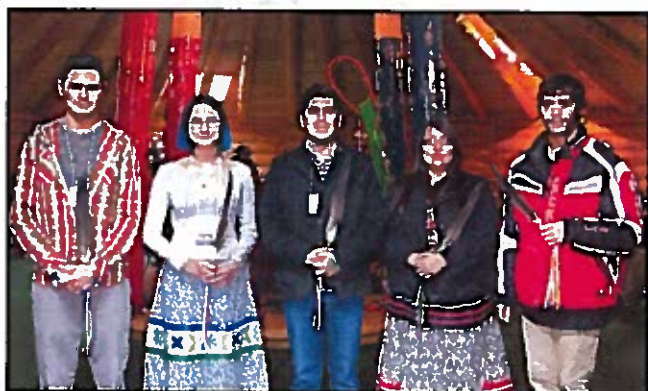


**2013:** GCT3 Monuments and commemorative activities to be held at Cecilia Jeffrey (Presbyterian) school (August, on site of Grand Council Treaty #3 office) with marker being placed at School Point, Shoal Lake, at its first location; St. Mary's (Roman Catholic), Kenora; Ste. Marguerite's (RC) at Couchiching (Oct.). Anishinaabeg had already placed monuments at Pelican Lake (Anglican), Hudson/Sioux Lookout and McIntosh (RC), and so, are hosting reunions. A marker will also be placed at St. Anthony's, Lake of the Woods.

**2013 October:** Anishinaabeg from across Treaty #3 gather at Pwi Di Goo Zing Nayashing, Agency One reserve, for four days of ceremonies, honoring, speeches, IRS monument unveiling and Pow Wow, October 3-6.

**2016 April:** Anishinaabe Nation in Treaty#3 Welcomes the Traditional Selection of the new Obishkiniigiig Council (Youth Executive Council)



Youth from across the Anishinaabe Nation in Treaty#3 gathered at Wauzhushk Onigum Roundhouse on April 17, 2016 for the Traditional Selection of the Obishkiniigiig Council.

The five members of the Treaty#3 Obishkiniigiig Council who will serve for the 3 1/2 year term are:

Sydney Flett, Wauzhushk Onigum – She attends Saint Thomas High School in Kenora. Sydney shared, "It was an honor to be nominated and I'm extremely grateful for hte opportunity to make the youth voices heard."

Will Landon, Waabishkigaabo, Lynx Clan, Wauzhushk Onigum – He attends the University of Manitoba. Will shared, "From my heart it is with honor and pride to be selected for the Youth Council".

Alarice Keesick, Neogabaweek, Lynx Clan, Iskatewizaagegan #39 – She attends Beaver Brae Secondary High School. Alarice stated that she looks forward to being a strong voice for all the youth in Treaty#3.

Michael Moore, Wabskhii Miiengun, Turtle Clan, Wabauskang – He is active in his home community of Wabauskang and enjoys being a volunteer.

Sheldon Adams, Saagateash, Makwa Clan, Migisi Sahgaigan (Eagle Lake) – He attends Confederation College and enjoys staying active in sports such as hockey.

Ogichidaa Warren White and the Treaty#3 leadership extend their gratitude and thanks to the outgoing Council members of Michael Moore, Brenna Adams, P. Jeff Kinew and Rayanna Seymour. They worked diligently at revitalizing the Council and bringing forward a Treaty#3 youth voice to regional and national meetings and gatherings and were strong role models for the territory.

**2016 April:** Ogichidaa Warren White met with Prime Minister Justin Trudeau to discuss Treaty #3 Nation priorities.



PRESENTATION BY OGICHIDAA OF THE  
ANISHAABE NATION IN TREATY #3

MEETING WITH THE RIGHT HONOURABLE JUSTIN  
TRUDEAU PRIME MINISTER OF CANADA

THUNDER BAY, ONTARIO

APRIL 8, 2016

You are on the sacred land of our people, the Anishinaabe. Across the Bay, you see Nanaboozhoo, our first and original human being. His name is where our greeting: "Boozhoo" comes from. He will hear our words and he will see our actions. He carries the seven laws of Creation: love, kindness, sharing, respect, truth, courage and humility. May we be so guided. On the south island sits the spiritual woman. Across the Bay from Nanaboozhoo is Thunder Mountain upon which sits the Sacred Thunder Bird that watches over our lands and our people. As we meet in its shadow, may the spirits of our respective peoples come together - for it is when we put our minds and hearts together that truth and wisdom fly out into the four winds. May we be so blessed.

