back to when proper protocol was recognized and respected, and of all the positive initiatives that transpired for centuries in this country because of the wise and compassionate deliberations and traditions of my ancestors.

Theresa Spence is the current Chief of the Attawapiskat First Nation in Canada. She has become a prominent figure in the Attawapiskat housing and infrastructure crisis when on October 28, 2011, Chief Spence called a state of emergency, and this call drew international attention. This was the third time in three years that the Chief raised concerns publicly regarding the desperate plight of her people. There are over 2,800 recognized members of Attawapiskat First Nation with approximately half living on reserve. The reserve is situated in what is administratively known as the Kenora District of northern Ontario. The location of the town, at the mouth of the Attawapiskat River and James Bay, has been a gathering place for local Native people since time immemorial. The permanent community of Attawapiskat is home to the people originally referred to as the Mushkego or Omushkego James Bay Cree; the Swampy Cree of James Bay. The geographical area of the reserve then, like most, has a complex identity; being a place that preserves an important part of the original culture it hold roots tracing deeper than colonial policy in the social psyche of the people, yet as a reserve set aside and defined under Canada's notorious Indian Act, it is simultaneously entrapped within a domestic policy designed to erode the original culture and economy under a cloak of toxic "humanitarianism" and imposed colonial paternalism.

The traditional territory of the original Attawapiskat First Nation stretches far beyond the limits of their administered reserve; far up the coast to Hudson Bay and hundreds of kilometres inland along river tributaries. Like all original societies of Canada this community utilized a recognizable eco-region as the practical support for sustainability, and organized themselves socially and politically in ways consistent with corporeal existence in the real world. From the commissioners' Nov. 6, 1905 report, documents associated with the 1905 James Bay Treaty, also known as Treaty No. 9, "the people did remarkably well in the conditions of the land, and they were content." Besides the eco-region, this community was also connected to vast social networks designed to facilitate mutual assistance in times of need and the sharing of surplus resources. My ancestors and community would have been involved with this community as part of a vast caring and sharing network that existed for thousands of years. My genealogy proves my specific relationship to the people, and archeological evidence from my territory proves our long record of social and nation-to-nation connections. According to our traditional culture we would have assisted and cared for each other in times of crisis.

I was there, on that day, at that place, at that event, this December 21, of 2012, to express my continued commitment to that tradition and those inherent obligations.

Inherent and Inalienable

The People held four great truths:

1. The importance of the family unit as the center,
2. An evolving understanding of right and wrong, tied to ritual,
3. A balancing of the needs of one with the needs of the many, and
4. Maintaining inner and external harmony with nature.

Aboriginal communities have their own stories, narratives, customs and laws

The law of peoples, by contrast, is a family of political concepts with principles of right, justice, and the common good, that specify the content of a liberal conception of justice worked up to extend to and to apply to international law.

captures the understanding of Aboriginal peoples - treaties were state of peace, friendship, sharing or alliance, not submission or surrender

Time immemorial is a phrase meaning time extending beyond the reach of memory, record, or tradition, indefinitely ancient, "ancient beyond memory or record".

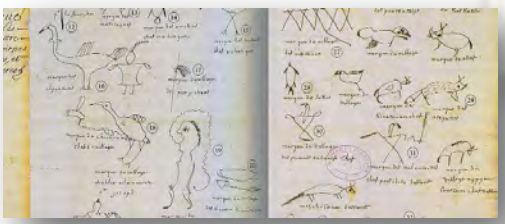
Avoiding tyranny

"Recognized and Affirmed"

The people must never acquiesce in any violation of the Constitution

The idea that the law is a living, organic institution is central to understanding

Original Intent



While on Victoria Island, in age-old tradition, my friend and I went to put tobacco down at the river. There were three geese along the shore ---- three very healthy looking Canada geese. One seemed to be acting protectively towards the other two. As I watched the geese I thought about my family, our history, and our attachment to certain places. I am of Algonquin Kichi Sibi descent. I am a descendent of the Kichesipirini Algonquin First Nation, an Indigenous Peoples of Canada. I am non-status, never having come under incorporation, and we have never had a reserve. We have remained exactly where we have always been. The official records said that we were extinct since 1650. We are not extinct.

The Indigenous Peoples of Canada became a people administered under colonial policy. They began to be included or excluded, described, recorded, registered, and 'recognized" under colonialism and colonial policies of administration. Colonialism is commonly understood as the establishment a set of unequal relationships between the foreign 'mother country', the colony, and between the colonists and the indigenous population of the territory. The external entity, through exploitation, violence, imposed administration, economic duress, and misinformation, gains control of lands, resources, and populations of one territory for the unfair advantage of another. The invading entity then claims sovereignty over the colony, and the original social structures, governments, and economics of the colony and indigenous peoples are changed by colonizers to support these claims. The act of colonizing not only oppressed the cultures and economies of natural societies but also spread a particular way of thinking and organizing the world which often imposed social and political ideas, especially ideas about racial and gender hierarchies that did not exist within the original society. These imposed ideas about the unequal value of certain races or between men and women within Anishnabe society was particularly destructive. Traditional Anishnabe society recognized various roles and diversities, but all were considered equal within the community, each with an important contribution to make. Colonialism is dependent on discrimination. Colonialism often facilitated biased scientific studies or education and public awareness campaigns designed to rationalize discrimination and the justification for unfair treatments of certain people. France relinquished nearly all of its colonies in North America in 1763, including what would become Canada, after the Seven Years' War to the British Empire, and eventually many indigenous peoples would be administered under the Indian Act or other imposed colonial policies. Many other people of the original nations were selectively excluded, for the purposes of advancing colonial interests. These types of discriminations caused havoc within the original societies and pushed many people out to the fringes of society to exist as political exiles within their own homelands.

Despite the sad fact that the terms and records, as interpreted contextually from the prism of the Indian Act, and other colonial criteria, have almost completely destroyed the original records of relationship and ancestry, such as the marriage between my relatives Antione LaPierre and Louise Maskegon, and their genuine Anishnabe Canadian social meaning the people still continue to uphold proud claims of sovereignty and jurisdiction at the grassroots level. .With colonial administration everything was re-interpreted to meet colonial purposes, even attempting to completely bastardize the social and political facts so that we almost completely fail to remember their original purposes and significance. But some of us do continue to remember. Even after the revisionism attempted with the expansion of statute registration, blood quantum policies, misapplied patrilineal emphasis, or the anachronistic application of some identities far beyond their genuine context, there is still honoured a long culture of original and intentional relationship and governance, that stills exists as part of our inherent natural histories and the associated inalienable natural rights. Louise Maskegon is described in original texts as Louise Maskegon, daugher of Misaple and Mazakamegonne, Maskegone, or Swampy Cree, married on April 17, 1833, but our colonial legacy has denied us a full understanding of the meaning of her name, the position of her family, and the political significance of the relationship from an Indigenous Peoples' context. She married a man associated with the original free-traders of Montreal, of Algonquin territory; brave men and women who opposed colonialism and instead forged new ways of freedom, economic integrity, in fair association with the Indigenous Peoples. Canada has existed as a place of ideological innovation. My many Algonquin, and other First Nation relatives and the diverse peoples they loved and trusted contributed to that. They contributed to Canada being a place of social and economic innovation.

Colonialism is now recognized, essentially, as a criminal regime. It destroys genuine nations and tries to replace them with entities that further social injustice and human suffering.

I watched the geese and I looked at my surroundings. I thought about how the face of the land has changed so much over the course of these years, and yet, here were these geese. They have freely determined a new way, in changed surroundings, but still remained geese. Perhaps we, as Indigenous Peoples, as Canadians, can as well. Among the people of this Idle No More event it certainly did feel possible.

"Every nation that governs itself, under what form so ever, without dependence on any foreign power, is a Sovereign State, Its rights are naturally the same as those of any other state. Such are the moral persons who live together in a natural society, subject to the law of nations. To give a nation a right to make an immediate figure in this grand society, it is sufficient that it be really sovereign and independent, that is, that it govern itself by its own authority and laws." Vattel, The Law of Nations

A Nation Ought to Know Itself

In Canada the original peoples have been denied access to their histories, the full records of their lines of ancestry, independent contextual examinations of customary laws and governance systems and participation, and the appropriate preservation of their cultural evidence, sacred items, and dignity of human remains. These injustices continue today. These injustices are part of our colonial legacy, and the denial of our history of colonialism is evidence of our continued colonialism. In Canada, since the competing trade wars that found their way here with colonialism, there has been a concerted and intentional effort to suppress our actual history.

As a person of Kichesipirini Algonquin descent I know how real this suppression is.

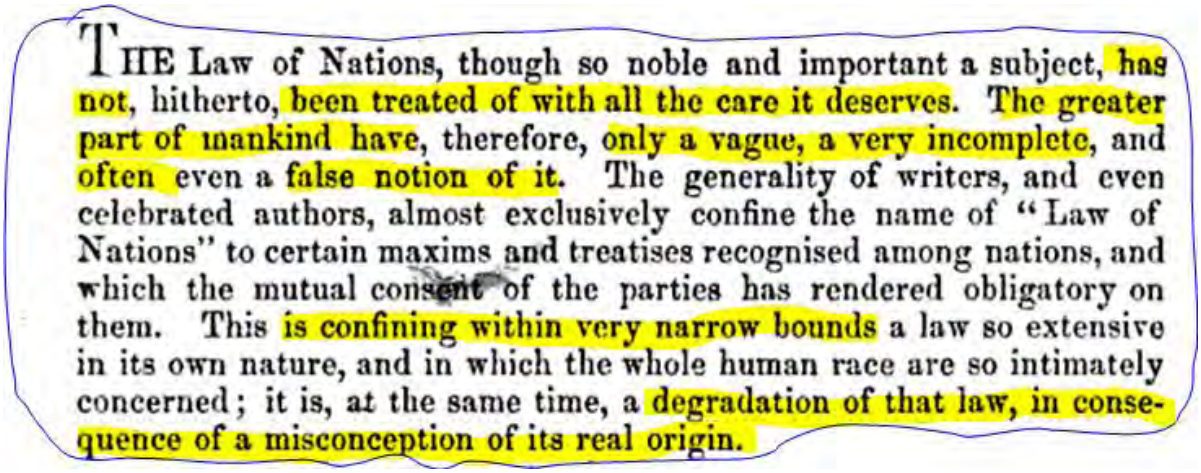
Like Chief Spence, I too have been in a life-threatening abusive relationship with the administration of Canada.

I have been attempting to preserve historical fact for Canadians and the world, and protect an important aspect of genuine human culture. In order to preserve accuracy I have had to resist domestic policy and the publicly funded Algonquins of Ontario Land Claim process. Resisting the flawed process and asserting my inherent rights and obligations has left me homeless and destitute. But even homeless and destitute I still maintain a continued legal obligation to protect the truth. In Canada protecting the truth about our original nations and national legal foundations means that you automatically find yourself in immediate opposition to powerful multinationals and economic institutions. You find yourself in danger. You live in constant fear and isolation. You stand in opposition, alone, in a strange position of awareness that is far removed from the consciousness of the majority. Yet as the holder of an important part of the intangible cultural heritage of the human family, you must maintain, you must preserve, and protect. Customary law is not well protected in Canada.

For the sake of the Rule of Law and the integrity of heritage, as customary leader you attempt to preserve and protect those ancient institutions that once sought to serve the natural persons of humanity; before the interference of external imperial colonialism. You are obligated to persevere and protect, for the sake of the natural law, within a social and political environment denied appropriate information and resources, a corporate veil of deception blocks the truth., but needing to perfect the layers of law that protect the jurisdiction of the lawful natural person, against fiction upon fiction contrived through what can become the enemy character of the corporation.

When I walked in solidarity with others as part of this powerful grassroots movement on December 21, I walked anonymously through my traditional territory; the unceded territory of the Algonquin Nation. I could walk anonymously through the places of cultural significance to the Algonquin Nation and Canada because colonialism has separated us all from our actual history. It has separated us all from the pivotal place of the Kichesipirini and the place of my ancestors in the customary governance and principles of complimentary law that my family maintained for centuries. Domestic policy has been designed with the aim and effect of depriving us all of our integrity as distinct peoples, of our true cultural values, and our actual ethnic and national identities. The imposition of the Indian Act and its selective application has corrupted reality. Its imposition has generated an administrative system of exclusion and population transfer which has had the aim and effect of violating or undermining many of our inherent and inalienable rights as natural persons, having belonged to the organic nations of this land. The corruption of identity has resulted in dispossessing us of our lands, territories and resources. But most importantly, it has robbed us of our values that maintained our ability to share and care, and as such, separates us from continuing as contributing members of the international family of sovereign nations and peoples, as was articulated, recognized, and originally intended.

The Preamble of the United Nations Charter directs its members to “reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.” It reminds them to “establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained” and as a people having participated in customary treaties and diplomacy we believe that we also have the right and obligation to “promote social progress and better standards of life in larger freedom,” for the good of all people.



THE Law of Nations, though so noble and important a subject, has not, hitherto, been treated of with all the care it deserves. The greater part of mankind have, therefore, only a vague, a very incomplete, and often even a false notion of it. The generality of writers, and even celebrated authors, almost exclusively confine the name of "Law of Nations" to certain maxims and treatises recognised among nations, and which the mutual consent of the parties has rendered obligatory on them. This is confining within very narrow bounds a law so extensive in its own nature, and in which the whole human race are so intimately concerned; it is, at the same time, a degradation of that law, in consequence of a misconception of its real origin.

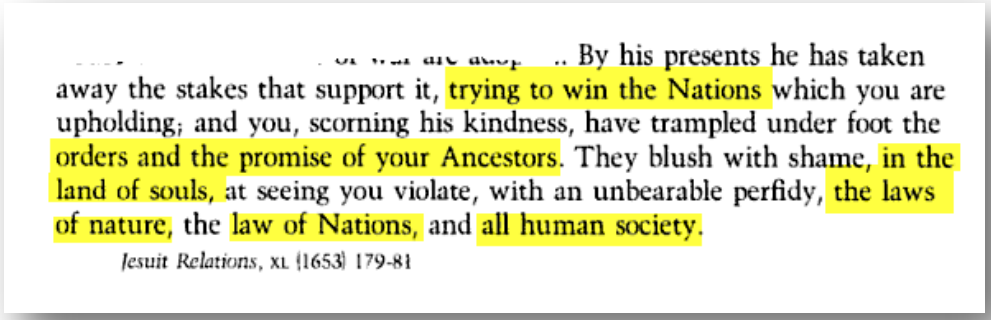
Central to the Idle No More movement and the vigil of Chief Spence are the themes of Indigenous Peoples sovereignty and the need for a new Treaty relationship with the Canadian State. The aboriginal people of Canada have been calling for this for centuries. I have been calling for a more legitimate process beyond the extremely problematic Algonquins of Ontario Land Claim process.

Increasingly the Aboriginal peoples of Canada are recognizing that there are elements of international character associated with the Aboriginal and Canadian State relationship. I agree. I would that as we examine some of the even most elemental facts that concern me other Canadians will agree.

I continue to stress issues of natural nationhood, natural citizenship, and customary international public law.
Issues of sovereignty and title to land are matters of international law. They are issues of international public law and customary law, before they are matters of international commercial law. Influential to the "modern" codifications and investigations associated with international public law is the work of Emer de Vattel (25 April 1714 – 28 December 1767) was a Swiss philosopher, diplomat, and legal expert whose theories laid the foundation of modern international law and political philosophy. He was one of the foremost theorists of natural law in the 18th century. His most famous work is his 1758 work Droit des gens; ou, Principes de la loi naturelle appliqués à la conduite et aux affaires des nations et des souverains (in English, The Law of Nations or the Principles of Natural Law Applied to the Conduct and to the Affairs of Nations and of Sovereigns).His writings were widely read in Europe and the American colonies, with a demonstrated association with Benjamin Franklin, US President George Washington, Samuel Adams, and Great Britain's House of Commons. Vattel was one of a number of 18th century European scholars who wrote on international law.

What is significant to myself, as a person of Anishnabe ancestry, is the strength of Vattel's assertions for the primary source of all law beginning with the natural person. Vattel challenged the claims of the "divine right of Kings" but instead affirms the inherent and inalienable rights of natural persons. He affirmed the concept of Natural Born Citizenship rather than loyal Subject and reordered the people-Sovereign relationship, placing the responsibility of Sovereigns to represent the equal rights of natural persons. Vattel placed into the Constitutional concept that the loyalty of a Natural Born Citizen is a loyalty that can never be claimed by any foreign political power. The only political power that can exclusively claim the loyalty of a natural born citizen is that power that governs of his birth. Vattel challenged the systems of his times and place that attempted to categorize people into social stratifications and ascribed status for the benefit of the agendas of the imperial elite. Vattel, by including the natural parents and place of birth and residency as criteria for nationhood and citizenship, removes all doubt as to where the loyalties of the natural born citizen ought to lie, and re-establishes the obligation of Sovereign responsible to all natural persons equally. His work also re-affirms the importance of the family and intergenerational responsibilities. Although a great deal of Vattel's work is very biased because of his own cultural backgrounds it still has much to offer.

Vattel's definition of nation and sovereign responsibility removes the validity of all claims of another foreign power over a given territory without the expressed and informed consent of the affected natural persons. Vattel's work was a direct challenge to the underlying concepts associated with colonialism. These ideas found their way into many of the emerging resistance movements against colonial imperial injustices but they have never been given the rightful opportunity to secure their place here in the relationship of the Indigenous Peoples.



... By his presents he has taken away the stakes that support it, trying to win the Nations which you are upholding; and you, scorning his kindness, have trampled under foot the orders and the promise of your Ancestors. They blush with shame, in the land of souls, at seeing you violate, with an unbearable perfidy, the laws of nature, the law of Nations, and all human society.

Jesuit Relations, XL (1653) 179-81

I know that the most liberal social justice thinkers of his time recognized the similarity in traditional Anishnabe politics and law. I know this because I know of ancestors that travelled to participate in the drafting of many important Constitutional documents, but most of this information, and other influential facts, have been denied us here in Canada. While much of the thinking world grappled with ideas of freedom and equal rights, most British settlers in Canada were content to remain loyal Subjects.

Most early settlers came here as victims of generations of colonial abuse, even within their own homelands. Most had been dispossessed of their own land, common holdings, governance systems, and citizenship rights. Many had been reduced to indentured slavery and their only hope for freedom and family rested in their coming here to this land. Most had no education and could not read or write. They came to survive. Most did not know that their survival was dependent on thievery.

Those Canadians that did resist colonialism were often executed, exiled, or erased from the record. My family holds a very long record of direct violence regarding our continued resistance to colonial assertions.

Challenging commercial colonial imperialism was dangerous. Vattel recognized that there were great challenges to re-establishing legitimacy, and understood some of the broadest implications and potential abuses, when he wrote, “The Law of Nations, though so noble and important a subject, has not, hitherto, been treated of with all the care it deserves. The greater part of mankind have, therefore, only a vague, a very incomplete, and often even a false notion of it. The generality of writers, and even celebrated authors, almost exclusively confine the name of "Law of Nations" to certain maxims and treatises recognized among nations, and which the mutual consent of the parties has rendered obligatory on them. This is confining within very narrow bounds a law so extensive in its own nature, and in which the whole human race are so intimately concerned; it is, at the same time, a degradation of that law, in consequence of a misconception of its real origin.”

Vattel recognized that there would be those that would withhold the substantive concepts of his treatise on the Law of Nations, and their grassroots and personal source, and attempt to confine it in the hands of well-heeled “experts”, who maintain a commercial monopoly of the necessary information required for the implementation of good faith and common good. Vattel recognized that natural persons are moral beings with the capacity to make choices. They can make choices for the social good. When they exercise positive morality for the social good rather than selfishness then they are acting in accordance to the law and what they do is legitimate. Vattel ensured that a social conscience was central to political legitimacy and genuine Sovereignty.

Perhaps the most effective crime committed against humanity has been the denial of the common law to the common people.

Vattel attached the requirement for a moral quality to the role of Sovereign and the social collective called nation. He established that legitimacy and nationhood were founded on positive social values; law was normative. He ensured that it was not codified policy or reference to well-ordered rule books that made the law, or determined legitimacy; but it was the moral intentions that qualified the relationships and obligations.

Good accounting practices of ill-gotten gains did not make for good governance.

Vattel also implicated each of us, at the grassroots level, for responsibility in maintaining legitimacy and good governance. Having rights as citizens meant that we had responsibilities. He wrote, "Nations or states are bodies politic, societies of men united together for the purpose of promoting their mutual safely and advantage by the joint efforts of their combined strength… Such a society has her affairs and her interests; she deliberates and takes resolutions in common; thus becoming a moral person, who possesses an understanding and a will peculiar to herself, and is susceptible of obligations and rights…. The Law of Nations is the science which teaches the rights subsisting between nations or states, and the obligations correspondent to those rights…. Nations being composed of men naturally free and independent, and who, before the establishment of civil societies, lived together in the state of nature, — Nations, or sovereign states, are to be considered as so many free persons living together in the state of nature."

The law of nations is the law of sovereigns. It begins with natural persons and natural citizenship.

The first source of sovereignty, or freedom, is in the individual natural person. Vattel emphasized the inherent and inalienable equal rights held by natural persons at birth. It is this inherent and inalienable freedom and equality given to all natural persons that Vattel articulated as the true source of legitimate law.

From this fundamental principle of human rights and dignity springs all other justifications and his other identified aspects of legitimate nations, "It is a settled point with writers on the natural law, that all men inherit from nature a perfect liberty and independence, of which they cannot be deprived without their own consent….A nation or a state is, as has been said at the beginning of this work, a body politic, or a society of men united together for the purpose of promoting their mutual safety and advantage by their combined strength…. A nation ought to act agreeably to its nature….The preservation and perfection of a nation…A nation is under an obligation to preserve itself… And to preserve its members.

So what is the nature of Canada? How would Canada be expected to act agreeably to its nature? How might the original relationships with the Indigenous Peoples of Canada affect that qualification for nationhood? Are the original societies of Canada, being the original nations rather than domestically administered Indian Act bands or other such entities, considered as part of the members of the nation? Should they be preserved?

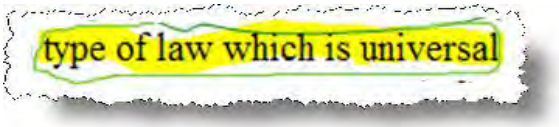
Vattel qualifies how a nation should care for its diverse members stating, "If a nation is obliged to preserve itself, it is no less obliged carefully to preserve all its members. The nation owes this to itself, since the loss even of one of its members weakens it, and is injurious to its preservation. It owes this also to the members in particular, in consequence of the very act of association; for those who compose a nation are united for their defence and common advantage; and none can justly be deprived of this union, and of the advantages he expects to derive from it, while he on his side fulfils the conditions"

Chief Theresa Spence and numerous other individuals are acting in protest regarding the Canadian State relationship with the Aboriginal peoples of Canada. What care does a legitimate leader owe these individuals? How does that care determine the legitimate government?

Vattel continues, "The body of a nation cannot then abandon a province, a town, or even a single individual who is a part of it, A nation has a right to every thing necessary for its preservation. It ought to avoid every thing that might occasion its destruction."

What about an indigenous community attached to their traditional land and culture? Do they not deserve the same respect? Do their leaders not uphold the same responsibilities if they are to retain genuine legitimacy? Who is responsible to ensure moral accountability?

Vattel tells us "…the entire nation, whose common will is but the result of the united wills of the citizens, remains subject to the laws of nature, and is bound to respect them in all her proceedings. Whence, as this law is immutable, and the obligations that arise from it necessary and indispensable, nations can neither make any changes in it by their conventions, dispense with it in their own conduct, nor reciprocally release each other from the observance of it. The universal society of the human race being an institution of nature herself, each individual nation is bound to contribute every thing in her power to the happiness and perfection of all the others." We are all responsible to exercise moral responsibility for the care of our fellow members of our communities, nations, and fellow members of the human family. Moral behavior determines legitimacy, not some book of statutes finding their way here with colonialism. Reliance on colonial statutes compromises genuine Canadian nationhood in principle and in practice. It is time for a new relationship.



Regarding the need for changes concerning the position of the Indigenous Peoples of Canada there can no longer be any debate about the need. There can no longer be any debate about the direction.

As we gain access to the information long denied us it is inevitable that we access the immutable rights and obligations that we carry.

I assert with complete confidence that the Indigenous Peoples of Canada, those qualified original nations, deserve every recognition as sovereign peoples at the international level. I know with every confidence that denial of our rights faults Canadian autonomy and institutional development as a nation.

I know this from knowing my own history. I know this from knowing the history of the actual relationships between the original nations of Canada and the pluralistic development of the polity known as Canada. Canada's genuine foundations of law and legitimacy began within the relationships forged through the practices of customary law of nations as exercised and recognized by the Indigenous Peoples. Canada's original national beginnings did not start with Confederation and Statute law associated with colonialism. Canada already existed, and it began here in Algonquin territory as an indigenous idea and political innovation. The Aboriginal peoples of Canada are a founding peoples of Canada. The Aboriginal peoples of Canada will ensure the continued perfection of Canada. They are Idle No More, and there is a moral imperative that they be heard.

Vattel observed, "Certain maxims and customs, consecrated by long use, and observed by nations in their mutual intercourse with each other as a kind of law, form the Customary Law of Nations, or the Custom of Nations. This law is founded on a tacit consent, or, if you please, on a tacit convention of the nations, that observe it towards each other." When Europeans first came here they found nations with political and diplomatic traditions already in place. These included distinct societies exercising jurisdiction over specific lands and resources as well as complex agreements concerning trade and international relations.

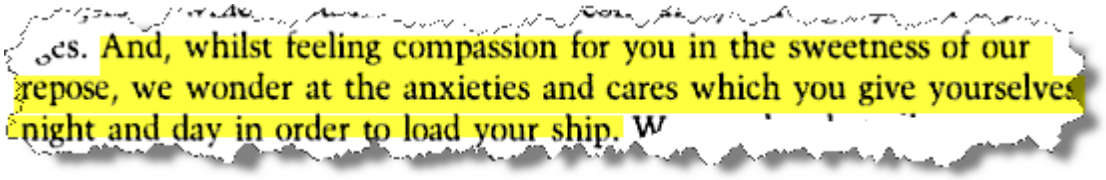
Part of these laws was the tradition of negotiating Treaty.

The early Europeans and settlers recognized Treaty as part of the accepted laws of the land. They participated in the process giving their consent to the legitimacy of the practice. Vattel recognized the appropriateness of accepting diverse cultural expressions for the same principles of law. Throughout the human family there would be a diversity of cultures and ways that laws are expressed, enforced, and transmitted, but it is the moral character and the protection of human rights that are the genuine source of validity.

Vattel goes on to state "Whence it appears that it is not obligatory except on those nations who have adopted it, and that it is not universal, any more than the conventional law. The same remark, therefore, is equally applicable to this customary law, viz. that a minute detail of its particulars does not belong to a systematic treatise on the law of nations, but that we must content ourselves with giving a general theory of it; that is to say, the rules which are to be observed in it, as well with a view to its effects, as to its substance; and with respect to the latter, those rules will serve to distinguish lawful and innocent customs from those that are unjust and unlawful."

Vattel reminds us that it is the moral substance of treaties and other relations between nations that will qualify their legitimacy and not the details of particulars. The Indigenous Peoples of Canada entered into treaties with good intentions and honesty. This forms the lawful foundations of Canada. Colonialism is dependent on injustice and deceit. We do not need to qualify our rights from the records of crime.

Although they offered some recognition and formal relationship, from a moral perspective, were any of the colonial treaties legitimate? Was everyone equally informed? Did everyone have an equal understanding of both the substantive principles of law and the distinct procedural processes on one tradition? Or have we been trying to reconcile a relationship from two polarized understandings of legitimacy and law? One from principle and the other from procedure?



So, was the suppression of the information concerning the law of nations accidently withheld from the Indigenous Peoples of Canada and the settler population?

Was it simply an accidental oversight?

Or have we been laboring for centuries as human beings under a deliberate system designed to separate us from the deepest understanding of our rights and responsibilities as natural persons and members of the family of nations?

I think that as we become more familiar with the oppression of the Indigenous Peoples here, and around the world, and have opportunity to critically examine our history of administration and how that is still impacting our institutions and values, we will better understand why the Aboriginal peoples of Canada have finally taken such visible and concerted action.

As the bearers of ancient types of government we can assist in discerning when continued colonial attitudes continue to place unbearable burdens on our natural environment, the original economy of natural persons and organic nations, and the extended risks to the planet and human family. Remember, as we do, that law and legitimacy begins with the common natural rights of natural persons. From this groundedness of the genuine law of the land expect and observe destructive departures.

As Vattel pointed out, “But fatal experience too plainly proves how little regard those who are at the head of affairs pay to the dictates of justice, in conjunctures where they hope to find their advantage. Satisfied with bestowing their attention on a system of politics which is often false, since often unjust, the generality of them think they have done enough when they have thoroughly studied that.”

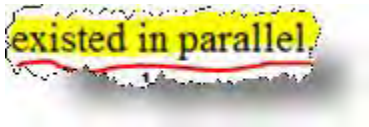
Masters at bureaucracy are not even in the least minions of law if they cannot grasp the deeper moral and social requirements.

I do not need an expense process that requires my spending years in court or “negotiating” a commercial contract called a land claim that simply forfeits genuine foundations of organic nationhood for Canada in exchange for expropriation and adverse possession by a commercial corporation.

All we need in Canada is an innovative process that can help us access the best of independent and competent experts so that unceded Aboriginal title and jurisdiction can be positive, purposefully, and constructively used to meet the real challenges of natural persons in the times that we face today.

Most Canadians only understand the what is right in certain circumstances from the rules that have been passed by the existing systems in place. Hey do not understand that law is actually an evolving set of guidelines developed to meet certain purpose, by following certain principles that are considered fair. Law emerges to meet changing times and challenges. Law can also be misused by those in positions of influence. Controlling information, and the access to it, is one very powerful way that law can be misused as a way to further the plans of some people not committed to the common good. The common good is the purpose and foundation of law. We are organized in communities to help each other and we are all equals. We are all born with an intrinsic value. We do not earn our worth. We are born with value and the equal right to dignity and respect. A proper legal system recognizes that and protects that.

As natural persons we are all born equal, deserving dignity, and community support. We inherit those rights, and responsibilities to others, through birth as natural persons. And those rights are inalienable; nothing can legally cancel them, unless we freely decide to give those rights away. Where there has been a history of colonialism there has been interference with the natural law affecting natural persons, and the fair access to information.



I walked on December 21, in that Idle No More event, as a proud member of a grassroots civil society protest.

This event was unique. There were no ‘soapboxes’ anywhere to promote particular political agendas. No one was clamouring for attention. No one was claiming to be an authority.

Instead, there was ceremony. There was prayer. There was an atmosphere of respect. It felt like a large family gathering.

Although there were many recognizable people from particular positions of various organizations or groups, we were all there as equals. That feeling was profoundly discernible. Ceremony led us. Traditional songs led us. Quiet conscience led us. It was solemn and joyous at the same time.

It was liberating for me to be amongst so many people that share my interests without any other responsibility except to be there and respectful.

Much of my journey of the last few years has been in isolation and fear.

It has been heavy with the weight of anxiety; concerns for my family, my own personal safety, and concerns about the lack of understanding of the many serious legal and political issues affecting all Canadians.

The Kichesipirini Algonquin record, and the customary governance position of Principal Sachem, secures the ability of Indigenous Peoples of Canada to access higher law than the mere policies that have been imposed domestically as part of our colonial experience. Part of the higher law that we can access is that of customary international law and our record of influential participation prior to, within, and apart from, colonialism. We secure for the record a legacy of historical fact proving that the Indigenous Peoples, the original societies made of natural persons joined together for the purposes of mutual benefit of natural persons, recognized the flaws of the invading commercial system and its disregard for equal human rights and fair civil participation, and we remained active and influential within the realities of those early times of contact. Relying on the foundations of natural law we attempted to negotiate dynamic interventions for the good of all like-minded natural persons and the human family at large. The expansive, inclusive, and realistic nature of our original governance systems strove to meet the challenges and opportunities of those historical times in new, complimentary ways, setting the footings for pluralistic political and legal foundations, respectful of sovereignty associations that were consistent with the principles of the laws of nature, the laws of nations, being the principles of the law of nature applied to the conduct and affairs of nations and sovereigns, and the Rule of Law.

