Native Studies 20
Student Resource Guide

June 1992
## Student Resource Guide

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Inuit are traditional and current users of certain marine areas, especially the land-fast ice zones.
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Brigade of free traders, 1867. Minnesota Historical Society.
The Aim of Native Studies

The primary aim of Native Studies 10, 20, 30, is to develop in the student a personal and cultural awareness and understanding, and to promote the development of positive attitudes in all students towards Indian and Métis peoples. The student will learn to recognize biased and racist information.

The Challenge

The Indian and Métis Curriculum Advisory Committee (IMCAC) developed the following goals for Native Studies. These goals comprise a statement of the challenge or the goals of this course.

- Native Studies should help individuals clarify their cultural identities and function effectively within their communities.

- Native Studies should help individuals develop a sensitivity to, and an understanding of, other cultural groups, and to function effectively within them.

- Native Studies should facilitate in Indian and Métis students the development of a positive self-identity through the acquisition of a knowledge of their history and culture.

- Native Studies should increase awareness of the Indian, Métis, and Inuit nations.

- Native Studies should stress Indian philosophy underlying the importance of land, culture, and the ideals that help foster respect for the environment.

- Native Studies should enable all students to better appreciate the contributions made by Aboriginal peoples to the development of Canada, and contemporary Canadian society.

- Native Studies should develop an appreciation of current issues, and the historical bases which affect Aboriginal peoples and their position in Canadian society.

- Native Studies should develop an understanding of specific concepts such as Aboriginal rights, land claims, treaties, legal distinctions, Indian Act.

- Native Studies should provide opportunities to acquire and apply the skills of analysis, synthesis, organization, interpretation, and evaluation as well as those skills which are grounded in the Indigenous worldview.
Culture

There are diverse definitions of culture. Culture may be said to be the product of a people's involvement with the processes of education, socialization, and personal and economic development. The development of institutions by a people, and processes of personal interaction with those institutions necessarily affect the cultural perspectives of those people. Political distinctions may determine diverse power relationships inside the group which in turn may affect power relationships and socio-economic realities with external groups.

Culture may be thought of as the sum of a people's core beliefs and values, their ways of incorporating those beliefs and values through traditions, institutions and practice, and their perception of themselves through oral and written language. The Assembly of First Nations defines culture as the customs, history, values, and languages that make up the heritage of a person or people, which contribute to that person's or people's identity. Whatever the definition of culture, specific reference points in the historical experiences of a people must be included. The social sciences provide some categories for the investigation of culture.

One area for consideration is the relationship between a society and its environment. The society's economic lifestyles which are based upon traditional values and resource development, whether associated with hunting, trapping, fishing, mining, forestry or manufacturing, are keys to understanding culture. Social structures and interactions affect education, family, and community roles of individual members of the society. These, shaped by the environment, often determine aspects of social life such as recreation, physical fitness, moral and spiritual development. Respect for nature and the individual are important to the development of a compassionate, tolerant, and healthy society.

When people interact with nature and each other, they use tools, higher-level thinking skills and language. Indigenous peoples tend to perceive humankind in harmony with nature: non-Indigenous peoples may tend to see nature as a resource for individual or collective gain. In modern times, the philosophies of Indigenous peoples have been applied to problems of waste, pollution, and resource management, giving rise to environmental movements. The relationship between nature and humanity has increasingly become critical to the life of the planet.

Four main components of culture may be said to be people, technology and its objects or products, relationships, and institutions. A culturally-sensitive curricula must respect these aspects of a society and present them accurately, avoiding the pitfalls of anthropological interpretation, bias, stereotyping, and ethnocentrism.
A people's concept or perception of themselves is the most valid form of group identity. Self-determination is a struggle critical to all societies. How a society meets this challenge defines its cultural identity. The retention or loss of traditions, customs, ceremonies, languages, and institutions will determine the identity and culture of future generations. The retention of traditional aspects of culture allows individuals and students to be aware of their ancestry, and the value and accomplishments of their family, community, and nation. This historical and cultural awareness enhances the concept of self and social worth.

Collective action, whether in a family, community, society, or classroom, influences the development of an individual's beliefs and social skills. Cultural and community interaction is therefore vital if students are to fully develop their potential. That potential strengthens and supplements all aspects of the culture of the student and the society in which the student participates.

When the individual then creates products, or changes processes, the structure of society is altered, forcing evolutionary changes upon a culture. Technology may be seen as the product. Politics, ethics, law, philosophy, the arts, and religion are some of the processes of change. Cultures evolve in diverse manners depending upon how these products and processes impact upon the individual, the family, the community, and society. Interaction with these processes and products may be positive or negative. It is the function of education, whether it be natural, cultural, social, public or private, to ensure that interactions are positive and productive for both the individual and society.

Source

The Culture Wheel

Creation-Nature

Past
- Traditions
- Customs
- Language
- Spiritual Beliefs

Self-Determination
- Identity

Future
- Products/Arts
- Law/Politics
- Philosophy
- Ethics

Education
- Goals

Society
- Community
- Institutions
- Economy

Technology

Environment

Past
- Traditions
- Customs
- Language
- Spiritual Beliefs

Self-Determination
- Identity

Future
- Products/Arts
- Law/Politics
- Philosophy
- Ethics

Education
- Goals

Society
- Community
- Institutions
- Economy

Technology

Environment
The Four Worlds Development Project is a multi-racial team of experienced development practitioners based in the Faculty of Education at the University of Lethbridge, Alberta. The Project delivers technical support and training to Native Communities across North America in the areas of alcohol and drug abuse prevention, community development, community crisis intervention, educational transformation, curriculum development, community-based research, health promotion, information services, and program evaluation and management.

The Project has distinguished itself for its ability to place culture at the centre of the development process and for its sensitive attention to the psychological and spiritual dimensions of development. The interactive research techniques the Project has developed and the community processes it can initiate are designed specifically to draw from the culture of a group the direction, the shape, and the motivation for their development process.

What the Four Worlds Development Project is not, is another group of "experts". Its approach to the community is as co-learners - it expects to be educated by the people it works with as to how best to promote the self-development of those people.

The Project began in 1982, and is a non-profit Native education and development organization. It is core funded by the National Native Alcohol and Drug Abuse Program (NNADAP) of Health and Welfare Canada as a prevention effort.

**Interesting Features**

The Four Worlds Project:

- is rooted in the Native cultural perspective and relies upon the continued advice of Native Elders;

- considers culture to be the key to development, and generates all activities out of culturally derived concepts of human nature and human development;

- searches for and employs the best innovations now known in education and development from around the world to assist Native communities and programs;

- has a strong inter-cultural core staff, with Native majority and Native leadership balancing cultural and scientific knowledge;

- employs an inter-disciplinary approach and holistic framework in all activities;

- is totally oriented to grass roots development, (i.e. all project activities are conceived and carefully designed to catalyze, support and nurture actual development activities ongoing in Native communities;
Illustration by Patricia Lucas. Reprinted from The Sacred Tree with the permission of The Four Worlds Development Press.
- assists communities and programs to:
  - articulate a new vision and set goals
  - make extensive (5-year) plans
  - evaluate program development to date
  - lever funds
  - locate and utilize valuable human resources
  - conduct research
  - secure training needed for further development;

- has pilot programs underway in communities across Canada to develop holistic development programs;

- features a pro-active networking program to link successful developments or valuable resources (human or financial) with those who need them;

- features internationally recognized expertise in development training from Native cultural perspectives;

- provides extensive Native education and development leadership training through workshops and university courses.

The Four Worlds Development Project model combines the Native cultural community approach with the university-based applied scientific approach to development. This approach has been extremely relevant to developing countries around the world, which seek the benefits of a technological society, but within the framework of cultural and environmental traditions, beliefs, and contemporary practices.

Source: Project Resume 1986, Four Worlds Development Project, University of Lethbridge, Alberta, T1K 3M4

World Vision International Photo Library
Bolivia 9226 Fr.10 3/86 Terri Owens
Twelve Principles Common to First Nations Philosophies

1. **Wholeness.** (Holistic thinking). All things are interrelated. Everything in the universe is part of a single whole. Everything is connected in some way to everything else. It is only possible to understand something if we understand how it is connected to everything else.

2. **Change.** Everything is in a state of constant change. One season falls upon the other. People are born, live, and die. All things change. There are two kinds of change: the coming together of things, and the coming apart of things. Both kinds of change are necessary and are always connected to each other.

3. **Change occurs in cycles or patterns.** They are not random or accidental. If we cannot see how a particular change is connected it usually means that our standpoint is affecting our perception.

4. **The physical world is real. The spiritual world is real.** They are two aspects of one reality. There are separate laws which govern each. Breaking of a spiritual principle will affect the physical world and vice versa. A balanced life is one that honours both.

5. **People are physical and spiritual beings.**

6. **People can acquire new gifts, but they must struggle to do so.** The process of developing new personal qualities may be called "true learning".

7. **There are four dimensions of "true learning".** A person learns in a whole and balanced manner when the mental, spiritual, physical and emotional dimensions are involved in the process.

8. **The spiritual dimension of human development has four related capacities:**
   - the capacity to have and respond to dreams, visions, ideals, spiritual teaching, goals, and theories;
   - the capacity to accept these as a reflection of our unknown or unrealized potential;
   - the capacity to express these using symbols in speech, art, or mathematics;
   - the capacity to use this symbolic expression towards action directed at making the possible a reality.

9. **People must actively participate in the development of their own potential.**

10. **A person must decide to develop their own potential.** The path will always be there for those who decide to travel it.
11. Any person who sets out on a journey of self-development will be aided. Guides, teachers, and protectors will assist the traveller.

12. The only source of failure is a person's own failure to follow the teachings.

Source

"Twelve Principles of Indian Philosophy", Four Worlds Development Project, University of Lethbridge, Alberta, 1982.

The information provided in this document was gathered at a conference held in Lethbridge, Alberta in December, 1982. Indian Elders, spiritual leaders, and professionals from across Canada offered these fundamental elements that they considered to be common among Canadian Indian philosophies. These have become the foundation of work currently being carried out by The Four Worlds Development Project, University of Lethbridge.
Illustration by Patricia Lucas. Reprinted from The Sacred Tree with the permission of The Four Worlds Development Press.

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In addition to the sacred teachings concerning the nature of things, and of the gifts of the four directions, the teachings of the Sacred Tree include a code of ethics to which all should conform their lives if they wish to find happiness and well-being. This code describes what wisdom means in the relationship between individuals, in family life, and in the life of the community. These are the sparkling gems of experience practiced by Aboriginal peoples everywhere. They represent the path of safety leading around the medicine wheel, and up the great mountain to the sacred lake. What follows is a summary of some of the most important of these teachings that are universal to all nations.

1. Each morning upon rising, and each evening before sleeping, give thanks for the life within you and for all life, for the good things the Creator has given you and others and for the opportunity to grow a little more each day. Consider your thoughts and actions of the past day and seek for the courage and strength to be a better person. Seek for the things that will benefit everyone.

2. Respect means "to feel or show honour or esteem for someone or something; to consider the well-being of, or to treat someone or something with deference or courtesy". Showing respect is a basic law of life.

- Treat every person, from the tiniest child to the oldest Elder with respect at all times.
- Special respect should be given to Elders, parents, teachers and community leaders.
- No person should be made to feel "put down" by you: avoid hurting other hearts as you would avoid a deadly poison.
- Touch nothing that belongs to someone else (especially sacred objects) without permission, or an understanding between you.
- Respect the privacy of every person. Never intrude upon a person's quiet moments or personal space.
- Never walk between or interrupt people who are conversing.
- Speak in a soft voice, especially when you are in the presence of Elders, strangers or others to whom special respect is due.
- Do not speak unless invited to do so at gatherings where Elders are present (except to ask what is expected of you, should you be in doubt).
- Never speak about others in a negative way, whether they are present or not.
- Treat the earth and all of her aspects as your mother. Show deep respect for the mineral, plant, and the animal worlds. Do nothing to pollute the air or the soil. If others would destroy our mother, rise up with wisdom to defend her.
- Show deep respect for the beliefs and religions of others.
- Listen with courtesy to what others say, even if you feel that what they are saying is worthless. Listen with your heart.
3. Respect the wisdom of the people in council. Once you give an idea to a council or a meeting it no longer belongs to you. It belongs to the people. Respect demands that you listen intently to the ideas of others in council and that you should not insist that your idea prevail. Indeed you should freely support the ideas of others if they are true and good, even if those ideas are quite different from the ones you have contributed. The clash of ideas brings forth the spark of truth.

4. Be truthful at all times, and under all conditions.

5. Always treat your guests with honour and consideration. Give of your best food, your best blankets, the best part of your house, and your best service to your guests.

6. The hurt of one is the hurt of all: the honour of one is the honour of all.

7. Receive strangers and outsiders with a loving heart and as members of the human family.

8. All the races and nations in the world are like the different coloured flowers of one meadow. All are beautiful. As children of the Creator they must all be respected.

9. To serve others, to be of some use to family, community, nation or the world, is one of the main purposes for which human beings have been created. Do not fill yourself with your own affairs and forget your most important task. True happiness comes only to those who dedicate their lives to the service of others.

10. Observe moderation and balance in all things.

11. Know those things that lead to your well-being, and those things that lead to your destruction.

12. Listen to and follow the guidance given to your heart. Expect guidance to come in many forms; in prayer, in dreams, in times of quiet solitude, and in the words and deeds of wise elders and friends.

Source: The information provided in "12 Principles and "Ethics" was gathered at a conference held in Lethbridge, Alberta in December, 1982. Indian Elders, spiritual leaders, and professionals from across Canada offered these fundamental elements that they considered to be common among Canadian Indian philosophies. These have become the foundation of work currently being carried out by The Four Worlds Development Project, University of Lethbridge.
The Story of the Sacred Tree

For all the people of the earth, the Creator has planted a Sacred Tree under which they may gather, and there find healing, power, wisdom and security. The roots of this tree spread deep into the body of Mother Earth. Its branches reach upward like hands praying to Father Sky. The fruits of this tree are the good things the Creator has given to the people: teachings that show the path to love, compassion, generosity, patience, wisdom, justice, courage, respect, humility and many other wonderful gifts.

The ancient ones taught us that the life of the Tree is the life of the people. If the people wander far away from the protective shadow of the Tree, if they forget to seek the nourishment of its fruit, or if they should turn against the Tree and attempt to destroy it, great sorrow will fall upon the people. Many will become sick at heart. The people will lose their power. They will cease to dream dreams and see visions. They will begin to quarrel among themselves over worthless trifles. They will become unable to tell the truth and to deal with each other honestly. They will forget how to survive in their own land. Their lives will become filled with anger and gloom. Little by little they will poison themselves and all they touch.

It was foretold that these things would come to pass but that the Tree would never die. And as long as the Tree lives, the people live. It was also foretold that the day would come when the people would awaken, as if from a long, drugged sleep; that they would begin, timidly at first but then with great urgency, to search again for the Sacred Tree.

The knowledge of its whereabouts, and of the fruits that adorn its branches have always been carefully guarded and preserved within the minds and hearts of our wise elders and leaders. These humble, loving and dedicated souls will guide anyone who is honestly and sincerely seeking along the path leading to the protecting shadow of the Sacred Tree.

Gaining an understanding of the Sacred Tree is an eternal journey. As in all journeys, there must be time for activity, as well as rest. It is our deep prayer that the Great Spirit will bless and guide your every step on this journey into an ever greater vision of beauty, truth, love, wisdom and justice. And that you will join us again in search of a greater understanding of the Sacred Tree.

The Symbolic Teachings of the Sacred Tree

Symbols such as the Sacred Tree express and represent meaning. Meaning helps to provide purpose and understanding in the lives of human beings. Symbols can be found on the walls of the first caves of human existence and have guided us to the far reaches of space in our attempts to understand life's meaning. Through the experience of human consciousness, symbols are eternally giving birth to new understandings of the essence of life as it emerges, ever elusive, out of the unknown mist of creation. Symbols thus create an ever increasing awareness of the ongoing flow of life and give meaning to each sunrise and more meaning to each sunset.
The Great Meanings of the Sacred Tree

The meanings of the Sacred Tree may be organized into four major categories. These categories may be easily viewed as movements in the cycle of human development from our birth toward our unity with the wholeness of creation. The four great meanings of the Sacred Tree are:

- Wholeness
- Growth
- Protection
- Nourishment

Illustration by Patricia Lucas. Reprinted from The Sacred Tree with the permission of The Four Worlds Development Press.
Meaning is important for the health, well-being and wholeness of individuals and communities. The presence of symbols in a community, as well as the living out of a belief in these symbols, is a measurement of the health and energies present in the community. Indeed, to live without symbols is to experience existence far short of our unlimited capacity as human beings. Thus every rebirth of the life and purpose of a people is accompanied by the revitalization of that people's symbols.

The Symbol of the Sacred Tree

The Sacred Tree as a symbol of life-giving meaning is of vital importance to the indigenous peoples of the earth. For countless generations it has provided meaning and inspiration for many tribes and nations. The Sacred Tree is a symbol around which lives, religions, beliefs and nations have been organized. It is a symbol of profound depth, capable of providing enough meaning for a lifetime of reflection.

The Sacred Tree represents life, cycles of time, the earth, and the universe. The meanings of the Sacred Tree reflect the teachings of the medicine wheel. The center of this medicine wheel is the symbolic center of creation and of the nation. This meaning is reflected in a song which is sung on behalf of the Sacred Tree chosen for the Sun Dance.

I am standing
In a sacred way
At the earth's center
Beheld by the people
Seeing the tribe
Gathered around me. (Lamedeer)

(Seeker of Visions, by John Fire Lamedeer and Richard Eros, Simon and Schuster, New York, 1972, p. 205.)

The Four Great Meanings of the Sacred Tree

The meanings of the Sacred Tree may be organized into four major categories. These categories may be easily viewed as movements, in the cycle of human development from our birth toward our unity with the wholeness of creation. The four great meanings of the Sacred Tree are: protection, nourishment, growth, wholeness.

The Protection of the Sacred Tree

The Sacred Tree is a symbol of protection. The shade of the tree provides protection from the sun. The tree is a source of material for homes and ceremonial lodges which provide physical and spiritual protection. The tree provides firewood which gives protection from the cold. The bark of the Sacred Tree represents protection from the outside world. The Sacred Tree provides the material from which kayaks and canoes are made. The greatest protection of the Sacred Tree is to provide a gathering place and a rural pole of unity for the people.
Illustration by Patricia Lucas. Reprinted from The Sacred Tree with the permission of The Four Worlds Development Press.
Symbolically, the Sacred Tree represents a gathering place for the many different nations and peoples of the world, a place of peace, contemplation, and centering. Like our mother's womb which provided nourishment and protection during the earliest days of our life, the Sacred Tree may be thought of as a womb of protection which gives birth to our values and potentialities as unique human beings.

The process of developing our uniqueness through the teachings of the Sacred Tree gives rise to a vision, not of what we are, but of what we can become. That vision becomes the path toward our wholeness. Thus we see in the symbolic protection of the Sacred Tree the beginning of our wholeness and the emergence of the seed of our potential.

The Nourishment of the Sacred Tree

The second symbolic meaning of the Sacred Tree is the nourishment we need to live and grow. This nourishment is symbolically represented by the fruit of the tree. On one level the fruit of the Sacred Tree represents the nourishment a mother gives to her children and all the care children should receive as they are growing up.

A deeper meaning of the fruit is the nurturing human beings receive through interactions with the human, physical and spiritual environments. These environments are often symbolically represented by the mother. Hence, interaction with the tree and eating the fruit of the tree symbolically represent our interaction with all the aspects of life that nourish and sustain our growth and development.

The leaves of the Sacred Tree represent people. Eventually the leaves of the tree fall to earth and provide nourishment for the continued health, growth and future flowering of the Sacred Tree. Symbolically, this represents the passing of the generations and the spiritual teachings they leave behind for the health and growth of these that come after them. This symbolic meaning of the tree emphasized the necessity of using the accumulated wisdom of the past to nourish the present and to plan for the future. This wisdom arises from the hard-won experience of countless generations and is taught through the songs, dances stories, prayers and ceremonies of the people. Thus this wisdom provides nourishment for the development of each generation's potentiality.

Another symbolic teaching of the leaf is sacrifice. The leaves sacrifice themselves for the future of the Sacred Tree. This is symbolic of the ceremonial sacrifices made on behalf of the life on the tribe and the health of the community. This teaching reflects the belief that a human being's growth during his life is equal to his service and sacrifice for others. Therefore, giving and sacrifice not only provide a positive service for the community, but also create further growth in the individual during his existence in this creation.
The Growth of the Sacred Tree

The third symbolic meaning of the Sacred Tree is growth. The Sacred Tree symbolized the importance of pursuing life experiences which provide positive growth and development. The Sacred Tree grows from its central core outward and upward. This inner growth of the tree symbolized the need all human beings have for an inner life. Human beings grow in the qualities of the four directions, physically, mentally, emotionally and spiritually, as a result of inner reflection and change. Indeed changes in a human being often occur internally and are then manifested in the personality of the individual.

These changes are often hidden from view while they are occurring just as the inner growth of the Sacred Tree is hidden. However, we can see the result of this inner growth in the exterior of the tree. Thus, our outer life can be understood as a reflection of the development of our inner being. By deepening and developing the qualities of the four directions within ourselves, we grow to reflect these spiritual qualities in our daily lives. This is one of the primary spiritual teachings of the medicine wheel represented symbolically in the Sacred Tree.

The roots and limbs of the Sacred Tree grow toward the four directions. This also represents growth in the spiritual qualities and teachings of the medicine wheel. The growth of these roots and limbs can also be seen as a representation of these qualities reflected in our life's work.

The Sacred Tree teaches us the importance of having great respect for our inner spiritual growth as human beings. The inner growth of the Sacred Tree sends forth its roots and limbs, as if in prayer, to the four directions. Our own inner growth is manifested in our daily life and affects our relationship to the four directions. Symbolically this represents the four dimensions of learnings and the development of the four aspects of human nature represented on the medicine wheel.

In another sense the growth of the tree represents cycles of time and of life. The changes in the Sacred Tree during the changing seasons of the year represent the many changes in our life as we grow and develop in our relationship to creation, a life-long process of becoming our own true self. This is an eternal process that reaches upward toward a limitless universe. This symbolic growth developed through struggle and self-determination is ever rewarded by the development of many new and wonderful gifts for ourselves and our communities.

The Wholeness of the Sacred Tree

The fourth meaning of the Sacred Tree is wholeness. Symbolically the wholeness of the Sacred Tree is the unity and centering of the qualities of the four directions in the human being.
Illustration by Patricia Lucas. Reprinted from The Sacred Tree with the permission of The Four Worlds Development Press.
This meaning is reflected in the words of Lamedeer about the Sacred Tree chosen for the sun dance pole:

When the tree finally arrived in the camp a great shout of joy rose from all the people...
The top of the pole was decorated with strips of colored cloth, one each for the four corners of the earth. (Lamedeer)

The Sacred Tree represents the Great Spirit as the center pole of creation, a center for balancing and understanding ourselves as human beings. The teachings of the Sacred Tree provide a foundation for organizing our values and a safe path for developing and protecting the wholeness of our being. This balance and understanding is based on the unity of the elements of creation brought to life in the tree. This unity is achieved in ourselves by understanding and balancing the opposite yet related qualities of life and in our process of growth as human beings.

From one point of view the unseen roots in Mother Earth represent the invisible aspects of our being and the part of the Sacred Tree above the ground represents those aspects that are visible. When we understand and balance these parts of our self, the tree of our being will grow rich with abundant fruit that contains the seeds of yet further growth, development and wholeness.

In truth, we begin our lives with wholeness, but we have experiences as individuals in our families, tribes, and from society that sometimes shatter and fragment this wholeness. If we have been hurt, this wholeness can be restored and its development enhanced through the natural healing processes and spiritual lessons contained within the teachings of the Sacred Tree.

We began by stating that the Sacred Tree provides enough meaning for a lifetime of reflection. Here we have only briefly touched the surface of the ocean of its symbolic meanings. Still, we can begin to see the depths of its meanings as if looking into the surface to see the depths of its meanings as if looking into the surface waters of a deep pool. To reflect and act upon the teachings of the Sacred Tree is to renew the life of humanity.

To use this symbol is to move towards the wholeness promised in the prophecies of this time; a time of purification and renewal of all life in creation; a time of gathering together through the protection, nourishment, growth and wholeness of the Sacred Tree.

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- 25 student texts
- curriculum guide
- four videos
- 6 resource books
- posters and other visual aids

The Four Great Meanings of the Sacred Tree

The meanings of the Sacred Tree may be organized into four major categories. These categories may be easily viewed as movements in the cycle of human development from our birth toward our unity with the wholeness of creation. The four great meanings of the Sacred Tree are:

Illustration by Patricia Lucas. Reprinted from The Sacred Tree with the permission of The Four Worlds Development Press.
George Clutesi was an Indian Elder, author, philosopher, artist, and actor. He was interviewed by Hilda Mortimer in the Montreal Star, August 9, 1969.

"My father taught that all people, no matter what their station, were to be treated alike. He would say: 'My son, when a man passes in his canoe, if you are too poor to offer him bread, call him in anyway to rest, and to share the warmth of your fire.' How much more beautiful can life be?"

"It is that belief which has been lost; that life is to share—not to acquire. As we shared, so people respected us. You, the more you have, the more you take, in order to show in worldly possessions what you command."

"He turns to the gleaming river: look down there. If you lived here, you'd tear up nature and plant a beautiful lawn. You'd spend a fortune raising that lawn, and the winter freshet would come and wash it away. Next year, you'd do it over again and put down a big levy to protect it and to tame the freshet."

Why?

"Because you do not want nature. You want something that belongs to you. I put it there: you can't have it. And the white man accuses the Indian of living for the day! No. We did not, not ever. We live for centuries ahead. You are the people who live for the day, destroying wherever you go. You do not worry about your grandchildren and how they will live."

"We think every day of our grandchildren. I plant a patch of strawberries. The children come. 'Grandpa, may I have some strawberries?' Of course you can it's yours. And because they know it's theirs, they're going to care for it. They're going to take what they want, and then (say), 'Oh, I've got too many now. I'll give them to Grandma.'"

"That is the beginning of generosity. We do not preach, 'Be generous.' We give them the actual experience."

"Somehow you must get back to this teaching, if you're going to survive as a human race. You are now a super-race, but you're drawing further and further away from humanity. You took two million dollars last year, so it has to be three this year and to hell with what's left over. You'll get that the next year—as long as you get it and nobody else does."

"The white world is producing very smart, stereotyped non-humans who have lost their feeling, not just for other humans, but for all living things. Your whole life meaning is to be on top of the other person."
Don't you think that many people today, especially the young, are seeking for something very close to Indian values?

"Yes. And all their trial and error does not matter. Their mistakes are worth making if, sooner or later, they come into our own sphere of life. If they are in earnest, they will find the way so dear to the Indian and which saved him from extinction."

Faith?

"What is that? The Indian says, 'Nature. God.' And even now we do not really understand what this Christianity is all about, that teaches us to get down on our knees and hide our faces and grovel in the dust! We worshipped joyfully, with faces towards the sky; even the headband we wore was to keep the hair from coming between our face and that of God. We do not need to shout for mercy in front of 300 people. We ask silently. He knows what is needed, and He will give it, if we prove our merit."

Are you not alarmed by the current money deluge being poured out to Indians? And your own young people are impatient.

"If we do not return to those values, we will fall for this gimmick, for this is what the whole Indian nation is being groomed to fit into. To build, and own, and consume. The great problem now is that your society relents and understands, or we go in and join your society and become grabbing people too. Because of this conflict, we'll never get together."

Have you no hope that new and great leaders may come from Indian and white together? There are already signs that the white is turning to the Indian.

"For comfort perhaps, but while we can give comfort, I do not know that we can give counsel, for we have learned that the so-called Western Man can only condescend; he cannot accept."

"Now, I will not send one of my own girls from my own eyesight, because I know your society will molest her. Every day, no matter where or when there are accounts of dastardly deeds in white society. Your people turn even on their own kind. Everywhere is rape and violence. You are going downhill. Your own technology will destroy you unless you come back and make amends with nature!"

Native Studies 20: 
International Indigenous Issues

Self-Determination and Self-Government

Future → Past

Indigenous Cultural Values and Worldview

Future → Past

Development

Future → Past

Social Justice

Future → Past

Self-Determination And Self-Government
- sovereignty
- Aboriginal rights
- treaties
- land claims
- international declarations
- self-government
- resistance and protest for change

Development
- cultural programming
- environment
- conservation
- sustainable development
- industry/technology
- education
- urbanization
- poverty and debt
- multinational corporations
- development banks
- resistance and protest for change

Social Justice
- racism
- identity
- human rights
- child welfare
- genocide
- ethnocide
- justice system
- resistance and protest for change
NATIVE STUDIES 20

Student Resource Guide

Self-Determination and Self-Government:
Unit 1
# Self-Determination and Self-Government Unit
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Introduction

Historically, the political rights of Indigenous peoples have been denied, a denial based upon European-Canadian-American attitudes of intellectual, moral, and spiritual superiority. The recognition of such political issues is testimony to the survival of Indigenous peoples, and of their ability to bring their concerns to the fore within the context of contemporary Canadian and International political structures. There has been increasing recognition of the fact that most of the problems of Indigenous peoples are the result of historical actions by non-Indigenous peoples or contemporary actions by non-Indigenous peoples. The non-Indigenous peoples may be the dominant society or culture of a country or be representatives of a foreign country with designs upon the territory and resources, human or natural, of a particular nation. Contemporary actions may be taken which can correct the actions and inequities of the past, while protecting the rights and territories of Indigenous peoples in the future.

There are diverse groups of Indigenous peoples as well as various historical experiences in different parts of Canada, and in nations around the globe. The political issues are also diverse and complex, however, the goals of self-determination, self-government, and a cultural process of development, are common to all Indigenous peoples. Of the over one million Indigenous peoples in Canada, fewer than one-half were officially recognized by Canada under the Indian Act as Registered or Status Indian peoples.

The Métis and Non-status Indian peoples of Canada continue to struggle for full recognition. The Métis, in 1990, after years of legal wrangling, won a Supreme Court decision that allows them to seek a land claims settlement and damages from the Government of Canada. The inefficient transfer of Métis land titles and the chaotic distribution of scrip during the time of the treaty signings and westward expansion, are the basis for this action. 1990 has also produced an Agreement in Principle for a comprehensive land claims settlement with the Indigenous peoples of the Yukon.

Progress has been made by some Indigenous peoples in Canada, however, progress is not widespread or consistent. The Lubicon Band continues its more than 50 years battle with the federal and provincial governments for a comprehensive land claims settlement and promised reserve lands, while other Aboriginal nations attempt to clarify their constitutional status and protect their environmental heritage from insensitive technological development. Among the registered Indian population, approximately one-half view their relations with Canada primarily in terms of Treaty relationships. The remainder view their relationships with Canada in terms of unfettered Aboriginal Rights.
Political issues of Aboriginal peoples are also complicated by the increasingly complex nature of Canadian politics. While Indian peoples were once viewed as under the exclusive jurisdiction of the federal government, today the interwoven pattern of federal and provincial areas of jurisdiction, and the increasing power of provinces in the Canadian federation means that the political process has become far more complex.

Internationally, Indigenous peoples struggle for control of their lives, lands, resources, and political systems. The concept of social justice applied on a global scale is seen more and more as necessary to human survival, and the protection of human rights. It has become increasingly difficult to hide or ignore instances of abuse and genocide when even the most isolated people may access the global communication network. International reactions and strategies for change play a greater and more effective role in the achievement of the diverse aspirations of Indigenous peoples, than in the past.

Indigenous peoples' political rights are based upon the traditional exercise of such rights. As was outlined in Native Studies 10, Unit 3: Political Life, Indian peoples had their own unique political processes and institutions before the arrival of Europeans. There were clearly defined authorities and methods of decision-making. The Indian peoples viewed their political life as a right given to them by the Creator. Today, the right of people to exercise political will is recognized as an inherent human right.

Political systems reflected the values and priorities of Indian peoples' cultures. Those systems had the elements of democratic systems - the ability of people to select their own leadership and to have input into the decision-making process. The degree of control over the political leadership was enormous and it could be said that the leadership was unable to make political decisions without unanimous or substantial support from its constituents. Customs and traditions which governed the operation of the political system were as deeply embedded as the parliamentary system is in British and Canadian tradition. While not all Indian peoples had identifiable physical structures such as parliament or legislative buildings, Councils were highly organized and active.

One of the fundamental assumptions behind contemporary Indigenous political life is that Indigenous peoples never surrendered their right to govern their own affairs. It is a common misunderstanding that the Treaties were similar to surrender documents signed by defeated nations. While it can properly be argued that Indian peoples were in a greatly disadvantaged position when the Treaties were signed, the fact is that they were not at war with Canada or Britain, and were actually long-standing military and economic allies of those nations. The post-1763 Indian Treaties were documents intended to transfer rights over land to Canada in return for various forms of payment and assistance.
In the records of Treaty discussions, it is clear that Indian people did not intend to surrender their right to manage their own lives. Unfortunately, government policies of the day were very paternalistic and had the effect of placing control over the lives of Indian peoples into the hands of government. Indian peoples were legally wards of the government, having little ability to manage their own affairs.

The recognition of Aboriginal Rights by the Canadian Government in 1973 and their inclusion in the Constitution Act, 1982, was a breakthrough in recognizing the legitimacy of Indigenous political will, and the need for federal and provincial governments to respond appropriately.

The political rights of Indigenous peoples have been repressed during contact with the Euro-Canadian mainstream society. Historically, the attitude of Europeans towards Indigenous populations of the Americas has been to regard them as inferiors. European kings saw it as their Christian duty to bring the "true faith" to all infidel nations. "Savages", who lived close to nature, were believed to be under the influence of the devil. When the Spanish came to the Americas, there was a prolonged debate as to whether Indians of the "New World" were human. The French took the approach of attempting to convert and assimilate Indian peoples. The British assumed legal ownership of all discovered and occupied Indian lands, with recognition of Indian rights of occupation coming with the Royal Proclamation of 1763.

In Canada, Indian policies reflected the same attitude of superiority towards Indians. The imperialist ideology which existed at the time of Canada's founding held that Anglo-Saxon values and institutions were the most desirable and destined to dominate the world. Indian policy set out initially in the Bagot Commission Report of 1842 sought to protect Indian peoples by isolating them on reserves, to teach them civilized ways, and eventually to assimilate Indian peoples into society.

When government policies failed (as they often did in areas such as agriculture, education and assimilation), governments, rather than looking at their own shortcomings, tended to blame Indian peoples and the beliefs and practices fundamental to Indian peoples' cultures. The result was increasingly restrictive and coercive Indian Act legislation intended to stamp out all vestiges of Indian peoples' culture and forcibly impose Anglo-Saxon values and institutions.

One policy, the detribalization policy, developed in the 1880s, advocated the elimination of Indigenous culture and religion, the deposing of traditional Chiefs, and the subdivision of reserves into individually held lots.
In 1947, an influential authority, Diamond Jenness, recommended to the government the "Plan to Liquidate Canada's Indian Problem Within 25 Years". By the end of that period, Indian peoples were expected to be fully assimilated into mainstream society. In 1969, the Canadian government introduced an Indian policy (The White Paper) which advocated the termination of Indian Status, rights and reserves.

Repression of Indigenous people's political rights has caused social turmoil and conflict. Government policies towards Indian peoples have almost invariably had detrimental effects, even when those policies were well-intentioned. The attitude taken was that Europeans had the best solutions for the future of Indian peoples, and that Indian peoples, if they did not gradually die off, would eventually have to assimilate into mainstream society. As a result of this type of thinking, Indian peoples were relentlessly deprived of their lands and placed on reserves. During the early period of Indian policy some policy makers, such as Sir Francis Bond Head, Lieutenant-Governor of Upper Canada in the 1830s, were resigned to the eventual extinction of Indian peoples. They preferred to isolate Indian peoples on remote reserves and leave them to their fates.

On the other hand, some believed that the British had a moral responsibility to attempt to assist Indian peoples to adopt British values and lifestyles. It has been said that the Indian Affairs Department is the longest established bureaucracy in government, yet Department has accomplished little in the way of improving the conditions of Indian peoples over the centuries. Statistics point out the anomalies:

- the average income of Indian peoples is one-half to two-thirds of the national average;
- the unemployment rate among Indian peoples is 90% in some areas;
- only 20% of Indian children reach the upper levels of secondary school;
- the Indian infant mortality rate is 60% higher than the national rate;
- Indian peoples have three times as many violent deaths as the national average;
- suicides are three times the national average;
- Aboriginal peoples represent 40% of the prison population in Manitoba, Saskatchewan and the north;
- Indian children are five times more likely to end up under the authority of the child-welfare system;
- one-fifth of reserve homes have two or more families in them;
- fewer than 40% of reserve houses have plumbing or sewage facilities.

(Source: Penner Report, p. 15)
Indigenous peoples continue to struggle for recognition of their unique political rights. Indian peoples have been struggling for their rights ever since the first arrival of Europeans on this continent, and other continents.

In Canada, early struggles with colonists focused upon encroachments on Indian lands. Although agreements with Indian nations were often made and a clear British policy regarding the purchase of Aboriginal lands was outlined in the Royal Proclamation of 1763, their lands continued to be infringed upon. The Royal Proclamation also recognized the right of Indian peoples to use their remaining lands as they saw fit. Territories (south of the Great Lakes and initially, west of the St. Lawrence River Valley) were designated for the exclusive use of Indian peoples and permits were necessary to enter these territories. These designated lands were lost to the Indian peoples in the Quebec Act, 1774, and by the eruption of the American Revolution.

Up until the War of 1812, Indian nations were important as military allies in Eastern North America. After that they became powerless and were treated by government as wards not having the same rights as ordinary citizens. Indian peoples were unable to vote, own private property, sign contracts or defend their interests in courts. Indian leaders, including those who signed Treaties, frequently stated the desire of their people to adopt the "cunning of the whitemen", but not at the expense of losing their languages, beliefs and customs. Nevertheless, government policies ignored their wishes and forced government programs upon them. Indian peoples attempted at various times to organize politically to defend their rights, for example, the League of Indians of Canada. Interference by the Department of Indian Affairs prevented that movement from becoming successful but it did become the foundation and model for the Federation of Saskatchewan Indian Nations (FSIN).

In the 1940s another effort to organize nationally was made, this time in the form of the North American Indian Brotherhood. Again, these efforts were blocked. The World Wars and the participation of Indian veterans, who found joining the military the only way to travel outside of the reserves, played important roles in bringing about changes. Indian soldiers were fighting against oppression from foreign countries, while being oppressed within their own country. Non-Aboriginal war veterans supported the Indian peoples' cause and helped bring public pressure for change upon the government.

It was only in the 1950s, with the elimination of the Indian Agent system and the pass system, a practice of restriction to reserves, that Indian peoples started becoming better able to organize politically, and defend their rights and interests. The 1969 Indian policy, with its proposals to terminate Indian status in Canada, led to the formation of the National Indian Brotherhood, the forerunner of today's Assembly of First Nations.
Political groups representing registered Indian peoples, the Métis and non-status Indian peoples have sprung up in virtually every province and territory of Canada. Refer to Native Studies 10, Unit 3: Political Life.

Political concerns involve control over internal affairs, and relationships with mainstream society. What are Indigenous peoples after in terms of their political issues?

One of the very first important issues was that of land, but beyond land there are a multitude of other issues which go back to the fundamental relationship between Europeans and Indian peoples. Because of European ethnocentric behaviour efforts were made to completely displace Indian cultures.

Most Indian peoples today, realize that they cannot totally return to traditional ways of life, and accommodation to contemporary political and economic realities is required. This can only be accomplished when Indian peoples regain control over their lives and lands. Past Indian policies have failed and in order to achieve a just society, fundamental change is needed. For the most part, the lives of Indian peoples in Canada are still controlled by the Indian Act, the Minister of Indian Affairs and Department of Indian Affairs. Indian peoples have little control over their lands — which they do not own. Lands are held in trust by the federal government which still considers itself the best judge of what is in the interest of Indian peoples, and how best to protect and develop Indian lands and resources.

Political concerns vary among Indigenous groups. There are a great number of Indigenous peoples in Canada who, historically, have not been officially recognized by Canadian laws. The largest of those groups is the Métis. The Métis arose out of unions between French and British fur traders and their Indian wives. Fur traders often took Indian wives to improve their ties to Indians and increase their effectiveness as traders. As Indians were decimated by epidemics and numbers of Métis increased, the Métis became more central to the fur trade as provisioners and transporters of goods. Large numbers of Métis came to be located in the Red River area, and they were a majority. In 1816, when the Selkirk settlers attempted to establish agriculture, conflict erupted over land resulting in the Massacre of Seven Oaks. This is seen as the birth of the Métis in that they asserted themselves as a nationality.

In 1870, it was because of political pressure from Riel that Canada was forced to recognize Manitoba as a province. The Métis did not sign Treaties as did Indian peoples, but the government agreed to give them scrip — allotments of land or the equivalent in money. There were massive abuses of this system, resulting in very little land ending up in Métis hands. After the Riel Rebellion of 1870, many Métis moved west into Saskatchewan and Alberta. The North West Rebellion of 1885 erupted when the Federal Government ignored Métis land holdings and political demands.
Today, there are Métis colonies in Alberta set aside by the Provincial Government. The Métis are viewed by governments as being under provincial jurisdiction. Many of their political demands today center around the need for a land base and the recognition of a system of self-government.

Non-status Indians are Indian by blood and heritage, but are not legally recognized as Status Indians by the federal government. Non-status Indian peoples have come into existence by various means. In some cases, their ancestors never signed Treaties or asked to be placed on reserves. In other cases, Indian peoples lost their status through marriage to non-Indian men (they may regain status by applying to Indian Affairs under the regulations of Bill C-31, an amendment to the Indian Act, 1985), or through voluntary enfranchisement. In the past, any Indian person who obtained a university degree or became a lawyer or doctor could be automatically enfranchised (gaining full rights of citizenship at the cost of loss of treaty rights and tax exemptions). Some Indian persons who served during the wars were enfranchised in order to obtain veterans' benefits, and many were enfranchised without their consent and full knowledge by Indian Agents.

Methods for resolving differences over Indigenous political rights are available. In the past, the failure to deal with historical wrongs had led to social disruption among Indigenous peoples and conflict with mainstream society. Today, Canada is forced to resolve the concerns of Indigenous peoples, and to bring about meaningful change will require fundamental changes in the relationships between government and Indigenous peoples.

One method of achieving change is through political discussion, negotiation and agreement - a political process. The Canadian Constitution provided for a meeting of First Ministers to discuss Aboriginal Rights within one year of the passing of the Constitution Act, 1982. The 1983 Constitutional Accord on Aboriginal Rights called for more meetings up to 1987. Any agreements by the First Ministers to amend the Canadian Constitution to clarify Aboriginal Rights further would have to meet the amendment formula of the constitution - approval by at least two-thirds of the provinces, who together must have at least 50% of Canada's population. The accord also called for amendments to the constitution to clarify Aboriginal Rights in the areas of land claims and sexual equality.

Later conferences have failed to achieve agreement. A major stumbling block to the proposed 1985 Accord has been disagreement over the method of recognizing self-government institutions. The last conference in the agreed series, on March 26 and 27, 1987, also failed to arrive at any agreements between parties. The Meech Lake Accord, a proposed amendment to the Constitution Act, 1982 which would entice Quebec to sign the 1982 Constitution, has aroused political chaos, regional hostility and cultural racism. The "Distinct Society" clause which would set Francophone Quebec apart from other provinces in the federal union is believed to threaten the integrity of the Canadian Charter of Rights and Freedoms generally, and the rights of women, minorities, and Anglophones in particular. Aboriginal peoples in Canada, as well as many other cultural groups, resent the special status Quebec would enjoy as a "Distinct Society".
Most Aboriginal rights organizations feel the rights, cultures and history of their peoples are being ignored by the proposed amendment, and have been ignored for much too long. The peoples of the Yukon and North West Territories, the majority of whom are Aboriginal peoples, view the unanimity clause (all 10 provinces would have to agree to any future constitutional amendments), as preventing them from ever achieving provincial status and self-government.

Failing political resolutions, many Indigenous peoples have resorted to the lengthy and costly recourse of taking their grievances into the courts. Decisions run the danger of being more unfavourable than those which may be arrived at through the political process.

The pursuit of political rights by Indigenous peoples is a world-wide occurrence. Indigenous peoples exist all around the world. According to a study by John Bodley in *Victims of Progress*, before 1820 over half of the world was occupied by Indigenous peoples. The great mercantilist and imperialist expansions of Europe after the Industrial Revolution placed pressures on the lands and resources of Indigenous peoples. Traditional lifestyles were pushed aside by foreign ones. Similar patterns emerged in many areas of the world. Europeans tended to claim legal title to lands of peoples who did not comprehend the European land ownership system. Economies of Indigenous peoples, based upon subsistence or barter, gave way to a money economy. Industrialized nations with superior military technology attempted to force their systems on other parts of the world, including India and China and Africa.

The treatment of Indigenous peoples often included the signing of Treaties of peace and friendship similar to Canadian Indian Treaties, the results generally being the dispossession of the lands of the Indigenous peoples. There were also attempts to superimpose European values, culture and institutions on other peoples, the assumption being that European ways were superior.

Much of today's warfare can be traced back to conflicts between Indigenous peoples and colonizers. Examples include the Palestinian conflict in the Middle East, guerilla wars in Latin American countries such as Guatemala, Peru and Bolivia, the Basque conflict in Spain, the Kurdistan conflict in Asia, the civil war in Sri Lanka, the South African conflict and the Afghanistan conflict. Conflict of values, beliefs and cultures exist wherever Indigenous peoples struggle for self-determination and self-government, for example, the Aboriginals of Australia, Maoris of New Zealand and Samis of Scandinavia, Mapuche of Chile, Yanomami of Brazil.

There are currently efforts at the international level to gain more recognition of the common international problems faced by Indigenous populations. In the past, the United Nations has taken a paternalistic approach, viewing Indigenous peoples as minorities to be dealt with internally by established states. Such approaches have failed to resolve the unique grievances of Indigenous peoples.
Illustration by Patricia Lucas. Reprinted from The Sacred Tree with the permission of The Four Worlds Development Press.
Sovereignty Defined

The concept of sovereignty of nations has developed over the last 500 years: it continues to evolve today. The modern world contains more than 170 political units commonly known as nations. Nations may, or may not, contain diverse ethnic, religious, or social groups. They vary in size from a few thousand hectares to millions of square kilometres. The People's Republic of China has a population of more than a billion and an area of 9.6 million square kilometres. Tuvalu has a population of 9,000 and an area of 26 square kilometres. Nevertheless, each nation insists on its sovereign rights within its own territorial boundaries.

This geographic division of the world came from the European concept of nationhood. Before the Reformation which began in the 16th century, there were certainly nations in Europe. However, few could have been described as sovereign. The higher authority of the Roman Catholic Church stood above most of them.

As the power of Rome dwindled, the power of monarchs grew. Perhaps the most well-known example is that of Henry VIII of England. In 1534, he broke away from the Roman Catholic Church and declared himself to be the highest authority in the land on matters both religious and non-religious. Henry had Parliament declare him to be head of Protestant Church in England, and then promptly granted himself the divorce he had been denied by Rome.

Machiavelli (1469-1527) in his treatise The Prince, written in 1513, stated that all means were acceptable, regardless how ruthless they were, if they prevented anarchy and allowed a central power to maintain national unity and preserve peace and good government. The French philosopher Jean Bodin (1530-1596) started the modern doctrine of sovereignty in his Republic published in 1577. Bodin believed that every state must have a supreme authority who power could not be limited or divided: it must be above the law because it is the law. This implies that a state is a well-defined territory having established boundaries with its neighbours.

The basic principles of the western state system existed in some Italian states during the 14th century. In the Middle Ages (1066-1500), many feudal states of western Europe united under a selected leader who assumed the title of monarch (King, Queen, Prince, etc.). At first the monarch might be only a nominal head advised by a group of barons, however, over time the office became hereditary and the King and Queen became the dominant power.

The larger "nation-states" were based upon natural boundaries and similar languages, ethnicity, religions, and traditions. By 1500, the approximate modern boundaries of four European states were drawn; Portugal, Spain, France, and England.

Although sovereignty has been defined as territorial control such territory need not be adjoining. For example: Spain claimed sovereignty over various states in Italy, Central Europe and the Netherlands; England claimed the French city of Calais, and Ireland. Within the century, in 1584, the Netherlands proclaimed its independence and became the fifth of the modern European states.
Eventually, the supreme authority of monarchs was challenged. They had gained power by precedence or inheritance and held it by military strength, but new ideas of democracy were beginning to circulate. The breakdown of this system of monarchies spread over centuries and varied in its timing and methods from country to country. (Some countries today retain hereditary monarchs either as authoritative heads of governments or as among the countries of the British Commonwealth, where the Queen is the figurehead of constitutional democracies, and wields little practical power. Other countries are ruled by Parliaments, military juntas, oligarchic councils of a select few, and religious leaders. Many monarchies and authoritative bodies are overthrown by violent revolution and non-violent social evolution.)

The modern concepts of sovereignty—the western states system—began in Europe. It was spread around the world as the European powers conquered and claimed sovereignty over Africa, Asia, the Americas, and Oceania. (The Imperialistic order with its colonial states controlled by Governors and Councils then began. Former colonial peoples are more frequently than ever before, casting off yokes of Imperial "mother countries", declaring their independence and seeking their own definitions and systems of self-determination and self-government.) The evolution of sovereignty continues.

Suggested Activities:

1. In international organizations, such as the United Nations, each country has one vote regardless of its population. Should a voting formula be established which gives bigger countries more power? If so how would you design such a formula? Or, do you think the current system is fine? (The Security Council of the "Big Five" declared nuclear countries, Britain, France, United States, Russia, China, each have a VETO power to invalidate any United Nations declaration. Is this system fair? How should it be changed? Is the United Nations a larger model of Imperialism and Colonialism? Do the "Big Five" rule by the sole virtue of their nuclear threat? Does Machiavellian theory still determine global and national powers?)

2. (Define the terms "nation", "nation-state", "sovereignty", "nationalism", "imperialism", and "colonialism". Apply these terms to contemporary Canada. Consider cultural diversity, Aboriginal peoples, Quebec, and our relations with the United States and other countries.)

3. (Many nations have declared their sovereignty and the accompanying rights of self-determination and self-government. Brainstorm and list as many of these nations as possible. Which nations have a clearly defined land base or boundaries? Is sovereignty dependent upon defined territories? Permanent or continuous occupation by particular peoples? Recognition by dominant or neighbouring sovereign nations?)
4. Discuss the statement, "Nationalism if the most destructive force in the world today."

5. Imagine ways in which sovereignty might change in the years ahead; for example, could nations decide to merge in fewer and larger units through such mechanisms as the European Economic Community (EEC) and the U.S./Canada Free Trade Agreement. Might nations further divide as a result of ethnic tensions (as is the case among the Baltic States of the Soviet Union). Might Aboriginal nations in Canada and Indigenous nations around the world become sovereign self-governing states? Explain how these changes may come about.

Information presented in (parentheses) has been added to the original article which is reprinted (in part) with permission from Lower, J. Arthur, Canada And The World, "Sovereignty Defined", March 1990, R/L Taylor Publishing Consultants Ltd., Oakville, Ontario, L6J 6L5.
FORGETTING THE OLDEN RULE

There are many rights which sovereign nations are supposed to enjoy; however, it often seems that these are honoured more in the breach than the observance.

States often get into fights with each other over violations of their sovereign rights. When that happens, they may refer to the question to the United Nations (UN) or a court of international law. But, the United Nations can’t force a sovereign state to accept a solution it doesn’t like. That’s because any use of force against a sovereign state is a violation of its sovereignty.

All members of the UN are sovereign states. Those that aren’t — the Palestine Liberation Organization is an example — are given “observer status”; they can watch and listen, but they cannot vote. When countries join the United Nations, they don’t give up their sovereign rights. However, they agree to try to use peaceful means to settle differences that may arise over threats to their sovereignty.

No matter how much one state may dislike its neighbour’s system of government, it’s supposed to maintain a “hands off” policy.

The first article of the United Nations Charter says all sovereign states have the same rights, regardless of their size or wealth. This is known as the principle of equal sovereignty.

Sovereign states may get together and agree to suspend some of these “little” rights in return for concessions from each other. For example, two states might agree to open their fisheries to each other. They could have a travel agreement, or treaty, that does away with the need for a visa when citizens of one country are travelling in the other.
There are many examples of trade treaties in which countries agree to give up the right to tax one another’s products. One that everybody has heard a lot about recently is the Canada/U.S. Free Trade Agreement. Members of the European Community have similar arrangements.