Mr Prime Minister - Welcome!

I bring warm greetings from our children, our youth, our women, and our elders. As Ogichidaa, I am very honoured that you would take the time in your very busy schedule to meet with me. The Chiefs of Grand Council, the traditional government of the Anishinaabe Nation of Treaty #3, are also deeply moved by your commitment to implement the spirit and intent of the Northwest Angle Treaty of October 3rd, 1873. They congratulate you on becoming the Prime Minister of Canada, and on behalf of their communities, they send their best wishes for your continued success and look forward to working with you as a friend with renewed trust and mutual respect.

You have rekindled hope and I commend your leadership and the commitments you have made since you assumed office. Specifically, I refer to your commitment to a nation to nation relationship with our people; and to move on the basis of reconciliation to undo past harms. I wish to join you on that journey for the sake of our respective people today and for generations to come.

To be sure, Mr. Prime Minister, we have made many tentative steps before to what I trust will finally be the actual path of truth that our ancestors laid down for us - not to walk backward into the future but to

walk forward into the future with our heads high. For example, we have,

The Royal Proclamation of 1763

The Northwest Angle Treaty of October 3rd, 1873

The Paypom Document - 1873

The Royal Commission on Aboriginal Peoples - 1996

Statement of Reconciliation - 1998

The Kelowna Accord - 2005

UNDRIP, endorsed by Canada in 2010

Truth and Reconciliation Commission - 2015

As Ogichidaa, I commit to work with you to achieve your honourable commitments and we ask you to work with us to achieve our objectives.

For our part, we see four pillars of action upon which the renewed relationship must stand.

1. the calls to Action of the Truth and Reconciliation Commission;
2. an immediate action plan that is specific to our communities and one that is made by you and me and the Chiefs of the Grand Council.
3. Abolishing the Indians Act and reactivating our traditional governance and jurisdiction based on the nation-to-nation relationship envisioned in the spirit and intent of Treaty #3; and
4. creating an Office of a Treaty #3 Commissioner to facilitate the negotiation and to oversee the implementation of governance on timelines as mutually agreed.

Here are the elements of the pillars.

1. **TRC Calls to Action** - work to begin immediately

The Calls for Action are concisely stated in the Report of the Truth and Reconciliation of June 2015. Those Calls form the base for joint action in Treaty #3, with special attention to those related to children.

2. **Joint Plan for Our Communities** - work to begin immediately

Your 2016 Budget, stated: "Strong families and communities are fundamental to the economic success of Indigenous peoples. The Government is committed to working in partnership with Indigenous peoples to break down the barriers

that have for too long held back individuals and communities from reaching their full potential.”

We agree and we need to launch immediate joint action.

- To improve and protect the health, security and safety of our children, youth, women and our elders within their families and communities.
- To improve housing and infrastructure and maintain a safe water supply for all our communities.
- To create jobs and economic development for the long-term in our communities and our territory.

**3. Renewed Nation-to Nation Relationship Based on the Treaty** - Joint Planning to begin immediately. Implementation Plans and Legislative Schedules to be completed by July 1, 2017.

We seek to reactivate our traditional governance. We want to get out of the Indian Act and systematically replace it with our jurisdiction, institutions, structures, procedures of the government of our Nation focused on building strong communities and the Nation itself. We are ready to move on your commitments to implement the spirit and intent of our Treaty as well as Truth and Reconciliation hold promise. In this light, we note Call #45 the recites:

Royal Proclamation and Covenant of Reconciliation

45. We call upon the Government of Canada on behalf of all Canadians, to jointly develop with Aboriginal Peoples a Royal Proclamation of Reconciliation to be issued by the Crown. The proclamation would build on the Royal Proclamation of 1763 and the Treaty of Niagara of 1764, and reaffirm the nation-to-nation relationship between Aboriginal peoples and the Crown. The proclamation would include, but not be limited to the following commitments:

- i. Repudiate concepts used to justify European sovereignty over Indigenous lands and peoples such as the Doctrine of Discovery and terra nullius.
- ii. Adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

- iii. Renew or establish Treaty relationships based on principles of mutual recognition, mutual respect, and shared responsibility for maintaining those relationships into the future.
- iv. Reconcile Aboriginal and Crown constitutional and legal orders to ensure that Aboriginal peoples are full partners in Confederation, including the recognition and integration of Indigenous laws and legal traditions in negotiation and implementation processes involving Treaties, land claims, and other constructive agreements.

