



Federation of Saskatchewan Indian Nations

FSIN OFFICES

June 7, 2007

To: All Saskatchewan Chiefs
FSIN Executive Council
FSIN Senate

Re: Treaty Implementation Principles

The attached principles were approved by resolution at the Legislative Assembly of Chiefs on May 29, 2007.

These principles reflect the importance of Treaty for all First Nations peoples. It is recommended that they be used as reference points in deciding whether to follow a certain course of action. They are gleaned from the book Treaty Elders of Saskatchewan. Our Elders counsel us not to abandon these principles in favour of short-term gains. Rather, we must try to see the long-term implications of our decisions. All First Nations peoples respect the covenant our forefathers made with the Crown when we concluded Treaty. Nobody wishes to make decisions that will undermine Treaty in any way. We must be vigilant to make sure our Treaty is not jeopardized. We all share the responsibility of making sure our Treaty continues. The legacy we leave future generations will depend in a large part on the choices that we make.

The Chief's Advisory Committee and my office provided the direction for the development of these principles using a Treaties Task Force coordinated by the Treaty Governance Office (TGO). TGO is available to provide an overview of these principles to FSIN Commissions, First Nations, Institution Boards, Tribal Councils, institutions and other agencies involved in decisions which may impact on our Treaty Rights. Please contact the TGO office at 667-1876 to arrange a date for an overview presentation.

Sincerely,

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*Protecting and
enhancing
Treaty Rights for
First Nations of
Saskatchewan*

Treaty Implementation Principles

Federation of Saskatchewan Indian Nations

May 29, 2007

Treaty Implementation Principles - Saskatchewan

Description of the Tree

The description and explanation of Sovereignty is a difficult task especially when one considers the various elements that must be taken into consideration. It is understood that there are various degrees of sovereignty which impact and describe nationhood.

The First Nations of Saskatchewan believe that sovereignty emanates and has its connection to the Creator and all the components of Mother Earth. The Elders have always told us that sovereignty and nationhood are intimately linked and present in our everyday lives. These principles define who we are, how we live and how we govern as First Nations people. These values are present in everything we do.

First Nations people have historically communicated through the use of symbols, pictures and the use of animate objects. In the present day, visual means of communication is still a useful way to illustrate and explain ideas. For that reason the diagram of a tree is used to describe sovereignty and nationhood and make the connections to our Treaty. The use of a tree visually traces the flow and direction of sovereignty. The trunk of the tree represents sovereignty which has its roots in "Mother Earth" and includes the trees, plant life, rocks and all the animals. The tree becomes exposed to "*keesic*" which includes the sun, air, sky, wind and water. "*Pimachihowin*" or making a living results from the interaction of "Mother Earth" and "*keesic*". The sap present in the trunk and resulting branches flows upward and is forever present in the branches as the tree matures.

The symbolism of the tree represents growth that begins in Mother Earth. From the earth, the tree flows upwards above the ground and towards the heavens connecting us to the Creator. This upward direction forms the basis for our "vision" as First Nations people. First Nation's peoples have a duty to be true to our vision. This requires that we be guided by the principles imbedded in our vision as we progress towards our goals and aspirations.

The ten sovereign Treaty Principles that are identified in the attached Tree depict Treaty Implementation. The first four sovereignty principles illustrated, emanate from our origins as First Nations' people from Creation onward. Moreover, our sovereignty was recognized with the first European contact in the 1763 Royal Proclamation.¹ Additionally further support for First Nation's sovereignty is affirmed by Our Elders. They state that after 1763 the Crown confirmed our sovereignty by the principles used for Treaty-making. This sovereign status existed thousands of years before both the Royal Proclamation and subsequent negotiation of Treaty. Our elders advise us that We must never lose sight of our sovereign Treaty principles when we contemplate and plan for the future of our people. The future of our people demands that self-directed principles, that are reflected in the treaties, are front and center.