These kinds of agreements change the way states treat each other and each other’s citizens, but they don’t destroy sovereign rights. States who sign trade treaties with each other are still sovereign entities.

However, some rights are so basic to the idea of sovereignty that they can’t be signed away without destroying sovereignty itself. There are three such rights:

- The right of a state to control its own domestic affairs.
- The right of territorial integrity.
- The right of political independence.

Domestic sovereignty refers to a state's power over what goes on inside its own boundaries. (“Domestic” means “at home”). This means that other countries cannot tell a sover-
SOVEREIGNTY RIGHTS

Domestic sovereignty covers many issues that affect people’s daily lives. These include: highways and other forms of transportation; health services; schools; taxation, and so on. The principle of domestic sovereignty says it’s nobody’s business how a state deals with these except the people who live inside its boundaries.

**YOU DECIDE**

In the spring of 1989, first students and then workers in China began calling for democratic reforms. Demonstrations, involving hundreds of thousands of people, centred on Tiananmen Square in Beijing, the capital. The world’s media focussed on these peaceful demonstrations which became an international embarrassment to the Chinese government. By the night of June 4, the government had had enough. Soldiers were ordered to clear the tens of thousands of demonstrators out of Tiananmen-Square. This they did with brutal efficiency with tanks and machine guns firing, point-blank, into the unarmed crowds. Between 3,000 and 5,000 were killed.

If you were prime minister of Canada what would you do? Keep in mind that the rules of diplomatic behaviour say that nations do not comment about the internal affairs of another country.

Even the United Nations is very careful about getting involved in situations that involve domestic policy. Sometimes, there is a policy which the UN as a whole wants member states to adopt. An example might be a decision to ban the use of an industrial chemical that is harmful to the environment. However, the UN can only recommend that its members take that kind of action. It can’t force them to do it.

Territorial integrity refers to the geographic “wholeness” of a sovereign state and its separateness from other states. In this context, the word “integrity” means “wholeness”). The right of territorial integrity means that a sovereign nation has the right to defend itself militarily against attacks from another nation. Any kind of armed invasion by forces from another country is considered a violation of sovereignty.

The Charter of the United Nations makes a clear statement about the right of territorial integrity. In Article 2 of the Charter, members of the UN agree not to use force or the threat of force “against the territorial integrity or political independence of any state….” This is theory.

Political independence refers to a state’s right to choose and develop its own system of government. This means that no state can interfere with the political affairs of any other state. No matter how much one state may dislike its neighbour’s system of government, it’s supposed to maintain a “hands off” policy.

This is an important right in that it’s supposed to ensure that the government of one state can’t take over the government of another. It also prevents states from trying to control each other’s political parties and policies. This is particularly important in relations between strong countries and their weaker neighbours.

Again, governments find ways, sometimes creative, sometimes blunt, of getting around this right. Here are some of the ways in which this part of sovereignty is breached:

- Giving money to a revolutionary faction in another country.
- Giving military aid to guerrilla forces.
- Giving shelter or help to terrorist groups.

In 1965, the UN General Assembly passed a resolution that tried to define violations of the right to political independence. The resolution says states have no right to intervene “for any reason whatever, directly or indirectly, in the internal affairs or external affairs of any other state." It condemns “armed invasion and all other forms of interference…”

The second part of the resolution is more specific. It says a state “must not interfere in civil strife in another state” and “...no state shall organize, assist, foment, finance, incite, or
olerate subversive, terrorist, or armed activities directed toward armed overthrow of another state."

The resolution also deals with violations of sovereignty that don’t involve the use of armed force. It says this about the use of economic pressure: "States shall not use or encourage the use of any economic, political, or any other type of measures to coerce another state in order to obtain subordination of sovereign rights or secure advantages of any kind."

independence from a colonial ruler? Does the colonial ruler have a legitimate right to sovereignty over the territory? Does sovereignty belong to the territory’s original inhabitants?

YOU DECIDE

East Timor is a former Portuguese colony. In 1975, it was invaded by Indonesia and annexed a year later. Some reports say that 250,000 Timorese, the original inhabitants of the region, were killed during and after the invasion.

If you were Prime Minister of Canada what would you do? Bear in mind that Indians and Inuit lived in Canada long before the country was occupied by Europeans.

Acting in defence of human rights in a foreign country is another grey area. Are governments allowed to do whatever they want to inside their own borders? The right to domestic sovereignty would seem to say yes.

Sovereignty means that countries have to let each other manage their own affairs without interference. This idea has some very important benefits. It helps avoid international conflicts, and it helps protect small states from being abused by more powerful ones.

This raises the question of whether or not the idea of sovereignty is out of date. Maybe the world has reached a point where other things are more important than sovereignty—things such as world peace, human rights, and protecting the environment. The effects of the huge fire at the Soviet nuclear power plant at Chernobyl were felt around the world. That incident reminded us that there are some occasions when state boundaries are meaningless.

Perhaps, one day the nations of the world will decide that the old idea of sovereignty is meaningless, too. If that ever happens, nations will be ready to try to make world government a reality.

SUGGESTED ACTIVITIES:

1. Do you think the concept of the sovereign rights of nations is outdated in a world that faces environmental catastrophe? Discuss.

2. "Harder than it Looks" is the title of a film about the strategic importance of the Arctic as it sits between the superpowers. Available from the National Film Board.

3. "Defence of Canada" is a series of three films about Canada’s role in the international power game. Available from the National Film Board.

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Aboriginal Definitions of Sovereignty

Indian peoples have offered these definitions of sovereignty:

- The Bishop Paiute: "Our tribe's inherent right to select its own system of government, define its membership, and to negotiate with other entities as a nation without loss of independence."

- Oneida nation (Wisconsin): "Our existance as a nation with the power to govern ourselves in regard to political, social and cultural aspects that meet the needs of our people."

- Kickapoo nation (Kansas): "The inherent right of a group or groups of people with the power of self-government to exist without external exploitation or interference."

Still other people believe that sovereignty is derived from the "law of nature". Some feel that it comes from the unique capabilities of a single ruler by whom the people consent to be governed. Whatever the case, sovereignty cannot be separated from people or their culture.

The foundation of Canadian law in respect of Indian (peoples) rests on the doctrine of discovery, through which the European Crowns asserted title over North America. In justification of that principle, Indian peoples were considered uncivilized and lacking in any property or government rights. But, the international status of the treaties is clearly illustrated by the following facts:

1. The British Crown, rather than any department of government or ministry, entered into the treaties;

2. The negotiations leading to the making of the treaties were conducted on the basis of mutual sovereignty;

3. The mutual acceptance of the treaties was in solemn form, accompanied by ceremonies appropriate to the conclusion of international treaties; and

4. There have been formal adhesions to the treaties, this being the appropriate method for later participation by other parties in international treaties. The most recent adhesion was entered into on May 15th, 1970.

At all material times the British Crown acknowledged the title of the Indian bands to the territory they occupied, and at no time claimed that Indian territorial rights were extinguished by occupation or conquest. On the contrary, as declared in the Royal Proclamation of 1763 and subsequent documents, all dealings with the bands were to be on the basis of mutual respect and consent. Indian lands could only be acquired by the British Crown with such consent: without it, no individual subject of the British Crown was to purchase or settle upon or take possession of any Indian land. Provincial governments came within the same ban.
At no time did the British Crown express any doubt as to the capacity of the bands to enter into treaties. Indeed, Britain herself chose to call the transactions treaties rather than agreements or contracts.

In responding to the Indian treaty position, the Canadian courts have advanced guidelines for treaty interpretation as recommended by the Ontario Court of Appeal in R. v. Taylor and Williams. The Supreme Court of Canada refused the Crown its application for right to appeal against this decision on December 21st, 1981.

Guidelines were laid down that:

Cases on Indian or aboriginal rights can never be determined in a vacuum. It is of importance to consider the history and oral traditions of the tribes concerned, and the surrounding circumstances at the time of the treaty, relied upon by both parties, in determining the treaty's effect.

Although it is not possible to remedy all of what we now perceive as past wrongs in view of the passage of time, nevertheless, it is essential and in keeping with established and accepted principles that the courts not create, by remote, isolated views of past events, new grievances.

The accepted evidence was that this understanding of the treaty has been accepted and acted on for some 160 years without interruption. For the court, "...it is too late now to deprive these Indians of their historic aboriginal rights." R. v. White and Bob.

In summary, Taylor and Williams holds that in cases where a term is not written in a treaty or if there is a conflict of interpretation, the oral promises and the surrounding circumstances at the time of the treaty-making determines the matter. The Royal Proclamation of 1763, the treaties, and other agreements between Indian governments and the various levels of government in Great Britain and Canada are no more than formal recognitions of our (Indian peoples') sovereign aboriginal rights by other parties.

Each Indian nation reserved in treaties certain areas for tribal use. These are generally known today as Indian reserves. They are the final, free, reserved homelands of Indian people. In truth, Indian reserves are the land base for peoples who have exercised sovereignty from time-immemorial, and who refuse to surrender their right of self-government.

Reprinted with permission from the Federation of Saskatchewan Indian Nations' Chiefs Council (FSIN); Opekowkew, Delia, The First Nations: Indian Governments In The Community of Man, FSIN, Regina, 1982, pp. 11, 22, 23.
Traditional Philosophies Relating to Aboriginal Rights

The issue of Aboriginal rights presents a difficult problem for the governments of Canada. Statements are issued by government ministers about what Aboriginal rights are; batteries of lawyers are running about trying to define Aboriginal rights; constitutional amendments are passed. Do we have Aboriginal rights or don't we? Lawyers talk about the issue as though they understand it, and judges make decisions about it, but afterwards everyone asks, "What did he say?" No one knows. Aboriginal rights must exist, or else the Canadian and provincial governments wouldn't be so worried about them.

Aboriginal rights were given to us by the Creator when we were put here. The prime minister of Canada knows that we have Aboriginal rights. He is thinking, 'We have to move fast before they find out they have them, because those Indians are getting smarter every day.' We understand everything about Aboriginal rights except the legal talk, so governments try to make a legal issue out of it. When our white brother can go to his highest tribunal and gain from it (by an act of Parliament) the right to never have to drink water again, then I will respect their legal vision of our Aboriginal rights. There is no tribunal on earth that can change the natural law, because it is outside our jurisdiction. The matter of Aboriginal rights is outside our jurisdiction, it is the natural law.

What are Aboriginal rights? They are the laws of the Creator. That is why we are here; he put us in this land. He did not put the white people here, he put us here with our families, and by that I mean the bears, the deer, and the other animals. We are the Aboriginal people and we have the right to look after all life on the earth. We share land in common, not only among ourselves but with the animals and everything that lives in our land. It is our responsibility. Each generation must fulfill its responsibility under the law of the Creator. Our forefathers did their part, and now we have to do ours. Aboriginal rights means Aboriginal responsibility, and we were put here to fulfill that responsibility.

Just the other day, I was talking to one of our old chiefs. He was going around our nation from house to house to gather us certain things for the ceremony planned for the next day. He and his partner stopped for tea, and when I said to him, 'You must be tired,' he answered, 'Well, you know how it is with Indians, they always have to work. That is the way it will always be. If you are going to be an Indian, you will find that you can never rest because there is something that needs doing every day and you have to get up and do it. The way white people have got it figured out, they don't have to do that. They can sit and watch television or do nothing; but not Indians, they always have to be doing something.'
Gabriel is a grade 9 student attending Qu'Appelle Indian Residential School in Lebret. He is from La Pas, Manitoba.
The Elder then told me how a young clan mother became very discouraged when he told her that her work would continue for the rest of her life. She said, 'I don't want to do this work for the rest of my life.' He explained it to her as he explained it to me. He said, 'How would you feel if the rest of creation felt that way you did? You know how it is in the winter-time when everything is asleep and how good you feel in the spring when you see the trees start to throw out their leaves. Doesn't it make you feel good to see everything renewed again?

Even the old men feel young again in the spring; it renews their drive. What if the trees said the same thing that you just said - "I'm tired, I don't think I want to have leaves this spring." What would you think if spring came and no leaves came out on the trees, how would you feel? How would you feel if the grass didn't grow or the birds didn't come back? She said, 'I would feel pretty bad.' He said, 'Well, they would feel the same way if you were to quit working. We have to keep working together.' It is hard work being an Indian. There are a lot of responsibilities. You always have to do this or that, but that is what we were given to do. That is our Aboriginal responsibility, our Aboriginal right.

The concern of our Elders is for our children, and what is going to happen to them. The Elders know they will not always be here to teach them their responsibilities. If the children don't learn their responsibilities, how will they survive? The Elders don't like to move away from home. You can hardly get them to go to town, never mind going to another nation. So some of us offered to act as 'runners' for the Elders. We offered to travel to various places and talk to the young people and their folks to remind them of their Aboriginal responsibilities. The Elders instructed us to go around the country and meet at least once a year in Navajo country, in Six Nation country, and so on.

When we were in Navajo country we were visited by a runner from the United Nations. The runner said the United Nations wanted advice from us. He asked, 'If you were ruling the earth, what would you do?' Indians don't think in terms of ruling the earth, but we understood what he was trying to ask. We began to think about it.

The person seeking our advice was the undersecretary-general of the United Nations. We sat down in a circle and talked about the world's problems. When we had a statement ready, the Elders sent it to the United Nations General Assembly on 29 August 1982:

Brothers and Sisters the natural law is the final and absolute authority governing 'Etinohah' - the earth we call our mother. This law is absolute, with retribution in direct ratio to violations.
This law has no mercy; it will exact what is necessary to maintain the balance of life. This law is timeless and cannot be measured by the standards of mankind. All life is subject, absolutely, to this authority. Water is our bodies; water is life. Fresh water is maintained by the thundering grandfathers, who bring rain to renew the springs, streams, rivers, lakes and oceans. We are nourished by our mother – the earth – from whom all life springs. We must understand our dependence on her and protect her with our love, respect and ceremonies. The faces of our future generations are looking up to us from the earth; and we step with great care not to disturb our grandchildren.

We are part of the great cycle of life, with four seasons and endless renewal, as long as we abide by this absolute law. When we disturb this cycle by interfering with the elements, changing or destroying species of life, the effects may be immediate or they may fall upon our children who will suffer and pay for our ignorance and our greed. The natural law says that the earth belongs to our children – seven generations into the future – and we are the caretakers who must understand, respect and protect 'Etinohah' for all life.

The natural law is that all life is equal in the great creation; and we the human beings, are charged with the responsibility (each in our generation) to work for the continuation of life. We the human beings, have been given the original instructions on how to live in harmony with the natural law. It now seems that the natural world people are the ones who have kept to this law. The Elder circle of Indigenous people of the Great Turtle Island, charged with keeping the first law of life (spirituality), are concerned that the validity of this law no longer is recognized in today's life. We are concerned that the basic principles of the law are not longer being passed on to the next generation. This could be fatal to life as we know it.

The natural law will prevail regardless of man-made laws, tribunals and governments. People in nations who understand the natural law are self-governing, following the principles of love and respect that ensure freedom and peace. We come together because we are alarmed by the destruction of vital life structures. Our faith is intertwined with one another; what affects one will affect all.

Water is primary to life; corn is next. Poisoned water will poison all life; lack of water causes droughts, deserts and death. The nations that sit in the great council of the United Nations must relearn the natural law and govern themselves accordingly, or face the consequences of their actions. There are people in nations among you who understand this message; and we ask you to stand with us and support our songs and ceremonies in defense of 'Etinohah' (our mother the earth). We are, respectfully, a traditional circle of Elders.
When I was a child we never had much, but we all played together and had fun. We didn't have much to eat and sometimes we didn't have any shoes. No one ever noticed that because everyone was in the same boat. We didn't know we were poor. We didn't feel poor. We had a grandmother and a grandfather, and when we were in trouble they were there. We had uncles and aunts (we had them by the tens) all over the place. They were always glad to see us. If we were at a friend's house we were invited to eat. My mother sometimes didn't know half the children in the house, but they sat down and ate with us. That was the way it was; that is the right way. Today people say, 'You better not put out the food just now because company is coming.' That is no good because the kids learn to be stingy that way. Then when you are older and in need, your children will not help you. It all comes back to you. The Aboriginal responsibility is to share, and that is the basis of our Aboriginal rights. Our good fortune in being born one of the 'real people' carries responsibility, and that is something we have to work at. We will lose our Aboriginal rights if we don't meet our Aboriginal responsibilities.

We are all subject to the same natural law. That is what we are talking about when we talk about Aboriginal rights. We are talking about the survival of ourselves and of the earth. If we don't work together on this, our children will suffer. The time to do something is now, not later. Work in the communities, look after your families, look after your ceremonies, fulfill your Aboriginal responsibilities — that is the way to keep your Aboriginal rights.

Our Aboriginal responsibility is to preserve the land for our children. Everything on and in the land belongs to our children. It doesn't belong to us. We have no right to sell it, or give it up, or make a statement. If we do that we will 'settle' our great-grandchildren right out of their Aboriginal rights. We will spend the money that they give us and our children won't get a thing. They will suffer because we were greedy. Aboriginal rights are higher than politics or legal jargon. They are part of the natural law, which is higher than all politics; we must adhere to it or else we are all going to disappear.

AFN Calls For Right to Self-determination

The Spokesman for the Assembly of First Nations today called upon Governments not to be afraid of the self-determination of Indigenous peoples.

Addressing a United Nations Working Group, which reports to the Commission on Human Rights in Geneva, Konrad Sioui, AFN Vice-Chief for Quebec and Labrador, stressed that the collective rights of self-determination was a prerequisite for the real existence and enjoyment of all other human rights and fundamental freedoms.

Sioui told the world today that a State which complied with the principle of equal rights and self-determination of people and which had a government representing the whole people without distinction as to creed, race or colour had no reason to fear secession or dismemberment.

He pointed out that international law, which recognizes the right of all peoples to self-determination, also provided safeguards against the disruption of the territorial integrity of Nation-States.

"The rights to secede would (only) be justified where a people is discriminated against as a people and if no effective remedies exist in the national or international law to adjust the situation. That is the view of eminent international jurists," Sioui explained.

Referring to Canada, Sioui said that the Aboriginal peoples were working towards the "recognition and protection of their right to self-government within the Constitution." The Federal Government had publicly stated its commitment to that goal. Yet, he said, "there still seem to be suspicions and fears." However, the Government was proposing to recognize Quebec as a distinct society within Canada with the rights of self-determination including rights to promote and preserve the French language and culture.

If that was valid for Quebec, Sioui asked, then why was it not for the distinct Aboriginal peoples? Sioui's statement was roundly applauded by the representatives present.

The UN session was attended by representatives of Indigenous peoples from all over the world. The Canadian Government is one of about 20 governments at the meeting which ended Friday, August 4.

Aboriginal Rights and Land Issues:  
The Métis Perspective

Legal terms relating to the rights of the Aboriginal peoples of Canada have often been used interchangeable. "Aboriginal title," "Indian title," "Native title," usufructuary rights," and "Aboriginal rights" have at one time or another been used to attempt to describe the rights the colonizers felt Aboriginal peoples possessed.

In the early 1500's, after America became known to the Europeans, several writers and theologians spoke on behalf of the Indian Peoples. They stated that Indians, although heathens and non-Christians, nevertheless were capable of ownership of land and had sovereignty over their territories. Spain, Portugal, France, England did not accept these views, but nevertheless found it useful to recognize some of the rights possessed by the Aboriginal inhabitants. They also quickly realized that the Americas were vast and that they need not fight over them. They essentially came to a gentleman's agreement: whoever got to a piece of land first could claim it for his sovereign. The principal right remaining for the Aboriginal people was the right to continue the peaceful enjoyment of their way of life and the use of their territories.

In the early 1800s the United States Supreme Court began to define this theory as the "doctrine of discovery." Basically, this meant that the country that arrived first could claim it for its king or queen. In order to perfect their title, the discoverers had to settle the land. They further stated that the Aboriginal peoples had a right to continue using the land until they either save up that right or were conquered. That is how the concept of Aboriginal title or rights was created. There is still no clear, definitive statement to be made about what exactly is covered by the term "Aboriginal title". It is clear that hunting, trapping, and fishing are some of the Aboriginal rights that exist. In Canada, the privy council in the St Catherine's Milling case (1888) stated that Aboriginal title was merely a usufructuary right and that Indian peoples did not own the land. They went on to state that they did not have to describe what those usufructuary rights were. (A usufruct is the right to use the property of another to one's own advantage so long as the property is not altered or damaged.)

...this is not a claim to title in fee but is in the nature of an equitable title or interest...a usufructuary right to occupy the lands and to enjoy the fruits of the soil, the forest and the rivers and streams which does not in any way deny the Crown's paramount title as it is recognized by the law of nations. Nor does the Nishga claim challenge the Federal Crown's right to extinguish that title. Their position is that they possess a right of occupation against the world except the Crown and that the Crown has not to date lawfully extinguished that right.
Justice Judson, ruling that the Aboriginal title of the Nishga had been extinguished, expressed the following opinion with respect to Indian Title: "...the fact is that when the settlers came, the Indians were there, organized in societies and occupying the land as their forefathers had done for centuries. This is what Indian Title means and it does not help one in the solution of this problem to call it a "personal or usufructuary right."

However, the Federal Court-Trial Division, in the Baker Lake case (1979), said that although the Inuit of Baker Lake retained valid Aboriginal title, they did not own minerals below the surface. Basically, the court stated that Aboriginal title relates only to hunting, trapping, and fishing—elements of a traditional life-style—and that uranium mining and Inuit hunting at Baker Lake could continue jointly. The decision was not appealed.

Briefly stated, the legal position in Canada at present is that the Crown has the underlying title to the land and the Aboriginal peoples have merely a 'poliellory' right, that is, a right to the use of the land. In addition, this possessory right can only be surrendered to the Crown, and once it has been surrendered the Crown title becomes absolute. Although this severe limitation on the sovereign rights of the Aboriginal peoples has always been denied by them, there appears to be a willingness to negotiate a political and legal relationship that would provide for entrenchment of Aboriginal rights in the constitution of Canada.

The first major instrument to recognize the rights of the Aboriginal people was the Royal Proclamation of 1763, which required 'consent' before the lands of the Indian peoples could be legitimately ceded. The proclamation provided that the lands of the Indian people could only be purchased by the Crown at a public meeting with the Indians convened for that purpose. This proclamation, which was essentially the first constitution of British North America, still has the force of law as an imperial statute. In addition, section 25 of the new Charter of Rights and Freedoms lends protection to whatever rights the Royal Proclamation affords the Aboriginal peoples.

The next major recognition of the Aboriginal peoples' distinctive position within Canadian society is reflected in section 91 (24) of the British North America Act, 1867 (now known as the Constitution Act, 1867). That section gives the federal government jurisdiction over 'Indians, and the lands reserved for the Indians'. The government interprets this clause to mean that it has exclusive legislative authority over Indian peoples and land, the Aboriginal peoples maintain that section 91(24) indicates only that the federal government has jurisdiction to enter into relationships and discussions with Aboriginal nations.

It should be noted at this time that the term 'Indian' was used both in the Royal Proclamation and in the Constitution Act, 1867. However, neither document defined the term. In the Re Eskimos case (1939) the Supreme Court of Canada ruled that the term 'Indian' as used in the Constitution Act, 1867, included the Inuit.
It is the opinion of the Métis National Council and the Association of Métis and Nonstatus Indians of Saskatchewan as well as some legal scholars that the Métis are also included in the category of 'Indian.' The opinion that it is not necessary to be defined as an Indian under the Indian Act to be a constitutional 'Indian' is based on the fact that the current Indian Act still excludes the Inuit despite the ruling in Re Eskimos.

Support for this proposition can also be found in the Constitution Act, 1982, Section 35(2) defines Aboriginal peoples as the 'Indian, Inuit and Métis peoples of Canada.' In Re Eskimos, Justice Kerwin stated that

"the majority of authoritative publications and particularly those that one expects to be in common use in 1867, adopt the interpretation that the term "Indians" includes all the Aborigines of territory subsequently included in the Dominion."

That the Métis are Indians (constitutionally) also finds support in section 31 of the Manitoba Act, 1870, which expressly recognized that the Métis shared in the Indian title to land. This legislation was subsequently given constitutional force by the British North America Act, 1871. There can be no further doubt with respect to this issue, the Manitoba Act, 1870, is now included in schedule 1 of the Constitution Act, 1982.

The participation by half-breeds in Indian title to the land was also specifically recognized in the rest of the Northwest Territories and Rupert's Land by the Dominion Lands Act, 1879. Support for this proposition can be found in the adhesion of Rainy River half-breeds to Treaty 3 in 1875. The order-in-council for Treaty 10 in northern Saskatchewan also provided for the relieving of the claims of the 'Aborigines,' a category made up of the Indians and Métis resident in that part of the province.

The first piece of legislation to refer specifically to the Métis people was the Manitoba Act, 1870, which provided for the distribution of lands 'towards the extinguishment of the Indian Title to the lands in the Province.' By section 31 the government set aside 1,400,000 acres to be divided among the children of the half-breed heads of families residing in Manitoba at the time of the transfer, 'in such mode and on such conditions as to settlement or otherwise, as the Governor General in Council may from time to time determine.' The government allowed gross injustices to be perpetrated against the half-breed people through the implementation of a grant and scrip system, leaving the half-breeds landless and in abject poverty which persists to this day. In 1879, the Dominion Lands Act extended this attempted unilateral extinguishment of rights to the rest of the Northwest Territories, although the provisions were not implemented until the 1885 War of Resistance at Batoche.
The Manitoba Métis Federation has challenged as unconstitutional subsequent federal and provincial legislation allowing this injustice to take place. The federation is seeking a declaration that the federal and provincial legislation purporting to extinguish their rights is outside the legislative competence of both levels of government.

A brief overview of the implementation of this form of so-called extinguishment will help in understanding the injustices suffered by the Métis. While treaties with the Indians set apart communal tracts of land and recognized other rights, the scrip issued to the half-breeds was for a specific amount of land which was fully alienable. In addition, by this method of unilateral dealing, the government of Canada also purported to extinguish all Aboriginal title rights possessed by the Métis, including the right to hunt. As a consequence of this imposed scrip system, most of the land fell into the hands of speculators.

The Canadian government, in dealing with the Métis, issued land and money scrip. Land scrip was a certificate describing a specified number of acres and naming the person to whom the land was granted. Only that person could register the scrip in exchange for the land selected. Because they lacked information and knowledge about the land scrip system most Métis never registrations were done by opportunistic speculators and swindlers, who would appear at the registry office with any Aboriginal person who was readily available. To facilitate the transaction, the speculator would have a transfer or quit-claim signed by the unwitting Métis or else would forge his signature, usually an X.

Money scrip was in essence a bearer bond. It was easily negotiable for money, goods, services, or land. Anyone who presented it would be able to redeem it in exchange for dominion land, which at the time was selling at one dollar per acre. Money scrip was introduced after a considerable amount of lobbying by speculators who stood to gain in their dealings with Métis who had no experience or familiarity with such transactions. Both money and land scrip were redeemable at one dollar per acre. After a number of years, however, the price of land and the value of land scrip increased. Thus, money scrip became less desirable.

Both land and money scrip could only be used for dominion lands in surveyed areas. Scrip was only issued to the Métis in what are now the provinces of Manitoba, Saskatchewan, and Alberta, although a limited amount was given to Métis who had moved to the northern United States. This was so even though a portion of Treaty 8 covered the northeast portion of British Columbia. Because scrip could only be applied against surveyed land, a significant number of Métis were immediately at a disadvantage. For example, in the 1906 Treaty 10 area of northern Saskatchewan, 60 percent of the scrip issued was land scrip. To this day there is virtually no surveyed land in that area.

As a consequence, the Métis of northern Saskatchewan were deprived of their land base and their opportunity to acquire ownership of land. With respect to the Northwest Territories, when Treaty 11 was entered into in 1921, the Métis were allotted a cash grant of $240 rather than land or money scrip.
Researchers for the Association of Métis and Non-status Indians of Saskatchewan have documented evidence that of the scrip issued, one-third was land scrip and two-thirds money scrip, for a total of 31,000 certificates or 4,030,000 acres (these figures are based on 80 per cent of the known remaining files). Over 90 per cent of the scrip was delivered into the hands of banks and speculators. The banks received over 52 per cent of the issued scrip. The Department of the Interior, which was responsible for the scrip program, facilitated the transfer of scrip to corporations and individual speculators by keeping scrip accounts for them.

Although scrip was meant to be used for land only, the notes were used for other purposes. Because of the desperate and destitute situation of the Métis, scrip was often sold for cash, bringing the equivalent of twenty-five cents on the dollar or acre in 1878, and rising to five dollars per acre for land scrip in 1908. The majority of scrip, however, was sold for approximately one-third of its face value. Scrip was also exchanged for farm animals, implements, seed, food, and other supplies.

Most of this speculative activity took place outside the area covered by the Manitoba Act, 1870. Therefore, the constitutional implications of section 31 of that act did not apply. Nevertheless, there is a line of thought that holds that all Aboriginal peoples in Rupert's Land and the Northwest Territories had their Aboriginal title constitutionally entrenched by virtue of section 145 of the Constitution Act, 1867. That section provided for the entry into confederation of those two areas, and decreed that 'the provisions of any Order-in-Council in that behalf shall have the effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.'

On 19 November 1869, the Hudson's Bay Company surrendered its charter to the crown. Following the negotiations between the provisional government and the Canadian government, the British Parliament passed an order-in-council on 23 June 1870 making Rupert's Land a part of Canada effective 15 July 1870. Section 14 of that order-in-council stated that 'any claims of Indians to compensation for lands required for purposes of settlement shall be disposed of by the Canadian Government in communication with the Imperial Government, and the company shall be relieved of all responsibility in respect of them.' Also incorporated into the order-in-council were addresses to the queen by the Senate and the House of Commons.

The first one, dated December 1867, asked for the transfer of Rupert's Land to Canada:

"Upon the transference of the territories in question to the Canadian Government, the claims of the Indian tribes to compensation for lands required to purposes of settlement will be considered and settled in conformity with the equitable principles which have uniformly governed the British Crown in its dealings with the aborigines."
The order-in-council does not specifically refer to half-breeds, although it does refer to 'aborigines' it was issued after the Manitoba Act expressly recognized the half-breeds right to land under Indian title.

In the Paulette case (1973) Mr. Justice Morrow, then of the Northwest Territories Supreme Court, was of the opinion that the provisions or conditions of the order-in-council had 'become part of the Canadian Constitution and could not be removed or altered except by Imperial Statute.' But for the provisions found in section 31 of the Manitoba Act, 1870, it is clear that the Canadian Parliament is precluded from dealing unilaterally with the Aboriginal title of the Aboriginal people covered by the order-in-council, that is, those Aboriginal people living within the area covered by the Hudson's Bay Company charter. Any doubt about the referential incorporation of the order-in-council under the provisions of section 146 can arguably be laid to rest by the specific inclusion of the order-in-council as the Rupert's Land and North Western Territory Order under schedule 1 of the Constitution Act, 1982.

It is argued by the Métis National Council and the Association of Métis and Non-status Indians of Saskatchewan that the action of the federal government, coupled with its knowledge of the fraud that was being perpetrated, was illegal, immoral, and inequitable, and that the Aboriginal title of the Métis remains unextinguished.

Also of concern to the Métis is the Constitution Act, 1930, which ratified the Natural Resources Transfer Agreements between the provinces of Manitoba, Saskatchewan, and Alberta and the federal government. By these agreements the provinces were given ownership and control of the natural resources within their boundaries. Contained in the agreements is a provision that the provinces would allow 'Indians' to continue hunting, trapping, and fishing for food on all unoccupied crown lands and lands to which they have a right of access. This constitutional provision cuts down the Aboriginal and treaty right to hunt, trap, and fish for commercial purposes. The places of hunting are also restricted. It is of great concern to the Métis and non-status Indians that the term 'Indians' is not defined. In a judgment rendered on 20 July 1978, the Saskatchewan Court of Appeal ruled that the term 'Indian' as used in the agreement did not include the accused, a non-treaty, non-status Indian.

This decision prevented all Aboriginal people not entitled to be registered under the Indian Act from exercising their right to hunt, trap, and fish, even for food. This decision was not appealed and the issue has still not been resolved.

It is the belief of the Métis that the long-standing denial of our rights, economic deprivation, poverty, and the displacement of our people have to be rectified in a manner that is meaningful to us. We require a cultural, social, economic, and political regeneration as well as an adequate land base and resource rights. The concept of Métis nationalism and accepted principles of international law indicate that these goals can be reached through political expression and in a spirit of goodwill.
Our right to self-determination is on a higher plane than the legal fiction of Aboriginal title. As a nation of Aboriginal people, we have a right to a homeland and self-government no less than the Palestinians or the blacks of South Africa. This right is a right of choice, a right to choose statehood, assimilation, or anything in between. The Métis have chosen to exercise this right within the Canadian federation, and will seek to have it acknowledged in all forthcoming constitutional conferences. It must always be kept in mind that the conferences are for the purpose of identifying and defining all the rights of Aboriginal peoples, not merely their Aboriginal and treaty rights.

The Métis will insist on a charter of rights, which will be in addition to the current recognition and affirmation of our existing Aboriginal rights. This charter will provide the legal basis for a third level of government for and by Aboriginal people, and by implication will necessarily alter the current jurisdiction division of powers under sections 91 and 92 of the Constitution Act, 1867, including section 91(24) respecting Indians and the lands reserved for the Indians. The Métis, while not rejecting Aboriginal title, are striving for the entrenchment of our right to self-determination. The primary attributes of that right are a land base and Métis self-government.

Source:

DECLARATION OF RIGHTS, NATIVE COUNCIL OF CANADA, 1979

We the Métis and Non-Status Indians, descendants of the 'Original People' of this country declare:

That Métis nationalism is Canadian nationalism. We embody the true spirit of Canada and are the source of Canadian identity.

That we have the right to self-determination and shall continue - in the tradition of Louis Riel - to express this right as equal partners in confederation.

That all Native people must be included in each step of the process leading to changes in the constitution of Canada.

That we have the right to guaranteed representation in all Legislative Assemblies.

That we have the inalienable right to the land and the natural resources of that land.

That we have the right to determine how and when the land and resources are to be developed for the benefit of our people and in partnership with other Canadians for the benefit of Canada as a whole.

That we have the right to preserve our identity and to flourish as a distinct people with a rich cultural heritage.

That we have the right to educate our children in our Native languages, customs, beliefs, music and other art forms.

Willow Bunch 1914. Saskatchewan Archives Board
#RA-3433
Aboriginal Rights: The Non-Status Indian Perspective

To ask 'What is the non-status Indian perspective on Aboriginal rights?' is to admit to a basic misunderstanding of Aboriginal title. Aboriginal rights flow from Aboriginal title. All the descendants of the original occupants of the land retain Aboriginal title to the land as well as the rights that flow from the title. This will always be the case because no generation or special group has the right to sign away the rights of any future generation. Even if land claims are resolved today, the future descendants of the original occupiers of the land will be entitled to negotiate their own bargain in regard to Aboriginal title and rights. Had all this been clear to Indian leaders over the last hundred years, the question of non-status Indian peoples' claim to Aboriginal title would never have arisen.

Federal government Indian policy over the past one hundred years has served to muddy the waters in regard to Aboriginal title. Even a cursory look at this policy reveals a systematic attempt to separate Indians from their land, their rights, and each other. Non-status Indians today exist as a function of the Indian Act and the federal government's Indian policy. Let us look briefly at the creation of the group of native Indian people now referred to as 'non-status.'

The Indian Act, by establishing criteria governing who was eligible to belong to the status Indian group, created a charter group of eligible persons, moreover, it stipulated a formula for the perpetuation of that group. The formula, while perhaps liberal in the beginning, became exclusionary over time. Perhaps the best evidence of the exclusionary nature of the formula is found in its affirmation of patrilineal preference, which became increasingly rigid and which persists to the present day. That this patrilineal preference flew in the face of the matrilineal tradition of most Indian tribes only serves to reinforce the assumption or a deliberate policy to divide and confound Indian people.

It must be remembered that the ultimate goal of the Canadian government's Indian legislation has always been the integration or assimilation of Indians into the dominant society. In 1950, H.E. Harris, then minister of Indian affairs, announced a 'new' Indian policy:

"The ultimate goal of our Indian policy is the integration of the Indians into the general life and economy of the country. It is recognized, however, that during a temporary transition period of varying length ... special treatment and legislation are necessary."1

This policy of integration or assimilation had the effect of reinforcing the exclusionary formula for perpetuation of the charter group. It served as a rational for getting Indians off the lists and into non-Indian society as quickly as possible.
Despite the exclusionary formula, the charter group grew in numbers and came to be a large financial burden on the treasury. This provided an additional important motive for rigorous enforcement of the exclusionary formula.

The practice of enfranchisement, which was adopted even before Confederation, was an expedient to accelerate integration to assimilation. Enfranchisement was designed to remove all distinction between Indians and other Canadians. In 1857, legislation was passed describing a procedure of enfranchisement which, unchanged formed the basis of federal legislation until 1918. This legislation was titled An Act to Encourage the Gradual Civilization of the Indian Tribes in This Province. In the event that the title of this legislation did not make clear the government's intent, federal policy was made explicit by Duncan Campbell Scott, deputy superintendent-general of Indian affairs. Speaking to a House of Commons committee in 1920, Scott stated that the enfranchisement policy would be continued:

"until there is not a single Indian in Canada that has not been absorbed into the body politic, and there is no Indian question, and no Indian Department."  

Enfranchisement ostensibly would provide a mechanism whereby Indians would move from a dependent protected status into full citizenship, on a par with their white neighbours. Initially the federal government characterized enfranchisement as a privilege. Because few Indians were willingly enfranchised, the federal government passed compulsory enfranchisement legislation in 1920 and 1923. This legislation gave the Department of Indian Affairs the power to initiate the removal of Indians from their band lists, their families, their tribes, and their land. The racist assumption that white people knew what was best for Indians was alive and well.

The manner in which the original band lists were compiled must also be considered in order to understand the non-status Indian question. In 1951, the 'Indian register' was formed from various band lists that had existed within the department before that time. These lists included band fund lists, treaty pay lists, and other lists used by the department to identify members of the charter group. Although all native people supposedly were given the opportunity to be included on the lists, many were left off. This can be attributed partly to the incompetence and carelessness of the officials responsible for compiling the lists. Personal or family favouritism also played a part. In many cases whole families or clans were left off the band lists, with the result that Indian register of 1951 was incomplete. The incomplete register resulted in the ludicrous situation of many full-blooded Indian parents and their children losing their Indian status because the father had not been included in the original lists. Aboriginal heritage, blood quantum, and culture seemed irrelevant.

The Indian Act had the effect of breaking up the tribal system and removing the land from Indian control. In this regard the government's potlach laws, directed at the heart of Indian culture, were the most explicit threat to the tribal system.
The potlatch laws and enfranchisement, especially compulsory enfranchisement, seemed designed to break up band lands into small pieces. Both initiatives were bitterly resisted by Indians, and the potlatch laws were defied even to the point of incarceration.

Exclusion from the band lists meant that non-status Indians were not eligible for any services provided by the Department of Indian Affairs. Inadequate though those services may have been, they were more than the non-status Indian could look forward to in white society.

Non-status Indians were discriminated against in all aspects of their lives by non-Indians, and at the same time were excluded from participating in their ancestral communities. Forced to live in a society that did not welcome them, non-status Indians could be forgiven for looking longingly to their status Indian brothers and sisters. The federal government not only created two classes of Indian people, but also played off the two groups against each other. Status Indians often viewed non-status Indians as a threat to their own well-being. Internal racism was masked with the excuse that the money or land allocated by the government was insufficient to include non-status Indians for distribution purposes. Although the attitudes of Indians have changed, this excuse is still put forward when the status - non-status question is discussed in regard to band lists.

The non-status Indian truly became the forgotten people. Even supposedly informed status Indian leaders assumed that their non-status Indian brothers and sisters must have done something wrong to find themselves in their excluded position. Instead of experiencing the 'privilege' of enfranchisement, non-status Indian people found themselves totally disfranchised from almost all tribal or band functions.

The introduction of the elected band council system further alienated non-status Indians from their own people. Formerly, they had been able to participate in Indian life through their shared culture and through their hereditary tribal institutions, regardless of the Indian Act. After the introduction of the so-called democratic electoral system, however, they found no place in band society.

Non-status Indian people were also excluded from the national and provincial Indian organizations on the assumption that the only bona fide Indians were those recorded on the band lists. This, of course, was a racist assumption based on the white man's legislation. Many Indians accepted this assumption despite what our history and our culture told them.

Although remnants of this racist assumption exist to this day, in the past twenty years Indian people have progressed to the point where they are throwing off these non-Indian assumptions. The best example of this is the present movement among Indians to re-identify with tribal institutions and Indian culture.
We Indians passed through a stage where we assumed that big Indian organizations at the provincial and national levels could best represent people at the community level. We were told this by such people as the late Arthur Laing when he was minister of Indian affairs in 1965. These directives came from non-Indian people and non-Indian institutions, and we followed them. The renewed political and cultural activity in Indian communities from 1960 to the present has led us back to our family and tribal structures. In every province and territory in Canada, Indians are now identifying with their traditional land base and tribal system. Pockets of racism still exist within the Indian community in various parts of the country, but in general the new attitude seems to be that non-status Indian claims to Aboriginal title represent an Aboriginal right, not a favour extended to them by their status Indian brothers and sisters. This is the most significant development that has taken place in Indian communities across the country in the last fifteen years.

Indian organizations have existed in British Columbia since the late 1800s, but before 1969 the provincial organizations were almost known as the British Columbia Association of Non-status Indians (BCANSI) was formed by Butch Smitheram. Its purpose was to organize, educate, and unite non-status Indian people in the province of British Columbia. In November of the same year, the Union of British Columbia Indian Chiefs (UBCIC) was formed. Membership in BCANSI was open to non-status Indians and Métis. UBCIC was composed of chiefs or their designated representatives, all of whom had to be status Indians. UBCIC was formed to pursue land claims at the provincial level.

Throughout the union's early years, it acted exclusively on behalf of status Indian people. In British Columbia in 1969, the assumption was that only status Indians could be included in any claim based on Aboriginal title and that non-status Indians had no place in the land claims process. BCANSI at first made no representations in the area of land claims. Its members felt excluded from the entire land claims process. Not until 1971 was the whole question of Aboriginal title, Aboriginal rights, and land claims even discussed at a BCANSI convention. The association had to be convinced that its members had a right to be involved in land claims negotiations.

BCANSI's initial attempts to be included in the land claims process were vigorously rebuffed by UBCIC and by status Indians in British Columbia. But the struggle continued, led by younger people in both associations. Ultimately, a new awareness developed in the province of peoples' rights as opposed to chiefs' rights or provincial association's rights. This awareness, coupled with a new emphasis on tribal councils, made it easier to deal with the question of who was qualified to assert land claims. Over time it became accepted that the historical rights that flow from Aboriginal title cannot be defined or restricted by the Indian Act or any other legislation passed by federal or provincial governments. The years 1975 and 1976 saw attempts to amalgamate UBCIC and BCANSI. This was more than an amalgamation of two provincial organizations; it marked the rejection of discrimination and internal racism.
These years also signalled an end to the 'big Indian Association' mentality. Tribal councils re-emerged, and they flourish today, the majority make no distinction between status and non-status Indians.

This change in attitude is reflected across the country. We see claims being put forward on the basis of traditional lands and culture, not on the basis of some artificial status definition imposed by non-Indians. Much work still has to be done to remove the pockets of racism that exist among status Indian people on the reserves. The discrimination that exists among non-status Indian people, who are suspicious of their status Indian brothers and sisters, must also be eradicated. We have broken down the attitudinal barriers that separated us; we have returned to our Indian family structures and tribal institutions, and are now attempting to work our way out from under the colonial oppression of the Department of Indian Affairs and all that it represents.

Regardless of what Parliament or the Department of Indian Affairs says or does, Indian people are taking the instruments of self-government into their own hands. The most important instrument is that of control of our membership, a membership defined according to our history, culture, and traditions, not in accordance with Victorian patrilineal assumptions.

What does all this have to do with Aboriginal rights viewed from a non-status Indian perspective? The thesis of this paper is that the question of Aboriginal title and the rights that flow from that title, as well as the exercise of those rights, is the same for non-status Indians as it is for status Indians. It could perhaps be said that non-status Indians have a larger historical grievance, given that they have been ignored for over one hundred years, but this is not what is being said by non-status Indian leaders. Non-status Indian leaders want to be involved in their tribal councils and in their bands not as a favour but as a right. The only difference is that they are seeking some 'extra' provision for urban non-status Indians, who may not know with which band or tribal structure they should affiliate.

The consensus of position and purpose among Indians is not yet perfect, but it is clear where we are heading. Ultimately the term 'non-status Indian' will be purged from our vocabulary, and we will refer to ourselves by our traditional band or tribal names. Land claims are now being formulated and advanced on behalf of tribes—that is, the descendants of the original inhabitants of a particular area of land—without regard to the racial distinctions contained in the Indian Act. This is the way it should be.

Land claims will be resolved so that this generation of Indians will have an increased land base, control of its institutions, control of its resources, and most important, decision-making authority in regard to all the things that affect Indians within their traditional land base. The Aboriginal rights of all of the original inhabitants of the land will be negotiated on the basis of the existence of Aboriginal title to that land. It has taken a long time for Indian people to get back to their roots and rid themselves of non-Indian assumptions. We can only hope progress will continue at the rate it has in the last twenty-five years.
The constitutional conferences have demonstrated that Indian people are capable of standing toe-to-toe with any non-Indian leader in the country. This is no surprise to the Indian people, of course. We recognize that many barriers still stand in our way, not the least of which are our internal political differences and personality conflicts. We also have federal policies that are of little or no help and provincial policies of outright opposition and racism to contend with. We have seen in the preparations for the constitutional conferences an attempt by the provinces and federal government to force Indian, Inuit, and Métis peoples into amalgamations not of their own design. We must remember that while we share many common interests, we are all different peoples and our differences must be respected. We do not see only one political party or only one church among the white people. Why should all Indians be expected to conform to one mould?

There remains another obstacle, not often talked about or admitted to, and that is the role played by white lawyers and consultants. It has been said that they are the only people who benefit from claims to Aboriginal title and Aboriginal rights or from the constitutional discussions. Although this is true, it will remain true only in the short term. Even more important than the money the white lawyers and consultants make at our expense is the power they exercise on behalf of Indians in the constitutional process. We have it within ourselves to make all the decisions and do all the work now being done by white lawyers and consultants. They are not needed, but they remain as a vestige of the colonial mentality native Indian people have accepted for far too long.

Politics and personalities: these are things with which we must deal. Many of our leaders have had as their primary goal co-operation with non-Indians; seeking benefits for their people has been of secondary importance. Such leaders must be replaced, just as we must rid ourselves of the 'convenience Indians,' the 'self-proclaimed Indians,' and the other pretenders who have attached themselves to our fight. The elimination of the status question from all discussions in regard to Aboriginal title and rights makes our fight much simpler. We can now work toward the full exercise of our Aboriginal rights without regard to the Indian Act or other non-Indian dictates.

Footnotes

1. House of Commons Debates (29 June 1950) 3938
2. (1857) 20 Vict., c. 26
3. D. C. Scott "Evidence to Commons Committee to Consider Bill 14 (1920)", Public Archives of Canada, record group 10

The Inuit Perspective on Aboriginal Rights

Any discussion of the Inuit perspective on Aboriginal rights must begin with the recognition that we have existed as a distinct people in the North for thousands of years. We have maintained our own culture, our own religion, our own economy, our own language, and our own decision-making structures. Our long survival in one of the harshest environments in the world should attest to the viability of our culture. To put our historical experience in more contemporary terms, one could say that we have exercised our Aboriginal rights freely for countless generations. In the context of the present discussions over Aboriginal rights, therefore, our position is that we must have the right to continue exercising these historical 'rights' both now and in the future. The challenge we face is to ensure the preservation of those rights in the context of an evolving Canadian federalism. I suspect the Indian and Métis peoples see their struggle in much the same way.

Like the other Aboriginal groups in Canada, our particular culture has always been based on a close relationship to the land. Our identity as a distinct people is derived from and dependent on the continuation of that relationship. In contrast to the Europeans, like the other Aboriginal groups, have never viewed land as a commodity that can be bought and sold any more than the air we all breathe can be bought and sold. Our traditional attitude toward the land is expressed best by the man from Gjoa Haven who recently said in a letter, "This land does not belong to anyone, it's borrowed for a time. Neither the government nor the Inuit have more authority over it." I doubt if anyone can say it any better than that.

If the Inuit approach to the Aboriginal rights question differs from that of other Aboriginal groups, however, the difference probably is a result of our historical and geographical relationship to the rest of Canada. Unlike the other Aboriginal groups, we have not felt the impact of European culture and institutions until relatively recently - until my own generation, in fact. This means that our essential ties to the land have not yet been effectively broken, as they have been for many Aboriginal peoples in the South. We have not had to live under the burden of a century of control under the Indian Act, for example. Neither have we had to deal with the legacy of unscrupulous land dealers who robbed us of our land entitlements. In comparison, we have been left relatively free, at least until recently, to carry on our lives as we traditionally have, with our ties to the land still relatively intact.

The government's long-standing indifference to our part of the country was reflected in a remark by former Prime Minister Louis St. Laurent, who admitted in the early 1950s that the government "had administered those vast territories of the North in an almost continuing absence of mind." In the light of the historical experience of other native peoples in the South, we in the North should be thankful for this lack of interest in the government's part.
Our historical experience leads us to take a slightly different approach to the current discussions on Aboriginal rights. Inasmuch as our culture and economy still remain closely tied to the land, we see our chief task in the Aboriginal rights debate as securing a guarantee from the federal government for the continuation of our historical rights. For the purposes of making a distinction, it is probably accurate to say that the principal struggle other native groups face is to regain the rights that have been eroded or taken away from them in the past; our chief task is to maintain our rights against the erosion that may occur in the future.

Over the last ten years we have attempted to protect our Aboriginal rights in the courts, through the land claims process, and in constitutional negotiations. I will review some of our efforts of these areas.

LEGAL

The courts are the primary forum within which Aboriginal groups have been pursuing their Aboriginal rights. If there is one word that describes the legal status of the concept of Aboriginal rights, that word is 'ambiguous.' During the last ten years almost every legal initiative taken to clarify the concept has resulted in further ambiguities being created.

Aboriginal rights can be expressed in different forms, such as treaty rights or constitutional guarantees, but perhaps the most critical element at stake is that of Aboriginal title. Our collective identity as indigenous peoples has been and will continue to be dependent on our relationship to the land and all that it provides. The key legal issue that has to be resolved is the meaning of Aboriginal title.

In the absence of any clear decisions on the matter, the federal government in the late 1960s was content to act as if Aboriginal title had no legal basis. In its 1969 White Paper the federal government signalled its intention to forget about such rights once and for all. In doing so it did all Aboriginal peoples a favour, because this action motivated us to organize ourselves more effectively to defend our rights. All Aboriginal groups owe a debt to those who, like the Nishga, were courageous enough to use the courts to secure the recognition of Aboriginal rights. The 1973 Supreme Court ruling in the Calder case did not remove the ambiguity surrounding the issue, but it did serve to put the two sides on a more nearly equal legal footing. This had a significant impact on the federal government's approach to land claims inasmuch as it now felt compelled to set up a formal process for negotiating land claims settlements.

Since 1973 it has been the Inuit who have pressed the legal question further. In 1979, the people of Baker Lake went to the Federal Court of Canada for an injunction to stop mineral exploration in their area, claiming it interfered with their Aboriginal right to the land.
This effort served to clarify some aspects of the legal meaning of Aboriginal title, but once again it also created ambiguities. On the positive side, the court did establish that the Inuit have an Aboriginal title to the land in common law, and that it has never been extinguished by any legislation, either directly or indirectly. The court was not asked to define what Aboriginal title actually meant, but Mr. Justice Mahoney did say that Aboriginal title conferred the right to hunt and fish but it did not confer property rights. On the negative side, he held that it was within the powers of the government to legislate Aboriginal title out of existence if it so desired.

The Baker Lake decision was a mixed blessing. It left unclear the implications of existing legislation such as the Canadian Mining Regulations and the Territorial Lands Act. It also confirmed that the precise meaning of Aboriginal title is still far from resolved. Pursuing the resolution of this question through the courts is an extremely risky proposition, because each side has a great deal to lose by a definitive ruling. That is why we now prefer to seek a solution through other forums, such as the land claims process or the constitutional negotiations.

