

Submission to the Anishinabek News - December 2009

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UN Document Supports Treaty Rights: Venne

An 'expert forum' was held this July at Kettle & Stony Point First Nation to hear from experts, leadership and citizens on what a possible Treaty Commission in Ontario (TCO) might look like. Sharon Venne was a one such expert. Venne is the Chair/Rapporteur of the United Nations Seminar on Treaties. Her work, internationally and domestically, relates to the promotion of the rights of Indigenous peoples, especially rights related to lands, resources, treaties and to future generations. The background research on many of the clauses of the Declaration on the Rights of Indigenous Peoples can be found in her book, *Our Elders Understand Our Rights: Evolving international law regarding Indigenous peoples*. Venne is an Indigenous Treaty person (Cree) and by marriage a citizen of the Blood Tribe within Treaty 7.

Venne says those treaties made with the Crown or European powers were international agreements. "There is a UN document that supports Indigenous Peoples and treaties," says Venne. "We need it to use it to promote our rights." Venne says that from a global perspective, Canada is like many countries, not honouring treaties. "I cannot think of any country that is honouring treaties," says Venne.

"If you have a UN presence – it can be used to push your own agenda and ideas and it also has an oversight provision. Since there is someone looking over the shoulder of Canada to see about implementation of the treaties, it can be a forceful tool. Look at the OKA crisis and the role of the UN in that process."

"The treaties made by Indigenous Peoples and recognized through the UN study on Treaties - this declaration does not diminish those rights under international law. As a result, treaties recognize that Indigenous Peoples have rights that are outside of the declaration. The declaration is a narrow application - only to the human rights area - Indigenous Peoples rights include our human rights. We have rights as a collective which is different from an individual right which is usually the focus of human rights. We are not limited to human rights."

Venne says that by Canada not signing the Declaration doesn't mean anything.

"Indigenous Peoples can access all the mechanisms of the UN whether Canada accepts or not the declaration. It is an international standard accepted by the General Assembly. As far as I am concerned the colonial state of Canada does not need to recognize it - it keeps a hammer on their heads. The First Nations have to use the UN to push their rights - the UN recognized the right - now how are they going to enforce it? it is a question - First Nations must do the pushing - does not matter what Canada thinks about it."

Venne adds that a treaty commissioner should file all their reports at the United Nations oversight. It

keeps in line with the treaties being
international agreements.