¹

Great Britain. Parliament. Royal Proclamation (October 7, 1763)). George III. Text available at: Indigenous Studies Portal: portal.usask.ca; or Avalon Project, Yale. <http://www.yale.edu/lawweb/avalon/procl1763.htm>

Federation of Saskatchewan Indian Nations

Treaty Implementation Principles

Vision

Our vision is that we will live on the land, as we have always, where our Peoples will be self-determining and economically independent, where we will walk in health and happiness with strength, unity, balance and according to our oral traditions as sovereign Nations, as bestowed by the Creator and as affirmed by the Treaty.

Mission

Our mission in fulfilling our Treaty is that our governments and institutions will serve and benefit every citizen of every First Nation in a fair and just manner, based on our distinct culture, laws and customs, according to the Spirit and Intent of Treaty.

Treaty-making

- 10 – Canada has an **on-going obligation** to fulfill the Treaty according to the Spirit and Intent.
- 9 – The **Spirit and Intent** of the Treaty relationship is more valid than the written text and will last “as long as the sun shines, the rivers flow and the grass grows.”
- 8 – Our Treaty has **International Stature**.
- 7 – Our **sovereignty will continue forever** and will continue to define our nationhood forever.
- 6 – First Nations and the Crown **affirmed** each other’s sovereignty in the Treaty process.

- 5 – The **Royal Proclamation of 1763** affirmed our sovereignty, institutionalized the Treaty-making process and made our consent a condition before our lands and resources could be alienated.

Origins

- 4 – Our sovereignty enabled us to enter Treaty and other political **accords** with other nations.
- 3 – We, the First Nations, have always made our own **laws, institutions and jurisdiction** which reflects our culture, values and languages.
- 2 – We, the First Nations **occupied** North America as sovereign nations long before other people came to our shores.

- 1 – We, the First Nations come from **Mother Earth**, and this determines our relationship with nature, our role as stewards of this land, and all forms of life and our sovereignty.

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Pimachihowin (making a living)

Land as a foundation providing a source of livelihood and a continuing holistic relationship.

Letter of Transmittal

Working Guidelines

The Chiefs Advisory Committee (CAC) and the Office of the Chief provided the direction and focus for the development of the Principles. The principles thereafter were used to analyze and respond to the recommendations made in the Report of the Office of the Treaty Commissioner, entitled *Treaty Implementation Final Report*.²

These Treaty principles arose during consideration of the *Treaty Implementation Final Report*, and it appeared timely to articulate what the Elders have always told us. The Treaty Task Force (TTF) is of the opinion that these principles have sufficient merit on their own to be used as Treaty reference points for First Nation leaders to apply them in the modern context. For that reason, these principles should be considered as stand-alone.

The principles start with our relationship with the land and move from there to address special Treaty attributes in a logical sequence. No attempt is made to explain or justify the principles in terms of the Canadian legal and political system. This is not a legal paper. The validity of the principles stems from the fact they reflect First Nations history and cultures.

It is understood that this is only the first phase of an overall process that will eventually add more and more meaning to the breadth and scope of these Treaty principles. The Cree terminology used in the principles will be translated to the other Saskatchewan First Nation languages as part of the follow-up work at the community level. There will also need to be extensive research of international law and its application to these principles.

Treaty Task Force:

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² Office of the Treaty Commissioner Treaty Implementation: Fulfilling the Covenant Saskatoon: Purich Publishing, 2007

Introduction

These principles are to remind us of the true importance of Treaty for all First Nations peoples. They are the reference points which we must use in deciding whether to follow a certain course of action. They are gleaned from discussions with our Elders. Our Elders counsel us to not abandon these principles in favour of short-term gains. Rather, we must try to see the long-term implications of our decisions.

Today, First Nations stand at a crossroad more than at any other time in our history. Following several decades of economic and social poverty, we stand on the threshold of prosperity. We are being courted with financial opportunities from government and private interests. The Federal governments want to settle Treaty issues once and for all, and in this way extinguish its on-going obligations. Provincial governments try to impose more of their jurisdiction on our lands and people. Private enterprise wants our resources and entices us with financial opportunities such as we've never had before. The choices we make will all cost a price.