LAND CLAIMS

Prior to the Calder decision, the federal government felt it could deal with outstanding native claims in the North at its own discretion because our claims had no sound legal basis. The decision in the Calder case gave our own claims a much greater legal validity and prompted the government to enter into a process of meaningful formal negotiations. In preparation for these negotiations we conducted a comprehensive land-use and occupancy study to document Inuit ties to the land. Based on the evidence produced by the study, our formal claim to the government called for the recognition of those rights we had never ceased to enjoy – the right to control the use of lands and waters in our traditional territories and the right to use and preserve our language and our culture. Additionally, we claimed the right to benefit from the new forms of wealth resulting from economic exploitation of our territories and the right to establish a political jurisdiction and government within Confederation based on traditional Inuit political institutions.

Since we submitted our first claim in the mid-1970s negotiations have proceeded at varying rates, with increasing progress being made in the last two years. The process is one of translating a claim based on an undefined title into concrete rights and obligations. In many respects, the critical issues all revolve around the question of power – who will have it and how it will be used. Are the decisions affecting our region going to be made by Inuit or non-Inuit, and will they be made in the regional or the national interest?

Since we began preparing our claim, it has become obvious to us that if our ties to the land are to continue we must retain a certain amount of control over what happens in the North. In today's terms, this means a degree of both economic and political control.
Given the rush to develop the resources of the North, it becomes imperative that we develop institutional arrangements that will ensure we are not pushed aside in the federal government's pursuit of the 'national interest.' We are convinced that it is possible to do this.

The Inuit have developed a policy position on land claims which I think can be described as moderate. We do not take the position that we own everything in the North. Rather, we accept the fact that we are a part of Canada, and that we can make a contribution to the country as a whole by sharing the wealth that can be drawn from our lands. Such sharing is consistent with our traditional philosophy of life. But at the same time we insist that the sharing arrangement must protect and guarantee our cultural integrity, which is dependent upon our continuing links to the land.

This willingness to share on an equitable basis is evident in our approach to claims negotiations. Instead of trying to retain all the power for ourselves, we have opted for an approach that emphasizes our right to have a meaningful say in the decision-making process as it relates to our most fundamental needs. Put another way, we are prepared to recognize the legitimate needs as a distinct northern people.

A concrete example of our willingness to share power and control can be found in the wildlife agreement signed by ourselves and the federal negotiator in the fall of 1981. It represents the first component of an eventual agreement in principle which we hope can be finalized within the next two years. Our main purpose was not to assume complete control over decision-making, but rather to secure for ourselves a significant role in the decision-making process for the future. We have proposed an arrangement, for example, which does not take away the minister's ultimate responsibility for decisions. We are willing to accept the principle of a ministerial veto if the Inuit are given the power to make decisions in the first instance, and if the minister's right to overrule those decisions are subject to certain agreed-upon criteria. In practical terms, we are advocating the establishment of a wildlife management board with an equal number of representatives from both the Inuit and the federal government. The board would have the primary power to regulate wildlife harvesting and conservation. Its decisions would be law, unless the minister saw fit to overrule them, which he could only do under certain negotiated conditions.

We believe that this type of shared decision-making is the best way to administer an area that is critical to our future. We hope to negotiate similar types of decision-sharing arrangements on issues relating to environmental protection and economic development. This main issue will continue to be how decision-making power will actually be shared. The government is more willing to let us act as advisors to the decision-makers; the challenge for us is to find procedures that will ensure our advice carries real weight. Our goal in the land claims process is to translate our undefined Aboriginal rights into more precisely defined arrangements for sharing administrative control over the lands we live on.
The Inuit have always realized that political authority is essential if we are to exercise some control over our lives. Here too our distinct geographical and historical relationship to the rest of Canada influences the way we approach our goal of self-government. Unlike other native groups, we are in a majority in our region, and will likely remain so for a long time to come. This gives us options that other native groups do not have. If we cannot secure our political rights through the land claims process, for example, we can pursue them through other forms of public government.

In our claims submission we proposed the creation of a new political jurisdiction in the eastern Arctic called Nunavut. It would initially have powers equivalent to those of the existing Northwest Territories government, with additional powers over land-use planning and land-use controls. Under our proposal Nunavut would achieve full provincial-type powers during a transitional period of about fifteen years. Although it would be based on our Aboriginal claim to the area, the Nunavut government would also protect the rights of non-Inuit.

While the Nunavut proposal is an integral part of our overall claim, the federal government has not yet accepted it as a subject for negotiation. In fact, the federal government has resisted negotiating any types of political rights through the claims process with Aboriginal groups. In the presence of this standoff we have pursued the political issue on another front, by pushing for the division of the Northwest Territories in two territories, one of which would be Nunavut. Through lobbying in Ottawa and with the support of the territorial government, we have persuaded the federal government to agree in principle to the concept of division. What we may not be able to achieve through land claims we hope to achieve through the political evolution of the North.

THE CONSTITUTION

As land claims negotiations have been proceeding, another even more important forum has emerged for the resolution of the Aboriginal rights question - the constitutional conferences. With the government's decision to patriate the constitution in the fall of 1980, a historic opportunity was created for resolving the long-standing issue of Aboriginal rights.

At first the federal government showed no interest in including any positive recognition of our rights in its draft resolution. Only after intense lobbying by many people were we able to get the federal and provincial governments to include a formal recognition of Aboriginal and treaty rights of the Inuit, Métis, and Indian peoples. However, some provinces insisted that this recognition be limited to those rights that were in existence at the time of patriation. Since the extent and meaning of those rights has never been defined in law, the constitution merely entrenches the ambiguities that have always existed.
While section 35 of the Constitution Act, 1982, does not by itself resolve any of the ambiguities about what our rights actually mean, it does give us a foot in the door to work out a solution at the highest political level. As I have said, there is much to lose by relying on the courts to define our rights. But in section 35 we have available to us another forum for settling the matter; we can engage in actual negotiations rather than on relying on a judge.

I think the issue of Aboriginal rights should be resolved through the political process rather than in the courts because it is a political issue. Our relationship to the rest of Canadian society should be determined by public policy, not by legal technicalities. While the political route is not without its own hazards and obstacles — most notably the provinces — it carries certain advantages for us. For one, it is a much more public process. We will be able to put our case not just to a judge in a courtroom but to the country as a whole. If there is doubt as to how much potential support exists among the Canadian public for the Aboriginal position, and how important that support can be in persuading the government to move, we need only reflect on the support that emerged for our cause after the original version of section 34 of the draft constitution act was rejected. To overcome the government's resistance to a meaningful definition of our rights, we must take advantage of that public support and we must do the work necessary to mobilize it on our behalf.

There are two main threats to our success in future constitutional negotiations. The first is the inability of the several Aboriginal groups to come to the table with a united position. The second major impediment to a successful outcome will, of course, be the provinces. This is where the biggest potential conflict of interests lies. If we are to overcome it, we must be prepared to mobilize our allies in the general public to give us the support we will need.

Source:


Refer to the Canadian North Case Study: TFN, Nunuvut, NATIVE STUDIES 30.
A Declaration of the First Nations

We the Original Peoples of this land know the Creator put us here.

The Creator gave us Laws that govern all our relationships to live in harmony with nature and mankind.

The Laws of the Creator defined our rights and responsibilities.

The Creator gave us our spiritual beliefs, our Languages, our culture, and a place on Mother Earth which provided us with all our needs.

We have maintained our freedom, our languages, and our traditions from time immemorial.

We continue to exercise the rights and fulfill the responsibilities and obligations given to us by the Creator for the Land upon which we were placed.

The Creator has given us the right to govern ourselves and the right to self-determination.

The rights and responsibilities given to us by the Creator cannot be altered or taken away by any other Nation.

Treaty and Aboriginal Rights Principles

1. The aboriginal title, aboriginal rights and treaty rights of the aboriginal peoples of Canada, including:
   a) all rights recognized by the Royal Proclamation of October 7th, 1763:
   b) all rights recognized in treaties between the Crown and nations or tribes of Indians in Canada ensuring the Spiritual concept of Treaties;
   c) all rights acquired by aboriginal peoples in settlements or agreements with the Crown on aboriginal rights and title;

   are hereby recognized, confirmed, ratified and sanctioned.

2. "Aboriginal people" means the First Nations or Tribes of Indians in Canada and each Nation having the right to define its own Citizenship.

3. Those parts of the Royal Proclamation of October 7th, 1763, providing for the rights of the Nations or tribes of Indians are legally and politically binding on the Canadian and British Parliaments.
4. No Law of Canada or of the Provinces, including the Charter of Rights and Freedoms in the Constitution of Canada, shall hereafter be construed or applied so as to abrogate, abridge or diminish the rights specified in Sections 1 and 3 of this Part.

5. a) The Parliament and Government of Canada shall be committed to the negotiation of the full realization and implementation of the rights specified in Sections 1 and 3 of this Part.

b) Such negotiations shall be internationally supervised, if the aboriginal peoples parties to those negotiations so request.

c) Such negotiations, and any agreements concluded thereby, shall be with the full participation and the full consent of the aboriginal peoples affected.

6. Any amendments to the Constitution of Canada in relation to any constitutional matters which affect the aboriginal peoples, including the identification or definition of the rights of any of those people, shall be made only with the consent of the governing Council, Grand Council or Assembly of the aboriginal peoples affected by such amendment, identification or definition.

7. A Treaty and Aboriginal Rights Protection Office shall be established.

8. A declaration that Indian Governmental powers and responsibilities exist as a permanent, integral fact in the Canadian policy.

9. All pre-confederation, post-confederation treaties and treaties executed outside the present boundaries of Canada but which apply to the Indian Nations of Canada are international treaty agreements between sovereign nations. Any changes to the treaties requires the consent of the two parties to the treaties, who are the Indian Governments representing Indian Nations and the Crown represented by the British Government, the Canadian Government is only a third party and cannot initiate any changes.

Joint Council of the National Indian Brotherhood
November 18, 1981
Indian Self-Government

As Indian First Nations we have an inherent right to govern ourselves.

We had this right from time immemorial (i.e. centuries before the arrival of the Europeans) and this right exists today.

Neither the Crown in right of the United Kingdom nor of Canada delegated the right to be self-governing to the First Nations. It existed long before Canada was itself a nation.

Parliament did not create our right to self-government.

The inherent right of North American Indians to sovereignty was first recognized by the Two-Row Wampum in 1650, and, later, by the Royal Proclamation of 1763 which speaks of, "The several Nations or Tribes of Indians with whom We are connected ..." and by subsequent treaties. The purpose of that Proclamation and the treaties was not to give rights to the First Nations but to give rights to the European settlers.

In the United States, the Supreme Court, in the case of Worcester Georgia (1832), recognized Indian sovereignty. It declared,

"... The several Indian nations (are) distinct political communities, having territorial boundaries, within which their authority is exclusive, and have a right to all lands within those boundaries, which is not only acknowledged, but guaranteed by the United States ... Indian nations had always been considered as distinct, independent political communities, retaining their original rights, as the undisputed possessors of the soil from time immemorial ..."

This ruling applies persuasively in respect of the First Nations of Canada. Its premise remains the same in international and constitutional law. Our First Nations' ability to continue to govern ourselves is a prime element of our existing sovereignty. Long, long before European settlers arrived in what is now Canada, each First Nation had its own system of government and many had written constitutions. (Indeed, the Constitution of the United States itself was based upon the centuries-old Constitution of the Iroquois Confederacy.)

We have had our lands taken away and our authority suppressed by arbitrary actions of successive non-Indian governments over the past four hundred years; but our rights remain intact and can only be legally extinguished by our own consent. We have the right to determine who our citizens are. This right is central to the existence of First Nations as distinct political communities.
This situation must be explicitly reflected in the Constitution of Canada if co-existence, and mutual respect, are to be meaningful. Anything less amounts to the perpetuation of colonialism or assimilation. The Constitution of Canada must give effect to the Principles and rights set forth in the International Bill of Rights to which Canada is Party if Canada is not to violate its obligations under international law.

In 1961, in the situation when India liberated Goa from Portuguese colonialism, the United Nations Security Council accepted the argument of India that colonialism does not give sovereignty to the coloniser. It must be remembered that no European colonial power really discovered Canada. This land had been already populated and occupied by the Indian First Nations. It must also be remembered that the Indian First Nations of Canada were never conquered by any European forces.

In contemporary international law, the International Bill of Rights declares that, "All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."

The Assembly of First Nations calls upon Canada to honour that right, as a self-respecting Member of the United Nations and a supporter of the rule of law in international relations. The point must also be made that, in seeking the explicit recognition of self-government, the First Nations do not advocate the dismemberment of the territorial integrity of Canada; rather, we envisage a sharing of this land and its resources, based on mutual respect and co-existence of jurisdictions, the details of which are susceptible to negotiations.

For the First Nations self-determination goes much beyond entitlement to practise our own cultures, traditional customs, religions and languages, or the right to determine the development of our own identity. Self-determination includes constitutionally-protected powers over our lives, our lands and our resources as well as the right to determine the nature of our on-going relationships with the federal and provincial governments within Canada.

Let us put this constitutional recognition of Indian self-government on a personal footing: would the Canadian people accept any system of government over which they have less influence than they now have? They would not. How then can anyone expect that the Indian peoples, with their historic traditions, and in this day of responsible governmental systems, should be satisfied with less?

The people's right to have their own assembly to pass laws for them, and the right of that assembly to control the actions of their own leaders and executive has existed in England since 1688. Our rights to do the same thing existed in our societies even before that. Canadians won those rights for themselves 118 years ago, but the First Nations of this land were left out of those constitutional arrangements.
Today we seek explicit constitutional recognition of our right to self-determination and we will be content with no less. The federal Government has a responsibility of trust toward the First Nations that is sanctified in law and equity. That responsibility must be fulfilled; and the colonialist attitude of certain provincial governments must be ended.

Exclusive Powers of Indian Legislatures

In each Indian Band, or in an Assembly of Bands joined together by specific legislation, from each of such an Assembly's member Bands, granting specified powers to the said Assembly, the Indian Legislature may exclusively make laws, for the citizens of the said Band, or duly constituted Assembly of Bands, or Reserve, in relation to matters coming within the classes of subject next hereinafter enumerated, that is to say:

1. The raising of money by any mode or system of taxation.
2. The regulation of trade and commerce.
3. The census and statistics.
4. Indian status, citizenship and naturalization.
5. Marriage and Divorce.
6. The amendment, from time to time, of the Constitution of the Band or, in the case of a duly constituted Assembly of Bands, the Constitution of the Assembly.
7. Direct taxation on the Reserve and within the Band in order to the raising of Revenue for Band purposes.
8. Assessment of the fiscal obligations of the Government of Canada, under the British North America Act and the Treaties, to provide the financial resources necessary to conduct the business and deliver the programs and services of Indian Governments.
9. The borrowing of money, on the credit of the Band, or on the credit of a duly constituted Assembly of Bands, all loans to be guaranteed by the Indians' Trustee, the Government of Canada.
10. The establishment and tenure of offices of the Band, or offices of a duly constituted Assembly of Bands, and the appointment and payment of officials to fill such offices.
11. The management of Indian Lands and the natural resources thereon and thereunder.
12. The establishment and management of Public and Reformatory Prisons for the Band or duly constituted Assembly of Bands.
13. The establishment and management of hospitals, asylums, charities and eleemosynary institutions, other than Marine hospitals, for the Band or duly constituted Assembly of Bands.
14. Municipal institutions for the Band or duly constituted Assembly of Bands.
15. Shop, Saloon, Tavern, Auctioneer and other licenses in order to the raising of revenue for Band, Local or Municipal purposes.
16. Local works and undertakings other than such as are of the following classes:
   (a) Lines of Steam or other Ships, Railways, Canals, Telegraphs and other works and undertakings connecting the Reserve with any or others of the Reserves, or extending beyond the limits of the Reserves;
   (b) Lines of steam or other Ships between the Reserve and any foreign country;
   (c) Such works as, although wholly situated within the Reserve, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada.

17. The incorporation of Companies that have Band objects, or objects of a duly constituted Assembly of Bands, or Reserve objects.

18. The solemnization of marriage within the Band or on the Reserve.

19. Property and Civil Rights within the Band or on the Reserve.

20. The Administration of justice on the Reserve, including the constitution, maintenance and organization of Band Courts, both of Civil and of Criminal Jurisdiction, and including procedures in Civil matters in those Courts.

21. The imposition of punishment by fine, penalty or imprisonment for enforcing any law of the Band, or duly constituted Assembly of Bands, in relation to any matter coming within the classes of subjects enumerated herein.

22. All matters relating to the Education of members of the Band, or duly constituted Assembly of Bands, or to any and all education on the Reserve.

23. All matters related to Agriculture on the Reserve.

24. The formation, by the Band, or by a duly constituted Assembly of Bands, of a Consolidated Revenue Fund formed of all Duties and Revenues appropriated and received by the Band, or duly constituted Assembly of Bands.

25. All matters incident to the collection, management and receipt of revenues in the Consolidated Revenue Fund and the first charge on such Fund constituted by such matters.

26. Provision that the second charge on the Consolidated Revenue Fund shall be the annual interest on the Public Debts of the Band, or duly constituted Assembly of Bands.

27. Provision that, subject to the several payments charged to the Consolidated Revenue Fund, the same shall be appropriated by the Indian Legislature for the public service to Indians.

28. All Lands, Mines, Minerals and Royalties belonging to the Band, members of the Band, or duly constituted Assembly of Bands, or Reserve.

29. All assets connected with portions of the Public Debt of each Band, or duly constituted Assembly of Bands.

30. Such other matters as may, from time to time, be mutually agreed to by the Band, or duly constituted Assembly of Bands, and the Government of Canada.
Indian Government Constitutions: Background

Indian government means that Indian bands are sovereign units having the right to their own political, social, economic, and cultural institutions. Indian sovereignty is now qualified because through the treaties the Indian nations placed themselves under the protection of the Crown. Although, having entered into a special trust relationship with the Crown, the Indian nations retained their right to self-government.

The treaties acknowledged the inherent right to Indian sovereignty as shown by the following statement made by a government spokesman at the pre-treaty negotiations,

"What I have offered does not take your way of life, you will have it then as you have it now, and what I offer is put on top of it."

In other words the negotiators recognized that the Indian people were organized as societies who had their own way of life. According to the Ontario Court of Appeal, after which leave to Appeal by the Crown was dismissed by the Supreme Court of Canada on December 21, 1981, in Regina versus Taylor and Williams, 34 O.R. (2d) 360, it was held that those oral promises of a Treaty both preceding and following the signing of a Treaty must be incorporated as part of the Treaty.

It is a basic doctrine that all societies have their own rules to establish, empower and regulate their institutions of government. Those rules form the constitution and that constitution can be a written document and/or an unwritten tradition. That is, as long as a group of people are organized into a society such as a band or tribe they have a constitution, even though it is unwritten. This constitution includes rules and regulations which have evolved as long as the band or tribe has been in existence and can include any subsequent rules and regulations made pursuant to the Indian Act if they are acceptable to the people.

It is not just Indians that recognize unwritten traditional law. The recent court case, The Queen versus The Secretary of State for Foreign and Commonwealth Affairs, Ex parte: The Indian Association of Alberta, Union of New Brunswick Indians which was handed down by the English Court of Appeal on January 28, 1981, highlights this principle. In the Lord Denning's judgement he states,

"They had their chiefs and headmen to regulate their simple society and to enforce their customs. I say, 'to enforce their customs', because in early societies custom is the basis of the law. Once a custom is established it gives rise to rights and obligations which the chiefs and head men will enforce. These customary laws are not written down. They are handed down by traditions from one generation to another. Yet beyond doubt they are well established and have the force of law within the community. In England we still have laws which are derived from customs from time immemorial. Such as rights of villagers to play on the green: or to graze their cattle on the common, see New Windsor Corporation versus Mellor (1975) 1 Chancery 380."
These rights belong to members of the community; and take priority over the ownership of the soil."

Reasons For A Written Constitution

A written constitution sets a formal boundary beyond which the authorities may not go in performing the basic functions of their governmental duties. In other words, the inherent and acquired rights of the people are protected from any intrusion. The written constitution will also assist Indian people to know and understand their rights and consequently will motivate them to exercise those rights.

A written constitution drafted by Indian people will effectively put the Government of Canada on notice as to what the Indian people consider their rights to be. It will set out clearly the jurisdictional status of Indian government.

A written constitution will answer the question, "What do Indian people want?" and will force the national government to recognize such constitution through legislative action and policy development. Thus the present federal government management role will be limited and reduced by federal government recognition of Indian governments as the rightful authorities over Indian people and Indian lands; legislation should be passed by the national government (in a general way so as not to restrict) the powers of Indian government and to guarantee funds so that the means of implementing Indian government powers will be available.

In a summary, a constitution will be written in order that the Indian people can codify their rights and so that the government of Canada will recognize and confirm those rights through legislation.

Basic Issues Of Drafting A Constitution

If we are drafting a model constitution it must be broad and general so that differences among the bands will be taken into consideration. Each band or group of bands if they should form into one unit must be able to include matters unique to their region and traditions. Consequently, there will be many constitutions.

It must be made clear that the written constitution does not include all the rights accruing to the people. The principle that both the written and unwritten laws form the constitution will continue to apply. In order to prevent any restrictions the constitution must be broad, brief and open-ended. That will allow it to adapt to any changes not foreseen by the drafters.

The constitution will formalize and protect those rights inherent to the people and will restate those rights enumerated in the Royal Proclamation of 1763, the treaties, the B.N.A. Act, the Natural Resources Agreements, statutory law, case law and the various other sources from which the trust relationship flows.
CONSTITUTION OF THE BAND(S) OR TRIBE

I Preamble - Intent and Purpose

II Territory and Jurisdiction - people
- lands or territory

III Statement of Principle
1. i.e. "We, ___________________________, do not accept the diminishing of our sovereign status as a nation and of our vested or inherent rights by the act of adopting this constitution"
2. Band Council to protect and preserve treaty rights and an explanation of treaty rights.

IV Membership
1. All persons of Indian descent who are members of a band recognized by the Canadian government, regardless of degree of blood and residence as at date of constitution.
2. All persons of (one-quarter; one-half, etc., or more Indian blood) who are admitted by the band council as members.

V Governing Body
1. Structure - traditional form or western government model;
2. number and residency if elected officials;
3. powers to include those enumerated and those recognized in the future;
4. to include group of elders who may review acts of governing body.

VI Powers of governing body
1. To define conditions for membership
   i.e. procedures for abandonment of membership;
   - adoption of non-Indians;
   - adoption of persons holding citizenship in another Indian nation;
2. The power to Tax and Levy fees
3. Regulate Domestic Relations
   - make rules governing marriage, divorce, illegitimacy, adoption, guardianship and support of family members.
4. The Powers to Regulate Property
5. To Represent the band in all negotiations
6. To promote and protect the health, education and general welfare of its members; through social, cultural and economic programs and projects;
7. To prescribe rules governing the nominations and elections of members and non-band members on the reserve;
8. To regulate conduct of band members and non-band members on the reserve;
9. To regulate hunting, fishing and gathering over Indian lands whether on or off the reserve;
10. To regulate law and order;
11. To administer any funds or property within the control of the band for whatever stated purposes;
12. To make laws, enforce such laws and administer justice
   - to set up a police force
   - to set up own court system
13. Any other powers which the band want included.
14. The above rights are not exhaustive and the governing body can exercise any additional powers as may be conferred upon its people in the future.
15. The governing body can delegate any of its powers by legislation of resolution.

VII Procedure for Elections and Nominations
VIII Officers of the governing body
IX Meetings - annual meeting or on notice by 30% of membership, etc.
X Vacancies and Removal
XI Amendments

The Economic Foundations of Self-Government

Before the arrival of Europeans in Canada, and for many years after, Indian people were self-sufficient. Indian nations had developed diverse economies based on hunting, trapping, fishing, gathering, farming, crafts and commerce. An extensive trading system for resources and finished goods was established throughout the Americas; it allowed one region to supplement local products with surpluses produced in other regions. Indian nations used treaties of peace and friendship as a principal means of defining economic relations among themselves. The same device was later used to establish relations with colonial governments.

Since the time of contact with Europeans, Indian economies have changed continuously. Concentration on meeting the demand for furs and other goods for European consumption led to dependence on imported goods. Indian economies became more specialized and less diverse. Settlement by Europeans further undermined Indian economies by eroding the land base.

Thus, European settlement gradually disrupted established and complex Indian economies. The policy of the Royal Proclamation of 1763 was to limit further disruption by restricting the activities of settlers. Only the Crown could obtain Indian lands and resources through a treaty-making process. When treaties were negotiated, Indian nations sought to obtain a new economic base in exchange for the land and resources they were relinquishing for settlement. As a result, these treaties contained such economic provisions as the right to pursue traditional activities like hunting, fishing, trapping and gathering on unoccupied traditional lands.

In support of these traditional pursuits, twine was provided to make nets and ammunition was supplied for hunting. In addition, livestock and other agricultural items were promised to help Indian people adapt to a farming economy. Educational opportunities - the promise of a teacher and school house in some cases - were intended to contribute to developing human resources.
The Indian right to economic self-determination was taken for granted by our forefathers when they negotiated the treaties with the Crown. Much of the negotiators' attention was focused on arrangements by which they attempted to secure the economic future of their people.

The spirit and intent of treaties...point to financial and technical support for the establishment of a strong, self-sufficient Indian economy. Fully half the negotiations conducted by the Indian leadership dealt with this right. For instance, our treaties expressed the promise of equipment, expertise, and assistance required to maintain the traditional economy, including hunting, fishing, and trapping activities; and of course to develop new economic areas, such as agriculture, business, resource development, and financial institutions. (Federation of Saskatchewan Indian Nations, Special 12:61)

The spirit and intent of treaty economic provisions have been forgotten over the years. Indian witnesses suggested that the treaties should be revitalized by interpreting them broadly to mean economic support in a contemporary context. This approach was reinforced by a research study commissioned by the Committee, "The Economic Foundations of Indian Self-Government" (see Appendix F). It called for flexibility and spirit of generosity in the fulfilment of treaty obligations.

The treaties were, after all, fundamental political, social and economic documents whose provisions would have to fit unforeseen future circumstances. Their texts were never intended to be strictly observed to the detriment of Indian nations and their economies. They were to be living, humane documents - and the principle of generosity made them humane and gave them life. (Economic Foundations Study, p. 33)

One source of economic support that Indian First Nations could turn to was the sale of portions of the lands that had been set aside for their use. When parts of these lands, or the resources from them, were sold, the proceeds were to be placed in government-administered capital trust accounts. The interest from these accounts (and in some cases the capital itself) was used to establish farms, for example, or to provide needed services. Until Confederation, public funds were not required for Indians because they supported themselves. In fact, some Indian nations remained self-supporting until the 1950s.

Over the years, however, the resources of Indian peoples have been dwindling. The real value of the capital accounts has fallen as a result of government mismanagement, carelessness and, in some instances, corrupt actions. Inflation has further diminished the value of what moneys remained. At the same time, the needs and expectations of Indian people, along with those of all Canadians, have been growing.
As a result of these developments, providing funds for Indian programs has gradually become a permanent feature of the federal government's expenditures. A pattern of economic and political dependency has been created that requires greater expenditures each year.

The historical fact is that Canadian society and economic interests have destroyed our traditional way of life and have deprived us of an economic base with which to determine our future. We are viewed as failures by Canadian society because we do not conform to its values and poverty has led to alcoholism and tragedy in the form of crime, infant mortality and a lack of self-esteem by our people. It is Canada, and in particular the Department of Indian and Northern Affairs, who have failed by creating and now perpetuating a dependency relationship which deprives us of our self-respect and by sabotaging our efforts to create economic institutions for our people to utilize the natural resources on our reserves or on Crown land adjacent to our reserves. (Heron Bay Indian Band, Special 4:8)

Obstacles to Development

The correction of these economic problems has been hindered by institutionalized obstacles. For example, the Aboriginal rights to hunt, fish, trap and gather were confirmed by the Royal Proclamation and guaranteed by the treaties, but these rights have subsequently been restricted by laws such as the Migratory Birds Act and Natural Resources Transfer Agreements between the federal government and the provinces.

The Indian Act is another obstacle to economic development because, among its other deficiencies, bands have no powers to control development. Moreover, bands or Indian-controlled enterprises that incorporate are subject to tax because such entities are not considered to be "Indians" with the definition in the Act.

Sections 87 and 90 of the Indian Act exempt Indians from certain federal and provincial taxes. Two problems arise in relation to these provisions. First, if an Indian business operating on a reserve incorporates, it acquires a new, non-Indian, legal personality and thereby becomes subject to federal and provincial taxation. Indian tax exemption for on-reserve profits and income provides a valuable incentive for on-reserve economic development but, as it stands now, incorporation would completely negate this asset. The DIA promotes incorporation as a preferred vehicle for business operations. (Economic Foundations Study, pp. 39-40)

Provincial laws may also apply to these corporations. Furthermore, Indian businesses have difficulty raising funds because they cannot use Indian lands as security.
Witnesses asserted that government programs also hinder economic development:

One [obstacle] is the hesitancy of government personnel in all stages of a project, from feasibility to implementation. They are hesitant for three reasons. First, they worry about government funds. It could be a real fear that one day they would be dragged before some of your committee members to be called to account for their actions. It is a real hesitancy that leads to under-capitalization of projects and an inability to provide assistance in the timely ways that business requires.

The second reason they hesitate is that they themselves lack the personal and business expertise necessary. It would be unreasonable to expect that a few people in the London district [of DIAND] would have the expert knowledge necessary for projects ranging from marinas and trailer parks to automobile factories.

The third reason is a lack of confidence in the capability of Indians. This is the more irrational of their concerns. We have the ability. We have worked hard to develop institutions such as the ARISE corporation in southwestern Ontario. Our record speaks for itself. (Union of Ontario Indians, Special 15:85)

These witnesses also remarked that the multi-agency approach has not helped; each agency imposes its own monitoring and accountability processes, leading to confusion and delays. The Union of Nova Scotia Indians asserted that the DIAND economic development fund "has become a lender of last resort, with higher interest rates than normal", rather than providing low rates to give Indian ventures a much-needed boost. (Special 25:18)

Moreover, DIAND funds budgeted for economic development are often diverted to other purposes. The Coopers & Lybrand study confirmed that when departmental funds fall short in other areas, economic development funds are among the first to be reallocated. The findings of the economic foundations study were similar.

Witnesses were especially critical of the sizable sums spent on welfare, money they felt could be better used to create employment:

In economic development we would like to see funding to the individual Indian nations at the same level or more than we have been receiving in welfare. We receive $150,000 for economic development for 15 bands in our district and we receive in welfare $4.2 million, which is an increase [over] last year of about $1.2 million. (Cariboo Tribal Council, Special 20: 119-120)

Witnesses also pointed out that the serious infrastructure deficiencies that now predominate in most Indian communities severely inhibit economic development. As documented in Chapter 2, a high proportion of Indian communities do not have adequate water supplies, sewage systems, roads or housing.
People cannot be expected to give priority to spending for economic development ventures when their own living circumstances are totally inadequate. Deficiencies in infrastructure also hinder development by discouraging investment.

Case Studies

The Committee's research study on the economic foundations for self-government guided the Committee in making recommendations aimed at eliminating these obstacles and promoting the economic development of First Nations.

The study identified six areas that must be controlled by Indian governments: land and resources, capital, labour, organization, planning and technology. This conclusion was based on the researchers' analysis of the experiences of seven Indian governments engaged in economic initiatives. All participants in these cases studies saw expansion of their land and resource base as fundamental to future economic development and self-reliance.

The settlement of claims and the fulfilment of treaties must go hand in hand with control over other factors such as capital, labour, organization and technology. Access to adequate and secure funding is essential so that economic ventures are able to plan, expand and diversify.

The case studies further revealed that job creation, on and off reserves, and the enhancement of skills are priorities. Because of high rates of unemployment, Indian communities attach more importance to job creation than to profit-making. Developing employment opportunities in their communities could enhance the survival of Indian First Nations as distinct cultures by enabling more people to live and work in their communities and thus participate more fully in all aspects of community life. In the past, migration from reserves because of the absence of economic opportunities has contributed to a weakening of cultural ties.

Those interviewed also felt that planning for economic development must be comprehensive, long-range and controlled by those whom it most affects. There was no consensus about the best form of economic organization for Indian economic development. A mix of band-controlled ventures, with opportunities for individual spin-off enterprises, seemed preferable.

Currently, as in other program areas, real control rests with the Department of Indian Affairs and Northern Development rather than with the communities involved:

Ultimate control over economic development programs and funding remains with the Department. Community control, as used by the Department, means administration of DIA economic programs at the local level. Control of the development process by Indian governments is excluded from the DIA strategy. (Economic Foundations Study, p. 53)
The analysis of the seven case studies concluded that economic development succeeds best when carried out at the community level. An examination of these economic development ventures revealed the need for flexibility and diversity in the planning of structures.

Indian governments must be free to choose the types of organizational structures that best serve their developmental needs. Some communities and their governments may decide that community development corporations best serve their interests; others may opt for a combination of band-owned and individually-owned enterprises. Still other communities may find that none of these options is particularly appropriate for their needs. There will be room for a great deal of innovative thinking on economic organization once major institutional obstacles are removed. (Economic Foundations Study, p. 125)

Indian First Nations must have control of resources as well as programs. Particularly important are those resources needed for traditional economic pursuits:

What is at stake is control over and access to resources which are essential to Indians' economic, cultural and political development. In rural and remote regions especially, hunting, fishing and trapping for subsistence and commercial purposes have been a traditional foundation of Indian economies.

The economic foundation of Indian self-government requires recognition of Indian hunting, fishing and trapping rights. This recognition is a prerequisite for Indian governments to exercise effective control of this vital traditional resource. (Economic Foundations Study, p. 45)

New Arrangements

Indian First Nations must have the power to plan and implement economic ventures at the community level. Such initiatives may take many forms. Indian First Nations should be free to set up economic development boards, corporations or agencies to use the funds received to promote economic development. Some Indian bands and tribal councils have already established development institutions. The Dakota Ojibway Development Group Inc., the economic arm of the Dakota Ojibway Tribal Council, began formal operations in February 1982.

In less than a year the DODG has undertaken feasibility studies and market analyses, examining costs, competition and viability, and has presented its findings to the communities for further discussion. It has started or sustained 17 successful businesses ranging from a cow-calf operation to a labour-intensive tackle manufacturing industry. It involves a total investment of $1.32 million on DOTC reserves and has created 29 new jobs while maintaining 22 existing ones. In 1983 another 11 planned projects will help to create 63 full-time jobs with a total funding of $3.637 million. The funding is secured from private sector sources, as well as other established government programs. (Dakota Ojibway Tribal Council, Special 2:19-20)
The economic ventures undertaken by some of the member bands of the Dakota Ojibway Tribal Council range from the manufacture of compound bows to the production of computer chips. (Special 2:46)

The economic foundations study described several principles that should guide the establishment of new arrangements:

From a development perspective, the exercise of effective control by Indian nations, peoples or communities over the resources and institutions that directly affect their lives means control over a resource base sufficient to meet material needs and political control over the development process itself at the local level.

In short, the economic foundation for Indian self-government is a viable economic base, the resources of which are developed under Indian control at the community level. (Economic Foundations Study, p. 117)

24. A new relationship between Indian First Nations and the federal government should ultimately result in the provision of an adequate land and resource base and the settlement of claims. Prospects for economic development would improve if the land base were expanded, claims were settled, and the control of resources on Indian lands were transferred to Indian First Nations. These actions would help to build the foundations for economic development, but they will take considerable time to accomplish.

25. It is essential that Indian First Nations be able to get on with the task of economic development without delay.

26. The Committee considers control of a strong economic base to be essential for the effective exercise of Indian self-government. In planning for development of the economic base, the people of an Indian First Nation should be able to set goals, define strategies and then act to realize their potential. To do this they will require substantial funding.

27. The Committee recommends that, in determining the fiscal arrangements with Indian First Nations, sufficient funds be included to enable Indian First Nations to correct any serious deficiencies in community infrastructure and to begin economic development.

A Special Development Bank

It is necessary to develop innovative financing methods that would protect the Indian First Nations' land base and at the same time permit their businesses to raise capital. It is important that all available federal resources be used to further these objectives.
At present, the most significant block of funding that could be brought to bear on improving the economic situation of Indian First Nations is the $345 million Native Economic Development Fund. The Committee realizes that the Fund is intended for Métis, Inuit and non-status Indians, as well as for Indian First Nations. Since it is still in the formative stage, it would be possible for the federal government to commit the Fund to economic development efforts that would foster Indian self-government as well as the economic goals of other Native Peoples. Indeed, failure to do so could mean that the Fund would operate at cross-purposes with Indian governments. For instance, off-reserve economic initiatives could worsen the gap between reserve and off-reserve economies and weaken Indian communities. As well, a large development established for profit might overshadow programs initiated by a small Indian government.

The Committee proposes that the most prudent use of the $345 million Fund would be to capitalize a bank - under Schedule B of the Bank Act - with restricted share ownership and banking functions. Representatives of Indian First Nation governments could meet with Métis, Inuit and non-status leadership to reach a mutually satisfactory accommodation upon which such a bank could be founded. They might, for example, agree on a pro rata quota for loans, which would protect the interests of each founding group. They might even agree upon separate branches to deal with clientele from each group. While the federal government, as well as other interests, could be represented on the board of such a bank, the Native Peoples' groups involved would control the venture.

28. If representatives of the national Aboriginal organizations agree to use the $345 million Native Economic Development Fund to found a special development bank, the Committee recommends that the federal government commit the Fund as the bank's initial capitalization.

Given the amount of economic development necessary to assist Indian First Nations to reach a satisfactory standard of development, additional capitalization should be sought from all sources, including Indian and non-Indian investors, unions, churches and private investors. The federal government should provide incentives to investment by granting special tax treatment to bonds issued by the bank. Its loans should also be backed by federal guarantees.

The Committee also emphasizes that capitalization of this bank must not be the federal government's sole contribution to the economic development of Indian First Nations. The bank would not be in a position to make forgiveable or interest-free loans or to provide economic development grants that would not be repayable. The Committee expects that finds for this type of economic development assistance would be available to Indian First Nations through the fiscal arrangements recommended in Chapter 7.
Special economic incentives could also be provided to Indian First Nations. Witnesses suggested that these could include tax incentives for investors, special bonds or tax-free zones.

We would strongly recommend that reserves like Cole Harbour be given priority in the establishment of free trade zones....It is our right to obtain things tax-free and at the same time barter for them or sell them at a cost advantage within our country. (Millbrook Band, Special 24:35, 43)

Border Issues

The Jay Treaty also has economic implications. This treaty between Great Britain and the United States confirms the right of North American Indians to cross the border with normal goods and "freely carry on trade and commerce with each other". Canada has never passed legislation to make these provisions of the treaty part of Canadian law. In addition to the economic benefits of the Jay Treaty, the right to free passage is important for cultural reasons.

Failure to recognize the Jay Treaty has interfered with Indian people crossing the border with items for ceremonial or religious purposes. On the West Coast, for example, where members of an Indian First Nation may live on both sides of the international border, witnesses described how they were stopped from bringing goods across the border for Potlatch ceremonies. An elder, Bobby Woods, wrote to the Committee about the right to cross borders freely for religious purposes:

Many tribes bordering Canada and Mexico from the United States have been split by international boundaries, and historically been involved in border disputes with Immigration and Customs departments. Natives cross to attend ceremonies and visit ancient Tribal sites. Medicine bundles and other religious materials prepared and sealed by Medicine men and worn for health, protection and purity reasons have sometimes been searched and even confiscated by customs officials. Both actions render religious materials unclean and useless to their owners according to their religious beliefs. (Written Submission, Special 12A:2)

29. The Committee recommends that the federal government introduce legislation to implement the Jay Treaty.

Three Indian bands join defence alliance

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<th>Cold Lake</th>
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<td>Three Indian Bands joined the Treaty Alliance of Aboriginal Nations this week.</td>
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<td>Signing the alliance at Cold Lake Thursday were Chief A.J. Lameman of the Beaver Lake Band, Lac la Biche; Chief Ernest Sundown of the Joseph Bigstone Band, Saskatchewan; and Chief Harvey Scanie of the Cold Lake Band, Cold Lake.</td>
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The alliance for mutual assistance now represents 18 Indian bands — six from Alberta, four from Ontario, three from Quebec, two from New Brunswick and one each from Manitoba, Saskatchewan and Labrador.

_The Edmonton Journal, Saturday, October 28, 1989_
Treaty Alliance of North American Aboriginal Nations

WHEREAS the sovereign territories of North American Aboriginal Nations have been invaded, occupied, exploited, and despoiled by foreign powers from outside North America;

AND WHEREAS this invasion and occupation of the sovereign territories of North American Aboriginal Nations include the extinction through deliberate genocide of many such North American Aboriginal Nations, the ever escalating exploitation of the natural resources upon which remaining North American Aboriginal Nations depend for their survival, and environmental effects so severe as to literally threaten the survival of all people everywhere on earth;

NOW, THEREFORE, The Parties to this Treaty hereby reaffirm their desire to live in peace with all peoples and governments; declare their determination to protect and preserve their peoples, lands, resources, heritage and culture; and agree to join their efforts at self-help and self-defense through mutual aid and assistance as follows:

Article 1. The Parties will consult whenever, in the opinion of any of them, the territorial integrity, political independence, security or other fundamental rights of any of the Parties is threatened.

Article 2. The Parties agree that a threat against one of them shall be considered a threat against them all; and consequently agree, if such a threat occurs, each of them, in exercise of this internationally recognized right of individual or collective self-defense, will assist the Party or Parties so threatened by taking forthwith, individually and/or in concert with the other Party or Parties, such action as it deems necessary to restore and maintain the security of the involved Party or Parties.

Article 3. The Parties hereby establish a Council, on which each of them shall be represented, to consider matters concerning the implementation of this Treaty. The Council shall be organized so as to be able to meet promptly at any time. The Council shall set up such subsidiary bodies as may be necessary; in particular it shall establish immediately a Defense Committee which shall recommend measures for the implementation or Article 2.

Article 4. The Parties may, by unanimous agreement, invite any other North American Aboriginal Nation in a position to further the principles of this Treaty and contribute to the security of the Parties to accede to this Treaty. Any North American Aboriginal Nation so invited, may become a Party to the Treaty by deposing its instrument of accession with the Council established by this Treaty. The Council shall forthwith inform each of the Parties of the deposit of each instrument of accession.
Article 5. This Treaty shall be ratified and its provisions carried out by the Parties in accordance with their respective decision-making processes. The instruments of ratification shall be deposited as soon as possible with the Council established by this Treaty, which Council shall notify forthwith all of the other signatories of each deposit. The Treaty shall enter into force among the Parties which have ratified it as soon as the instruments of ratification have been deposited.

Article 6. After the Treaty has come into force, the Parties shall, if any of them so request, consult for the purpose of reviewing the Treaty, having regard for the factors then affecting the security of North American Aboriginal Nations, including the development of universal and/or regional arrangements for the maintenance of the security of North American Aboriginal Nations.

Article 7. Any Party may cease to be a Party upon giving its notice of withdrawal to the Council established by this Treaty, which Council shall forthwith inform the other Parties of any such notice of withdrawal.

Article 8. True copies of this Treaty shall be held by each of the initial signatories to the Treaty. Duly certified copies thereof will be transmitted by the Council hereby established to each of the Parties later acceding to it.

Done in ___________ Territory this ________day of __________.

July 6, 1989 -- Ouje-Bougoumou Indian Territory (Chibouguumau, Quebec)

Chief Bernard Ominayak
Lubicon Lake Indian Nation (Cree)
Little Buffalo Lake, Alberta

Chief Roger Jones
Ojibways of Shawanaga First Nation
Nobel, Ontario

Mr. David J. Peter-Paul
Pabineau Indian First Nation
(Mic Mac)
Bathurst, New Brunswick

Chief Willard Niganobe
Mississauga First Nation
(Ojibway)
Blind River, Ontario

Mr. Graydon Nicholas
Maliseet Nation
Fredericton, New Brunswick

Chief Esau J. Turner
Grand Rapids Indian Band
(Cree)
Grand Rapids, Manitoba

Chief Daniel Ashini
Innu of Labrador
Sheshashit, Labrador

Chief Ron Jacques
Mic Mac Indian Nation
Restigouche, Quebec

Grand Chief Mathew Cooncome
Grand Council of the Crees
Val d'Or, P.Q.
July 7, 1989 — Huron Territory (Quebec City, Quebec)

Konrad H. Soioui
Vice-Chief, Quebec & Labrador
Assembly of First Nations
Wenpake, Quebec

Chief Mike Mitchell
Akwesasnee Mohawk Indian Nation
Cornwall, Ontario

Grand Chief Bentley G. Cheechoo
Anishinabe Aski Nation
Toronto, Ontario

July 19, 1989 — Cree Territory (Edmonton, Alberta)

Chief Charles Beaver
Bigstone Indian Nation (Cree)
Wabasca, Alberta

Chief Victor Buffalo
Samson Indian Nation (Cree)
Hobbema, Alberta

Chief Roy Whitney
Sarcee Indian Nation
Calgary, Alberta
Indian Alliance Wants UN Recognition

Goose Bay, Newfoundland

A recently formed alliance of Indians says it will seek formal recognition from the United Nations. The announcement came Wednesday following the first official meeting of the Treaty Alliance of North America Aboriginal Nations, the brainchild of Chief Bernard Ominayak of Alberta's Lubicon Cree.

Nineteen Canadian bands, representing about 50,000, are part of the alliance formed in July to defend each other in treaty and land-claim battles with government. Tuesday's meeting in Goose Bay was a strategy session. "We looked at the human resources we have and might need in our struggles... the lawyers available across the country who we know, people who lobby for us, and other people we require from time to time, both Native and non-Native," Ominayak said.

"We also discussed what the Innu people need up here in their case, and also what the Lubicon people need, so we know what to go after." Labrador's Innu have been fighting NATO military activity over the area, claiming that low-level jet flights disturb their children and disrupt the migratory patterns of the caribou they hunt. Dozens of Innu have been charged with mischief for protests held on runways at Canadian Forces Base Goose Bay.

After their meeting, the Indian leaders visited the local jail to talk to Father James Roche. The Roman Catholic priest has been in jail since September for refusing to sign an undertaking not to go on military runways at the base.

The alliance represents Indian bands from Ontario, New Brunswick, Saskatchewan, and Alberta.


Bands To Sign Defence Pacts

Winnipeg -- All 60 Indian bands in Manitoba are expected to sign defence treaties with bands across the country, promising support during armed confrontations with police, provincial Indian leaders say. Canada's Indian communities can no longer afford to deal with their problems on their own, said Chief Louis Stevenson, leader of the province's Assembly of Chiefs. "It's gotten to the point where we have nowhere to turn except to ourselves to protect our lands," he said. Nine bands, among Canada's most militant, signed the defence alliance earlier this month and three Alberta bands signed recently. The alliance, promoted by Alberta Lubicon chief Bernard Ominayak, guarantees that its signatories will send assistance to any band that is threatened by a police raid. One Manitoba chief said the alliance is just empty rhetoric.
Two international Conferences of non-Governmental Organizations on Discrimination Against Indigenous Populations in the Americas have been held in Geneva, the first in 1977, and the second in 1981. The 1977 Conference drafted a Declaration that includes a number of important provisions:

DECLARATION OF PRINCIPLES FOR THE DEFENSE OF THE INDIGENOUS NATIONS AND PEOPLES OF THE WESTERN HEMISPHERE (September 1977)

PREAMBLE:

Having considered the problems relating to the activities of the United Nations for the promotion and encouragement of respect for human rights and fundamental freedoms,

Noting that the Universal Declaration of Human Rights and related international covenants have the individual as their primary concern, and

Recognizing that individuals are the foundation of cultures, societies, and nations, and

Whereas, it is a fundamental right of any individual to practice and perpetuate the cultures, societies and nations into which they are born, and

Recognizing that conditions are imposed upon peoples that suppress, deny, or destroy the cultures, societies, or nations in which they believe or of which they are members,

Be it affirmed, that,

1. RECOGNITION OF INDIGENOUS NATIONS

Indigenous peoples shall be accorded recognition as nations, and proper subjects of international law, provided the people concerned desire to be recognized as a nation and meet the fundamental requirements of nationhood, namely:

a. Having a permanent population
b. Having a defined territory
c. Having a government
d. Having the ability to enter into relations with other states.

2. SUBJECTS OF INTERNATIONAL LAW

Indigenous groups not meeting the requirements of nationhood are hereby declared to be subjects of international law and are entitled to the protection of this Declaration, provided they are identifiable groups having bonds of language, heritage, tradition, or other common identity.

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3. GUARANTEE OF RIGHTS

No indigenous nation or group shall be deemed to have fewer rights, or lesser status for the sole reasons that the nation or group has not entered into recorded treaties or agreements with any state.

4. ACCORDANCE OF INDEPENDENCE

Indigenous nations or groups shall be accorded such degree of independence as they may desire in accordance with international law.

5. TREATIES AND AGREEMENTS

Treaties and other agreements entered into by indigenous nations or groups with other states, whether denominated as treaties or otherwise, shall be recognized and applied in the same manner and according to the same international laws and principles as the treaties and agreements entered into by other states.

6. ABROGATION OF TREATIES AND OTHER RIGHTS

Treaties and agreements made with indigenous nations or groups shall not be subject to unilateral abrogation. In no event may the municipal law of any state serve as a defense to the failure to adhere to and perform the terms of treaties and agreements made with indigenous nations or groups. Nor shall any state refuse to recognize and adhere to treaties or other agreements due to changed circumstances where the change in circumstances has been substantially caused by the state asserting that such change has occurred.

7. JURISDICTION

No state shall assert or claim or exercise any right or jurisdiction over any indigenous nation or group or the territory of such indigenous nation or group unless pursuant to a valid treaty or other agreement freely made with the lawful representatives of the indigenous nation or group concerned. All actions on the part of any state which derogate from the indigenous nations' or groups' rights to exercise self-determination shall be the proper concern of existing international bodies.

8. CLAIMS TO TERRITORY

No state shall claim or retain, by right of discovery or otherwise, the territories of an indigenous nation or group, except such lands as may have been lawfully acquired by valid treaty or other cession freely made.
9. SETTLEMENT OF DISPUTES

All states in the Western Hemisphere shall establish through negotiation or other appropriate means of procedure for the binding settlement of disputes, claims, or other matters relating to indigenous nations or groups. Such procedures shall be mutually acceptable to the parties, fundamentally fair, and consistent with international law. All procedures presently in existence which do not have the endorsement of the indigenous nations or groups concerned shall be ended, and new procedures shall be instituted consistent with this Declaration.

10. NATIONAL AND CULTURAL INTEGRITY

It shall be unlawful for any state to take or permit any action or course of conduct with respect to an indigenous nation or group which will directly or indirectly result in the destruction or disintegration of such indigenous nation or group or otherwise threaten the national or cultural integrity of such nation or group, including, but not limited to the imposition and support of illegitimate governments and the introduction of non-indigenous religions to indigenous peoples by non-indigenous missionaries.

11. ENVIRONMENTAL PROTECTION

It shall be unlawful for any state to make or permit any action or course of conduct with respect to the territories of an indigenous nation or group which will directly or indirectly result in the destruction or deterioration of an indigenous nation or group through the effects of pollution of earth, air, water, or which in any way depletes, displaces or destroys any natural resource or other resources under the dominion of, or vital to the livelihood of an indigenous nation or group.

12. INDIGENOUS MEMBERSHIP

No state, through legislation, regulation, or other means, shall take actions that interfere with the sovereign power of an indigenous nation or group to determine its own membership.

All rights and obligations declared herein shall be in addition to all rights and obligations existing under international law.

A Declaration of Nishnawbe-Aski

By the Ojibway-Cree Nation of Treaty #9 to the People of Canada
Delivered by the Chiefs of Grand Council Treaty #9 to Ontario
Premier William Davis and His Cabinet in the City of Toronto
Wednesday, July 6, 1977.

Canada:

We will use a second language to speak to you, in recognition of
your inability to understand our language.

Once again we want you to understand us. For over 350 years you
have failed to recognize the unique lifestyle of the
Nishnawbe-Aski. It is so crucial that you understand today as
tomorrow may be too late.

We the people and the land, declare our nationhood. We, of the Cree
and Ojibway nation who come from within your boundaries of Ontario,
Manitoba and Quebec, and who live in the Ontario North at the height
of land known as the Arctic Watershed, declare ourselves to be a
free and sovereign nation. We bring you a declaration of
independence.

We say to you that we have the right to govern our own spiritual,
cultural, social and economic affairs. We will describe to you how
we are going to secure our sovereignty. We are also here because we
want your government to play a role, in our return to our form of
self-government. We ask that you become involved in our right to
develop our individual communities. We intend to make them as
viable as they were before the white man came. You are the only
people who have every questioned our sovereignty. Our rights and
entitlements to this land were inherited from our forefathers.
Unlike you, we have no memory of an existence in other lands across
the sea. We have prior rights to the custody of this land, which
precede and supercede all of your claims.