**4. Office of a Treaty #3 Commissioner**

We ask that a Treaty #3 Commissioner be appointed by concurrent authorities of Canada and the Anishinaabe Nation in Treaty #3. This would be done through a Federal Order-in-Council and by an Anishinaabe Legal Procedure of Sanction-in-Ceremony. The Commissioner would have the authority to convene and preside over timely negotiations towards an agreement on governance and the harmonized administration of jurisdiction with parties whose interests might be involved. We would jointly select a sitting or retired Judge. This basically is the approach used to negotiate the Residential School Settlement Agreement. In this case, however, while the full terms of office would be jointly created and enacted, the mandate would include oversight of all business matter in a continuing nation-to-nation relationship.

**Concluding Comments**

Given your willingness, we can move on the immediate fronts and we believe we can complete the document on governance of by July 1, 2017, a date we know has a special significance for Canada.

With good faith and the goodwill our nation, therefore, we offer you asemaa - sacred tobacco - natural in state and mixture from the plants of our territory.

This offering carries the invitation for you and your family, including your mother and your other loved ones to visit us in the next few weeks in a Sacred Roundhouse in our homeland. There we shall feast and exchange our mutual commitment to a renewed Nation-to-Nation Relationship.

Right Honourable Prime Minister.

**Milgwech!**



## And our story continues....

We honour the Anishinaabeg of Treaty #3 who continue to live our Treaty, who fish, hunt, trap, harvest manomin, and gather medicines, berries, roots, and bark, and speak our language, host feasts and ceremonies. We thank them for sharing their knowledge, the teachings, and the gifts of the Creator.

The legacy of adisonkaanak who lived our inherent rights on the lands and water, and of the Ogichidaag who negotiated Treaty #3, is that our relationship with the Crown be honoured, so that the spirit and intent of the Treaty will be implemented:

- to continue our traditional way of life,
- to have the freedom to be Anishinaabe, with governance for our people, lands and resources, and,
- to be assisted in education and training, and development assistance into the new economies.

"These promises will last as long as the sun will shine and the water runs, that is to say, forever."



## THE PAYPOM TREATY

The following are the terms of the Treaty held at North West Angle the Third day of October, Eighteen Hundred and seventy three, viz:

1. *The Government will give when Indians will be settled. Two hoes, one plough for every ten families. Five harrows for every twenty families, one yoke of oxen, one bull and four cows for every band, one scythe and one axe for every family and enough of wheat, barley and oats for the land broken up; this is to encourage them at the beginning of their labour, once for all.*
2. *Fifteen hundred dollars every year in twine and munitions.*
3. *Twelve dollars for the first payment to every head of Indians and every subsequent year, Five Dollars. Twenty five Dollars to every chief every year. Councillor, first soldier and messenger Fifteen Dollars. The farming implements will be provided for during this winter to be given next year to those that are farming and to these who are anxious to imitate the farmers, a set of carpenter tools will also be given.*
4. *Coats will be given to the Chiefs and their head men every three years. With regard to the other Indians there is goods here to be given to them.*
5. *If their children that are scattered come inside of two years and settle with you, they will have the same privilege as you have.*
6. *I will recommend to the authorities at Ottawa, assisted by the Indian Commissioner, the half breeds that are living with you to have the same privilege as you have.*



7. *The English Government never calls the Indians to assist them in their battles but he expects you to live in peace with red and white people.*
8. *Mr. Dawson said he would act as by the past about the Indians passage in his road. The Indians will be free as by the past for their hunting and rice harvests.*
9. *If some gold or silver mines be found I their reserves, it will be to the benefit of the Indians but if the Indians find any gold or silver mines out of their reserves they will surely be paid the finding of the mines.*
10. *The Commissioner and an agent will come to an understanding with the Indians about the reserve, and shall be surveyed by the Government. The Commissioners don't wish that the Indians leave their harvest immediately to step into their reserve.*
11. *About the Indian Commissioner, the Commission is pending upon the authorities at Ottawa. I will write to Ottawa and refer Mr. Charles Nolin.*
12. *There will be no sale of liquor in this part of Canadian Territory. It is the greatest pleasure for me to hear you and when we shake hands it must be for ever. It will be the duty of the English Government to deal with Commissioners if they act wrong towards the Indians. I will give you a copy of the Agreement now and when I reach my residence I will send you a copy in parchment.*
13. *You will get rations during the time of the payment every year.*

14. *The Queen will have her policemen to preserve order and whenever there is crime and murder the guilty must be punished.*
  
15. *This Treaty will last as long as the sun will shine and water runs, that is to say forever.*

-Angus Nolin-

-Joseph Nolin-

Elder Paypom explains how he obtained the document as follows:

Linde was a photographer and a friend to the Indian people. One day about forty or fifty years ago, he told me he had a paper and the Government wanted to buy it from him. He said they would give him \$5,000.00 for it. But he wanted me to have it, "for your children" he said.