All First Nations peoples respect the covenant our forefathers made with the Crown when we concluded Treaty. Nobody wishes to make decisions that will undermine Treaty in any way. Yet, the foundations of Treaty are continually being assaulted and weakened. In most cases, this is not done knowingly. Rather, subterfuge is used to fool us into thinking we are receiving something when, in reality, we are doing most of the giving.

Our spiritual connection to the land dictates our relationship to it and to each other. Our spiritual beliefs have grounded us and given us strength in hard times. Elders teach us that if we abandon our ways, we will lose our strength, our connection to the land. If this happens, we will not survive, we were taught to always maintain our connection to the land, and this we will protect for generations to come. Our Treaty ensures this relationship continues.

In all our dealings with other governments, we must be vigilant to make sure our Treaty is not jeopardized. Our Treaty is meant to stand for as long as the sun shines, grass grows and the rivers flow. We all share the responsibility of making sure our Treaty continues. The legacy we leave future generations will depend in a large part on the choices that we make.

Vision

Our vision is that we will live on the land, as we always have, where our Peoples will be self-determining and economically independent, where we will walk in health and happiness with strength, unity, balance and according to our oral traditions as sovereign Nations as bestowed by the Creator and as affirmed by the Treaty.

Mission

Our mission in fulfilling Treaty is that our governments and institutions will serve and benefit every citizen of every First Nation in a fair and just manner, based on our distinct cultures, laws and customs, according to the Spirit and Intent of Treaty.

Treaty Implementation Principles

1. **We, the First Nations, come from *Mother Earth*, and this determines our relationship with nature, our role as stewards of this land, and all forms of life and our sovereignty.**

The nature of our sovereignty arises from our relationship with the land. In our relationship with the land, we believe that all Creation is interrelated and interdependent. Therefore, all Creation that lives on Mother Earth are the children of Mother Earth. Our languages reflect this reverence for Mother Earth in our reference to *Kikawinaw Askiy*.

It is this relationship of First Nations to all life forms that forms the basis of our stewardship and sovereignty. According to the Elders, First Nations peoples have been given sacred gifts that arise from the peoples' special relationship with the Creator. "...it is this very special and complete relationship with the Creator that is the source of the sovereignty."³

In our relationship with the earth, we cannot separate ourselves from it because we are part of the earth. We believe that *Askiy* (the land or earth) is the source of life for all living beings on this earth. It enables all life forms with the ability to make a living (*pimachihowin*). However, for First Nations people, *pimachihowin* is more than the simple economics of actually making a living. Our connection to the earth has a spiritual dimension besides that of the physical and economic. This relationship is further reflected in the similarity of our word for life (*pimatisiwin*) and our word for making a living (*pimachihowin*). Without our land and our connection to it, we would die - as we realize that culture/spiritual traditions have saved us and will continue to provide for us and protect us in the future.

Our Elders remind us, this worldview of the wealth of the land, refers not only to its material capabilities but also its spiritual powers inherent in it. Mother Earth includes the trees, plant life, rocks and all the animals,⁴ Everything above the ground is encompassed by the word *keesic* which refers to sun, air, sky, wind and water.

This kind of relationship with the earth and sky is shared with Indigenous peoples from all over the world. It is increasingly being supported by international opinion:

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual and material relationship with the lands, territories, waters and coastal seas and other

³ Treaty Elders of Saskatchewan: Our Dream Is That Our Peoples Will One Day Be Clearly Recognized As Nations. Prepared by Harold Cardinal and Walter Hildebrandt. Calgary: University of Calgary Press, 2000, p. 11. (Hereafter 'Treaty Elders of Saskatchewan')

⁴ Treaty Elders of Saskatchewan, at p.43

*resources which they have traditionally owned or otherwise occupied or used, and to uphold their responsibilities to future generations in this regard.*⁵

In his Treaty Study, Martinez⁶ also talks about land as the ultimate source of life and wisdom, that land is inalienable because it is not owned, but preserved for future generations and that it plays an irreplaceable role in the religious practices of indigenous people everywhere.