This custody must remain with us. It is our sacred duty to pass it
on to our unborn children. We do not accept the illegal seizures of
our land by the Europeans, and their descendants. We will protect
these custodian rights by whatever means necessary.

We declare that all laws, rules, regulations, orders-in-council and
acts passed on or enacted by you, and your federal, provincial and
territorial governments, which interfere with our sovereignty, must
be re-examined in light of our position. The right to make laws
which govern our people must be returned to our people.

On having regained the ability to govern ourselves we will insist
that Treaty #9 be re-negotiated. Your government has refused to
live up to the terms, and the spirit of the Treaty. This Treaty
reads in part, that "His Majesty the King hereby agrees with the
said Indians that they shall have the right to pursue their usual
vocations of hunting, trapping and fishing throughout the land."
We agreed to share. We lived up to the terms of our agreement. We kept the peace, paid honour to the European sovereign, allowed the white man to settle and live according to his laws, and permitted his religions and cultures to be introduced to our people.

You agreed to share. You said our rights would never be lost. You did not live up to the agreement. You took most of our land, outlawed our religious beliefs and practices, destroyed much of our animal life and forest, restricted our movements, stopped us from using our languages, and tried to convince us that our music, dances, and arts were barbaric.

Despite these overwhelming odds, we have survived the elements of conquest.

Your cultural genocide is about to end. In order to regain our freedom we must establish our own control, and return to our traditional philosophy of life. We recognize only one ruler over our nation - the Creator. He made us part of nature. We are one with nature, with all that the Creator has made around us. We have lived here since time immemorial, at peace with the land, the lakes and the rivers, the animals, the fish, the birds and all of nature. We live today as part of yesterday and tomorrow in the great cycle of life.

Unlike you, we have a sacred respect for the land. You have alienated life and land, by the exploitation of the natural resources. As a result of your greed there is a real possibility that our environment will be destroyed. If it is, we also will be destroyed because we are part of nature.

In 1977, Chief Simeon McKay stated:
"Today, we are here realizing that there is somebody here on earth that wants to destroy everything on us. Remember what our grandparents have told us; we should try and retain what the Great Spirit has provided for us. We are trying to keep and retain our ancestors ways before this means of livelihood is destroyed."

In your rush for materialistic gain, you are threatening nature's very limits. Now, it is our sacred duty to slow you down before she is destroyed.

In Chief Emile Nakogee's statement of 1977, he said, "I am not against employment, it is a good thing. But the most important thing we must take into consideration is the land around us. It is also our income and we must not make decisions that might destroy it."

We are here with another unalterable principle: "Nishnawbe-Aski are not for sale!" We remember the legacy of Old Joseph, as he spoke to his son Chief Joseph in 1871: "My son, my body is returning to my Mother Earth, and my spirit is going very soon to see the Great Spirit Chief. When I am gone, think of your country. You are the chief of these people. They look to you to guide them. Always remember that your father never sold his country ... this country holds your father's body. Never sell the bones of your father and your mother."
This is a sad day, but we have been a sad people for many years. However, to our people, today is also an historical day. It is not often that a nation makes a formal declaration of independence.

We are not a new nation like you.

Only a few days ago we watched as you celebrated your Canada Day, and as we did, we thought what Canada Day meant to us. To the Treaty #9 Cree and Ojibway, 110 years of your confederation have meant 110 years of our disintegration. While you celebrated we felt anger, frustration, regret and tolerance.

We can no longer permit the progressive rape of our mother earth, and its life-giving forces. We have our children to save. The continued existence of our race is a sacred mandate passed on to us by our ancestors.

Today our relationship with you must change. We will only accept your meaningful involvement. It will be on our terms, or not at all.

To ensure our survival on the land we say that our aboriginal hunting and fishing rights will never taken away. We do not recognize the fish and game laws which have eroded our way of life. We encourage and support our people; (a) to hunt and fish in any part of Treaty #9 for their own consumption during any season; (b) to trap anywhere in the Treaty #9 area; and (c) to trap without the infringement of tax regulations. If necessary, we will encourage our people to fill your courtrooms in our fight for our aboriginal rights.

We will defend our right to self-determination. However, we realize that this self-determination may take many forms. Therefore, we are open to new, and innovative directions. Only in this context are we prepared to establish the legislative foundation of local government.

The success of our future will depend on our leaders of tomorrow. These young people are adjusting to new forms of knowledge. Our experience will also strengthen their involvement. We expect that you in turn will encourage your young people to understand our lifestyle.

Today we are here to tell you who we are. We the Nishnawbe-Aski have inalienable rights. They are:

1. the right to self-government.
2. the right to receive compensation for our exploited natural resources.
3. the right to receive compensation for the destruction and abrogation of our hunting and fishing rights.
4. the right to re-negotiate our treaty.
5. the right to negotiate with the elected governments of your society through appropriate levels of representation.
6. the right to approach the judicial, governmental and business institutions of your society in our quest for self-determination and local control.
7. the right of our elected chiefs to deal with your society's elected cabinets on an equal basis.
8. the right to approach other world nations to further the aims of the Cree and Ojibway nations of Treaty #9.
9. the right to use every necessary alternative to further the cause of our people.
10. the right to use all that the creator has given us to help all of mankind.

The solutions to our problems must come from within our local communities. The right to deal with those problems must rest with our people. We will regain our independence only through legislation that recognizes and supports our form of local government.

Our nationhood itself is sacred and cannot be negotiated. However, we are ready to start negotiating the implementation of this nationhood. For any nation to exist, it must have legislation that enhances its self-reliance and its local control.
Humiliation drove Louis "Smokey" Bruyere into the aboriginal rights movement. In 1969 the stocky, bronze-coloured Métis and his lighter-skinned brother stopped in at the north-western Ontario town of Kenora while on a hunting trip. "The hotel manager gave my brother a room, but he wouldn't let me check in. We went to a restaurant, and they wouldn't let us eat. We went to a bar, and they made us sit in the 'Indian section.'" The affront induced Mr. Bruyere to help form an association for Ontario's Métis and non-status Indians and to later assume the presidency of the Native Council of Canada. Last week Mr. Bruyere, now 38 and sporting a waist-length pony-tail, was in Vancouver along with the leaders of three other Indian and Métis organizations, plotting the final strategy for a very important powwow - this week's First Ministers' Conference in Ottawa. Foremost on the agenda will be constitutional entrenchment of the right of Canadian Natives to govern themselves.
To Mr. Bruyere and his fellow warriors, most of them more likely to drape themselves in tweed than buckskin, entrenchment would culminate a nearly 20-year struggle for self-government, a battle marked by marches and sit-ins, by speeches and petitions, by endless meetings not only with other Indians but with premiers, prime minister, a queen and a pope. To Mr. Bruyere et al, entrenchment equals salvation, the rescue of their people from the bonds of poverty, alcoholism and personal despair; it would be the antidote to years of discrimination and restore to their peoples sovereign control over their land. The Native quest for entrenchment is nothing less than a drive for the establishment of separate "first nations," funded by Ottawa, but nonetheless absolutely free of its political control.

To achieve entrenchment at this week's conference. Mr. Bruyere and his cohorts need to win over seven premiers representing 50% of the Canadian population. As of last week, only two provinces - British Columbia and Alberta - staunchly opposed entrenchment of an undefined "right to self-government."

James Horsman, Alberta's elegantly groomed Attorney-General and Intergovernmental Affairs minister, is not against aboriginal government. In fact, his province is currently ironing out a self-rule arrangement for its Métis population and has already transferred control of child welfare programs to five Indian bands. He has no objection to repealing the Indian Act, through which Ottawa has governed Canadian Natives since 1876, and transferring to bands the funds normally administered by the federal Department of Indian Affairs. What he does oppose is the establishment within Canada of sovereign nations answerable neither to Ottawa nor to the provinces. "I think it would tear the country apart. It would fling vast areas of Canada into purgatory." To prevent this from occurring, Mr. Horsman and his counterpart in B.C. Intergovernmental Relations Minister Stephen Rogers, want "self-government" clearly defined before any right to it is enshrined in the constitution. Otherwise, should the provinces and Ottawa entrench the right next week, then later balk at bestowing sovereignty on the resultant Native governments, the aborigines could simply bypass the politicians, head to the courts, and demand it. The result would be unpredictable.

Though he favours reaching some sort of compromise on entrenchment. Premier Grant Devine of Saskatchewan is nonetheless worried by the scope of the Natives' demand. Says he: "What the aboriginal peoples are seeking is unlimited freedom to control their own destinies - without parameters. We don’t know how we would deal with it."

Both Messrs. Horsman and Rogers have been labelled alarmist and racist by Indians and their supporters. Even Prime Minister Brian Mulroney, who whole-heartedly supports entrenchment, has been called a bigot because his government wants to make any constitutional right to self-government "contingent" upon subsequent negotiations between the provinces. Ottawa and the Natives. Two weeks ago 2,000 Indians from across Canada converged on Parliament Hill to smoke peace pipes and to later march through Ottawa's streets, bearing placards and demanding that Ottawa respect their rights.
"Racism is alive and well in this country," fumed Simon Lucas, an Indian elder from Vancouver Island.

Earlier this month Chief Louis Stevenson of the Pequis Indian band in northern Manitoba scored a media coup when he convinced South African Ambassador Glenn Babb to visit his reserve. The chief used the opportunity to denigrate Ottawa for its supposedly shabby treatment of aborigines, for its refusal to grant them an unrestricted right to self-rule. He asked the ambassador for $99 million in foreign aid. The nattily attired Mr. Babb politely refused, but did agree that Canadian politicians had ignored the plight of the Indians. South African journalists gleefully gave the visit front page treatment. Declared Alan Dunn of South Africa's largest daily, the Johannesburg Star. "The Pequis houses, scattered around the reserve, were a strong reminder of the circumstances in our townships and homelands. Same props, it seemed, different characters."

All of this, of course completely ignored that Ottawa funnels $2.7 billion a year into Native programs and services, including $595 million on education, $410 million on housing and $342 million on health. It ignored that Ottawa has accepted the recommendations of a 1983 report urging it to "recognize Indian First Nation governments as a distinct order of government within the Canadian federation," and to "assure these governments of adequate funding to provide services and undertake economic development." It ignored too that since 1984 Ottawa has established self-government for the Sechelt Indian band north of Vancouver, passed legislation allowing the Cree-Maskapi of Quebec to establish self-rule, and that it is now hammering out similar arrangements with 40 more bands. "Indians want control over their daily lives just like other Canadians," and the government is working to give them that, says Bill McKnight, Canada's Minister of Indian Affairs. But Canada's Native leaders aren't satisfied. They simply don't believe Ottawa is sincere about self-government, hence they want the right to it immediately affirmed in the constitution. They also want the right described as "inherent," meaning it was bestowed upon them, not by Ottawa or the provinces, but by the "Creator." This is what they will demand when they confront the first ministers in Ottawa's cavernous Congress Centre, a remodelled railway station, next week.

Delegations from four associations will present the Natives' case: Mr. Bruyere's Native Council (NCC), the Assembly of First Nations (AFN), the Inuit Committee on National Issues (ICNI), and the Métis National Council (MNC). Together these four groups claim to represent virtually all of the country's 651,724 aborigines. The objective, says Georges Henry Erasmus, 37, the permed, wire-rimmed, pinstriped leader of the AFN, is clear: convince Ottawa and the provinces to stop linking the right to self-government to subsequent negotiations. Explains Robert Millen, legal counsel for the Association of Métis and Non-status Indians of Saskatchewan: "What if negotiations fail to yield an agreement? That would mean no self-government."

If the provinces refuse to budge?
It may be time for non-violent civil disobedience, says Mr. Erasmus, a member of the Dene nation in the Northwest Territories, and a key figure in the fight there against building of the Mackenzie Valley Pipeline during the 1970's.

If the Natives maintain their hard-line position, agreement will be unlikely. No province is willing to accept unqualified entrenchment of the right to self-government. All concur this would leave interpretation of the right up to the courts. Hence Ottawa has proposed making entrenchment of self-government "contingent" upon later negotiations among the federal and provincial governments and the Natives. Though this satisfies most provinces, it leaves the Natives cold for two reasons: it fails to mention their divinely given right to govern and its gives the provinces a say in their affairs.

To bring the aborigines on side, Nova Scotia is proffering a slightly different suggestion, this one calling for a two-part amendment to the constitution, the first affirming an "inherent right," the second making the specific details of Native governments "contingent" upon later negotiations. But while this may win over the Natives, it hasn't convinces B.C. or Alberta. Says Alberta's Horsman: "It's still very dangerous." What if the "contingent" negotiations fail, he asks? "That would still mean calling upon the courts to define the vaguely worded amendment for us." Mr. Rogers of B.C. concurs. It's still too much like "my trying to sell you a house without saying what size it is, or where it is, or how much it costs."

Messrs. Horsman and Rogers aren't alone in their view. In an editorial this month the Toronto Globe and Mail noted that self-government within Canada "has always been defined through the democratic process before constitutional entrenchment ... Prior entrenchment of a principle of self-government invites definition by the courts of Canada's political structures in the event of frustrated negotiations. This is the backstop that aboriginal groups are seeking. It is not consistent with historic practice or democratic tradition."

The entrenchment debate stems from the passage of the Constitution Act in 1982. Along with affirming "existing aboriginal and treaty rights," the Act also provided for a series of First Ministers' Conferences to define what those were. At the 1983 meeting, delegates extended constitutional protection to "treaty rights" that may be acquired in future land claims, and to Indian females who marry non-Natives. In 1984 the discussion shifted to enshrining aboriginal government in the constitution. But no agreement could be hammered out either at that meeting or at one the following year. Since then federal and provincial justice ministers have met with Indian leaders 18 times, most recently two weeks ago in Toronto, to forge an acceptable proposal.
Mr. Horsman finds it hard to fathom Ottawa's enthusiasm for "contingent" entrenchment. "I don't think they've thought the implications through." Once the right is entrenched, aboriginal groups are almost certain to insist upon sovereignty, a demand that Ottawa found reprehensible when made by Quebec in the 1970's. There are 577 Indian bands in Canada, notes Mr. Horsman. "I can't conceive of a country with that many sovereign states within it. Yet that could be the result of an ill-conceived amendment to the constitution."

University of Calgary political scientist Thomas Flanagan, an expert on Métis history, says Indian nations states "would be terrible for Canada," setting an extremely divisive example for other groups in the country. "What about the Hutterites? What would stop them from seeking nation state status?" An incredible variety of laws could ensue, he adds, creating "a bureaucratic nightmare over policing, schools, transportation, etc." Furthermore, agrees Mr. Horsman, nothing could prevent sovereign Indian states from one day equipping armies. The possibilities for conflict are endless. "What if they one day want more land? Where will it come from?"

Terry Lusty, a writer for the Aboriginal Multi-media Society of Alberta, down-plays the impact that Indian self-government could have. "What it boils down to is a desire for the same system as now, only one where the Native people are in more direct control of their own destiny. There is no threat, no danger any more now than in the past."

Gurston Dacks, a professor of Native affairs at the University of Alberta, insists that the self-government issue is grossly misunderstood. "There is no intent to establish a set of nation states. The aboriginal people aren't seeking nationalism. We are not talking about the separation of nation states in the sense of being sovereign." Rather, he says, all the Indians want are "modifications" to the existing order, mainly with regard to the administration of social programs like child welfare and education. Mr. Horsman's response to such dismissals? "People just aren't listening to what the Natives are saying."

Indeed the Assembly of First Nations certainly speaks of sovereignty in its publications. In one brochure advocating self-government, beneath a sketch of double-rowed wampum beads, if the following quotation from an AFN member: "These two rows will symbolize two paths or two vessels, travelling down the same river together. One, a birch bark canoe, will be for the Indian people, their laws, their customs, their ways. The other, a ship, will be for the white people and their laws, their customs, their ways. We shall travel the river together, side by side, but in our own boat. Neither of us will try to steer the other's vessel."
The same pamphlet contains the declaration that "the rights and responsibilities given to us by the creator cannot be altered or taken away by any other nation." In another AFN publication, Squamish Chief Joe Mathias, the AFN vice-chief of B.C., says, "There is no other way to relate to Canada except as sovereign peoples. That is where we start from; that is what we intend to protect; that is what we intend to exercise for all time." Later he continues, "At no point in time was there ever a First Nation leader who relinquished what we hold to be our very essence ... When Europeans stepped upon the soil of this land, they did not see 560 Indian bands confined to small portions of their traditional lands. They saw Indian peoples: First Nations, exercising sovereignty over those lands."

**Canada's Aboriginal Populations**

(in thousands)

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Source: Projected 1986 census statistics

Source:

We, the Indigenous Peoples of the world,
united in this corner of our Mother the Earth
in a great assembly of men of wisdom,
declare to all nations:

We glory in our proud past:
when the earth was our nurturing mother,
when the night sky formed our common roof,
when Sun and Moon were our parents,
when all were brothers and sisters,
when our great civilization grew under the sun,
when our chiefs and elders were great leaders,
when justice ruled the Law and its execution.

Then other peoples arrived:
thirsting for blood, for gold, for land and all its wealth,
carrying the cross and the sword, one in each hand,
without knowing or waiting to learn the ways of our worlds,
they considered us to be lower than the animals,
they stole our lands from us and took us from our lands,
they made slaves of the sons of the Sun.

However, they have never been able to eliminate us,
nor to erase our memories of what we were,
because we are the culture of the earth and the sky,
we are the ancient descent and we are the millions,
and although our whole universe may be ravaged,
our peoples will live on for longer than even the kingdom
of death.

Now we come from the four corners of the earth,
we protest before the concert of nations that,
"We are the Indigenous Peoples, we are a People with a
consciousness of culture and race, on the edge of each
country's borders and marginal to each country's
citizenship."

And rising up after centuries of oppression,
evoking the greatness of our ancestors,
in the memory of our indigenous martyrs,
and in homage to the counsel of our wise elders:

We vow to control again our own destiny and recover our complete
humanity and pride in being Indigenous people.
We the Indigenous people of Australia pledge our solidarity with the peoples of East Timor and West Papua in their struggle for independence from Indonesian colonization.

We uphold and support the independence of New Caledonia and their efforts towards Kanak Socialist Independence in 1985.

We demand:
that New Caledonia be placed on the United Nations agenda for decolonization,
that a proper plebiscite be held in West Papua to determine the will of the people,
and that the Resolutions of the UN Security Council on East Timor be adhered to.

We recognize:
the sovereignty of the Maori people of French occupied Polynesia, and their inalienable right to determine their own future, and the cessation of the nuclear testing industry in their country.

We firmly oppose:
the attempts by the U.S. to undermine the Belau Constitution's nuclear ban.

We support:
the efforts of the Maori people of Aotearoa to have the illegal Treaty of Waitangi revoked.

We demand:
recognition of Hawaiian sovereignty on Kaho'olawa and the immediate cessation of RIMPAC.

We are resolved:
to use all our efforts to persuade the Australian government to adhere to the policies for which it was elected and to support justice and freedom in the Pacific region.
1. All human rights of Indigenous peoples must be respected. No form of discrimination against Indigenous peoples shall be allowed.

2. All Indigenous peoples have the right to self-determination. By virtue of this right they can freely determine their political, economic, social, religious and cultural development, in agreement with the principles stated in this declaration.

3. Every nation-state within which Indigenous peoples live shall recognize the population, territory and institutions belonging to said peoples.

4. The culture of Indigenous peoples are part of mankind's cultural patrimony.

5. The customs and usages of the Indigenous peoples must be respected by the nation-states and recognized as a legitimate source of rights.

6. Indigenous peoples have the right to determine which person(s) or group(s) is(are) included in its population.

7. Indigenous peoples have the right to determine the form, structure and jurisdiction of their own institutions.

8. The institutions of Indigenous peoples, like those of a nation-state, must conform to internationally recognized human rights both individual and collective.

9. Indigenous peoples, and their individual members, have the right to participate in the political life of the nation-state in which they are located.

10. Indigenous peoples have inalienable rights over their traditional lands and over the use of their natural resources. All lands and resources which have been usurped, or taken away without the free and knowledgeable consent of Indian peoples, shall be restored to them.

11. The rights of the Indigenous peoples to their lands include: The soil, the subsoil, coastal territorial waters in the interior, and coastal economic zones all within the limits specified by international legislation.

12. All Indigenous peoples have the right to freely use their natural wealth and resources in order to satisfy their needs, and, in agreement with principles 10 and 11 above.
13. No action or process shall be implemented which directly
and/or indirectly would result in the destruction or land,
air, water, glaciers, animal life, environment or natural
resources, without the free and well-informed consent of
the affected Indigenous peoples.

14. Indigenous peoples will re-assume original rights over
their material culture, including archeological zones,
artifacts, designs and other artistic expressions.

15. All Indigenous peoples have the right to be educated in
their own language and to establish their own educational
institutions. Indian peoples' languages shall be
respected by nation-states in all dealings between them on the basis of equality and
non-discrimination.

16. All treaties reached through agreement between Indigenous
peoples and representatives of the nation-states will have
total validity before national and international law.

17. Indigenous peoples have the right, by virtue of their
traditions, to freely travel across international
boundaries, to conduct traditional activities and maintain
family links.

18. Indigenous peoples and their designated authorities have
the right to be consulted and to authorize the
implementation of technological and scientific research
conducted within their territories and the right to be
informed about the results of such activities.

19. The aforementioned principles constitute the minimal
rights to which Indigenous peoples are entitled and must
be complemented by all nation-states.

Ratified by the IV General Assembly
of the World Council of Indigenous
The World Council of Indigenous Peoples (WCIP) was formed in order to ensure unity among Indigenous peoples, to facilitate the meaningful exchange of information among Indigenous peoples of the world, and to strengthen the organizations that form the political and cultural channels of the Indigenous peoples in the various countries.

Formation:

The WCIP was formed by the delegates to the First International Conference of Indigenous Peoples held on October 27–31, 1975, in the Seshat Indian community near Port Alberni, B.C. This founding conference brought together 52 delegates of Indigenous organizations from 19 countries.

The idea of the Conference was explored and developed by the President of the National Indian Brotherhood (NIB), George Manuel, during his visit to the Maori of New Zealand, the Aboriginals of Australia, and the Sami of Scandinavia in 1971 and 1972. The plans for this conference were initiated by the NIB of Canada in 1972 when the President of the NIB, George Manuel, sought and received a mandate from his Executive Council to explore the possibilities of such a conference.

Objectives:

The Charter of the WCIP adopted by all the delegates to the Conference stated the dedication of the organization to the following objectives: to abolish the possibility of the use of physical and cultural genocide; to combat racism; to ensure political, economic and social justice to Indigenous peoples; to establish and strengthen the concepts of Indigenous and cultural rights.

Structure:

The principal organs of the WCIP are the General Assembly, Executive Council and Headquarters. The General Assembly establishes the policies which govern the affairs of the WCIP, elects the President and Vice-Presidents and confirms the appointment of elected representatives to the Executive Council. The General Assembly is to meet in regular sessions once every 3 years and extraordinary sessions when it is necessary. The General Assembly consists of all recognized delegates to the organization at a meeting duly called and convened. Accreditation of delegates is the mandate of member-organizations, and in special cases, in the absence of a representative organization for a country, provided by the Executive Council based upon representation of population, regions, tribes, or organized bodies in a country.
The responsibility for carrying out the policies of the WCIP is vested in the Executive Council which is composed of one representative of each region: Central America (including Mexico and Panama); Europe and Greenland; North America; South America and PACIP (including the Pacific and Asia). The Presidents of the WCIP automatically represent their own region on the Executive Council. The functions and powers of the Executive Council are determined by the General Assembly.

Headquarters assumes all administrative functions as directed by the organization's assemblies and Executive Council.

The WCIP is recognized as a Non-Governmental organization with consultative status with the United Nations Social and Economic Council. To ensure better communication in this international forum, an office in Geneva, Switzerland has been established to facilitate WCIP members and representatives in consultation with the United Nations.

Principal Activities:

The WCIP has given priority to the continuous support for the historical rights of Indigenous peoples: land, political organization, natural resources, cultural strengthening and self-determination. In order to achieve the aforementioned goals, the WCIP maintains ongoing consultation and dialogue with the various governments concerned. In recent years, the WCIP has worked towards strengthening the Regional Organizations in the areas of political consolidation, developmental programs and information systems. Funding for the various programs is raised by the respective Regional Organizations through various supportive agencies and organizations and also in co-ordination with the WCIP Headquarters.

Future Development:

The fundamental objective of the WCIP is self-determination for Indigenous peoples. To achieve this goal, ideological economic and organizational bases in various regions are being established. Political organizations as a unifying element are essential and the WCIP as a diplomatic body hopes to serve as an international instrument of cohesion amongst the Indigenous peoples of the world. The WCIP is the diplomatic vanguard of its members.

Membership:

A member within the meaning of this organization shall be defined as an organization of a country, or association of organizations representative of Indigenous peoples of the country, whose objectives are to further their economic self-sufficiency and to attain self-determination.
Indigenous peoples shall be peoples living in Nation States, which have populations composed of different Indian peoples who are descendent of the earliest populations which survive in the area and who do not, as a group, control the national government of the countries within which they live.

Any Indian peoples' organization that wishes to apply for membership with the WCIP and participate in a united front to achieve its objectives, must do so through the respective regional office.

WCIP Headquarters
555 King Edward Avenue
Ottawa, Ontario
K1N 6N5
Tel. (613) 230-9030

South American Indian Council (CISA)
Apartado Postal 2054
Correo Central
Lima 100, Peru
Tel. 23 69 55

Central American Regional Council (CORPI)
Apartado 6979 1000
San José, Costa Rica
Tel. 25 95 73

Nordic Sami Council
SF - 99980
Utsojoki, Finland
Tel. (358-697) 71276

Pacific-Asia Regional Council
86-630 Puuhulu Road
Waianae, Hawaii
96792
Tel. 808-696-4629

North American Regional Chapter
47 Clarence Street
Ottawa, Ontario
K1N 9K1
Tel. (613) 236-0673
CISA (South American Regional Council)
- Chile
- Argentina
- Peru
- Bolivia
- Brazil
- Venezuela
- Ecuador

CORPI (South American Indian Council)
- Costa Rica
- Panama
- Guatemala
- El Salvador
- Nicaragua
- Mexico
- Honduras

NRC (North American Regional Council)
- Canada
- United States of America

NSC (Nordic-Sami Council)
- Norway
- Sweden
- Finland

SPRC (South Pacific Regional Council)
* this Council is presently being organized
- Hawaii
- New Zealand
- Australia

The WCIP has always had strong representation from Canada and Central and South America. The largest international gathering of Indigenous peoples took place in Regina, Saskatchewan in 1982, at the World Assembly of First Nations under the sponsorship of the Federation of Saskatchewan Indian Nations (FSIN). More than 3,000 delegates from all over the world discussed many areas that affected the lives of Indigenous peoples. Many agreements and resolutions came out of this conference that were later incorporated in the work plans of the WCIP.
## Indigenous Populations by Country

<table>
<thead>
<tr>
<th>Country</th>
<th>Total Population (1000's)</th>
<th>Indigenous Population (1000's)</th>
<th>Indig. People (% of total pop.)</th>
<th>Mestizos/Mixed (1000's)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canada</td>
<td>25,000</td>
<td>Indian 326</td>
<td>4</td>
<td>850</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Inuit 25</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greenland</td>
<td>57</td>
<td>48</td>
<td>83</td>
<td>---</td>
</tr>
<tr>
<td>Mexico</td>
<td>85,000</td>
<td>12,000</td>
<td>14</td>
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<tr>
<td>United States</td>
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<td>1,600</td>
<td>.65</td>
<td>500</td>
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<tr>
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</tr>
<tr>
<td>Cuba</td>
<td>10,500</td>
<td>**</td>
<td>**</td>
<td>**</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>2,700</td>
<td>2</td>
<td>2</td>
<td>**</td>
</tr>
<tr>
<td>El Salvador</td>
<td>5,500</td>
<td>400</td>
<td>7</td>
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<td>Guatemala</td>
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<td>66</td>
<td>3,612</td>
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<td>Haiti</td>
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<td>**</td>
<td>**</td>
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<td>Honduras</td>
<td>4,800</td>
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<td>Jamaica</td>
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<td>48</td>
<td>2</td>
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<td>Puerto Rico</td>
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<td>72</td>
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<td>Argentina</td>
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<td>300</td>
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<td>French Guiana</td>
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<td>Guyana</td>
<td>801</td>
<td>45</td>
<td>6</td>
<td>72</td>
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<td>Paraguay</td>
<td>3,500</td>
<td>100</td>
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<td>3,700</td>
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<tr>
<td>Peru</td>
<td>20,000</td>
<td>9,300</td>
<td>47</td>
<td>7,850</td>
</tr>
<tr>
<td>Surinam</td>
<td>500</td>
<td>30</td>
<td>6</td>
<td>---</td>
</tr>
<tr>
<td>Uruguay</td>
<td>2,500</td>
<td>**</td>
<td>**</td>
<td>150</td>
</tr>
<tr>
<td>Venezuela</td>
<td>18,000</td>
<td>400</td>
<td>2</td>
<td>13,013</td>
</tr>
<tr>
<td>Guadeloupe</td>
<td>280</td>
<td>4</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

**Totals**

<table>
<thead>
<tr>
<th>Total Population (1000's)</th>
<th>Indigenous Population (1000's)</th>
<th>Indig. People (% of total pop.)</th>
<th>Mestizos/Mixed (1000's)</th>
</tr>
</thead>
<tbody>
<tr>
<td>662,807</td>
<td>41,978</td>
<td>6.3</td>
<td>134,416</td>
</tr>
</tbody>
</table>

Figures are 1990 estimates. The Indigenous populations of most South American countries have dropped since 1988.

**Too small to estimate.

Central America (Mexico, Central America, Panama)
Indigenous Population = 18.73 million : 47.15% of total population

Amazonia (Brazil, Bolivia, Columbia, Equador, Guayana, Peru, Surinam, Venezuela)
Indigenous Population = 2.45 million : 5.42% of total population

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What is the Fourth World?

Most people today know what is meant by the Third World, but the majority are unaware that there exists another world, which cannot be defined geographically, rather it's in a different dimension, partly overlapping the Third World, partly coinciding with the industrialized world.

This Fourth World consists of the hunters and gatherers of the Kalahari Desert, the nomads of Africa and the Middle East, the Aboriginals of Australia and the Maoris of New Zealand. It also includes the Inuit of Greenland and Canada, the Samis of Northern Scandinavia and the Indian peoples of North, Central and South America. To these may be added the Polynesians of the Pacific Ocean, the ethnic minorities of China and the Soviet Union, and many, many more. The Fourth World is the popular name for the Indigenous peoples who are descendents of the original, or oldest surviving population of a country.

A whole spectrum of cultural forms and means of adaptation are represented; hunting, gathering, fishing, trapping, agriculture, nomadism, slavery and salaried work. Often the peoples of the Fourth World are minorities in the states they belong to, but not necessarily. The Indian peoples of South America often constitute up to 90% of the population. The one element common to to all these very different peoples is that they have limited, or no influence in the state to which they belong. They have been partially or wholly deprived of the right to their own lands and resources. Suppression of Indigenous peoples take many forms, ranging from a general lack of understanding and respect to direct cultural and physical destruction. Frequently, it's the backwash of a conscious colonization policy, but the roots may lie farther back in time.

Looking at it from a slightly different angle, it's the shadow of industrialization which threatens to anihilate the Fourth World. The ruthless hunt for resources takes many forms, but whether the Indigenous peoples are driven off their land, or made to work for the majority society, the result is the same: their cultures and lifestyles are destroyed. Often they end up on the fringes of society, as badly -paid rural labourers, or in city slums, deprived of their value as human beings, and having no part in the wealth of the majority society.

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Indigenous Nations of the Americas

All countries in South, Central and North America have populations which are referred to as Indigenous people. The percentage of the total Indigenous population, however, varies from country to country. In Canada for example, Indian people comprise 2% of the total Canadian population, in Guatemala they are the majority at 55%, and in Chile they make up approximately 6% of that country’s total population. The chart on the following page shows, by country, the present day populations. Altogether there are over 50 million Indian people in the Americas. If one adds the mixed/mestizos population the figure would become much higher.

Before we proceed in this exploratory trip to find out more about the Indigenous people of the Americas, let's answer some basic questions.

How did Indigenous peoples become known as “Indians?”

The most commonly accepted explanation is that during the time of Christopher Columbus, in the late fifteenth century, there was an increasing interest on the part of the Spanish Crown and merchants to discover a new sea route to arrive at India. Arab ships had been intercepting the Spanish trading vessels and something had to be done to solve this problem. When Columbus arrived in America in 1492, he actually thought he had reached India and referred to the first inhabitants he encountered as “Indians.”

According to nautical logs from that period, Columbus was 8,000 miles off course and instead anchored his boats on the coast of what is now San Salvador. A more plausible explanation is that Columbus was so taken by the beauty, both physical and spiritual, of the inhabitants he first met on the North American shores, the now extinct Taíno, that he believed they must have been made in the image of God “duc corpus in Deo” meaning “from the body of God”. From “in Deo” comes the term “Indian”. Another interpretation identifies the phrase “duc corpus in Deo” as the Latin idiom which appears in Genesis in the Bible and translates as “They are humans”.

Who are Indigenous people? Where did they come from?

There were hundreds of different Indigenous nations living in the Americas prior to contact with Europeans. Based upon archaeological and anthropological studies, it has been theorized that Indigenous people had not always occupied these territories but instead came here from somewhere else, probably the eastern hemisphere. Such theories run counter to some Indigenous people’s legends and oral histories which state that they have always been here and were placed here by the Great Spirit (the autochthonous theory).
There are a number of theories that have attempted to explain the migration proposition. The Bering Strait Theory is based upon the fact that as a result of changes in the global climate, Asia and America had once been united by a land bridge. At different points in time, low sea levels exposed the Bering Strait thereby allowing people to freely travel back and forth. It is assumed that North America was populated between 40,000 - 70,000 years ago, and Central and South America between 15,000 and 25,000 years ago. This would imply that first there was an east-west migration and then a north-south one.

As mentioned earlier, many Indigenous peoples believe that they have always inhabited the Americas. Some even believe that the world started here and spread elsewhere. Other theories are based upon lost continents (Atlantis) and two-way trans-oceanic voyages. For example, the population of Easter Island off the coast of Chile is predominately Polynesian. This confirms that there was some degree of trade relations between America and Polynesia/Melanesia prior to the arrival of Europeans. Thor Heyerdahl, the Norwegian explorer, has spent his life proving that Indigenous peoples were capable of crossing great bodies of water on large rafts and in giant reed boats (The Ra Expeditions I and II and Kon Tiki).

It is fair to say that many theories, including the ones mentioned, have supporters and detractors. It is impossible to affirm the exact origin of the First Nations of the Americas just as it is impossible to affirm the exact origin of humankind. Any combination of beliefs and theories may be the truth of the matter.

Land And a Way of Life

Environment was one element that played a significant role in shaping the emerging civilizations. The tropical rain forests of the Amazon, the extensive plains and savannas of North and South America, the Andean highlands of South America, the forest of the Mayan domain of Yucatan and the indigenous flora and fauna (plants and animals) all had a distinct impacts up on human inhabitants and the development of distinctive cultures and societies. The traditional beliefs of Indigenous peoples confirm the perception of the interdependent and equitable relationship between humanity and creation.

Since the beginning there has been a close relationship between Indigenous peoples and their environments. This relationship has ensured survival and the continued material base for spiritual philosophy. This link between Creator-living things-environment underlies the past, present and future development of Indigenous societies. It is this relationship of harmony between people and nature that still continues to influence the lives of Indigenous peoples. It is a balance of life where each is dependent upon and equal to the other.
This inter-dependency and harmonious relationship explains why most Indigenous religions are so closely related to the environment and living creatures. In the Mayan civilization corn played, and continues to play, a central role in religious ceremonies. Pachamama (earth) is the origin of life for the Quechuas and Aymara of South America. The formation of clans around animal totems within some of the North American Indigenous nations such as the Haida and Anishinabeg also speak of this close spiritual relationship between people and their surroundings. Refer to the article "The Accidental Conqueror" in the Development Unit for an alternative perspective upon such matters as discovery, cultural and technological development and conquest of nations.

Indigenous peoples had a vision of the world, a philosophy of life, and an understanding of their roles as an integral part of it. Land, together with the sun and moon, was perceived as a symbol of fertility which provided everything for the survival of humankind. Taking this a step further, all people should have access to the gifts of the earth in order to exist and subsist. No one should be deprived of this creation. This basic value of sharing gave rise to the establishment of communal societies. These were systems that were adapted to the environment while maintaining the ecological balance that assured biological and social continuity.

Change and Adaptation

By the fifteenth century, Indigenous societies were socially structured and organized as nations, including empires. The Aztec, Mayan and Incan empires are three examples. There were many civilizations prior to the emergence of these. They were able to build on a solid base that had been developing and evolving for centuries. The Aztec, Maya and Inca civilizations were the result of Indian societies that had been forming, enriching themselves with the knowledge, expertise, and ideas of their ancestors.

European societies have tended to view Indigenous societies as a static, a momentary photograph in history rather than as developing societies presented in a motion picture of evolving historical processes which include human relationships, and changing relationships with nature. These Indigenous societies provided fertile soil for the European arrivals to grow in and develop their own evolving American cultures. Knowledge of indigenous American plants and animals provided food for Europeans starving on the Continent, medicines to aid survival in the "New World" and many other benefits overlooked by a "superior" Eurocentric perspective. Unfortunately, this Eurocentric attitude of superiority allowed the Europeans to exploit the knowledge and resources of the Indigenous peoples without granting them equality and respect. Respect for the values, practices and knowledge of Indigenous peoples was often transitory, sacrificed for political and economic expediency.
For example, Montezuma, the Aztec leader, openly welcomed Cortez, the Spanish explorer. In return Cortez imprisoned him and demanded a ransom for his release—all the silver and gold his followers could bring. It is reputed to have been the largest ransom ever paid, and in the end Montezuma was killed by the Spaniards. Another example of this Eurocentric duplicity is Jacques Cartier. During the winter of 1535-36 Cartier and his men were dying of scurvy.

"...Dom Agaya (an Indigenous Indian) whom he (Cartier) had seen ten or twelve days previous to this, extremely ill with the very disease his own men were suffering from; for one of his legs about the knee had swollen to the size of a two-year old baby, and the sinews had become contracted. His teeth had gone bad and decayed and the gums had rotted and become tainted...the Captain inquired of him what had caused him of his sickness. Dom Agaya replied that he had been healed by the juice of the leaves of a tree and the dregs of these, and that this was the only way to cure sickness...two squaws with our Captain...brought back nine or ten branches. They showed us how to grind the bark and the leaves and to boil the whole in water. Of this one should drink every two days, and place the dregs on the legs where they were swollen and affected." (The Indigenous peoples had discovered a natural source of vitamin C.)

"The Captain at once ordered a drink to be prepared for the sick men...As soon as they had drunk it, they felt better...after drinking it two or three times, they recovered health and strength and were cured of all the diseases they had ever had. When this became known...in less than eight days a whole tree as large and as tall as any I ever saw was used up, and produced such a result, that had all the doctors of Louvain and Montpellier been there, with all the drugs of Alexandria, they could not have done so much in a year as did this tree in eight days." (Challenge and Survival, pp. 14-15.)

On a previous expedition Cartier had lost 25 men to scurvy. When Cartier returned to France, he kidnapped Chief Donacorda and four other members of the Stadacona people, so that they might relate the tales of immense riches of the Saguenay country. Donacorda was a great storyteller. When Cartier returned to Canada in 1541, he camped 9 miles upstream from Stadacona, avoiding contact with his Indigenous benefactors. Donacorda and the other four Indian representatives had died in France.

Before Contact With Outsiders

There were many legends among the Indigenous peoples of the Americas predicting the arrival of outsiders.

"Then, one day in the year 1518, the agitated tribute-collector Pinotl arrived from the coast to inform Montezuma of the approach from the sea of winged towers containing men with faces and heavy beards [Grijalvas' expedition]. Pinotl had spoken with the mysterious strangers, who later departing, promising to return. This event presaging an early fulfillment of Quetzalcoatl's prophecy that he would return, caused the Aztec leaders grave misgivings."
This encounter was connected to what Aztecs identified as "evil omens" that preceded the coming of the Spaniards. One of these omens stated that:

"Often we discovered men of monstrous form, having two heads [but] only one body. They took them there to Montezuma, they were beheld; but when he looked at them, they then vanished."

(Readings in Latin American Civilizations)

Because of this prophecy, Aztecs in their first encounter with Spaniards thought that man and horse were one creature with two heads.

Stories such as this can be found throughout the Americas. In most cases they were dramatic and tragic tales of future encounters which prophesized their own destruction.

Social Structure

It is not possible to categorically state which social structure was most common to Indigenous peoples prior to their contact with the Europeans. Some had clans, tribes, empires, however, each system clearly determined the role of the individual within the social group. For example, the Inca perceived their emperor as a direct descendant of the sun, so 'king' and 'god' were in one individual. This meant that the emperor held a very high level of power. Most of the Indigenous nations that had developed complex urban centers also created highly stratified societies.

Such was the case of the Maya whose population was divided into four main social classes: the nobility, priesthood, commoners and slaves. This structure provided an hereditary ruler with civil, religious and military functions. A similar hierarchical order can be identified among the Aztec and Incan empires.

Even though it may appear that these social systems were closed and rigid this was not the case. With the exception of the highest government positions, which were reserved for the royal family, social mobility within the senior positions was possible for every citizen who had demonstrated worth by being elected or selected to serve in public office.

The Inca empire, for example, despite its social and military structure, was not despotic by nature. Concern for the welfare of the people was demonstrated by the rulers. Special institutions were created that provided people with work and that re-distributed the wealth to provide everyone with the essentials of life.

In North America the extended family unit was the basis of social formations. Families would come together in times of harsh circumstance. Bands were highly organized but did not necessarily exist on a permanent basis. Bands were made up of family units. Occasionally different bands would join together in a tribal formation for the hunt and disperse during the winter months. In the summer months, national reaffirmation would be made at special gatherings and ceremonies.
Though the social formations varied from group to group, most maintained communal use of land, jurisdictional territory, and membership in a distinct nation. A central Indigenous belief was that people could not own the water, the air, or the land. They are given by the Creator for everyone, for the present societies and future generations.

Spiritual beliefs and practices and in some cases organized religion, were a prominent feature in Indigenous peoples' lives. Priests, Elders, men and women who practised medicine were revered and had great social influence and authority. In many cases the behavior of entire nations was determined by their beliefs and rituals. Social life was organized around the Creator (starting around the late 1700's), God, Gods and God's representatives upon the earth (God-Kings). Social structures often emulated the differing ranks of the Gods.

"Rain God, Tlaloc, (Aztecs) his favor was considered essential to survival on the semi-arid Mexican plateau. An imposing hierarchy of priests, said to have numbered five thousand in Tenochtitlan (Aztec capital) alone, acted as intermediaries between gods and men."

(Readings in Latin American Civilization, p. 18).

Both religious and secular activities were intended to ensure survival as communities and as nations in their own right. The social structures were designed to consolidate survival through a deep knowledge and respect for the environment and by providing a fair distribution of the products of the earth. This was of particular relevance among Indigenous peoples in North America:

"No hospitals are needed among them, because there are neither mendicants nor paupers as long as there are any rich people among them. Their kindness, humanity and courtesy not only make them liberal with what they have, but cause them to possess hardly anything except in common. A whole village must be without corn before any individual can be obliged to endure privation. They divide the produce of their fisheries equally with all who came."

(Jenness, Indians of Canada, p. 163).

The underlying precept of co-operation caused the social structures of Indigenous peoples to be ill-prepared for the duplicity of perceived friends and trading partners. Some Europeans became involved in wars of destruction right from the moment they arrived.

Economy

Most of the Indigenous economic systems in existence, prior to the arrival of the Europeans, were based upon agriculture and hunting. In addition, some societies had already developed sophisticated techniques of metallurgy. A visit to the Museum of Gold in Bogota, Colombia, shows the extensive knowledge and expertise acquired by the Indigenous peoples in gold crafting.
One of the unifying elements in the cultures of Indigenous nations was mercantile activity. The exchange of goods played a role, not only to provide, sell and acquire goods, but to influence each others' cultures, customs, values.

These societies had specific locations where this exchange took place. Markets places were created and dates were set for the exchange of specific kinds of goods, regionally and internationally. Tlatelolco in Mexico, was probably the largest and best known during the early 1500s, with a daily attendance of more than 60,000 people. This was not a local market: products from all over Mexico and Central America were traded here. The market infrastructure illustrates the extent of knowledge and expertise that the Aztec and other Indigenous nations required in order to administer and operate such a service. This infrastructure was supported by a tax on goods which provided the necessary income to maintain an efficient market on a permanent basis.

This level of trade also required a well-established road system, fluvial (river) routes and sea lines. The Inca had a highly developed road system that extended from present day Quito, Ecuador to Cuzco in Northern Chile. These roads were built and developed not only by the Inca or Maya, but by many different Indigenous nations who contributed by expedition and transportation of goods and people. Many of these roads were constructed through the mountainous Andean region to connect towns and villages that were hundreds of miles apart.

North American Indigenous peoples, as well had their forms of trade and commerce. Although faced with their own climatic and geographic conditions they still managed to produce and exchange marketable goods. Art sculptures of a particular red stone found only in the present day Dakotas have been unearthed as far away as Florida. Sea shells indigenous to the Caribbean are commonly found on the prairies. It is not difficult to identify similarities between European Empires such as the Roman Empire, and American Empires such as the Inca or Aztec Empires. Perhaps only circumstances and different environments determined which would be the conqueror and who would be the victim. Refer to the article "The Accidental Conqueror" in the Development Unit for a further investigation of this premise.

Science, Philosophy, Technology

One of the finest examples of Indigenous spirituality is the Mayan sacred book Popol Vuh. This expresses Maya mythology, religious beliefs and traditional history and is considered to be "one of the rarest relics of aboriginal thought and the most distinguished example of Native American literature that has survived the passing of the centuries" (Latin American Civilization).

All Indigenous nations have creation stories which have influenced and determined their relationship with the environment and their scientific and technological development. Harmony and balance is an element that permeates the philosophy of relationships with the Creator, the environment, human beings and the animals.
Harmony with Mother Earth and balance in using land resources are the underlying understandings that precedes any Indigenous people's development. Development of the sciences and technologies were based upon this harmonious relationship. Emerging from this perception arose astronomy, the study of the harmony of the sky with humanity, mathematics and various forms of medicine, many of which are still in use today. The Maya used the concept of zero, necessary in their knowledge of astronomy. This enabled them to create one of the most accurate calendars in the world, much more accurate that the calendar used by most peoples today.

Throughout South America specialized irrigation systems and terracing techniques were used. Wide use of hundreds of kinds of seeds was based upon thousands of years of development. These developments were not exclusive to the Maya or Inca. Other Indigenous nations contributed sophisticated expertise in different fields as well.

Face to Face

Much has been written about the motives of westerners pursuing their search for new horizons. It has been described as being the fulfillment of a romantic spirit of adventure; others have related it to the desire to Christianize the "pagan" inhabitants of the "new world".

Historical documents of the times, reveal the underlying purpose that made these men cross the seas, the search for wealth, and in particular precious metals and spices. Once these were found, an available labor force was required to extract and produce them in order to take them back to the financial centers of Europe. Additional labour was found in the exploitation of black Africans in the slave trade.

In many ways the first encounters of Indigenous peoples and the colonizers was not just an encounter of people with a different skin color. It was much more than that. It was a clash of very different visions of life, of perceptions, values, and of principles upon which societies operated.

European society was individualistic, property was individualized, and wealth and expansion were essential requirements for the continuation of the monarchies. There were fierce battles for power to control sea lines used for trade. Religions, especially the Protestant and Catholic churches had great influence. Land, environment, natural resources, and in some cases people, were considered material assets to be bought, conquered and sold as any other product.

It was the clash of two very opposite worlds that could not, at that time, co-exist under the conditions and circumstances in which the colonization process was taking place. This clash of cultures is often the basis of conflicts surrounding international economic development ventures occurring in Indigenous peoples' territories today.
The Spanish, British, Portuguese, French and Dutch were involved in world scale economic competition during the 1500's and 1600's. The control of people, land and resources played a predominant role in determining who was in control or who held power, at any given time. Indigenous peoples became one more resource to control and possess to further European spheres of influence.

During this time, and in particular during the late 1400s and beginning of the 1500s, the most prominent Indigenous societies were going through profound social crises. Severe internal struggles, such as was the case with the Inca, allowed the Spaniards with their armour and superior weapons, to take control in a relatively short time. The Incan areas of influence had reached such distant and remote locations they no longer were in a position to maintain the unity of their government structure. Divide and conquer became the operative strategy to conquer this "new world". There were many bloody confrontations and organized resistances to regain Indigenous control. An example of this is the emergence of the "Ghost Dance" in the plains of both North and South America. It represented a means to unite and strengthen Indigenous nations in order to defeat the outsiders. Refer to Native Studies 10, Unit 6: Social Life.

The shipment of goods to European cities began almost immediately after the colonists arrived. Entire Indigenous nations were transformed into a massive cheap labor force working in the mines and on the haciendas, as subordinate trade partners, providers of furs, spices and valuable resources, fulfilling the needs of increasingly demanding markets.

This pattern of transforming Indigenous production systems into factories producing alien crops and resources for export, is evident today in the operations of multi-national corporations and development agencies such as the World Bank and the World Development Fund. First World industrialized countries and companies, support financially and administratively, projects and industries in Third and Fourth World nations that benefit not the citizens or Indigenous peoples of these nations, but the interests of the foreign investors. Food crops are exchanged for inedible export crops and increasing national debts created by borrowed international monies deprives developing peoples and nations of the capital necessary for social programs of all sorts. Land reform becomes impossible when huge territories are controlled by an elite few who are backed by the power of a state supported by external interests. Refer to the Development Unit, especially the articles on Third World Debt.

Economic exploitation, psychological degradation and physical oppression are the marks that have stayed with the Indigenous peoples into recent times. The destruction of a traditional economic system was accomplished by the decimation of the bison and buffalo. The placement of Indigenous children into residential schools led to a breakdown of communal structures and authority systems. The historical, intentional exclusion of Indigenous peoples from meaningful participation in society has resulted in their often oppressed and deprived status.
When the monarchies in Europe began losing control, and the new colonies in the Americas developed their own spheres of power, established armies and economies, the colonists rebelled and sought independence. Many Indigenous nations, believing they had a great opportunity to regain their autonomy, participated actively and played crucial roles in these wars of independence from European domination. Many of the new nation states in the Americas were established in the 1800s with the assistance of the Indigenous population which provided their experience, expertise and knowledge. In North America they played a pivotal roles in the French-British wars and the British-American wars. Despite all the promises that were made, the fate of the Indigenous peoples unfortunately did not change greatly. The centers of power had changed geographically, from the European capitals to the newly created American capitals. Wealthy elites continued to dominate Indigenous peoples. Wealth was no longer exported overseas; it was kept at home.

There were strong dissenting voices to this process of colonization which advised against the policies of extermination and assimilation. Father Vittoria, an influential priest of the time, advised the Spanish monarchs that it was wrong to assume or presume that the "new world" was an "empty land" and therefore at the disposition of anybody to occupy. Jesuit priests were expelled from the Spanish colonies for defending the rights of Indigenous people during these times. At another time, the Jesuits fought wars to maintain their monopolistic trade with China.

A few newly created nations passed positive legislation protecting the rights of Indigenous peoples, as a reward for their participation in the wars of independence. Treaties were signed to acquire the land from the Indigenous nations. In exchange for the transfer of these abundant resources, promises were made by these new nations. In many cases, however, once the land was acquired these agreements were conveniently forgotten, or legal limits and definitions were applied to the use of the Indigenous nations' resources. For example, the Indigenous people of Northern Ontario (Treaty 9 area) received $40,000 in 1905 in addition to other treaty rights in compensation for surrendered land. Within 18 years one town alone, Cobalt, produced more than $206,000,000 from the silver extracted.

Such a development by the Indigenous people themselves would have been impossible for two important reasons: lack of investment capital and Indian Affairs interference. Banks would not provide loans because Indian peoples did not have collateral: everything on the reserve was held in trust by Indian Affairs. Indian Affairs regulations prevented Indigenous peoples from controlling their own economic development and resources. Successive Canadian governments have actively sought to renege on treaty responsibilities.