That winter I saved all the money from my trapline. My family had a very hard winter that year because I saved that money, but my wife never complained. She was a great woman, and she understood that the paper had on it the promises made to the people by the Government, and they were breaking those promises.

I saved my money and in the spring I gave it to Linde. He moved south, but he sent me a parcel in the mail. He sent it like a parcel of clothes so nobody would suspect it was the treaty.

The "Paypom Document" is an original set of the notes made for Chief Powasson at the signing of the 1873 treaty between the Ojibway Indians and the government of Canada at North West Angle on Lake of the Woods. The notes differ in many respects from the printed version of the treaty which was delivered to signatories by government officials sometime later. Recent treaty research indicates that the printed version may have been written a year before the 1873 North West Angle negotiations.

The notation below appears in pencil on the back of the original.

"This copy was given to me in 1906 by Chief Powasson at Bukety – the Northwest Angle – Lake of the Woods."

(signed)

C. C. Linde



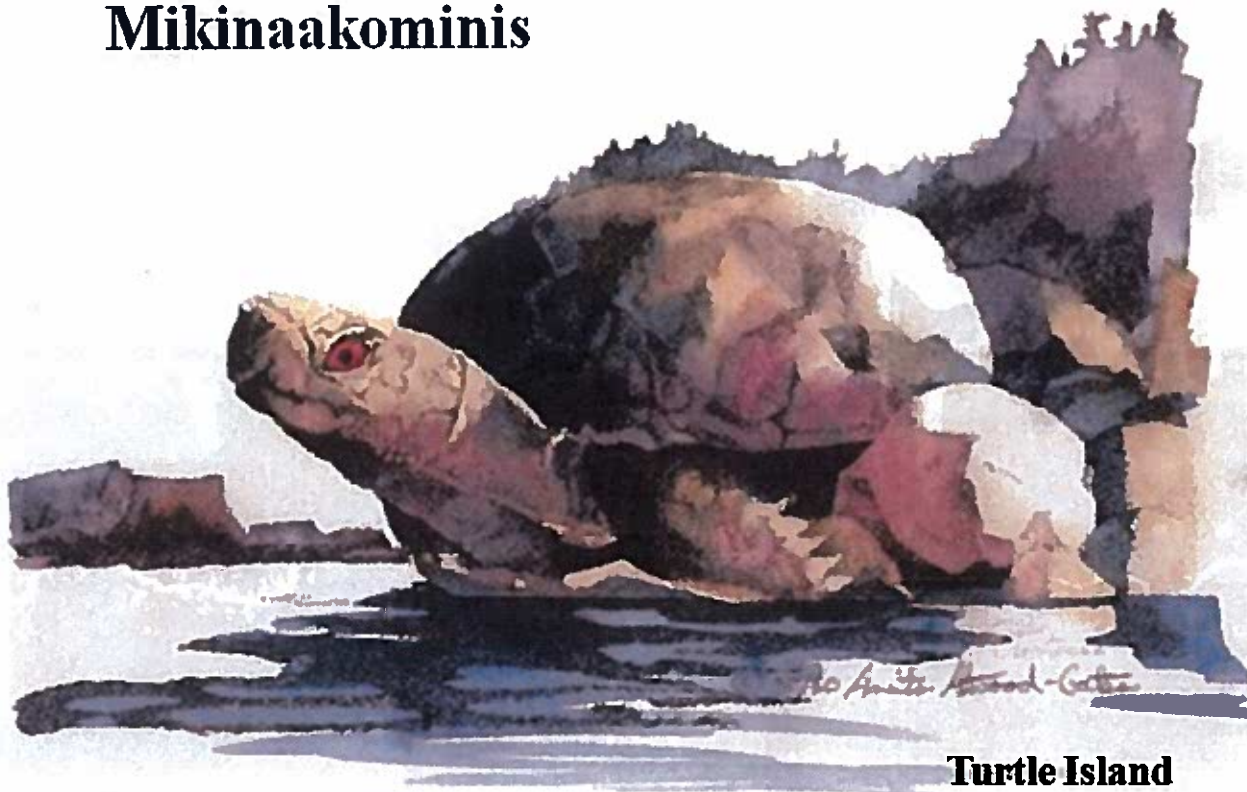
# Constitutional and Treaty Awareness

*A new beginning*



Grand Council Treaty #3 ~ Government of Ontario  
*Kizhebowse Maakwa 2016*

## Mikinaakominis



**Turtle Island**



# Pre-contact International Diplomacy



- The Anishinaabe used the four river systems of Turtle Island to gain the most expansive territory that it shared with other indigenous nations. These include Treaties with
- The Haudensaune (Six Nations)
- Lakota, Dakota, Nakota (Sioux)
- Mushkiigo (Cree) – self-defining Anishinaabe

## Stages of Indigenous & Settler Relations

- **Treatment of Indigenous Nations:** first treated as trading partners, then allies, treaty partners in possession of their land, and ultimately wards of Government ~ objects of genocide.
- **Royal Proclamation of 1763 induced by Chief Pontiac:** “And you are to inform yourself with the greatest Exactness of the Number, Nature and Disposition of the several Bodies or Tribes of Indians, of the manner of their lives, and the Rules and Constitutions, by which they are governed or regulated.”

*~ Instructions to Governor Murray after the Royal Proclamation*



# **Traditional Constitutional Governance**

- **Done in the framework of a supreme law that is spiritual and has**
- **Inherent legitimacy, and**
- **Credibility in accordance with the free will and consent of, and compliance by, the people**