2. We, the First Nations, occupied North America as sovereign Nations long before other people came to our shores.

This principle of our occupancy of North America supports our belief in First Nations' Sovereignty. We were "the first born or the ones who received our ways" (*Nistameyimakanak*). There were no Europeans when we were put on this continent. This is the oral history handed down by our Elders.

The Elders maintain that First Nations were given the land by the Creator and hence were given original sovereign title, possession, and ownership of their lands and territories.⁷

In the Royal Proclamation of 1763, First Nations were referred to as "nations". The reference to "nation" supports First Nation occupancy because land occupation is an essential ingredient of what constitutes a nation. This recognition supports First Nations sovereignty.

⁵ Daes, Erica-Irene A. The United Nations Declaration on the Rights of Indigenous Peoples. In: Report of the Seminar on the United Nations draft Declaration on the Rights of Indigenous Peoples. Rovaniemi, Finland, 29-30 June 1995. Samiraddi Sami Council. pp. 9-18. Quoted in: Daes, Erica-Irene A. Prevention of Discrimination and Protection of Indigenous Peoples and Minorities. Indigenous peoples and their relationship to land. Final working paper prepared by the Special Rapporteur, Mrs. Erica-Irene A. Daes. UN Doc. E/CN.4/Sub.2/201/21 11 June 2001. [http://www.unhchr.ch/Huridocda/Huridoca.nsf/\(Symbol\)/E.CN.4.Sub.2.2001.21.En?Opendocument](http://www.unhchr.ch/Huridocda/Huridoca.nsf/(Symbol)/E.CN.4.Sub.2.2001.21.En?Opendocument) [Hereinafter 'Daes Final Report on Land']

⁶ Miguel Alfonso Martínez, Special Rapporteur. Final Report of the Study on Treaties, Agreements and Other Constructive Arrangements between States and Indigenous Populations: Final Report, Commission on Human Rights, Sub-Commission on the Prevention of Discrimination and Protection of Minorities, UN Doc. E/CN.4/Sub.2/1999/20: 22 June 1999. [Hereinafter 'Martínez Treaty Study']

⁷ Treaty Elders of Saskatchewan, at p. 57.

3. We, the First Nations have always made our own laws, institutions and jurisdiction, which reflects our cultures, values and languages.

First Nations historically had their own laws based on their world-view to govern the behavior of their peoples. They developed their own means to adhere to and enforce these laws. Prevention of anti-social behavior was addressed through a variety of ways including Elders teachings, stories, and ceremonies. In extreme cases of not following the rules set down by the tribe, an individual could be ostracized from the tribe. They determined who had the right to belong to their tribes or groups of people.

“The presence of the First Nations peoples in North America is seen by the Elders as evidence of the Creator’s perfect love for the First Nations peoples. This perfect love gave birth to a continuing relationship between the Creator and the First Nations, which over time manifested itself in the transmission of whole and complete laws and institutions from Him to them.”⁸

“Breaking these vows can bring about divine retribution with grave consequences. This concept is known in Cree as *'pastahowin.'*” [Emphasis added]⁹

“The Elders, for example, explained that when promises, agreements, or vows are formally made to the Creator (*Wiyohkawimaw*) through ceremonies conducted in accordance with the laws governing them – the promises, agreements, or vows so made are irrevocable and inviolable.”¹⁰

4. Our sovereignty enables us to enter into Treaty and other political accords with other Nations.

This principle is about the power that comes out of the sovereignty of First Nations.

For centuries First Nations have entered into Treaty and other political accords with other nations. It was not only European nations that used Treaty to regulate their relationships with other nations. “In North America, prior to the coming of Europeans, Indian nations regularly entered into Treaty relationships with one another.” A recent example occurred during the seventeenth century when the Cree and Blackfoot-speaking nations entered into a peace Treaty with one another to end the hostilities between them.¹¹

⁸ Treaty Elders of Saskatchewan, at p. 30

⁹ Treaty Elders of Saskatchewan, at p. 7

¹⁰ Treaty Elders of Saskatchewan, at p. 7

¹¹ Treaty Elders of Saskatchewan, at p. 53.