It is remarkable that most Indigenous nations have preserved their languages, culture, customs and, in a number of cases, traditional organizational structures. They have been able to survive, to withstand the most determined efforts to eliminate them as distinctive nations, peoples and cultures.
Where Are We Today

Indigenous nations in Canada have assumed a leading role in movements for self-determination. They are trying to implement their own forms of self-government, to create their own institutions and to administer their own programs.

Recently, laws have been passed in Argentina which declare national recognition of Indian rights; in Ecuador, Indigenous languages are official languages, and there are many other examples in which the Indigenous community, through hard work and national and international political pressure, have been able to obtain and secure fundamental acknowledgement as distinctive societies within the nation-states of the Americas.

Some of the challenges faced by Indigenous communities are related to the kind of development they want to see taking place in their territories. Abuses against Indigenous peoples has brought about the establishment of special fact-finding missions by the United Nations Commission on Human Rights. The most positive result of these efforts was the establishment of the United Nations Advisory Group on Indigenous Peoples in 1982. U.N.A.G. functions under the U.N. Commission on Human Rights and its Sub-Commission on Prevention of Discrimination and Protection of Minorities. Its purpose is:

1) To review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of the Indigenous populations;

2) To give special attention to the evolution and standards concerning the rights of Indigenous populations.

Indigenous peoples in North, Central and South America have actively participated in the sessions. They have created awareness and educated the international community which in the past remained uninformed of the many issues affecting Indigenous peoples. Twenty principles guide the deliberations of the U.N. Human Rights Sub-Commission.

1. Indigenous nations and peoples have, in common with all humanity, the right to life, and to freedom from oppression, discrimination and aggression.

2. All Indigenous nations and people have the right to self-determination, by virtue of which they have the right to whatever degree of autonomy or self-government they choose. This includes the right to freely determine their political status, freely pursue their own economic, social, religious and cultural development, and determine their own membership and/or citizenship, without external interference.

3. No State shall assert any jurisdiction over an Indigenous nation or people, or its territory, except in accordance with the freely expressed wishes of the nation or people concerned.
4. Indigenous nations and people are entitled to the permanent control and enjoyment of their aboriginal ancestral-historical territories. This includes surface and subsurface rights, inland and coastal waters, renewable and non-renewable resources, and the economies based on these resources.

5. Rights to share and use land, subject to the underlying and inalienable title of the Indigenous nation or people, may be granted by their free and informed consent, as evidence in a valid treaty or agreement.

6. Discovery, conquest, settlement on a theory of terra nullius and unilateral legislation are never legitimate bases for States to claim or retain the territories of Indigenous nations or peoples.

7. In cases where lands taken in violation of these principles have already been settled, the Indigenous nation or people concerned is entitled to immediate restitution, including compensation for the loss of use, without extinction of original title. Indigenous peoples' desire to regain possession and control of sacred sites must always be respected.

8. No State shall participate financially or militarily in the involuntary displacement of Indigenous populations, or in the subsequent economic exploitation or military use of their territory.

9. The laws and customs of Indigenous nations and peoples must be recognized by States' legislative, administrative and judicial institutions and, in case of conflicts with State laws, shall take precedence.

10. No State shall deny an Indigenous nation, community, or people residing within its borders the right to participate in the life of the State in whatever manner and to whatever degree they may choose. This includes the right to participate in other forms of collective actions and expression.

11. Indigenous nations and peoples continue to own and control their material culture, including archeological, historical and sacred sites, artifacts, designs, knowledge, and works of art. They have the right to regain items of major cultural significance and, in all cases, to the return of the human remains of their ancestors for burial in accordance with their traditions.

12. Indigenous nations and peoples have the right to be educated and conduct business with States in their own languages, and to establish their own educational institutions.
13. No technical, scientific or social investigation, including archeological excavation, shall take place in relation to Indigenous nations or peoples, or their lands, without their prior authorization, and their continuing ownership and control.

14. The religious practices of Indigenous nations and peoples shall be fully respected and protected by the laws of States and by international law. Indigenous nations and peoples shall always enjoy unrestricted access to, and enjoyment of sacred sites in accordance with their own laws and customs, including the right of privacy.

15. Indigenous nations and peoples are subjects of international law.

16. Treaties and other agreements freely made with Indigenous nations or peoples shall be recognized and applied in the same manner and according to the same international laws and principles as treaties and agreements entered into with other States.

17. Disputes regarding the jurisdiction, territories and institution of an Indigenous nation or people are a proper concern of international law, and must be resolved by mutual agreement or valid treaty.

18. Indigenous nations and peoples may engage in self-defense against State actions in conflict with their right to self-determination.

19. Indigenous nations and peoples have the right freely to travel, and to maintain economic, social, cultural and religious relations with each other across State borders.

20. In addition to these rights, Indigenous nations and peoples are entitled to the enjoyment of all the human rights and fundamental freedoms enumerated in the International Bill of Rights and other United Nations instruments. In no circumstances shall they be subjected to adverse discrimination.

Other agencies that have been discussing the Indigenous questions at the international level include the International Labor Organization (ILO), the Organization of American States (OAS) through its Human Rights Commission and the United Nations Educational, Scientific, Cultural Organization. Much more needs to be done, and because of this the Indigenous peoples have established their own international agencies.

The World Council of Indigenous Peoples (WCIP), which had its headquarters in Ottawa, was founded in 1972 by a Canadian Shuswap, George Manuel, from British Columbia. Today it not only works on behalf of the Indigenous people of the Americas, it also deals with the concerns of Indigenous peoples from other parts of the world. It is an elected body which meets regularly to discuss policies, work plans and strategies to bring to the international arena issues affecting Indigenous people worldwide.
Dreams For The Future

Indigenous peoples have a special contribution to make to the rest of humanity. Their understanding of nature and its surroundings provides them with a basic knowledge and respect for the global environment. The ways through which they have survived numerous attempts to destroy them as peoples with their own distinct cultures can teach us lessons in maintaining the inner strength required to overcome obstacles that sometimes appear insurmountable. When travelling throughout the Americas one will find many Indigenous people who still maintain a strong sense of community, who continue exploring ways to be self-sufficient, and in most instances, without outside assistance.

They have created more than just fascinating structures, complex road systems, more than just sculptures, art, and knowledge in many fields; they have created a way of life that is compatible with the survival of the planet.

Source:

Adapted from "Indigenous Nations of the Americas" by Del C. Anaquod and Rolando Ramirez, Saskatchewan Education, 1988.
 Contributions of Aboriginal Peoples

Over the years the traditions and philosophies of the Aboriginal peoples of the Americas have either been discarded or misunderstood. The contributions Aboriginal peoples have made in the fields of science, agriculture, architecture, engineering, art and medicine have not been given proper recognition.

Historical, linguistic and anthropological evidence points to the fact that Indigenous societies were complex in nature, requiring mastery of specific techniques which would ensure survival. In many cases it was these techniques which laid the groundwork for future developments in fields such as architecture, medicine, agriculture, astronomy, engineering and art. Both past civilizations and present Aboriginal nations have and continue to contribute in their own ways to the growth of society as a whole.

The Aztec, for example, were a creative and religious people. The Sacred Almanac, or the religious calendar of the Aztec provided an interesting method of calculating time. The year was divided into a planting/growing period of 105 days and a harvesting and devotional period of 260 days. The Aztec Calendar Stone is perhaps the best example of their ingenuity, combining the science of astronomy with art and religion. The Stone allowed them to predict eclipses as far in advance as 850 years. It was accurate to within a second per year, much more accurate than any European calendar at the time.

The architectural advancements made by the Aztec nation are worthy of mention. When the Spaniards came from Europe they were astonished by the beautiful cities divided by paved streets, the pyramids topped with temples and surrounded by various plazas, the huge libraries and courts of justice, and the unique floating gardens.

The Maya, like the Aztec, were great architects. Cities and ceremonial centres can still be found resting in strategic locations. The cities varied in size and purpose. Cities like Tulum and Mayapan were a classic example of enormous cities with huge pyramids soaring up to three hundred feet high. The Maya used a limestone which, when crushed, turned into a cement. This cement bonded tightly with the cut stone, making the structure appear monolithic.

Once the cement was polished, glazed and a solution was applied to the walls, the appearance would become glossy and later turn into a bright red brick. Mayan temples and pyramids were also built extremely high (some up to 6 storeys) as an expression of their belief system and their form of worship. They believed in the Creator and built the pyramids as high as possible to better commune with the God or Gods worshipped.
In addition to their architectural advancements the Maya were advanced beyond their time in astronomy. Ancient Maya astronomers calculated the length of the year to be 365.2420 days long (only 2/10,000 of a day short of the true period) using Venus and the North Star as anchor points for calculations. They also originated the mathematical concept of "zero" long before the Europeans could grasp its significance.

The Maya had a genuine written language, a form of hieroglyphic ideographs. They had defined pictures and signs which stood for certain sounds. Their glyph-writing was the most advanced in the Americas, albeit not unique. Other nations in Mexico had a system of writing, though not in such an advanced form. Three Maya books still exist today and the great city of Caracol is in the process of excavation.

These people were also considered to be sports-minded. They were noted for developing numerous games, the most popular (pok-a-tok) being similar to basketball. No one knows where this game began, but the Mayas are credited with being one of the first peoples to play it. The balls were the size of bowling balls and were solid, made of a gum called uili. The ball court was long and rectangular in shape, with seats on either side. The middle of the court was as high as thirty feet from the floor. A stone ring was set, not horizontally as in basketball, but vertically. Other playing courts have large circular stones set into the surface. There is still debate about the purposes of these stones, however, they were used in some sort of scorekeeping, had spiritual and social importance and are often found bearing the official seal of the Maya. Playing ball games was a spiritual, social and political act, often between warring bands and enemy nations. This is similar to games played by plains Indian peoples. Refer to Native Studies 10, Unit 6: Social Life, "The Rite of Tapa Wanka Yap: The Throwing of the Ball" 2:5*

Although the wheel and the axle were used in toys for Maya children, adults did not implement this principle for everyday uses such as transportation. This may have been because the rough, mountainous terrain in Central America was not suited to forms of transportation which required wheels, or possibly it was a result of the lack in Mexico of domesticated animals such as horses, oxen and donkeys which would be needed to pull vehicles such as carts along the rough trails. Refer to the article "The Accidental Conqueror" which appears in the Development Unit for an expanded discussion of this concept.

Dentistry methods were also known and used by the Maya. They performed a technique of dental inlay using jade, turquoise and humite. Some treated their abscessed teeth by lancing and cauterizing the tooth before the removal was made possible by using a bone punch.
Unlike the Maya and Aztec civilizations, the Inca civilization was noted for its superior communication system. The Inca built roads that extended thousands of miles, permitting rapid movement of troops throughout their territory. Runners were stationed every few miles along the road to carry messages in succession. This allowed for instructions to be relayed quickly. It has been suggested that with this system the Inca had the fastest communication in the world at that time.

Accommodation was provided for travellers of these roads, as well. Houses similar to small hotels were built along the roadsides, and anyone who stayed in one over night had to pay taxes to the state. Inca architecture was also outstanding. The cities they constructed (some more than 6,000 years old) were made out of stone structures. One architectural writer thought "...the Incas were the best planners South America ever knew... [after] four hundred years of European domination... the urban spirit of the Incas still pervades Cuzco and many smaller towns in the region."

The Inca were noted for developing many types of bridges, such as suspension, pontoon, cantilever and clapper types (for crossing small streams). In order to expand their empire northward they had to construct new bridges over mountainous terrain. One such bridge, which used cables to join two mountains, endured for the full five hundred years of the Inca regime. The bridge was constructed around 1350 A.D., and was not abandoned until approximately 1890.

The Inca practiced brain surgery and performed amputations. Skulls and human bones have been found that show skillful work.

While the Aztec, Maya and Inca civilizations contributed in their time, the Aboriginal peoples of Canada and the United States were developing civilizations suited the their environments. These Indian peoples knew the proper techniques for living off the land and were responsible for the domestication of corn, manioc, yams/sweet potatoes, peanuts, squash, peppers, tomatoes, pumpkins, pineapples, avocados, cocoa, chickle (chewing gum), cotton, beans (many varieties) and tobacco. They cultivated amaranth, papayas, chives, chilies, cashews, sarsaparilla, vanilla beans, rubber and many herbs used for medicinal purposes. The Indian peoples taught the Europeans how to survive and it has been acknowledged that without their help the Europeans would have been faced with immense problems upon arrival in the New World, problems they that might easily have prevented them from surviving in the Americas.

Domestication of animals took place. Both the dog and the horse were domesticated in North America, while the duck, guinea pig, llama and alpaca were domesticated in South America. It is known that the horse evolved in the Americas, but it eventually migrated to Asia and became extinct in the Americas. The Spanish reintroduced the horse to America in the fifteenth century. Hopi legends confirm that their ancestors had used horses.
Indian peoples developed methods of food preservation, saving both time used in hunting and gathering, and space needed to store items. Food could be saved for years. An example of this is pemmican, a mixture of berries, ground meat, spices and lard, which was dried and used for long trips or hung in caches and used if rations of food were depleted.

Contributions have also been made by Indian peoples in the medical field. The medical profession is slowly realizing the magnitude of Indian medical techniques and herbal usage. Vogel, author of American Indian Medicine, points out that there are more than two hundred Indian drugs in the official pharmacopoeia (drug encyclopaedia) of the United States and the National Formulary today; one hundred and seventy from North America and fifty from Central and South America. He also notes that there are more that have not been officially recorded.

Obsidian (volcanic glass) blades used and manufactured by Indians in the past have been found during archaeological digs. These blades were much sharper than the metal knives used by early settlers. Medical doctors today use obsidian blades in surgical procedures because they are consistently finer than surgical steel.

Salacin was collected from the willow tree and today it is used as aspirin. Other drugs introduced by the Indian peoples are curare (muscle relaxant), cascara agrada (laxative), ephedra (nasal remedy), and seneca root which was used as an oleaginous ointment base to heal headaches, rheumatism and strained joints. The effective healing of wounds, boils, stomach ailments, broken bones, fevers, intestinal worms and nervous disorders is evidence of their medical skill. Refer to Native Studies 10, Unit 1: Spiritual Life, Generalization #8, Indian Medicine.

Indian peoples also knew about birth control and practiced it. Indian women used various herbs to control the number of children they had, which may be why the Europeans noticed that some of the women had only two or three children. Abortion and Caesarean sections were also known among some North American nations.

In addition to medical and agricultural achievements, Indian peoples of North America also contributed in the area of sports. Lacrosse, a game still popular today, was developed by Indian nations of Eastern Canada. As well, the canoe and kayak are still sold to hundreds of sports enthusiasts each year. Refer to Native Studies 10, Unit 6: Social Life, Games and Competition.
Astronomy was also developed by the Indian peoples of North America. They had a vast knowledge of the stars, magnetic fields and calendars. The Pawnee and other plains Indian nations utilized the stars by making star charts on hides for careful observation of the sky. Others used the Medicine Wheel as a primitive astronomical observatory. Refer to Native Studies 10, Unit 1: Spiritual Life, Generalization #3, Medicine Wheels Decoded 3:3.

Although all of the contributions made by Aboriginal peoples over the years are not recognized here, further research in the area shows that virtually all aspects of life have in some way, large or small, been touched by the First peoples of the land. While some empires have gone down in defeat, remnants of their civilizations still exist and will not be forgotten. Others which still exist continue to grow and contribute to societies around the world.

Sources and Further Readings


National Geographic, December, 1980.


The greatest contribution Indian peoples have made to the world is in the realm of food. The tremendous population of the present day would be unable to feed itself if it were not for the food originally developed in the Americas by Indian nations. The foremost food is corn. Many believe that corn grows wild and that it was picked by travelling Indian bands as they chanced across fields of it. Nothing could be further from the truth. Corn varieties were developed by Indian farmers over many millenia. It was grown in dry areas, irrigated areas, in valleys and on hills. More vigorous growing and heavier producing hybrids were developed in many agricultural communities. Systems of irrigation canals increased production in dry areas. Use of corn has spread throughout the world and it provides basic sustenance for millions of people and is a basic fodder for countless millions of animals. The technique of flaking kernels and roasting them has been adapted by industrial societies to provide a quick nutritious breakfast food. The delight of Indian children in popping a variety of corn kernels has spread throughout the world and a multitude of popcorn confections are popular today.

Potatoes were cultivated extensively in areas south of the present United States and was one of the foodstuffs which revolutionized agricultural practices and food habits of Europeans, especially in Ireland, where it was the staple for years. It is now the single most valuable agricultural product of many countries.

Indian peoples domesticated the cucumber and the tomato. Both were considered poisonous by Europeans for well over a century. The tomato was considered to be the fruit of Satan and the temptation, and was referred to as the "love apple". European settlers in northern areas soon developed a liking for Indian peoples' sugar and syrups derived from maple trees. Peanuts were cultivated by as well, although the major crops are produced today in Africa. Like many foods of the Indigenous peoples, the first settlers in America did not eat peanuts but people in other lands quickly recognized their value. Chocolate, vanilla, pineapples, avocado, wild rice, tapioca, pecans, cranberries, chili and peppers were all foods used by Indians and not originally found in Europe. Whether the use of tobacco in pipes, cigars, cigarettes or as something to inhale or chew has been a blessing to the world appears debatable. Nevertheless, its extensive use is indicative of world wide cultural diffusion.

**Mining**

Indian peoples in Canada worked natural copper and possibly mined it. In the United States they mined coal, copper and mica. Most groups in the vicinity of coal areas used it as a fuel to some extent.
Semiprecious jewels were sought and used as ornaments. Gold was used as a decoration in parts of the United States and Canada. From Mexico southwards Indians mined gold, silver, tin, platinum and semiprecious stones such as jade.

Oil was used as a dressing for wounds and as a laxative. Brine water was evaporated to yield salt in sites all across the Americas. Early settlers used former Indian mine sites to develop the first European operated mines.

**Medicine**

In the field of psychiatry the Indian practitioners evinced some degree of skill. Considerable magic and myth was mixed in with practical common sense. It is largely from observations of the practise of psychiatry that most early explorers and missionaries wrote such derogatory reports concerning Indian medicine. They could accept and appreciate the value of medicines which had observable results, however, the chants, rituals, masks, and dances used in the treatment of mental illnesses appeared ridiculous, heathenish and repellent to Europeans. In most cases the patient firmly believed the healer could cure the ailment and recovery took place. It was a faith which is not unlike that often utilized by present day doctors to assist in the process of mending ill minds. It has been proven that the mind has great powers of healing over many parts of the human body. Mental therapies are used in the treatment of many serious diseases and positive results have been documented. Refer to Native Studies 10, Unit 1: Spiritual Life, Generalization #8, Indian Medicine.

**Transportation**

After initial contact between Indian peoples, Europeans discarded their clumsy wooden row boats and quickly utilized the paddle driven canoe. Its value in terms of cargo load, swiftness and east of transport over portages was a significant factor in the development of the interior of the continent. It allowed Europeans to travel swiftly over long distances and explore the well travelled water highways of the Indian nations.

In winter, snowshoes allowed easy travel through areas of deep snow where without them people would flounder hopelessly. When Europeans first sought to cross the trackless plains or traverse the mountains, the task was one of travelling through difficult terrain rather than one of seeking passes. There was no need to try fifty mountain valleys and by the process of elimination find one which connected with another valley and thence with another until the mountains were traversed. Explorers simply hired Indian guides who took them along well established paths.
Design in Art, Architecture and Music

Invading Europeans soon adopted Indian clothing which was more obviously suited to the environment. In the cold north the parka of the Inuit and Déné soon replaced toque and scarf. Long pants which merged with soft knee-high moccasins and mukluks soon displaced the European knee breeches. After centuries of complaining about the immorality of the breech clout worn by Indian peoples during hot weather, modern North Americans have adopted it as suitable for beach wear under the euphemisms of trunks and bikinis.

Indian peoples' designs influence modern jewelry; their semiprecious stones are used extensively and tanned, frilled leathers are fashionable with various groups in society. Indian peoples' housing designs have also been adapted to modern use. The army's Sibley tent is an adaptation of a tipi. The Quonset hut is an Indian design of remarkable adaptation which allows a relatively flimsy structure to withstand strong winds and heavy rains with little damage. The cube style of Pueblo apartment blocks with a terrace set back on each level grace the horizon of modern sky scraper cities. Of all the architectural derivations from Indian peoples' designs, only Frank Lloyd Wright has acknowledged his debt to the Indigenous nations. Wright has maintained that the architectural grandeur of the Maya has never been excelled by any race in the world.

Canadian Indian art, as exemplified by Mrs. "Odjig" Beavon, Jackson Beardy, N. Morriseau, Don La Forte and Allan Sapp, to name just a few, has gained an honoured place in modern art circles. The designs of the cradleboard have been adapted to a light aluminum frame which many a mother now finds perfect as a way of transporting her child in safety through urban crowds, and hikers and campers load with the paraphernalia.

Language

Indian languages have had a considerable influence on English and particularly North American English. This is because of words taken directly from an Indian language or the use of direct translation into either French or English of words and phrases particularly descriptive and picturesque.

English uses Indian words for the name of Canada, four provinces and two territories. Indian words are liberally scattered across our country and their melodious qualities give an aura of romance and mystery to our maps. Noble names like Miramichi, Nipigon, Shamattawa, Pukatawagan, Okanagan; hauntingly beautiful names such as Illecillewaet, Winnipegosis, Nipissing, Temiskaming, Saskatchewan, Cowichan and Qualicum; intriguing names like Manigotagan, Kootenay, Ottawa, Wabowden and Chippewa. In more mundane ways we use Indian words for animals; caribou, chipmunk, moose, coyote, jaguar, racoon, skunk, and woodchuck. Our trees and plants carry names such as chokecherry, saskatoon, sequoia, pipsissewa, moccasin flower, seneca, Indian turnip, squash, and squaw wine. There are muskogs and savannas and chinook winds.
Indian words exemplifying courage and endurance are used by athletic teams such as the Black Hawks, Redskins, Warriors, and Braves. We drive Pontiac and Jaguar cars, ride Appaloosa ponies, race Malamute dogs and buy Indian paint ponies or pintos. Original place names were translated directly into English or French adding a host of geographical names to our country which intrigue all who read them. Bad Axe, Battle Creek, Pile o’ Bones, Moosehorn, Medicine Hat, Moose Jaw, White Horse Plains, Pembina Hills, Opasquia Hills, Bull Island, Drunken Creek, Lac du Bonnet, Red Wing, Beautiful Plains, and Assiniboine are fascinating examples.

Very few people nowadays are aware that Manitoba was, at one time, developing its own distinctive language. When Manitoba entered Confederation in 1870, the population of the Red River area was 12,000. Of these, 2,000 were European, 5,000 were of mixed Scottish-Indian descent, and 5,000 were of French-Indian descent.

The French-Indian group developed a patois which was a combination of French, English and various Indian languages of which the predominant one was Cree. Words, particularly nouns, were incorporated. Use of the patois is still common in certain villages and rural areas of western Canada. One speaker, when asked if he could speak French, rather hesitatingly replied, "Yes, I speak French, but not French-French." Consider "Avez-vous des allumettes?" as compared with "Ca n'a tu des mechès?"

A similar language development took place with the Scottish-Indian group. Here Orkney English predominated, but some students of those times estimated that 15% of the words were influenced by the Cree sound system and vocabulary. Bungee, as the dialect was called, extended beyond the Red River settlement along Lake Winnipeg and through the villages scattered along the Hayes River. Use of bungee followed quite closely the York Factory-Red River freighting route.

Children of an Orkney Scotsman and a Cree mother usually grew up with a knowledge of both English and Cree, however, many of the Cree characteristics remained strong in their English. The Cree mothers, lacking the sounds of b, d, f, j, q, x, z, the hard "g" and the "sh", passed on some of their difficulties with English to the children. Thus there were generations of people who said "sot" for "shot", "sewer" for "sure", "soogar" for "sugar", "Pill" for "Bill", "tance" for "dance", "sout" for "shout", "marse" for "marsh" and so on. Added to this were common Cree words replacing the English such as "Kaykatch" for "nearly", "aputsequannee" for "head over heels" and "neechimos" for "sweetheart".

Mr. D.A. Mulligan, a former Winnipeg alderman, recounted the following anecdote which is written in a reasonable facsimile of Bungee.

John James Corrigal and Willie George Linklater were sooting-in the marse. The canoe went aputsequannee. The watter was sallow watefer but Willie George kept bobbin up and down callin, "O Lard save me". John James was on topside the canoe, souted to Willie and sayed, "Never mind the Lard just now Willie, grab for the willows".
Many of the Indian words in Bungee were names for birds, animals, plants, etc. Through Bungee have come to our modern Canadian English such words as saskatoon, cranberry, muskrat, muskeg, coyote, and chipmunk. One could speculate that our tendency to exchange "d's" for "t's" in such words as potatoes, little and similar words may be an inheritance from Bungee.

The Bungee dialect has not yet completely disappeared but the advent of radio and television, combined with the efforts of teachers of English, have almost killed it. Still it may be heard among the old people in Winnipeg and even among some younger people in the area from Selkirk north along Lake Winnipeg. It remains strong in such places as Matheson Island in Lake Winnipeg, and still influences the English spoken at Norway House, Shamattawa, and York Landing. In the latter three villages it has an influence upon the Cree spoken in those areas also.

Through political activism and violent revolution, Indigenous peoples have come into direct confrontation with states on every continent to challenge their expanding economic, social, military, and political power. Such confrontations, combined with increasing evidence that large states can no longer manage and control their domains, promise to alter boundaries, eliminate existing states, and change, once again, the structure of global human organization.

In the sweep of time, human history has seen the rise and fall of great states. The empires of Maya, Egypt, Rome, Inca, Ottoman, and Britain grew and then declined. Each in its time came to surround and control vastly diverse peoples. Yet despite the establishment of extensive political networks and complicated methods for controlling the empire, these massive systems of human organization were destined to collapse into simpler forms of social organization. The organization that endures best among human beings is the small group ranging in size from perhaps four hundred individuals to not more than a few hundred thousand. Diverse, adaptable, flexible, and strongly supportive of the human spirit, the most successful unit of human organization has been, and continues to be, the small community or nation.

Peoples who make up small nations, and the customs they practise, are often regarded by larger societies and empires as primitive, barbaric, and savage. Small nations have been dominated, rearranged, dismembered, eliminated, and otherwise destroyed by large states. Yet despite these acts of brutality, human beings continue to group themselves into small societies in unconscious recognition that small nations are the most comfortable and efficient form of human organization.

Unlike the large artificial states created as a consequence of colonization (most of which were created only during the last two hundred to five hundred years), Indigenous peoples make up natural nations descended from the ancient beginnings of humankind. Artificial states such as France, Great Britain, Canada, the United States of America, and the Union of Soviet Socialist Republics have been superimposed like a global patchwork quilt, over the ancient world of original nations. These large states have imposed their will on Indigenous nations and claimed world supremacy in the spirit as earlier empires.

The French state was imposed on the smaller nations of Alsatians, Basques, Bretons, Normans, Kanaks, Polynesians, and Catalans. In what is now called Great Britain we find the smaller nations of the English, Scots, Irish, Cornish, Welsh, Manx, and many others colonized by Britian. Canada and the United States of America were superimposed over the ancient nations of Bella Coola, Shuswap, Cree, Hopi, Dene, Chippewa, Lakota, Aleutte, Cheyenne, and Seminol. Other states, such as Peru (imposed on part of the Quecheua and Aymara nations) and Nicaragua and Honduras (imposed on the Miskito, Sumo, and Rama nations), were established on top of ancient nations that had existed in their territories thousands of years before the idea of these states was conceived.
Of the Indigenous nations present on each continent, many are now engaged in political or violent conflict with the state that surrounds them. They seek to regain their national identity as autonomous or independent nations. Their struggle to be free from the dominating influence and control of a state has begun to tear apart the patchwork quilt and to add to the instability of large states.

In the Middle East, Lebanon is split into warring factions of Indigenous groups. The Kurds, who share territory and boundaries with the Soviet Union, Iran, Iraq, Syria and Turkey continue to challenge those states' political authority within Kurdish territory. The Indigenous Basques seek to separate their homelands from Spanish control, and their sometimes violent challenges to Spain's authority continue to destabilize that state.

Since the end of the Second World War, Indigenous nations have engaged in political and military confrontations with no fewer than one hundred world's artificially established states. Engaged in 'cold wars and 'hot wars', Indigenous nations are a major factor affecting the future of states and the future of peaceful international relations.

Indigenous nationalism became increasingly manifest during the active United Nations - sponsored decolonization period that began in 1950. During this period colonial Africa and South Asia saw the creation of many new states. The boundaries and governmental systems of those new states were often the same as those that existed during the colonial period. The imposition of the new artificial states stirred rather than stilled Indigenous nationalist passions.

Indigenous nationalist movements were rekindled. They took several forms: some were separatist or independence movements; other began as movements for increased regional autonomy within an existing state, still others are irredentist - they seek to change state borders and political authority to accommodate their traditional Indigenous cultural boundaries. In all cases, Indigenous nationalism was largely motivated by the need to reassert land or territorial rights, and to reclaim a nation identity, often expressed as cultural identity.

Indigenous Hot Wars

Indigenous nations are involved in many of the regional hot wars that have flared up around the world since the end of the Second World War. During 1982, Indigenous nations were involved in twenty of the forty-five wars raging in the world. In Europe, Central and South Asia, the Middle East, Africa, the western Pacific Ocean, and central and South America, and along the borders of the Soviet Union, Indigenous peoples waged wars with states. Some of the competing forces in these confrontations are shown in table 1.
In 1983, the Center for Defense Information in Washington reported that during the thirty-eight years following the end of the Second World War, more than 16 million people had been killed in civil wars and wars between states. The magnitude of human killing during this period of 'peace' exceeds that of the First World War, when an estimated 10 million people lost their lives. The total loss of life during little more than three decades represents more than one-third of the total loss of life during the Second World War. Indeed, the post-Second World War generation of 'peace' has been as costly as any world war in terms of human misery.

The weight of human misery has fallen especially hard on Indigenous nations since the beginning of the 1960s. In the twenty hot wars in which Indigenous nations are participants, they are either direct combatants against a state or targeted non-combatants in wars where organized rebel forces seek to overthrow the governing authorities of a state. From 1960 to 1983 more than four million Indigenous people were killed. The grim reality of this figure is that Indigenous population deaths represent more than 25% of the deaths from all wars since the end of the Second World War. The number of human lives lost among Indigenous nations equals the devastation suffered by Indigenous people in an earlier period when Christian European states colonized and exploited vast territories. John Bodley has written, 'It might be conservatively estimated that during the 150 years between 1780 and 1930 world tribal populations were reduced by at least 30 million... A less conservative and probably more realistic estimate would place the figure at perhaps 50 million.'

The intrusion of states into Indigenous national territories constitutes a new wave of colonialism comparable in magnitude to the old form of colonialism. The brutal killing of over four million Indigenous people in twenty-three years assumes greater immediacy when it is noted that during an eight-year period (from 1975 to 1983) more than 100,000 Timorese in East Timor were killed by Indonesian military forces, a loss of about one-third of the total Timorese population. And in a period of just five years (between 1979 and 1983) the El Salvadoran government and various rebel forces and death squads killed thirty thousand Pipil Indians, or about 10% of that Indigenous nation's population.

As a reaction to Indigenous nationalist movements, and to satisfy their expansionist ambitions, many state governments and non-Indigenous rebel forces have undertaken the deliberate liquidation (genocide) of Indigenous nations to preserve the power of the state. The curse of colonial expansion, world-wide, into Indigenous national territories during the earlier centuries has now changed into a state-by-state subjection if not elimination of Indigenous territories, peoples, and cultures. Under the guise of civil wars, anti-communist and anti-capitalist insurgencies, and wars of liberation, state governments and rebel forces have targeted Indigenous nations for obliteration.
<table>
<thead>
<tr>
<th>States</th>
<th>Indigenous nations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nicaragua and Honduras</td>
<td>Miskito, Sumo, and Rama</td>
</tr>
<tr>
<td>El Salvador</td>
<td>Pipil</td>
</tr>
<tr>
<td>Guatemala and Mexico</td>
<td>Mayan, Zapotec, and Mixe</td>
</tr>
<tr>
<td>Indonesia</td>
<td>Timorese, Papuans, and Moluccans</td>
</tr>
<tr>
<td>Philippines</td>
<td>Kalinga, Bontoe, Morazan, and Sabah</td>
</tr>
<tr>
<td>India</td>
<td>Naga, Sikhs, Misoram, and Kachins</td>
</tr>
<tr>
<td>Sri Lanka</td>
<td>Tamil</td>
</tr>
<tr>
<td>Brazil</td>
<td>Yananomu</td>
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<tr>
<td>Malaysia</td>
<td>Sarawak and Sabah</td>
</tr>
<tr>
<td>Lebanon</td>
<td>Maronites, Palestinians</td>
</tr>
<tr>
<td>South Africa</td>
<td>Ovimbundu, Harrah (Namibia), and Bantu</td>
</tr>
<tr>
<td>Syria, Iraq, Iran, Turkey,</td>
<td>Kurds</td>
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<tr>
<td>and Russia</td>
<td>Basques</td>
</tr>
<tr>
<td>Spain</td>
<td>Corsicans and Sardinians</td>
</tr>
<tr>
<td>Italy</td>
<td>Palestinians</td>
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<tr>
<td>Israel</td>
<td>Baluchis</td>
</tr>
<tr>
<td>Iran and Pakistan</td>
<td>Armenians</td>
</tr>
<tr>
<td>Turkey</td>
<td>Pathans</td>
</tr>
<tr>
<td>Afghanistan and Pakistan</td>
<td>Pathans, Tadziks, and Turkmen</td>
</tr>
<tr>
<td>Afghanistan and Russia</td>
<td>Karens</td>
</tr>
<tr>
<td>Burma and Thailand</td>
<td>Eritrea, Tigre, Somalis, Hara, and Wollo</td>
</tr>
<tr>
<td>Ethiopia</td>
<td>POLISARIO, a political movement (West Sahara)</td>
</tr>
<tr>
<td>Morocco and Mauritania</td>
<td></td>
</tr>
</tbody>
</table>
Cold-War Confrontations

While many Indigenous nations are engaged in hot wars to reclaim their homelands and national identity, many more are engaged in cold war confrontations with states (see table 2). Although it is difficult to measure the number of lives lost in these conflicts, the political and social disruption of Indigenous nations is as destructive as the caused by hot wars. The impact of Indigenous nations on the state is destabilizing, but not destructive. Cold-war confrontations are fought with political and economic weapons, although sporadic physical violence will erupt in isolation. As with hot wars, Indigenous nations engage in cold wars to reclaim their territory and national identity.

TABLE 2
States and Indigenous Nations Engaged in Cold Wars

<table>
<thead>
<tr>
<th>States</th>
<th>Indigenous nations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canada</td>
<td>Micmac, Cree, Lakota, Shuswap, and Bella Coola</td>
</tr>
<tr>
<td>United States</td>
<td>Quinalt, Hope, Lakota, Iroquois, Inuit, and Aleute</td>
</tr>
<tr>
<td>Norway, Sweden, and Finland</td>
<td>Saami</td>
</tr>
<tr>
<td>China</td>
<td>Tibetans and Taiwanese</td>
</tr>
<tr>
<td>Italy</td>
<td>Corsicans and Sardinians</td>
</tr>
<tr>
<td>Yugoslavia</td>
<td>Croatians, Bosnians, Slovenes</td>
</tr>
<tr>
<td>Denmark</td>
<td>Inuit of Greenland</td>
</tr>
<tr>
<td>Mexico</td>
<td>Zapotec, Mixe, and Maya</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>Baruca, Cabecares, Bribris</td>
</tr>
<tr>
<td>Chile</td>
<td>Mapuche</td>
</tr>
<tr>
<td>New Zealand</td>
<td>Moari</td>
</tr>
<tr>
<td>Australia</td>
<td>Pitjantjatjara, Virikala, Warlpiri, and Wombaya</td>
</tr>
<tr>
<td>Nigeria</td>
<td>Yoruba, Ibo, and Ibibo</td>
</tr>
<tr>
<td>Zaire</td>
<td>Shaba and Luba Kasai</td>
</tr>
<tr>
<td>Bangladesh</td>
<td>Chakmas</td>
</tr>
<tr>
<td>Thailand</td>
<td>Meo</td>
</tr>
<tr>
<td>India</td>
<td>Tripura, Mizorma, Manipur, and Meghalaya</td>
</tr>
<tr>
<td>Japan</td>
<td>Ainu</td>
</tr>
</tbody>
</table>
Indigenous nations engaged in cold wars are commonly under rigid administrative control of state government officials. The United States, Canada, New Zealand, and the Scandinavian states have each established complicated governmental bureaucracies designed to manage and control Indigenous populations, their lands, and their economic livelihood. An extensive body of domestic law controls the behaviour of individual citizens of Indigenous nations.

The United States practises the most extensive governmental control of Indigenous nations. India has also instituted extensive governmental control over Indigenous peoples and their territories. India has been less successful than the United States in controlling Indigenous populations through bureaucracy and domestic law; as a result, India has resorted to the use of police and militia. Only on rare occasions in this century has the United States sought to enforce its will by using force. During the eighteenth and nineteenth centuries, of course, the United States conducted full-scale wars against Indigenous nations.

Canada, Australia, and Mexico have instituted Indigenous control agencies, but these have not developed to the extent achieved in the United States. Their political, economic, and social control over indigenous nations is consequently less effective. In these states, and particularly in Canada, Indigenous peoples are less inhibited in their pursuit of nationalist goals.

With some exceptions, Indigenous nations seek political independence; however, they often consider forms of autonomy or irredentism within a state more achievable. Despite this tendency, Indigenous nations engaged in cold wars persist in their efforts to remain separate from the state society. Civil disobedience, domestic legal confrontation, and political activism in opposition to official state government policies are the preferred means for achieving nationalist goals.

Small Nations into States

The struggle to reclaim national identity is a preoccupation of Indigenous nations, often consuming the energies and resources of many people for generations. As the twentieth century comes to a close, it is becoming more apparent that this persistence is producing results. Many Indigenous nations formerly under the control of a colonial state have achieved the political status of free and independent states. Tanzania, Papua New Guinea, Vanuatu, Kiribati, Qatar, the Solomon Islands, and Nauru are examples.
The 'proliferation of mini-states,' as leaders of large states disdainfully describe the changing status of small nations, has altered the political balance of international institutions. The voting power necessary to control decisions of the United Nations General Assembly has significantly shifted away from large states, and small states increasingly hold away in opposition to large state interests.

Most of the small states that have achieved independence since 1960 occupy territories outside the boundaries of the original colonization state. Their new political status has been achieved as part of a world-wide decolonization process that encouraged large states to disengage colonial control over peoples and territories outside state boundaries. The League of Nations took the position that non-self-governing peoples should determine their own political future. The large states were fearful of being dismembered, however, and the decolonization process did not extend to Indigenous nations surrounded by larger states.

To ensure that decolonization would not extend to Indigenous nations within established states, those states with Indigenous populations decided among themselves in the 1960s that decolonization, or the right of self-determination, did not necessarily apply to Indigenous nations if their exercise of self-determination meant the 'dismemberment of an existing state.' The conventional wisdom has been that Indigenous nations located within an existing state must be granted the status of a 'minority population' under the jurisdiction of the state. By this process of denying 'enclave' Indigenous nations the right to choose their own national political future, the large states hope to maintain their position of hegemony (power).

Despite the prohibition against the decolonizing Indigenous nations, the urge to re-establish Indigenous national identity continues to spawn nationalist movements against large states. The hot and cold wars in which Indigenous nations are involved are testimony to the drive to dismember large states to form many small Indigenous states.

Indigenous nations in upper North America have been engaged in a cold war with Canada since 1876, when the British Parliament established the Dominion of Canada in the Indigenous peoples' territories. As a part of extensive decolonization of Great Britain's holdings throughout the world, Canada was granted increasing control over her internal and external affairs by a series of parliamentary acts. The Canadian decolonization process was completed in 1982 when the British Parliament enacted the Canada Act, which effectively granted Canada the status of an independent state.
Two important political changes resulted from the British Parliament's enactment of the Canada Act, 1982. First, Canada was granted full political independence from Great Britain. Second, the long-standing trustee relationship between the United Kingdom and upper North American Indigenous nations was unilaterally dissolved. All responsibilities and obligations of trusteeship assumed by the United Kingdom (under treaties, the Royal Proclamation of 1763, and other instruments of agreement with Indigenous nations) were abrogated and rendered null and void. By virtue of this single legislative action, the British government formally withdrew from its political responsibilities for the Dominion of Canada and all of the Indigenous nations therein.

Britain's less-than-perfect statesmanship left upper North America with two separate and distinct political groups of peoples — which share neither common origins nor common aspirations — contending for political power. The political status and future of the Indigenous nations were left undefined and unsettled.

Indigenous nations are now vulnerable to Canadian political and economic exploitation. In recognition of this new circumstance, Indigenous nations such as the Micmac, Cree, Bella Coola, and Shuswap initiated political actions to strengthen their defences against an unfettered Canadian government. These and other Indigenous nations discovered that the change in Canada's political status placed their own political future in jeopardy. It became clear to Indigenous leaders that their nations were not now, nor had they ever been, a part of Canada. Indeed, whether Indigenous nations would coexist or be absorbed into Canada became the central question.

The failure to resolve the question of Indigenous national political status created a situation where Canada claimed sovereignty over all territory within its asserted boundaries. Many Indigenous nations claimed independent sovereignty over enclaves territories scattered throughout Canada. These competing claims of sovereignty served as the basis for political confrontation and laid the foundation for potential violent conflict.

Since 17 April 1982, Indigenous nations in Canada have been without a political status as distinct peoples. They have suffered the unilateral abrogation of their treaties and agreements with Great Britain and have begun to experience increasing interference from Canada in their internal affairs. Britain's withdrawal and the unsettled status of Indigenous nations have created a political vacuum which threatens the stability of Canada and the future of scores of Indigenous nations.
The political vacuum into which Indigenous nations in Canada have been thrust is analogous to the conditions experienced by the Timorese peoples when Portugal withdrew from East Timor in the 1970s after a long period of colonial occupation. Once Portugal withdrew from the island country, the Indonesian government quickly moved to fill the resulting void by forcibly asserting its sovereignty over Timorese territory and peoples. Though the Timorese did not invite or accept Indonesian authority over them, Indonesia claimed and enforced its authority over East Timor and occupied Timorese lands.

When Great Britain withdrew from India in 1947, many Indigenous nations, including the Nagas and the tribal populations of Assam, Meghalaya, Mizoram, Manipur, and Manipu (now including an Indigenous population of twenty-five million), were cut off and left to be recolonized by the newly independent Indian state. Despite objections from Indigenous nations, the new state of India extended its sovereignty over Indigenous territories and imposed its rule. Once promised their independence by Mahatma Gandhi, Indigenous nations of the Indian subcontinent found themselves being absorbed against their will into a larger state.

After years of political cold war with India, the Nagas and other Indigenous nations of northeast India seek to establish their own rule over their own states; they are working to achieve the repeal of 'black laws' which regard as repressive measures aimed at Indigenous populations. They also seek to achieve the removal of Indian military and paramilitary forces from Indigenous territories. India's response to Indigenous appeals has been to promote the influx of foreign nationals from Nepal and Indigenous nations from Bangladesh into Indigenous national territories. The war of words has slowly become a war of guns.

The decolonization and recolonization process was repeated in 1980 when Britain withdrew colonial administration over British Honduras - then the new state of Belize was granted independence. Britain's departure placed the Kekchi people (a branch of Maya-speaking people who number about twelve thousand) in a political void which was quickly dominated by the newly independent Belizian government against the Kekchis' will. The Kekchi nation and its territory are now also threatened with absorption by Guatemala as a result of an unsettled border dispute with British Honduras. The Kekchi nation is not part of Belize or of Guatemala, but neither state is willing to accept Kekchi nationalism.
The unsettled political status of Indigenous nations in Canada is functionally the same situation as that which exists inside many other states. Canada is attempting to repeat the apparent success of the United States by enacting domestic legislation designed to control Indigenous nations through bureaucracy. India and Indonesia are attempting to achieve the same goal by imposing political and military control over their Indigenous nations. The political or military suppression of Indigenous nationalism by state governments is not unique to a particular form of government or ideology. Socialist, capitalist, communists, and fascist governments respond to Indigenous nationalism in the same ways. The Soviet Union, China, Yugoslavia, and Nicaragua have all acted decisively to suppress Indigenous nationalist movements.

Following its revolution in 1917, the Soviet Union immediately occupied Indigenous homelands in Latvia and Saamiland in the west. The revolutionary government occupied Armenian, Turkmen, Tadzhik, Kirghiz, Usbek, and Georgian territories to the south and east. Just as the Chinese imposed central government control over the Tibetans and claimed Taiwan, the Soviet Union imposed its neocolonial control over Indigenous nations.

The Miskito, Sumo, and Rama nations have been struggling since 1974 to stabilize their territorial frontiers in eastern Nicaragua and Honduras. What began as a political struggle over land rights and political autonomy has since 1981 become a full revolt against state control. With a permanent population of about 300,000 people (including Miskito, Sumo, Rams, and Creoles, and small population of Mestizos), and a claimed territory of about 35,000 square miles, an Indigenous organization, Misurasata, is moving to establish a new Indigenous government. 'Aisuban Tasbya' (a Miskito phrase meaning 'our land' or 'homeland') may become the name of a new state bordering on Honduras and Nicaragua, neither of which is eager to see a new Indigenous state established on their eastern borders.

The pattern of Nicaraguan government behaviour toward the Indigenous and Creole peoples of Aisuban Tasbya is similar to the patterns of behaviour exhibited by other states. Like Canada, the Soviet Union, the United States, Indonesia, and India, Nicaragua's Revolutionary Government of National Reconstruction (the Sandinistas) expanded its governmental authority over Indigenous territories. On 12 August 1981 the government issued a declaration of principles regarding Indigenous communities in the Atlantic coastal region.
The provisions of the declaration reflect the same intolerance of Indigenous nations as the domestic laws of Canada and other states. The Sandinista declaration states that there is but one nation within the boundaries of the state; territorially and politically, it cannot be dismembered, divided, or deprived of its sovereignty and independence. The natural resources of the territory are the property of the Nicaraguan people. Each of these principles denies that national integrity and separateness of Aisuban Tasbya, rejects its territorial and political distinctiveness, and advances the right of the Nicaragua seeks to extend its sovereignty over Indigenous territories and peoples through political means and, if necessary, by force.

The peoples of Aisuban Tasbya have never agreed to become a part of Nicaragua under the terms set out in the Sandinista declaration. Despite the declaration and despite Nicaraguan efforts to control Aisuban Tasbya, the Miskito, Sumo, and Rama peoples continue to struggle against the annexation of their homelands. They have organized their own provisional government and established a force of more than eighteen thousand warriors to defend their homelands against external forces. With few allies and virtually no external support, Misurasata vigorously advanced Aisuban Tasbyan self-determination, political autonomy, and the right to independent governance. What began as an irredentist movement in the early 1970s became an effort aimed at total independence in the 1980s. Nicaragua is now faced with the prospect of having to deal with Aisuban Tasbya as a political equal.

Small States and the New Order

As the Indigenous nationalist movements demonstrate, more small states are in the process of emerging. The natural order of small nations is again challenging large artificial empires to rearrange the global political landscape. The large states were born not as a product of nature but as a product of the forced consolidation of central power over unwilling subjects. Under other circumstances, the world would be made up of hundreds of small natural states of approximately equal size. The natural diversity of peoples would be reflected in the multiplicity of small states. The capacity of any state to wage global war or enforce its dominance over others would be minimized. The balance of terror between massive states like the United States and the Soviet Union would not exist.
Today a renewed will is giving rise to a new international political order. Massive states are being dismembered by weight of their own inability to manage and control their own bigness and the inexorable movements of small nations to reclaim their place among the family of nations. One need only note that of the fifty or more new states formed since the beginning of 1960 about forty have populations of fewer than one million people. Twelve of these new states were formed by Indigenous nations. From the island states of Tuvalu (7,000 people and a territory of ten square miles and Nauru (8,000 people and a territory of eight square miles) to the Indigenous states of the United Arab Emirates (871,000 people and 32,000 square miles), Swaziland, Guinea-Bissau, and Gabon (637,000 people and over 102,000 square miles), the proliferation of mini-states continues.

The irony of the emerging new international political order is that it is regarded by many as a source of greater global instability; in fact, is the large, artificial states that create global instability and do the greatest violence to humanity. The preservation of global diversity and human adaptability is the promise of small nations. Global peace and the renewal of the human spirit through the restoration of the natural order of nations is the promise of Indigenous nationalist movements.

A land-based identity

by Stephen Corry

The fundamental threat faced by the world’s remaining tribal or indigenous peoples is the invasion of the lands on which they live. Tribal peoples have an intimate relationship with their homelands. They are entirely dependent on them for their livelihood and in their identification with their environment.

The laws which govern the ownership and use of the lands on which indigenous peoples live, and the degree to which they are applied or not, are therefore the principal factors influencing the opportunities any particular people has for its survival as a clearly defined socio-cultural group.

This is recognized by all indigenous peoples which have formed organizations to press for their rights and make their grievances heard. Securing their land rights is usually the first demand such organizations make. It is also recognized by the remaining very traditional groups which react violently to defend themselves from incursions into their territory.

Other organizations, formed in support of the rights of tribal or indigenous peoples, also recognize this as the paramount issue on which the future of in-
digeneous groups depends. All serious studies which address the present situation and future prospects of indigenous people refer extensively to this question.

Tribal peoples number some 200 million people—about four percent of the world’s population. It is not easy to make generalizations which apply equally well, for example, to tropical-forest dwelling hunters and shifting cultivators, mountain farmers, or desert pastoralists. In practice it is easier to consider definitions which are restricted to certain geographical areas: “Indians” or “Native Americans” of the Americas; “Aborigines” of Australia; “aborigines” of India; “national minorities” of the Philippines, and so on.

Largely because of the changing nature of all living human societies, it is also difficult to arrive at a satisfactory and all-encompassing definition of terms such as “indigenous” or “tribal.” Tribal or indigenous groups are no more static than any other society or culture. They are in a state of movement, constantly meeting with their neighbours and exchanging with them goods, ideas, and kin.

In many ways the term “indigenous peoples” can actually be defined in relationship to the use of land. Although many of them have, today, been effectively dispossessed of their land holdings and are reduced to scraping out an existence on the margins of the dominant society, they all once lived—and many still do—in an enviable balance with their environment on which they depend for their lives and much of their meaning.

Some states manipulate this difficulty of making adequate definitions by denying that their borders encompass any indigenous people or, conversely, by claiming that their entire population is indigenous. Declarations to the effect that “there are no more ‘natives’—we are all peasants/citizens together” are frequently used by governments and political parties of both the left and right to deny the ethnic identity of indigenous minorities in certain countries.

Attempts to justify the inhuman and illegal way in which tribal peoples are treated usually rely on archaic notions of “civilization” and “savagery.” Tribal peoples, however, regard themselves as cultured and see outsiders as savages. In their terms, outsiders have sophisticated and often desirable technology, but little idea about how to treat people or the environment.

Tribal peoples are not primitive remnants of a remote past, destined to perish in the name of “progress”; they are neither backward nor ignorant. Indeed they have made invaluable contributions to “civilization” and could make many more with their specially bred food crops, medicines, and extraordinary practical knowledge of plant and animal life and its conservation.

They could, if allowed to, play an important role in the future. Important lessons, for example, can be learned from their lack of dependence on complex technology and nonrenewable sources of energy.

Human beings have lived in tribal society for practically all our history. The remaining tribal peoples offer us an understanding and a living example of the human basis of our existence. They show us forms of social interaction with which the industrialized societies have lost touch. Such understandings are at least as important in this nuclear age as they have ever been.

The destruction of these peoples stems from our contempt for ways of living which we do not understand. Underlying this contempt is prejudice, cultural arrogance, racism, political and economic expediency, and a total disregard of the human cost. And yet tribal peoples, with their unique and irreplaceable knowledge of good natural resources management, may hold a key to our collective survival.

The colonial era, together with its communications and weapons and the resulting spread of diseases, succeeded in annihilating or assimilating most tribal societies, often in very brutal ways. Many remaining tribal peoples inhabit or have fled to the least hospitable areas of the globe: the rain-forests, deserts, and mountains.

Ill-conceived economic development, mining, oil exploration, highways, dams, timber extraction and cattle ranching now threaten the last tribal survivors. Their lands are being invaded. Such developments are often justified by the supposed benefits they confer on everyone, including the tribal peoples themselves. In practice, the beneficiaries are rarely the countries where these developments are taking place, and never the tribal peoples who are being swept aside in their wake.