## **Four Orders of Anishinaabe Inaakonigewin (Law)**

**Kagakiwe Inakonigewin (Sacred Law)** – It is the Supreme Law of Creation. It comes from the Creator and gives all sovereign powers. It enabled treaty-making. It cannot be written. (We are absolutely integral to creation: You are the land.)

**Kete Inakonigewin (Ancient or Traditional Law)** – comes from the ancestors: the source of culture that enables life ways; determined in ceremony: it cannot be written

**Anishinaabe Inakonigewin (Customary Law)** – certain aspects may be written (e.g., child care, education)

**Ozhibige Inakonigewin (Written Law)** – may be used to relate to other jurisdictions but must be consistent with all aspects of above orders and validated in ceremony

All aspects of Anishinaabe Inaakonigewin is in Anishinaabemowin and must be given full and final meaning therein.

## **Effects of the Treaty**

### **The principal effect is coexistent sovereignties**

- By making the Treaty with the Anishinaabe Nation, the Crown acknowledged the sovereignty of the Anishinaabe Nation and affected the exercise of its jurisdiction accordingly
- By making the Treaty with the Crown, the Anishinaabe Nation acknowledged the sovereignty of the Crown and affected the exercise of its jurisdiction accordingly

## **Constitutional Implications**

### **Boundaries and Places**

- The nation is not “in” Ontario or Manitoba
- The Anishinaabe Nation in Treaty #3 is in Canada only by virtue of the Treaty itself
- Provincial boundaries are not in the Anishinaabe Constitution but they are acknowledged in practice by virtue of the Treaty



## Implications continued

### Constituent communities ~ vs ~ Bands

A community is the people: A “band” is a creature of the *Indian Act* – an external imposition.

Constituent communities of the Nation have in practice almost legally merged with “bands”.

Renaming them as “First Nations” did not fix this

- Each community has its own cultural, historical and constitutional meaning, as shown below:
- | Community             | Name      | Place | Band      | Reserves     |
|-----------------------|-----------|-------|-----------|--------------|
| Ojibways of Onigaming | Onigaming |       | Sabaskong | 35D, E, F, G |

## The Nation and its Communities

- The Nation and the Community have traditional legislative, executive, and administrative authority within their respective areas of jurisdiction.
- The constituent community is autonomous within the Nation.
- A law of the Nation is the law of the Community.
- A law of the Community is the Law of the Nation.
- But both must be consistent with Sacred and Traditional Law of the Nation.