Although I often hear references to the Rule of Law, good governance, and accountability, in the political rhetoric of Canada unless you know the actual historical facts you are not well equipped to make informed decisions or qualifications. Politics and law can seem meaningless preoccupations generating careers for individuals that live far removed from the everyday interests of most Canadians. But that is not how it was meant to be. Law and politics is meant to be about and for the common concerns of common people. My history passionately proves that. The Rule of Law should protect that.

The Rule of Law is an established principle fundamental to the formation of civilization whereby governmental decisions are made by applying known legal principles. There exists primarily two main bodies of interpretation: a formalist definition, and a substantive definition. Formalist definitions are not about "justness" but simply about procedural attributes. Substantive conceptions of the Rule of Law go beyond policy and procedure and look deeper into the fundamental universal principles of justice.

The Kichesipirini history and the Kichesipirini jurisdiction preserves for Canada substantive customs that provide for us a national foundation, as a natural nation, for natural persons, prior to the interferences of colonialism and corruption.

Article 13
1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons. UNDRIP

A Nation Must Do All it Can to Preserve Itself

Watching that small community of geese on the island made me think of family, and how family is the natural foundation of the Algonquin Nation. Women were always treated with great respect in the traditional culture because they preserved the culture and nation. Women birthed the new generations and held special responsibilities for instilling the values necessary for family, community, and nation to live well together.

My good friend and I were fortunate enough to walk most of the way during the December Idle No More march behind a large contingent of women drummers, singers and dancers at the front of the procession. They were both soothing and inspiring. I could feel a growing crowd behind me, and when I did chance a look behind I was shocked by its self-determined dimensions, made of up diverse people joined together in free intentions and collective will. I also became aware of the strength and vulnerability associated with such actions. As part of such a large crowd your participation in large measure means that you agree to follow the group, in a type of blind faith, as you cannot see ahead or beyond, you agree to submit to its direction; you become one living being within a larger movement. You have voluntarily given up some of your autonomy to support a greater cause than you. It becomes a freely determined intentional community. Nations are also supposed to be unified freely determined intentional communities committed to common good.

I was profoundly aware of how interdependent we all were. All those behind were dependent on following the direction of those in front. They determined the direction that this swelling mass of self-determining people would follow. They led us to the destination. The safety and reputation of each us depended in part on the behaviour of those behind, ahead, and around us. We depended on the good faith of others. Rather than idling in passive isolation we were now acting in good faith, demonstrating tremendous social capacity.

Without federal funding, without band council permission, without official written policy, just as decent, caring, and responsible people we came together, at the grassroots level, to demonstrate positive civil action about issues that we were concerned about. We were concerned about the planet, the natural resources, and how we as people were going to continue in our relationship with this natural gift entrusted to us. We all knew in some way that aboriginal rights were going to provide an answer, and we knew that Chief Theresa Spence was embarking on a journey that was somehow related.

I was very proud.

I was also very sad.

If I were to turn, here in unceded Algonquin Nation territory, along the beautiful Kichesippi River, and ask anyone if they knew of the Kichesipirini, or of the Principal Sachem, out of a thousand people perhaps five there would know. We were walking through the unceded territory of the Algonquin Nation with only a vague idea of where we were, and where we could really be going. Just as the blowing snow blizzard and confines of the crowd were limiting our physical vision, subtleties of an administrative assimilation has already, to some degree, limited our political vision. Because we have been denied our history and our full understanding of the positive caring and sharing values that held those original nations together we could easily be led astray.

The Indian Act and its population transfers from the natural citizenship of the original nations relied upon legislative, administrative, and types of colonial propaganda to confuse people, have them accept and support colonial administrative "status" as superior to natural citizenship of their original nations, and encouraged the assimilation into incorporated entities as these administrative policies were being integrated as domestic "law" at the expense of the higher law and legal principles. This assimilation was orchestrated through intentional designs of duress; the original natural economy and food sovereignty was violently suppressed and ridiculed. The documented records concerning the Algonquin Nation give volumes of detailed accounts of how this was gradually applied, even with the manipulation of well-meaning colonial bureaucrats and administrators --- because when people do not have access to the higher laws and the governing principles they come to consider unqualified policy as law and unqualified enforcement as security. They can live like the unknowing prisoners in the Allegory of the Cave by Plato – where substance chases after shadows.

The Algonquin nation is listening to your voice.
They're learning your wisdom and pride;
They're painting with a brush you passed on to them,
With a talent they no longer need to hide.
Yes, you've opened the doors and the windows too;
The spirits are talking;
yes they're coming through...

And totems lean from which
great eyes
gaze either up to sky or down to earth,
And the death of a village is a great sorrow,
and the pain of the survivors
is a great anguish
never to heal.

tribes called their kings "sachems"

he king was more than the leader of a war band and the law more than oral tradition.

The law, awakening to the peril of housing so sturdy an unreality, has smiled uneasily, and said, "You are but a fiction—you do not exist, really,"

The government and its officials and agents are accountable under the law.

Jurisdiction

In law, **jurisdiction** (from the Latin *ius, iuris* meaning "law" and *dicere* meaning "to speak") is the practical authority granted to a formally constituted legal body or to a political leader to deal with and make pronouncements on legal matters and, by implication, to administer justice within a defined area of responsibility

It is the right and the truth"

Crane and Loon clans as the two Chief clans

the Constitution cannot be interpreted in the same way as an ordinary statute.

Exiles in Our Own Homeland

In Canada we have come to think that our domestic policies are the highest law. We have become lazy and assume that our policies are synonymous with interpretation, original text, intention, and application of international laws and principles. Because the majority of Canadians live comfortably, we assume it is because we are living, largely, in accordance with international law and good human rights policy. There is a hard-to-shake cultural presumption in Canada associated with the old concepts of the "worthy" or "unworthy" poor; a harsh belief that good people prosper and not-so-good people have problems because they create or deserve them. Blinded with this worldview we do not consider other possibilities, and we do not consider international human rights conventions and aspirations as applying universally, here. Because many still think that poverty is largely a just consequence for bad living we slide into the belief that our material success is a result of our personal and "national" superiority. Recently though, many of us are beginning to realize that the system of distribution that provides for our material success is not as interested in us, as residents, as we may have thought.

Economic and social disparity exist here. These inequalities here do not exist because there is a lack of wealth, potential resources, or capacity for greater freedom and equality. They exist here because of belief systems that we learn and pass on as part of our culture. Why is anyone homeless or hungry in Canada? Is it because of a catastrophic natural disaster? Or is it because of our belief system and our dominant value system? How do our belief systems and social values fit with the international standards and aspirations? If certain human rights are universal what standard would you expect in a country easily able to provide for their universal realization? What would be preventing that? Can there be a bias so deep that it permeates every institutional system in the land? Could the situation involving Chief Theresa Spence and her vigil be drawing attention to these deeper questions regarding social justice in Canada?

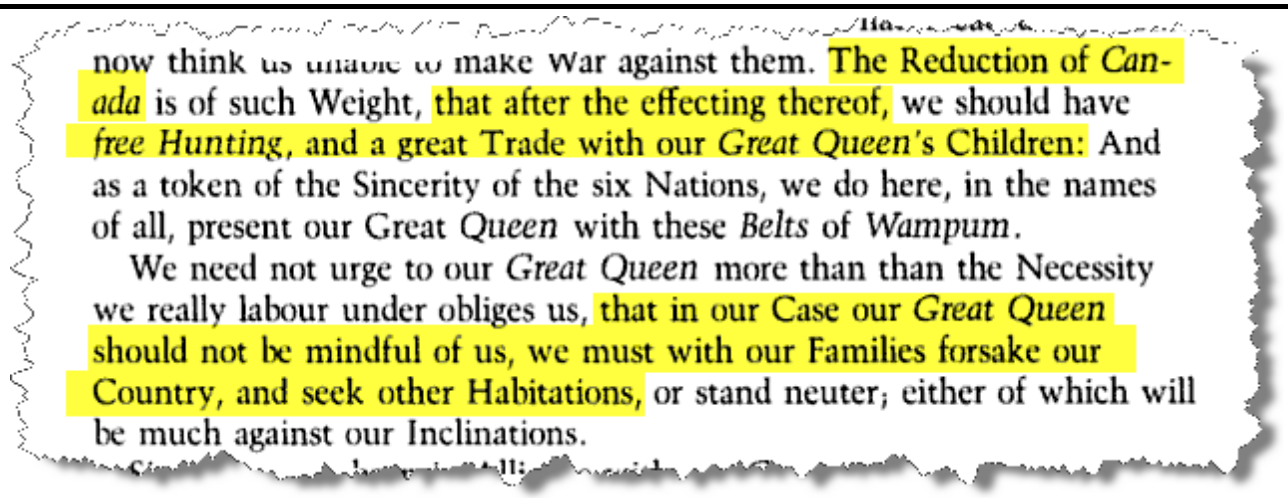
Rarely do we take the time to research or compare the original texts, conventions, declarations, or supporting research at the international level with the various acts and legislated policy enacted here in Canada. We are not active international citizens. From an Anishnabe perspective this complacency is contributing to the flawed Aboriginal relationship, which negatively impacts our national integrity. The law of nations is normative. The law of nations requires competent participation from all members of the human family in their capacity to exercise due diligence regarding legitimacy and justice.

In Canada, since colonialism, from an Anishnabe perspective, we have a culture of nuanced contraction and contradiction; we contract the higher law to support a particular economic paradigm. Never does this culture of contradiction become so obvious as when you thoroughly examine our history with the original societies of the land. The original nations were made up of natural persons living in close relationship with the land. These original nations were made up of real persons, real families, with real governance traditions. Our "official" version of history disseminated since colonialism becomes glaringly contracted, contradictory, and contrived. Entire organic systems of governance are removed, and when you follow the detailed histories of the Kichesipirini families, entire law of nations practices are erased, and the actual organic normative values of international treaty participation and foundations are removed, neutralized, or replaced.

Our true history has been replaced by a colonial administratively sanctioned set of legal fictions.

Legal fictions, in law, are assumed or created. The federal administration generated a revised version of our actual historical record that unilaterally generated ascribed categories of "Indians" that replaced the natural history and the natural law. The Indian Act and Indian Act status are statute creations that contracted the actual laws, obligations, beneficiaries and economic compensations owed natural persons belonging to the organic nations. This conflict of law has plagued Canada now for centuries, and has contributed to social stratifications and gross human rights abuses, not only for the Aboriginal peoples, but for all natural persons. From my perspective as Principal sachem, it is this contraction of law, and the character of the State that designed and perpetuates, that must be that must be reconciled in negotiations and Treaty.

Fortunately in Canada there is the fiduciary obligation that demands for the remedy.



now think us unable to make War against them. The Reduction of *Canada* is of such Weight, that after the effecting thereof, we should have *free Hunting*, and a great Trade with our *Great Queen*'s Children: And as a token of the Sincerity of the six Nations, we do here, in the names of all, present our Great *Queen* with these *Belts* of *Wampum*.

We need not urge to our *Great Queen* more than than the Necessity we really labour under obliges us, that in our Case our *Great Queen* should not be mindful of us, we must with our Families forsake our Country, and seek other Habitations, or stand neuter; either of which will be much against our Inclinations.

There has been tremendous controversy in Canada regarding the proper "legal" status of the original peoples. Were they nations? Were they tribes? What rights did they have? What rights do they still have?

We attempt to find the answers, largely, in the records and court proceedings of the very entities that caused the need for the question in the first place. All we really need to know is that that there were human beings living here. They were living in various types of societies, and they had customs and laws. Some were peaceful, others were not. Some had warring Monarchy and empire. Others had peaceful Monarchy and confederations. What is important is that is that some were peaceful, had customs consistent with the norms of international law, and that they were built on the foundations of natural law concerning natural persons rather than legal fictions and governance systems that promoted artificial jurisdictions.

Rights are based on concepts of law and social norms. Social norms are considered the customary rules that govern behavior in groups and societies, and those that influence the higher law would be those that are consistent with universal principles of justice. Social rules that are considered legitimate should be positive; meaning that they contribute constructively and fairly to the lives of individuals and groups. If they are fair and just, the most important ones, being those most associated with the needs and interests of natural persons, will apply equally to everyone.

This equality and fairness then will carry over into relationships with other societies as well if the laws are legitimate. This forms the basis of public international law and the Law of Nations.

The natural nations organized for the promotion of benefits for natural persons in fair ways still hold the existing rights regarding title and jurisdiction, and the existing right to progressive application. This is especially true if there has been an unlawful interference. Wars of conquest, territorial aggrandizement, and colonialism are unjust interferences.

A polity known as Canada is proven to exist prior to Confederation. This polity emerged from the political concepts and jurisdictions of Indigenous Peoples exercising universal principles of customary international law. This occurred within Algonquin Nation territory, and under the jurisdiction of the Kichesipirini. This was consistent with public international law and the Law of Nations. The original foundations of Canada began with the Algonquin Nation, and was expanded and inclusive, in accordance to the principles of public international law.

Aggressive agendas of conflict and territorial aggrandizement attempted to reduce the new nation of Canada, and those Indigenous Peoples' jurisdictions that contributed to its evolution. This involved aggressive Aboriginal actions as well as European actions. This wrongful reduction of Canada intentionally relied on the use of incorporated commercial entities to usurp and change the original political integrity of Canada.

It is this artificial and wrongful reduction and usurpation that we should focus on reconciling.

The "mixed-blood" descendants of the Kichesipirini Canadians were sometimes referred to as French-Canadians, or Canadians. They were given the unique totem of the Maple Leaf as their symbol. Their loyalty was not with the European Crowns. Their loyalty was with the Kichesipirini Crown and the expansion of the genuine "free-trade" that was based on the original concepts in the laws of nations, or original law, which were well understood and exercised by the Kichesipirini Algonquin First Nation. This legitimate "free-trade" that was dependant on the title, customs and jurisdiction of the Indigenous Peoples like the Kichesipirini, respected the original jurisdictions, and did not feel obligated to pay royalties to foreign Crowns. This free trade provided for many disillusioned and displaced persons of European descent a quality of life they could not otherwise have achieved or hoped for, and it returned to them again the opportunity to live in an affectionate and caring communities network supported by community-based economies that protected the intergenerational covenants of families.

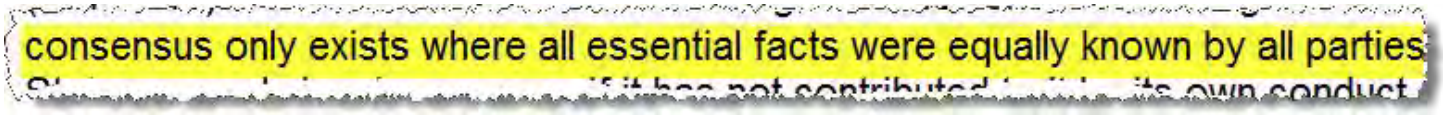
LAKE. NOR HAS THE CROWN PROTECTED THE TRATIONAL LANDS OF THESE FIRST NATIONS FROM ENCROACHMENT BY SETTLERS AND RESOURCE DEVELOPERS AS...OFFICERS OF THE CROWN HAD CONSISTENTLY PROMISED.

-JAMES MORRISON

REPORT ON TREATIES OF 1760 TO 1764

"ancient common laws"

native - french alliances
in the st lawrence valley, 1535-1667



Legal fictions are found regularly within certain models of common law systems.

Legal fictions are not facts grounded on everyday reality but are instead inventions used to advance a particular type of public policy and preserve the rights of certain individuals and institutions. One of the most common expressions of legal fiction is that of the corporation. A favoured feature of the corporation is that the owners or shareholders enjoy limited liability: they are not liable for the debts of the company. In many jurisdictions, or legal traditions, the corporation is regarded as a 'person' that has many of the same legal rights and responsibilities as a natural person. In many systems there has been a failure to distinguish between an incorporated person and a natural person. This failure has contributed to the potential 'enemy character of the corporation.'

The concept of a legal person is a fundamental legal fiction. The corporation is itself incapable of loyalty or enmity. It can only look after its own interests as they are determined specifically according to the terms of incorporation. When a corporation is established as a legal person it can gain advantages. Legal personality, sometimes known as artificial personality, juridical personality, legal entity, body corporate, and juristic personality, is "recognized" a non-living entity regarded by law to have gained the legal status of personhood. A legal person is also commonly called a vehicle, and has a legal name and has certain rights, protections, privileges, responsibilities, and liabilities under law, similar to those of a natural person. Legal fictions and legal personality are concepts associated with particular legal traditions with a history of promoting certain types of business activities.

Canada is a part of the Commonwealth of Nations. Canada is seemingly legally defined as a realm within the Commonwealth of Nations. The Monarch of a Commonwealth realm is a corporation sole. The current Monarch is Queen Elizabeth II. Queen Elizabeth II represents several corporations sole – Her Majesty the Queen in Right of the United Kingdom, Her Majesty the Queen in Right of Canada, Her Majesty the Queen in Right of Australia are all distinct corporations sole under her direction. Because Australia and Canada have federal systems of government, Queen Elizabeth II also has a distinct corporation sole for each of the Australian states and Canadian provinces.

A corporation sole is a corporation constituted by a single member, such as The Crown in the Commonwealth realms. One woman, the natural person of Elizabeth Windsor, sits as a divided Crown through incorporation, and the head of 16 different offices of Queen, embodying 16 distinct incorporated sovereign authorities. She is separately the Queen of the United Kingdom, the Queen of Canada, and the Queen of 14 other realms. As a result, each incorporated state must change their line of succession consistent with their own laws and/or terms of incorporation. Corporations are by definition legal persons. Legal persons are legal fictions created by a particular legal tradition, for specific purposes and advantages.

A legal fiction has certain limitations. A legal fiction cannot hold public office or vote. Legal fictions have never been considered sources of law. Customary law is considered a legitimate foundation of law, and accepted as a primary source of the law of nations. The foundations of law exist in the natural law; the law that recognizes the inherent and inalienable rights of natural persons, corporeal beings, human beings. Human beings, as natural persons are part of the priori jurisdiction.

Canadian governance and institutional development solely reliant on our legacy derived from colonialism places Canada, and all natural persons resident there in a precarious position. The Head of State is a corporate sole, a legal fiction designed to protect business interests according to the administrative system imposed through colonialism.

The original jurisdictions of the land protecting natural persons have never been legitimately consulted.

How does this system align with Vattel's definition of nation and the primary perquisites of legitimate sovereignty?

How does align with the moral requirements of legitimate governance and the Rule of Law?

But a people that has passed under the dominion of another is no longer a state, and can no longer avail itself directly of the Law of Nations.

As a corporation sole the administrative Head of State of Canada is a legal fiction.

As a corporation the head of State of Canada is not a political office designed to represent and protect the public interests of the natural citizens of a nation.

Canada, according to the terms and traditions of this type of incorporated administration, is not yet a nation but a commonwealth realm, designed a part of a colonial legacy. A Commonwealth realm is a sovereign state, defined within the traditions and incorporations of the Commonwealth of Nations, that currently has Elizabeth II as its reigning constitutional monarch, and shares a common royal line of succession with the other realms.

These institutions and traditions are not part of the organic institutional or legal development of Canada. They are part of a tradition and legacy that also holds a documented record of plans for the "reduction" of Canada.

There are numerous complexities associated with Canada's actual identity; much of which has never been appropriately explained or examined by the Canadian public. The term realm is not an official term. The term Dominion has been officially applied to describe Canada. Commonwealth realms are former British colonies The Statute of Westminster created the first Commonwealth realms in 1931 by granting full, or nearly full, legislative independence to several colonies which had already become increasingly autonomous Dominions in the late 19th or early 20th centuries. But these evolutions were still based on a colonial legacy and legal tradition. They do not represent genuine self-determination by the peoples of Canada. They did not involve appropriate consultations with the original nations.

Commonwealth realms and Dominions were given increased autonomy through direct grants from the British Empire and the British Commonwealth. The character of sovereignty exercised by the Canadian State was never part of a self-determining process that fairly involved the Canadian people. It has never reconciled the original injustices of colonialism, and it is not consistent with the Law of Nations and the principles governing the conduct and affairs of nations and sovereigns.

The colonial legacy taints the normative value and character of the processes. As creatures of Statute, removed from the natural law, these processes still resemble a layer of legal fiction.

It seems that neither Confederation nor the adoption of the title of "Dominion" granted any meaningful extra autonomy or new powers to this new federal level of government. The Constitution Act, 1982 does not mention the term Dominion, so therefore it can be assumed that it does not remove the title. This could be interpreted to mean that all subsequent legislation could be interpreted within the Dominion context for those freely associated with this paradigm, A Constitutional amendment would be required to specifically change the Dominion status and associated conventions, if we continued to rely on that system as the highest law. While many haggle over minute details and look for clarifications in volumes of archives and documents associated with colonialism my unique Anishnabe perspective that carries a completely different record of Canadian history based on a natural law experience encourages us to look elsewhere for clarity and legal grounding.

The Kichesipirini Algonquin First Nation asserts, that while the administrations of Canada and the provinces are subject to statute limitations regarding recognition of the Aboriginal rights all persons of Aboriginal ancestry in Canada, especially those whose rights are considered extinguished prior to 1982, the Kichesipirini Algonquin First Nation, not having come under statute limitations, and still holding customary jurisdiction; having a documented record of entering into international treaties and confederacies, having a documented record directly associated with the original foundations of the polity known as Canada, and participating in the development of international law, is in a position to assert, protect, preserve and perfect the customary rights held by all persons of Aboriginal ancestry, regardless if they are considered extinguished prior to 1982.

As Principal Sachem of the Kichesipirini Algonquin First Nation, an Indigenous Peoples of Canada, I look to the higher law.

At the time of the discovery of America the Algonkin Indians were lords of the greater part of what was formerly known as Canada, and principally inhabited the great basins of the St. Lawrence and Ottawa Rivers.

140. Mitchikanibikonginik - people of the stone weir, reference to a natural stone ridge that once ran across shallow narrow at Barriere Lake.
1871 dam was built there p. 140.
Historically travelled down Coulonge River into Ottawa near Pembroke or down the Gatineau which enters near

THE JURISTIC PERSON.—I.

It was probably a mathematician that first conce the plan of feigning an unreality as a convenient step in formation of an hypothesis, and then, having established his theory, conveniently let his fiction disappear. The law has been playing with such a fiction for centuries, in the course of which, the fiction, instead of disappearing, as it so conveniently does for the mathematician, has increased in girth and height, and has maintained its ghostly existence, in the face of the anathema of the philosopher and the fiat of the judicial decree.

p. 473 "... Oka contained an Algonquin community, from which the Oka Iroquois learned Algonquin hunting techniques, sharing with them the hunting grounds north of the Ottawa between the Matawin [sic-Mattawa?] on the north and the Black River on the east.

Customary international laws are those aspects of international law that derive from custom. Coupled with general principles of law and treaties, custom is considered by the International Court of Justice, jurists, the United Nations, and its member states to be among the primary sources of international law.

Notion of property

The proprietor or owner of a thing, in the current acceptation of the word, is the person who enjoys t dispose of it in so far as is not forbidden by law. The thing or object of this right of disposal is called property, and the right of disposal itself, ownership. Taken in its strict sense, this definition applies to absolute ownership only. As long as the absolute owner does not exceed the limits set by law, he may dispose of his property in any manner whatsoever; he may use it, alienate it, lease it etc. But there is also a qualified ownership. It may happen that several persons have different rights to the same thing, one subordinate to the other: one has the right to the substance, another to its use, a third to its usufruct, etc. Of all these persons he alone is called the proprietor who has the highest right, viz., the right to the substance; the others, whose rights are subordinate, are not called proprietors. The tenant, for example, is not said to be the proprietor of the land he tills, nor the lessee proprietor of the house in which he dwells; for though both have the right of use or usufruct, they have not the highest right, namely the right to the substance. T

Many types of franchises emerged, including professional organizations and businesses. Much of our colonial history has been acted out through the battles of charted franchises making claims to the resources of the lands belonging to the Indigenous Peoples. These conflicts of incorporated "persons" as organized by British tradition were obligated to behave in certain ways consistent with their customs and laws. But because they had been tolerated and therefore assumed to be considered valid in the traditional territory of Britain that does not make them legitimate.

Canadians know little about the peaceful and co-operative relationship that grew up between First Peoples and the first European visitors in the early years of contact. They know even less about how it changed, over the centuries, into something less honourable. In our report, we examine that history in some detail, for its ghosts haunt us still.

Canada is "recognized" internationally as a Sovereign State. Sovereign States are legal persons. They are "creatures of statute."

Sovereign States are legal fictions and do not necessarily represent nations. They can represent corporations.

In the current international legal system, various organizations possess legal personality. These include intergovernmental organizations including the United Nations itself. These organizations, having been formed through reliance on statutes, have codified rules, written down, that govern their actions. This system is largely based on the same legal traditions that govern Canada and much of the world. These systems rely largely on the British common law tradition. This legal tradition is not universal, and even it must comply with higher principles of law. The highest principles of law are usually referred to as being consistent with the Rule of Law. Both the United Nations and the Canadian Constitution refer to the Rule of Law as a fundamental part of justice foundations and governing principles.

In the British common law tradition a person is not necessarily a human being. A person, in this legal tradition, is recognized by law because rights and duties are ascribed to him. The person is the legal subject or substance of which the rights and duties are attributes given and defined through the process of incorporation. They are not inherent or inalienable rights associated with natural law or natural citizenship. Indian Act registration is a form of incorporated ascribed status. An individual human being considered to be having such inalienable and inherent attributes is what lawyers in this legal tradition refer to as a "natural person." It should be remembered that due to its historical and cultural variability and the controversies surrounding its use in some contexts there is tremendous controversy surrounding the differences between natural persons and incorporations. The acceptance of the incorporation holds particular controversy here in unceded Algonquin Nation territory, and especially for myself as an unincorporated natural person of Kichesipirini descent. Besides the controversy surrounding the lack of universal acceptance of this model of incorporated personhood verses natural persons there are also other limitations affecting legal fictions.

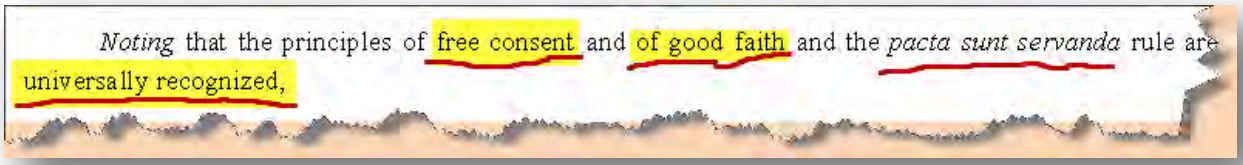
These include;

- A legal fiction should not be employed to defeat law or result in illegality.
- A legal fiction should not be employed where it would result in the violation of any legal rule or moral injunction.
- Legal fiction should not be extended so as to lead unjust results.
- Legal fiction should operate for the purpose for which it was created and should not be extended beyond its legitimate field.
- There cannot be a fiction upon a fiction.

So what is our situation in Canada?

It would seem that we have layer upon layer of legal fictions. These were instituted here as part of our colonial legacy, which was designed to give commercial advantage to certain elites. This is contrary to justice and human rights. Since these systems were designed to protect commercial advantages of a few at the expense of all they cannot be expected to protect human rights as their first priority. They cannot be expected to extend beyond the purpose for which they were created. We cannot expect the colonial character of the Crown as Head of State to protect human rights as its first priority. We cannot expect the head of the incorporated State to protect human rights as its first priority. We cannot expect the Indian Act, another creature of statute, and another layer of legal fiction, to protect human rights or the rights of the natural citizens of the original nations as its first priority. Current domestic policy in Canada is dependent on layers of legal fictions. These legal fictions and the legal traditions used to create them came here as part of colonialism.

Colonialism relies on illegality and the defeat of the original jurisdictions and laws of the land that protect the inherent and inalienable rights of natural persons.



A Legal Fiction Cannot…

There are increasingly applied limitations to the legal recognition of legal persons.

Defining personhood is closely associated with legal and political concepts of citizenship, equality, and liberty. It is generally understood that a natural person is a real human being, as opposed to a legal person. Fundamental human rights are generally understood as being implicitly granted only to natural persons. Increasingly we must begin to develop clear distinction between natural and legal persons. This becomes especially important in places like Canada where there has been a colonial history and administrative demographic manipulations. Colonial administration was often responsible for the breach of justice and abuses of fundamental human rights belonging to natural persons. It also corrupted concepts of natural citizenship and legitimate organic models of governance. In Canada there has been a confusion with enfranchisement and citizenship; directly related to the un-reconciled chartered commercial claims to the territory and failure to properly respect the original common law of the land held by natural persons.

Are Canadians natural citizens of a nation, or did they become somehow enfranchised in a corporate entity designed for commercial priorities?

Even though colonial administration may have left volumes of carefully codified policies and statutes, giving the impression of a highly developed legal system and procedures of good governance they could in fact be simply the record of colonial management practices completely removed from the principles of justice. It is imperative that we look for the rules according to the higher law when examining the historical records. The records must be examined in proper context with the understanding that colonialism strove to administratively suppress the natural law and rights of natural persons. Ideally all statutes must be in harmony with the fundamental law of the land.

In Canada this has still not happened, and cannot happen apart from a meaningful reconciliation with the original nations. The Idle No More movement and the Chief Theresa Spence situation draw attention to the fact that there is increasing concern amongst growing numbers of Canadians at the grassroots level that they are suspicious about the institutional foundations and priorities of the Canadian administration.

The rule according to a higher law means that no law may be enforced by the government unless it conforms with certain universal principles of fairness, morality, and justice. These principles may be formally codified or part of an unwritten customary law tradition. The rule according to a higher law may become a very practical legal standard to qualify the instances of political or economical decision-making, especially when a government or administration, even though it may be acting in conformity with clearly defined and properly enacted domestic policies, still produces results that are verifiably unfair or unjust. If Canadians have not been adequately educated about their own history and institutional development, and how this might not be consistent with other established systems or traditions of law, such as the law of nations, how can they determine where and if the rule according to the higher law would apply? How vulnerable does that leave individuals trying to draw attention to the irregularities? Is the existing judiciary system independent enough to recognize or remedy breaches of rule according to the higher law?

If the international level of administration of justice is also dominated by Sovereign States, being legal fictions removed from the natural law protecting natural persons, can there be any hope for issues of question of jurisdiction involving customary governance of Indigenous Peoples and the law of nations protecting the interests of natural persons?

"Higher law" in this context that we are considering finds its foundations in natural law, or the basic legal values that affect natural persons, especially as they are recognized in the established international law. It would rely in part on some of the principles Vattel articulated. It is often described as the Law above the law. It transcends the differences found between the common and civil law legal traditions, searching for universal principles. It becomes particularly important regarding the claims of the Algonquin Nation. The Algonquin Nation has become further oppressed because it has been administratively divided between two provinces, each imposing different legal traditions. The province of Ontario relies on common law traditions while the province of Quebec relies on civil laws. The rule according to the higher law can reconcile jurisdictional wrangling, especially since the Algonquin Nation tradition demonstrates a customary reliance on pluralism and inclusive innovation.

The Great Peace of Montreal of 1701 is a strong example of how within Canadian customary conventions, grounded on Anishnabe legal and political traditions, new accommodations can be instituted based on mutually accepted universal positive principles. The Great Peace Treaty defied colonial convention and exclusive claims of authority. It relied instead on the protocols and diplomatic traditions of the original nations in an internationally recognized nation-to-nation peace process consistent with the principles of the law of nations. It was a legitimate process.

The Kichesipirini Algonquin Nation participated in this international treaty process, securing verifiable documentation of our existing right to participate in innovative and responsible international nation-to-nation processes. The Kichesipirini representatives used our traditional governance system of heraldry through the use of totemic signatures. This again provides verifiable record of the validity in customary law of nations recognition for the governance processes of the original nations. The contextual participation in the Great Peace of Montreal, negotiated in unceded Algonquin Nation territory proves the continued existence and jurisdiction of the Kichesipirini, and the de jur recognition of our customary governance and jurisdiction within the higher law, beyond the conflicts of jurisdiction created by the de facto claims of the provinces.