Each First Nation has terms to describe Treaty and other political accords. For example in Cree, the expression *Okimâw miyo-wîcihitowiyêcikêwin* refers to the different accords that are made in order to have good relations or relations of friendship between sovereigns.¹²

The meaning of entering into a Treaty relationship is not the same for us as for the Euro-Canadian. For First Nations, the covenant was to be conducted and regulated by the principles and laws governing family relationships (*witsanihitowin*). The Whiteman was treated as a cousin (*kiciwaminawak*). First Nations intended to live together on the land and to share the land (*ewitaskemacik*). The European, however, had an entirely different idea of what the Treaty was for. It was to extinguish Indian title.

5. The Royal Proclamation of 1763 affirmed our sovereignty, institutionalized the Treaty-making process, and made our consent a condition before our lands and resources could be alienated.

It is significant that our First Nations sovereignty has been recognized by Great Britain and other European sovereign nations.

The Royal Proclamation of 1763 was one of the first major acknowledgement by a European power of the status of First Nations and their right to the lands in North America. It stated in the preamble:

*And whereas it is just and reasonable, and essential to our Interest, and the Security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our Protection, should not be molested or disturbed in the Possession of such Parts of Our Dominions and Territories as, not having been ceded to or purchased by Us, are reserved to them, or any of them, as their Hunting Grounds.*¹³

By this, Great Britain acknowledged the status of nationhood to First Nations. It also recognized and entrenched the need for First Nations' consent before land could be taken from them. Great Britain recognized the sovereign status of First Nations.

The Royal Proclamation was described in 1973 by Mr. Justice Hall of the Supreme Court of Canada as the 'Indian Bill of Rights' with the force of Magna Carta.¹⁴ Lord Denning

¹² Treaty Elders of Saskatchewan, Glossary of Terms, at p. 79

¹³ Great Britain. Parliament. Royal Proclamation (October 7, 1763). George III. Text available at: Indigenous Studies Portal: portal.usask.ca; or Avalon Project, Yale. <http://6www.yale.edu/lawweb/avalon/proc1763.htm>

¹⁴ Calder v. The Queen, [1973] S.C.R. 313 at 394.

later agreed with this passage:

*“To my mind the Royal Proclamation of 1763 was equivalent to an entrenched provision in the constitution of the colonies in North America. It was binding on the Crown —so long as the sun rises and the river flows.”*¹⁵

When the Royal Proclamation was first introduced, First Nations were to benefit also. As First Nations we have not benefitted as originally intended; it appears the newcomers have benefitted more than us. As First Nations, it is our goal to ensure we benefit as originally intended by the Royal Proclamation.

6. First Nations and the Crown *affirmed* each other’s sovereignty in the Treaty process.

The Treaty parties entered into Treaty-making because of inherent powers as sovereign nations. This is evident from the ceremonial context and the terms that were used in the Treaty negotiations and in concluding Treaty. In the book Treaty Elders of Saskatchewan, it is described in the following way:

*The treaties, through the spiritual ceremonies conducted during the negotiations, expanded the First Nations sovereign circle, bringing in and embracing the British Crown within their sovereign circle. The treaties, in this view, were arrangements between nations intended to recognize, respect, and acknowledge in perpetuity the sovereign character of each of the Treaty parties, within the context of rights conferred by the Creator to the Indian nations.*¹⁶

The *Martínez Treaty Study* confirms that at the time of Treaty-making and according to international law, only parties, possessing sovereignty – their own or delegated by other sovereigns -- had the capacity to enter into Treaty.

The sovereignty exercised by First Nations for hundreds of years has not been diminished by Treaty.