## **Governance of the Anishinaabe Nation in Treaty #3**

- The Grand Council is the Traditional Government of the Anishinaabe Nation in Treaty#3
- It has been in place since time immemorial
- It is a body corporate and body politic in Anishinaabe Law
- The nature of the Grand Council is *sui generis*

## **Jurisdictional Structure of the Nation**

- Legislative Jurisdiction is inherent and is vested in the National Assembly. It is plenary with adjustments as a result of the Treaty, less any jurisdiction extinguished ~ none is known
- Executive Jurisdiction is vested in the Chiefs in Assembly conducting business as the Government of the Nation
- Administrative Jurisdiction is delegated to officials, warriors, workers, and personnel of the government



# Procedures for making written law

- Initiation: initiated by, or referred to, Elders
- Spiritual ceremony by Elders
- Community and citizen consultation
- Drafting instructions given
- Chiefs in Assembly consider drafts as presented to them
- Elders in Council consider any draft referred to them
- Spiritual Review is done in the ceremony appropriate to the substance of the proposed law
- The written law may be sent back to the Chiefs in Assembly by the Elders if required
- Consecration of the law is done in ceremony by the Elders. It becomes a written law when consecrated
- Community Assent: A law of the Nation becomes a law of the community when that community has assented to it
- Any law including written law must be understood and interpreted in the Anishinaabemowin

## Sacred Symbols of the Constitution

There are many, for example

- Four skies - Pagonegiishig
- Four earths - Baapiitokamigag
- Four Drums – Teweiiiganag
- Eagle feather – Manito miigwun
- Four lodges – Manitowiigiwaman

Grand Chief Francis Kavanaugh and the writing of Manito Akii Inakonigewin

## **Respectfully minding our own business**

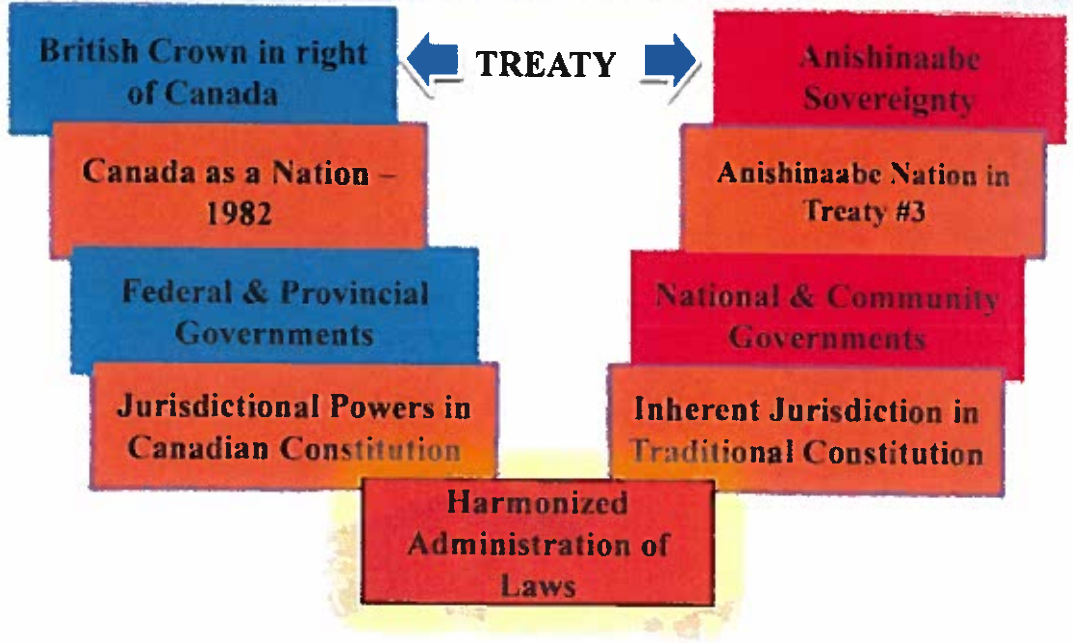
- *We are a respectful people seeking to live and work with you for a better future for our children*
- *We are not interested in exercising federal jurisdiction nor provincial jurisdiction*
- *We are interested only in exercising our own jurisdiction and harmonizing the administration of our laws with Crown laws*
- *This is the reconciliation of sovereignties according to the spirit and intent of Treaty #3 - The Northwest Angle Treaty of October 3<sup>rd</sup>, 1873*

## **Major Acts of Disaggregation**

- The Indian Act
- The Reserve System
- St. Catherine's Milling Case
- Residential Schools & 60's Scoop
- The Four Horsemen of the Anishinaabe Apocalypse: The missionary; the Indian Agent; the Policeman; and the Game Warden



# Reconciling Sovereignties



*Our children's future...?*