The purposes of the Treaty was to establish peace and safe international trade amongst various original nations and European interests, demonstrating a capacity for multi-lateral peace and commercial interests based on the positive and progressive normative values consistent with the law of nations and legitimate organic customary governance traditions.

Customary law is considered a primary source of law. It is protected within the international public law of nations and is recognized by the International Court of Justice.

This important event in Canadian history establishes the Kichesipirini Algonquin First Nation, an Indigenous Peoples of Canada, within the organic customary conventions of Canadian institutional development. It should be recognized as an existing element of our unwritten Canadian Constitution. The customary character of our Constitution of Canada is that of "a living tree,' being able to adapt to changing circumstances. Kichesipirini governance traditions demonstrate consistency with this interpretation and the ability to act in accordance with the moral requirements of the law of nations and the brotherhood of nations.

This qualifies the Kichesipirini traditional governance, and role of Principal Sachem, as being in a unique position, based on the normative character of law, relative to our colonial history, and challenges any continuing claims maintained by a colonial Crown or associated incorporated entities. The role of Principal Sachem exists as Sovereign based on the legitimate moral expectations of the law and a documented history apart from colonialism. The Sovereign of the Principal Sachem is a du jure sovereign. The peaceful actions of the people associated with the Idle No More march demonstrated continued and existing sovereignty. They behaved in ways consistent with the values and purposes of the Law of Nations. These laws are immutable.

The concept of legal personality is not absolute.

Natural law is immutable.

Canadians know little about the peaceful and co-operative relationship that grew up between First Peoples and the first European visitors in the early years of contact. They know even less about how it changed, over the centuries, into something less honourable. In our report, we examine that history in some detail, for its ghosts haunt us still.

A corporation sole is a legal entity consisting of a single incorporated office, occupied by a single man or woman. The Monarch of the Commonwealth realms is a corporation sole. This type of legal tradition affects laws concerning property rights and resource distribution – the Monarch as corporate sole may possess property as monarch which is distinct from the property he or she possesses personally, and may do acts as monarch distinguished from their personal acts. The corporation can protect the liability of the natural person. There are two kinds of corporation sole. In one form it can exercise a corporate capacity for its own benefit. The other type of corporate sole can only act as trustee for the benefit of others.

The character of the Monarch of the Commonwealth of Nations and the Head of State of Canada has evolved from a particular history and legal tradition. It is not the only model of Monarchy in the world and it does not represent the only legitimate form of dynasty. In fact, many aspects of its tradition and conventions have come under criticism and controversy. It is discriminatory.

The Crown is currently transmitted by male-preference primogeniture. In its current design the rules of succession discriminate against women. There are inherent gender biases within the existing system, therefore it does not recognize the equal rights of men and women, and is therefore not consistent with the numerous international legal conventions including the United Nations Universal Declaration of Human Rights. It also discriminates regarding religion. Only Protestant persons can become Sovereign. Persons of the Roman Catholic faith have been banned, and there are penalties applied regarding marriage to a Roman Catholic, again inconsistent with accepted human rights and freedom of religion.

After the Glorious Revolution of 1688, the English Parliament wrested control regarding the line of succession to the throne through legislation, particularly the Act of Settlement, of 1701. In this legal tradition the British Parliament must enact a law to amend the rules of succession.

But what about in Canada?

An application was brought by Tony O'Donohue, a civil engineer, former Toronto City Councillor after over two decades of pursuing reform of the succession by constitutional amendment. In O'Donohue v. Canada, Court File (NO.: 01-CV-217147CM), was a legal challenge to the exclusion of Roman Catholics from the throne of Canada. O'Donohue argued that this law was discriminatory, and attempted to have it repealed. The applicant sought a declaratory judgment that certain provisions of the Act of Settlement 1701 violate the equality-rights section of the Canadian Charter of Rights and Freedoms. In the 2003 O'Donohue case, Justice Rouleau ruled that the Act of Settlement forms part of the Constitution of Canada. The dismissal referred to a statement by former Prime Minister St. Laurent to the House of Commons during the debate on the bill altering the royal title:

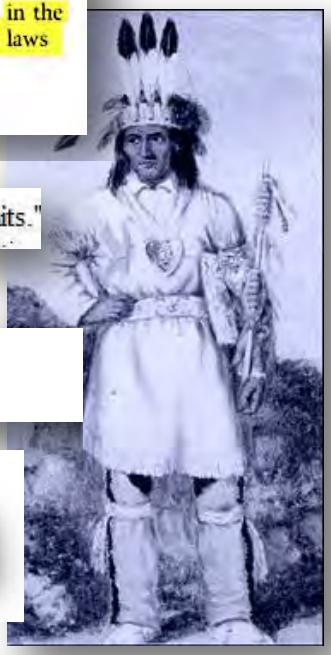
> "Her Majesty is now Queen of Canada but she is the Queen of Canada because she is Queen of the United Kingdom. . . It is not a separate office .. it is the sovereign who is recognized as the sovereign of the United Kingdom who is our Sovereign. . ." Hansard. February 3, 1953, page 1566.

Currently, it is proposed in Canada that a change to the line of succession is a change to the Office of the Queen. But what is the Office of the Queen? It is not defined by Canadian Law. It has been defined by our colonial tradition, and British Imperial common law interpretations. The powers and responsibilities of the British Monarch are set out in laws like the Bill of Rights and Coronation Oath Act of 1688, the 1701 Act of Settlement, the 1706 Act of Union with Scotland, the 1689 Bill of Rights and the Royal Marriages Act 1772.

... By his presents he has taken away the stakes that support it, trying to win the Nations which you are upholding; and you, scorning his kindness, have trampled under foot the orders and the promise of your Ancestors. They blush with shame, in the land of souls, at seeing you violate, with an unbearable perfidy, the laws of nature, the law of Nations, and all human society.

Jesuit Relations, xl (1653) 179-81

capable of growth and expansion within its natural limits."



met 300 Canadians and Indians where the engagement

...s. You have forgotten the exchange of promises that took place between our Ancestors, –

...ou. As to us, we find all our riches and all our conveniences among ourselves, without trouble and without exposing our lives to the dangers in which you find yourselves constantly through your long voyages. And, whilst feeling compassion for you in the sweetness of our repose, we wonder at the anxieties and cares which you give yourselves night and day in order to load your ship. W

uneasie to me that I should become
The Expedition against Canada a
in the war, gave them many opport

our chiefs sitting in the houses of law

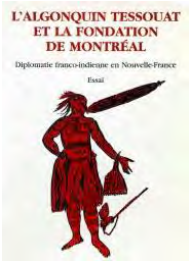
...Iroquet, and the Grand Council is making it clear to the French and the Wendat that the Algonquian Council ruled the country. This appears to be the first recorded incident of the democratic process of Sovereignty Association that is the basis of our Canadian culture.

to establish a theory of economic reality,

a cover-up of the extreme predicaments

...he does awake, what must become of you? He...

Englishman, although you have conquered the French, you have not yet conquered us! We are not your slaves. These lakes, these woods and mountains, were left to us by our ancestors. They are our inheritance; and we will part with them to none. Your nation supposes that we, like the white people, cannot live without bread – and pork – and beef! But, you ought to know, that He, the Great Spirit and Master of Life, has provided food for us, in these spacious lakes, and on these woody mountains.



Historical revisionism

Many Canadian Aboriginal civilisations established characteristics and hallmarks that included permanent or urban settlements, agriculture, civic and monumental architecture, and complex societal hierarchies

The current concept of Crown, as corporate sole, is not a mere symbol of Canada's history as a British colony, but is instead still deeply entrenched in the Canadian constitution. According to s. 41(a) of the Constitution Act, 1982, any amendment to the "office of the Queen" requires the unanimous consent of Parliament and the provincial legislatures. Succession to the throne touches on the office of the Queen because the Crown is a corporation sole. It is also a hereditary corporate sole. Succession is by male-preference primogeniture governed by both the Act of Settlement, 1701, and Bill of Rights, 1689, legislation that limits the succession to the natural, non-adopted, legitimate descendants of Sophia of Hanover, and stipulates that the Monarch cannot be a Roman Catholic, nor married to one, and must be in communion with the Church of England upon ascending the throne.

Although many people are affectionately loyal to the person of Her Majesty Queen Elizabeth II few Canadians have understood the source of many of the issues underlying some very old political and cultural divisions because existing aspects of colonial legacy.

The Office of the Queen of Canada is the employer of all government officials and staff, which includes viceroys, judges, members of the Canadian Forces, police officers, academics, and parliamentarians, is the guardian of foster children and Crown wards, as well as the owner of all state lands as Crown land, buildings and equipment, as Crown held property, state owned companies, as Crown corporations, as well the copyright for all government publications and source of intellectual property laws. All such property, within the existing system, is held by the Crown in perpetuity and cannot be sold without the proper advice and consent of the ministers. The Office of the Queen holds Royal Prerogative, summoning and dismissing parliament, calling elections, and appointing governments, can appoint and dismiss ministers, regulate the civil service, issue passports, declare war, make peace, direct the actions of the military, and negotiate and ratify treaties, alliances, and international agreements.. Further, Royal Assent and the Royal sign-manual are required to enact laws, letters patent, and orders in council. summoning and dismissing parliament, calling elections, and appointing governments. All agents of the Crown, including judges, have sworn Oaths of Allegiance to the Queen and her lawful successors.

But define lawful?

It is my understanding that the capacity of Canada to enact legislation to change the rules of succession here are not even within Canadian jurisdiction alone. The relationship between the Commonwealth realms is such that any change to the laws governing succession to the shared throne requires the unanimous consent of all the realms. Canada agreed to not change its rules of succession without the unanimous consent of, and a parallel change of succession in, the other realms. Obviously, in the current Canadian context, the Office of the Queen, generated through Statute, associated with our colonial history, is not entirely representative of a genuine political Sovereign as recognized by the Law of Nations. It is very much an institution that is a creation of another legal and political tradition.

In most parliamentary constitutional monarchies, the legitimacy of the unelected Head of State usually derives from the tacit approval of the people through their elected representatives. Tacit consent is interpreted as silent approval.

This is a system that has found its way here as part of colonialism, at the expense of the pre-existing organic nations. It is not a system that has evolved from the moral foundations of free natural persons wishing to live in mutual assistance. It in some ways was imposed without appropriate consultation, but it has promised to uphold the Rule of Law and act honourably regarding the First Nations..

The current Office of the Queen, as corporate sole, can still be interpreted to hold underlying title to all land in Canada, as well as holding particular influence concerning the identified Crown lands. How does this affect Canadian national sovereignty and the security of land tenure for common Canadians?

Can a sovereign nation exist without underlying title to land?

Can a sovereign nation exist if it has relinquished its land to a commercial entity associated with colonialism and wars of conquest? Can such a system protect the common rights of natural persons living in the territory? Can any system or incorporation committed to conserving these irregularities be considered to be acting in the best interests of the natural persons or nation?

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The character of the Crown, underlying title to land, and claims of jurisdiction are all closely related. They have a profound impact on the strength of Canadian citizenship, international jurisdiction, and juridical independence and processes. The questions of Crown character and rules of succession were raised in Canada during the election campaign of April 2011. British Prime Minister David Cameron had launched an initiative to rewrite the ancient rules of succession that currently restrict the chances of female royals or Roman Catholics inheriting the throne. As part of this campaign he had sent letters to each of his Commonwealth counterparts, including Prime Minister Stephen Harper, requesting an agreement to update the 1701 Act of Settlement currently in effect the alleged letter to Mr. Harper and the other Commonwealth leaders, Mr. Cameron states: "We espouse gender equality in all other aspects of life, and it is an anomaly that in the rules relating to the highest public office we continue to enshrine male superiority." The changes would require Canadian support.

In numerous media quotes during the election campaign Mr. Harper dismissed the issue as a non-priority for Canadians.

"The successor to the throne is a man. The next successor to the throne is a man," Mr. Harper has said. "I don't think Canadians want to open a debate on the monarchy or constitutional matters at this time. That's our position, and I just don't see that as a priority for Canadians right now, at all."

But was there any public debate or consultation on the issues? Did he inform Canadians about the impending processes?

During the Commonwealth Heads of Government Meeting 2011, commonly known as CHOGM 2011 The Perth Agreement concerns changes to the royal succession laws in the 16 Commonwealth realms, which were agreed to by the prime ministers of those countries during the Commonwealth Heads of Government Meeting in October 2011 in Perth, Australia. At the 2011 meeting of the Commonwealth heads of government of the member states agreed the rules of succession should be amended to repeal the penalty of marriage to a Catholic and replace the principle of male primogeniture with equal gender-neutral succession. The proposed British Succession to the Crown Bill 2012 -2013 omits entirely that the Sovereign be a Protestant, and that the Sovereign also be the Supreme Governor of the Church of England.

The Succession to the Crown Bill 2012–13 is a proposed piece of legislation in the United Kingdom, which aims to alter the laws of succession to the British throne. It was published on 13 December 2012. It has passed first reading. If it receives Royal Assent, the short title will be Succession to the Crown Act 2013. Once the Bill is passed, it will come into force on a date to be coordinated with all the other "realms" of which HM The Queen is Head of State. The other States will have to amend their own laws relating to the succession. That means that Canadians will be having a Constitutional change process before them, despite Stephen Harper's dismissal.

Most Canadians have not been aware of these aspects of the Crown. The Canadian public has not been made fully aware of the character of the Crown or the proposed changes, or the processes required for those changes. It is my warning that Canadians have not been meaningfully consulted and are still not exercising free, prior or informed consent regarding important aspects of their governance.

These laws requiring reform also form part of the basis for the Canadian Crown and could impact the integrity of our Constitution. The Constitution Act of 1867 defines the role of the Queen, but it does not specifically it does not describe all of her powers. This could be interpreted to mean that without specific repeal many aspects of the colonial Crown continue to exist. The Constitution Act of 1867 does state that the powers of the new Canadian Parliament shall not exceed the powers of the "Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland."

It is my understanding that through acts of parliament the British Crown is still an imperial Crown. Changing the rules of succession does little to officially change its legal character and relationship with Canada.

Concerning underlying title to land, it would seem the British Crown still, effectively holds, entail estate and eminent domain regarding the land and resources in Canada, and that the changes to succession do little to address even larger issues affecting Canadian national sovereignty.

As sovereignty and property law evolved in Britain the King gained underlying title to land through certain processes. Ancestral lands could still be held by custom, but if you wanted protection you were expected to swear allegiance to the Crown and then hold lands for usage through franchises.

Under the British system if you failed to use your land for profit, or if you failed to make improvements on the land, which increased its value for the Crown, it reverted back to complete Crown title under the pretense of preserving the common good, or public interest.

Control of public information and opinion

It begins with withholding information, and leads to putting out false or misleading information. A government can develop ministries of propaganda under many guises. They typically call it "public information" or "marketing".

notion in the English school of thought which persists in shunning the idea of a personification of the State and in clinging instead to the concept of "the Crown" as an institution, or of the King as a "corporation sole". The reason why I intercalate the word "personal" in the definition is to exclude from it other "legal relationships between an individual and a State under the latter's public law", such as that between the State

The *British North America Act*, young Canada's new constitution, made "Indians, and Lands reserved for the Indians" a subject for government regulation, like mines or roads. Parliament took on the job with vigour - passing laws to replace traditional Aboriginal governments with band councils with insignificant powers, taking control of valuable resources located on reserves, taking charge of reserve finances, imposing an unfamiliar system of land tenure, and applying non-Aboriginal concepts of marriage and parenting.

"And few Canadians realize the connections between all these stories
– the recurring pattern of the disintegration of entire communities
as a direct consequence of assaults made by the institutions of modern Canadian society."
Geoffrey York
The Dispossessed: Life and Death in Native Canada (London: Vintage UK, 1990) at xii-xiii

In Canadian law, acquiescence means you comply,

Eminent Domain, Expropriation, and Conditional Sovereignty

Canadians would be wise to examine the existing character of eminent domain. Eminent domain, depending on jurisdiction can mean compulsory purchase, resumption/compulsory acquisition, or expropriation, and is "the power to take private property for public use by a state, municipality, or private person or corporation authorized to exercise functions of public character, following the payment of just compensation to the owner of that property."

The property is taken either for not only for government use but also for delegation to third parties who will devote it to public use or economic development. The process of expropriation "occurs when a public agency such as the provincial government and its agencies, regional districts, municipalities, school boards or utilities takes property for a purpose deemed to be in the public interest, even though the owner of the property may not be willing to sell it."

In Canada, we must gain a deeper understanding of the priorities of the corporate sole and how that could affect eminent domain and expropriation.. While there are special provisions made for Quebec and those First Nations that have signed domestic agreements the remaining power under the Expropriation Act can be delegated for economic development to third parties Specifically named interests in "land" includes mines, buildings, structures, other things in the nature of fixtures and objects that are immovable within the meaning of Quebec civil law and also includes minerals whether precious or base, on, above or below the surface, but excludes minerals above the surface in Quebec."

It is an act that extends the right to expropriation beyond nation interests, similar to what existed during a colonial regime. Those entities wishing distinct status and broader protections can negotiate more protective terms. It would seem, however, potentially, that the Expropriation Act, which represents the strongest exercise of Crown authority for public use of lands, has compromised the interests of the internal community to accommodate external commercial interests.

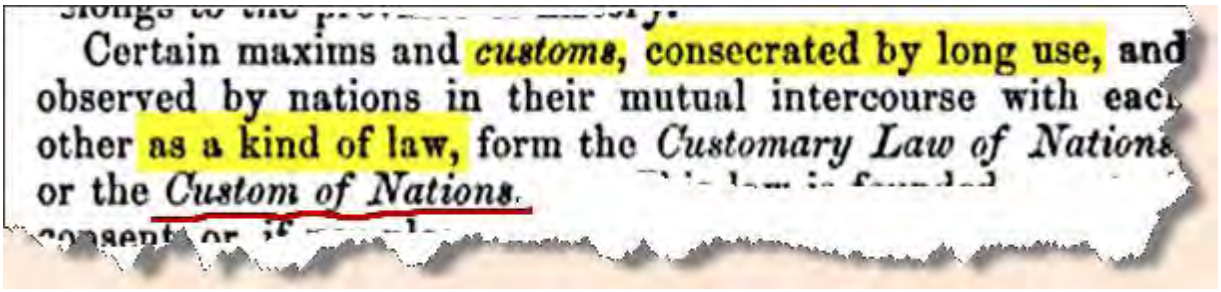
What then is the true character of the incorporated agency acting in Right of Canada? What legal traditions, values, and priorities does it rely on? Is it of colonial character? Or is it an organic institution clearly holding underlying title for the well-being of natural persons consistent with the higher law? How does it compare with the uses afforded Aboriginal entities willing to negotiate? How does it compare with the character and powers of the Sovereign associated with the original nations? How does this sole corporate Crown primarily define public good? Is its definition part of the customary law of the land and the laws of nature and nation, or is it still attached to a legacy of colonialism? If land can be expropriated by the Crown for poorly defined corporations for economic development are we still not largely defined by our colonial legacy? Can Canadians still effectively protect their natural environment and personal health as priorities of a nation under such a paradigm? Can a sovereign nation allow its land to be expropriated for the use of third parties? Should exclusive possession of land be negotiated away under a domestic policy that exchanges for rights or protections regarding expropriation?

Are there competing values between universal rights to adequate housing, Aboriginal title, and external bids for commercial access to land and resources? What type of entity is expropriating in a country that only exercises conditional sovereignty? These are all questions asked by the Aboriginal peoples of Canada. These are some of the larger issues that they want Canadians to address. What is the character and quality of land tenure and underlying title to land in Canada?

Natural persons need healthy natural environments. Aware of many health concerns being raised by people around me and the decades of environmental contamination and toxic wastes allowed even within the unceded territory of the Algonquin Nation it would seem that we were still living under weighty conditions associated with our unresolved colonial legacy. The asserted character of the underlying title to land was furthering a de facto enforcement of commercial interests, even within unceded territory. Numerous Algonquins were harassed, arrested, and their freedoms curtailed because they attempted to assert inherent rights. These actions raised serious questions about the moral integrity of the institution claiming eminent domain and underlying title. These enforcements seemed to depend on some deeper institutionalized claim of interests that could further commercial activity that could pose risks to the natural environment and natural persons, and criminalized and harassed individuals attempting to draw attention to de jure sovereignty.

I became very concerned for my fellow Canadians.

I have come to increasingly believe that there was something inherent in Aboriginal title that could be used to protect the rights and interests of all Canadians. I have come to believe that preserving Algonquin title could preserve a better jurisdiction that could warrantee better health and well-being for Canadians.


Certain maxims and *customs*, consecrated by long use, and observed by nations in their mutual intercourse with each other as a kind of law, form the *Customary Law of Nations* or the *Custom of Nations*.

But What About the Prior Social Organization?

A prerequisite for entering into the Algonquins of Ontario Land Claim process was an agreement that the Algonquins participating gave up the right to expropriation. To give up a right as part of a process involving land title and jurisdiction must be interpreted to mean that the Algonquin Nation still held that right, and that it must be somehow fundamentally different from that claimed through domestic policy. I refused to give up the right in 2007, having made a claim to continuing title and jurisdiction in unceded Algonquin Nation territory.

We know that the Indigenous Peoples of Canada became dispossessed of their land and aspects of their cultures as part of the colonial experience. We know that colonialism relied on unjust social practices and unsustainable resource extractions. We know that colonialism did not make the interests of natural persons its first priority.

So why would we expect that systems derived from colonial experience have the capacity or jurisdiction to reconcile colonial injustices?

Colonial policy made certain to alter the identities and structure of the original Aboriginal societies. It did this knowing that creating a material change in the identity or structure of the original Treaties would make those treaties void. Colonial elites also knew that by sabotaging the original societies' memories of their culture and traditions would cause them to eventually cease being a nation. A nation has to know itself; it has to know its history and character. When it ceases to remember it ceases to exist.

As I watched the Algonquins of Ontario Land claim progress I watched layer after layer of incorporation be generated. I watched layer after layer of trust fund be developed. I watched all the talk about money and harvesting and very little talk about historical integrity or research. The land claim process was a commercial contract designed to eliminate as much original title to land as possible, for as little money as possible. It was not a social justice process. It was simply a process seeking to gain mitigated rights to lands and resources. I became very suspicious of all aspects of the Algonquins of Ontario Land Claim process, and as a result of that experience and the related research, I became more convinced that extinguishing Aboriginal title to land was not in the best interests of the residents of Canada.

Algonquin Nation title to land was about much more than an interest in the land for commercial purposes. It was about matters of jurisdiction, the right to make and enforce laws based on certain traditions and values, and maintain a different relationship with natural persons directly attached to the land and directly affected by decisions. This differs profoundly from the claims and interests derived from a colonial legacy. Algonquin Nation history and Kichesipirini jurisdiction were essential to a unique Canadian nation-building experience that existed for more than a century before Confederation, and this time in early Canadian history utilized Aboriginal title and jurisdiction to promote responsible prosperity and genuine community. An appropriate examination of this aspect of Canadian history demonstrates that relinquishing Aboriginal title or jurisdiction compromised Canadian nationality, genuine culture, education, and international diplomacy and processes. We have a responsibility to know our history and a moral responsibility to preserve it with integrity.

The dictates of the land claim negotiations process offered the Algonquins of Ontario could not meet the moral obligations associated with the circumstances, the issues of title and jurisdiction of an original nation. The design of the land claim process was completely based on a commercial contract and commercial incorporation model. Recognizing that matters of underlying title to land and associated claims of jurisdiction were matters of international character I began filing concerns at the international arena, as a homeless and destitute person, holding customary leadership jurisdiction, in unceded Algonquin Nation territory.

self-governing colonies are the Dominions

requirement, as a relic from the past under modern co
personal pledge of allegiance, still in naturalization c
notion in the English school of thought which persists
idea of a personification of the State and in clinging instead to the concept of "the Crown" as an institution, or of the King as a "corporation sole". The reason why I intercalate the word "personal" in the definition is to exclude from it other "legal relationships between an individual and a State under the latter's public law", such as that between the State and an individual, *concessionaire* under its Mining Act, which is rather contractual by nature. The term "personal" is used here in the sense that it conveys the idea of the individual forming part of the personal substratum of the State, personally participating in its national public life, implying mutual rights and obligations between the State and himself in that capacity.

belonging to a State" by adding: "for certain purposes of international law". Such is, in my conviction, also the definition of nationality given by the International Court of Justice in its Judgment of 6 April 1955 in the *Nottebohm* case (*I.C.J. Reports* 1955, pp. 4 *et seq.*, at p. 23) to the effect that nationality is

> "a legal bond having as its basis a social fact of attachment, a genuine connection of existence, interests and sentiment, together with the existence of reciprocal rights and duties".

It may be true that the lack of such a socially conditioned "genuine connection" may induce an international Court to deny the protecting State its international right of protection of the individual concerned, but that does not alter the fact that he can legally be a national of the State in

INDIGENOUSRIGHTS REVOLUTION

"Algonquins: At the Heart of Canada's History."

tain formality characterized the trading sessions, which were "a pleasure to watch."[30] Trading delegations had to obtain permission to cross another's territory. Some groups charged fees for the privilege; the best-known example of this in Canadian history was the Kichesipirini (also known as Ehonkehronons) of Allumette Island in the Ottawa River, the main route between Huronia and Montreal. As the traffic increased, the Kichesipirini raised their tolls; the Huron complained loudly but paid. In enforcing these

The beneficial qualities of the common law's incrementalist evolution was most eloquently expressed by the future Lord Mansfield, then Solicitor General Murray, in the case of *Omychund v. Barker*, who contended that "a statute very seldom can take in all cases; therefore the common law, that works itself pure by rules drawn from the fountain of justice, is for that reason superior to an act of parliament." 1 Atk. 21, 33, 26 Eng. Rep. 15, 22-23 (Ch. 1744)

and, by acts of Parliament,
the Crown is an imperial crown.

Might does not make right --

De Facto Enforcement and Might is Right in Canada

Throughout unceded Algonquin territory individuals of Algonquin descent have been unjustly brought before the courts. In Canada, section 11(d) of the Canadian Charter of Rights and Freedoms states: "Any person charged with an offence has the right to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal."

Relying solely on the existing domestic court system could not provide a fair hearing in unceded Algonquin territory. Nor could it ensure an independent or impartial tribunal. Canadians have not been given access to accurate information regarding universal common law, laws of the land, international law of nations and sovereigns, an independent examination of history and facts, or an understanding of the rule according to the higher law the process was not fair. Reliance on courts exercising the jurisdiction of the corporate sole within unceded Algonquin territory could not be interpreted as independent or impartial. Accepting the jurisdiction of the existing court system through participation in the proceedings would be interpreted as acquiesce and compliance. Although the courts are bound to serve the principles of justice it must be remembered that a corporation, as a legal fiction, cannot extend its jurisdiction; it must protect its own interests.

As Principal Sachem, of the Kichesipirini Algonquin First Nation, an accountable and responsible governance role associated with the ancient and enduring organic governments of the land, it is my experience that a corporate veil blocks the application of full and complete justice in Canada.

The lack of appropriate processes for justice in Canada resulted in my becoming homeless and destitute. Through times of extreme duress I attempted to file my concerns internationally. I became increasingly aware that the domestic processes could not address the inherent irregularities associated with properly reconciling Aboriginal claims and jurisdiction. I become increasingly convinced that preserving my role as Principal Sachem of the Kichesipirini Algonquin First Nation was an integral part of securing genuine nation hood for Canada and greater protection and security for Canadians. It became increasingly obvious to me that reliance on the current domestic systems furthered adverse possession claims by commercial entities rather than strengthening Canadian national sovereignty.

When I walked with the people on December 21, 2012, I walked to protect an element of Canadian jurisdiction that could offer genuine nationhood to Canada and provide greater protection and larger freedom to natural persons.

The real purpose of land claim negotiations should be the reconciliation of the character of the Crown asserting sovereignty in right of Canada and the original nations of natural persons of Canada. The existing domestic processes are inadequate.

I suspected that the interpretation and enforcement of law and the continued harassment of Algonquin people in unceded Algonquin Nation territory was directly associated with the character of the entity claiming underlying title and associated jurisdiction.

No topic in the Canadian Aboriginal context is more contentious than that of land tenure.

Canadians believe that they own private land and that Aboriginal claims rob them of land ownership. Since Canada uses primarily English-derived common law traditions, the holders of the land actually only have land tenure , which is the permission from the Crown to hold land according to certain conditions. They do not hold absolute ownership, and the character of the Crown determines the priorities for the use of land. The underlying title of the land is held by the Crown. In this system the sovereign monarch, known as The Crown, holds land in its own right. Everyone else simply uses it as tenants and sub-tenants. The Crown in Canada holds the title to land similar to a fee entail estate, another concept borrowed from English-derived traditions. The purpose of a fee tail was to keep the land of a family intact in the main line of succession and ensured that any revenues generated from the land belonged to the family. This system of individual ownership and claim to individual revenue can be directly traced to the existing systems of Royal Forests and Manor systems that privatized previously common property and resources. Currently the underlying title claimed by the corporate sole is a complex system varying across the different jurisdictions and provinces, but the underlying fact is that the corporate sole holds claim to underlying title. This contrasted with the original concepts of common lands and revenues being held in common by the nation for the good of the natural persons of the nation.

Canadian nation-building requires an appropriate examination of the current land tenure system.

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment
(UNDRIP)

Recognized and Affirmed

Aboriginal claims to title to land represent original concepts of land and resources being held in common for the sake of the nation as the first priority and then various land tenure systems being exercised as circumstances dictated, with the consultation of the common stakeholders.

Continued reliance of land tenure systems still derived from our colonial legacy greatly compromises many areas of Canadian nationhood.

Aboriginal title refers to the inherent Aboriginal right to land or a territory. The Canadian legal system recognizes Aboriginal title. It recognizes it as a sui generis, or a unique collective right to the use of and jurisdiction over a group's ancestral territories, different from the English legal tradition system. These rights is not granted from the courts or an external source of Crown, but exist as a result of Aboriginal peoples' own occupation of and relationship with their home territories as in their existence as original nations and their ongoing social structures, political and legal systems. The Aboriginal systems are more consistent with concepts associated with the Law of Nations. Although these rights are seen as contrary to the rights of non-aboriginal Canadians, they are in fact more representative of the actual rights that should be provided all natural persons living within genuine nations.

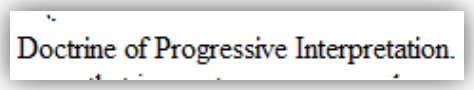
It can be argued that some forms of Aboriginal title and jurisdiction, because of their moral character regarding equal right of interests of all natural persons so affected, does not rely on the recognition of the Canadian State for validation. Aboriginal title and jurisdiction rely on the laws of nature for their foundations, unlike colonial entities and corporations. Retention of Aboriginal title then may be considered as necessary in some capacity for the development of full Canadian sovereignty. Canadians need a process whereby they can freely self-determine how existing Aboriginal title to land can be used to enhance the well-being of all Canadians.

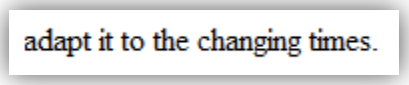
A further sui generis aspect of Aboriginal or Indigenous title is that it contains an inherent limit on the uses Aboriginal or Indigenous Peoples can make of their lands. Thus "... lands held pursuant to title cannot be used in a manner that is irreconcilable with the nature of the claimants' attachment to those lands."

The Algonquin Nation used lands as a resource for the necessities of life and happiness of natural persons. The Algonquin nation exercised precautionary use of the land and resources maintaining a stewardship role that was committed to providing for successive generations. The Algonquin Nation, as an Indigenous Peoples of Canada demonstrated a long historical attachment to land as a collective of natural persons, joined together for the common good and welfare regarding their aspirations and needs as natural persons. The Algonquin Nation and their relationship to the land preserves for all natural persons the first order of law, consistent with the Law of Nations and The Principles Governing The Principles of The Law of Nature Applied To The Conduct and Affairs of Nations and Sovereigns. Since this priori jurisdiction and its customary laws that are in agreement with the positive normative values held by the common law of natural persons and nations, then those uses of the land and natural resources are considered still to be legitimate, existing, and take precedence.

Any subsequent regime cannot conflict or derogate the original purposes of the original nation.