For example, only two percent of Amazonia can sustain long-term agriculture, yet unrelenting colonization of the tropical forest continues at an alarming rate and the Indians are the principal victims. Less than six percent of the Indian population has survived the “discovery” of Amazonia by the “civilized” world. In Australia, aboriginal peoples have been expelled from their ancestral lands to make way
for nuclear tests. In Canada the federal government gave a Japanese paper company $9.5 million and the timber rights for the Lubicon Cree's traditional territory. In Bangladesh, the army dismisses its genocidal attacks on tribal peoples by stating, "we want the land but not the people."

Development and road-building programs and colonization schemes have been responsible for the widespread dispossession of indigenous people in many countries over recent years. The people have been forcibly relocated, usually onto inadequate land, or they have simply been left to fend for themselves, surrounded by usually hostile nationals and with a largely eroded ecological base on which they depend for their food.

In some places the colonization of tribal lands is a government program — supported by international development agencies — partly designed to defuse internal political discontent by getting large numbers of very poor people out of over-populated zones and into remote areas where their grievances cannot be heard. Indonesia's Transmigration Program, the largest colonization scheme in history, is swamping the outer islands, in particular West Papua and East Timor, with Javanese settlers, effectively destroying the indigenous base and indigenous aspirations for independence and cultural autonomy.

The fate of indigenous people has received some media coverage on an international level in recent years and is beginning to be recognized. Racked by previously unknown illnesses and with no means to support themselves, the people rapidly suffer high mortality rates; 50-80 percent dead within a year or two is not uncommon in Amazonia, for example. The survivors break up as a group and seek work as the lowest-paid labourers, beggars, or prostitutes for the dominant society.

Many countries have laws which pertain specifically to tribal peoples. They may be mentioned in the constitution and special legislation might address the question of land rights. Until recent years, such laws were rarely if ever invoked for the benefit of tribal peoples. But this situation is now changing in some countries. Articulate and organized indigenous groups generally decry the laws as devices to legalize their dispossession for the ultimate benefit of those who wrote them. Increasingly nowadays they are also using some of these laws in their own defence by drawing their government's attention to them and even, in some countries, taking cases to the courts, sometimes with a favourable outcome.

The status in law of indigenous peoples themselves is variable and obviously affects the rights they are considered to have over the land. In historical times in some countries (for example Canada and the U.S.) treaties were signed between the state and some Indian groups which purported to treat the latter as
sovereign nations. Elsewhere (for example Australia) the original inhabitants were barely considered human beings. Most commonly they were held to be of inferior status to the rest of the population and considered as “minors,” not responsible for themselves and usually handed over to the wardship of religious missionaries. This is still the case in some Latin American countries.

Most states with indigenous populations explicitly reject ownership rights in favor of some form of trusteeship whereby the land is owned by the state and held in trust for the use of these populations. What legal rights the indigenous people do have over these areas, and over their continuing existence there, varies greatly from country to country.

Depending on the particular laws of the country, the area set aside may be granted with title to the indigenous people (individually or communally); as some form of “reservation” held in trust by the state; or with title to a third party (often a religious mission) to hold for the use of the group. The problems in the latter two systems are fairly obvious. It is clearly paternalistic, even racist, to suggest that indigenous groups should be the wards of anyone, and this notion violates the most elementary human rights norms. The trustees, moreover, are more than likely to abuse their position of trust and to be extremely unwilling to allow the indigenous group to have any effective control over the land and its resources.

Modern legislative procedures only recognize full ownership rights as being secured through title. And indeed collective title awarded to the group as a whole is the only legal framework which offers indigenous peoples a chance for survival.

Over recent years indigenous groups in many different countries have formed organizations to make their grievances known on a national and even international level. Land rights invariably form their principal platform. There is a remarkable consistency about the demands of organizations from areas as different as the Americas, Australasia, and south-east Asia.

They are asking for full ownership rights in the form of collective title over the whole of the land they occupy or use. They are also asking for the right to control how the land is used. By no means are all of them opposed to all forms of development. Indeed many want improved communications and various other services. It is clear, however, that they do want control over this. Not surprisingly, they want the power to be able to veto projects which would result in the erosion and destruction of their environment.

The development of indigenous and tribal peoples’ own organizations over the last generation has been complemented by the growth of non-governmental support groups. Beginning in the 1960s with the formation of the International Working Group for Indigenous Peoples in Denmark and Survival International in Britain, a handful of similar organizations formed in western Europe and North America throughout the 1970s, though many have since dissolved.

Most of those which remain work in broadly similar ways: they appeal directly to governments, companies, and others who are violating indigenous peoples’ rights; raise the issues at forums like the United Nations; bring out publications; support field projects; press for better laws; and run educational programs about the value of indigenous peoples and the threats they face.

Some support organizations have a more academic approach while others appeal to a more popular sector. The largest of these is Survival International with its “urgent action” network, similar to that formed by Amnesty International in support of prisoners of conscience. Survival International supporters, from some 50 countries, work through offices in the United Kingdom, France, Italy, Spain, and the U.S. They have had some successes in getting governments, companies, and international banks to make changes in their projects and attitudes.

Indigenous peoples cannot survive without a secure land base, without secure land rights.

Indigenous peoples today face a powerful and almost overwhelming onslaught from those intent on invading their homelands for their own profit or for political motives. But they face other problems as well as the land rights issue. They seek protection from newly introduced diseases, educational and health care systems which they can control and which are designed around their real needs, freedom from economic exploitation, the freedom to reject those aspects of foreign culture which they see as being inappropriate, and recognition of the authority of their own organizations and spokespeople.

Without adequate land rights as a first step, however, they stand no chance of survival whatsoever.

Stephen Corry is the director of Survival International based in London.
Canadian colonialism abroad

by MAUREEN DAVIES

Genocide, dispossession; forced assimilation; and colonization are the common experience unifying diverse indigenous peoples into a force known as the Fourth World. For centuries the door to the international arena has been firmly closed to them by states anxious to deny the international character of the nations they have colonized and decimated. The worst abuses have been cloaked under the mantle of “domestic” practice.

But now the cloak is being lifted and the door opened a crack. Those engaged in the international struggle for aboriginal rights are under no illusions that the opening is either firm or permanent. Meanwhile they take full advantage of the opportunities so reluctantly provided. In 1982 the United Nations established, for the first time, a mechanism to deal with the particular problems of indigenous peoples: “the Working Group on Indigenous Populations.”

Mandated to look at “developments” as well as to establish international standards specific to indigenous peoples, the group provides an annual opportunity for indigenous representatives to highlight their grievances as well as to push for recognition of their rights at the international level. A tentative declaration of the rights of indigenous peoples has been drafted by the chair of the working group and was released at the 1986 session for consideration by indigenous communities and governments. The draft itself is, predictably, an attempt at compromises — destined to please neither states nor indigenous nations.

The claims of the latter have been clearly and con-
sistently articulated for years. An indigenous draft declaration was put forward at the 1987 session by a caucus of representative indigenous nations from around the world. The declaration elaborates principles considered fundamental to Fourth World survival, including the collective right to life, the right to self-determination, and the right to permanent control of their territories, including "airspace, surface and sub-surface rights, inland and coastal waters, sea-ice, renewable and nonrenewable resources, and the economies based on these resources." They also insist on the return of stolen land or compensation for it, respect for their laws and customs, and control of sacred sites.

In a statement delivered at this year's meeting the indigenous group reiterated the principle which lies at the heart of their struggle for justice:

"This statement is an indication of a unity of purpose and mission of all indigenous leaders and representatives present at the meeting, no matter which part of the world we come from. We advocate the development of standards consistent with and in the context of the most fundamental right to self-determination to which all people are entitled under international law."

While the indigenous position stresses collective rights and the right to self-determination, it is being fought with fierce determination by, among others, the government of Canada. In its official submission to the working group Canada stated:

"It was Canada's understanding that the focus of the Working Group would be on the individual human rights of indigenous persons...Canada is of the view that rights...should generally be oriented towards rights of individuals."

Consistent with this view, Canada has made every attempt to resist replacing the term "peoples," both in the name of the working group itself as well as in the draft declaration. "Peoples" have rights, "populations" do not.

Another critical issue to many indigenous nations is the question of treaties. In keeping with a recommendation of the United Nations Special Report on Discrimination Against Indigenous Peoples (the Cobo Report) the working group attempted to have a special study on treaties carried out by one of its five official members, a standard UN procedure. Although members sit in their own capacity as "experts" and do not represent their governments, Canada objected strenuously — "unofficially" — to the fact that the study was to be done by a Cuban. Officially they insisted that a treaty study constitutes a "diversion" from the "central, key work" of the working group. They also stated that the problems of indigenous peoples do not stem from treaties.

Although Canada had only observer status at the 1987 United Nations Human Rights Commission, it successfully derailed the study, at least temporarily. In what gave every appearance of a thinly veiled "threat," the Canadian delegation reminded the working group that it would be a member of the commission this year and its views on the treaty study remained unaltered.

Canada has also played a leading role in blocking the progressive development of standards in another important forum. The International Labour Organization (ILO), composed of states, employers, and worker organizations, is currently revising its Convention No. 107. Within the framework of the ILO the Convention on Tribal and Indigenous Populations deals with basic rights of indigenous peoples. It was adopted in 1987 and in keeping with the prevailing philosophy at that time encourages the assimilation of indigenous peoples.

Now repudiated as racist and ethnocidal, the convention is being revised. Unfortunately indigenous people have been completely excluded from the process. The new ILO convention will be completed
unfortunately entirely predictable. Marginalized, with no effective voice, the indigenous organizations watched helplessly as their basic rights were debated, cast aside, or hammered out of recognition.

The first fundamental issue, seen as a basic litmus test by those present, was the adoption of the term "peoples." Before arriving for the conference 26 countries had supported replacing the term "populations" with "peoples." Only two had indicated opposition: Ecuador and Canada. Nevertheless by the end of the first week Canada had lobbied hard enough to have the issue deferred to the 1989 session along with the other most basic issue, territorial rights. Canada worked consistently on every major issue against any progressive recognition of indigenous rights.

But in spite of the good will of the labour representatives, ground was lost so rapidly that the new convention promises to be even worse than its predecessor. Before withdrawing from the meeting, the National Coalition of Aboriginal Organizations of Australia repudiated the process, reflecting the frustrations of indigenous communities around the world:

"Mr. Chairman, we have already seen the damage that can result from a misdirected Convention that legitimizes intrusion into indigenous territories, societies and cultures. The integrationist purpose of the present Convention endorses governments' actions that were destructive to our peoples. Many indigenous peoples who thrive in their own territories in 1957 no longer exist as distinct societies in ratifying States as well as those States which have not ratified Convention 107. And this is to the shame of the international community. The ILO has now decided to give new life and presumably new direction to this Convention—but again, it is without the direct involvement of indigenous peoples. . . .

"We remind you that great changes have occurred since 1957 and that indigenous peoples will no longer have standards imposed upon us. The viability and effectiveness of a revised Convention depends as much on our acceptance and cooperation as it does on honest implementation by governments."

In the last decade the Fourth World has had a rare opportunity to engage world attention by their presence at international gatherings. The message they bring is insistence on fundamental justice for their peoples. Whether the door remainsajar or is shut through the Machiavellian machinations of states such as Canada, that message will not be silenced.

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### Namibia Case Study: A Model of Domination, Colonization, Self-Determination and Self-Government

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*Emphasize what binds us together instead of what sets us apart.*

CIDA Photo: Roger Lemaire, Niger
Namibia At A Glance

- Population: approximately 1.6 million: 80,000 whites; 1.5 million blacks in Namibia had not voted till March 11, 1990
- Literacy Rate: whites 100%, non-whites 28%
- Gross Domestic Product: $1.5 billion
- Key Economic Activities: diamonds, copper, lead, uranium, grains, canned meat, karakul fur

- Major Trading Partner: South Africa
- Cities: Windhoek (capital) 85,000

- Almost 5,000 United Nations peacekeeping troops have been placed in Namibia during the transition period.
- Population growth has only been 3.5% since 1977 but 10,000 refugees are expected to return to a free Namibian nation.
- South Africa has stated that its own opposition, the ANC (African National Congress) will not be allowed to use Namibia for its bases and operations against Apartheid.
The nation of Namibia (formerly South West Africa) has followed a bloody and convoluted path from a German colony to independence. Namibia has been a South African Trust Territory to a South African colony supported in part by Canadian economic interests (Hudson's Bay Company), a staging area for the civil wars in Angola, to the withdrawal of occupation forces, to a tentatively free election, self-determination, a new constitution and development of a self-governing independent nation. Namibia is a model of the struggle by an indigenous population to cast off the domination of other nations (military, political, economic and social). The Indigenous people of South West Africa first became dispossessed and dominated in 1804 when German colonization began throughout the African continent. The nation remained a German protectorate till 1915, after World War I, when it was surrendered to South Africa. At the end of World War I (1914-18), the League of Nations granted South Africa control of South West Africa as an official Trust Territory in 1920.

As a Trust Territory, the nation was to be slowly brought towards self-determination and self-government by its new mentor, South Africa. Instead of training and educating the population for eventual political, economic and social independence, South Africa dispossessed them of their traditional lands, granted land titles to white South Africans, raped the country of its resources while using the Indigenous peoples as virtual slave labour on farms and in the mines, and later imposed its own laws of Apartheid upon people, black and white who had been living together in peace. In 1966 the Unite Nations found South Africa in breach of its Trust responsibilities and passed a Resolution 435 calling for Namibian independence and ordering South Africa out. The resolution was ignored by South Africa and it increased its control over the newly named country of Namibia. (The U.N. renamed South West Africa as Namibia in 1968). In 1971 the International Court of Justice upheld the U.N. decision and again order South Africa to withdraw from Namibian territory.

During this period, Namibia became an economic colony of the Hudson's Bay Company which blatantly disregarded the U.N. resolution banning any country or economic interest from involving itself in the illegal South African occupation of Namibia. To compound the problems of the Namibian people, Angola won its freedom from Portugal in 1975. Since that time its communist government has fought against a rebel movement called UNITA. Both the United States and South Africa have supported UNITA against the communist government in Angola. Ironically the U.S. allied itself with South Africa while the same time protesting Apartheid (the policy of "apartness" or racial segregation, and white minority domination which began in South African in 1948 when the National Party came to power).

Cuba and indirectly, the Soviet Union have backed the communist government with 50,000 Cuban soldiers and military hardware. In South Africa's attempts to wage war against Angola and the Cubans, it has three times promised and failed to leave Namibia. In 1977 it annexed Walvis Bay harbour as a military base.
In 1989 with the war once again stalemated between the Cuban and South African forces, a negotiated settlement involving the withdrawal of Cuban and South African forces and the independence of Namibia (South Africa's main staging area) was reached. The international community had been continually increasing political pressure and economic sanctions against Apartheid and South Africa's occupation of Namibia. Many false starts ensued with partial withdrawals by Cubans from Angola and South Africans from Namibia. Negotiations for withdrawal soon became focused between SWAPO (South-west Africa People's Organization) a guerrilla force which has been fighting for Namibian independence for years. UNITA has pledged to continue its war against the communist government of Angola regardless of whether South Africa and the U.S. support it or not. The four nation agreement (U.S., S.A., Cuba, Angola) has been fulfilled. SWAPO, which was not a part of the negotiated agreement continued its armed independence activities throughout the independence process and first free elections. Negotiated withdrawals and disarmaments of SWAPO rebels and South African troops delayed the process of transition.

On April 1, 1990 the election process began under Resolution 435 which was passed September 29, 1978 to ensure "early independence of Namibia through free elections under the supervision and control of the U.N." Before July 1, 1989 South African army was to abandon bases and airfields, leaving only 1,500 men. Before November 1, 1989 elections to a constituent assembly had to be held. Before independence the Constituent Assembly had to launch an independence constitution and before January 1990 Namibia was to be a fully independent nation.

After 5 days of voting that ended November 11, SWAPO emerged victorious, with 41 of the 72 seats in the Assembly. SWAPO had fought a 23-year bush war for independence and won, but failed to win the 2/3 majority it needed to impose its own constitution. The process began immediately to create and pass a Namibian Constitution, the last requirement for final recognition as an independent nation.

The Constitution passed. It bans the death penalty, entrenched a multi-party system of government and guaranteed fundamental human rights. President-designate Sam Nujoma hinting heavily at events in neighbouring South Africa, said the constitution might serve as a model for other countries in the process of reform.

Free Namibia faces great problems as it struggles to develop independent economic and social programs. The population subjected for years to civil strife and domination by minority oppressors has a high illiteracy rate, limited administrative infrastructures, and few social support facilities.
Namibia has been left at the mercy of foreign economic interests and must now struggle to regain control of its own economic destiny. Profits need to be kept in the country in order to fund educational, health and social welfare, and training program. Nearly 90% of Namibia’s export earnings are levied from its storehouse of diamonds, uranium, silver, tin, zinc, copper, lead and gold. These remain dependent upon private capital and foreign investment. DeBeers (South African diamonds) and Rio Tinto Zinc Corporation (zinc and tin mines) operate in many Third and Fourth World countries, exporting resources while decimating the environment, using cheap Indigenous labour and accumulating huge profits while ignoring social demands of their resource colonies. South Africa’s retreat will leave Namibia with a $478 million debt after independence. The return of more than 10,000 Namibian refugees will also strain the resources of the fledgling nation.

The Indigenous peoples of Namibia have struggled and survived to reach the day of their independence. True independence from the economic exploitation of other countries and companies will involve struggles of another kind. Cultural development programs must be initiated and in this, Namibia becomes one of the many Third World nations with a developing Fourth World population.

Apply the Namibian model to similar struggles for political, economic and social independence by Indigenous peoples in Brazil, Chile, Australia, Belau and elsewhere. Would the Namibian process apply to Canada? Should it? Consider Canada’s role in the Namibian struggle for independence and relate this to the situation of Aboriginal peoples in Canada.

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MacLeans, "A Rebel Victory", by Mary Nemeth with Chris Erasmus in Cape Town, November 27, 1989.


Namibia

Political prisoners were released and legislation permitting detention without trial was abolished, in accordance with a United Nations (UN) plan for Namibia's independence from South Africa. As well as the political prisoners released by the South African authorities, hundreds of prisoners who had been held outside Namibia by the armed opposition South West Africa People's Organization (SWAPO) were freed and allowed to return to Namibia. However, hundreds of people detained in previous years either by the South African authorities in Namibia or by SWAPO forces in Angola remained unaccounted for and had effectively "disappeared." There were new reports of torture and former prisoners held by both sides to the conflict said they had been tortured in previous years. Some prisoners were said to have been deliberately killed and several SWAPO supporters were allegedly executed extrajudicially. Four prisoners were sentenced to death but there were no executions.

The UN plan, which came into effect on April 1, involved a series of major political changes. The South-African-appointed government was dissolved in March and Namibia was administered under a transnational arrangement by South Africa's Administrator-General. The UN Secretary-General's Special Representative for Namibia supervised the independence plan, with the assistance of the UN Transition Assistance Group (UNTAG), a military and civilian monitoring force drawn from various countries. Repressive or restrictive laws, including those that had permitted long-term and incommunicado detention, which had facilitated torture and other human rights violations in the past, were repealed. From April onwards political prisoners were released and Namibian exiles, particularly SWAPO supporters based in Angola, returned to Namibia. Most South African forces were withdrawn from Namibia or confined to base. Elections for a 72-member Constituent Assembly were held in November. SWAPO won 41 seats while the Democratic Turnhalle Alliance (DTA), which had dominated the previous government, won 21. The assembly began drafting a constitution (which required a two-thirds majority) on the basis of principles drawn up by the UN Security Council in 1982. These included guarantees for civil liberties and an independent judiciary.

At the beginning of April there were major clashes in northern Namibia between South African forces and SWAPO guerrillas before UNTAG units arrived in the area. Some 300 SWAPO guerrillas were killed. SWAPO said that the guerrillas were already in Namibia while the South African authorities said they had crossed from Angola after April 1, in violation of the UN plan. In subsequent months there were numerous politically motivated assaults on SWAPO supporters, including some killings. Many of these attacks were attributed to members of the paramilitary Counter-Insurgency Unit (COIN) known as Koevoet (Crowbar).

Dozens of uncharged political detainees whose arrest had been acknowledged by the South African authorities were released between April and June. In July, 24 convicted political prisoners and one who was awaiting trial were freed. Another who was sentenced in August to nine years' imprisonment for a politically motivated murder was released in November.
The fate of many people who reportedly "disappeared" after being detained by the South African security forces in the 1970s and 1980s remained unknown. Reacting to lists of some 60 "disappearances" cases submitted by SWAPO and by Amnesty International, the South African authorities said that those named had either been released or were not known. However, further evidence emerged in 1989 about the absence of safeguards for detainees in the past, calling into question the reliability of the South African authorities' response to reported "disappearances." Dozens of SWAPO combatants captured in previous years had apparently been held in unacknowledged detention for up to five years on a farm run by police near Tsumeb. Seventeen left the farm in September after smuggling out a letter about their plight. A police commander subsequently claimed that they were paid labourers rather than prisoners.

In May SWAPO announced the release of 200 prisoners it had been holding in its military bases in Angola. It had previously admitted holding about 100 prisoners accused of spying for South Africa. Eventually over 500 were reported to have been released. Among them were Blence Gawanaz, a London-based lawyer who had been arrested by SWAPO in Zambia in August 1988 and subsequently detained in Angola (see Amnesty International Report 1989.)

Some of those released claimed that many other prisoners were still detained in SWAPO bases outside Namibia and that others had died or been killed in detention. These allegations, together with accounts of torture by those previously detained in Angola, received considerable publicity in Namibia. In September a UN delegation visited 30 SWAPO bases in Angola and Zambia to investigate the allegations but found no prisoners still in SWAPO's custody. The UN subsequently reported that some 1,100 names of alleged prisoners had been submitted to it. Of these, 163 names were either incomplete or duplications. A further 67 people had never been detained; 517 had been imprisoned and were known to have been released; 123 were reported to be dead (although the circumstances of their deaths were not noted) and 263 could not be accounted for.

Among those names were two prominent SWAPO members who had been imprisoned in Namibia before joining SWAPO in exile. Bernardus Petrus was reported to have died in 1986 and Victor Nkandi's fate was said to not be known (see Amnesty International Report 1987). The UN said it would continue to investigate the outstanding 263 cases.

A civil court action to secure the release of six people reportedly detained by SWAPO in Angola was initiated in the Windhoek Supreme Court in may be relatives of the six and Parents' Committee, an organization set up to press for the release of detainees held by SWAPO. In November the court ruled that five of the six had been unlawfully detained by SWAPO until at least May 1989, but that there was insufficient evidence to prove that the sixth had been detained. Although it lacked the power to order the release of prisoners held in Angola, the court instructed SWAPO to account for the five, if they had been released since May.
Convicted political prisoners who were released from Windhoek Central Prison in July said that they had been tortured by South African security forces following their arrest in previous years and had witnessed other prisoners being tortured. They described severe beatings, electric shocks, suspension by the feet and partial suffocation as among the methods of torture which had been used.

Prisoners released from SWAPO custody in Angola also said they had been tortured. The methods they cited included severe beatings, being suspended by the wrists or ankles, being burned, and being partially buried. They said they had been held in large pits roofed with zinc sheets or tree-trunks. SWAPO representatives acknowledged that prisoners had been tortured.

There were also new reports of torture and ill-treatment in custody. A commission of inquiry heard that two suspected criminals, Josiah Pineas and Paulus Ndume, had been blindfolded and bound, suspended on a bar and subjected to electric shocks during interrogation in a Windhoek police station in June. The commission instructed the police authorities to investigate the case with a view to prosecuting those responsible. Two leading SWAPO members laid charges against police after they were apparently assaulted by police in Oshakati police station in November. One of them, Maxuilili Nathaniel, a former acting president of SWAPO's internal wing, sustained a deep cut in his head.

There were allegations that South African police and security forces had deliberately killed prisoners. Among the 300 SWAPO guerrillas killed in April, at least 18 were apparently shot in the back of the head at close range after they were captured. In August police shot a former Koevoet member dead at his home in Rundu, claiming he had resisted arrest. Petrus Joseph had joined SWAPO after leaving Lievoet and in March had testified in court that Koevoet personnel had been ordered to arrest and intimidate suspected SWAPO supporters. In September the murder of Anton Lubowski, a prominent lawyer and Swapo member, fuelled speculation that the South African authorities might be implicated. A police investigation into the murder was announced and was still continuing at the end of the year.

In March the Supreme Court ruled that the immunity from prosecution granted by South Africa's State President in 1988 to six soldiers suspected of killing a SWAPO supporter should be withdrawn. However, the authorities were granted leave to appeal against the court's ruling. By the end of the year there had been no decision concerning a similar appeal on behalf of four soldiers who beat a political detainee to death in 1985 (see Amnesty International Report 1989). In November the Administrator General granted an amnesty to two members of the South African security forces accused of murders committed during counter-insurgency operations in 1985.
Four people were sentenced to death. Leonard Sheehana, a SWAPO member, was sentenced to death in April for a bomb explosion which killed five people in Walvis Bay, a South African enclave in Namibia. He was tried in Walvis Bay by a South African court. Three other men convicted of murder were sentenced to death in Windhoek in June. A stay of execution was granted in favour of Lukas Matsib shortly before he was due to be hanged on June 9. He had been convicted of murder in 1988. There were no executions.

In March Amnesty International submitted to the UN lists of political prisoners reportedly held by the South African authorities in Namibia including convicted prisoners, untried detainees and prisoners feared to have "disappeared" in custody. It also submitted a list of prisoners reportedly detained by SWAPO in Angola. It made inquiries about prisoners who were believed to have "disappeared" in custody, both in Namibia and in SWAPO's bases in Angola. Amnesty International called for strong human rights guarantees to be included in Namibia's new constitution. It appealed against the use of the death penalty.
The Hudson's Bay Company in Canada and Namibia

The problems and struggles of Canada's Aboriginal peoples may seem far removed from those of the peoples of Namibia (formerly South-West Africa). After all, South Africa's occupation of Namibia has been declared illegal by the United Nations and the International Court of Justice. And the armed struggle of that country's 760,000 blacks—constituting 85% of the population—has been recognized as legitimate by numerous international bodies, as has the movement which leads that struggle—the South-West African Peoples' Organization (SWAPO). In Canada there have also been growing demands by a wide range of Aboriginal peoples for return of their own lands and control of their own economies, as well as that rising level of militancy which spilled over into last year's armed occupations at Cache Creek and Kenora and into other recent demonstrations of resistance. But Canada's Aboriginal peoples constitute only 3% of the total population of this country: moreover, despite some proposals made by Aboriginal peoples to the International Court of Justice, the international community has not taken any formal position on the plight or the resistance of Canada's original inhabitants. Clearly, there are real differences between the two situations which must effect, significantly, the tactics and strategies open to the peoples involved.

Yet, when Vern Harper of the Toronto Warrior Society met Mosé Tjitendero of the South West African People's Organization (SWAPO) in April of this year, they spoke not of the differences but of the similarities. They spoke of how the Native inhabitants of both countries have been displaced from their traditional homelands by foreign settlers. They spoke of how foreign investment supports the continuing control of a local white elite. And they spoke of the Hudson's Bay company.

The Hudson's Bay Company

Historically, the arrival of the Hudson's Bay Company in Canada was part of England's international commercial expansion, an expansion motivated by the search for new sources of raw resources to be used in home manufactures. Colonies existed solely for the economic benefit of the mother country and the New World with its rich supply of fur-bearing animals became the home country's fur preserve. For two hundred years, the Company's sole business was the extraction of raw fur. This 'trade' was one of the key factors responsible for the increasing poverty and underdevelopment of the Indian peoples and Inuit (Eskimo) relative to the increasing wealth and power of fur merchants and foreign business. Today, though the trade in furs continues, it is mainly through retail trade that the Hudson's Bay Company continues to control the economy of Canada's remote northern communities, and hence the lives of the predominantly Aboriginal population living there.
In Namibia, the presence of the Hudson's Bay Company takes a different turn. Rather than directly controlling the economies of local communities, the Company is one of several foreign corporations which profit from the illegal occupation of Namibia by South Africa. Ironically, in Namibia, the Hudson's Bay Company is once again involved in its traditional role of fur merchant. For the past thirty-seven years, the Company has been the major participant in the marketing of karakul fur (known in Canada as 'Swakara', this luxury fur is similar in quality to Persian lamb). The Company maintains an installation at Windhoek where Namibian karakul is sorted, graded, and bailed for shipment to Hudson's Bay in London where it is auctioned on the international market. Not only does the production of this fur involve the systematic and deliberate exploitation of 20,000 Namibian workers, but the involvement of Hudson's Bay Company is in direct violation of both United Nations resolutions and an International Court of Justice ruling.

It is the presence of the Hudson's Bay Company in both Canada and Namibia that provided Harper and Tjitendero with a peg upon which to hang the underlying similarity of their two situations—resource imperialism and the control of local economies by foreign interests. In both countries the indigenous population serves as a source of cheap labour to provide foreign manufactures with raw resources. What is most instructive is that the Indigenous peoples of both countries are themselves aware of the parallels and can thus underscore the similarities of their respective struggles.

I

In 1970, the Hudson's Bay Company moved into its fourth century of operation. Many Canadians remember the festivities and celebrations which occurred in major cities across the nation marking this anniversary. The residents of Winnipeg particularly remember this date as it was in 1970 that the Company's headquarters was transferred from London (U.K.) to Winnipeg, which has been the Canadian head office for over one hundred years. This move was made because Canada was the main sphere of the Company's operations, with 95% of its business and 98% of its employees.

In 1970, however, there were no festivities to mark this tree-hundredth anniversary in Canada's remote northern communities, communities which are inhabited mainly by Aboriginal peoples—Indian, Inuit, and Métis. After a century of physical isolation, the presence of Canada's original inhabitants has begun to make itself felt as they claim attention for their chronic impoverishment and alienation. Survey after survey show the same results: three-quarters of the Aboriginal peoples in Canada earn less than $3,000 per year; over one-third are totally dependent on welfare; the infant mortality rate is more than twice the national average; life expectancy is 36 years, among the lowest in the world.
The position of 'official Canada', as stated in their White Paper on Indian Policy in 1969, is that these problems will be ameliorated as soon as the isolation of Aboriginal peoples—an isolation springing from the special status awarded them under treaties and the Indian Act—is ended. Once this occurs, states the White Paper, Aboriginal peoples will enjoy "full social, economic and political participation in Canadian life."

Poverty a Legacy of European Expansion

Rather than their poverty and neglect coming from their special status and their isolation however, the problems Aboriginal peoples face today are a continuing legacy coming from four centuries of intensive European colonial expansion. The Hudson's Bay Company, incorporated under a royal charter in 1670, was an invaluable partner in this expansion.

Granted the sole commercial and proprietary monopoly over Rupert's Land—an area which amounted to almost one and a half million square miles or just under one-third of present-day Canada—the Hudson's Bay Company provided England with over one-quarter of her total fur imports for almost two hundred years. Simultaneous with this extraction of raw resources, the colonial empire became a ready market to which the home country could export manufactured goods.

What impact did the logic of this international trade have on the Aboriginal populations of Canada? Before the fur traders arrived, Indian peoples and Inuit lived in self-sufficient communities, largely typified by principles of egalitarianism, reciprocity, and communal ownership. Bands and villages were often linked by broad trading systems, but even within this larger context goods circulated through networks of personal dependency and mutually beneficial trade.

Initially, the trade of furs for iron utensils also seemed mutually beneficial. But this early trade had totally unexpected consequences for the Aboriginal peoples, as over time a process was established which led to the gradual deterioration of traditional society and economic self-sufficiency. With the introduction of the gun, the dependency of Indian peoples and Inuit alike on the Hudson's Bay Company personnel systematically withheld ammunition if Aboriginal peoples did not bring furs to the posts to trade. When they did come to the posts, mark-ups of 200-300% were common, though there are recorded cases of mark-ups of 2,000%.

Through their trading methods, the Company gradually broke down the former independence of Aboriginal peoples, as this independence stood in the way of the accumulation of merchant capital. Indian peoples and Inuit became locked into a credit system designed to keep them in perpetual debt to the Company. As areas became over-trapped, they became even more dependent on Company trading posts. By 1830, all major fur-bearing animals and large meat animals east of the Rocky Mountains were virtually depleted. All through the eighteenth and nineteenth centuries, thousands of people died of mass starvation. Tens of thousands more died of smallpox, measles, tuberculosis, and the common cold--diseases which came with the European and which were unheard of before among Aboriginal peoples.
At the same time, $50,000 profit left Canada by 1857 via the Hudson's Bay Company's trade in furs alone!

Under a Deed of Surrender in 1869, the Company sold its trade monopoly to the new government of Canada. In return, the Company was allowed to retain lands around its trading posts, and two sections of every township settled within the fertile belt from the Red River to the Rocky Mountains. This amounted to seven million acres.

The Treaty Period

With Confederation came the treaty period. From 1871 to 1921, vast land areas from Ontario to northeastern British Columbia were opened up for settlement and commercial penetration as Indian land was ceded to the Canadian government. The Indian was in no position to bargain. Decimated by disease, robbed of their economic self-sufficiency, and threatened with the inevitable occupation of their lands by settlers, many Indian peoples entered into treaty with the government. In return for giving up their land rights, the Indian peoples got certain reserve lands. Today, every treaty Indian gets $5.00 per year.

After the signing of the treaties, not only did a profitable business in furs still continue for the Hudson's Bay Company, but other avenues opened up. A land department was created which administered the sale of the seven million acres of land acquired under the Deed of Surrender, a wholesale department became a new distributor of merchandise, and a chain of retail stores slowly grew up across Canada which now serve over 250 communities. In 1974, the revenue from retail sales alone amounted to $780,854,000 or three-quarters of the Company's profits.

Most important for its impact on Aboriginal peoples were the small stores which grew up at the old trading posts in the North, and which eventually became the new channel through which the Company continued its control of the local economy. Today, there are more than 225 Northern Stores extending from Newfoundland to Whitehorse (Yukon Territory), and north of Lake Superior. The majority are located in remote communities inhabited mainly by Indian peoples and Inuit.

Most northern Aboriginal communities are located on reserve lands, and tend to be small and isolated. There are few opportunities for employment on reserves: there is little or no farmland, the areas are too small to live by the traditional pursuits of hunting and trapping, and they are unattractive to industry because of their remoteness and small populations. As a result, unemployment among Aboriginal peoples is 50%, while it is only 6% among Canadians as a whole.
The Company Store

These communities, however, are invaluable for Hudson's Bay's retail stores, and merchandise sales represent 95% of the Company's business transacted in the North today. With few exceptions, the local Company stores is the only store. Such is the situation in Shamattawa, northern Manitoba, where the Company trading post is the only place where Indian peoples and Inuit can sell furs and buy what they need from the outside world. This virtual monopoly means that the Company can set the prices for the goods it sells, with no check from a competing outlet. As a result, many items cost double what they do in the south. In 1972-73, there were recorded prices of $1.19 for one quart of fresh milk, $1.55 for one pound of flour, $2.00 for one pound of hamburger, $1.60 for one dozen eggs, and $2.25 for one gallon of gasoline. This means that Aboriginal peoples, among the lowest income earners in Canada with one-half their total number on welfare, pay the highest prices for the goods they buy. And the goods they buy come mainly from the Hudson's Bay Company.

Along with retail, the Company stores are the buying agencies for northern fur, and the price the Company pays for these furs is low. The average Indian person or Inuit trapper earns only about $500 per year, an amount equivalent to the mark-up on one single coat sold in the large southern Company stores. The Company buys cheap and sells dear. Thus, in 1974, the Hudson's Bay Company could boast profits of $22,304,000 from the sale of fur alone.

High prices and low income lead to debt. In the Company stores, every customer's name and number is on file. Credit is almost given, but as in the past, this only makes the individual more dependent on the Company. "Perpetual debt binds us firmly to the store," says George Manuel, President of the National Indian Brotherhood, "and having no money we have to rely on the Bay manager to further credit to buy traps to hunt and food to eat.

In addition to being a retail store and fur buyer, the Hudson's Bay Company is often the local post office. There are numerous reports from Indian peoples and Inuit that local Company managers will often burn mail such as catalogues from competing stores down south rather than deliver it. But more important than this, welfare checks go through the Company post office. While addressing a teach-in at the University of Manitoba in 1970, Dr. Howard Adams, past President of the Saskatchewan Métis Association, said: "My brothers and sisters get their welfare checks through the mail, and . . . the Hudson's Bay manager often simply gets them to sign their welfare checks right there at the post office, and they're never allowed to take it out, and then simply will shop for the remaining of their goods at high prices in the store. They're not even allowed to go and shop at the coop store."

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The Company's concern with the accumulation of capital over all other concerns is also seen in decisions of whether or not to maintain a store in a particular community. "The Other Side of the Ledger," an NFB film depicting the Indian view of the Hudson's Bay Company, tells the story of Churchill, Manitoba. Originally a settlement of Chipewyan people, when free traders entered the area in the 1930's, the Company moves its trading post from Churchill to Little Duck Lake, some 80 miles northwest, bringing the Chipewyans with them. When the Company abandoned its post in Little Duck Lake in 1956 because it was no longer profitable, the Chipewyans moved back to Churchill. Today they are on welfare.

A similar pattern is evident throughout the Northwest Territories where, since the 1960's, many Company posts have been closing down as the small populations they serve allow little possibility of realizing a profit. It seems the Company now requires each store to show a profit rather sustaining the losses of one store on the profits of the district as a whole.

**Control Over the Community**

Economic control of a community implies decision-making control over its inhabitants. And the Hudson's Bay Company is no exception. "Hudson's Bay personnel," says Howard Adams, "are key people in decision-making in our communities, which causes a small white-power sector in each of our communities, which holds the power and dominates us." This power is backed by the fact that the hundreds of skilled jobs in the North—teachers, radio-meteorological staff, traders, Indian and Inuit agents—are all held primarily by the Euro-Canadians. Aboriginal peoples are mainly engaged in lower echelon employment. In many communities, this has resulted in a cast-like relationship between Euro-Canadians, who run the major institutions, and powerless Indians and Inuit. Against this reality, Robert Cook—Divisional Manager of Regional Stores for Hudson's Bay Company—makes the claim that "our position in any of these communities now is simply the storekeeper. We're there to provide the requirements and the wants to the community."

In the past two decades, Aboriginal peoples have attempted to break the hold the Hudson's Bay Company has over their economies. In the late 1950's and early 1960's, Indian peoples and Inuit began forming their own cooperatives in Canada's Arctic, the Northwest Territories, and Northern Quebec. At first, these were marketing cooperatives for Inuit art, especially soapstone carvings which since 1949 have been sold on the market down south.

Before the cooperatives were formed, the Hudson's Bay Company was the sole purchaser of Inuit carvings, as well as other arts and handicrafts. The Company became involved in this enterprise because of the profits to be made from the mark-up when they sold the art productions to southern retailers. The Inuit artist was usually paid 25-30% of what the carving eventually sold for on the market. In some of the settlements such as Port Harrison, there was a time when the Company only bought carvings from successful trappers so as to encourage the people to try more and thus bring them the more profitable pelts.
With the cooperatives, Native artists were able to by-pass the Hudson's Bay Company. Though intended to be concerned just with the marketing of arts, a few of the cooperatives have developed their own retail stores, thereby coming into direct competition with the Company! As a result, in communities where there are viable cooperatives, the Company has been forced to increase the prices paid to artists, and decrease the prices on goods. This tends to be the exception rather than the rule, however, and most cooperatives are still relatively weak vis-a-vis the Hudson’s Bay Company.

First through its role as fur merchant, and now through its role as retail outlet, the Hudson's Bay Company continues to remain in control of the economies of northern communities. This control has been even further tightened by a relatively recent expansion of the Company into other activities. When the Company sole Rupert's Land to the government, it retained mineral rights over substantial segments of land which it is now exploiting. Today, the Company is engaged in petroleum exploration and production throughout northern Canada and the Arctic. Though the Company is only one of many multinational corporations involved in such activities, it is partner to a new threat to Indian existence - pollution. As large-scale petroleum and mining operations develop, traditional hunting and fishing areas are destroyed. George Manuel highlights this threat most succinctly when he says "Industry is finishing off what the rifle began - the destruction of the ecological balance - by laying waste the land and poisoning the water for miles around."

Because of the continuing control of local economies by the Hudson's Bay Company, the intensification of resource imperialism, and refusal of "official Canada" to deal with these issues, many of Canada's Aboriginal peoples have had no choice but to become more militant in their demands. Concerning the Hudson's Bay Company, Howard Adams best expresses this new militancy when he says:

We have been conquered as Aboriginal peoples. We have been colonized, and we are still under the control of (the Hudson's Bay) Company. The only way we'll ever get out of it is through a national liberation movement. Therefore, I say in the three hundredth year under the festivities and propaganda that's going out, that we should be radicalizing and revolutionize our brothers and sisters so that we will move and mobilize to take over the stores and the Company. Take them over? Of course it means we will have to seize them. We don't expect the Hudson's Bay Company to give them to us. That's for sure. But they are our property. We paid for it, many times over. And I think it's time that we simply made it our property in a physical sense.

II

The same imperatives that brought the Hudson's Bay Company to Canada in the mid-seventeenth century brought it to Namibia in the Twentieth - the search for raw resources.
The production of karakul fur is the second largest agricultural activity in Namibia, which along with cattle-raising accounts for 20% of the country's Gross Domestic Product. Today, Namibia produces more than one-half of the world's supply of karakul, mainly for export. Nearly all karakul furs are marketed abroad by a few large auction houses. The Hudson's Bay Company, one of two such outlets in England, is today the world's largest wholesale dealer in karakul fur. The sale of karakul fur earns the London auction houses $1,125,000 each year in commissions alone.

Karakul fur is used in the production of luxury fur coats, costing from $875 to $2,000 per coat on the European market, though several retail outlets in Toronto have quoted prices of $2,200 to $4,500 per coat! Yet the average cash wage of the 20,000 Africans who work on the large white-owned karakul farms as shepherds is as low as $4.50 (and never higher than $17.50) per month, and the system of labour recruitment used has been described by one exiled Anglican Bishop as "worse than slavery." One Namibian farmhand, who earns $9.00 per month, says "I work myself to death, but the White man does not care if I die. All he wants is my labour. And if I die, than it is no matter."

High profits for the Company and low wages for the worker. A familiar pattern. But to understand more fully the involvement of the Hudson's Bay Company in Namibia, we must first understand the history of the country.

**South Africa in Namibia**

South Africa has been the administrative authority for Namibia since World War I. In violation of first the League of Nations Mandate, and later the United Nations Charter obligation, South Africa has consistently refused to grant the Namibian people independence. In 1966, the U.N. General Assembly terminated the mandate of South Africa over Namibia and placed the territory under the direct responsibility of the United Nations. But still South Africa refused to give up its de facto control of the Country. This led to a Security Council resolution in 1969 which called upon South Africa to withdraw from Namibia immediately, ruling as illegal its continued occupation of the territory. This resolution also called upon member states of the U.N. to refrain from any kind of relationship with the South African regime which would imply the recognition of its presence in Namibia. The International Court of Justice, in 1971, underscored the Security Council's ruling by stating that all nations had an obligation to abstain from entering into any economic or political relationship with South Africa concerning Namibia.

With minor changes, all of South Africa's apartheid policies are imposed upon the people of Namibia. The economy is built on the systematic exploitation of the indigenous African peoples. Economic development is geared to the needs of the white population, and the black population - restricted to the marginal areas of the country - are used as a source of cheap labour for the white-controlled economy.
Today, Namibia's 760,000 blacks (85% of the total population) live on the poorest one-third of the land in native reserves. These 'homelands' - as the white regime calls them - are located on the desert fringes, where the sandy soil can sustain only limited agriculture. This leaves 90,000 whites in full control of that two-thirds of the country which includes not only all the fertile farmland, but all mines, mineral deposits, ports, offshore fishing, urban areas, and transport facilities.

It is in this larger context that the involvement of Hudson's Bay Company in Namibia must be examined. Not only does its presence violate key United Nations resolutions, but its investment helps insure the continuation of the exploitation of the Namibian people. The karakul industry is thus one example of the partnership of overseas interests with South African officials and businessmen in the oppression of the Namibian people.

Before white settlement began in Namibia, the country was inhabited primarily by pastoral peoples who kept immense herds of cattle and sheep numbering into the hundreds of thousands. They lived in all the habitable grazing areas of central and southern Namibia. Cattle and sheep were important in their traditional society both in terms of social status and ritual, and in providing the mainstay of their economic self-sufficiency.

With the arrival of German colonization in the late nineteenth century, a policy was introduced which encouraged white settlement on lands owned by Africans. As in North America with furs, the settlers gradually lured the indigenous peoples into trading relationships the consequences of which were not immediately apparent. As the settlers began to acquire cattle and sheep in exchange for trinkets, a watch, a rifle, they began to fence the Aboriginal peoples in. Backing up their claims with armed attacks against the Africans, the settlers imposed an iron-handed rule on the Herero and Nama pastoralists who lived in the fertile central and southern areas. When African herders resisted this take-over of their lands and livelihood, the Germans savagely retaliated. The Herero and Nama resistance of 1904-1907 cost the lives of 80,000 Africans, or nearly one-half the indigenous population of the entire country. Afterwards, most of the Herero and Nama land, cattle, and sheep were distributed as 'compensation' to the fewer than 3,000 white farmers then in Namibia.

With the discovery of diamonds in 1908, white settlements began to increase. Through using force African labour both on the farms and in the mines, the white community continued to prosper at the expense of the black.

When Namibia became a Mandated Territory under South African administration, rather than returning the land to the original owners South Africa encouraged increased white settlement in the territory. Today, most of the 6,000 white farmers now in Namibia are Afrikaaners (descendants of South African Boers who settled in Namibia after World War I), with smaller numbers of German farmers and English-speaking South Africans. They form the agricultural bourgeoisie who, along with foreign companies such as the Hudson's Bay, are the main beneficiaries of the exploitation of 20,000 African farm labourers.
The Karakul Fur Trade Begins

Karakul sheep were first introduced into Namibia in 1907, when they were bred on German-owned government farms. Originally bred from wild sheep in Central Asia, karakul require particular climatic and vegetation conditions to survive. The dry, semi-arid central and southern regions of Namibia provide one of the best areas in the world for raising karakul sheep. Because of an arid climate, each karakul needs from 17 to 20 acres to survive. There are more than 2,500 farms in southern Namibia alone. It is here where the largest flocks are found. For example, the farm Neue Haribis carries 13,000 sheep on over 180,000 acres. The karakul is a prolific breeder, and can produce three lambs per ewe every two years. This means money to the rancher, as it is the pelts of newborn lambs which are sought on the international market.

From the mid-1920's until the mid-1940's, while production from the diamond and base metals mines virtually came to halt, the karakul fur industry was the largest single contributor to the territory's total value of exports. It reached an all-time high in 1946, when karakul fur alone accounted for about four-fifths of Namibia's overseas exports, and about one-half of its total exports (inclusive of Exports to South Africa). By this karakul exports were worth over $14,000 per year to the country's economy. It is because the production of this fur was once the major industry in Namibia that the sheep is called "Black Diamond."

With the resumption of base metal mining and the continuing increase in the value of mining and diamonds since 1947, karakul is now in third place in terms of its export value. But to the white farmers, karakul has been an increasing source of wealth as both production and price per pelt has steadily risen over the years. At least one karakul rancher is estimated to have earned $270,000 in 1972.

In 1938, the main marketing centre for Namibian-produced karakul shifted from Leipzig to London, and with this shift the Hudson's Bay Company entered the picture. The Company was formerly one of three auction houses representing three farmers' cooperatives based in Namibia. Eastwood and Hold Ltd. (U.K.) still represents Boere-Saamwerk Bpk. In May 1972, the Hudson's Bay Company, representing the Farmer's Cooperative Wool and Produce Union Ltd., and Anning, Chadwick and Kiver (U.K.) representing African Karakul Auctions, merged to form a joint auction called Hudson's Bay and Annings Ltd. The new company is 59% owned by Hudson's Bay.

The total volume of karakul skins exported from Namibia in 1974 was 5.5 million. Hudson's Bay Company handled 60% of this amount at its karakul sorting warehouse (which it fully owns) in Windhoek before shipment to the London Auction centre. Though these karakul furs go mainly to London to be sold, many are subsequently returned to South Africa for processing, where Hudson's Bay and Annings Ltd. also have a marketing agreement with a farmer's cooperative union. Thus the Company is directly tied in not only with the economy of Namibia, but with that of South Africa itself.
Exploitation of African Labour

The farming sector in Namibia is the largest employer of labour, even more so than mining. Yet African wages for farm workers are about the lowest in the country, and the working conditions for shepherds among the most oppressive. One Namibian worker told the United Nations that "the men looking after the sheep start at about 6 a.m. and finish at 7:30 p.m. Some of the farmers prefer to give the meat from the karakul lambs to their pigs and fowls rather than to their labourers ... Sometimes the sheep and cattle have better shelter than the labourers." Why, then, is there such a steady supply of labour to work on the farms? The reason is to be found in the relationship between the system of labour recruitment and the apartheid policy of creating separate native reserves.

The majority of African workers in Namibia are recruited on twelve to eighteen month contracts. The contract labour system is designed to guarantee a massive flow of cheap labour from the northern native reserves to work on the white-controlled farms and in the white-owned mines in the central and southern areas of the country. As Africans are increasingly restricted to smaller and smaller areas - areas which are unable to sustain their present number let alone a growing population - they are more and more forced to look elsewhere for some means of livelihood. It is this process which guarantees a steady supply of cheap labour for the white-controlled economy, while an iron framework of passes, permits, and regulations renders the work force powerless.

The Ovambo people (who comprise almost one-half the total population of Namibia, and live on less than one-third of the land) provide the majority of the contract labourers for both the industrial and farming sectors. They first get a medical examination, and are classified (and paid) according to their level of physical fitness. Then they are given a contract and an identity document which they must carry at all times. Their families are not permitted to come with them to their jobs, but must stay behind in the 'homelands.' It is common for a man to spend two-thirds to three-quarters of his married life away from his wife and children while he is working for the white man. It is illegal for African workers to form unions, and strikes are punishable by a fine up to $1,500 (annual per capita income for African farm workers is $54 to $210; for African workers in other sectors it is only slightly higher; for whites it is $2,400) and up to three years' imprisonment.

Tjitendero of SWAPO described this contract labour system in the following terms: "... you cannot break the contract, and if you do, that's when the South African 'so-called law' comes in, in defense of the boss who has actually abused his labourer. So you are bound into that ... you don't, under any circumstances, think of breaking that contract. If you do break it, you better disappear, and forever."
In addition to an oppressive system of labour recruitment, the working conditions for shepherds are a catalogue of unhappiness and tragedy: of long lonely periods spent only with sheep; of a below-subistence diet consisting of coffee, mealmeal, and sometimes a slice of bread; of death from pneumonia because of exposure to cold with inadequate clothing. In return for this, says Tjetenda, the shepherd is responsible "for 200 or 250 head of sheep, and he makes sure that none of that 200 sheep is missing, because, given the illegality as well as the arbitrary rule which prevails in our country, he can be killed, and there's no accountability."

Fighting Back

Given the oppressive work conditions Namibians are forced to endure, it is all the more noteworthy that on December 1971, more than 13,500 Ovambo workers went on strike, and returned to Ovamboland in the far north of the country. Though the white regime claims that the revised contract labour system which resulted from this strike is more moderate, in fact the changes are primarily in terminology (e.g., replacing 'master' and 'slaves' with 'employers' and employees'). The same restrictions on movement, enforced separation from families, inadequate wages, and miserable accommodations still persist. In fact, in February 1972, the South African government declared a State of Emergency in Ovamboland which is still in effect, resulting in deaths, jailings, and public floggings for hundreds of Namibians.

Since the strike, the South West Africa Agricultural Union, representing Hudson's Bay Company's trading partners in Namibia, agreed to a uniform fixed wage for farm workers to 'prevent competition.' They also formed the Farmers' Employers Association to handle the recruiting of African labour. One member of the Union said, "We will keep secret the proposed wage to be paid to Ovambo and Kavango farm workers. If we make the wages public there will be a fuss at the U.N. where everything we do is bad." Thus the farmers are directly responsible for blocking even minor changes in the contract labour system, and the involvement of Hudson's Bay Company serves to bolster this system even further.

The export of raw karakul fur is presently work over $70,000,000 per year to the farmers and foreign companies who market the skins at international auctions. The major markets for Namibian karakul pelts are West Germany, Denmark, Italy, and North America, where it is the biggest selling fur after mink. Canada and the United States together import an average of 20% of the karakul exported from Namibia. Though Canada also imports karakul which is produced elsewhere in the world besides Namibia, its total market of Namibian karakul comes solely through the Hudson's Bay fur sales in London.
In September 1972, the first of a continuing series of pickets and demonstrations began to be held at Hudson's Bay Company's Beaver Hall in the City of London to protest the sale of karakul fur. Fur buyers were informed that the karakul trade was a slave trade, and that by participating in it they were violating U.N. resolutions on Namibia. These pickets continue to be held today, and are now met by guards with dogs, and police who are preventing the demonstrators from entering the auction houses.

