**UN Seminar of the Expert Mechanism on the Rights of Indigenous Peoples**

**“Treaties, agreements and other constructive arrangements, between indigenous peoples and States, including peace accords and reconciliation initiatives, and their constitutional recognition.”**

Intervention by International Chief Wilton Littlechild (Virtual)

1 December 2021

Greetings in Cree as it is the official language in Maskwacis Territory.
Congratulations and welcome to all delegations to this timely and important virtual meeting.

The Maskwacís Cree Nations entered an adhesion to Treaty Number 6 at Blackfoot Crossing in 1877. As background introduction, our delegations were very involved in the UN Treaty Study and Final Report by the late Special Rapporteur Professor Miquel Alfonso Martinez. Indeed, the first official UN meeting outside of Geneva Headquarters was held on our Treaty territory.

I will be submitting four Annexes to this intervention and kindly ask the Secretariat to circulate them to the participants of this Seminar.

Note Annex 1, which is an important Conference Room Paper (10 July 2014). It is a compilation of all the conclusions and recommendations submitted at the three UN Treaty Expert Seminars. Thank you to EMRIP as this study provides a valuable opportunity to assess any progress to date on the important conclusions and recommendations in the final report of the nine-year study. The Enoch Declaration, issued on Treaty 6 Territory, is an example of successful follow-up to the recommendations of the three UN Treaty Studies among others.

With your permission, we would like to identify some barriers, from our experience, to the implementation of Treaties that have been discussed here. It was because our Treaty was being violated, by breach, on a daily basis that our elders, spiritual leaders and elected representatives decided, after ceremony, to bring our concerns to the UN. This has been the practice for our leadership since 1977.

Our perspective and understanding of our Treaty has four elements:
      (i) the written text (through interpreters)
      (ii) the oral testimony (now supported without qualifications by Canada in the UN
 Declaration Act) (Annex 2)
      (iii) the ceremony and spiritual manifestations of our sacred agreement
      (iv) legal interpretations by the courts (Annex 3)

The barriers to respect of these four elements are compounded by other languages used to interpret the Treaty from our Cree language understanding of the original spirit and intent, which is often not the same as the written versions of the kitchoyichigan (sacred agreement). This raises the query of whether there is a common understanding of the agreement?

Another barrier is Canada’s failure to uphold article XXIV of the *American Declaration on the Rights of Indigenous Peoples*. Article XXIV clarifies and improves article 37 of the *UN Declaration*, more accurately reflecting the Cree Peoples, tribes and Nations’ understanding of Treaties, (See Annex 4)

Although the American Declaration was adopted by consensus, and the OAS subsequently adopted a plan of action to implement the American Declaration, Canada has been reticent about engaging with this instrument.

Another barrier is that while there is a Cree implementation mechanism of the Treaty, there is no parallel state party mechanism.

I would like to end by one more comment on our position on Treaty Number 6, as an international agreement. The affirmation of our Treaty rights in the *Canadian Constitution* in section 35 and the interpretation provisions of the *Constitution* itself (including section 52(2)) further underlines the fact that Treaty Number 6 is “the supreme law of the land.” This is supported by the four annexes I am submitting.

Hai Hai. Thank you.