¹⁵ Secretary of State for Foreign and Commonwealth Affairs, ex parte Indian Association of Alberta, [1982] 2 All E.R. 118 at 124, Lord Denning MR

¹⁶ Treaty Elders of Saskatchewan, at p. 41.

7. **Our sovereignty will continue forever and will continue to *define* our nationhood forever.**

In Cree, sovereignty is referred to as *Nehiyew Iyinayisiyinew pakitinkosowin*. This means that our sovereignty is a gift from the Creator. In this sense, our focus as Nations, is more on our stewardship of the land than domination of the land.

This sovereignty defines how we exercise the different components of nationhood. Our Elders counsel us to continue to exercise our jurisdiction over those same matters as we have always done. We must continue to determine who belongs to our nation. We must continue to make our own laws over our lands and laws which define our rights. We will continue to determine how we govern ourselves.

8. **Our Treaty has international stature.**

Our sovereignty to govern ourselves according to our own laws predates Treaty. This is significant because when we negotiated Treaty with the Imperial British Crown, we negotiated as Nations, on a Nation-to-Nation basis. As such, our Treaty is international in nature.

The fact that our Treaty is made in accordance with oral traditions is also protected by international law and reinforces our Nation-to-Nation relationship.

Accordingly, our conduct as Treaty Partners with the Crown, is to abide by the principles of free consent, good faith and being bound by those promises. The act of Treaty-making in itself shows that we are Nations, capable of making accords with other Nations. Further, Treaty functions today in a protective role, to protect our inherent rights to be sovereign Nations.

According to our Elders, the Treaty made with the Crown was meant to reflect our sacred covenant to live together on this land, each respecting the other's way of living. The term *Kiciwaminawak* refers to our relationship with the newcomers, that we would treat them as cousins, in this way, as our relatives, we are family and would respect each other as such. By establishing a relationship as 'relations' it serves to help us maintain relations as cousins, living side by side in harmony.

9. **The *spirit and intent* of the Treaty relationship is more valid than the written text and will last “as long as the sun shines, the rivers flow and the grass grows.”**

The *spirit and intent* refers to the understandings of Treaty that arise out of the context in which the negotiations took place. Included in the context are the understandings that each party brought into the discussions. These understandings were shaped by the culture, language and history of each party. The worldview of the First Nations was not the same as it was for the Crown. Whereas the European entered into Treaty with a mindset of acquisition akin to a real estate transaction, to the First Nations, the Treaty meant a new relationship of partnership and sharing.

Oral history of First Nations supports First Nations sovereignty. Our Elders tell us that First Nations intended to continue to govern themselves independently as they had for centuries. There is no mention in the Crown’s text of Treaty or in oral traditions that we, First Nations intended to give up our sovereignty.

According to oral history, the First Nation way of life was not being given up or affected. This way of life refers to sovereignty and governance, culture, economic lifestyle and spiritual beliefs.

Our Elders also tell us that we did not agree to give up the land. The written text contains the words “cede, release, surrender and yield up ... all their rights, titles and privileges, whatsoever to the lands...”¹⁷ These words are contrary to what actually took place in the negotiations. First Nations intended to share the land. The word *witaskiwin* was used in the negotiations when describing the accord relating to land. *Witaskiwin* means sharing or living together on the land. More particularly, First Nations only intended to share the topsoil to the depth of a plough. According to our Elders, this was because the white man asked us if they could use this soil for farming and we agreed.

In return the Crown undertook to provide assistance in a number of areas including: education, health and medicine, economic independence, hunting, fishing, trapping, gathering, annuities, agriculture, prohibition of liquor, exemption from taxes and conscription.

That the Crown also undertook to look after the well-being of First Nations is repeated in the Treaty Six famine and pestilence clause:

That in the event hereafter of the Indians comprised within this treaty being overtaken by any pestilence, or by a general famine, the Queen, on being satisfied and certified thereof by Her Indian Agent or Agents, will grant to the Indians assistance of such character and to

¹⁷

Morris, Alexander The Treaties of Canada with the Indians of Manitoba and the North-West Territories including the Negotiations on which They were Based. Toronto: Belfords, Clarke (1880). p. 331.