III

Of course, there are still loose ends in our picture of the Hudson’s Bay Company. We do know that Canadian ownership of the company has increased to 59% from the mere 7% which existed at the time the head office was moved to Winnipeg. Unfortunately, much less is known about the location of the real centre of power within the company or the extent to which the Bay can now be considered a genuinely Canadian corporation. We also know that the early pattern of resource extraction and export to the home country has been replaced by a more international and diversified operation. Yet at this point we cannot pretend to know, with any precision, what light the case of the Hudson's Bay Company sheds on the current debate concerning Canada's position within the hierarchies of imperialism. Only more extensive investigation could be expected to help resolve such matters.

The primary intention of this article has been a different one in any case. For our analysis has enabled us to confirm, with Vern Harper and Mose Tjitendero, the importance of the parallel which exists between the Hudson's Bay Company’s partnership in the systematic exploitation of human and natural resources in both Canada and Namibia. And we can also observe that the struggles represented by Harper and Tjitendero against the diverse systems from which the Bay draws its profits are powerful and ongoing ones.

Beyond this, one final point should be noted: that there are non-Native Canadians who have begun actively to support the legitimate struggles of the Aboriginal peoples of both Canada and Namibia. Some of them participated in the Native People's Caravan last September when it brought its demands to Ottawa. Many more condemned the actions of the RCMP when they attacked unarmed men, women and children on Parliament Hill. There is a group of concerned Canadians in British Columbia which is beginning to conduct intensive research into the activities of the Hudson's Bay Company in both Canada and Namibia. And there are support groups such as the Toronto Committee for the Liberation of Southern Africa (TCLSAC) which work in support of the liberation movements in Southern Africa and on issues which link the concerns of Canadians to those struggles.
This is important political work, from which there is much to be learned. For the Aboriginal peoples of Canada and Namibia have begun to underscore the world-wide pattern of resource imperialism perpetuated by multinational corporations such as the Hudson's Bay Company. They have also begun to draw the parallels between their own respective struggles for liberation. Clearly, many more Canadians must begin to draw the further parallels with their own lives.

Source:

Reprinted with permission of Multicultural Centre (One Sky), Native Information Kit, 1984, 134 Avenue F South, Saskatoon, S7M 1S8.
It may provide Frederik de Klerk with his first major test as South Africa's new reform-minded leader. Last week, Sam Nujoma, president of the South West African People's Organization (SWAPO) — which has been fighting a 23-year bush war against South African troops occupying Namibia — announced that he will return from exile this week. Nujoma is widely expected to become Namibia's head of state following the territory's first free elections in November. The elections are part of a UN-sponsored peace plan under which Pretoria agreed to grant Namibia its independence. But the Conservative Party — which won an unprecedented 39 seats in South African elections last week — opposes Namibian independence. And de Klerk, whose National Party (NP) won a slim majority in the poll, is likely to be vulnerable to the Conservatives' strengthened position in parliament. Clearly, the likelihood that Namibians will elect a socialist SWAPO government will test de Klerk's avowed commitment to reform.

South African troops occupied Namibia, then a German colony, in 1914. And for almost seven decades, Pretoria had refused to relinquish the vast, mineral-rich territory — populated by 1.4 million blacks and 100,000 whites — despite mounting international pressure. But South Africa's Nationalists, moving cautiously toward reform under former president Pieter Botha, found Namibia an increasingly unacceptable political cost. Finally, last December, Pretoria agreed to leave the territory in return for a pledge by Cuba to withdraw its 50,000 troops from neighbouring Angola.
And on April 1, the estimated 4,650-member UN peacekeeping force—including about 250 Canadians—began moving into Namibia to monitor the yearlong independence process. Still, observers have accused Pretoria of subverting the coming election, raising concerns that the peace plan could fail.

Confrontation

While SWAPO is widely expected to win the November elections, it remains unclear whether the guerrilla force can win the two-thirds majority in the constituent assembly needed to dictate Namibia's future constitution. SWAPO suffered a serious blow to its public image in April when an estimated 1,500 guerrilla infiltrated Namibia from Angola, just as UN peacekeepers began to arrive in the territory. Under the peace plan, the guerrillas were only allowed to return, unarmed, in May. The incursion led to a violent confrontation with South African forces that left at least 259 guerrillas and 26 soldiers dead. Then, SWAPO withdrew. In response, Pretoria threatened to abandon the independence plan but, with UN mediation, it finally agreed to proceed.

Nujoma will likely intensify his election campaign after he returns. SWAPO officials last week asked all Namibians to declare Sept. 14 a national holiday "to receive the president in a manner befitting a conquering hero."

SWAPO's main challenger in the November election is the multiracial Democratic Turnhalle Alliance (DTA), a pro-Western coalition led by white rancher Dirk Mudge. Pretoria openly supports the DTA. And observers have accused the South African-trained counterinsurgency force Koevoet of harassing SWAPO supporters in northern Namibia. UN officials called for their discharge, and last month 1,200 Koevoet members were confined to their bases. Government sources said that de Klerk issued the order just after he became South Africa's acting president.

Subversion

Still, James Victor Gbeho, Ghana's representative at the United Nations, told the UN Security Council last month that many Koevoet members had been integrated into the regular police force and that Pretoria has "a deliberate strategy to undermine" SWAPO. Meanwhile, six Canadian observers who visited Namibia in July issued a statement saying that election rules, drafted by Namibia's South African-appointed government, call for such a cumbersome vote-counting procedure that it could take three weeks to tabulate results. That would raise "impatience and suspicions to the boiling point," the statement said.
South Africa has rejected accusations that it is trying to influence the election results. And the NP appears confident that it can deal with Namibia, whatever party wins at the polls. Said South African Foreign Minister Roelof (Pik) Botha recently: "We expect them to be a good neighbour. After all, they will be nearly totally dependent on us economically." Moreover, de Klerk clearly understands that, in November, world opinion will judge his commitment to reform by his willingness to allow Africa's last colony a free and fair election.

Source:

Reprinted with permission of MacLean's, September 18, 1989.

Namibia Approves Constitution

Namibia's parliament voted for a liberal democratic constitution Friday and removed the last barrier to independence after 70 years of South African occupation.

The constitution of Africa's newest state banned the death penalty, entrenched a multi-party system and guaranteed fundamental human rights at independence on March 21.

Centrist politician Moses Katjiuonua said after a unanimous vote in the desert territory's Constituent Assembly: "Only the people of Namib desert, among the colonial people of Africa, were given the rare opportunity by history and the international community to write their own constitution."

President-designate Sam Nujoma, hinting heavily at events in neighbouring South Africa, said the constitution might serve as a model for other countries in the process of reform.

The constitution stipulates that Namibia become a multi-party democratic republic with an independent judiciary, a bill of fundamental human rights and an executive president who may serve a maximum of two five-year terms.

Decorations in the colours of Namibia's new blue, white, red and green flag were draped on a wall in front of the 72 assembly members and diplomats from 38 countries.

The constitution, said by historians to be one of the most liberal in Africa, was passed 80 days after the assembly was elected in a United Nations-supervised independence election.

Nujoma's South-West Africa People's Organization, which fought a 23-year bush war against South African control of the territory, won the election and will form the new government.
The Road to Liberation

"I think Namibians value education more than other people because we have been denied it for so long. Others take it for granted, but we have had to struggle for it. It's like voting. We're exercising your rights for the first time, and so we treasure it more than other people."

Clara Bohitile

In late 1988, the South African government grudgingly agreed to end its illegal occupation of Namibia in return for the withdrawal of Cuban troops from Angola.

This paved the way for free, democratic and supervised elections in Namibia, and allowed the South West Africa Peoples' Organization (SWAPO) to make its bid for state power this spring.

The United Nations has not ensured that peacekeeping and administrative staff will remain in Namibia beyond April 1, and UNESCO has planned to withdraw funding for educational programs on March 31.

Analysts say that continued support is essential to the development of real and sustainable economic independence.

Likewise, the extension of educational funding assistance can help to ensure the development of a literate Namibian populace. Without such assurances, many education workers are worried. As Clara Bohitile, director of non-formal education with the Council of Churches of Namibia (CCN), a group dependent on UNESCO funding, explains, "Our school year ends in December. What are we supposed to do, throw the children out?"

Education not Neutral

During the decades of apartheid rule in Namibia, educational inequality and neglect for the literacy needs of the black majority have been key elements to repression. As Bohitile said, "even though 60 to 70 per cent of black Namibians are illiterate, (the South African administration) has done nothing to address this problem."

As in South Africa, "(access to) education in Namibia depends on one's colour."

In Namibia, the exclusion of the majority from education has served to uphold exploitative class and race relationships.

This exclusion has also created an opening for non-governmental organizations to step in and provide for the educational needs of black Namibians without the standard paternalism and ideological manipulations of colonial state schooling.

The state has refused to permit the use of classrooms, even for church literacy work, which demonstrates the struggle for literacy in Namibia is an important building-block in the movement for social change. In the words of revolutionary Brazilian educator Paulo Freire, "There is no such thing as a neutral educational process."
Education either functions as an instrument which is used to facilitate the integration of the younger generation into the logic of the present system and bring about conformity to it, or it becomes the practice of freedom, the means by which men and women deal critically and creatively with reality and discover how to participate in the transformation of the world."

**Literacy and Women**

Bohitile, like many disadvantaged Namibian women, left Namibia to pursue advanced education with funding support from international development agencies and non-governmental organizations like WUSC.

Like others who returned as engineers and medical doctors, her example challenged traditional sex-roles, encouraging other young women, through education, to play leadership roles in the new Namibia.

"When I was growing up," she recalls, "The only choices available to women were to become either a teacher or a nurse."

Now, she points to the non-discriminatory practices of the CCN. She oversees an adult education program which gives opportunities to women who are forced to drop-out because of pregnancy.

**Literacy and the Church**

The transition period has created the historical opportunity for Clara to set an example for other Namibian women. Similarly, the Namibian churches with which she works have also set a precedent for oppressed people all over the world.

The CCN has developed an elaborate set of parallel educational structures which provide Namibians with educational opportunities denied them by the South African administration.

Bohitile recalls that until 1988, with the disbanding of the Koevet (crowbar), a feared regiment of Namibians who had been trained by the occupying South African Defense Force, children stayed away from school. The reason for the absence was that the Koevet set up their bases near the children's schools so that SWAPO would not be able to attack.

The CCN stepped in to set up an emergency school which would remove the children from the dangerous area and permit them to continue with their schooling.

Bohitile shows relief when she concludes that now, with the presence of troops, kids don't have to stay away from school anymore.

Source:

Reprinted with permission of Briarpatch, April 1990.
Escaping South Africa's Grip

Namibia became independent last March, but it remains economically subject to its powerful neighbour, South Africa. South Africa buys 75% of Namibian exports and supplies 80% of its imports. Moves have now begun to slacken this dependence, and much of the impetus is coming from grassroots and local non-governmental organizations (NGOs).

One success has been the use of Angolan oil. The Deputy Minister of Mines and Energy, Helmut Angula, said as the first shipment was off-loaded in Luderitz that he hoped that within five years, 50% of Namibia's oil would come from non-South African sources.

Negotiations are underway with the European Economic Community (EEC), with a view to Namibia joining the Lomé Convention, so providing an alternative market for Namibian beef and sheep meat.

Local NGOs have also contributed to developing skills in Namibia, thereby reducing dependence on South Africa. The Namibia Development Trust (NDT) was set up in 1987 to channel EEC funds to the victims of apartheid. It has transformed itself into a "networking" agency for Namibian NGOs. It has been critical of foreign NGOs who bring their own agendas, such as the current emphasis on small businesses rather than co-operatives. Lindi Kazombaue, the NDT Coordinator, recognizes that co-operatives have problems too but is convinced they are critical to spreading management skills.

NDT has presented the Government with a three-fold strategy: replacing goods like shoes, crockery, uniforms and textiles imported from South Africa; switching to other sources of supply, such as Zimbabwe; using local products, like the marula tree for oil, fruit-based alcoholic drinks and aloe for medicine and cosmetics.

Irrespective of the outcome of the struggle for freedom and justice in South Africa, their local initiatives are the key to Namibia's future.

Lessons From Indigenous Peoples

Most Indigenous people live on the fringe of the dominant society which surrounds them. Whether in Brazil, Canada or Burma contact between outsiders and Native people is usually glancing and superficial. That is unfortunate because tribal peoples have a huge amount of accumulated wisdom and knowledge to teach us. And the lessons could help change the world.

Simply ... Honour the Spirit

White invaders saw Native people as godless unfortunates, ripe for conversion to Christianity. In fact, spirituality in most Native cultures was highly-developed. Indigenous people created complex mythologies which attempted to situate their lives in the scheme of creation. Animals, insects, trees and even the landforms were all infused with the power of the 'Great Spirit'.

The physical world was an emanation of the Spirit. Harmony in the former depended on understanding and respecting the spirits whose intervention in daily life was common.

Some observers speculate that an intense Native spirituality both attracted and enraged white colonizers whose Christian faith had become lifeless and diluted. In any case Europeans were keen to replace Native beliefs with Christianity. They did so with some success but in most cases indigenous people just added Christian beliefs and practices to their own.

Native spirituality stands in stark contrast to the crass materialism of modern consumer society. For the most part Native people have not let a passion for possessions undermine their relationship with the divine. Where traditional spirituality still survives it gives meaning to Native lives and provides a barrier to the corrosive influence of materialist culture.

Love the Land

According to Native lore the land is a gift from the creator which we hold in trust for future generations. Indigenous people see themselves as part of a continuum stretching from the time of creation. No one, they say, has the right to deprive future generations of their birthright. For most indigenous people private ownership of land is a completely foreign concept.

In industrial society the value of land is measured crudely in dollars and cents. Short-term greed has turned vast areas of once fertile farmland into arid desert. Profit-hungry corporations continue to fight population controls, dumping deadly chemicals into our lakes and rivers, poisoning the air and scarring the land - all in the name of economic development.

Chief Seattle summed up the American Indian attitude in 1854: "Whatever befalls the earth befalls the sons and daughters of earth. If we spit upon the earth, we spit on ourselves."
Respect Nature

Traditional Native societies depended on animal and plant life for survival — people were both producers and consumers. Life was difficult with daily survival the primary preoccupation. But the environment was neither strange nor menacing — whether it was the Amazonian rainforests, the Australian desert or the Arctic permafrost.

Today most Native people still see themselves as integrated into the natural world. In many ways they are the original ecologists; they’ve lived a harmonious, sustainable relationship with their environment for thousands of years. In industrial societies we tend to treat natural resources as infinitely renewable. There is no thought of tomorrow; the idea is to mine the minerals, cut the trees, catch the fish and damn the consequences. Nature is a chaotic force to be subdued and exploited.

Nomadic Indians did not tax the land or its resources. Nothing was wasted: everything was eaten or used for clothing or tools. Compare that to the casual, throw-away style of industrial society where waste is built-in to the economy and sportsmen slaughter animals for the sheer thrill of the kill.

Over the centuries, indigenous cultures have amassed a tremendous storehouse of knowledge about the natural world. People like the Lawa in northern Thailand grow at least 75 food crops and over 20 medicinal plants. Many modern wonder-drugs have been extracted from rare plants widely-used by Indian clans. What was once glibly dismissed as ‘folk medicine’ is now studied by scientists and researchers.

Resist Oppression

Native people were initially welcoming to foreign invaders. They believed the land was big enough for everyone. But it wasn’t long before friendship turned to hostility as Europeans enslaved Natives, stole their land and looted their treasures. The Indians did not give up without a fight. When the first group of colonizers deposited by Christopher Columbus attacked Indian villages in search of gold the Indians fought back, killing all the white invaders. That was the beginning of four centuries of warfare between Europeans and Indians in the Americas.

Today Native people are organizing nationally and internationally to win their rights. In countries like Guatemala, Brazil, Bangladesh, and West Papua (Indonesia) tribal people under siege are forced to organize militarily to defend themselves.

Elsewhere, the Filipino Cordillera Native Peoples Alliance effectively fought off the Chico Dam project which threatened to flood the land of thousands of Kalinga and Bontoc people. Maoris from Aotearoa and Cree from northern Quebec have taken their fight to the U.N. And the World Council of Indigenous People (WCIP) has made tremendous strides to bring together indigenous peoples from around the world.
Visible minorities, community groups, women's organizations and others in Western countries who suffer from racism or discrimination can learn a great deal from this powerful determination to survive. In the Third World – especially in Latin America – the long resistance of Native people to assimilation could be a rallying point for peasants and the urban poor in their battle for work and decent living conditions.

Value Tradition

Native culture is under fire everywhere. Indigenous values are being destroyed by imported consumer culture, imposed education and alcohol. But despite this onslaught, Native people cling stubbornly to their traditional values; in so doing they show us the need for cultural roots. Old people are highly revered for their knowledge and experience and are held in great esteem. In industrial society the aged are largely forgotten and dismissed as boring relics of a bygone era. The cult of youth reigns supreme.

Despite the cultural trauma they experience Native people know who they are. Their traditional values reinforce their will to survive as strong independent peoples.

And Native people are flexible. They never hesitated to borrow from industrial society, to use new methods to carry out traditional activities. Industrial society looks to the future; tradition is dismissed as antiquated and inefficient. Whatever is new is good.

Claim Your Rights

Native people the world over have seen treaties broken, communities destroyed and their lands and resources stolen. Now they are demanding basic rights: some Native groups use the term self-determination, other self-government. But it amounts to the same thing – the right of indigenous people to control their land and resources in their own way, according to their own needs and aspirations.

Where tribal peoples are still ruled by colonial regimes (as in New Caledonia or West Papua) they are seeking complete independence. But in most cases indigenous people accept their futures are linked to the dominant society around them. And they are beginning to build alliances with other like-minded groups. They want equality, political autonomy and a recognition of past sins. In concrete terms that may mean compensation for land lost; it may also mean a share of income derived from the extraction of natural resources on alienated homelands.
But in the majority of cases it means a secure land base where they have complete economic control and the political space to develop as distinct societies. This struggle hits at the central question of power and the need for a new political vision based on decentralized, democratic control over the use of land and resources. This is a lesson for all of us in an age when national governments and multinational corporations run roughshod over local community interests and regional needs.

Source:

Reprinted with permission from New Internationalist, August 1988. 511 King Street West, Toronto, Ontario, M5V 2Z4. (416) 591-1381
NATIVE STUDIES 20

Student Resource Guide

Development: Unit 2
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Our Common Future

"I am here as the son of a small nation, the Krenak Indian Nation. We live in the valley of the Rio Doce, which is the frontier of Espirito Santo with the State of Minas Gerais. We are a micro-country - a micro-nation.

When the government took our land in the valley of Rio Doce, they wanted to give us another place somewhere else. But the State, the government will never understand that we do not have another place to go.

The only possible place for the Krenak people to live and to re-establish our existence, to speak to our Gods, to speak to our nature, to weave our lives is where our God created us. It is useless for the government to put us in a very beautiful place, in a very good place with a lot of hunting and a lot of fish. The Krenak people, we continue dying and we die insisting that there is only one place for us to live.

My heart does not become happy to see humanity's incapacity. I have no pleasure at all to come here and make these statements. We can no longer see the planet that we live upon as if it were a chess-board where people just move things around. We cannot consider the planet as something isolated from the cosmic.

We are not idiots to believe that there is a possibility of life for us outside of where the origin of our life is. Respect our place of living, do not degrade our living condition, respect this life. We have no arms to cause pressure, the only thing we have is the right to cry for our dignity and the need to live in our land."

Ailton Krenak
Co-ordinator of Indian Nations' Union
WCED Public Hearing, Sao Paulo, 28, 29, Oct 1985

Environmental Problems in Third World Cities

A growing number of the urban poor suffer from a high incidence of diseases; most are environmentally based and could be prevented or dramatically reduced through relatively small investments. Acute respiratory diseases, tuberculosis, intestinal parasites, and diseases linked to poor sanitation and contaminated drinking water (diarrhoea, dysentery, hepatitis, and typhoid) are usually endemic; they are one of the major causes of illness and death, especially among children. In parts of many cities, poor people can expect to see one in four of their children die of serious malnutrition before the age of five, or one adult in two suffering intestinal worms or serious respiratory infections.

Out of India’s 3,119 towns and cities, only 209 had partial and only 8 had full sewage and sewage treatment facilities. On the river Ganges, 114 cities each with 50,000 or more inhabitants dump untreated sewage into the river every day. DDT factories, tanneries, paper and pulp mill, petrochemical and fertilizer complexes, rubber factories, and a host of others use the river to get rid of their wastes. The Hooghly estuary (near Calcutta) is choked with untreated industrial wastes from more than 150 major factories around Calcutta. Sixty per cent of Calcutta’s population suffer from pneumonia, bronchitis, and other respiratory diseases related to air pollution.

Chinese industries, most of which use coal in outdated furnaces and boilers, are concentrated around 20 cities and ensure a high level of air pollution. Lung cancer mortality in Chinese cities is four to seven times higher than in the nation as a whole, and the difference is largely attributable to heavy air pollution.

In Malaysia, the highly urbanized Klang Valley (which includes the capital, Kuala Lumpur) has two to three times the pollution levels of major cities in the United States, and the Klang river system is heavily contaminated with agricultural and industrial effluents and sewage.


Air and water pollution might be assumed to be less pressing in Third World cities because of lower levels of industrial development. But in fact hundreds of such cities have high concentration of industry. Air, water, noise, and solid waste pollution problems have increased rapidly and can have dramatic impacts on the life and health of city inhabitants, on their economy, and on jobs. Even in a relatively small city, just
one or two factories dumping wastes into the only nearby river can contaminate everyone's drinking, washing, and cooking water. Many slums and shanties crowd close to hazardous industries, as this is land no one else wants. This proximity has magnified the risks for the poor, a fact demonstrated by great loss of life and human suffering in various recent industrial accidents.

The uncontrolled physical expansion of cities has also had serious implications for the urban environment and economy. Uncontrolled development makes provision of housing, roads, water supply, sewers, and public services prohibitively expensive. Cities are often built on the most productive agricultural land, and unguided growth results in the unnecessary loss of this land. Such losses are most serious in nations with limited arable land, such as Egypt. Haphazard development also consumes land and natural landscapes needed for urban parks and recreation areas. Once an area is built up, it is both difficult and expensive to re-create open space.

In general, urban growth has often preceded the establishment of a solid, diversified economic base to support the build-up of housing infrastructure, and employment. In many places, the problems are linked to inappropriate patterns of industrial development and the lack of coherence between strategies for agricultural and urban development. The link between national economies and international economic factors has been discussed in Part I of this report. The world economic crisis of the 1980's has not only reduced incomes, increased unemployment, and eliminated many social programes. It has also exacerbated the already low priority given to urban problems, increasing the chronic shortfall in resources needed to build, maintain, and manage urban areas.

Species and Ecosystems: Resources for Development

Conservation of living natural resources—plants, animals, and micro-organisms, and the non-living elements of the environment on which they depend—is crucial for development. Today, the conservation of wild living resources is on the agenda of governments; nearly 4 per cent of the Earth's land area is managed explicitly to conserve species and ecosystems; and all but a small handful of countries have national parks. The challenge facing nations today is no longer deciding whether conservation is a good idea, but rather how it can be implemented in the national interest and within the means available in each country.

I. The Problem: Character and Extent

Species and their genetic materials promise to play an expanding role in development, and a powerful economic rationale is emerging to bolster the ethical, aesthetic, and scientific cases for preserving them. The genetic variability and germplasm material of species make contributions to agriculture, medicine, and industry worth many billions of dollars per year.
Yet scientists have intensively investigated only one in every 100 of Earth's plant species, and a far smaller proportion of animal species. If nations can ensure the survival of species, the world and new raw materials for industry. This - the scope for species to make a fast-growing contribution to human welfare in myriad forms - is a major justification for expanded efforts to safeguard Earth's millions of species.

Equally important are the vital life processes carried out by nature, including stabilization of climate, protection of watersheds and soil, preservation of nurseries and breeding grounds, and so on. Conserving these processes cannot be divorced from conserving the individual species within natural ecosystems. Managing species and ecosystems together is clearly the most rational way to approach the problem. Numerous examples of workable solutions to local problems are available.

Species and natural ecosystems make many important contributions to human welfare. Yet these very important resources are seldom being used in ways that will be able to meet the growing pressures of future high demands for both goods and services that depend upon these natural resources.

There is a growing scientific consensus that species are disappearing at rates never before witnessed on the planet. But there is also controversy over those rates and the risks they entail. The world is losing precisely those species about which it knows nothing or little; they are being lost in the remotest habitats. The growing scientific concern is relatively new and the data base to support it fragile. But it firms yearly with each new field report and satellite study.

Many ecosystems that are rich biologically and promising in material benefits are severely threatened. Vast stocks of biological diversity are in danger of disappearing just as science is learning how to exploit genetic variability through the advances of genetic engineering. Numerous studies documents this crisis with examples from tropical forests, temperate forests, mangrove forests, coral reefs, savannas, grasslands, and arid zones. Although most of these studies are generalized in their documentation and few offer lists of individual species at risk or recently extinct, some present species-by-species details.

Habitats alteration and species extinction are not the only threat. The planet is also being impoverished by the loss of races and varieties within species. The variety of genetic riches inherent in one single species can be seen in the variability, manifested in the many races of dogs, or the many specialized types of maize developed by breeders.
Many species are losing whole populations at a rate that quickly reduces their genetic variability and thus their ability to adapt to climatic change and other forms of environmental adversity. For example the remaining gene pools of major crop plants such as maize and rice amount to only a fraction of the genetic diversity they harboured only a few decades ago, even though the species themselves are anything but threatened. Thus there can be an important difference between loss of species and loss of gene reservoirs.

Some genetic variability inevitably will be lost, but all species should be safeguarded to the extent that it is technically, economically, and politically feasible. The genetic landscape is constantly changing through evolutionary processes, and there is more variability than can be expected to be protected by explicit government programs. So in terms of genetic conservation, governments must be selective, and ask which gene reservoirs most merit a public involvement in protective measures. However, as a more general proposition, governments should enact national laws and public policies that encourage individual, community, or corporate responsibility for the protection of gene reservoirs.

But before science can focus on new ways to conserve species, policy makers and the general public for whom policy is made must grasp the size and the urgency of the threat. Species that are important to human welfare are not just wild plants that are relatives of agricultural crops, or animals that are harvested. Species such as earthworms, bees, and termites may be far more important in terms of the role they play in a healthy and productive ecosystem. It would be grim irony indeed if just as new genetic engineering techniques begin to let us peer into life's diversity and use genes more effectively to better the human condition, we looked and found this treasure sadly depleted.

II. Extinction Patterns and Trends

Extinction has been a fact of life since life emerged. The present few million species are the modern-day survivors of the estimated half-billion species that have ever existed. Almost all past extinctions have occurred by natural processes, but today human activities are overwhelmingly the main cause of extinctions.

The average duration of species is some 5 million years. The best current estimates are that on average 900,000 species have become extinct every 1 million years during the last 200 million years, so the average "background rate" of extinction has been very roughly the average "background rate" of extinction has been very roughly one in every one and one-ninth years. The present human-caused rate is hundreds of times higher, and could easily be thousands of times higher. We do no know. We have no accurate figures on the current rates of
extinctions, as most of the species vanishing are those least documented, such as insects in tropical forests.

Although tropical moist forests are by far the richest biological units in terms of genetic diversity and by far the most threatened through human activities, other major ecological zones are also under pressure. Arid and semi-arid lands harbour only a very small number of species compared with tropical forests. But because of the adaptations of these species to harsh living conditions, they feature many potentially valuable biochemicals, such as the liquid wax of the jojoba shrub and the natural rubber of the guayule bush. Many of these are threatened by, among other things, the expansion of livestock herding.

Coral reefs, with an estimated half-million species in their 400,000 square kilometres, are being depleted at rates that may leave little but degraded remnants by early next century. This would be a great loss, in that coral-reef organisms, by virtue of the 'biological warfare' they engage in to ensure living space in crowded habitats, have generated as unusual number and variety of toxins valuable in modern medicine.

Tropical moist forests cover only 6 per cent of the Earth's land surface but contain a least half the Earth's species (which totals 5 million at a minimum, but could be as many as 30 million). They may contain 90 percent or even more of all species. The mature tropical forests that still exist cover only 900 million hectares, out of the 1.5 - 1.6 billion hectares that once stood. Between 7.6 million and 10 million hectares are eliminated outright each year, and at least a further 10 million hectares are grossly disrupted annually. But these figures come from surveys of the late 1970's and since then deforestation rates have probably accelerated.

By the end of the century, or shortly thereafter, there could be little virgin tropical moist forest left outside of the Zaire basin and the western half of Brazilian Amazonia, plus some areas such as the Guyana tract of forest in northern South America and parts of the island of New Guinea. The forests in these zones are unlikely to survive beyond a few further decades, as world demand for their produce continues to expand as the number of forest land farmers increases.

If deforestation were to continue in Amazonia at present rates until the year 2000, but then halted completely (which is unlikely), about 15 per cent of the plant species would be lost. Where Amazonia’s forest cover to be ultimately reduced to those areas now established as parks and reserves, 66 per cent of plant species would eventually disappear, together with almost 69 per cent of bird species and similar proportions of all other major categories of species. Almost 20 per cent of the Earth's species are found in Latin American forests outside of Amazonia; another 20 per cent are found in forests of Asia and Africa outside the Zaire Basin. All these forests are threatened, and if they were to disappear, the species loss could amount to hundreds of thousands.
Unless appropriate management measures are taken over the longer term, at ease one-quarter, possibly one-third, and conceivably a still larger share of species existing today could be lost. Many experts suggest that at least 20 per cent of tropical forests should be protected, but to date well under 5 per cent has been afforded protection of any sort - and many of the tropical forest parks exist only on paper.

Even the most effectively managed parks and protected areas are unlikely to provide a sufficient answer. In Amazonia, if as much as half the forest were to be safeguarded in some way or another but the other half were to be eliminated or severely disrupted, there might well not be enough moisture in the Amazonian ecosystem to keep the remaining forest moist. It could steadily dry up until it became more like an open woodland - with the loss of most of the species adapted to tropical moist forest conditions.

More widespread climatic changes are likely to emerge within the foreseeable future as the accumulation of 'greenhouse gases' in the atmosphere led to global warming early in the next century. Such a change will produce considerable stress for all ecosystems, making it particularly important that natural diversity be maintained as a means of adaptation.

III. Some Causes of Extinction

The tropics, which host the greatest number and diversity of species, also host most developing nations, where population growth is fastest and poverty is most widespread. If farmers in these countries are forced to continue with extensive agriculture, which is inherently unstable and leads to constant movement, then farming will tend to spread throughout remaining wildlife environments. But if they are helped and encouraged to practice more intensive agriculture, they could make productive use of relatively limited areas, with less impact on wild lands. They will need help: training, marketing support, and fertilizers, pesticides, and tools they can afford. This will require the full support of governments, including ensuring that conservation policies are designed with the benefit of agriculture foremost in mind. It may be expedient to stress the value to farmers rather than to wildlife of this program, but in fact the destinies of the two are intertwined. Species conservation is tied to development, and the problems of both are more political than technical.

Population growth is a major threat to conservation efforts in many developing nations. Kenya has allocated 6 per cent of its territory as parks and reserves in order to protect its wildlife and to earn foreign exchange through tourism. But Kenya's present population of 20 million people is already pressing so hard on parks that protected land is steadily being lost to invading farmers. And the country's population is projected to grow fourfold in the next 40 years.
Similar population pressures threaten parks in Ethiopia, Uganda, Zimbabwe, and other countries in which a growing but impoverished peasantry is forced to depend on a dwindling natural resource base. The prospects are bleak for parks that do not make important and recognizable contributions to national development objectives.

Brazil, Columbia, Cote d'Ivoire, Indonesia, Kenya, Madagascar, Peru, the Philippines, Thailand, and other nations with an unusual abundance of species already suffer a massive flow of farmers from traditional homelands into virgin territories. These areas often include tropical forests, perceived by the migrants encouraged to farm there as 'free' lands available for unimpeded settlement. The people who are already living on such lands at low population densities and with only traditional rights to the land are often swept aside in the rush to develop lands that might better be left in extensively used forest.

Many tropical countries with large forest resources have provoked wasteful ‘timber booms’ by assigning harvesting rights to concessionaires for royalty, rent, and tax payments that are only a small fraction of the net commercial value of the timber harvest. They have compounded the damage caused by these incentives by offering only short-term leases, requiring concessionaires to begin harvesting at once, and adopting royalty systems that induce loggers to harvest only the best trees while doing enormous damage to the remainder. In response, logging entrepreneurs in several countries have leased virtually the entire productive forest area within a few years and have over exploited the resource with little concern for future productivity (while unwittingly opening it for clearing by slash-and-burn cultivators).

In Central and South America, many governments have encouraged the large-scale conversion of tropical forests to livestock ranches. Many of these ranches have proved ecologically and economically unsound, as the underlying soils are soon depleted of nutrients; weed species replace planted grasses, and pasture productivity declines abruptly. Yet tens of millions of hectares of tropical forest have underwritten the conversions with large land grants, tax credits and tax holidays, subsidized loans, and other inducements.

The promotion of tropical timber imports into certain industrial countries through low tariffs and favourable trade incentives, combined with weak domestic forest policies in tropical countries and with high costs and disincentives to harvesting in industrial countries typically import unprocessed logs either duty-free or at minimal tariff rates. This encourages developed country industries to use logs from tropical forests rather than their own, a pattern that is reinforced by domestic restrictions on the amounts that can be cut in domestic forests.

A Failed Federal System

Aboriginal peoples of Canada continue to suffer social disintegration and deprivation under the paternalistic administration of the federal government. In 1983, the Report of the Special Committee on Indian Self-Government, House of Commons, Issue No. 40, (pg. 15) cited the following grim conditions among First Nations peoples.

Child Welfare: The proportion of First Nations children in care has risen to more than five times the national rate.

Education: Only 29% of First Nations children complete the secondary level compared to a national rate of 75%.

Housing: Housing is so scarce that 49% of First Nations families must share their home with other families. Many homes lack running water, sewage disposal and indoor plumbing.

Income: The average income of First Nations peoples is one-half to two-thirds of the national average.

Unemployment: Among First Nations unemployment ranges from 35% to 90% of the working age population.

Prisoners: First Nations peoples are over-represented in federal and provincial penitentiaries in proportion to their population. In Manitoba, Saskatchewan and the North, First Nations peoples represent more than 40% of the prison population. The proportion of First Nations juveniles who are considered delinquent is three times the national rate.

Death Rate: The death rate among First Nations peoples is two to four times the rate of other Canadians.

Causes of Death: Accidents, poisoning, and violence account for more than 35% of deaths among First Nations peoples compared to 9% for the Canadian population as a whole. First Nations peoples die from fire at a rate seven times that for the rest of the population.

Suicide: First Nations peoples die from suicide at almost three times the national rate. Suicide is especially prevalent among First Nations peoples ages 15-24.

Infant Mortality: The infant mortality rate among First Nations peoples is 60% higher than the national rate.

Life Expectancy: If a First Nations child survives its first year of life, it can expect to live 10 years less than a non-Indian Canadian. In 1981, the male and female life expectancies at birth for a First Nations population were 62 and 69 years respectively, compared to corresponding averages of 72 and 79 for Canadians in general. (Mortality Projections of Registered Indians, 1982 to 1986, DIAND, 1985)
Hospital Admissions: First Nations peoples are admitted to hospitals at more than twice the rate of the national population.

The following data was released by the Assembly of First Nations in March 1991.

Population: The Indian population of Canada is 466,337 of which 260,337 live on reserves. This is approximately 4% of the Canadian population.

Social Assistance: 120,000 off-reserve Indian peoples (58%) are estimated to receive social assistance. 164,000 reserve Indian peoples (62%) live on social assistance. In absolute terms, there are more Indian peoples on social assistance that there are residents in the four Atlantic provinces combined on social assistance.

Income: Census data show Aboriginal income to average little more than half, 54%, of the average Canadian income. The people with the lowest average personal income ($10,382) are reserve Indian peoples, which is one half the Canadian average ($20,764).

Unemployment: Aboriginal joblessness rates average nearly 70%. Out of a total federal government workforce of nearly 600,000, Aboriginal participation is 7/10 of one percent (0.7%) or 3,862 and no Aboriginal women hold positions in the top salary range.

Life Expectancy: The life expectancy of male and female Indian peoples will be more than eight years lower than their Canadian counterparts in 1991.

Infant Mortality: The rate for Indian peoples is more than double the Canadian rate, 17.2 compared to 7.9 per 100 babies.

Violent deaths in First Nations communities are nearly three times the national average, 157 compared to 54.3 per 1,000 population.

Housing: Overcrowding in reserve homes (about 30%) has risen to 16 times the Canadian rate of 1.8%. Nearly 40% of reserve homes have no central heating compared to only 5% of Canadian homes.

Child Welfare: Indian children are four times more likely than Canadian children to be in the care of child welfare agencies.

Functional Literacy: Those people with less than a grade 9 education; for First Nations peoples in 45% or two and a half times the Canadian rate of 17%.

*For more information contact Karen Isaac, Assembly of First Nations, 47 Clarence Street, Ottawa, Ontario, K1N 9K1 or call (613) 236-0673.
"Development" is a complex term which may be defined in any number of ways by any number of authors, commentators, peoples and cultures. What is common to all definitions, however, is that the cultural, social experiences and perspectives of the author will determine not only what "development" consists of and involves, but also a social and economic context wherein development may exist. To illustrate this point you may wish to ask a number of students their definitions and understanding of "development". Some students may focus upon personal development, community and social development, or economic development alone.

The Western or Euro-Canadian tradition tends to view development as movement along a line or continuum from the less-developed to the more-developed with the goal being to create a modern industrial economic complex. The economic system is most often based upon concepts of capitalism, private ownership, and individual entrepreneurship. The past is identified with the less-developed system, the present and future with the more-developed system. A value judgement is applied when the more-developed system is deemed to be best and most desirable. When more becomes associated with better many problems arise. Consider the environmental issues now of concern to the Western world. Resources are running out and cannot be replaced. Resources are squandered and the three R's are swiftly becoming the operative conception of development in the nineties, Reduce, Reuse, and Recycle.

The Euro-Canadian Model

<table>
<thead>
<tr>
<th>INDUSTRIAL</th>
<th>AGRICULTURAL</th>
<th>HORTICULTURAL</th>
<th>HUNTER-GATHERER</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Power down authority</td>
<td>- Rural / permanent</td>
<td>- Rural / semi-nomadic</td>
<td>- Nomadic / tribal living</td>
</tr>
<tr>
<td>- Nuclear families</td>
<td>- Relationships</td>
<td>- Folk villages</td>
<td>- Extended families</td>
</tr>
<tr>
<td>- Urban living</td>
<td>by contract</td>
<td>- Communal consensus</td>
<td>- Planeristic authority</td>
</tr>
<tr>
<td>- Job specialization</td>
<td>- Economics dictated</td>
<td>- Dominant seasonal activities</td>
<td>- Mother Earth - a sanctuary, taker and cathedral</td>
</tr>
<tr>
<td>- Legalized social control</td>
<td>by market</td>
<td>- Subsistence activities - harvesting</td>
<td>- Local sanctions control</td>
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<tr>
<td>- Future-oriented goals</td>
<td>- Serves larger centres</td>
<td></td>
<td>- Socio-cultural framework</td>
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<td>- Formal institutions</td>
<td></td>
<td></td>
<td>- Executes economics role</td>
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<tr>
<td>- Fully market oriented</td>
<td></td>
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<td>- Family / neighborhood informal institutions</td>
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TIME FRAMES: Past/present Intermediate/seasonal Future-oriented

Progress and Development

Reprinted from Dual Realities - Dual Strategies by Bill Hanson
Saskatoon, 1985
When this concept is applied to societies which place a priority upon the group, rather than the individual, culture rather than the economics and social justice rather than individual gratification, great problems arise.

The Indigenous peoples' perspectives tend not to function on the linear model. "Development" is seen as the fulfillment of the Great Circle of Life. This may be fulfillment on an individual, social, economic, cultural, and environmental basis. Development in a young boy's life might be symbolized by the living out of his vision quest. In a young girl's life development might be to assume the continued survival of her people, and culture by supporting and strengthening social structures and cultural practices.

Economic development in such a society must be based upon cultural beliefs and practices. The environment which molded that society must be preserved and enhanced so the people and their future generations, the unborn may be assured of survival. That survival must respect the Creator and Creation as granted to human society in trust rather than for exploitation.

The movement of an individual through the Four Hills of Life within the Sacred Circle - birth, adolescence, adulthood, death is the individual's development. Cultural development in the Indigenous perspective means improving the quality of life while "preserving unchanged its fundamental structure and character." (Harding, 1960: 54) This concept of development can not involve anything that would diminish the culture or the individual's role in it. Development becomes communal and individual, holistic. All consequences of development must be examined and judged on the basis of cultural preservation.

It must support and preserve cultural beliefs and practices, enhances the individual's quality of life and preserve the environment which produced and nurtures the society. The Indigenous and holistic perspective of development respects the 12 Principles of Indian Philosophy and the Indian Code of Ethics. You may wish to refresh your memory by referring to the Introduction and the articles on the Sacred Tree and Sacred Circle in the Native Studies 10 Student Resource Guide. Remembrance of the past and preservation for the future guarantees social and cultural survival.
The following articles and charts appear in Dual Realities, Dual Strategies, and 1985 are reproduced here with the permission of the author.

Bill Hanson, a recognized specialist in the socio-cultural and economic aspects affecting the development of Indian/Native people. Being of Native ancestry from northern Manitoba, he is familiar with the circumstances and life-styles within northern/remote communities. Prior to overseas service during World War II, he engaged in the activities of trapping, hunting, commercial fishing, mining and construction.

For the past thirty years, Mr. Hanson has applied his unique combination of interests, knowledge and experience to create a better understanding of the aboriginal people's perspective. He served over twenty-eight years with the Public Service of Canada, in a number of positions of increasing responsibility.

During his service with the National Employment Service and the Department of Manpower and Immigration, his responsibilities included management, liaison with NewStart projects, migration/relocation programs and a variety of community development, training and employment initiatives directed to Indian/Native people. While serving with the department of Regional Economic Expansion, he was actively involved in the development and implementation of the first Western Northenlands agreements in Canada.
As a result of his wide range of interest, knowledge and experience, Mr. Hanson has developed interesting and practical approaches, which has proven invaluable to the development and delivery of programs to Indian/Native people and their communities.

Since his early retirement from the Public Service of Canada five years ago, Mr. Hanson has functioned as a private consultant to a number of agencies and communities. Throughout this period he has acted as the in-house consultant to the Interprovincial Association On Native Employment Inc. His primary responsibilities include providing advice and guidance to groups or individuals on matters relating to Indian/Native employment.

Relevant publications:
- Dual Realities - Dual Strategies. The Future Paths of the Aboriginal Peoples Development. 1985
- Stratification and Economic Development in Native American Communities. 1985
- Successful Native Employment Projects in Canada. 1980

Numerous unpublished papers mentioned in a variety of publications, reports, including Hansard. Developed a set of maps which identifies the size and location of the Indian/Native communities within the four basic socio-economic regimes of Canada.
Glossary of Terms

Acculturation - a process by which an individual, group or race acquires or adopts willingly or by compulsion, the traits of a culture, life-style or reality foreign to their own.

Alienation - the state or condition of individuals or groups, when they see themselves as being unable to fit or relate to the particular set of circumstances or available environment.

Appropriate technology - is a way of doing things which is most suitably adapted to a given situation. Its purpose is to satisfy life-needs, subsistence-oriented or otherwise, in a manner which is supportive and conditions rather than competing against such systems.

Assimilation - a process whereby a minority group or race acquires by choice and/or compulsion, the social, cultural and economic patterns of the dominant society, and becomes absorbed into it.

Authority - The right of an elected or appointed individual to make decisions and to expect that they will be carried out. Power based within a vertical or top-down system of authority usually rests with the position within the structure or organization rather than with the individual. Authority within a horizontal or pleristic form of interrelationships rests with the individual, who has no power or control other than that of persuasion. Within the context of Indian/Native programming these two contrasting forms of authority or leadership is evident within most of their communities.

Bureaucracy - a type of formal organization that is complex and hierarchically structured (top-down authority). Its functions with fixed and often narrowly focussed mandate, established rules and a defined division of activities, functions and responsibilities.

Characteristics - a patterned and different way of acting, feeling and/or thinking, developed as a result of following and participating in a particular life-style. In terms of identifying the characteristics of the hunter-gatherer way of life, this term is similar with "ethos" as it takes in cultural and personality traits.

Coercion - the illegitimate use of power to achieve one's will (or group's will) over another, by force or threat of force.

Community - A body of persons having common rights, interests and privileges. For the sake of improved programming each of the two realities must be seen as two separate socio-cultural communities, within the administratively imposed concept of an Indian/Native community.
Concensus - a widely shared agreement or understanding among a group of people concerning preferred values, beliefs, norms, goals and other essential aspects of existence.

Concept - Something conceived in the mind - a thought. An idea which results from a mix of experience and knowledge.

Cooperation - a willingness for individuals, groups and others to work together to realize common goals or objectives.

Culture - is a way of life of a group of people, wherein the perspective of life and the patterns of learned behaviour are handed down from one generation to the next through the means of association, language and imitation.

Cultural change - a process by which new and/or different traits, trait complexes, ideas, beliefs and other aspects of culture, affects the receiving individual or group.

Detachment - a sense of standing alone; indifference; withdrawn; alienation; defensive position.

Discrimination - the act or acts of denying to individuals, groups or a race, equal access to the valued goods, services and benefits of the society to which they supposedly belong.

Entrepreneur - a person who individually organizes, operates, and assumes the risks associated with the operation of a business or industrial enterprise.

Ethnic group - a human collectivity or group whose members are bound together by common cultural ties, often reinforced by common language, religion and the sharing of ancestral or national roots. Members feel a "consciousness of kind" which provides them with an identity uniquely their own.

Ethnocentricity - the tendency of a group, (ethnic, racial or others) to regard its own ways as superior and to look down upon the ways of others.

Ethos - the sum of the characteristic usages, ideas, standards, and codes by which a group or race is differentiated and individualized in character from others. Thus the "ethos" of a hunting-gathering or subsistence-oriented society, is a set of guiding beliefs that give them a special makeup or identity.

Formal organization - a group interaction in which roles, functions, tasks and rules are clearly and formally defined.

Formal institutions - a hierarchically structured organization which has been established to perform a clearly identified function or service. (i.e. education, religion, financial, government)
Heterogeneity - reflects the dissimilar characteristics within a group or aboriginal race, and in particular as to their needs, aspirations, socio-cultural orientation and capabilities.

Hunter-gatherer - an individual or group of persons who have developed and/or inherited the knowledge and experience to live off and with the land. By this process the aboriginal population developed life-styles appropriate to the various environments ranging from the southern jungles to the frigid North. In each situation, Mother Earth is their larder, sanctuary and cathedral.

Hunting-gathering society - a group of people, usually indigenous to the environment who have mutually developed the social, cultural and economic structure and interrelationships required for a subsistence-oriented life-style. Their informal Institutions, language and culture gives meaning to life and ensures a sense of continuity between their past, present and future as a people. All of mankind regardless of race or color existed as a hunter-gatherer for over ninety-seven percent of human existence on Earth.

Indian/Indigenous - a term used to identify the fact that within the context of the two realities or ways of life, the followers of either one is not determined by the legal definition of who is a status Indian, Inuit, Mêtis, half-breed or non-status aboriginal people. Members of any of the foregoing, are represented within each of the major contrasting life-styles.

Influence - the sum of all the knowledge, experience and other resources which a participant brings to a decision-making situation, to ensure the outcome is the one he/she favours.

Legitimate - the recognition and/or action usually by law, to correct a situation whereby a person, group or race have been denied their rightful and respected place within society.

Minority group - a certain sub-division of a population that usually occupies the lower levels in a system of social and economic ranking. This identification is often reinforced by some distinctive cultural and life-style characteristics.

Mobility - movement of persons either geographic or social. Horizontal mobility usually refers to changes in occupation or activities relating to making a living. Many Indian/Native people have indicated mobility in their movement across the major life-styles of hunting-gathering, horticultural, agricultural and industrial. On the other hand, vertical mobility refers to movement up or down the social ladder, involving change in class prestige and/or socio-economic status.
Official or formal leader – one who derives or gets his/her power through a voting or appointment system.

Perception – a process through which the human individual translates the information from his/her senses into internal and personalized meaningful experiences.

Personality – a organization of forces within an individual, associated with attitudes, values and perception which accounts for the individual's way of behaving.

Planerism – a system of human organization wherein the leader has no formal authority or powers. Demonstrated powers or abilities in the critical enterprises of band life – the hunt, relations with supernaturals, arbitration, or the like distinguish the leader from others. Direction to the leader is provided by the socio-cultural group through a process of consensual agreement.

Power – the ability to exercise control over the actions of others.

Power structure – a pattern of role relationships, involving an interplay of authority and influence, that guides and controls the decision making process.

Protestant (Puritan) work ethic – a complex of Calvanistic religious beliefs, ideas, and norms which stress the value of hard work, frugality in living style, and the rational use of time. This word is usually identified as the "work ethic".

Race – a family, tribe, people, or nation belonging to the same stock. Within continental terms the aboriginal people are a race.

Sanctions – the actions taken to help maintain social control; may be either positive or negative. Negative actions are imposed on members who violate norms or who do not perform their work satisfactorily. Their purpose is to check deviations. Positive sanctions serve to reward members for good work and to reinforce approved patterns of behavior.

Social System – a patterned social interaction which persists or continues over time.

Status position – means a position of an individual, family or group in their relationships with others.

Structural – an independent act or change within one element or part does not produce a similar effect in another.

Reality – a quality or state of being real. The totality of real things or events. Something that is neither derivative or dependent but exists nevertheless.
Subsistence - a source of means of obtaining the necessities of life.

Subsistence farming - a system of farming that provides all or almost all the goods required by a family, socio-cultural group or community including its neighbourhoods.

Traditional society - one which reflects an inherited pattern of thought or action in social attitudes and institutions. A process of handing down information, beliefs and customs, often without written instruction. Followers of this process. Traditional dress and deportment may or may not reflect the internationalization of the relevant though processes.

Urban - a term used to denote localities or centres in which economic and/or productive activities are mostly non-agricultural. In turn this affects the development of behaviour patterns and socio-cultural values appropriate to the environment.

Work fraternity - an informal organization, which through the process of self-selection develops task-oriented activities which fully respects the existing socio-cultural interrelationships. Usually, leadership is developed through a consensual process agreed to by the fraternity membership.
Barriers to Indigenous Development

Many of the "barriers to development" are not so much racial as they are conflicts between two basic contrasting life-styles. These kinds of conflicts occur whenever or wherever in the world a structured industrial society attempts to dominate or replace a subsistence-oriented Aboriginal way of life. The objective of this book is to bring into a common and practical framework, the programming concerns of the external agencies and the needs and priorities of the various socio-cultural groups within the Indian/Indigenous community. Hopefully, it will support the important message provided by Chief Dan George.

"I know what you must be saying... Tell us what you want? We want first of all to be respected and to feel we are a people of worth. We want equal opportunity to succeed in life — but we cannot succeed on your terms — we cannot raise ourselves by your norms."

To aid in the incorporation of the foregoing concepts into current initiatives and bring into realization the existence of more traditional subsistence-oriented Indian/Indigenous reality, the following thoughts may be of some assistance.

• The Aboriginal race of people is different in many ways from the various off-shore ethnic groups which make up modern day society. The Indian/Indigenous peoples historical evolution, within the various environments of their homelands, provides them with a different starting point in time; a different set of whole life experiences and consequently, a different socio-cultural orientation and process of determining their future.

• As evidenced by the significant number of acculturated Indian/Indigenous people within the dominant society, the basis for conflict is not so much racial as it is relationships between two equally legitimate but contrasting life-styles. At one end of the conventional human development spectrum is the modern industrial society with its hierarchical organizations and centralized formal institutions. At the other is a legitimate subsistence-oriented life-style which, until recent times, was dependent upon Mother Earth to be its larder, sanctuary and spiritual refuge. Each Indian/Indigenous socio-cultural group had their own particular set of institutions which ensured their survival and continuation as a distinctive group of Indigenous people. Problems develop as the differences are identified as racial rather than differences between two contrasting life styles. Both life styles must be recognized as legitimate and given equal opportunity, capable of progressive co-existence.
While many Indian/Indigenous people have become acclimatized and now serve as advocates of the modern industrial way of life, a significant number need a viable opportunity to develop a future lifestyle which respects essential elements of their historical past. Currently, many conflicts within Indian/Indigenous communities are the result of each major group attempting to impose their “will”, values and organizational form on those who represent the other contrasting life-style or reality.