The existing rights of the Aboriginal peoples of Canada are recognized and affirmed because they are consistent with the higher law than those imposed through colonialism and unfettered commercial corporation. Retention of Aboriginal title in certain aspects in Canada strengths Canadian nation-building and health and environmental protections. Law is normative and dynamic. There is no reason why the Algonquin Nation situation cannot be used as an opportunity to design and develop new land tenure models that are better suited to the circumstances of the times, rather than rely on what was left here with colonialism.





The process proposed for the changes in the rules of succession of the Crown raise some additional concerns that bring into question the actual legal character of the Canadian State.

Some claim that the succession of sovereigns of nations are matters of international public law procedures. Succession of sovereigns and dynastic renunciations and their interpretation has been considered subjects of international public law rather than the law of the place of events.

Many also consider public international law as the proper law to govern matters regarding succession within Royal Houses. Concerns arising from a proper interpretation of dynastic renunciations to the succession to sovereignties concern subjects of international law, the rules of public international law constitute the proper law for the resolutions of all such disputes. From this customary rule of public international law the standard practice of Royal Comity exists among the Royal Houses of Europe. (Oppenheim-lauterpacht, International Law, Volume 1. Nos. 486& 488, Part Three, Chapter II, No, 253, and Vol. I, No. 507), (J.H.W. Verzijl, International Law in Historical Perspective, Vol. II, p. 17, Vol. III, pp. 303-324)

The inheritance of rights and claims to sovereign subjects of public international law constitute natural objects for the jurisdiction of international law. re any dispute which might arise. Their legal status used in binding international transactions are important elements of public international law as the proper law rather than to the municipal (domestic) law of the place where they were signed. (Lord McNair, Law of Treaties (1961), p. 11-12.)

De jure Sovereignty, being the sovereignty of deposed monarchs and legitimate governments in exile, represents the moral principle that “might does not make right,” and the deposed monarch is therefore legally entitled to full recognition by other sovereigns, and all nations and all people adhering to the moral and ethical principles implicit in International Law. These matters are described in “King and Constitution in International Law,” (The Augustan, vol. 18, no. 4, 1977, p. 126.)

The consistent use of regal titles, heraldic symbols, and public declarations is equal or equivalent to “. . . a series of competent protests [which] will keep a de jure claim alive indefinitely;” meaning that the claim can be kept without limit or without end if it is consistently maintained. Otherwise, if it becomes silent, all rights are lost forever. (“King and Constitution in International Law,” The Augustan, vol 18, no. 4, 1977). The deposed monarch’s right is real and authentic. He is the actual, true and rightful sovereign. “The absent sovereign remains the de jure government of the country [even though they are never officially or even unofficially recognized].” (Oppenheimer, “Governments and Authorities in Exile,” American Journal of International Law, p. 571) (Hersch Lauterpacht, C. J. Greenwood, International Law Reports, p. 559). “Protests are sufficient to avoid prescription. . .” especially when “it is not possible” for them to do anything else. (Jessup worldwide Competition for International Law, “Bench Memorandum 2010,” p. 12) For a deposed monarch, retaining one's “title and arms” is the recognized through “protest” and continued assertions, coupled with merit, and this provides an unmistakable notification to the world that those rights are not given up, surrendered or lost.

As Principal Sachem of the Kichesipirini Algonquin First Nation I have, through the best of my ability and available resources, continued to assert my jurisdiction as part of the traditional inherent lines of customary Sovereign, in Canada, and as part of the intangible cultural heritage of the world.

It is recognized that within certain legal traditions a legitimate “fount of honour” is considered to be a person or entity recognized to represent the collective sovereignty of the collective, before certain subsequent orders were established. I recognize that Queen Elizabeth II, queen regnant of the United Kingdom and other Commonwealth realms, holds a particular inherent sovereignty beyond the powers of the State, and beyond the corporate sole, but sits also and as the “fountain of honour’ in the United Kingdom. As such, The Queen has the sole right of conferring all titles of honour, life peerages, knighthoods, gallantry awards, and similar recognitions, in her capacity as inherent Crown and Sovereign. Royal Proclamations are not under the jurisdiction of statute law, but are instead made beyond statute, instead depending on the inherent customary role.

The Company of Merchant Adventurers, properly known as The Mystery, Company, and Fellowship of Merchant Adventurers for the Discovery of Regions, Dominions, Islands, and Places Unknown,

...is in the case of an uninhabited country.

In other words, if an 'uninhabited' territory is colonised by Britain, then the English law automatically applies in this territory from the moment of colonisation; however if the colonised territory has a pre-existing legal system, the native law would apply (effectively a form of indirect rule) until formally superseded by the English law, through Royal Prerogative subjected to the Westminster Parliament.

When Englishmen left their homeland to establish colonies in the New World, they brought with them charters guaranteeing that they and their heirs would "have and enjoy all liberties and immunities of free and natural subjects."

..But in conquered or ceded countries, that have already laws of their own, the king may indeed alter and change those laws; but, till he does actually change them, the ancient laws of the country remain, unless such as are against the law of God, as in the case of an infidel country.

A reception statute is a statutory law in a former British colony enacting (i.e. retaining) pre-independence English law, to the extent not explicitly rejected by the legislative body or constitution of the new nation. Reception statutes generally consider the English common law dating prior to independence, and the precedents originating from it, as the default law, because of the importance of using an extensive and predictable body of law to govern the conduct of citizens and busines

...ak of the lawful and adequate titles whereby the Indians mig... d is that of natural society and fellowship. And hereon let my first question and ...

But if that custom contains any thing unjust or unlawful, it is not obligatory; on the contrary, every nation is bound to relinquish it, since nothing can oblige or authorize her to violate the law of nature.

...courts, and also by ... of the judicial language and of the b... social structure of a nation being vital to its national development, the occupant also endeavors to bring about such ...ges as may weaken the national, spiritual resources. The focal point of this attack has been the intelligentsia, because ... group largely provides the national leadership and organizes resistance ...

Without complete clarification regarding the identity and character of the asserting "Crown" these circumstances for us erode the two important principles of natural justice, which are two fundamental principles widely considered legally necessary to a fair trial or valid decision in a legal system. These are:

1. nemo iudex in causa sua: "nobody shall be a judge in his own caus... invalidating any judgment where there is a bias or conflict of interest ... duty; and
2. audi alteram partem: "hear the other side", giving at least a fair opportunity to present one's case.

discrimination against indigenous peoples

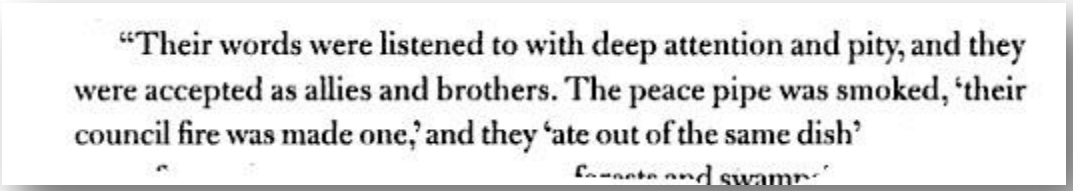
entrenched in modern geopolitics,

a cover-up of the extreme predicaments

it is an offence to all peoples of the world

...Subjects, as well ... as of our Colonies in America, may avail themselves with all convenient Speed, of the great Benefits and Advantages which must accrue the... their Commerce, Manufactures, and Navigation. ... thought fit, with the Adv...

it is an offence to all peoples of the world


"Their words were listened to with deep attention and pity, and they were accepted as allies and brothers. The peace pipe was smoked, 'their council fire was made one,' and they 'ate out of the same dish'

The Aboriginal peoples of Canada are the proud bearers of ancient and enduring systems of government. These included forms of hereditary Monarchy, such as the role of Principal Sachem. The old colonial plan for the "Reduction of Canada" included intentional schemes of discrimination and destruction against these traditional governance systems. Canadian domestic Aboriginal policy has continually reduced the roles and relationship to one of commercial contract character. The Office of Principal Sachem of the Kichesipirini Algonquin First nation was a form of hereditary Monarchy that was directly responsible to the people. The original system of monarchy in Canada held the belief that they exercised a divine responsibility to serve and portect the people..They were a person, a natural person, who was expected to share, care, and be a resident part of the nation and community. Unlike the European system of divided Monarchy and corporate sole as a separation from the people and a protection from liability, the original Monarch position of Principal sachem was completely account able to the service of the people and shared in their normal day-to-day deliberations.

In the Universal Declaration of Human Rights we are reminded:

"Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

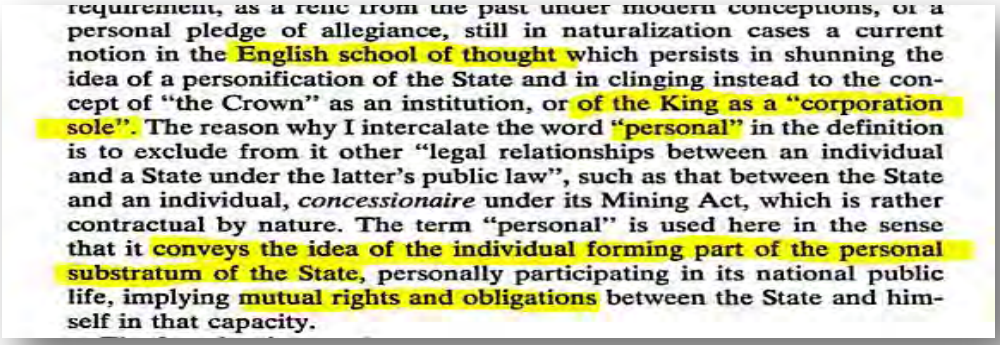
Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom."

We should be reminded that the Indigenous Peoples of Canada, being the first nations here, possessed such inherent dignity and inalienable rights, individually, and collectively.

The General Assembly of the United Nations accepted the Universal Declaration of Human Rights, 1948, "as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of member states themselves and among the peoples of territories under their jurisdiction."

I believe that the State has a moral obligation to ensure appropriate reconciliation between the organic customary traditions particular to certain original nations of Canada, and has inherited that responsibility as part of our still conditional sovereignty.

This includes reconciling the assertions made by a particular Crown with the existing rights of an existing resident Crown.



requirement, as a relic from the past under modern conceptions, of a personal pledge of allegiance, still in naturalization cases a current notion in the English school of thought which persists in shunning the idea of a personification of the State and in clinging instead to the concept of "the Crown" as an institution, or of the King as a "corporation sole". The reason why I intercalate the word "personal" in the definition is to exclude from it other "legal relationships between an individual and a State under the latter's public law", such as that between the State and an individual, *concessionaire* under its Mining Act, which is rather contractual by nature. The term "personal" is used here in the sense that it conveys the idea of the individual forming part of the personal substratum of the State, personally participating in its national public life, implying mutual rights and obligations between the State and himself in that capacity.

The current governance and land tenure system in Canada reverses the order of priorities from those of the original foundations. In native law the land belongs to the people and the Crown serves the interests of the natural persons. In the existing system the Crown owns the land and the people owe, or serve, the Crown.

These obligations are further affirmed in the United Nations Declaration on the Rights of Indigenous Peoples;

"Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State."

Remembering that a legal fiction should operate for the purpose for which it was created and should not be extended beyond its legitimate field it is my understanding that the corporate sole and its agents cannot appropriately "recognize" or "reconcile" the matters of higher law, beyond its jurisdiction, but have been delegated the responsibility to protect such interests. Therefore they do not possess adequate jurisdiction to negotiate the larger issues affecting the Aboriginal peoples of Canada. They are matters of international public law.

There is a fiduciary and moral imperative that the appropriate law be applied.

The existing domestic Aboriginal policy cannot reconcile the original jurisdictional issues beyond its legitimate field, but it must protect the interests, while ensuring that a legal fiction should not be employed to defeat law or result in illegality. My reliance on the Algonquins of Ontario Land Claim process would create such a situation.

Any application of legal fiction jurisdiction before the appropriate reconciliation would be an injustice. A legal fiction should not be employed where it would result in the violation of any legal rule or moral injunction. Domestic policy applied to the claims of interests of the Algonquin Nation and their position within the original developments of original polity of Canada would be a violation of the Law of Nations and the principles governing the conduct and affairs of nations and sovereigns.

But Canada's sovereignty is dependent on acting as fiduciary for the Aboriginal peoples, which brings in elements of public international law and the rights of natural persons and the Law of Nations. The sole dependence on domestic policy regarding the Aboriginal peoples of Canada results in a legal fiction upon a legal fiction. Domestic policy simply preserves the assertions of the corporate sole. Because Indigenous Peoples represent the jurisdictions responsible for protecting the human rights of natural persons they are often a barrier to secondary jurisdiction incorporations. Incorporations are considered "legal fictions". The actions of "legal fictions", including the "State" must be reconciled at all times with the needs of natural persons. The rights of Indigenous Peoples to hold corporations accountable, especially those that can potentially damage the natural environment, become extremely important in areas of proposed large scale or extractive commercial activity.

The preservation of the role of customary Sovereign, particular to the traditions of Canada, such as those existing in the role of Principal Sachem, is required as part of upholding the Honour of the Crown, Queen Elizabeth II, acting as hereditary Monarch, consistent with the traditions of queen regnant of the United Kingdom and other Commonwealth realms, and in accordance in accordance to the Law of Nations, the higher law and international public law of nations, for the common good of natural persons and the preservation of the Rule of Law.

1798/00/00	Map of Part of the Province of Upper Canada Showing Districts and Counties, 1798, prepared by J. L Morris	Map: showing townships, districts, counties. Land distinguished as being Crown or Indian (for the most part lands still unceded). Useful visual representation of stage of development of eastern, central and southern Ontario by 1798.	MNR Legal Surveys Branch Morris, J. L. L5-13

common watch, in the months of May & June 1826." Where the Coulonge River meets the Ottawa there is a notation "French Settlement 10 or 12 houses". Where the Black River meets the Ottawa, there is notation "Indian Burial Ground". A few road cuts with mileages are indicated on this map.

1823	Canada Native Peoples 1823	Map: population locations and estimates. Ottawa River drainage: three Algonquin groups, one Nipissing group and one Mohawk group located (estimated population shown thus). Algonquins shown at Grand Lac/Coulonge (300 - 1827 census based on incomplete data).

The Kichesipirini Algonquins made their own arrangements with local settlers, collecting rental payments, particularly for islands in the Ottawa River. For more than thirty years, the Indian Department acknowledged the validity of those rents and also collected them for them.

...k of the lawful and adequate titles whereby the Indians m... is that of natural society and fellowship. And hereon let my firs...

...that native trading practices were embedded in political and social institutions, but nevertheless exhibited important elements of economic rationalism insofar as the hurons, montagnais and algonquins 'sought to profit by exchanging goods with other tribes for more than they had paid for them, by playing off foreign trading partners to lower the price of goods, and by asking for more than the standardized rate of exchange as evidence of friendship and goodwill.' ...

1836/00/00	Map of Part of the Province of Upper Canada Showing Districts and Counties, 1836, prepared by J. L Morris	Map: showing townships, districts, counties. Land distinguished as being Crown or Indian. Large portion of land within Ottawa River watershed still identified as being Indian land. Useful	MNR Legal Surveys Branch Morris, J. L. L5-16

1846/00/00	Map of Part of the Province of Upper Canada Showing Districts and Counties, 1846, prepared by J. L Morris	Map: showing townships, districts, counties. Land distinguished as being Crown or Indian. Large portion of land within Ottawa River watershed still identified as being Indian land. Useful	MNR Legal Surveys Branch Morris, J. L. L5-17

...mines the symbolic and institutional aspects of the alliances formed between the native peoples of northeastern north america and the french colonizers who came there in the sixteenth and early seventeenth centuries. it makes two distinct original contributions to our understanding of native-newcomer relationships in this period. first, it traces the evolution of french conceptions of native american political organization in the sixteenth century and the impact of this evolution on native-french relations on the ground in canada by showing how the tendency for french expeditionaries to view native leaders as kings shaped french policies ...

Article 17 of the International Covenant on Civil and Political Rights of the United Nations of 1966 protects privacy:
"No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
Everyone has the right to the protection of the law against such interference or attacks."

The right to privacy is a human right. The protection of the right to privacy and access to personal information should be seen as a paramount concern for legitimate government. Since Canada is exercising conditional sovereignty it is imperative that particular due diligence be exercised. The Canadian domestic policy and relationship with the Aboriginal peoples of Canada maintains a two tier system. The State seemingly recognizes that Aboriginal peoples of Canada are afforded rights and freedoms that are different from those offered the mainstream Canadian population. Universal human rights should be applied equally with the recognition that there could be cultural differences in presentation. It would be the responsibility of a legitimate Sovereign to ensure that the rights of natural persons are adequately and equally protected.

It is my opinion that the Canadian State has used its control of revenues to promote policies that introduce discriminatory and potentially harmful deficits within legislation that can potentially further erode the confidences in the relationship between the Indigenous Peoples and other members of the Canadian collective. Besides economic incentives, Canadian domestic Aboriginal policy often generates implementation or standards gaps. The results of these failures to clearly and fairly protect all universal human rights equally within Canadian domestic policy is often then used as justification for the continued control of Aboriginal policy.

One such example of an area of particular concern for me is the Privacy Act.

In a time when information and communications technology and increased transnational diplomatic and commercial relations expose and exchange tremendous amounts of personal and sensitive information it is imperative for security that there be established equal and effective protections of privacy. The Privacy Act is described as “An Act to extend the present laws of Canada that protect the privacy of individuals and that provide individuals with a right of access to personal information about themselves.”

The “personal information” referred to in the Act means information about an identifiable individual that is recorded in any form, without restricting the generality of the foregoing.

The Act allows for certain exchanges of identifiable information under certain circumstances. These exceptional circumstances can involve specifically named Aboriginal communities that have signed self-government agreements, or where there is an investigation for the purposes of administering or enforcing any law or carrying out a lawful investigation. My experience in unceded Algonquin territory has caused me to be continually cautious about the administration of law, the identification of aboriginal communities through adherence to domestic policy, and the administration and enforcement of laws affecting Aboriginal persons or communities reliant on currently existing domestic policy.

The Act also makes special allowances for disclosures of identifiable personal information “to any aboriginal government, association of aboriginal people, Indian band, government institution or part thereof, or to any person acting on behalf of such government, association, band, institution or part thereof, for the purpose of researching or validating the claims, disputes or grievances of any of the aboriginal peoples of Canada.”

Aboriginal government and Indian Act band for the purposes of the Act are those defined under domestic policy and domestic self-government agreements. Considering the seriousness to matters of personal security associated with the sharing and disclosure of identifiable personal information I believe that it is imperative at this time to recognize the irregularities associated with this important policy and bring it to the immediate attention of Canadians, individuals of Aboriginal descent, and the international community.

There is a moral imperative on the State that the highest standards of protection be guaranteed equally for all the people of Canada.

> Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests. UNDRIP

As I shared in the events of the Idle No More movement in Ottawa that day I was deeply moved by the strength still of ceremony and tradition, even after centuries of suppression.

The timeless ceremonies and traditions carried an ancient capacity for communal intention. As individuals we are encouraged put aside our selfish distractions and instead focus our intent on the common good and the welfare of others.

In Canada our history of a colonial type has left a profound legacy. This legacy has impacted all of us. We have all been denied crucial information about our history and institutional development. This missing information has denied all of us the ability to make reasonable decisions about our future. It has affected our ability to exercise free, prior and informed consent and fully appreciate the implications of the political decisions that we make, here and abroad. The process has been further hampered by inadequate consultations. It is not enough to consult within the administrative frameworks and organizations designed by colonialism. There are principles of law that exist beyond domestic administrative policy, and where there has been a history of colonialism we must suspect the administrative processes.

In Canada few people realize that we have had a colonial history. They also often fail to understand that there did exist complex and well organized social and political entities here prior to colonization. These social entities were originally recognized as nations, and kingdoms, in their own right. This was recognized as a part of the customary law of sovereign nations. Withholding information, disseminating misinformation, and denying information about existing higher law are all tactics used in colonialism. Repeating rhetoric rather than making appropriate references to all relevant bodies of law has become the mainstream response to Aboriginal and Indigenous Peoples' issues in Canada.

The United Nations, as relatively recent institution, has attempted to reconcile the discriminations and oppressions caused by colonialism. In the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted by General Assembly resolution 1514 (XV) of 14 December 1960, the members are "Mindful of the determination proclaimed by the peoples of the world in the Charter of the United Nations to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small and to promote social progress and better standards of life in larger freedom…" This affirms again the inherent and inalienable rights of natural persons as the universal foundation of the Rule of Law. Real law must recognize that all persons are created equal; considered fundamental in natural law. The Declaration continues "Conscious of the need for the creation of conditions of stability and well-being and peaceful and friendly relations based on respect for the principles of equal rights and self-determination of all peoples, and of universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion…" The spirit of the document places Canadian domestic Aboriginal policy outside of the Law because of its un-reconciled history with a colonial legacy and its continuing discriminations. As a person of Aboriginal ancestry, having been administrative "recognition" I have experienced discrimination as well. The Algonquin Nation situation should be considered an opportunity to assist in ending colonialism in all of its forms.

If there has been a history of colonialism and an administrative "State" emerges as part of that colonialism against the original nations, can simply strengthening the autonomy, the freedom of that State, be considered an appropriate and complete intervention? Can still relying on processes and procedures that do not acknowledge the destruction of the original nations and the discriminations inherent in processes, the blatant lack of procedural fairness for the original peoples, be considered consistent with the Rule of Law?

While Canadians become entangled in debates about the layers of policy and infractions they fail to critically examine the current status quo regarding the character of the Crown, the underlying title to land in Canada, and the moral fabric of the dominant institutions. Canadians fail to understand that it is the moral character of the collective and its official representative that determine genuine legitimacy. Law is normative. Failure to inform a polity about the aspects of international public law that can protect and perfect their rights is a breach of good faith.

Customary law is the law of the land. Indigenous Peoples are the founding nations. Their rights remain.

All laws in Canada are the Monarch's and the Sovereign.

The concept of Sovereign is one of morality and responsible representation of a moral collective. Legal fictions are not capable of moral behavior. Moral reasoning and moral behaviours are characteristics of natural persons. A corporate sole cannot act as the responsible representative of a collective of moral natural persons.

The Sovereign is responsible for rendering justice and is thus traditionally deemed the 'fount of justice". Monnarchy is a political or socio-cultural entity, in nature, and is generally associated with hereditary rule. Monarchy is the oldest and best known form of rule known since the dawn of history. It has lasted longer than any other kind of government. Monarchy is usually a form of government held by particular families specifically trained for the position. These families are commonly referred to as dynasties. Within the customary governance system of the Anishnabe these governance roles were organized according to totem, or doodem, recognized also as a form of heraldry, organic to Canada.

Dynastic law may be captured within the form of customary traditions, constitutional provisions, public or statutory law, international treaty, or house laws regulating the internal affairs of a Sovereign House, but all are reliant on international public law principles. The legal forms which dynastic law may take are as varied as the countries themselves. Having no written constitution, the United Kingdom relies heavily upon domestic statutory law. However, Queen Elizabeth II also holds certain rights and responsibilities stemming from her inherent customary role. She is then obligated to uphold international law, and it is in this capacity that her Honour must be upheld and the fiduciary obligation be exercised appropriately. This is especially true concerning the responsibility regarding the relationship with Indigenous Peoples of Canada.

The validity of dynastic matters of public international law is subject to the peremptory norms of international law. (Lord McNair, Law of Treaties (1961), pp. 213-236. Ian Brownlie, Principles of Public International Law, p. 417. Article 53 of the 1969 Vienna Convention on the Law of Treaties) This would be true concerning those customary systems native to Canada.

It cannot be done away with through domestic law. A peremptory norm, also called jus cogens, is a fundamental principle of international law which is accepted by the international community of states as a norm from which no derogation is ever permitted. These would include the wars of aggression, wars of conquest, and related territorial aggrandizements and subjugations associated with colonialism.

Peremptory norms cannot be violated by any state. These norms are rooted from Natural Law principles that we have been examining, and any laws conflicting with them should be considered null and void. The Indigenous Peoples of Canada and their customary governance systems have been left as Exiles within their homelands. Under public international law a Government-in-Exile is deemed to have the implied constitutional power to perform all normal acts of state ... including those acts which by its own constitution would require the consent of an organ of government, such as a parliament, which are at present suspended due to the conditions arising from a usurpation of sovereignty. (F. E. Oppenheim, "Governments and Authorities in Exile," American Journal of International Law (1942), pp. 568 at 581-582.)

All true sovereigns hold all the following rights:

- Jus Imperii, the right to command and legislate,
- Jus Gladii, the right to enforce ones commands,
- Jus Majestatis, the right to be honored, respected, and
- Jus Honorum, is the right to honor and reward.

This is consistent with the Supreme Court of Canada's observations in *Van der Peet*:

> In considering whether a claim to an aboriginal right has been made out, courts must look at both the relationship of the aboriginal claimant to the land and at the practices, customs and traditions arising from the claimant's distinctive culture and society.
>
> ***Van der Peet*, para 74, and reiterated in *Delgamuukw* at 141 [emphasis added].**

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The Expedition against Canada a
in the war, gave them many opport

tribes called their kings "sachems"

In the latter part of the 16th century, Queen Elizabeth I and her government became curious as (it is recorded) to the "true state of that Isle" and sent out commissioners to Guernsey make enquiries. An Order in Council dated 9th October 1580 records that they found complaints of "want of due administration of Justice through the libertie, the Bailiffe and Jurats do take unto them selves to directe their Judgements by presidents, wherein there is neyther certainety nor rule of Justice … forsaking the Customarye of Normandie whereunto they should holde them selves …". The Bailiff and Jurats were ordered to follow the Grand Coutume save in those respects where local practice and law differed, as to which they were to produce for the Privy Council a written report . Meanwhile they were only to observe variations from the Grand Coutume such "… as they can shew have ben used there time out of minde …". The order appears not to have been respected; because a further Order in Council followed dated 30th July 1581 again required the making of "… a booke of the sayd Lawes and Customs …".

English man, although you have conquered the French, you have not yet conquered us! We are not your slaves. These lakes, these woods and mountains, were left to us by our ancestors. They are our inheritance; and we will part with them to none. Your nation supposes that we, like the white people, cannot live without bread – and pork – and beef! But, you ought to know, that He, the Great Spirit and Master of Life, has provided food for us, in these spacious lakes, and on these woody mountains.

'Common law' denotes a system of law based on tradition, custom and precedent, as distinct from civilian legal systems based on comprehensive codes. In modern times, the common law is often defined as judge-made law (as opposed to statute law), though the historical roots of the common law system reflect a body of essentially local customary practices and usages which are applied by judges rather than necessarily 'made' by them.

… Iroquet, and the Grand Council is making it clear to the French and the Wendat that the Algonquian Council ruled the country. This appears to be the first recorded incident of the democratic process of Sovereignty Association that is the basis of our Canadian culture.

These Indians are perfectly convinced that man is born free and no power on earth has a right to infringe his liberty.

Father Francois-Xavier Charlevoix

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.
Universal Declaration of Human Rights

Ancient and Enduring

The concept of Monarchy existed in the Americas long before the arrival of European colonialists. These Crowns continue a history of monarchy in the Americas that reaches back to before European colonization. There is extensive record of the role of Principal Sachem being recognized as an organic type of Monarchy in Canada, and that the original societies were recognized as being organized in Kingdoms, Nations, and Principalities. The role of Principal Sachem of the Kichesipirini Algonquin First Nation, Kichi Sibi Anishnabe, holds a long record of diplomatic relations with representatives of other Monarchies.

As one source explains:

"According to Captain John Smith, who explored New England in 1614, the Massachusett tribes called their kings "sachems" …."

Many societies, especially where there has been a history of colonialism and effective exile of traditional Monarchs, are codifying laws so that the customary roles are being re-established in various forms. I assert that, where appropriate, this must be part of the purpose of reconciling the Aboriginal-Crown relationship in Canada.

In Canada, such reconciliation is dependent on our tradition of Treaty. The proper law of that type of Treaty is public international law rather than the municipal (domestic) law of the place where the treaty was signed, or private international law involving corporations. Thus, a Treaty may properly affect international rights in a manner which might not be recognised for private law rights under the municipal law of the place where that Treaty was signed -- the Treaty as an international act concerning subjects and objects of international law being governed by public international law not the local municipal law. Similar to Treaties, the municipal or domestic law of the place where a rule for succession of political sovereign is being changed or contested such Treaty would be subject to public international law. (Lord McNair, Law of Treaties (1961), 100-101; Oppenheim-Lauterpacht, International Law, Vol. I, Nos. 21 &22; Article 13 of The Declaration of Rights and Duties of States, 9 June 1949 by the International Law Commission of the United Nations; 1887 U. S. Foreign Relations 751 at 753. Articles 27, 46, and 47 of the 1969 Vienna Convention on the Law of Treaties.)

Existing domestic policy in Canada regarding Aboriginal title and jurisdiction is not adequate.

The customary governance roles native to the Indigenous Peoples of Canada deserve proper respect and dignity. They should be considered equally deserving as being protected by peremptory norms. Domestic Aboriginal policy land claim agreements, administered as a commercial contract between various corporations, being legal fictions, do not have the jurisdiction to protect the customary governance systems and the rights associated with such roles and systems. Treaties involving issues concerning Aboriginal title, jurisdiction, and self-government should be considered to be of interest to the international public law system and that body of Treaty negotiations.

As Principal Sachem, a protected role of customary governance, I affirm that the international community recognizes, as articulated in the United Nations Declaration on the Rights of Indigenous Peoples "the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources."

The corporate state administration must protect the rights of the natural nations, including their customary governance.

Statements regarding the Robinson Treaties by the Solicitor General for Canada, Hon. J.J. Curran:
"We contend that these Treaties are governed by international, rather than municipal law.
They were made with the tribes under the authority of the Sovereign, and the faith of the nation was pledged in dealing with those annuities.
The Crown is a trustee towards those Indians, and is bound to watch over their interests and enforce their rights ...
And will not be allowed to set up its own laches as a defence against these claims....
All these claims are safeguarded in a different manner from any claim that would arise between two subjects of Her Majesty who might come before any Court to have their matters adjudicated upon."
(Curran, 1897:63).
From the records of the Federal - Provincial Arbitrations (Unsettled Accounts Arbitration), Indian Claims, Robinson Treaties, Vol. 5, entered in the Department of Indian Affairs, January 12, 1897: The Hon. J.J. Curran, Q.C., Solicitor General for Canada

These Treaties are Governed by International Law

The original nations of Canada have been subjected to colonial administration and sabotage.

While we wrestle within our understanding of this colonial legacy within the parameters of domestic policy and domestic interpretation of rights we are missing key elements of fact that should have been made accessible to us if we were actually exercising democratic rights.

Democracy should involve more than a simplistic exercise of majority vote popularity. It must be grounded on the fundamental principles of justice and procedural fairness. In most modern democracies, the whole body of all eligible citizens remain the sovereign power, but political power is exercised indirectly through elected representatives. These elected representatives are to be directly accountable to us, and that accountability should include providing us with all available relevant information.

The grassroots Idle N More movement here in Canada demonstrates "…the passionate yearning for freedom in all dependent peoples and the decisive role of such peoples in the attainment of their independence"…and that the " increasing conflicts resulting from the denial of or impediments in the way of the freedom of such peoples, which constitute a serious threat to world peace..," and that the "…the peoples of the world ardently desire the end of colonialism in all its manifestations".....even where there has been a domestic attempt to "negotiate" away the history without an adequate examination of fact. Colonialism is a breach of international relations and is therefore of international character.

The United Nations community is "Convinced that the continued existence of colonialism prevents the development of international economic co-operation, impedes the social, cultural and economic development of dependent peoples and militates against the United Nations ideal of universal peace," and the Indigenous Peoples of Canada, trapped under layers of administrative fictions, claim that our experience is an example of how implementation gaps can negatively influence universal security in the deepest sense. We agree that "an end must be put to colonialism and all practices of segregation and discrimination associated therewith…" The international community is committed to "bringing to a speedy and unconditional end colonialism in all its forms and manifestations." I assert that the existing complexities affecting the character of the Crown in Canada is a continuing manifestation of colonialism and must be reconciled. I believe that all Canadians deserve a process by which they may exercise their right, with us, to self-determination; by virtue of that right we freely determine our political status and freely pursue our economic, social and cultural development, based on the Rule of Law. The current representatives of the Canadian State have obviously failed to act in good faith.

