

## THE WTCT POSITION PAPER

The Wolastoqewiyik Traditional Council of Tobic (WTCT) is the traditional government of our people, the Wolastoqewiyik, and has been for thousands of generations prior to European contact.

The Traditional Council, being the governing council that signed those European contracts now known as The Covenant Chain of Treaties of Peace and Friendship, now issues its position regarding the conduct of the present-day government of New Brunswick and the government of Canada's abdication of its fiduciary responsibility to the Wolastoqewiyik regarding the continuing rape and wanton destruction of our traditional homeland (Skiginaweekoog) along with its resources.

Our position is based on a very simple and factual truth, a truth that has been articulated and confirmed by the Supreme Court of Canada, that our people continue to hold un-extinguished Aboriginal title to our traditional homeland. We have never sold, ceded, surrendered, transferred, given away our traditional homeland, nor have we ever been compensated for the theft of our traditional homeland. Our people, as the true and rightful owners of our homeland, must be consulted in a substantial and meaningful way prior to development of any kind within the boundaries of Skiginaweekoog see (Delgamuukw v. British Columbia). Development and developmental activities of any kind means precisely that, development of any kind.... anything that will adversely impact upon, whether directly or indirectly, the Seventh Generation, the Ancestors, the People and/or our Sacred Earth Mother.

The WTCT bases its position on the following legal, moral, ethical and divine principles:

- \* Our Birthright
- \* Prior Occupancy
- \* Our Great Law of Respect
- \* On Certain International Legal instruments:
  - The Royal Proclamation of 1763
  - The Covenant Chain of Treaties of Peace and Friendship
  - The U.N. Declaration on the Rights of Indigenous People
- \* On Certain Canadian Legal Instruments:
  - The Canadian Constitution Act of 1982
  - The Supreme Court of Canada's Legal Findings and Opinions such as:  
Sparrow v. R., Calder v. Attorney General of British Columbia,  
Guerin v. The Queen, and Delgamuukw v. British Columbia

All of the cited Supreme Court of Canada findings and opinions confirm Aboriginal title, un-extinguished Aboriginal title and Indian rights, and title to their homeland. In Delgamuukw the Supreme Court of Canada wrote that the Crown's fiduciary duty toward Aboriginal peoples demands that Aboriginal interests be given priority. And that the Crown always has a duty to consult with Aboriginal peoples and to receive full consent of an Aboriginal nation. In this context the Supreme Court of Canada wrote that the Crown is under a moral and legal duty to enter into and to conduct negotiations in a good faith manner.

Since our Nation's dispute is with the nation-state that has come to be known as Canada means that our dispute must be resolved through third-party adjudication and not within the courts of Canada because Canada has a vested interest in any outcome.

Third party adjudication is the very foundation of British Common Law.

For Canada to refuse third party adjudication is to display to the world Canada's intention to continue asserting its racist 'white is right' and 'might is right' attitude. An attitude that was demonstrated when the transplanted Europeans annihilated the welcoming and peaceful Beothuk of Newfoundland.

To reiterate what was stated in the first part of this proclamation, in this most recent "public" consultation on the future of New Brunswick's forests, our people must be consulted in a meaningful way. To the WTCT this means involving and consulting the Wolastoqewiyik as a whole and not only a few elected leaders, or other assimilated/coopted Indians who are willing to sell away the birthright of the Seventh Generation for a few trinkets and beads.

In this and all we say and do we are of one mind with the Ancestors and of one heart with the People; and of one spirit with the Seventh Generation.