*such extent as Her Chief Superintendent of Indian Affairs shall deem necessary and sufficient to relieve the Indians from the calamity that shall have befallen them; ...*¹⁸

The *spirit and intent* of the Treaty also means that the written terms must be interpreted to reflect changes with the progression of time. The medicine chest clause means a comprehensive type of health and medical coverage to supplement First Nations health and medicine. The salary provision for chief and subordinate officers means a recognition of First Nations government. First Nation citizenship was recognized by inference from the need for a census of all First Nations people for the purpose of annuities. The combination of hunting and fishing rights and agriculture assistance indicates an intent to promote the continuation of economic self-sufficiency from the land. First Nations intended to retain certain lands to live on. This is reflected in the word *iskonikan* which means that which we kept back for ourselves. It is not the same as the government's word reserve which implies that the government was giving the land to the First Nations.

The pestilence and famine clause in the modern day context would mean assistance in times of extraordinary circumstances such as diseases, pandemic and floods. The school house clause was meant to train us with new skills; this includes post-secondary education; the taxation clause exempts us from tax; this includes exempting us from tax on post-secondary allowances. Our Elders tell us that our reserves were to grow with our population; that the reserve size would increase with the expansion of our population. This has not occurred yet.

First Nations entered into Treaty with the Crown intending to make a permanent relationship. To the First Nation person, promises, accords, covenants, or vows are irrevocable and inviolable when they are made to the Creator (*Wiyohkawimaw*) in ceremony according to the laws governing them.¹⁹ The Crown was likewise bound by the enduring nature of the Treaty relationship. This is also symbolized by the Crown worn by the Queen/colonial leader and the Headdress worn by Chiefs and Headmen. The Queen's representatives took part in ceremonies with the First Nations where they used sweetgrass during Treaty negotiations and sealed them with the smoking of the pipe. This marked the beginning of our never-ending relationship between First Nations and the Crown.

The lasting nature of the treaties is also found in the deeply held belief of the consequences, if vows are broken. When "promises, agreements, or vows are formally made to the Creator (*wiyohkawimaw*) through ceremonies conducted in accordance with the laws governing them – the promises, agreements or vows" cannot and must not be

¹⁸ Morris, Alexander at p. 354.

¹⁹ Treaty Elders of Saskatchewan, at p. 18.

broken. If someone breaks these vows, it can bring about divine punishment (*pastahowin*) to the transgressor.²⁰

By taking part in the Treaty ceremonies and respecting First Nations traditions, both the First Nations and the Crown undertook to speak the truth or **tapwewin**. In that context, it must be understood that Treaty will last forever or as long as the sun shines, the rivers flow and the grass grows.

10. Canada has an on-going obligation to fulfill the Treaty according to the Spirit and Intent.

The Crown entered into the Treaty relationship on the understanding that it would continue in perpetuity. This is evident from the words of the Treaty Commissioner, Alexander Morris, who expressed his understanding of the permanent nature of the new relationship

... What I trust and hope we will do is not for to-day or to-morrow only; what I will promise, and what I believe and hope you will take, is to last as long as that sun shines, and yonder river flows.²¹

As a result the Crown is bound in a number of ways by its undertakings which include promises to First Nations in the areas of education, schools, health care, economic independence, hunting, fishing, trapping and gathering, ammunition, setting aside of reserves, ammunition, agriculture implements and other assistance, and annuity payments.

The ongoing Treaty obligation rests with the Crown in right of Canada. Although the treaties were made with the Imperial Crown, this obligation has been transferred to the Crown in right of Canada. Canada's obligation was formalized in 1982 with constitution patriation. While we do continue to have a Treaty relationship with the Imperial Crown, it is symbolic in nature.

First Nations dealings with the Crown on Treaty matters must be with the Crown in right of Canada.

²⁰ Treaty Elders of Saskatchewan, at p. 7.

²¹ Morris, Alexander at p. 202.