The Aboriginal peoples of Canada are insisting on transformative relationships and meaningful consultation. I interpret this to mean that the international character and interests of the Indigenous Peoples be met through permanent and appropriate institutional reform in Canada. My numerous submissions as Principal Sachem of the Kichesipirini Algonquin First Nation that the Algonquin Nation Treaty process be an international pilot process for effective reconciliation could provide such a necessary mechanism for Canadians.

Customary international law can be distinguished from treaty law, which consists of explicit agreements between nations to assume obligations. However, many treaties are attempts to codify pre-existing customary law. In Canada, customary aboriginal law has a constitutional foundation and for this reason has increasing influence.

n grassroots voices, treaty and sovereignty,

"ancient common laws"

"Existing"

The word "existing" in section 35(1), the Court said, must be "interpreted flexibly so as to permit their evolution over time". As such, "existing" was interpreted as referring to rights that were not "extinguished" prior to the introduction of the 1982 Constitution. They rejected the alternate "frozen" interpretation referring to rights that were being exercised in 1982.

Idle No More is based on Natural Law

Considering the fundamental role of treaties in the history of international relations,

It could be argued that, before 1982, in the context of aboriginal rights regarding registered "Indians", an aboriginal right was automatically extinguished to the extent that it was inconsistent with a statute. As Mahoney J. stated in Baker Lake, supra, at p. 551 (D.L.R.):

"Once a statute has been validly enacted, it must be given effect. If it's necessary effect is to abridge or entirely abrogate a common law right, then that is the effect that the courts must give it. That is as true of an aboriginal title as of any other common law right."

FREE CONSENT

In addition to the jurisdictional politics, England also contained multiple sources of law. English law not simply body of rules or principles located in a statute book, code, or treatise. "There be divers lawes within the realm of England," Coke wrote in his *Institutes*, and common law was only one of them, though the most important and "sometimes called *lex terrae*." This label—"law of the land"—was ambiguous. Common law was indisputably the land law of England. Coke called property law the "marrow of English law" because it determined the relative rights of landholders at a time when property rights still carried governmental powers. But Coke listed fourteen other types of law besides common law, from "*lex coronae*, the law of the crowne," *lex mercatoria* and parliamentary statutes to equity and local customs that were "reasonable."

many treaties are attempts to codify pre-existing customary law.

The idea of "Justice" concerns itself with the proper ordering of things and people within a society.

Reconciling the Reduction of Canada

As I walked this route of unceded Algonquin land I thought about my many ancestors that lived and walked and dreamed and talked....in these very places, in various times, for thousands of years before. And I thought about how now, even though domestic policy has divided us and divergent paths to love and family may have changed our appearances, so many of us walking this walk would be related, and our families would have acted together before, to protect what was precious and sacred to them. I know my family did seven generations before.

And what has it been that brought our ancestors together in action? What did they value? What did they want to set as the standard for future generations? What did they oppose?

I know from studying the documented records and watching the people around me that they valued their freedom. They valued their freedom to live close to the land, raise their families, participate in their own governance, and care for the natural world around them. I know that they considered their lives to be valuable, as expressions of a Creator, and to be purposeful. I know that they valued caring and sharing, and that they considered this to be a part of a broader, higher standard of legitimacy and good living. Why did it have to take me decades of my own life to learn that they were absolutely right and that these positive social values are actually the universal cornerstones of international law and the law of nations?

Why have we, in Canada, been kept so separate, as peoples, from participating in the perfection of law and the implementation of social justice?

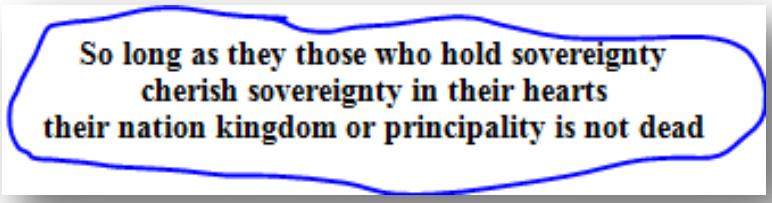
Along this ribbon of river, the life vein of the Algonquin Nation and namesake of the Kichesipirini, my family has been known to survive for thousands of years. For thousands of years we endured the rigors of climate and natural disaster. The laws of nature influenced our human nature, and the positive attributes of our human nature facilitated our generation of cultural law and unique governance styles. Along this same river of ribbon, life vein of the Algonquin Nation and namesake of the Kichesipirini, my family protected, preserved, and perfected a culture and governance style unique and specific to the laws of this land and the laws of nature, expanding and embracing the new and the needy as circumstances directed. When individuals, politically crippled as indentured slaves by their own governments found their way here to this land we continued our honourable traditions of caring and sharing and we adopted them and gave them a unique place as Canadians within the circle.

As founding peoples of the original Canada the Indigenous Peoples of Canada offered a place of refuge and political security from the human rights violations and ecological violence of colonialism to all those seeking larger freedom within the interconnected circles of our diverse eco-region nations. Our history is not perfect, but our history is based on preserving the socially positive rights and intergenerational aspirations of natural persons living within the realities of the natural world as the first priority of the nation, and perfecting those priorities within a respectful and expansive network of like-minded nations and sovereign states.

Because I know my history, because I have traced my history back through the inherent and inalienable rights of natural persons, most definitively exposed through the ancestry of our mothers, I know that Canada was founded both in the principles of law and the practices of natural law by the Indigenous Peoples of this great land. Canada existed as an organic nation across this country long before the statute laws, long before Confederation, long before the claims of the incorporated or patented Dominion. This original Canada emerged organically, as every other natural nation, consistent with Law of Nations. The original nation Canada fell victim to colonial plans for the “Reduction of Canada.” It is now time to reconcile that injury.

Because of colonialism these Indigenous Peoples were subjected to numerous forms of population transfer, assimilations and integrations. They have had other cultures, other economies, and other ways of life imposed on them by legislative, administrative or other measures. They have endured centuries of propaganda. Those population transfers included moving the members of original societies under the administrative control of a colonial entity, through a confusing maze of either through statute generated “status, incorporation in bands, or business enfranchisements.

The Algonquin Nation Treaty process, as Kichesipirini has repeatedly requested, should be an independent and fair pilot project for implementation of the United Nations Declaration of the Rights of Indigenous Peoples for the purposes of reconciling the Law of Nations and the inherent and inalienable rights of natural persons versus any possible lingering claims held by other entities. These requests have been completely ignored.



Is Canada a Sovereign Nation Yet?

A sovereign nation cannot be a satellite, protectorate, or dependent colony, and still be sovereign. And it can't be a ward of another government. This raises again serious questions about the actual sovereignty status of Canada and the need to reconcile our genuine sovereignty traditions with the contemporary claims. International law of nations recognizes that the general conclusion is that the original nations of Canada are in fact still exiting and are still sovereign. There is no automatic extinction of nations. The previous policies and processes used to sabotage their existence and integrity have never been legitimate.

This raises serious questions about the moral capacity of the existing Canadian state to appropriately negotiate Treaties meaningfully with the Indigenous Peoples of Canada. The governments of Canada and Ontario have committed to negotiating a Treaty with the Algonquin Nation, with clear reference to the Algonquin Nation and Algonquin Law.

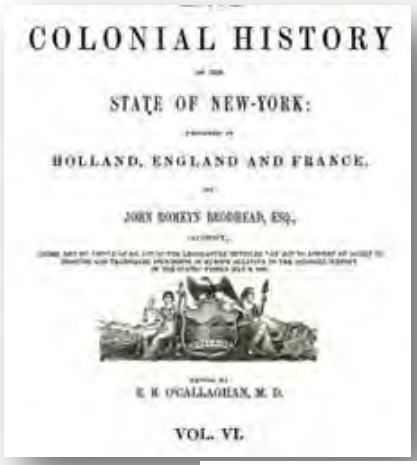
The Algonquins of Ontario Land Claim process is not legitimate for those purposes. In Canada many of the numbered Treaties were imposed through duress and deceit, in many other treaties there has never been proper consultation of beneficiaries, or appropriate follow through. Domestically negotiated claims considered sufficient to warrant the extinction of the original nations are not legitimate, both in purpose and procedure, and have exposed the lack of moral capacity of the existing administration. It has not acted in good faith. From my perspective as Principal Sachem there is an obligation that there be an appropriate process established for the proper recognition of each of the original nations in Canada.

When I walked with Idle No More I walked with people who wanted to preserve their heritage. When I listen to Chief Theresa Spence I hear a woman who is insisting that there be appropriate justice. I hear a strong, loud grassroots movement insisting that the sovereignty rights of the Indigenous Peoples be appropriately recognized and respected. I am reminded that "A nation is much more than an outward form of territory and government. . . . So long as they those who hold sovereignty cherish sovereignty in their hearts their nation kingdom or principality is not dead. It may be prostate and helpless. . It may be suspended, in exile, a mere figment even of reality, derided and discouraged, and yet entitled to every respect. Why? Because we are not dealing with fictions, [these] valiant standard bearers of sovereignty . . . in faith and confidence have, and this is the point . . inalienable, immutable rights." (Sovereignty in Exile, Philip Marshall Brown, The American Journal of International Law, Vol. 35, No. 4 (Oct., 1941), pp. 666-668)

What is meant by "de jure" in a broad legal sense is by right, fitting, fair, legitimate, authentic, real, genuine, lawful and true? There is very little room there for legal fictions. A right is something to which one has a just claim. It is the legal or moral entitlement that belongs to a person by law, nature, or tradition. They are moral, proper and just whether they are respected or not. I have a legitimate claim to insist that the Algonquin Nation Treaty situation be used as an international pilot project.

"The pillars of international law" are congruent and essentially the same as what is known as the "Five Principles of Peaceful Coexistence," that is, the seminal ideas that holds nations together. They are: (1) mutual respect for sovereignty and territorial integrity, (2) mutual non-aggression, (3) non-interference in each other's internal affairs, (4) equality and mutual benefit and (5) peaceful co-existence. Sovereignty is the foundation stone of success among nations. No wonder this principle is considered critically important. It is at the root of peace and well-being in this world. (Georg Schwarzenberger, The Fundamental Principles of International Law, note 282, p. 207)

The Kichesipirini Algonquin First Nation has demonstrated good faith and moral capacity in the many centuries of diplomacy since earliest contact with Europeans representatives. Our history proves that we have upheld the Five Principles of Peaceful Co-existence.


COLONIAL HISTORY

STATE OF NEW-YORK:

HOLLAND, ENGLAND AND FRANCE.

VOL. VI.

Apart from the Algonquins living on the Reserves at Timiskaming, River Desert and Golden Lake, the governments of Canada, Ontario and Quebec, like the colonial governments that proceeded them, consistently treated Algonquin people as squatters on their own land. Up to the present time, the Algonquins have never signed a land treaty, pursuant to the Constitution of Canada

it is an offence to all peoples of the world

QUEEN'S STATE PAPER OFFICE; IN THE OFFICE OF THE PRIVY COUNCIL; IN THE BRITISH MUSEUM; AND IN THE LIBRARY OF THE ARCHBISHOP OF CANTERBURY AT LAMBETH, IN LONDON.

Remember and take notice, that I now desire, you will immediately take up the Hatchet against the French and their Indians, and that with a fixed resolution, to join us against our common Enemy, agreable to the usual Custom of your Ancestors, which will be very agreable to our Father the King, and you may be assured I shall represent your Conduct at this time in its proper light. (Gave a Belt of Wampum)

LONDON DOCUMENTS: XXV—XXXII.

1734—1755.

Brother. You desired to know, who we had most reason to believe were the friends and the Six Nations, the English or the French, and you said we ought not to be long g upon it. By this Belt we acknowledge the Great King of England our Father of our confederate Nations and we put our trust in him. Dont think Brother that we are come thither with a double heart, we are honestly and fairly in Earnest, when we acknowledge our Brotherly affection and attachement to the English, and we hope you will keep it on your side inviolable as we will do on ours.

Major-General Johnson to the Lords of Trade.

extreme predicaments

[New-York Papers, Bundle Ek., No. 64.]

Albany. 21. July 1755

uneasie to me that I should become

The Expedition against Canada a

My Lords,

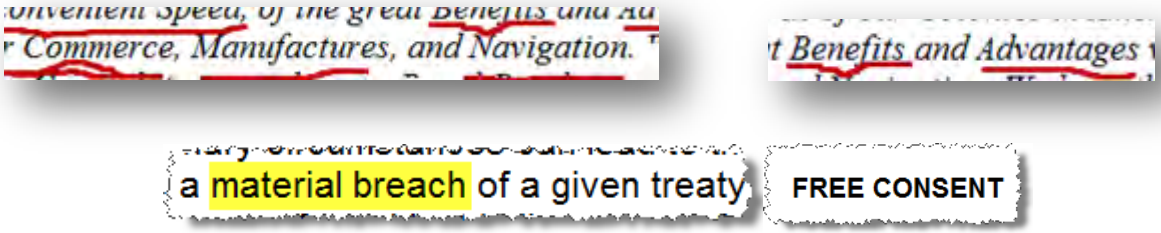
I went to Alexandria in Virginia to wait on His Excell[y] General Braddock. I received in the war, gave them many opport from and signed by him, a Warrant for the sole superintendency and management of the affairs of the Six United Nations of Indians their allies and dependents, also some Instructions

COLONIAL HISTORY

ntinue to exert ourselves with the spirit which seem[s] at present to animate us, should be ccessful, and right measures are pursued with regard to Indian Affairs, I doubt not but the bitious and deep laid schemes of the French, not only with regard to these Indians, but all those various Nations who surround the Dominion of great Brittain in America, will not only be frustrated but receive a mortal wound. True it is, that to obtain this desirable end, a grea

gency in their appeals, an immediacy of need.

The over-riding theme is a sense of loss – loss of land, hunting and fishing rights, loss of self-sufficiency and dignity, loss of nationhood.



As I walked in solidarity with the people on December 21, 2012, I walked in deep thought. I thought deeply about the real history of this place; the route we walked, the Parliament buildings, the place called Canada. I thought about how we, as a people called Canada, had a social history that we knew so little about. It has been a history of commercial conflicts that have trivialized human life and human suffering. I thought about how this event, the vigil of Theresa Spence, and the energy of the grassroots people on the ground, were all so typical of our original Anishnabe values and traditions. We originally existed in community-based networks of people of good intentions that expected their leaders to serve them as social justice advocates.

We knew that societies were social communities and not merely commercial associations. We knew that the first priority of society was the natural persons, dependent on the natural environment for substance. We knew that we recognized these realities as the first foundations of law and diplomacy amongst ourselves, and although there were differences, Anishnabe culture had developed centuries of social and diplomatic capacity and institutions that could preserve and expend these priorities peacefully. As genuine societies we expected social capacities and skills as requirements for a good life. We expected that skilled social advocates would negotiate and navigate our as communities through the crisis and challenges we would choose to face together. Our current presentation and preservation of history currently continues to suppress the history and the culture of the Anishnabe peoples. Canadians have been mislead to believe that there was a clear line of polarization between native people and non-native people, and unfortunately this inaccurate history has become deeply integrated within the psychology and world views of many, many people. This is to be expected if you have been denied access to all information. The Kichesipirini history preserves a history for Canada and the world that this is completely inaccurate. Canada was founded on social innovation that relied on the social skills and diplomatic traditions already in place here, in Algonquin Anishnabe territory and jurisdiction. This value system expanded to become the largest cultural influence in North America, and included vast networks of very diverse peoples all through the continent. We developed these skills and procedures because we also existed within an environment of conflict and tension typical to the human condition long before the arrival of Europeans. The arrival of Europeans, and a particular model of commercial ordering, essentially, just exacerbated the universal and inherent selfish and violent possibilities native to human nature itself. Our genuine history is a valuable part of human family history in its attempt to find better protections against the possible destructiveness inherent within the human constitution.

Our genuine Constitutions as societies first rely on the freely agreed upon positive and fair relationships between us as individuals, and then as freely determined communities.

I walked knowing that around me were the descendents of ancient nations. These nations existed as distinct societies for thousands of years, and amongst them are deep, deep histories, of our own conflicts, alliances, and diplomacies. Some nations assisted in the oppression and reduction of Canada. Some continue to subtly benefit from this relationship, while others have carried a heavy weight of oppression and pain for generations. Although we walked in unison, we also walked aware, amongst ourselves, that if there is to be meaningful and transformative change it will have to begin here, with our own examination and reconciliation of own histories. If there is to be a genuine foundation of genuine security we need to examine our own histories in the context of an inter-nation history of unique nations that can help teach and hopefully prevent the complexities that came with colonization and the commercialized contractions of the rights of natural persons. We need to reconcile more than the mere fiscal economy commercial assertions and irregularities that are still dependent on the on the stunted social psychology that came with colonization. We need deep and honest examinations of the issues and facts that have contributed to the obstructions of the relationships between the original nations and our current administrations.

I am not an academic. I am a grassroots customary leader of a community of natural persons, relying on the customary values and traditions that governed our existence prior to colonial interference. In attempting to challenge the inaccuracies in the academic and official records stating that we were exterminated more than 300 years ago, despite our continued

existence, I looked to the records for an explanation of the erroneous account. My conclusion has been that the records of our history have been revised to protect the interests of certain entities. Current designs of academic intellectual property claims, commercial privatization of our history, and the personal profiteering for those seeking positions and careers as "experts" or community representatives in the possible reformation processes, has been only one bane of our continuing existence.

I am not a lawyer. I do not know the technicalities of the law, but I recognize in my heart that there have been great injustices.

We are cannot simply rely on the documented data records of the colonial administration. In reading many of the manuscripts of those persons in positions of influence that built the foundations and institutions that we still rely upon and I was acutely grieved. These records carry a permanent testimony of the economic and psychological character of a social regime that relied upon severely blunted conscience. It was dependent on a flattened capacity to feel for humanity. The individuals qualified for promotion within this system could comfortably plot the destruction of life and the reduction of genuine nations. These individuals answered to "Lords of Trade' to secure resources for bribes and patents to facilitate theft and deception, in their plans for all convenient speed for the great benefits and advantages which can accrue to their commerce, manufacturing, and navigation. We have been laboring under a particular model of commercial oppression while trying to wrestle political and social rights as natural persons.

They justified their actions through reference to written policies directly derived from an experience influenced by the policies and processes of a regime as grotesquely immoral as the Roman Empire. In the pages of various journal and volumes of records we find accounts of horrific violence and death of individuals reduced to commercial liabilities or points of victory in the ledgers of profit journals, with total absence of regard to social loss and human suffering. While the administrators of such campaigns have gone on to name places after bloody battles or hardened warlords the losses and lamentations of grieving mothers and native communities are left invisible and silent.

I am always particularly sensitive to the missing narrative of our matriarchs. The women of our original nations who invested unselfishly generatively and in the transmission of intergenerational systems of positive social values are left, for the most part, nameless ghosts in this edited version of these chapters of human history. The Anishnabe "Way of the Heart" is strangely left an ethereal phantom, ladened, in the hearts of the caring and compassionate hopes of customary leaders. As both the corporeal and spiritual sources of our social foundations of our original nations and common nationality our native mothers, grandmothers, and sisters are still left incredibly vulnerable to violent offense. Their invisible pains, left voiceless, nameless, and credit-less in this history of war and dominance, swirls above and below as we labour to see genuine fruit of our noblest aspirations for our families, our nations.

When I walked, I saw all around me the children of human resilience and determination. But to simply exist is not enough. We all deserve respect, dignity, and meaningful participation.

I continue to be eminently grateful. I am grateful to all those, through all the layers of generations, woven like beads into the strands of our intergenerational experiences, who have struggled and strived so that we could come to this time and place to consider meaningful processes that can contribute to transformative change. Meaningful processes must meet the requirements for multifaceted justice for our original nations, which can have practical application in the restoration of justice for the social aspirations of the human family.

Chief Theresa Spence, Raymond Robinson and Jean Sock are all demonstrating aspects of our traditional cultures and the customary practices of peaceful diplomacy and serving leadership. They are correct in insisting that the jurisdictional wrangling that has been used against the Indigenous Peoples of Canada must stop. It must be recognized that an appropriate decolonization process must be established. We need a re-establishment of the one bowl-many spoons relationship that can lead to a confederation of nations, and then nation to nation negotiations and reconciliations..

An appropriate decolonization process would require the committed participation the Prime Minister, the Governor General, customary intermediary as representative of Queen Elizabeth II, with appropriate Indigenous Peoples' leadership qualified for nation to nation reconciliations.

I offer this work with my sincerest appreciation and dedication.

"Conscious that all peoples are united by common bonds,
their cultures pieced together in a shared heritage,
and concerned that this delicate mosaic may be shattered at any time".

Rome Statue Preamble

"The land on which this structure stands
is part of the traditional territories of the Algonquin Anishnabe people.
We have occupied these lands since time immemorial.
It is fitting that this symbol should stand here
as a reminder of the suffering of oppressed people everywhere
and of our faith in the wisdom of the Great Spirit
and the promise of Life, Dignity, Freedom, and Equality for all living beings.
We welcome all who come here to share in our hope."

The Canadian Tribute to Human Rights Monument, Ottawa, Ontario

"Implementation of the Declaration
should be regarded as a political, moral and legal imperative without qualification,
within the framework of the human rights objectives of the Charter of the United Nations."

Professor James Anaya, UN Special Rapporteur on the Rights of Indigenous Peoples

It is a privilege to serve you as Queen of Canada to the best of my ability, to play my part in the Canadian identity, to uphold Canadian traditions and heritage, to recognize Canadian excellence and achievement, and to seek to give a sense of continuity in these exciting, ever-changing times in which we are fortunate enough to live.

Queen Elizabeth II
Vancouver, British Columbia
October 2002

Canada's Conditional Sovereignty and Fiduciary Responsibility

Canada's State sovereignty is conditional upon Canada protecting forever Crown obligations to the Aboriginal people. The Crown, as Sovereign, insisted that the Canadian Constitution be (re)patriated upon this condition.

The Canadian State sovereignty is contingent on the State recognizing Aboriginal rights.

The Kichesipirini Algonquin First Nation is in a unique position, having not come under State administration, and having a documented record of influence in the founding of Canada prior to colonial Crown assertions.

The Canadian Constitution recognizes and affirms existing rights, as well as the opportunity to acquire rights, in certain circumstances, through peaceful processes.

The Constitution cannot give new rights but only protect existing rights.

Canada is set on a profoundly unique course since the (re)patriation of the Constitution of 1982.

Since then the Supreme Court has embraced as the lens through which it focuses the "recognition" of Aboriginal and treaty rights in the Constitution:

"...what s. 35(1) does is provide the constitutional framework through which the fact that Aboriginals lived on the land in distinctive societies, with their own practices, traditions and cultures, is acknowledged and reconciled with the sovereignty of the Crown.

The substantive rights which fall within the provision must be defined in light of this purpose:

"…the Aboriginal rights recognized and affirmed by s. 35(1) must be directed towards the reconciliation of the pre-existence of Aboriginal societies with the sovereignty of the Crown."

The understanding of "reconciliation" has also acquired a broader meaning: to "balance radical reforms with a process based on consensus."

Appropriate reconciliation minimally requires:

- joint analysis of the history of the conflict;
- official acknowledgment of the injustice and historic wounds; and
- official acceptance of moral responsibility where due.

The Kichesipirini Algonquin First Nation, as part of the broader Algonquin Anishnabe peoples, has asserted particular Aboriginal rights. The current administration delegated to the Canadian State does not provide it the capacity to respond to Kichesipirini Algonquin First Nation claims directly. These implementation gaps within the domestic policy regime have contributed to negative circumstances for the Kichesipirini community and leadership.

The Kichesipirini asserts that the source of conflict and implementation gaps lie within the failure of the corporate sole to reconcile the unique natural aw jurisdiction held by the Indigenous Peoples of Canada.

protection, even at the international level. A Constitution is a legal text. It is carefully composed, with the words and ordering holding special nuance and meaning, not often explained fully to us. In a legal context the statement "recognized" means to acknowledge legal merit or legitimacy, and to affirm means to "protect", to keep secure.

As Queen Elizabeth II reminded us in 1973:

"The Crown is an idea more than a person and I want the Crown in Canada to represent everything that is best and most-admired in the Canadian ideal. I will continue to do my best to make it so during my lifetime, and I hope you will all continue to give me your help in this task."

The Kichesipirini Algonquin First Nation interprets the Canadian ideal as the aspiration for full Canadian Sovereignty. This can only be accomplished through the reconciliation of the Crown – Indigenous Peoples relationship. This Canadian ideal cannot be fully comprehended or appreciated without our access to our history. This has unique requirements in the specific Kichesipirini circumstance.

When an Aboriginal community has been removed from the record pages an essential element of our history is missing.

The 1982 Constitution Act included section 25 of the Canadian Charter of Rights and Freedoms, which stipulated that:

"...guarantees in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including a) any rights or freedoms recognized by the Royal Proclamation of October 7, 1763 and b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired."

The Charter is also progressive. It recognizes that the Aboriginal peoples may be still in the process of acquiring rights and freedoms, even beyond the confines of domestic policy land claims. The Charter protects the rights of Aboriginal peoples, as being Aboriginal social and political collectives.

The Charter, potentially, protects the rights of the Indigenous Peoples of Canada and ensures that the United Nations Declaration on the Rights of Indigenous Peoples is fully compatible with the highest law of Canada.

The Constitution of Canada upholds the Rule of Law.

The Kichesipirini Algonquin First Nation, as an Aboriginal community with a proven history and documented record, a history of exercising territorial jurisdiction, organized political structure, democracy, and external relations, and having not come under domestic policy or incorporation, is an Indigenous Peoples of Canada.

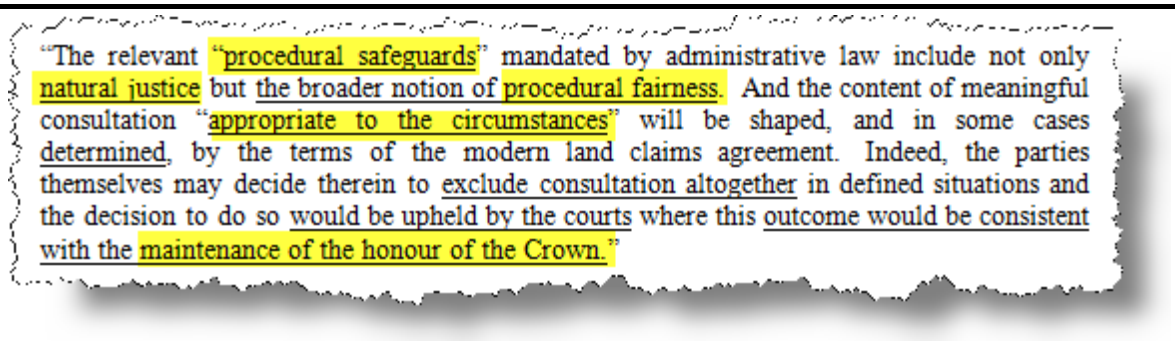
The Kichesipirini Algonquin First Nation historical record demonstrates a commitment to the Rule of Law and the Law of Nations.

Queen Elizabeth II clearly and courageously reaffirmed her commitment to these principles when she stated:

" The Crown represents the basic political ideals which all Canadians share. It stands for the idea that individual people matter more than theories; that we are all subject to the rule of law. These ideals are guaranteed by a common loyalty, through the Sovereign, to community and country."

The Kichesipirini has asserted right to Aboriginal Title and Jurisdiction. We have asserted this domestically and internationally. We have asserted that our understanding of our refusing to relinquish our Aboriginal Title and Jurisdiction is in the best interests of Canada and is consistent with increased progressive Canadian national development.

We consider this to be an essential characteristic of the continued modern purpose and context of genuine reconciliation.


"The relevant "procedural safeguards" mandated by administrative law include not only natural justice but the broader notion of procedural fairness. And the content of meaningful consultation "appropriate to the circumstances" will be shaped, and in some cases determined, by the terms of the modern land claims agreement. Indeed, the parties themselves may decide therein to exclude consultation altogether in defined situations and the decision to do so would be upheld by the courts where this outcome would be consistent with the maintenance of the honour of the Crown."

A governing question is "whether the [Aboriginal] practice corresponds to the core concepts of the legal right claimed."

Absolute congruity is not required, so long as the Aboriginal practices engage the core idea of the modern right.

In other words, the pre-sovereignty practices must correspond "in some broad way to the modern right claimed." (emphasis added)

The interpretation of legal right must not be confined to those policies set up by domestic policy, but must be defined instead by the larger characteristics in accordance to the Rule of Law.

The courts have determined that:

"[t]o determine aboriginal entitlement, one looks to aboriginal practices rather than imposing a European template".

The important areas of Aboriginal practices that the law must consider are those areas that are part of the Aboriginal society's traditional way of life**.** This extends much further than traditional sustenance practices. In the Kichesipirini – Canadian traditional way of life this would include social, political, economic, and treaty practices. These practices must include the core concepts as interpreted within modern concepts of law.

This would now include the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

The Declaration acknowledges that:

"that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration".

It is further concerned that:

"indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests".

The Declaration, as expressed by the international community recognizes:

"the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources."

Accurate preservation of Aboriginal culture and the ability to access the information have important parts to play in the area of protecting the rights of Indigenous Peoples and the traditions and heritage of Canada.

As Queen Elizabeth II has so accurately reminded us in 2002:

"It is a privilege to serve you as Queen of Canada to the best of my ability, to play my part in the Canadian identity, to uphold Canadian traditions and heritage, to recognize Canadian excellence and achievement, and to seek to give a sense of continuity in these exciting, ever-changing times in which we are fortunate enough to live."

Canadian domestic policy erodes our genuine heritage. Currently, Canadian domestic policy relies on narrow interpretations of the rights of Aboriginal persons based on colonial definitions and administration. This includes consultation processes.

The Kichesipirini Algonquin First Nation has asserted rights to Title and Jurisdiction. The Kichesipirini bases those assertions on the Rule of Law and the inherent and inalienable rights of the natural descendants of the Kichesipirini – Canadian community. These rights are based on the corporeal rights of natural persons in accordance to the natural law, as well as the humanitarian principles of traditional customary law, Algonquin law, and international law.

In 1994, the World Heritage Committee launched the Global Strategy for a Representative, Balanced and Credible World Heritage List**.** Its aim is to ensure that the List reflects the world's cultural and natural diversity of outstanding universal value.

"Heritage is our legacy from the past, what we live with today, and what we pass on to future generations. Our cultural and natural heritage are both irreplaceable sources of life and inspiration."

Protecting and preserving our heritage with integrity is extremely important.

The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972, at its seventeenth session recognized this and so established:

- That the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction,
- That deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,
- That protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific, and technological resources of the country where the property to be protected is situated,
- That parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole,
- Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an efficient complement thereto.

The Kichesipirini Algonquin First Nation is an important part of Canadian tradition and heritage.

What is this claim and the negotiations all about?

The Algonquins of Ontario ("Algonquins") have Aboriginal rights and title to lands within the Ottawa River and Mattawa River watersheds in Ontario – rights and title which have never been surrendered. The Algonquin Nation has owned, used and occupied the Algonquin Territory since long before the first European contact. That occupation – historically recognized by the Crown – gives rise both in common law and Algonquin law to ownership in the form of aboriginal title, as well as particular aboriginal rights. It also gives rise to human rights as described by international law.

Recognized Need to Advance Legal, Administrative and Programmatic Reforms

It is our understanding that the Human Rights Council has directed the Special Rapporteur James Anaya on the situation of human rights and fundamental freedoms of indigenous people to "identify…and promote best practices." In this regard the Special Rapporteur has focused on working to advance legal, administrative, and programmatic reforms at the domestic level to implement the standards of the United Nations Declaration on the Rights of Indigenous Peoples and other relevant international instruments.

We note that the Special Rapporteur, as a good example, has cited the efforts of Canada to ensure the participation of indigenous peoples in development. (A/HRC/EMRIP/2010/3, Human Rights Council Expert Mechanism on the Rights of Indigenous Peoples, Third session, 12–16 July 2010, Contribution to the study on indigenous peoples and the right to participate in decision-making)

Positive progression has improved to include Aboriginal groups in decision making processes and in some instances it has increased access to the benefits being derived from economic development initiatives. We applaud those improvements. But it must be further acknowledged that with the promotion of this type of development and its associated benefit scheme we are continuing a process that fails to meet the progressive purposes of the relevant parts of the Canadian Constitution.

Reliance exclusively on the existing models cannot effectively reconcile the relationship between the sovereignty assertions of the Crown and Indigenous Peoples.

We would agree with the Special Rapporteur's observations that the implementation of the international instruments protecting the right to prior consultation lacks effectiveness, and that the domestic norms that regulate consultations with indigenous peoples are not adequate, (E/CN.4/2003/90/Add.2, A/HRC/4/32/Add.2 and Add.3, A/HRC/12/34/Add 2, Add.3, Add.4, Add 5 and Add.8).

This is particularly accurate for Indigenous Peoples in Canada wishing to preserve traditional and customary governance.

Despite the fact that the Kichesipirini Algonquin First Nation, like all Indigenous Peoples of Canada, are an important part of Canadian tradition and heritage.

The Kichesipirini is an "unrecognized" Indigenous Peoples of Canada. The Kichesipirini Algonquin First Nation have refused to leave their traditional territory and have not come under other administration Although being the descendents of a well recorded historical Indigenous Peoples still determined to preserved their original identity, they are left then, according to domestic policy, to no longer exist. As a result of these State imposed regulations unrecognized Indigenous Peoples are particularly vulnerable to the irregularities in existing consultation processes. If they agree to comply they are then considered to have acquiesced the very rights that they are attempting to preserve. By agreeing to participate in existing domestic processes, because of impositions and limitations in those processes, we are automatically considered to acquiesce certain rights, or are perceived as giving tacit consent if we do not openly oppose encroachments. This becomes especially important regarding customary Title and Jurisdiction in unceded territory. There exists no mechanisms that ensures that there is free, prior and informed consent provided in meaningful ways for the people concerned regarding potential international rights that may be affected, or how preserving customary rights can be advantageous in certain circumstances.

The Algonquin Nation has not ceded Title or Jurisdiction through Treaty or any other legal means.

The Kichesipirini Algonquin First Nation is the traditional central government of the Algonquin Nation. The Kichesipirini Algonquin First Nation has not come under the domestic administration of the Indian Act or settled to reserve. Our rights under public international law are existing. The Kichesipirini Algonquin First Nation, and other members of the Algonquin Nation, have clearly demonstrated that they wish to be consulted regarding their rights in ways that will not compromise traditional governance, customary law, or international rights.

There currently exists no appropriate mechanisms at the domestic or international level for us to do so.

The Kichesipirini Algonquin First Nation, as a community wishing to preserve traditional governance models and community identity are denied all access to appropriate programmes, including relevant health care.

We have no access to appropriate education or the ability to challenge the inaccuracies about Canadian history that has wrongly presented the Kichesipirini Algonquin First Nation as ceasing to exist. The Kichesipirini Algonquin First Nation believes that it is imperative that Canadian history and our Aboriginal heritage be accurately documented and preserved, and such a process would ensure that our continued existence and culture is captured accurately within the mainstream education processes.

The Kichesipirini Algonquin First Nation has also asserted that there can be no legitimate land claim negotiations process if there has not been first an appropriate examination of the historical record. That examination must be open and transparent and be equally accessible to all Canadians.

The Kichesipirini Algonquin First Nation has also repeatedly asserted that any such examination must be contextual, and that any appropriate contextual examination of the record must include a comprehensive examination of our history of a colonial type and how that may be still affecting the "recognition" status of Aboriginal persons and Indigenous Peoples of Canada.

Without appropriate mechanisms for legal, administrative or programme reform "unrecognized" or unincorporated . Indigenous Peoples such as the Kichesipirini, which represent an important part of genuine intangible world heritage, are left as vulnerable populations, and the integrity of the intangible social heritage of the human family is negatively affected.

Although certain rights are "recognized" and "affirmed" through sole reliance on domestic processes and programmes the actual integrity of customary Indigenous Peoples and concepts of sovereignty are negatively affected. Such vulnerable populations need an appropriate alternative. The genuine character of inherent sovereignty and Monarchy are contigent on the normative values relied upon regarding the protection of vulnerable populations.

Kichesipirini assertions regarding Title and Jurisdiction corresponds to the <u>core concepts</u> of the legal right claimed as part of the traditional way of life of the Kichesipirini as a particular aspect of the broader traditional Algonquin Nation. The Kichesipirini assertions that the Algonquin situation requires an international intervention. The Kichesipirini Algonquin First Nation is qualified, through a documented record of customary law of nations, to participate in such an initiative. (emphasis added)

Since the pre-sovereignty practices must correspond "<u>in some broad way</u> to the modern right claimed" the Kichesipirini Algonquin First Nation is also qualified to recommend that there can be no alternative. Participation in the Great Peace of 1701 demonstrates the right of the Kichesipirini Algonquin First Nation to participate in innovative international institutional developments based on principles of Aboriginal Anishnabe law, diplomacy, and morality. (emphasis added)

The interpretation of legal right must not be confined to those policies set up by domestic policy, but must be defined instead by the larger characteristics in accordance to the Rule of Law. Any implementation of any programme to establish the effective implementation of the right must avoid administrative unfairness.

<u>The Kichesipirini, as an "unrecognized" Indigenous Peoples by the State, even though they are a documented part of Canadian tradition and heritage, have absolutely no access to appropriate legal or judicial resources, and are therefore denied any avenues for effective consultation or remedy within the domestic system.</u>

Reliance on Domestic Norms and Administrative Law Principles is Not Adequate

Reliance on domestic norms, and consultation processes are not adequate. Regarding the Algonquin situation these concerns have not only been expressed by the Kichesipirini Algonquin First Nation, or other Algonquin groups, there have also been concerns expressed by various other non-aboriginal groups as well. Concerns expressed by representatives of municipal organizations within the unceded Algonquin territory in Ontario clearly demonstrate that they have not been adequately informed or prepared to address the actual legal issues associated with this claim, particularly Kichesipirini assertions.

Some of the areas of concern expressed by municipal leaders are:

- Concerns Related to Land Selection
- Concerns Related to Governance
- Concerns Related to Finality
- Concerns Related to Public Openness

The document further expresses concerns that neither the advisory committees nor the general public have been fully consulted on, informed of, Provincial, Federal, or potential Kichesipirini policy directions on:

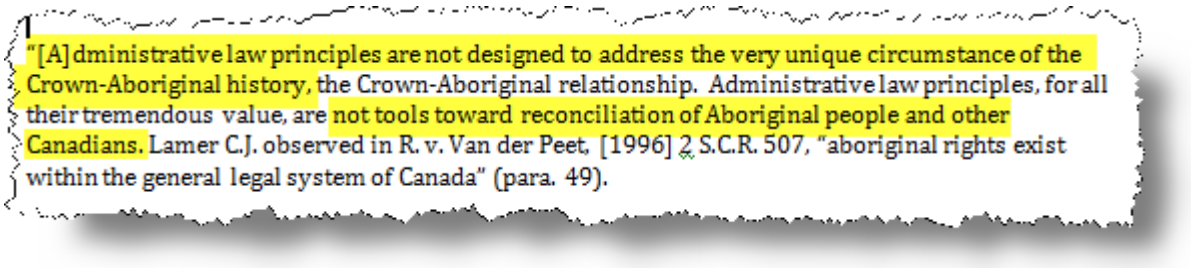
- ownership status or management of transferred Crown land
-
- public access to transferred Crown lands
- management of resources in Algonquin Park
- management of resources on transferred lands
- municipal service requirements for transferred lands
- governance issues for transferred lands

The municipal leaders have expressed these concerns to the Ontario Minister of Aboriginal Affairs. These concerns demonstrate further why the Kichesipirini cannot participate in the existing process. Contrary to the direction given by the Supreme Court of Canada the existing process is attempting to reconcile Aboriginal assertions as though they were commercial contracts. The process has failed to adequately inform all persons affected, and particularly those in key administrative positions, raising questions of potential liability.

The municipal representatives are still attempting to rely upon administrative processes, and clearly do not have an understanding of the broader issues concerning unceded Algonquin territory and the Rule of Law. There seems to be a lack of awareness of the higher legal obligations associated with the claim and the Kichesipirini assertions regarding international law.

It would seem that there has been a lack of good faith relations between those groups at the table and the broader communities affected by the Algonquin claim. The Kichesipirini Algonquin First Nation continues to assert that the existing process cannot meet the legal requirements of the circumstance, that the process is wasting value public money and time on a process that cannot reconcile the issues, and that the Canadian public deserves an open, transparent, and genuinely accountable process. A genuinely accountable process means that it is accountable to the Rule of Law and not merely reliant on good administrative practices. The current process is grossly discriminatory, has not made all of the facts available, and repeatedly fails to adequately inform the public.

The Kichesipirini have no interest in transferring land. The Kichesipirini are only interested in reconciling the colonial Crown-Kichesipirini Algonquin-Canadian Crown relationship in a constructive manner so that the underlying title to land brings increased security for all Canadians. The existing process is not adequate to meet the moral and legal requirements.



Like many other Canadians, the group representing municipalities are still under the impression that the Algonquins of Ontario Land Claim can resolve the issue of underlying Algonquin title; which we know it cannot. Municipal representatives are also misled to believe that there has not been an expression for self-governance made by any other community than that of Pikwàkanagàn. This is not true. The Kichesipirini claim is clearly an expression of continued interest in self-government, and these interests hold validity regarding title to the land whereas the Pikwàkanagàn claim does not.

Provincial land claim documents published by the Ontario negotiating team acknowledge that:

"after many years of preliminary discussions to set the stage, the three parties have now agreed to try to reach an Agreement-in-Principle to settle the Algonquin land claim in 2011."

But this process cannot settle the claims to title and jurisdiction.

Besides the blatant irregularities in the design and implementation of the process, it cannot meet the insinuated goals.

Neither can it proffer any opportunity for real or constructive change that might offer innovative economic development, revenue generation, nor other forms of genuine community stimulus.

The existing process is merely an extension of domestic policy municipal-styled administration and commercial contract economic planning and can do nothing to resolve the larger underlying issues. What is most unfortunate is that millions of tax dollars and significant hours of individuals' time is being wasted in a process that has absolutely no legitimacy. There is absolutely no attempt to identify or reconcile the larger issues, or soundly reference the circumstances to higher law, human rights, international law, or the Constitution. No one is exercising free, prior, and informed consent.

"[A]dministrative law principles are not designed to address the very unique circumstance of the Crown-Aboriginal history, the Crown-Aboriginal relationship. Administrative law principles, for all their tremendous value, are not tools toward reconciliation of Aboriginal people and other Canadians.

The existing process cannot meet the unique claims of the Kichesipirini Algonquin First Nation. Kichesipirini Algonquin First nation claims are beyond the jurisdiction scope of the municipalities, the province, the federal government, or contemporary aboriginal groups.

It must be remembered:

In all cases, the honour of the Crown requires that the Crown act with good faith to provide meaningful consultation appropriate to the circumstances. In discharging this duty, regard may be had to the procedural safeguards of natural justice mandated by administrative law.

Reliance on domestic processes or processes involving domesticated aboriginal groups cannot provide adequate reconciliation to the assertions of the Kichesipirini Algonquin First Nation. Continued reliance on these processes abrogates and derogates our inherent rights.

Canada has endorsed the UNDRIP and the United Nations Convention on the Rights of the Child which clearly protect the rights of Indigenous Peoples. Kichesipirini has asserted that Canada must respond to Kichesipirini claims of interest and that the UNDRIP be implemented in an Algonquin pilot project.

Kichesipirini Consultations With Concerned Algonquins

"In their final report in 1845 the commission rejected any proposal for Indian settlement in the townships on the Ottawa River or on Allumette Island. They recommended that the Algonquins and Nipissings settle on Manitoulin Island or "some other Settlement of Indians in the Upper Province where they could receive the benefits of the constitutions and arrangements of promoting the Civilization of their Brethren at minimal cost to the Government. In response to the Algonquin and Nipissing request for a tract of land, Lord Elgin replied that he "was not disposed to sanction the formation of new Indian settlements in any part of the province [of Canada], since a refuge was provided on Manitoulin Island for all Indian people, including the Algonquins and Nipissings."

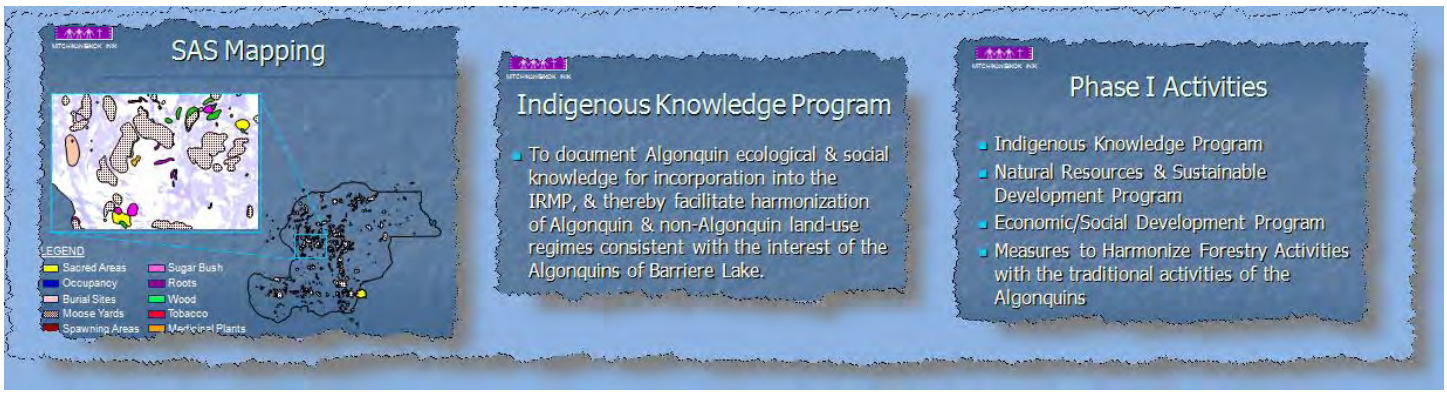
From Across the Algonquin Nation

The Algonquins seem to have been long ignored by the administrative authorities. In accordance to Algonquin custom, as representative of the Kichesipirini Algonquin First Nation, I began informal consultations with members of the broader Algonquin Nation almost a decade ago. I have been asked to carry their concerns.

The Algonquins of Pikwakanagan

These are some of the concerns expressed by the grassroots Algonquins of Pikwakanagan:

- That they believe that the Algonquin Nation is one nation, and they fear land claim negotiations are compromising their inherent rights.
- Members of the Algonquins of Pikwakanagan have directly communicated with me that they too wish to see traditional and customary governance maintained,
- They had not been informed by those representing them at land claim negotiations of the UNDRIP, or given any reference materials about it.
- They had not been informed about Canada's endorsement of the United Nations Convention on the Rights of the Child and how that could affect their rights and responsibilities as parents or the rights of their children. The needs of community children are not being made a priority,
- Well-being and safety of women,
- Women of the community did not feel that their interests or concerns were being adequately addressed,
- Elders felt that they did not have adequate information about traditional governance, community history, customary adoption, or international law to be making informed decisions. Yet they were often being asked to pass "policies" for the negotiations.
- Grandmothers expressed concern about the future of their youth and the concern about being able to preserve the culture. Many were now also raising their grandchildren and were very concerned about many negative influences coming into the community.
- There needs to be more activities that will keep the youth interested in their culture. The youth are the future and they are isolated from what is happening around the world.
- The Algonquins of Pikwakanagan had never ever been informed about "free, prior, or informed consent".
- They were never made aware by their leaders that the Kichesipirini were involved in international efforts.
- They want a more open and transparent process where they are better prepared and can participate more directly in what is happening.
- They feel that they are isolated from much of the rest of the Algonquin Nation and that the divisions caused by the Indian Act are still dividing the natin and its ability to come up with strategies that can help the nation.
- They are very interested in preserving their hunting, fishing and harvesting traditions and their attachment to Algonquin Park.



Barriere Lake and Tri-party Agreement, International Environmental and Social Standards, Traditional Governance, Proper Consultations, New Education Initiatives

Members of the grassroots Mitchikanibikok Inik community, also known as Barriere Lake, have had a very difficult and troubling experience. They completed a world-class environmental and social development plan regarding their traditional territory and traditional lifestyle but the program has not been implemented. Despite the plan gaining great international reviews the jurisdictional wrangling has ensured that there has been serious encroachments into the Algonquin territory and severe harassments of those communities and individuals attempting to preserve legitimacy. The situation is of such serious circumstances that there should be an international human rights intervention.

The Canadian public is not adequately informed about the full implications of the situation.

The situation proves the need for independent media for the Algonquin people as just one aspect of our need for institutional development.

Over the years members of the Barriere Lake community have raised many concerns with me. I am truly amazed by the resilience and strength of spirit of this community. Their commitment against such adversity is an example of quiet strength that is encouraged by the Algonquin culture. It is one of my greatest hopes that their efforts have not been in vain and that their courage and perseverance will be rewarded in the very near future.

Some of the concerns expressed to me included a strong interest in accessing international assistance while maintaining traditional governance, and were particularly interested in:

- Ensuring that their Trilateral Agreement was upheld,
- The protection of customary law and traditional governance is upheld,
- Assistance in their ability to resist increasing commercial encroachments within their territory prior to implementation of the trilateral Agreement,
- Integrative education processes with flexible schedules so that they could maintain their traditional lifestyles with their families and teach these to their children,
- Equal and appropriate participation for all Algonquin beneficiaries in any Treaty negotiations,
- Well-being and safety of women,
- Indigenous women of the community are also very concerned about their effective lack of appropriate participation in processes and wish to have processes that empower the women of that community to meet regularly with other concerned women from other communities,
- Grandmothers are very concerned about many issues affecting their families and want to be more involved,
- Grandmothers and Elders want the spiritual traditions and ceremonies integrated into the processes,
- Men and women in the community want their traditional skills valued,
- They want the process to be something that can have a positive influence on the world community.
- They want their health and the health of the environment protected.
- They want a new way of settling differences that is not dependent on the existing court processes.
- They want to see the Algonquin Nation able to work together rather than be divided by the current systems.

Members from the grassroots Kitigan Sibi and other communities expressed concerns about;

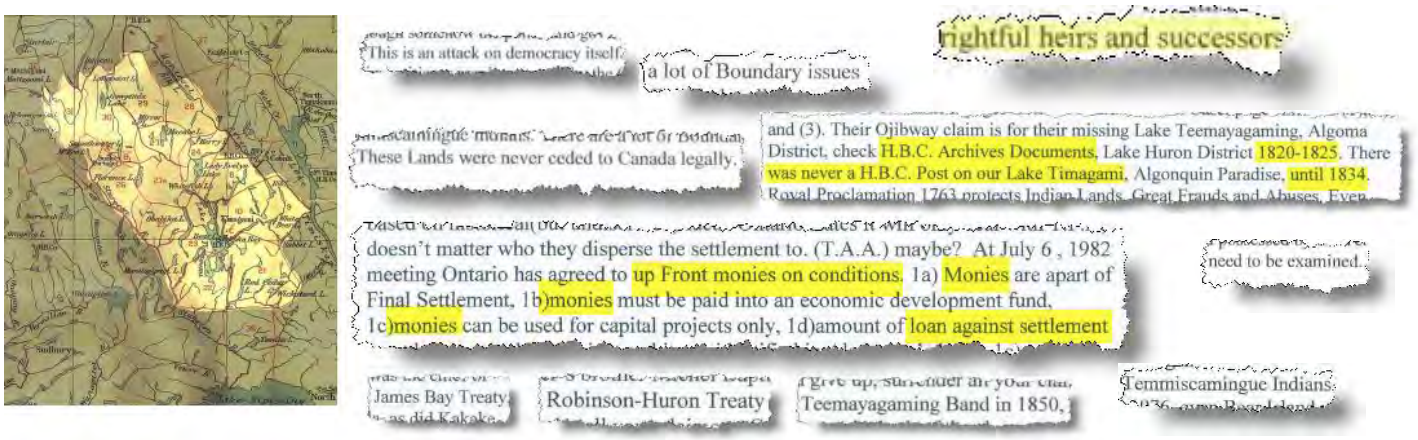
- Preserving Algonquin Nation at the international level,
- Preserving cultural artefacts and sacred sites,
- Education and employment opportunities that are reflective of their culture,
- Preserving family relationships,
- Concerns about the environment.

I met with many Algonquin persons currently living in Ottawa. They had particular concerns as well.

- They would like to see a specific Kichesipirini presence in Ottawa,
- They would like to see a much stronger Algonquin presence,
- They would like to see more mention of the Algonquin situation,
- Why is there so much secrecy surrounding the land claim?
- Why is there so much secrecy surrounding who is Algonquin descendents?
- There seems to be funding in Ottawa for "urban" natives that do not have an attachment to the territory, but there is little formal recognition for Algonquin people living in Ottawa which is Algonquin territory,
- Algonquins in Ottawa would like to see more formal education that is Algonquin designed and focused,
- Why is there not employment opportunities for Algonquin Elders and traditional people in Ottawa, which is Algonquin territory,
- Why do we have to come under the teachings of other Elders from other places here in Ottawa,
- We would like our own Algonquin facilities in Ottawa for meetings and gatherings and for when family come to visit.
- The negotiations table does not represent us. There is no voice for the many Algonquins in Ottawa that do not want to negotiate away title to land. Many of us want our traditional government maintained.
- We do not believe that the people at the negotiations table are qualified to give advise on the many complex issues in the Ottawa area.
- We would like to see some outside intervention regarding potential corruptions and development.
- Many Algonquins have come to Ottawa for post secondary education purposes. We will most likely be looking for employment here when we are done. We would like to use our education to serve our communities and people in ways other than work for INAC or other parts of the "System". We would like an alternative Algonquin government that will allow us to have more meaningful employment.

I also met with many "unregistered" "non-status" individuals of Algonquin descent from many of the other communities involved in the Algonquins of Ontario Land Claim process. They raised a number of concerns. These include:

- Distrust of the process,
- Fear that they will be discriminated against because they are not registered under the Indian Act,
- Do not feel adequately informed or prepared about the process or what their actual rights are,
- Have not been informed about the UNDRIP or how it could relate to them,
- Concerned about their children's futures; especially about education and ability to access education about their culture and history,
- Wanting to know their history apart from the land claim politics but not sure if it will ever be accurately preserved for them,
- Wanting to be able to continue to exercise harvesting rights,
- Concerns about the environment and their health.
- Proposed development on the Petawawa River,
- Concerns about logging in Algonquin Park.



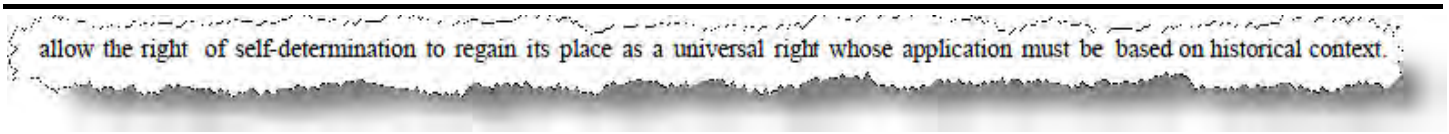
Algonquins of the Temiscaming Region

Members of the grassroots Temiscaming area Algonquin Anishnabe community have expressed numerous concerns about the domestic processes that they have been subjected to.

This community has also endured a troubled past, but have also managed to achieve great accomplishments.

In 1973 Temagami members register a land claim, and an important river in the territory receives waterway park status, and some protection from increasing encroachment into that area. The claim raised similar questions about beneficiary criteria and community divisions as seems typical of all claims furthered by reliance on domestic policy. The community was also actively involved in environmental issues concerning clear cut forestry and managed to bring together enough supporters to protect some of the "province's" last remaining old-growth pine forests. The local native community gained some successes with the formation of the Temagami Anishnabai "Stewardship Treaty" but it lacked jurisdictional permanency and still failed to adequately recognize potential Anishnabe rights. After numerous disappointments the community had managed to establish the "Wendabun Stewardship Authority", which gives some avenue for consultation, but all existing processes are fraught with complications and internal questions regarding legitimacy and possible interpretations of acquiesce. Their concerns are very similar to those expressed by all other Algonquin groups and they have also expressed their interests in being included in an appropriate Algonquin Treaty process. In communications with Algonquins and other related Anishnabe in the Lake Nipissing, Sudbury, North Bay, Manitoulin Island, and Temiscaming area there was great consistency in the documented and strongly voiced concerns about;

- Corruptions in the land claim process that they had been party to,
- Issues regarding land title,
- Imposed boundaries and boundary issues,
- Falsification or loss of records,
- Lack of opportunity to present evidence and research,
- Imposed identities,
- Failure to include all persons fairly,
- Failure to recognize customary leadership and governance,
- Failure to resolve inconsistencies still felt regarding the Robinson-Huron treaty,
- Failure to appropriately research their connection with the Algonquin Nation,
- Lack of research about their actual history and relationship to the Algonquin Nation,
- Concerns about how Indian Act has divided families.
- Over-emphasis about money and economic development,
- Irregularities about the administration of monies,
- Conflicts of interests,
- Over reliance on Hudson Bay Company records of events and possible discrimination,
- Issues taken out of court for negotiations but no place to present historical records then,
- Difficulty in accessing own historical records.

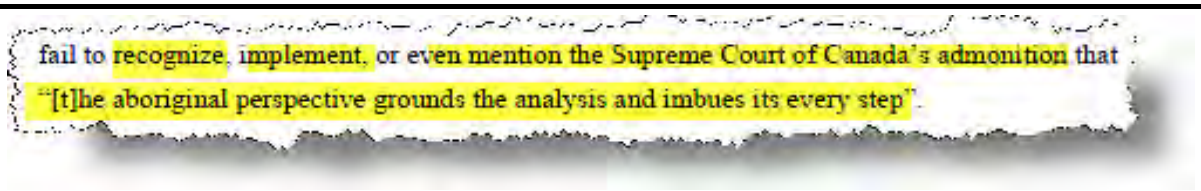


Of course, the community that I am most familiar with is that of the Kichesipirini Algonquin First Nation. I am in regular contact with numerous community members. I am reminded often of the community's hopes and concerns.
The number one priority for the Kichesipirini members is that there be a fair international process that will examine all their concerns and document the whole history, and then provide real environmental and health protections for everyone.

Many of the concerns expressed remain primarily local such as:

- Integrity of the Ottawa River,
- Concerns about the increased subdivisions and urban development without any consultations regarding our views about sustainable planning,
- Concerns about displaced wildlife and other environmental impacts resulting from recent developments,
- Concerned about the proposed development on the Petawawa River.
- Well-being and safety of women,
- Individuals also expressed concerns about incidents of very serious racial harassments, losses of employment because of such incidents, and lack of appropriate redress or remedy concerning these serious concerns.
- Some community members have experienced incidents of racism that could have resulted in loss of life, and did result in severe duress and loss of employment,
- Victims of harassments that are not recognized by the Indian Act do not have access to the same resources or protections as registered Algonquins. There are legal gaps for those choosing to maintain Kichesipirini identity.
- Many people expressed great concern about their continued criminalization for exercising harvesting rights because of maintaining a Kichesipirini identity. This anxiety causes great stress.
- Others were very concerned about the many divisions placed between the people, most especially the provincial boundaries and the divisions caused by the Indian Act.
- Many individuals expressed concerns about the inability to access holistic information about their ancestral and cultural heritage and have control to make certain it is accurately preserved. The only means for accessing their culture meant joining formal organizations controlled by Indian Act bands, far removed from the area, and who gained monies for controlling the heritage. There was also concern expressed about the integrity of the preservation of cultural heritage because of discriminations inherent within the domestic system.
- Many individuals, aboriginal and non-aboriginal expressed valid concerns about the loss or compromise of particular heritage and archaeological sites and information because of flaws within the domestic administration.
- Very concerned about the lack of respect regarding many native gravesites.
- Very concerned that they have not been taught their own history in the school system that includes the specific history of the Kichesipirini, and would like local access to learn the language and culture instead of on reserves.
- Concerned about discriminations throughout the entire process and that there will never be international recognition and the only opportunities will come with the current land claim which means they have to assume a different identity ,very distrustful of existing systems,
- Wanting more regular meetings, a secure place to hold meetings, secure place to hold records and documents, and security for community and leaders, institutional and capacity development supports.
- Very concerned about a sustainable future and wanting the institutional capacity to ensure a sustainable future, develop the resources to support the institutional changes, and develop educational and employment opportunities to meet our unique aspirations. The Kichesipirini do not want to expand on the existing system. They would like to preserve customary governance as a foundation to develop innovation solutions that have a positive international impact that can be integrated into existing systems where possible.

The Kichesipirini Algonquin First Nation strongly believe that it is only through the preservation of Algonquin Aboriginal Title and a fair and open system that there can be greater certainty for Canadians regarding their natural environment and institutional integrity. The Kichesipirini Algonquin First Nation believe that Kichesipirini Algonquin First Nation situation offers a unique situation for the implementation of the United Nations Declaration on the Rights of Indigenous Peoples. The appropriate application of the UNDRIP preserves natural law for natural persons as the priori jurisdiction.



Kichesipirini Algonquins situation and implementation of UNDRIP offers unique opportunity for identifying universal root causes of conflicts.

The Kichesipirini Algonquin First Nation is particularly interested in the situation of "unrecognized" and unincorporated Indigenous Peoples and Related Peace and Conflict Studies. This interest is shared with many Anishnabe individuals as an important aspect of our traditional heritage. The Kichesipirini and members of numerous other Anishnabe communities have identified certain particulars about our shared historical experience that when ignored contribute to circumstances that further conflict and competition.

- The people have been removed from their genuine heritage and identities.
- The people have been denied access to their own historical records.
- The people have been divided from their previous relationships, historical supports and kinship groups.
- The people have been removed from a holistic understanding of their culture and relationships to the natural structures of community and land.
- The people have denied their ability to have access to their own economic records and continued unique economic systems.

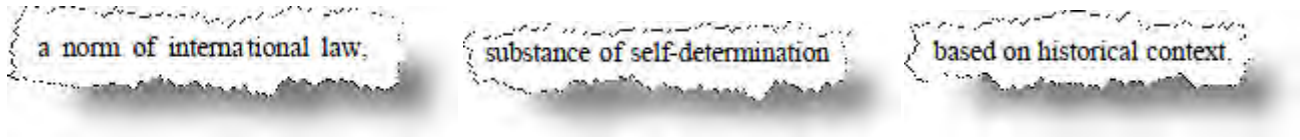
In visiting numerous communities of persons of Kichesipirini descent outside the formal Algonquin territory there is a strong concern expressed regarding their ability to be included in any developing processes. At numerous meetings involving Algonquins from several communities it was repeatedly agreed that the Kichesipirini Algonquin First Nation should continue on in our work with asserting that there be appropriate recognition of the full rights of the Algonquin Nation and that we examine numerous options available to us concerning Treaty negotiations and international relations. We should place a special emphasis on identifying how failure to adequately address the concerns and rights of Indigenous Peoples. There should also be special emphasis on establishing processes that bring clarity to identifying Indigenous Peoples in various contexts in accordance to the Rule of Law.

There is also tremendous interests among many Anishnabe peoples in wanting to rely on the traditional citizenship criteria removed from the limits of the Indian Act and other domestic incorporation processes, preferring to re-affirm our many ancient relationships and traditions of sharing. There is a strong desire for open and accessible examinations of all genealogies for the facilitation of such processes. The Kichesipirini is also interested in identifying potential beneficiaries who may not be recognized in areas of known historical importance and previous areas of refuge and villages. The Kichesipirini would like to see these places recognized as sites of historical significance and that appropriate heritage and economic initiatives be established there. Failure to adequately include all potential beneficiaries in accordance to law, and adequately acknowledge their historical commitments can lead to discrimination and potential conflict. In all communities Grandmothers expressed a request that there be established a Grandmother's Council made up of representatives from all interested Algonquin and related Anishnabe communities.

Individuals from all communities expressed frustration regarding the lack of accountability and legitimacy of the procedures and processes available to them. The Kichesipirini would like to ensure the highest degree of accountability and would like to access outside international expertise in accountability and institutional development.

Members of all communities, and people from the area at large, were in agreement with the assertions of the Kichesipirini that the Algonquin claim be used as an international pilot project on the implementation of the UNDRIP and the recognition of customary international law and traditional governance.

The Kichesipirini community continues in their strong assertions that there be the implementation of UNDRIP and an international treaty pilot project involving the Kichesipirini situation, and that as part of that there be resources available for the continued participation of the Kichesipirini in domestic and international processes.



The Need For Appropriate Forum for Dealing With Residential School, Alternative-Remedial Schools, and Education Issues

The Kichesipirini Algonquin people were possibly the first in Canada to have experienced a residential assimilative school experience. The residential school situation in Canada is long and complex. We should attempt to understand it and reconcile this difficult history with a holistic examination of the entire history.

Throughout all Algonquin jurisdiction and the broader Anishnabe community there is the repeated concern expressed that there be an international forum for the examination of the residential school experience, the associated mission and alternative school experience, and the failure of the domestic education experience to appropriately provide for the unique needs and aspirations of the Indigenous Peoples.

We believe it is imperative that such a forum be developed, not only to address the numerous concerns about past negative experiences, but also to ensure that the positive contributions of Indigenous Peoples at the regional, national and international level are recognized, and appropriately captured and disseminated in culturally appropriate manner.

Education, in whatever form, is directly related to the economic agenda and style of a particular society. Competitive and consuming societies educate their children differently than sharing sustainable communal societies. Understanding that being well-educated in one particular paradigm is not enough. Indigenous Peoples, those wanting to preserve the first economic order attached directly to balanced relationship with natural resources, require their own distinct education and socialization processes, and the ability to allow for the freedom to choose that lifestyle, while still benefiting from any other community agreement.

The Kichesipirini Algonquin First Nation is extremely proud of the economic and skilled diversity amongst the various Algonquin communities. Those rural bands that have preserved intensive use of knowledge of traditional land based skills should be recognized and formally accredited for maintaining essential services for the human family. In times of crisis these skills could prove to be invaluable. These important skills and cultural heritage cannot be preserved or transmitted in a solely classroom based fixed schedule education system. Communities attached to traditional rural territories should be appreciated and accommodated with respect and dignity. Essential services and infrastructure models should utilize new technologies that support these alternative communities as an important part of Canadian culture and society.

Ensuring an informed community is our first priority. That is why the Kichesipirini Algonquin First Nation took preliminary steps in establishing the Pimadiziwin Centre, Kichesipirini Kichi Sibi Anishnabe Community Centre, and International Indigenous Institute of Learning and Justice.

Reflective of our priorities our principle strategies include;

- Providing accurate and accessible historical and genealogical information.
- Promoting positive traditional normative values and re-integrating these into day-to-day activities and accountability mechanisms,
- Promoting positive traditional normative values and traditional knowledge and incorporating them into holistic environmental and social planning,
- Identifying and empowering those individuals interested in developing traditional leadership skills,
- Providing supports and accreditation to traditional leaders and all educators,
- Identifying ways that traditional knowledge and values can be used effectively to find solutions to contemporary problems,
- Encouraging direct and inclusive participation of all people within the territory.

We expect appropriate redress for our claims of interests made regarding these issues and lack of appropriate consultation.

"I'm willing to die for my people because the pain is too much and it's time for the government to realize what (it's) doing to us. Somebody asked me if I was afraid to die. **No, I'm not afraid to die**. If that's the journey for me I will go and I'm looking forward to it." — *Chief Theresa Spence*

From Throughout the Country and Across the World

In Canada, largely in response to Bill C45, an omnibus that proposed sweeping changes to environmental protections and policy concerning Aboriginal peoples in Canada, a social movement began. Central to its vision is a deep concern for the planet and natural ecosystems, currently viewed at risk because of proposed resource development projects in Canada and large mega projects. Aboriginal peoples viewed it as an insult to their culture and inherent rights and responsibilities.

They viewed the unilateral changes to many policies specifically affecting them as Aboriginal peoples as changes of convenience to make these developments easier and more attractive. "Idle No More" started in October as the a response by four native women; Sheelah McLean, Nina Wilson, Jessica Gordon and Sylvia McAdam who felt it was "urgent to act on current and upcoming legislation that not only affects First Nations people but the rest of Canada's citizens, lands and waters." Believing that it was imperative to take urgent action the social justice movement was coined "Idle No More" and with the use of communications technology and social media networks the initiative gained accelerated momentum, quickly drawing national and international attention. In many native cultures women have an important inherent role concerning water and the preservation of the environment as a natural inheritance of future generations.

Almost simultaneously, on December 11, 2012, Attawapiskat Chief, Theresa Spence, launched a hunger strike requesting a face-to-face meeting with Canadian Prime Minister Stephen Harper and the Governor General to discuss broken treaties and protection of natural resources. She located herself and supporters in a teepee on Victoria island in the Ottawa River, in view of Parliament Hill, in unceded Algonquin territory. She is refusing to move or have solid food until there are serious and meaningful consultations about changing the Aboriginal Crown relationship.

She has asserted that she is willing to die for her people if her demands are not met.

The two movements became intertwined and sparked off tremendous support. Indigenous Peoples of Canada have rallied in continuous peaceful grassroots protests, demonstrations, and expressions and celebrations of culture and asserted sovereignty throughout Canada, and with the help of social media the movement is gaining broad international support and attention. Other individuals have joined in fasts and vigils from a broad spectrum of concerned peoples. Numerous public persons and officials have demonstrated their support and have visited the site of Chief Spence's protest, as well as participated in walks, flash dances, protests, and other forms of public demonstration.

I submit this letter of an expression of my strong support for both the environmental and political concerns being expressed so strongly by my relations, and as an expression of my serious care and concern for those taking such personal risks for the sake of their communities. The Indigenous Peoples of Canada are calling for transformative change.

All around the world people are hoping for change. They know that they need substantive institutional change if we are going to develop new and effective paradigms for the continued health and sustainability of this planet and our human family.

I am again asserting that the Algonquin Treaty process offers a unique opportunity for the development of such a solution.

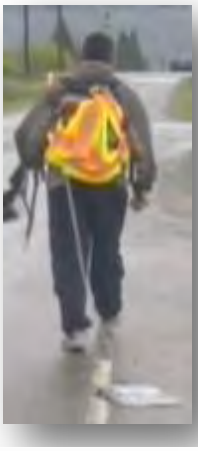
The situation is urgent. Lives are at stake. Canada sits as steward over tremendous natural resources and eco-systems, preserving the eco-integrity of the planet. We have a moral obligation to respond appropriately to the challenges of our times. Canada's sovereignty is conditional. Canada also has a living tree constitution. As Principal Sachem I uphold a unique relationship with the Crown that can be utilized for an expedient process.

and "Mother Earth" and the various gift from the Creator, that have sustained us from the beginning of time. This we do for our Children, GrandChildren and Children, not yet born. We call ourselves, warriors, are we willing to give up our lives for Mother Earth and Future Generations. I do this with a heavy heart and have broken down and cried and apologized for not haven't done enough for Mother Earth and the Children not born.

Sacredness of Who We Are as Gifted from the Creator

WATER

MARCH 4 JUSTICE



forests

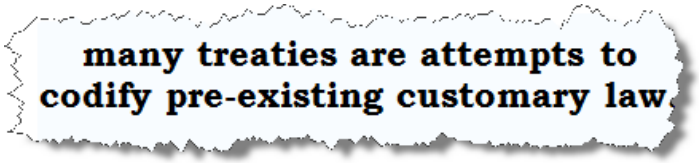
identity

FUTURE

FREEDOM

LIFE

affect **not only Indigenous people** but also the **lands, water and the rest of Canada.**



Treaty Issues and Constructive Agreements and Arrangements

As stated in Partners in Confederation:

"Aboriginal peoples are the bearers of ancient and enduring powers of government that they carried with them into Confederation and retain today."

Our powers of government, being particular legal principles and norms, regarding natural persons, were in existence prior to Confederation, and they are still enduring. We have not come under domestic policy. Our powers of customary government still exist. They are inherent, inalienable, and immutable. They are of universal public international law character.

That is the context.

The Kichesipirini Algonquin First Nation has made claims to title of the land and jurisdiction on behalf of the customary Algonquin Nation, and Indigenous Peoples of Canada, in respect of Canada, and the natural rights of natural persons. Also repeatedly expressed in discussions with individuals from numerous Anishnabe communities is the desire that there be an impartial and fair dispute resolution mechanism that integrates international law to address treaty negotiations, treaty violations, independent treaties archives, and effective international participation. The rights of Indigenous Peoples, the integrity of treaties and agreements they enter into, increased unsustainable consumption, and escalating conflicts, are all directly related to the climate crisis and the urgent need for solutions. Our sense of self-determination cannot be separated from our sense of concern for the human family and natural environment. We urgently require appropriate remedy.

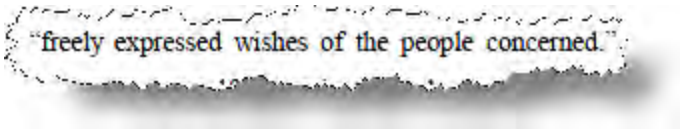
I am recommending that the Expert Mechanism, and various other United Nations bodies and instruments act on the conclusions of the First and Second United Nations Seminars on Treaties, Agreements and Other Constructive Arrangements between States and Indigenous Peoples, and that the Algonquin situation be used as an opportunity for the implementation of the UNDRIP in an immediate and pragmatic application, that will contribute to peaceful solutions in concrete situations.

According to Professor Evan Pritchard of the Centre For Algonquin Culture:

"The Algonquins are accurately called the "first people" of North America and Canada, living there at least since the Ice Age, and possibly before. This self-sustaining civilization had little or no impact on the environment for 11,000 years. Algonquin philosophy and spirituality is incredibly expansive, and centers around being in the moment, an emergence of the Algonquin way of life, which America is built on……."

The Kichesipirini Algonquin First Nation exemplifies a culture that is flexible, diverse, inclusive, and resilient. The Algonquin situation in Canada offers a unique situation that could provide concrete and measureable legal, policy and operational frameworks that could contribute to strengthening appropriate responses to the international nature of Indigenous-State treaties, and have broader applications in numerous other venues.

As the Rapporteur noted there is an "implementation gap" in the legislation and reforms concerning indigenous peoples' rights at the domestic level. He stated that the free participation of indigenous peoples as equal partners and citizens in the decision-making processes was a crucial aspect of the effective enjoyment of their human rights. Whereas he concluded that the gap could only be closed by the full participation of indigenous organizations. His recommendations included the establishment of bodies for consultation with and participation of indigenous peoples on all general and particular measures affecting them. We would further point out that unless there is specific provision for Indigenous Peoples wishing to preserve customary identity and rights there can be no effective mechanism for appropriate reform or adequate consultations. Indigenous Peoples wishing to preserve their customary identity and rights need specific attention and contextual solutions.



The Kichesipirini Algonquin First Nation as a specific Indigenous Peoples concerned with preserving the international customary rights of the traditional Algonquin Nation, caution that the establishment of such bodies for consultation with, and participation of, Indigenous Peoples must also provide equal opportunity that is contextual to the circumstances of those such as the Kichesipirini whose rights and responsibilities are existing, verifiable, and of potential international character. These concerns regarding genuine legitimacy and aboriginal participation are also further confirmed by leaders of aboriginal organizations in Canada.

During the Permanent Forum on Indigenous Issues, tenth session, New York, 16-27 May 2011, agenda Item 4(a): Implementation of the UN Declaration on the Rights of Indigenous Peoples, speaker National Chief of the Assembly of First Nations Shawn A-in-chut Atleo, presented on May 18, 2011 a joint statement on behalf of:

Assembly of First Nations, Chiefs of Ontario, First Nations Summit, Grand Council of the Crees (Eeyou Istchee), Haudenosaunee of Kanehsatà:ke, Indigenous World Association, International Organization of Indigenous Resource Development (IOIRD), Louis Bull Cree Nation, Montana Cree Nation, Native Women's Association of Canada, National Association of Friendship Centres, Samson Cree Nation, Union of BC Indian Chiefs, Amnesty International, First Peoples Human Rights Coalition, Canadian Friends Service Committee (Quakers), Amnistie Internationale Canada, Hawai'i Institute for Human Rights, and KAIROS: Canadian Ecumenical Justice Initiatives.

The Statement included the assertion that:

"Some States, such as Canada and the United States, through commissions and omissions inherent in the design and implementation of domestic policy are dishonouring their endorsements of the Declaration at home and abroad. They are interpreting UNDRIP in a manner that contradicts its terms and adversely affects human rights worldwide."

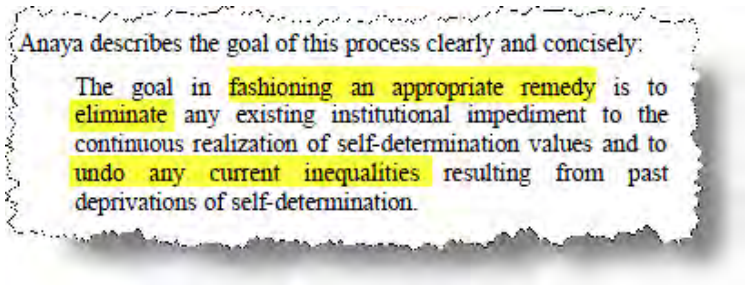
The Algonquins of Ontario Land Claim negotiations process provides ample evidence of how reliance on unmonitored State administration regarding implementation of laws affecting the broadest inherent and existing rights of Indigenous Peoples, which preserves long-term human rights, is unrealistic, and a breach of administrative justice. Even when the State has entered into legally binding treaties to protect such rights, such as Canada's endorsement of the Convention on the Rights of the Child, it is still brazen enough to defy its legal obligations, which if left unresolved compromises the exercise of due diligence at the international level.

The realization of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) is crucial to the survival, dignity and well-being of Indigenous Peoples worldwide. Some specific and contextual Indigenous Peoples of the world hold particular priori jurisdictions regarding natural law and human rights protections that are relevant to the continued well-being of all members of the human family, the sustainability of the natural resources we all depend on, and the genuine brotherhood of nations. The UN Special Rapporteur on the rights of indigenous peoples, James Anaya, most recently concluded in his August 2010 report to the UN General Assembly (A/65/264):

"Implementation of the Declaration should be regarded as a political, moral and legal imperative without qualification, within the framework of the human rights objectives of the Charter of the United Nations."

It should be noted that the United Nations Declaration on the Rights of Indigenous Peoples does not exist in isolation.

We further assert that implementation is consistent with the Canadian Constitution and the Rule of Law, and since the Supreme Court of Canada has reaffirmed that "the aboriginal perspective grounds the analysis" of the relevant aspects of the Constitution, and "imbues its every step." We consider this proposal an important first step on the good path to reconciliation, in respect of Canada.


Anaya describes the goal of this process clearly and concisely:

> The goal in fashioning an appropriate remedy is to eliminate any existing institutional impediment to the continuous realization of self-determination values and to undo any current inequalities resulting from past deprivations of self-determination.

Procedural Gaps and Disadvantage Affecting Unregistered Populations

Canadian Aboriginal treaties offer opportunities of universal character, and they are part of processes attached to a common law beyond that which is contained in statute, unless they are negotiated away, changed through the conditions of statute or agreement, or the actions of Aboriginal communities affected by the treaty. The Algonquins of Ontario agreed to a consultation process with the Canadian and provincial governments. The Kichesipirini have not.

It is also imperative to note that such an Indigenous Peoples as the Kichesipirini Algonquin First Nation, Kichi Sibi Anishnabe, Canada, who maintain and assert a history of customary jurisdiction that is "certain in nature", "consistent with law", "in existence since time immemorial" and is "provable in court", yet there is no avenue for a fair examination of fact, or environmental and socio-economic assessment processes available to the unregistered "unrecognized" but verifiable population in in unceded Kichesipirini Algonquin territory. (emphasis added)

The flawed domestic Algonquin land claim process, removed from factual examination, encourages Aboriginal persons to identify with four predominant contextual camps;

- Those organized under domestic policy inherited from colonial administration,
- Those contemporary communities opposing the current process because of structural, accountability concerns, and continuing adherence to colonial legacy administration via the Indian Act,
- Contemporary communities claiming historical existence but removed from refutable historical fact or traditional governance practices, and, still continuing adherence to other colonial legacy administrations, which could pose a threat to traditional governance,
- Those such as the Kichesipirini, which are a historical community still maintaining traditional membership criteria of proven genealogy and geographical attachment, being natural citizenship, and traditional governance, recognizing totemic identity as a historical heraldic tradition of Canada and the world, and that the process cannot be completely resolved through domestic policy alone, but must be recognized as having elements of customary international character.

Because there is no mechanism in place to respond the Kichesipirini concerns there are no adequate mechanisms anywhere, at any level, to protect the collective rights of the unceded Algonquin Nation that do not entail extinguishing the rights of the natural nation. Since the "goal in fashioning an appropriate remedy is to eliminate any existing institutional impediment" and "undo any current inequalities resulting from past deprivations of self-determination" the Kichesipirini situation is a unique opportunity.

Using the Kichesipirini Algonquin situation as a pilot project for the implementation of the UNDRIP provides ample opportunity in fashioning an appropriate remedy for an increasingly important internationally issue, in a situation that is completely consistent with domestic law and Constitutional requirement. It is also completely consistent with the heritage of the Kichesipirini and their customary diplomatic role and their participation in that capacity in the development of Canadian tradition and heritage.

There are most certainly procedural gaps negatively affecting the unregistered and unincorporated Aboriginal population of the Algonquin territory, placing those that potentially hold direct rights according to international customary law at severe disadvantage. Kichesipirini Proposes Partnership For Action, Dignity and Justice as Part of Pilot Project

It could be argued that, before 1982, in the context of aboriginal rights regarding registered "Indians", an aboriginal right was automatically extinguished to the extent that it was inconsistent with a statute. As Mahoney J. stated in Baker Lake, supra, at p. 551 (D.L.R.):

"Once a statute has been validly enacted, it must be given effect. If it's necessary effect is to abridge or entirely abrogate a common law right, then that is the effect that the courts must give it. That is as true of an aboriginal title as of any other common law right."

wide event was garnered so all could participate, thus, The National Day of Solidarity & Resurgence was called for December 10th, 2012, to oppose all legislation and to build solidarity while asserting inherent rights and nationhood while protecting our lands for all people.

These colonial forms of legislation that the government expects to unilaterally impose on us has brought us together, to stand together - Jessica Gordon

Section 52 of the *Constitution Act*, 1982, confers on that document's provisions of the status of paramount law. One such provision, section 35(1), recognizes "existing" aboriginal rights. Here we are concerned with whether the phrase "existing rights" bears an interpretation which could bring a natural law perspective into play.

Some of the facts the governments cannot ignore are the treaties signed by the Algonquin and Nipissing nations with the British between 1760 and 1764. The three main treaties from this time were concluded at Swegatchy (now Ogdensburg, New York) and Kahnawake in 1760 and at Niagara in 1764.

that the traditional lands of the Algonquins and Nipissings would be protected from encroachment. Laws were passed based on these treaties that prevented settlers from trespassing on Indian lands. The Algonquins never signed any further treaties.

The standard of review of correctness as stated in *Dunsmuir*:

must be maintained in respect of jurisdictional and some other questions of law. This promotes just decisions and avoids inconsistent and unauthorized application of law. When applying the correctness standard, a reviewing court will not show deference to the decision maker's reasoning process; it will rather undertake its own analysis of the question. The analysis will bring the court to decide whether it agrees with the determination of the decision maker; if not, the court will substitute its own view and provide the correct answer. From the outset, the court must ask whether the tribunal's decision was correct.

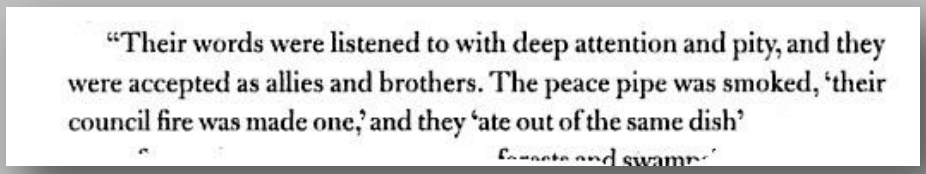
***Dunsmuir*, Paragraph 50**

This is consistent with the Supreme Court of Canada's observations in *Van der Peet*:

> In considering whether a claim to an aboriginal right has been made out, courts must look at both the relationship of the aboriginal claimant to the land and at the practices, customs and traditions arising from the claimant's distinctive culture and ciety.

***an der Peet*, para 74, and reiterated in *Delgamuukw* at 41 [emphasis added].**

tribes called their kings "sachems"


"Their words were listened to with deep attention and pity, and they were accepted as allies and brothers. The peace pipe was smoked, 'their council fire was made one,' and they 'ate out of the same dish'

The Federal administration has already bound itself to an Algonquin Treaty process regarding the Algonquin Nation and Algonquin Law. The Kichesipirini Algonquin First Nation and members of the broader Algonquin Nation have expressed a strong desire to see their outstanding issues resolved in an appropriate manner that will facilitate their ability to exercise their traditional responsibilities in a dignified and respectful manner. The Kichesipirini Algonquin First Nation further asserts that the use of the Kichesipirini Algonquin situation as a pilot project for the implementation of UNDRIP in conjunction with numerous other similar projects is consistent with a holistic cultural approach and more efficient use of various resources at all levels. As Principal Sachem I hold specific jurisdiction for such processes.

"The Second International Decade of the World's Indigenous People (2005-2015) was proclaimed by General Assembly resolution 59/174 and the Programme of Action was adopted by General Assembly resolution 60/142 and is contained in document A/60/270, sect. II. The theme of the Decade is: "Partnership for Action and Dignity".

The goal of this Decade is the further strengthening of international cooperation for the solution of problems faced by indigenous people in such areas as culture, education, health, human rights, the environment and social and economic development, by means of action oriented programmes and specific projects, increased technical assistance and relevant standard setting activities.

The five objectives of the Decade are:

1. Promoting non-discrimination and inclusion of indigenous peoples in the design, implementation and evaluation of international, regional and national processes regarding laws, policies, resources, programmes and projects;

2. Promoting full and effective participation of indigenous peoples in decisions which directly or indirectly affect their life styles, traditional lands and territories, their cultural integrity as indigenous peoples with collective rights or any other aspect of their lives, considering the principle of free, prior and informed consent.

3. Re-defining development policies that depart from a vision of equity and that are culturally appropriate, including respect for cultural and linguistic diversity of indigenous peoples.

4. Adopting targeted policies, programmes, projects and budgets for the development of indigenous peoples, including concrete benchmarks, and particular emphasis on indigenous women, children and youth;

5. Developing strong monitoring mechanisms and enhancing accountability at the international, regional and particularly the national level, regarding the implementation of legal, policy and operational frameworks for the protection of indigenous peoples and the improvement of their lives.

A trust fund has been established to support projects to promote the goal and objectives of the Decade.

The Kichesipirini believes that such a programme is consistent with the wishes expressed by many Algonquin Anishnabe. A targeted project would also ensure that there could be developed broad criteria for measuring success beyond the commercial contract model currently in place with domestic negations. Strong monitoring mechanisms could facilitate the capturing of culturally significant social values and increase confidence in the process as well as external civic participation.

The Kichesipirini Algonquin First Nation looks forward to the implementation of such a programme as part of their proposal.

Kichesipirini Assert the Need to Implement Appropriate Consultation Mechanisms

Since 2002, OHCHR, in collaboration with the United Nations Development Programme (UNDP), has been promoting the creation of consultative mechanisms between the United Nations and indigenous peoples at the country level, most notably in the framework of the joint UNDP/OHCHR Human Rights Strengthening Programme. The above-mentioned regional consultative mechanisms allow indigenous leaders to provide their views, concerns and expectations and helps to ensure that the voice of indigenous peoples is properly reflected in United Nations programming.

Consistent with our previous submissions, the Kichesipirini Algonquin First Nation further suggests that a practical action reflective of the aspirations of all of these positive initiatives, in conjunction with the proposed UNDRIP pilot project, would be the establishment of a direct and appropriate consultative body based within Algonquin jurisdiction that allows indigenous leaders interested in preserving international customary rights and responsibilities an opportunity to provide their views, concerns, and expectations to the United Nations in a manner that does not compromise inherent customary rights.

The Algonquin Nation has expressed their interest in remaining a unified nation able to exercise customary and traditional governance, apart from incorporated domestic policy.

The Kichesipirini has asserted the traditional role and claim to title as the traditional central government of the Algonquin Nation. We base these rights and responsibilities outside the confines of the current domestic State. The Kichesipirini Algonquin First nation asserts that our customary rights and responsibilities are based on the principles of natural law and natural justice.

Natural rights, also called inalienable rights, are considered to be self-evident and universal. They are common to the natural world and all natural persons. They are not dependent upon the incorporated policy laws, customs, or beliefs of any particular culture or type of government. Natural rights are those rights belonging to all natural persons as an inheritance and protection against the vulnerabilities that we all face. Natural rights, in particular, are considered beyond the authority of any government or international body to dismiss.

The highest expression of law in the land has determined that the purpose of s.35(1) of the Constitution Act, 1982 is:

" …reconciliation of the pre-existence of distinctive Aboriginal societies with the assertion of Crown sovereignty."

We interpret a that as a pre-existing distinctive Aboriginal society a fundamental aspect of our uniqueness as an Indigenous Peoples is our fundamental commitment to natural law and natural persons.

We assert that this unique aspect of the pre-existing distinct Aboriginal society is a precious part of our collective human heritage, and as such should be given appropriate recognition and protection. Reliance on domestic policy has proven to be detrimental to the preservation of the genuine history and culture of the Algonquin Nation. Due to a number of serious violations and acts of cultural vandalism we assert that there be appropriate intervention.

Further to these proposed integrated projects, recognizing that the preservation of Kichesipirini culture and heritage, as well as the genuine culture and heritage of the broader Algonquin and Anishnabe(k) peoples, is an important part of accurately protecting extremely important aspects of world cultural and natural heritage, we would request that there be immediate intervention.

Recognizing the relationship between history, aboriginal heritage, and a contextual understanding of the pre-existing societies and the evidence that might be found in assisting us to better understand the distinctiveness of each pre-existing society the preservation of tangible and intangible culture becomes increasingly important. The elimination of the Kichesipirini from the public records of history is directly related to complex issues regarding historical sites of major significance to Canada and the world.

We have therefore submitted First Steps Together On The Good Path, Protecting Our World Cultural and Natural Heritage: The Need For A Global Perspective In Algonquin Territory, Submission to the National Capital Commission Regarding Greenbelt Expansion

Part of World Heritage

The Kichesipirini Algonquin First Nation has been making assertions that the Kichesipirini Algonquin First Nation, as an Indigenous Peoples of Canada, is part of Canadian heritage. As a unique part of Canadian heritage we should also be recognized as a unique part of the intangible cultural heritage of the human family. Indigenous Peoples have contributed to the heritage of the human family in innumerable ways. The contributions have enriched our lives, inspired our politics, and increased our understandings of ourselves, each other, and the world around us. Indigenous Peoples existed in many contexts. Many have been compromised through external interventions that were not consistent with human rights or principles of justice. These particularly vulnerable aspects of human heritage should be identified and given specific remedial support. Many of these Indigenous Peoples currently exist as "unrecognized" within their own traditional territory and have become completely marginalized by dominant States.

The Kichesipirini Algonquin First Nation is one such "unrecognized" and unincorporated Indigenous Peoples.

As was suggested during the Permanent Forum on Indigenous Issues, tenth session, New York, 16-27 May we further recommend the Kichesipirini Algonquin First Nation Pilot Project contribute to:

- The Human Rights Council (HRC) authorize the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP) to conduct an annual review on the manner in which UNDRIP is being interpreted and implemented at all levels (EMRIP, 26 August 2010 Report to the HRC (A/HRC/15/36), Proposals 4 and 5), including the identification of potential "unrecognized" Indigenous Peoples and their customary character within a particular region as part of evaluations.

- Create a searchable database of specific measures, including best practices, taken to implement the Declaration, verifiable according to the fact-finding processes and verified information, inclusive of appropriate customary law, especially where there are issues associated with land claims and unceded native title.

- That based on verifiable information that the recommendations regarding States that undermine UNDRIP, domestically or internationally, through actions that run counter to its provisions, be made easily available publicly and directly to the persons concerned and all associated bodies at the international level.

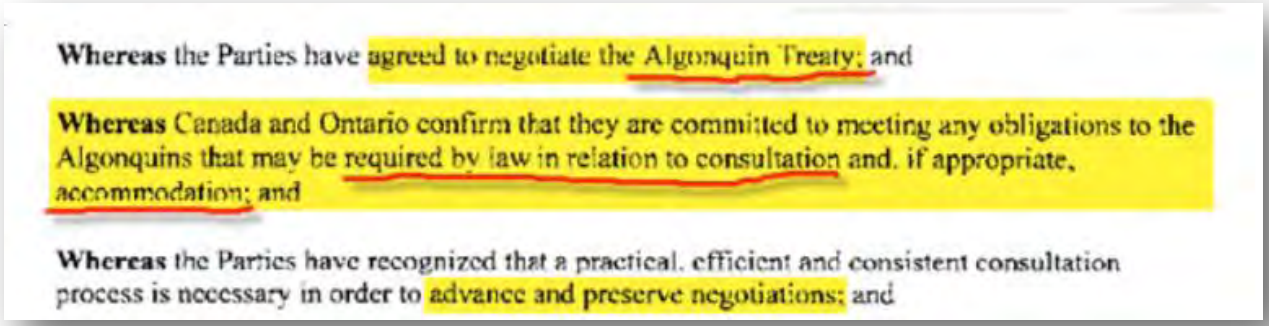
- Verified Indigenous Peoples concerned, in conjunction with States, the PFII, the Human Rights Council, should undertake a review of existing laws and policies to ensure compliance with UNDRIP, as called for in the UN Special Rapporteur's Interim Report of 9 August 2010.

- States, and Indigenous Peoples, are to uphold the international human rights standards in UNDRIP, inclusive of international law, which in some circumstances is inclusive of customary law and historic treaties, and ensure full respect and implementation of all Indigenous Peoples' rights, including those in all Treaties with such peoples that are verifiable and specific.

- All levels of government and all multilateral agencies must ensure that all relevant staff, judiciary, legal advocates, ministers, affected Indigenous Peoples, citizenry, persons and incorporations, are fully informed and educated, with direct and meaningful access to the Declaration, and all associated legal and human rights instruments at the international level, and are then provided clear direction and support to uphold those provisions in policy development, dissemination, and implementation.

- States, in conjunction with Indigenous Peoples concerned, must be mandated to provide direct and meaningful access to the relevant information to the broader public and assume the liabilities associated with failure to adequately inform.

- States, as incorporated administrative bodies, will assume all such liabilities for the design and development of policies or omissions that fail to adequately inform, and that the Indigenous Peoples negatively affected will have means of redress consistent with the UNDRIP, as part of a principled, universal framework for justice and reconciliation at the international level.



Whereas the Parties have agreed to negotiate the Algonquin Treaty; and

Whereas Canada and Ontario confirm that they are committed to meeting any obligations to the Algonquins that may be required by law in relation to consultation and, if appropriate, accommodation; and

Whereas the Parties have recognized that a practical, efficient and consistent consultation process is necessary in order to advance and preserve negotiations; and

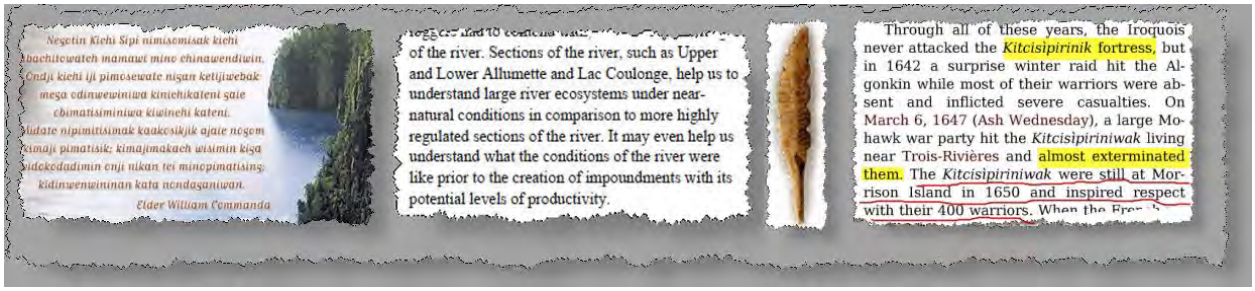
Kichesipirini Asserts That It Is Required By Law That Negotiations Continue With Implementation of UNDRIP

Although committed to meet obligations required by law concerning Kichesipirini existing rights and assertions of interests the State has instead created a facsimile consultation and negotiation processes. The Algonquins of Ontario Comprehensive Land Claim Process, regarding unceded title and jurisdiction within Algonquin territory, systemically abrogates and derogates inherent rights and fails to ensure:

- Compliance with all existing law, inclusive of international law, and international customary law and how it might affect the traditional Algonquin Nation,
- Be systematic, objective, and credible with verifiable and independent fact-finding processes, and be regulated by law rather than administrative policy,
- The establishment of appropriate mechanisms and supports to facilitate the exercise of genuine free, prior and informed consent,
- Equally involve all of the genuinely affected Indigenous Peoples, and potential beneficiaries, as determined by law,
- Provide effectiveness regarding the purposes or appropriateness of consultations for all the affected Indigenous Peoples, Canadians, municipalities, or affected third parties,
- Appropriate resources for participation of indigenous women in traditional models of public life and decision-making processes
- Be held in genuine good faith, significantly prior to the decisions affecting rights and resources, anywhere within the unceded territory,
- Be based on all relevant information being made fully, independently, and appropriately accessible to affected Indigenous Peoples and the Canadian public.
- Fails to integrate the United Nations Declaration on the Rights of Indigenous Peoples,
- Fails to integrate the United Nations Convention on the Rights of the Child.
- Fails to integrate the free, prior and informed consent of the Algonquin Nation and the Canadian public,
- Fails to provide a means of progressive and purposeful reconciliation.

As we have demonstrated it beyond the jurisdictional scope of the incorporated entities at the negotiations table to respond to the claims of title and jurisdiction asserted by the Kichesipirini. However, there has been a commitment to negotiate an Algonquin Treaty. Canada and Ontario confirm that they are committed to meeting any obligations to the Algonquins as may be required by law in the realization to consultation, and accommodation. The parties have also committed to advance and preserve negotiations. The current process is dependent on domestic administrative law principles which are not instruments to reflect the Honour of the Crown principles. Since the existing consultation and administrative processes are inappropriate to the specific circumstances and the continued existence of Kichesipirini rights outside incorporation, the Kichesipirini asserts that there must be appropriate accommodations within the negotiations process that can effectively reconcile the issues of Aboriginal Title and Jurisdiction respectful of Kichesipirini assertions and continued losses caused by discriminations and procedural gaps.

While acting as Kichesipirini leader I have experienced severe losses. The Kichesipirini expects the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for resources which have been confiscated, taken, occupied, used or damaged.



Kichesipirini United Nations Proposes Pilot Project Implementation of UNDRIP

The Kichesipirini Algonquin First Nation asserts that the Federal administration in Canada has failed to act in good faith. The Kichesipirini Algonquin First Nation asserts that the implementation of the United Nations Declaration on the Rights of Indigenous Peoples offers the most practical, efficient and consistent consultation process available according to the unique circumstances. As such, the State is committed to ensure that the provisions set forth in the Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

As minimal requirements the Kichesipirini proposes:

- The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

- The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

- Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

- Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

- Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

- States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

- Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

- States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources. (all emphasis added)

- States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

- Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

- States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

- States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

- Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

- States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities. (all emphasis adde

The public information made available about the land claim states that:

"The Algonquin Nation has owned, used and occupied the Algonquin territory since long before European contact. That occupation historically recognized by the Crown gives rise both in common law and Algonquin law to ownership in the form of aboriginal title, as well as particular aboriginal rights. It also gives rise to human rights as described by international law."

The federal and provincial administrations are committed to those legal obligations and in doing what is necessary in order to advance and preserve legitimate negotiations.

Since the federal and provincial administrations have agreed to advancing and preserving negotiations to facilitate an Algonquin Nation Treaty, in accordance to all laws, including the Algonquin law, then in principle, the federal and provincial administrations have committed to their participation in an international United Nations Treaty process with the Kichesipirini Algonquin First Nation.

Despite the fact that the federal or provincial administrations are well aware of Kichesipirini Algonquin First Nation assertions for years and the real and constructive need for effective consultation, there has been no response.

Provincial and federal administrations and extractive industries continue to encroach into unceded Algonquin territory without respect for Constitutionally protected Aboriginal rights, the expressed interests of the people, or the principles set out in the Declaration.

There is continued failure to act in good faith.

The Declaration states:

"States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process."

The Canadian State has also already agreed to rights of indigenous peoples in the United Nations Convention on the Rights of the Child. The legally binding United Nations Convention on the Rights of the Child, of which Canada has endorsed, states that:

- "In those States in which ethnic, religious or linguistic minorities **or persons of indigenous origin exist**, a child belonging to such a minority or **who is indigenous shall not be denied the right, in community with other members of his or her group**, to **enjoy his or her own culture**, to profess and practise his or her own religion, or to use his or her own language."

And that:

- "States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the **members of the extended family or community as provided for by local custom**, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention."

The Convention on the Rights of the Child is a legally binding Treaty that Canada has endorsed 20 years ago.

The State has failed to adequately inform the general public, and Algonquins specifically, that their rights as Indigenous Peoples have already been protected under international law and domestic law.

The Convention not only protects the rights of individuals, but also grounds the individual appropriately within their community.

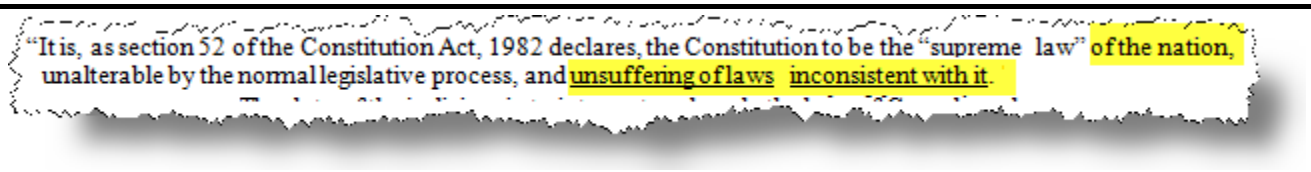
It also already affirms local custom as being internationally recognized and domestically protected.

Failure to inform the Algonquins, who have not signed any treaty to surrender their rights, and where it has been known that there are persons of Algonquin descent not registered under domestic policy is a clear violation of good faith. Failure to act in good faith concerning a ratified international treaty can trigger serious consequences.

The State repeatedly uses domestic policy of identification of "recognized", "registered", or other ascribed identities to deny the Indigenous Peoples of Canada their full rights. It is a disgrace that the State would agree to protect the rights of vulnerable children only to intentionally sabotage its actual implementation. This raises serious questions about the current State's integrity and willingness or capacity to act in good faith. This behaviour sets a troubling example to the rest of the international community.

As part of that our proposed process the Kichesipirini Algonquin First Nation would like to stress that to us it is imperative that there begin a process to ensure that United Nations Convention on the Rights of the Child be fully implemented. As part of this immediate requirement that there be made available the resources and qualified persons to assist in the identification of all potential rights holders removed from the previous discriminations designed by domestic policy. As part of this initiative, as well as all other related initiatives, the Kichesipirini Algonquin First Nation would also stress that it is imperative the broader Canadian public be given meaningful access to information so that they can have a comprehensive understanding of the underlying legal principles behind these initiatives and so that they can participate as fully informed citizens.

The Kichesipirini Algonquin First Nation assert that the only practical, efficient, consistent and JUST consultation process requires the implementation of UNDRIP and the UN Convention on the Rights of the Child with the Kichesipirini Algonquin as part of a United Nations UNDRIP Pilot Project.



Canada's Conditional Sovereignty Requires That the Kichesipirini Proposal Be Implemented

The Canadian State's conditional sovereignty, based on maintaining the Honour of the Crown in relationship to the Aboriginal peoples, requires that the Constitution and Rule of Law be upheld.

In Canada, customary aboriginal law has a constitutional foundation because Canada's actual origins began in customary law, beginning politically and geographically within the Aboriginal territory of the Algonquins, and expanded through the governance models and normative values and customs of the Anishnabe Indigenous Peoples of Canada.

The Constitution is the supreme law of the Nation. Kichesipirini reliance on the administrative policies available within domestic policy compromises the integrity of the law of the Nation and is inconsistent with the Constitution.

Proper understanding of Section 35 of the Constitution Act, 1982, must be read understanding there are primarily two legal "types" of Aboriginal entities, those under statute, and those still holding customary rights as recognized under international law, and the correlating existence of both Customary Traditional Title and Universal Common Law Native Jurisdiction, removed from statute limitations.

The Kichesipirini Algonquin First Nation asserts, that while the administrations of Canada and the provinces are subject to statute limitations regarding recognition of the Aboriginal rights and all persons of Aboriginal ancestry in Canada, especially those whose rights are considered extinguished prior to 1982, those statutory limits cannot be used to compromise existing or potential rights. Since the Kichesipirini Algonquin First Nation, not having come under statute limitations, is still holding customary jurisdiction. Our rights are immediate and still existing.

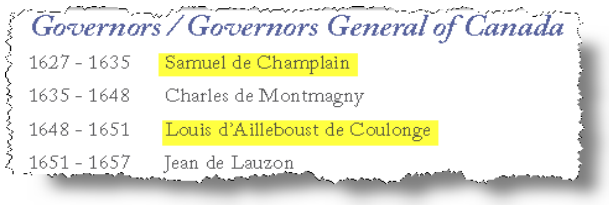
Having a documented record of entering into international treaties and confederacies, having a documented record directly associated with the original foundations of the polity known as Canada, and participating in the development of parallel and complimentary international law, the Kichesipirini Algonquin First Nation is still in a position to assert, protect, preserve and perfect the customary rights. The Kichesipirini in accordance with customary law and that the appropriate recognition of potential rights, in accordance to law, inclusive of customary law, common law, and universal common law, the Kichesipirini can assert that our proposal as a UNDRIP pilot project be integrated as part of an Algonquin Treaty process. Such a process will involve appropriate Kichesipirini Algonquin First Nation participation, accommodation, and compensation.

While participating in the current domestic processes available is not appropriate or adequate for Kichesipirini, and there does not seem to exist an appropriate remedy anywhere within policy administration, our unique Canadian heritage and tradition provides an avenue for immediate recourse.

Canadian history provides a long tradition of the participation the Principal Sachem of the Kichesipirini Algonquin First Nation in particular political responsibilities and relationships, and that part of that heritage and well-documented record demonstrates having negotiated directly with the Governors or Governor Generals, as distinct agency of the Crown.

The Kichesipirini Algonquin First Nation looks forward to continuing this important part of our heritage and a new chapter in defining the continuing relationship between the Indigenous Peoples of Canada and the Crown, founded on the Honour of the Crown, in respect of Canada.

We acknowledge that the shared foundation of this relationship is the mutual agreement to uphold the Rule of Law.



Unique Canadian Opportunity

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This legitimate government of Canada is determined not solely by the standard of policy and administrative statutes, but instead by the standards of the Rule of Law. Legitimacy is determined by the principles of the Rule of Law. This requires that those agents of the Crown uphold the Honour of the Crown, as an institution, by upholding the Rule of Law and the Constitution. The Statute of Westminster, 1931, which recognized Canada as a self-governing realm, and ensured that the Governor General would continue in respect of Canada, was perhaps the most important development in Canada's evolution between Confederation in 1867 and the re-patriation of our Constitution in 1982.

It is a serious offense to breach the Constitution, or breach an international treaty.

In extenuating circumstances the Governor General or Lieutenant Governor hold particular authority. Members of Parliament and the Legislatures, military and police officers swear allegiance to the Queen. This loyalty is owed not the individual, nor to a set of particular contractual relationships spelled out in letters patent, proclamations, statutes, or certain conventions and customs, but the entity as the institution as the embodiment of the Rule of Law. This Crown can be seen as a safeguard in ensuring that cherished principles of democracy are respected on behalf of all Canadians.

The Governor General may act on behalf of the Queen. From our specific Indigenous Peoples' perspective the Governor General holds these rights not solely through delegation, but also through our own history of customary autonomous relations with the representatives of Sovereigns in the past. The office of Governor General is the oldest formally recognized continuous institutional link in Canada that has transcended the eras of different colonial regimes. The Kichesipirini Algonquin First Nation holds a long history and documented record of custom and convention of exercising a unique relationship with Governors or Governor Generals. Samuel de Champlain, as first Governor General, maintained a direct political relationship with the Kichesipirini Algonquin First Nation. Samuel de Champlain, having met specifically with the Kichesipirini representative, was appointed the first Governor of New France in 1627, and was followed by seventeen French governors until 1760.

This unique customary tradition of the Kichesipirini Algonquin First Nation can provide an opportunity for a distinctly Canadian solution to the current administrative and procedure gap we currently find ourselves in. We look forward to beginning application of the United Nation Declaration on the Rights of Indigenous Peoples as a beginning in the remedy of the difficulties experienced by the Kichesipirini, and an associated appropriate treaty process for the Algonquin Nation.


IDLE
NO
MORE


IDLE
NO
MORE


Harper: Oil to China means Fire in Tibet!
fuelling Repressive China is: An act of Complicity!
Stop the deal


Idle No More is based on Natural Law


IF YOU'RE NOT
OUTRAGED
YOU'RE NOT PAYING
ATTENTION


HARPER SELLING OUR COUNTRY to FOREIGN INVESTORS ALLOWING FOR THE DESTRUCTION OF IT.
DLE
NO
MORE
HARPER VALLEY


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New York City
Los Angeles
Winnipeg
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Toronto
Vancouver
Yellowknife
Port Alberni, BC
Stand Off, Alberta
Saskatoon
Halifax
London, UK
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Ainu (Japan)
Evenk (Russia)
Aboriginal (Australia)
Inuits and american indians (Turtle island)
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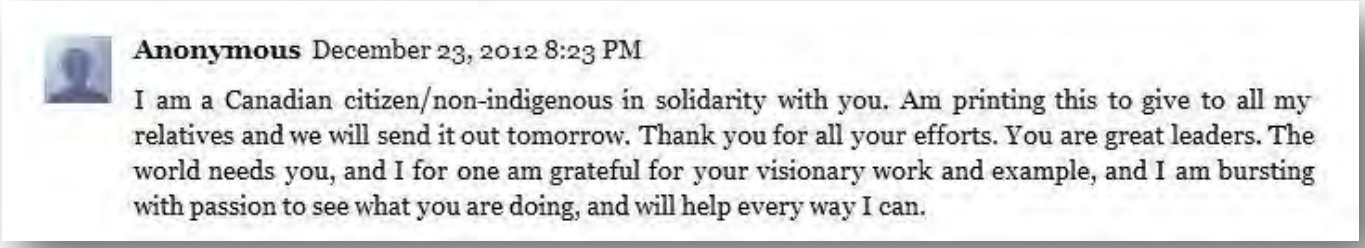
AND THE RIGHT
TO TREATY AND SOVEREIGNTY
OF ALL INDIGENOUS PEOPLES


n grassroots voices, treaty and sovereignty,



National and International Support for Transformative Change in Canada

In Canada the people have taken to the streets in protest. Canadians care about their natural environment and the health of the planet.

Canada is the world's second-largest country by total area. The geographical area of Canada includes tracts of various eco-regions, each home to unique systems of various types of biodiversity. Canada's diversity of lifeforms and ecosystems is also large. Since its various landforms range from rainforest to desert, with mountains and plains, and each has species of its own adapted to the conditions present there Canada is home to a wide range of biodiversity. Our biodiversity systems are connected with those of the planet. There is still little known about the planet's diversity, so we cannot be sure about how our actions could be impacting the interconnected systems and lifeforms of the world.

The land that is now Canada has been inhabited for millennia by various Indigenous Peoples. Indigenous Peoples' relied on the resources near them, and were therefore careful stewards. This guaranteed a particular form of intergenerational accountability that integrated more than mere "export" value as an economic foundation.Like many in the world they have experienced a complex colonial administration. This experience has not been adequately reconciled. Protected ecosystems and increased knowledge of Indigenous Peoples and the skills they employed in using and conserving forests resources in a sustainable and holistic manner can contribute to new economic paradigms and spark international curiosity. Canada is not only home to much of the world's fresh water, major ecosystems, the large Boreal Forest system, and a wide variety of biodiversity, we are also home to numerous scientists, experts, and Indigenous Peoples who are expert at observing, conserving, and monitoring the health of these systems. International initiatives are also recognizing the important linkages between ecosystems, eco-regions, ecozones and people. World Charter for Nature, Convention on Biological Diversity, United Nations Conference on the Human Environment, and the United Nations Declaration on the Rights of Indigenous Peoples are all beginning to emphasis the many important linkages and how we must begin to think differently. As natural persons we are dependent on water and the eco-systems that make up our natural world. Important international initiatives have recognized the importance of protecting wetlands and groundwater systems for decades. Perhaps we should say more accurately, that we must think more like how we thought previously, as members of the human family and residents and stewards of the planet earth, who were more conscious of our intimate dependency on the natural world.

Despite recognizing the vital role water plays in these living linkages in Canada we still have very poor water protection laws, and no national water policy whatsoever. As such Canadians are at risk for damage or loss of one of the most essential necessities for life and well-being and irreparable damage to the entire holistic ecosystem. This not only affects the health of Canadians, but can also negatively affect the health and well-being of the interconnected water cycle which does not follow our artificial geo-political boundaries. This is of tremendous international concern.Canada also has a wide array of institutions dedicated to caring for the environment and the technical tools necessary for contributing in practical and meaningful ways. Canada should be a responsible steward of the natural world, considering that we occupy so much of the earth surface and natural resources.

We are only beginning to understand the profound benefits of forest systems and the world of supports that they provide for ourselves and our neighbours on this planet. When we hack up a forest into categories and technical species we fail to see the full economic contributions they make to the life supports systems that we are, in reality, as natural persons, depend upon. Understanding forests as complex ecosystems inhabited by diverse forms of life and interconnected relationships we can begin to better appreciate our own relationship to the natural world. Ecosystems provide important life services for us all. Ecosystem services include both the products and the benefits that all forested ecosystems generate.

They include, for example, water quality, aesthetically pleasing views, recreational facilities, pollinators, nutrients, medicinal plants and wildlife.

Current domestic policy is not grounded on natural reality. Current domestic policy has developed as part of a complex, unfair, convoluted system of default jurisdictions and commercial competitions. It has not emerged from a equitable civil process organized after the development of a post colonial consciousness.

It must be remembered that the stewardship relationship to the land and the respectful relationships with all life is an intrinsic and intangible part of Indigenous Peoples culture. A sense of dignity and having honoured sacred obligations is directly linked to our ability to act responsibly to the land and natural life, consistent with the values and principles passed on by previous generations. Important aspects of Algonquin social life and political organization are directly related to relationships with species that are a part of the natural environment. The holistic relationships and presence of these species provide valuable life lessons and sources of profound inspiration. They are the source of our totemic and heraldic identities and roles and responsibilities. They provide an intergenerational framework for cultural preservation and an interpretative backdrop for our unique worldview.

Our system of formal education is directly connected to our ability to regularly and meaningfully access and understand the distinct natural world around us, and our continued ability to pass on such opportunities.
The ability to accurately share such information is a documented part of our historical record and an important part of our relationships with other First Nation communities. The monitoring and planned conservation of natural resources throughout the entire territory and then the planned national distributions and accesses planned for communities and individuals has always been a pivotal part of our numerous traditional councils, gatherings, and meetings. The protection of the sustainability of the natural environment was our first economic priority.

Domestic policy is not adequate. Our understanding of domestic policy is grossly inadequate.

However, Canadians have become concerned.

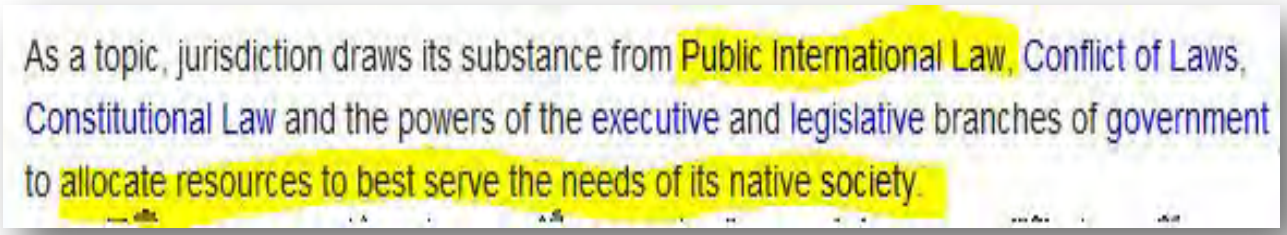
The current social justice movements and protests occurring in Canada and elsewhere show a strengthening grassroots concern for urgent changes in government that can effect radical transformation. These movements, gaining rapid momentum, all share commitments to non-violent revolution, and their concerted grassroots community voices call for changes that will end the reckless exploitations of people and planet, that all still resemble colonial-like agendas and methods. Spokespersons for the movements are warning administrators and power brokers that continuing and escalating social, civil, economic, cultural, and environmental movements, resistance, acts of civil disobedience, flash mobs and more will continue until there are sweeping changes in administration and all levels of governance.

On January 8, 2013, prompted by concern regarding the events and recent protests a United Nations independent expert urged the Canadian Government to establish a meaningful dialogue with the country's aboriginal leaders.

"I am encouraged by reports that Prime Minister Steven Harper has agreed to meet with First Nations Chiefs and leadership on 11 January 2013 to discuss issues related to aboriginal and treaty rights as well as economic development," said the Special Rapporteur on the rights of indigenous peoples. UN Special Rapporteur Anaya stressed that the dialogue between the Government and First Nations should proceed in accordance with standards expressed in the UN Declaration on the Rights of Indigenous Peoples.

Mr. Anaya also highlighted in particular that one of the preambles in the Declaration which affirms that treaties, agreements and other arrangements are the basis for a strengthened partnership between indigenous peoples and States.

I continue to stress, in my customary leadership role and its long history with Treaties, diplomacy and social innovation, that the Algonquin Nation situation offers the world a great opportunity to develop new relevant relationships and rationales that can contribute to the design of new social, economic, and governance paradigms that effectively and efficiently respond to our most pressing challenges.



Following the much anticipated January 11, 2013 meeting between the Prime Minister and representative of Aboriginal communities and institutions Prime Minister Harper has been quoted as saying that

Although Harper didn't commit to removing the controversial environmental provisions in two omnibus budget bills, native representatives present at the meeting confirm that those issues "are on the table" and that the Prime Minister indicated he was willing to carry out his duty to consult with First Nations on legislative matters that impact their territories.

Aboriginal Affairs Minister John Duncan, officially addressing reporters on Parliament Hill on behalf of the Prime Minister said Stephen Harper has agreed to:

- High-level dialogue on treaty relationships and comprehensive land claims.
- Enhanced oversight from PMO and Privy Council.
- Holding further meetings with the head of the Assembly of First Nations.

The Assembly of First Nations National Chief Shawn Atleo has confirmed "It's going to require real work to follow through, but we have now a highest level mandate from the prime minister. I cannot understate that the voices of our people helped create the level of urgency."

This is an opportunity for Canada and the world.

Assembly of First Nations National Chief Atleo won a commitment that First Nations files will receive a higher priority inside the Prime Minister's Office and its bureaucracy. However, increasing the administrative powers of the Prime Minister's Office does little to resolve the larger institutional issues unless there has been a radical change in the entire bureaucratic paradigm of accountability and priority.

Meaningful treaty discussions must be of international character.

Transformational change must occur at the Crown level and the clarified relationship between the Crown of Canada, a reconciliation of the resident institution of the customary Crown of Canada, and the re-establishment of appropriate Crown relationships with the Indigenous Peoples of Canada, for Canada.

Without such transformational change jurisdictional wrangling between the federal administration and the provinces will be continued as an exhaustive strategy against the Indigenous Peoples and their legitimate concerns. The transformational change required in Canada necessitates the proper positing of human rights, with clarity, within all levels of institutions and governance.

The Preamble of Vienna Declaration and Programme of Action, adopted by consensus at the World Conference on Human Rights on 25 June 1993, the states "The World Conference on Human Rights, Considering that the promotion and protection of human rights is a matter of priority for the international community, and that the Conference affords a unique opportunity to carry out a comprehensive analysis of the international human rights system and of the machinery for the protection of human rights, in order to enhance and thus promote a fuller observance of those rights, in a just and balanced manner."

The Idle No More movement reiterates the Vienna Declaration and Programme of Action, adopted by consensus at the World Conference on Human Rights on 25 June 1993, positioning the rights of Indigenous Peoples central to continued universal human rights promotion and protection. The VDPA reaffirmed the Universal Declaration of Human Rights and the United Nations Charter.

Consistent with the issues addressed the VDPA also states that "All human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms."
Again, consistent with many of the issues addressed within this document, and in particular the issue of free, prior and informed consent, the VDPA calls all States and institutions to include international human rights law, international humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings.

We must all understand our own colonial history.

The priorities of colonialism still linger and profoundly affect our relationship with the natural environment, ordering of knowledge, and implementing human rights.

It is my interpretation that the rights of Indigenous Peoples represent an extremely aspect of human rights of natural persons. Understanding the unique features held by Indigenous Peoples jurisdictions helps us understand how they contribute to strengthening natural person rights within organized social and political institutional developments. .Remembering that the United Nations declaration on the Rights of Indigenous Peoples, situated within the arena of universal human rights that "respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment." Natural nations directly responsible for natural persons must act responsibly if they are to continue. They are the jurisdiction directly dependent on healthy natural environments. Because indigenous peoples have suffered from historic injustices as a result of their colonization and dispossession of their lands, territories and resources, they have been prevented from exercising their right to development in accordance with their own needs and interests, which represent the direct needs and interests of all natural persons.

"The World Conference on Human Rights reaffirms the solemn commitment of all States to fulfill their obligations to promote universal respect for, and observance and protection of, all human rights and fundamental freedoms for all in accordance with the Charter of the United Nations, other instruments relating to human rights, and international law. The universal nature of these rights and freedoms is beyond question."

In Canada, we have before us the opportunity to take action to ensure that the human family is finally afforded the protections and dignity is so deserves, for our generation, and all that yet to be born.

In Canada, customary aboriginal law has a constitutional foundation because Canada's actual origins began in customary law, beginning politically and geographically within the Aboriginal territory of the Algonquins, and expanded through the governance models and normative values and customs of the Indigenous Peoples of Canada.

This part of Canadian heritage having Constitutional protection is a very serious commitment on the part of Canada to preserve and protect the original legal foundations of Canada, and subtly agree to reverse, at least in expressed principal, the irregularities associated with our history of colonization.

Unfortunately in Canada there is a tremendous ravine between principle and procedure. The Algonquin situation gives us all a unique opportunity to identify and reconcile these gaps.

Contextual to the Algonquin situation, the Kichesipirini Algonquin First Nation are the customary central government of the broader Algonquin Nation. Our complete rights exist because we have not come under the Indian Act, and we are not located on a reserve administered through domestic statute. We are still sovereign.

The Kichesipirini Algonquin First Nation still has the ability to exercise jurisdiction, or the ability to make laws, without relying on the statutes associated with our colonial administration. That is the potential available to the Algonquin Nation, the Indigenous Peoples of Canada, and Canada itself..

As Principal Sachem of the Kichesipirini Algonquin First Nation, in the role of customary Crown associated with the original national foundations of Canada I assert that the Aboriginal nations of Canada were established and maintained through positive kinship relations and territorial attachment, title and jurisdiction.

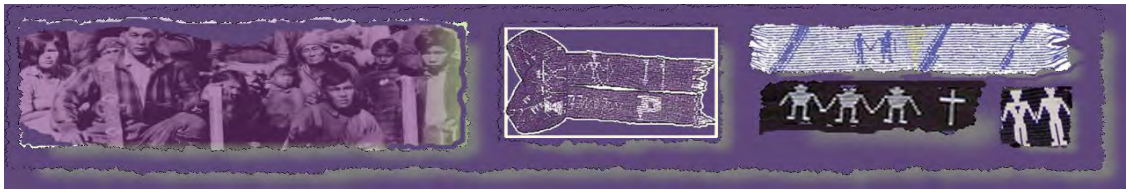
Contrary to colonial myth Kichesipirini history proves:

- Traditional Indigenous Peoples were autonomous nations, usually organized in systems of federation,
- Traditional Indigenous Peoples exercised various forms of land tenure systems,
- Traditional Indigenous Peoples were inclusive and citizenship was adaptive and dynamic,
- Traditional Indigenous Peoples exercised self-determination in various economic activities, including Treaties amongst each other, for the continued prosperity and self-preservation of their nations,
- Traditional Indigenous Peoples policies were diverse, holistic, and intergenerational covenants inclusive of spiritual obligations to the Creator, ancestors, descendents and the environment.

I further assert that the deliberate exclusion of these aspects of Indigenous Canadian history and the associated international laws robs the Indigenous Peoples of critical information needed to effectively exercise free, prior and informed consent in the development and rightful enjoyment of self-determination, social and political equality and the inherent right of Indigenous Peoples in their spiritual roles as environmental stewards.

A comprehensive and contextual examination of the actual historical record, inclusive of those nations colonizers would prefer not exist, such as the Kichesipirini, clearly demonstrates that Traditional Aboriginal Title and Jurisdiction, outside the confines of domestic policy, are of no threat to the common interests of the Canadian nation. They are, in fact, constitutionally protected. They do challenge the unfettered agendas of globalization and asserted jurisdiction to natural resources by multinational corporations and the associated elitist profiteering. Unbeknownst to most, current domestic policy in uncontested right of the Crown, apart from Traditional Aboriginal Title and Jurisdiction of pre-existing Aboriginal nations, places the rights of all Canadian citizens in conflict of interests with the sovereignty still claimed by the imperial Crown. The role of Principal Sachem reconciles the claims of the imperial Crown, while protecting the Honour of the Crown associated with the fiduciary responsibility.

As Principal Sachem of the Kichesipirini Algonquin First Nation I assert, that while the administrations of Canada and the provinces are subject to statute limitations regarding recognition of the Aboriginal rights all persons of Aboriginal ancestry in Canada, especially those whose rights are considered extinguished prior to 1982, the Kichesipirini Algonquin First Nation, not having come under statute limitations, and still holding customary jurisdiction; having a documented record of entering into international treaties and confederacies, having a documented record directly associated with the original foundations of the polity known as Canada, and participating in the development of international law, is in a position to assert, protect, preserve and perfect the customary rights held by all persons of Aboriginal ancestry, regardless if they are considered extinguished prior to 1982. This would meet all legal requirements associated with the rights of the Indigenous Peoples of Canada, colonial claims, and universal human rights and environmental protections.



This Document is one of a number of related documents including:

Lasting Treaties, Living Covenants,

Prior Social Organization,
http://www.scribd.com/doc/48051716/Prior-Social-Organization

Canadians Let Us Reason Together About This Algonquin Situation
http://www.dominionpaper.ca/weblogs/paula_lapierre/4369

Spirit of the Law
http://www.scribd.com/doc/98589907/Paula-LaPierre-Spirit-of-Law

Canadian Domestic Policy Abrogates and Derogates Inherent Aboriginal Rights
http://www.scribd.com/doc/98588433/Paula-LaPierre-Bio2

First Steps Together On The Good Path
http://renaud.ca/public/Aboriginal/Kichesipirini/FIRST%20STEPS%20TOGETHER%20ON%20THE%20GOOD%20PATH.pdf
Protecting Our World Cultural and Natural Heritage: The Need For a Global Perspective in Algonquin Territory, Partnership for Action and Dignity, in this The Second International Decade of the World's Indigenous People (2005-2015)

The Kichesipirini Algonquin First Nation believe that this proposal, in conjunction with other associated initiatives, merits consideration of this and numerous other international programmes. Such a proposal gives Canadians access to additional expertise and other resources necessary for such a monumental global task. We look forward to working closely with all those interested in pursuing such worthy endeavours.

We look forward to your timely and appropriate response.

Sincerely,
Chi migwetch,

Paula LaPierre
Niiwin Giipne-kwe
Principal Sachem
Still Sovereign
Kichesipirini Algonquin First Nation
Kichi Sibi Anishnabe
Canada

Kichesipirini Algonquin First Nation
By Honouring Our Past We Determine Our Future