Failure by external agencies to identify and understand this struggle results in the imposition of developmental policies, programs and services which significantly contribute to the increasing conflict, alienation and confusion evident within many Indian/Indigenous communities. The constitution of the Land and Human Rights legislation fails to adequately articulate or defend the legitimacy of the subsistence-oriented minority within the Aboriginal race, who because of choice or circumstances, wish to continue their different path of evolution.

If meaningful progress is to be achieved, the followers of these two distinct life-styles require developmental strategies and programs which are different in terms of organizational form, socio-cultural orientation, pace of development, supportive institutions and the mechanisms to measure the two distinct processes.

For the purpose of more effective programming, greater understanding and appreciation must be given to the socio-cultural orientation and aspirations of the more traditional minority within most Indian/Indigenous communities. Their legitimate culture is an expression of the hunter-gatherer "ethos" which developed over the past centuries. Their planeristic or horizontal organizational form of human relationships is not compatible with the power-down or vertical authority being imposed by outsiders.

Community development or renewal cannot be considered relevant unless it can give focus to the aspirations, capabilities and human dynamics of each of the major socio-cultural groups evident within the respective Indian/Indigenous communities. Each group has a different order of priority for the social, educational, cultural, political aspects involved, as well as how these should affect personal and community autonomy. Development must come from the core of each socio-cultural group.

The challenge for policy makers and programmers is to accept the fact that most strategies, programs and services directed to Indian/Indigenous people, are appropriate only for the more change-oriented groups and individuals. As a result of their degree of acculturation, most are attracted to socio-economic goals which can only be achieved through greater involvement in modern society and its structured institutions.
Progressive development for the more subsistence-oriented Indian/Indigenous people must come from within their socio-cultural neighborhood. The strategy must be action-oriented, responsive to locally identified needs, open ended and belonging to those directly affected. Programs and services directed to the Indian/Indigenous people within this reality, must provide them with the option to move towards the industrial society or revitalize and modernize their subsistence-oriented way of life.

Current Concept of Indian/Indigenous Development

The Indian/Indigenous situation, as seen by a programmer, is no longer a conflict between a white culture and an Indian culture, but rather a number of complex and interacting problems which develop as two contrasting life-styles attempt to occupy the same environment. Programmers and others view the situation as critical with little expectation that the existing array of strategies, programs and services can effectively resolve the problems affecting a significant number of Indian/Indigenous people. In order to fully understand the program needs of the aboriginal race, they cannot be identified as being a homogenous people or merely another disadvantaged ethnic group within the modern society.

As indicated in the following illustration, most off-shore ethnic groups represent a horizontal slice of their homeland population, whereas the Indian/Indigenous people represent the total development of an aboriginal race within their home environment.

Ethnic groups reflect a horizontal segment of their homeland. For most the culture they now project is a distillation of their national culture. All came to the New Land with horticultural, agricultural and/or Industrial skills and life experiences. This provides a positive base for upward socio-economic mobility. No hunter-gather permitted to enter.

The Indigenous race represents a full microcosm of hunting-gathering; horticultural; agricultural; and industrial lifestyles. As the "subsistence way of life" is not recognized as legitimate, some Indian Indigenous people stand out. In sharp contrast to ethnic groups. Realistic comparisons between the two are not possible.
Comparisons between the various major ethnic groups of modern society and the Aboriginal race, creates problems and often serves to strengthen and institutionalize the sense of superior ethnocentricity felt by many non-Aboriginal individuals and groups. While this creates problems in the form of racial discrimination, a greater injustice is caused by society's failure to recognize the legitimate presence of the subsistence-oriented culture of the predominately hunting-gathering Indigenous people.

Ethnocentrism, the belief in the superiority of one's own culture, is vital to the integrity of any culture. It becomes a threat to the well-being of other peoples when it becomes the basis for forcing irrelevant standards upon tribal cultures." (Bodley, 1975; 9.)

Microcosm of Life-Styles

Because of their historical development as an Indigenous race, the Indian/Indigenous people can be described as a people caught up in a microcosm of the various major life-styles which mankind has been involved at various stages of historical development throughout the world.

At the present time, Indian/Indigenous people are attracted to or are engaged in activities relating to the major life-styles of Hunting-gathering; Horticulture; Agriculture; Modern Industrial. As a result of their primary attachment to one of these lifestyles, Indian/Indigenous people display a marked diversity in terms of identity, needs, aspirations, personal capabilities and socio-cultural orientation. Each is encountering a different set of circumstances, problems and opportunities which cannot be effectively addressed within the conventional set of developmental policies and strategies.

The Alternative -
A Conceptual Approach

Future programming must become more specific so that the socio-cultural orientation, aspirations, priorities and capabilities of the Indian/Indigenous people within each reality is understood, respected and used as the starting point of their path to their chosen future. This is especially true of those Indian/Indigenous people who wish to re-establish their former wholistic relationship with Mother Earth by continuing a modernized version of their earlier "way of life". Whether or not they can undertake the basic socio-economic activities associated with this subsistence-oriented lifestyle is immaterial at this time. What is essential is that the framework of development, in terms of appropriate technology, organizational form, relevant institutions and the legitimization of their preferred
life-style is made available. As long as the subsistence-oriented reality remains out of focus and not recognized as a variable way of life, the deplorable situation of its Indian/Indigenous population can only worsen. The dominant society's failure to recognize this alternative Indigenous life-style, must reflect to the World, North American society's intolerance of all non-industrial life-styles.

From a programming point of view, it can be said that many Indian/Native people live in geographic communities consisting of "two realities". The obvious one is that which is being indiscriminately imposed by the agents and institutions of modern day society. The other reality is that which is embodied in the culture and personality of many aboriginal people as they attempt to retain essential relationship with their historical subsistence-oriented past. Each of these two realities are legitimate, but reflect a "way of life" which is in contrast with the other.

Failure to recognize the existence of the dual realities of the Aboriginal race results in the application of insensitive initiatives which contribute to internal community conflict and increases the sense of social, cultural and psychological destitution suffered by many Indian/Indigenous people. Evidence indicates that the more subsistence-oriented people are, because of choice or circumstance, detached from the dominant society and beyond the scope of most formal institutions, programs and services.

The transfer of the developmental philosophies, socio-economic hierarchical framework and supportive institutions of the modern industrial society into the hands of the more acculturated Indian/Indigenous people will not in itself prove to be effective. In addition to the fact that most acculturated Indian/Indigenous people are from the industrial-orientated reality, the preferential treatment afforded them by external agencies often adversely affects their credibility with the more traditional or subsistence-oriented Indian/Indigenous people. As indicated in the following illustration, the success of future programming for Indian/Indigenous people demands that the characteristics and the socio-cultural orientation of the Aboriginal people within each of these two realities be recognized as the basis for future Indian/Indigenous programming.

Meaningful development, for those Indian/Indigenous people who still reflect the "ethos" of their hunting-food gathering ancestors, will likely not occur until they are assured that their historical "way of life" is more formally recognized and local initiatives will contribute to their collective future. In keeping with the "ethos" of their hunting/food gathering past, there is little obvious tendency towards accumulation of material wealth or the acquisition of power and/or prestige.
The strategy which is required demands that it be clearly needs-oriented, responsive in short time frames, experiential in nature, respectful of changing priorities, and cognizant of the planeristic or horizontal concept of authority and organizational form. As the process and pace of development must come from the Indian/Indigenous people within their neighbourhood, the strategy is essentially a technically-aided, locally organized and controlled self-help program. Crucial to more effective future Indian/Indigenous programming, some comparisons must be made between the needs and aspirations evident within each of the two realities and the basic conventional approaches to development.

### Basis for Decision Making

<table>
<thead>
<tr>
<th>In Agency Type A</th>
<th>In Community Type B</th>
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<tbody>
<tr>
<td>Utilize superior knowledge of external experts, impose formal institutions. Change community values, beliefs and habits. Goal appears to be to move local people along the acculturation process.</td>
<td>Develop leadership and identify problems, formulate goals through democratic means. Use self help with community resources to solve community problems. Top-Down hierarchical power.</td>
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<tr>
<th>Type C</th>
<th>Type D</th>
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<tbody>
<tr>
<td>Engineering - Physical Infrastructure. Build new facilities needed for external concept of development. Let local people figure out how to use them to improve the local quality of life.</td>
<td>COMILLA APPROACH Local group defines own problems, sets own goals. Outside organizations help to achieve neighborhood goals. Respects the Planeristic concept of authority and human organization.</td>
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The forgoing chart is a reconstruction of "Urban Cooperative at Comilla, Pakistan: A case study of Local-Level Development". Choldin, Harvey M:

In this chart, material input (financial, technical and human) can be high or low in emphasis and amount, while the centre of decision-making can be in the departmental agency or in the community administrative/bureaucratic organization or, in the case of the subsistence-oriented people, within their socio-cultural neighbourhood.

Type A is heavy on power and control from above but puts relatively little in the way of money and material in the solution. This approach reflects the "colonialistic" philosophy of acculturation imposed upon the aboriginal people in the past.
Type B seeks to develop local leadership or change agents, but is accompanied by low material inputs. This approach can be seen in such schemes as the earlier Community Development programs; Company of Young Canadians, American Peace Corps, Canadian International Development Agency and other single reality-oriented initiatives promoted by the State or Church or a combination of both. However, this approach to development has proven to be inappropriate, in that each stratum or consensus group in the receiving community does not share equal access to available resources nor power to ensure their unique "identity" and autonomy are not unduly violated. This process can be seen throughout the world whenever and wherever an industrial society imposes itself and its formal institutions on a subsistence-oriented Indigenous people.

Type C results when an industrial society's concept of regional development is introduced into an area and the local communities are blessed with a strategy which may include a highway, airport, water and sewer, electrical services, recreation or multi-service buildings. The material inputs are high, but the external agencies often in concert with local agents of change, decide what will be, where it will go, and when and how it will be delivered.

The responsibility of target Indian/Indigenous communities is to adjust to these new services and facilities regardless of their socio-cultural orientation and their rights to a "way of life" more in keeping with their historical past as the Aboriginal people. This approach does not provide a viable opportunity for progressive development, but rather, a process leading to greater dependency upon, an possibly assimilation into the dominant industrial society. Most developmental initiatives impose this "forced change" approach in spite of the fact that the premise or intent of many developmental agreements reflect at least in part, upon the holistic needs of the Indian/Indigenous people who make up the traditional or subsistence-oriented reality, as indicated in "D".

Type D reflects the kind of situation which has the greatest potential to serve the holistic approach required by many Indian/Indigenous people, who, because of choice or circumstance, retain a strong bond with the "way of life" followed by their recent ancestors. Their needs, aspirations, characteristics and philosophy of life constitute a reality which has remained largely out of focus and beyond conventional programming. In order to assist the Indian/Indigenous people to develop an appropriate set of strategies, their concept of community and the reality which engulfs them must be more precisely determined.

In terms of Indian/Indigenous development, all four basic approaches are required. Approach types "A", "B", and "C", are generally promoted by external development agencies, with the support of those Indian/Indigenous people who aspire to the
lifestyle of the dominant industrial reality. Approach type "D" is the only one which the traditional subsistence-oriented Indian/Indigenous people view as providing them with a real opportunity to modernize a way of life which will provide a greater continuity with their past. Unfortunately, this latter approach is not recognized by most public and private departments or agencies as being legitimate or worthy of their full support. This reluctance is not so much intentional, as it is a lack of appreciation that the perspective of the subsistence-oriented Indigenous people have uniquely different dimensions than that of the off-shore ethnic groups who make up the dominant society and controls its institutions.

Lifestyle

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<td>SUBSISTENCE ORIENTED REALITY</td>
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**Life-Style Characteristics**
- Power-down authority
- Future-oriented goals
- Single nuclear families
- Market-oriented job skills
- Specialization/independent
- Economic aspects dominate
- Legalized social control
- Formalized institutions
- Urbanized community living

**Life-Style Characteristics**
- Planeristic authority
- Past/Present oriented goals
- Extended families
- Generalized skills to serve socio-cultural needs economics follow
- Holistic/interdependent
- Socio-cultural aspects dominate
- Control by local sanctions
- Family/neighborhood institutions
- Natural rural/remote settings

Leadership

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**Strategic Factors**
- Power-down authority
- Advocated modern life-style
- Future-oriented
- Proactive
- Unity by command
- Majority of voters
- Systems-oriented
- Fixed term
- Long term planning
- Executive decision making

**Strategic Factors**
- Planeristic authority
- Advocates earlier life-style
- Past/present-oriented
- Reactive
- Unity by purpose
- Group consensus
- Task-oriented
- Indeterminate period
- Short term flexible planning
- Decisions by group consensus
The foregoing is not an evaluation of past or existing Indian/Indigenous leaders, but merely an indication of the kind of leadership style which is evident within each of the two realities. If the Indian/Indigenous people are to progress and achieve their particular goals and objectives within the life-style of their choice, their leaders must respect and cooperate more fully with the leadership of the other reality.

### Development

| INDUSTRIAL- | RANGE OF FUTURE PROGRAMMING | SUBSISTENCE |
| ORIENTED | ORIENTED | ORIENTED |
| REALITY | REALITY |

#### Strategy of Development:

- Presently evident and existing
- Urban/industrial oriented
- Linear-structured programming
- Skills for labour market
- Involve formal institutions
- Acculturation process support
- Directed to individuals/families
- Development of business skills
- Integrated education/training
- Success related to socio-economic goals of industrial life

- Not identified or existing
- Rural/neighborhood-oriented
- Holistic approach to programming
- Multi-skills for local use
- Build upon informal institutions
- Respect local identity/autonomy
- Neighborhood-oriented development
- Develop an innovative economic system to serve existing dynamics
- History and orientation used as a base for education and training
- Flexibility in the delivery of innovative programs and services
- Land used as a means to expand subsistence-oriented activities
- Self-selecting work fraternities
- Success determined by improved quality of neighborhood life.
Programs and Services

INDUSTRIAL-ORIENTED REALITY - RANGE OF FUTURE PROGRAMMING - SUBSISTENCE ORIENTED REALITY

Programs and Services

- Expanded access to all services
- Orientation to credit advisory services, such as: Banks, Credit Unions, Trust Companies, etc.
- Integrated school counselling
- Professional/technical training
- Urban adjustment programs
- Relocation support
- Nuclear family counselling
- Consumer advisory services
- Urban employment counselling
- Development of social support network
- Entrepreneurial development

Programs and Services

- Respectful of planeristic leadership and neighborhood autonomy
- Locally, neighborhood controlled:
  - Pre-school education
  - Welfare dollar conversion program
  - Part-time, home-based business/economic structure
  - Conservation-oriented seasonal employment programs
  - Increased access to short-term/past-time training
  - Owner-built, no mortgage family shelter program
- Land access program to expand traditional subsistence-oriented family activities

Community Development

The basic cause of most problems relating to the development or revitalization of many Indian/Indigenous communities are similar in many ways to those of other Aboriginal people throughout the world. The situation exists whenever and wherever a hierarchically structured industrial economy attempts to incorporate or displace an Indigenous way of life. In the process, informal institutions essential to a subsistence way of life are considered irrelevant and are replaced by the social, cultural, political, religious and centralized governmental bureaucracies of the dominant society. In addition to the imposition of these formal institutions, the relationship with Mother Earth is severely restricted as most parts of their traditional homelands became the economic property of foreigners.

All past and present approaches to Indian/Indigenous community development is based on the premise that all people, regardless of race, colour or creed, want to merge into a predominately urbanized socio-economic structure. Such approaches have ignored the aspirations of those Indigenous people who, because of choice or circumstance, do not wish to undertake the required social, cultural and/or psychological adjustments.
Despite their desire to retain their own identity and sense of destiny as an aboriginal people, practically all strategies, programs and services have been designed to incorporate them into the modern socio-economic structures. Within this context, the Indian/Indigenous people are judged, not on how quickly they can take on the values, beliefs and other characteristics of the industrial life-style. This comparison is continuing despite the fact that modern society consists of off-shore ethnic groups who had previous horticultural, agricultural and/or industrial life experiences and were accustomed to the European-style institutions which they brought with them. The majority of external formal institutions and public and private organizations actively promotes this single reality concept of development for Indian/Indigenous communities.

Most past and present strategies of development directed to Indian/Indigenous people, have focussed on the identification and removal of "barriers to development" as determined and prioritized by external agents. In many instances these barriers or problems have been identified as being of a racial origin rather than situations which arise when two contrasting life-styles meet. As a result of this philosophy, Indian/Indigenous people have been subjected to a variety of approaches to development. Each of these approaches appear to be based on the premise that all people aspire to the modern life-style and that the formal institutions can develop the motivation, personality changes and technical capabilities required. The intent and the manner in which the process was and is being imposed seems to have the objective of displacing the hunting-gathering characteristics of the aboriginal people and make them adjust, almost overnight, to the socio-economic structures and formal institutions of the dominant society.

From a programming point of view, externally-imposed community development has failed because it has been confined by the single reality concept of human development and the economic philosophy it tends to perpetuate. The socio-cultural insensitivity of the economic laws and concept of market exchange, makes the present highly structured economic system generally inappropriate for meaningful development and renewal within an Aboriginal community. Many Indian/Indigenous people have difficulty in dividing their loyalties between the socio-cultural human relationships which give meaning and purpose to daily life and that of an economic system and process which is being imposed.

As a direct result of the imposition of past developmental initiatives which did not fully respect the heterogeneity of the Indian/Indigenous people, new sources of friction have been created and forms of "social distance" now divide the various socio-cultural groups within the Indian/Indigenous community. As matters now stand, the people of the traditional reality
view the present process as another means of destroying their wholistic "way of life", sense of identity as an Indigenous collectivity and rewarding those Indian/Indigenous people who have become acculturated. To develop the required spirit of cooperation, communication bridges between the two realities must be established. The fundamental purpose of these two-way bridges would be to permit the various neighborhoods to make their concerns and aspirations known to the broader community, and to facilitate and coordinate the equitable flow of the required resources back to their respective neighborhoods.

While many Indian/Indigenous people have adjusted remarkably well to the industrial-oriented process of acculturation, a significant number require an alternative path which respects their need to retain essential elements of their past evolution as the aboriginal race of people. This dichotomy, in terms of life-style preferences cannot be satisfactorily addressed within the current single-reality concept of development. Because of the internal divisions and the differences in socio-cultural orientations, one developmental process or common structure of socio-economic programming cannot adequately respond to the needs, aspirations and capabilities evident within most Indian/Indigenous communities.

If community development is to become relevant to the Indian/Indigenous people, it must build upon the needs, aspirations and capabilities of the people, regardless of their acceptance or rejection of the dominant society and its institutions. The criteria for access to the required technical and/or financial resources should not be dependent upon the Indian/Indigenous person's or group's positioning on the acculturation chart or the acceptance of the life-style of the dominant society.

In order to more fully identify the heterogeneity of the needs, aspirations and capabilities of the Indian/Indigenous people, the two realities must be dealt with as separate entities. The needs in each reality are different in terms of philosophies of development, socio-cultural orientation, organizational styles, priorities, work/leisure definitions and what contributes to their quality of life.

In recognition of the strong sense of identity and autonomy within each of the earlier bands or socio-cultural groups, the Indian/Indigenous people within each reality may well want to develop a strategy, independently of the other. While such an approach may create some administrative problems for external support agencies, local conflicts which have destroyed past community development initiatives would be minimized. The dual strategies must recognize the legitimacy of the needs and concerns of the major socio-cultural groups and permit each to determine and control the range of developmental initiatives they require for progress.
In order to achieve some sense of immediate accomplishment, present-day programmers, institutions and agencies now direct most initiatives to the more modern or change-oriented Indian/Indigenous people. The subsequent measurement of their successful programming is based primarily on how well this particular group of Indian/Indigenous people respond to the acculturation-oriented process, rather than on how adequate the programs and services are in meeting the needs of each of the dominant socio-cultural groups. The challenge for future programmers is to identify where each of the Indian/Indigenous groups are in terms of their relationship with the modern society, their sense of future orientation and respond more specifically to their needs.

**Economic Development**

Many of the initiatives of the past regarding community development/renewal, expansion of economic opportunities, training and education and similar programs within Indian/Indigenous communities have failed. This is because it has been confined by the hierarchically-structured economic-oriented framework it tends to perpetuate. As indicated in the following quote, development is a comprehensive and complex process wherein action, in one aspect encourages or threatens other essential aspects of life.

"Development is also political, social, educational and cultural and must include non-material benefits, such as personal community autonomy." (Co-West Associates 1981: 10)

The incoming institutions, whether they be educational, economic, religious, political or governmental agencies, all express an identity of their own, and each demands that the human population adjust to it. Regulations, functions and roles within the community. The socio-economic structure of almost every Indian/Indigenous community is seen as colonistic as it consists of a number of branch offices or agencies of the dominant society. Their allegiance and the basic laws which define their roles, objectives and functions within the Indian/Indigenous community are dictated by external sources of power. In summary, it can be said that the economic system dictates to all within the Indian/Indigenous community regardless of their socio-cultural orientation or the desire for an alternative way of life. For many, this structuring process provides a renewed sense of purpose and security, while others view it as a threat to their existences as a collectivity.
Developmental strategies of the future must take into consideration the characteristics of the Indian/Indigenous population which it is attempting to serve. The change-oriented Indian/Indigenous people respond to the established economic systems which dominate the activities within the industrial society. Most of these people support the extension of these economic systems into their respective communities. With this decision comes the structuring of time and activities which tends to displace the existing social and cultural aspects of community life.

To fully address the complex set of needs affecting Indian/Indigenous development, the two realities must be dealt with separately. Those people within the industrial-oriented reality can progress only if they continue to have access to the social and economic institutions presently serving the dominant society. The degree of acculturation evident in the Indian/Indigenous people who now follow and promote this life-style would not permit significant realignment with the traditional Aboriginal way of life. Their future and that of their offspring is greater integration and, to some degree, assimilation into the Canadian mosaic.

Meaningful development, as seen by those Indian/Indigenous people who, to a significant degree, still reflect the "ethos" of their hunting-food gathering ancestors, will likely not occur until they are assured that their historical "way of life" is more formally recognized and local development respects their existing socio-cultural relationships. In keeping with the "ethos" of their hunting/food gathering past, there is little tendency towards accumulation of material wealth or the acquisition of power and/or prestige. The strategy which is required demands that it be clearly needs-oriented, responsive in short time frames, flexible to meet changing priorities, and respectful of the planeristic or horizontal concept of authority and organizational form. The framework of development is essentially a technically-aided, locally-organized self-help program. The starting point must be to allow this group to identify their present and future orientation and express how their existing relationship with the modern society is affecting this essential process. It should not be assumed that they wish to become an integral part of the broader society nor that they want to isolate themselves from compatible development taking place within their area or community.

Any attempts to impose or develop an effective economic framework or range of related activities in most Indian/Indigenous communities, must take into account the two contrasting ways of life which it is attempting to serve. While many who reflect an attachment to the dominant life-style may encourage the extension of the highly-structured economic
system of dominant society, others view such actions as a threat to their historical way of life. Most Indian/Indigenous owned economic ventures in these communities have failed because they could not effectively ride the two realities which dominate many Indigenous communities. The apparent success of the non-Indian/Indigenous business person in the same situation, lies in the fact that they are considered a non-entity or neutral persons in terms of existing socio-cultural relationships. Each socio-cultural group can relate to the non-Indian/Indigenous businessman, without feeling that they are being disloyal to the non-economic interests of their particular group. Often government systems will support the transfer of such an "established business" to a local Indian/Indigenous person, and blame the new owner for allowing the business to fail. In most cases the reason the business could not pay bills and survive was that one-half or more of the local population or "market", refused to do business with the new owner for non-economic reasons. Transferring ownership to a local person, often means interfering with the existing relationships between the various socio-cultural groups. To overcome some of these internal problems, an economic development strategy must be developed for each of the two realities. A more balanced approach will likely result as these two strategies will have common features and, over time, will develop a greater sense of inter-dependency.

### Economic Development

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#### Strategic Factors

- Bring in modern structure
- Economics framework
- Profit motivated
- Reflects acculturation
- Future benefits
- Land - and economic commodity
- Access to credit
- External agents supports
- Formal business skills
- Community based
- Power-down organization
- Relevant programs available
- Support services available
- Individuals benefits

- Create innovative structure
- Socio-cultural framework
- Subsistence motivated
- Reflects segregation
- Immediate benefits
- Mother Earth - a sanctuary, larder and cathedral
- Limited access to credit
- External agents ignores
- No formal business skills
- Neighborhood based
- Planeristic organization
- No programs available
- Limited support available
- Neighborhood benefits

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Many Indian/Indigenous people view the formally structured education system as a continuation of the historical process of imposed acculturation. In terms of this process to bring them into the single reality of the dominant society, their progress is being judged by how well and how fast they can adopt the characteristics and qualifications demanded of life in the contemporary society. Comparisons are often made between the various ethnic groups who arrived in relatively recent times and the Aboriginal race. This occurs despite the fundamental differences which sets the Indian/Indigenous people apart from all others. Unlike the ethnic groups the Aboriginal race live in a world of two realities. The most obvious one is that being presented and promoted by the dominant society and its institutions. The other reality is that projected by the Aboriginal people's perspective of their past, present and future evolution as a race within their homelands. Failure to recognize the legitimate presence of these two often contrasting realities creates problems for all programmers, and in particular, to those who have the responsibility to provide an education system appropriate to each.

The formal home-school educational process can strengthen an Aboriginal culture or it can destroy or modify it to the point where the Indian/Indigenous students have lost continuity with their past. Only where the formal educational process and the cultural orientation of student and family are compatible will truly progressive development occur. As matters now stand, the problems relating to cross-cultural relationships are not so much Indian/Indigenous versus White but rather a struggle between two contrasting ways of life. Many Indian/Indigenous people have adapted to the lifestyle of the dominant society, while a significant number remain "bonded" to a subsistence-oriented way of life more in keeping with that of their recent hunting-gathering ancestors. Due to the fact that this latter group reflects the "ethos" of the traditional life-style, they are often seen as being deviant and refusing to be acculturated into contemporary society. As indicated in the following illustration, as surely as the hunter-gatherer from off-shore is locked out by immigration laws, the Indigenous hunter-gatherer is locked out by the lack of recognition and the inadequacy of institutional services.
Many pressures are applied to Aboriginal peoples and cultures by contemporary societies. Four fundamental factors are critical; education, urbanization, poverty, and racism. These aspects of a society play a critical role in determining whether an Aboriginal people may progress in a cultural and technological sense, or whether that society will be repressed, its customs and traditions eroded and its habitat degraded or destroyed. In extreme cases, these four factors are applied to Aboriginal peoples in deliberate political policies and legislation to the advantage of the dominant population. Non-education or the deliberate under-education of Aboriginal peoples, when combined with economic exploitation and the destruction or dispossession of a traditional land base results in cultural and social degradation, and the forced urbanization or relocation of entire nations. Survivors forced into urban poverty or rural dependency become less able to resist racism. Deliberate policies of Aboriginal genocide are not uncommon in Third and Fourth World countries.

The four factors are inter-related and inter-dependent. Cultures and societies exist holistically, not in isolation from internal factors of change, nor from external pressures applied by dominant societies, and international interest groups. The issues of self-determination, self-government, development and social justice spring from a society and culture which examines its past, assesses the present and makes decisions for the future. All societies must involve themselves in this process if they wish to protect their past, preserve their present and secure their futures.

In the global context the decisions and values of one society may impact upon the decisions and values of many other cultures and societies. It is this inter-dependence and holistic perspective that has created many of the problems faced by Indigenous peoples who seek through self-determination and self-government, to determine priorities and directions for cultural preservation and development. The global perspective insists that nations accept responsibility for other nations and peoples affected by values and decisions implemented in isolation, without concern or compassion towards those peoples affected.

At the same time, today, more than ever before, individuals may and must take responsibility for the values and decisions of their own society which affect a global humanity and environment. This sense of personal responsibility for the state of the nation, the environment, the earth and humanity is the greatest force for positive social change. It is hoped that this unit will not only expose the problems associated with social and technological development, but will present examples of positive values and successful decisions by responsible societies and individuals.
Strategies for social change that respect the environment and benefit all humanity must be developed and implemented by those in positions to do so. Education is fundamental to the preservation of traditional beliefs and customs, the socialization of the young and development for the future. When the educational priorities and methods of one culture are imposed upon another culture without consideration of the rights, beliefs, practices and decisions of that culture, friction occurs and the affected peoples are diminished. If this process continues at length, assimilation results. Cultural genocide is often at the root of educational policies imposed upon Indigenous peoples.

The following section examines the process of education as it has been applied by the Government of Canada to the Aboriginal peoples.

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Education and Indigenous Peoples

The history of Aboriginal education in Canada is a classic example of a long-term struggle in which one group endeavoured to transmit Aboriginal cultural knowledge to the next generation, and another group sought to replace that cultural tradition with another one. This history may be considered in six major periods:

1. The Traditional Period

Traditional systems of education among Native peoples included the acquisition of survival skills, the arts, oral family and tribal history, a complex mythology, a number system, environmental knowledge, medical knowledge, divisions of time, and spiritual instruction. Education was not restricted to the years of childhood, but was considered to be an ongoing process throughout life that involved the simultaneous development of mind, body, and spirit.

2. Mission and Hudson's Bay Schools (1870-1940)

The Hudson's Bay Company and missionaries established educational facilities throughout Canada to introduce new ideas, new religious beliefs and skills useful to the fur trade to Indian and Métis children. When Métis children were excluded from the residential school system, the mission system continued to provide some educational services until the 1940's.

3. The Day School Period (1870-1890)

The treaties signed with Indian nations marked the end of a way of life. Each treaty contained a section pertaining to education. As the community desired it, day schools were established on reserves. The day schools were frustrated by attendance, staffing difficulties and underfinancing. In addition, since the educational objectives was cultural change, the influence of the family and community was considered problematic.

4. The Residential School Period (1870-1960)

Residential and industrial schools were established to address some of the problems of the day schools. The education objective remained one of cultural change. Residential schools separated children from their families and communities for most of the school age years. The residential school period was further marred by extreme health concerns as alarming numbers of children died while in care, and punitive methods of discouraging Indian cultural traits. Residential education continued into the 1960's.
5. The Joint School and Integration Period (1940–present)

Métis children began entering provincial school since the 1940's. Joint School Acts were signed between the provinces and the federal government starting in 1950. These acts provided a funding formula which allowed for the transfer of federal monies to provincial school boards providing educational services to Indian children living on reserves. Once these acts were signed, individual school boards made Joint School Agreements with federal government and made arrangements to serve the Indian children from neighbouring reserves. In addition, the 1950's saw the beginning of a rural migration into urban centres. Indian and Métis peoples participated in this urban migration in large numbers, bringing Native children into urban school systems for the first time.

6. The Local Control Period (1970–present)

Native peoples began to establish educational facilities under the control of Native boards beginning in the 1970's. This movement has been largely in protest of the experiences of Native students in the larger integrated system.
EDUCATION:  
An aboriginal and treaty right

by Beverly Scow

"There is a longing in the heart of my people to reach out and grasp that which is needed for our survival. There is a longing among the young of my nation to secure for themselves and their people the skills that will provide them with a sense of worth and purpose. They will be our new warriors. Their training will be much longer and more demanding than it was in olden days. The long years of study will demand more determination; separation from home and family will demand endurance. But they will emerge with their hand held forward, not to receive welfare, but to grasp the place in society that is rightly ours."

Chief Dan George  
*My Heart Soars*

Education is a holistic and ongoing process, which begins in our mother’s womb and continues until the day we no longer breathe on this land.

Traditionally, education was an important process in a First Nation community. A person would learn from their Elders the skills and the wisdom they needed to survive and contribute to the community. The survival of the community meant the survival of the individual.

Since colonization, survival has meant different types of skills and wisdom had to be mastered by First Nations’ communities. The newcomers to our lands brought new values and new technologies.

Our ways of life, such as respect for the balance of Mother Earth and the individual within a community, were disrupted. Native people have been marginalized by the dominant society’s economic, social, cultural and political structures.

But aboriginal and treaty rights include the rights of First Nations peoples to survive. Because education is a tool for survival, First Nations peoples must assert their rights to an education.

The significance of treaties

Aboriginal rights stem from a peoples’ right to exist as a distinct society and a right to survive on their own homelands. Treaty rights in Canada emerged from the international treaties signed between the British Crown and the First Nations of this land.

These agreements are an acknowledgement of the newcomers’ use of First Nations’ territories. Many treaties included provisions for medicine chests, education, hunting, trapping and fishing.

The spirit and intent of these treaties is important in determining the federal government’s responsibility to uphold aboriginal and treaty rights.

At the time most of the treaties were signed, post-secondary education was only for the select elite. Since that time, the government has supported universal access to education.

To survive the fast-changing pace of Canadian society, a person must have an education and/or specialized skills. Therefore, the survival of First
Nations peoples is determined by their access to a post-secondary education.

The federal government is responsible for ensuring that qualified First Nations' students have access to a post-secondary education. This is an aboriginal and treaty right.

**Poverty and discrimination**

Education costs money and people from a lower socio-economic status have less opportunity to get a higher education.

The socio-economic status of First Nations' communities is well below the national norm in Canada. Fifty percent of First Nations communities live below the poverty line which is significantly higher than the national Canadian average.

First Nations people within the prison systems range from 10 per cent to 25 per cent, but they form only two per cent of the Canadian population.

There are many conditions which have lead to such unacceptable statistics within the First Nations communities.

First Nations communities are generally located on isolated, desolate reserves with few opportunities for economic development and they are restricted from living a subsistence hunting and fishing lifestyle by provincial laws and the encroachment of industry into their territories.

A Toronto study revealed that 77 per cent of employers practice some form of racism. The increasing number of royal commissions into aboriginal justice is revealing many cases of racism and injustice to First Nations people.

These are only examples of the institutionalized racism that oppresses First Nation peoples.

Canadian society has inhibited the potential of First Nations communities to meet their own needs. It is the responsibility of the federal government to accommodate these needs. Ensuring access to post-secondary education is one way to do this.

**Post-secondary education**

The federal government of Canada began funding First Nations students in 1973. Since then the number and cost of First Nations students entering post-secondary education has been on a steady increase.

However, the number of First Nation students attending post-secondary education institutions is still relatively low.

According to the 1987-88 Canadian population statistics, the number of people in the general population who are students attending university is 780,466 out of 26,500,000 or three per cent.

The number of First Nations people who are students attending university is 6,500 out of 400,000 or 1.63 per cent. To have equality, another 6,400 Indian students should be attending university across Canada.

**The "McKnightmare"**

In 1987 Bill McKnight, the former Minister for Indian and Northern Affairs Canada (INAC), introduced a new policy and a budget "cap" for First Nations education.

Without consulting aboriginal people, he developed and implemented a policy that put more restrictions on the type of education First Nations students could get.

The "McKnightmare" began as he limited the number of First Nations students who could get access to a post-secondary education. This denied the aboriginal and treaty rights of First Nations people.

The First Nations communities and students told INAC about their opposition to the changes and to the process by which the changes were made. But meetings and letter-writing campaigns seemed to have no impact. Frustration and anger mounted and the First Nations' education protest movement was revitalized.

**Rallies, hunger strikes, occupations**

Native students from coast to coast coordinated a National Rally on March 22, 1989 to protest McKnight's new policy. The national news featured student rallies in Vancouver, Saskatoon, Winnipeg, Ottawa and Halifax.

Fifteen aboriginal students from Thunder Bay, Ontario went on a hunger strike that
March 30, 1989

The Right Honourable Brian Mulroney
Prime Minister of Canada
House of Commons
Ottawa, Canada K1A 0A6

Dear Mr. Prime Minister:

Your Minister of Indian Affairs, Mr. Pierre Cadieux, has announced that the Government will implement new guidelines for First Nations citizens for Post-Secondary Education effective April 1, 1989.

The Minister is being advised by his education officials. You yourself as Prime Minister made this public commitment in the First Nations on April 18, 1983:

"Current funding levels of programs designed to correct the serious inequalities which exist for Native people and Native communities will be maintained."

Politics regarding Aboriginal people will be made after open, public consultation, especially at the grass roots level.

I have been advised by my officials and other Aboriginal leaders that the funding levels are not equal to the needs of the people and that the new guidelines will have a negative impact on our education levels.

I would appreciate an opportunity to discuss the new guidelines and their impact on our communities.

Sincerely,

[Signature]

Justice and action are demanded

The First Nations education protest movement is an assertion of aboriginal and treaty rights. Each of these initiatives is a statement. Together, these actions signify a movement that the government and people of Canada cannot ignore.

Ottawa reacted to the call for justice and action. For the first time in 15 years the House of Commons debated an issue for two days. The Standing Committee on Aboriginal Affairs which usually takes two weeks or so to decide on an issue, decided on aboriginal post-secondary education in 24 hours.

The INAC bureaucracy suddenly found some "consultation" funds to distribute across the country.

However, the Canadian Government again proved its inability or lack of will to recognize the rights of aboriginal peoples. In the House of Commons a motion in support of aboriginal post-secondary education was defeated by a block vote of the majority Conservative Party.

The standing committee on aboriginal affairs, after hearing statements from many chiefs and student groups, submitted a weak report of recommendations to the House of Commons. The INAC bureaucracy tied conditions to the consultation funds and process, which catered to the government's agenda.

There were some concessions. The government agreed to begin a short term and long term review of the policy.

Many aboriginal groups who participated in the consultation process struggled to maintain their own agenda. Although, working independently, the aboriginal groups wanted common, crucial changes.

Deputy Minister Harry Swain proposed superficial changes that fell short of the recommendations from aboriginal groups — recommendations that had greater impact and unanimous support.

The process produced superficial changes that improve the policy somewhat, but maintain the "cap" on First Nation education. Therefore the federal government continues to deny aboriginal and treaty rights to survival through education.

Why did this issue receive such a violent and spontaneous response from First Nations' communities and students from across this land?

With cutbacks to our opportunity for higher education, not only did the federal government threaten our aboriginal and treaty rights, our physical survival, and our cultural existence, it threatened our hopes and dreams for a better tomorrow.

At a time when the social conditions of the aboriginal population continues to be consider-ably below the national average, it seems that the federal government prefers to maintain an unskilled and unemployed aboriginal population.

There was a lot of support for our struggle from the Canadian Federation of Students, from churches, the NDP and Liberal party MPs. However, it became very clear that the Canadian public, journalists, bureaucrats and politicians need to be educated about the conditions of First Nations peoples, our shared history and our visions for tomorrow.

What did we discover from hours of talking to journalists, bureaucrats, ministers of parliament, and the Canadian public? We discovered that they all could use some education.

Heck, they probably learned what was taught to us in school: Indians used to live in teepees, used to paddle canoes, used to have a culture, and used to be a people, a "savage" people.

They need to learn, to understand that our forefathers and foremothers come from this land. That as aboriginal peoples we have the responsibility as caretakers of the land to ensure our children have a future on their land.

We realize that we have a long struggle ahead of us and that we need to work together to maintain our strengths. The spirit, the determination and the commitment of First Nations people from coast to coast is an inspiration as we work to educate Canadian society, and to struggle for our aboriginal rights and treaty rights.

Beverly Scow is a third year political science student at UBC. She is of the Kwak- waka'wakw First Nation and she is active in both the inter-campus native student network and the UBC native Indian student union.

Ad from Globe & Mail, March 1989.
The rate of functional illiteracy is declining for aboriginal Canadians, although it is still considerably higher for aboriginal people than for other Canadians. Functional illiteracy can be measured by the percent of the population that have less than grade 9 education.

According to both the 1981 and 1986 Censuses, the proportion of the population with less than grade nine education declined for all groups except Indians off-reserve, which remained constant.

According to the 1986 Census, 37% of all status Indians have less than grade nine education, two times the Canadian rate of 17%.

Some 45% of Indians on-reserve are functionally illiterate, almost two times the rates for Indians off-reserve and for people living near reserves, 24% and 26% respectively.

The Inuit have the highest proportion with less than grade nine education at 53%, one and a half times the rate for status Indians and three times that for all Canadians.
At Least High School Education
Aboriginals and All Canadians
1981, 1986

- Skilled employment and higher income depend on the level of education attained. Indians and other aboriginal people are becoming better educated, although fewer of them have completed high school compared to other Canadians.

- According to the 1981 and 1986 Censuses, the proportion of the population with at least high school education increased slightly for all aboriginal groups except Indians off-reserve, which remained the same.

- According to the 1986 Census, 28% of all status Indians have at least high school education, one-half the rate for all Canadians at 56%.

- The percent of Indians on-reserve with high school education or over is 22%, two-thirds the rate for Indians off-reserve at 38% and one-half that of people living in communities near reserves 42%.

- The Inuit have the lowest proportion of their population with at least high school education at 22%, four-fifths the rate of status Indians and two-fifths that of all Canadians.
Figure 1C

Elementary and Secondary Enrolment
By School Type
Indians On-Reserve
1981-1987

- Federal Schools
- Provincial Schools
- Band Schools

- Indian bands are taking over more control in the education of Indian children on-reserve.

- The proportion of children enrolled in band-operated schools is increasing while the proportion enrolled in federal or provincial schools is decreasing. However, almost 70% of enrolment is still in federal or provincial schools.

- Between 1981-1987, the percent of children on-reserve enrolled in band-operated schools doubled, from 16% to 31%.

- The percent enrolled in federal schools in 1987 was three-quarters the 1981 rate, 21% compared to 28%.

- The proportion of students enrolled in provincial schools dropped between 1981 and 1987, from 54% to 48%.
The number of children on-reserve in elementary or secondary schools is growing and will continue to grow. In 1988, 85,600 on-reserve students were enrolled in these schools.

By 1991, enrolment will be 91,500, a 14% increase from the 1981 actual enrolment of 80,466.

The projected enrolment in 2001 is estimated at 112,800 nearly one and a half times the 1981 figure.

Enrolment is increasing not only due to the increase in the school-aged population, but also due to increases in the enrolment rate. The enrolment rate is calculated by determining the percent of all children on-reserve aged 4 to 18 who are attending school.

By 2001, it is projected that 90% of all Indian children on-reserve will be enrolled in school, up six percentage points from the 1982 figure of 84%.

Bill C-31 will have a limited impact on the number of on-reserve children enrolled in elementary and secondary schools as most Bill C-31 registrants reside off-reserve.
The number of status Indians enrolled in post-secondary programs has increased dramatically. Between 1960 and 1981, it increased ninety-one times, from 60 students to 5,464.

Between 1981 and 1988, post-secondary enrolment increased another two and two-thirds times to 15,084 students.

The annual growth rate in a number of post-secondary students declined between 1981 and 1984. In 1985, enrolment grew by 30% of the 1984 level.

Since 1985 the number of students has continued to increase although the growth rate has returned to pre-1985 levels.

Source:
Prepared by N. Janet Hagey, Gilles Larocque, Catherine McBride
Finance and Professional Services
Indian and Northern Affairs Canada
Indian Schooling: Education or Cultural Genocide?

The lives of Indian children are cheap. That appears to be the operating principle of the federal government and its Department of Indian Affairs. The school it is responsible for providing for the schooling of Indian children are often unsafe, unhealthy, and are getting worse rather than better. These are the findings of an investigation conducted last year by the Saskatchewan Indian Cultural College - a subsidiary organization of the Federation of Saskatchewan Indians.

The report, Our Children Are Waiting, documents the conditions in the 107 school buildings at the 60 band or federally operated schools in Saskatchewan outside the Yorkton District of the Department of Indian Affairs.

During the study, fire inspections were carried out on about 1/2 of all reserve schools. Between 5 and 20 hazard conditions were cited at most schools, ranging at 26 at one. The Prince Albert Indian Student Residence, which schools children from all over northern Saskatchewan, will not be allowed to continue operating after June as it is.

Four of fifty-nine water systems are not functional. At one school, the water has been tested and shown to be contaminated in 4 or 5 samples; it is not treated and continues to be available for use in the school. At another school, the effluent of one sewage system runs down to the intake of the school water supply.

The sewage disposal systems at thirty-seven schools do not meet even the minimum Department of the Environment guidelines; forty-one of the sixty sewage systems are inadequate. The most common system, jet disposal, was never designed to handle a school load. Jets are unacceptable to the Department of National Health and Welfare and contravene Department of the Environment regulations because they do not provide adequate treatment. Yet they are used on reserve schools because they are cheap.

"In sum," says the Cultural College study, "most buildings inspected are unfit for use as schools and recent developments indicate that conditions facing Indian children are deteriorating rather than improving."

The physical condition of schools for Indian children is only part of the social catastrophe that is euphemistically called Indian education. In 1975, seventy per cent of on-Reserve Indians between the ages of 15 and 34 had less than Grade 9, while 3.4 per cent had a grade 12 or 0.2 per cent had some kind of degree. Sixty per cent of Saskatchewan Indians were behind their proper grade in school, with the average Indian child behind 1.7 years.
Schools as Instruments of Political Control

The quality and purpose of Indian schooling has developed out of its history as in institution for the social and political control of Indian people. Yet the specific nature of Indian education has changed both as the underlying economic structure has changed and as Indian people have continued a passive from of unorganized resistance.

The first schools for Indian children were built and run during the era of the fur trade by missionaries, usually the Jesuits. Experiments initiated during the seventeenth century paralleled colonial models developed in other parts of the world. They involved removing Indian children from their parents and what the Jesuits thought of as the backward influences of their Indian culture. Inevitably, the schools were closed due to lack of support from the Indian people.

The general religious work of the missionaries, including the schools, was an attack on the national identity of Indian peoples which served to disorganize, divide, and pacify them. So effective was this policy that the French governor Denonville was moved to write: "The Indian tribes can be kept quiet thanks only to these missionaries; the Fathers alone are able to win them for our interests and restrain them from rebellion, which otherwise would break out from one day to the next."

By the mid-nineteenth century mass public education was becoming widespread in Canada. The state was accepting more responsibility for Indian education and, with the decline of the fur trade, schooling was taking the form of training for agricultural labour. By the time of the treaties in Western Canada, Indian people knew that their sovereignty over their land was lost. They had to come to terms with British and American imperialism and wrest what they could out of it. It was within this context that Indian leases chose to negotiate treaties that would guarantee rights to schooling.

Since the signing of the Treaties, Indian schooling has been characterized by its institutionalized racism; a continuing impulse to culturally annihilate Indian peoples combined with the lowest amount of financial commitment from the state. Both of these characteristics served to insure political control of the conquered native peoples.

While some day schools were maintained on reserves by one or the other of the actively competing Anglican and Roman Catholic churches, industrial and boarding schools quickly became the dominant form of Indian schooling.
The concept of industrial schools was borrowed from the U.S. which sought to destroy the "tribal relations," i.e., the communal holding of property and communal living, and replace it with a system of individual farms and land holdings. Trades which would be useful to agricultural labour and unskilled wage labour were emphasized in the schools. An operating principle underlying the building of the schools continued to be the necessity to remove Indian children from their families and the "primitive" cultural backgrounds.

Boarding schools differed from Industrial schools in that they were smaller and closer to various Indian agencies. To ensure that his proximity did not lead to interference by the parents, an agreement between them and the principle was signed making the school's principal or head teacher the child's legal guardian. The schools and government were thus free to disallow visits and holidays to the reserve, and to severely limit the parents' right to visit the child.

After the 1985 Rebellion, the building of schools rapidly accelerated to help extend state control over the conquered territory. In 1883 there were only three industrial schools in the Northwest Territories, while by 1900 there were 26 boarding schools and 6 industrial schools.

Resistance from Indian parents to the schooling offered by the state continued, however. The State responded by making school attendance compulsory in 1912. Police were used to round up truants and runaways. At first, according to the law, they were required to get parental permission but the Indian Act was changed in 1920, and this provision was removed. That the resistance had not been merely a rejection of education per se is made clear by the persistent efforts on the part of Indian parents to reopen day schools on the reserves. Rather, Indian people were reacting against the form of schooling imposed on them: isolation of their children, cultural genocide, and extremely hard living conditions.

The Early Cutbacks

With Indian people cut off from political power and with racism intact as an important part of the society's official ideology, the state had no trouble putting a very low priority on spending for Indian schooling.

In 1892, the Accountant for the Department of Indian Affairs was instructed to propose means for reducing expenditures on Industrial schools. The accountant, Mr. Scott, suggested altering the curriculum of the schools so that there would be a bare minimum of classroom and academic instruction, and a maximum amount of time spend in the shop learning a trade. This would allow the schools to produce products that could be sold for a profit. Scott also recommended that the schools be left in the hands of the churches, and that only the initial purchase of equipment and buildings be supplied by the government. Scott's recommendations were accepted.
The state's low priority on funding Indian schools encouraged the churches to try to keep enrollments high; since grants were on a per capita basis. To achieve this goal, unhealthy students were admitted and the living conditions in the school facilitated the spread of disease to healthy students.

Alarm over this situation grew to the point where, in 1907, P.H. Bryce, the Department's Chief Medical Officer, undertook a special investigation of the schools. Bryce reported that available statistics on schools in operation for ten or more years showed that at least seven per cent of their present or former students were sick or in poor health, while twenty-four per cent were dead! Two-thirds of those discharged from one school dies either at the school or within a few months of being discharged, from diseases contracted at the school, usually tuberculosis or consumption.

In a 1975 report, The Federation of Saskatchewan Indians concluded that:

"The government was largely responsible for the fact that many boarding and Industrial schools became death traps. By refusing to accept the treaty obligations and turning the schools over to the missionaries to be operated on budgets based on an inadequate per capita grant, and by forcing students to attend these institutions, the Government of Canada was responsible for sending many Indian children to their deaths."

The schooling provided by the churches was intensely repressive for the adult roles that would have to be tolerated by "graduates" condemned to a life of the super-exploited labour or unemployment. One woman who did finish much of her schooling in a boarding school during the 1960's writes:

"They cropped off our long hair and gave us each a number. Our names were not used, they called us by our own number...We weren't allowed to speak to "boys" even if they were our relatives...Our play yard was about half a mile long and half a mile wide. The older girls would walk around endlessly on the inside of the fenced yard... (Residential school) only brought fear and discouragement into my life and the feeling of being in prison."

Boarding and Industrial schools decreased in importance in the 1940's after "reserved" Indian labour had been called upon during World War II. Their contribution to the war effort and their work in the munitions factories contrasted sharply with the social conditions they were forced to return to when Johnny Canuck came marching home. The bourgeoisie's social planners and its press gained an increased awareness of "the Indian problem". The main results were the "Plan for Liquidating Canada's Indian Problem Within 25 years," presented to the 1947 Indian Act hearings and the consequent amendments to the Indian Act hearings and the consequent amendments to the Indian Act in 1951.
The "Plan" was aimed at finishing off what the Jesuits had started 300 years before - the cultural and legal extermination of Canada's Indian people as a separate entity.

For Indian schooling, this meant the abolition of separate schools and the integration of Indian children in off-reserve provincial schools jointly financed by the federal and provincial governments. Says on Indian parent of the joint-school system:

"The white children in the school used to make fun of their clothes, their lunch...they used the words squaw and brave like they were swear words...Not all the white children were cruel and unkind."

The social cost of this system can be measured by the fact in one study of 8,782 Indian children who enrolled in Grade 1 in 1951, 1,149 enrolled in Grade 9 eight years later, and 341 enrolled in Grade 12 in 1962.

Alienation of Indian people from formal education was deepened with the 1951 revisions to the Indian Act. Sections of the Act were removed which had allowed bands to hire their own teachers.

The demands raised by the emerging mass Indian movement in the late 1960's did not ignore the question of Indian schooling. The struggle became militant and well-organized at the occupation of the Blue Quills residential school in June and July 1969. People from the Saddle Lake Indian Reserve (Saskatchewan) fought against the closing of the school and demanded that the school be turned over to local people. After six weeks, their demand was met.

In 1971, the ban on the use of Indian languages in Canadian schools was lifted.

In 1972, the National Indian Brotherhood presented its policy paper, Indian Control of Indian Education, to the federal government. The paper declared, principally, that "Indian parents must have full responsibility and control of education."

On my 23, 1973, the Minister of Indian Affairs, Jean Chretien, formally announced his Department's commitment to a system of "Indian controlled" schools. The Saskatchewan Region of Indian Affairs is taking the lead in this development and there are now 12 band-administered schools in the province.

Schools administered by local band councils or delegated school committees are distinct advantage for Indian people and mark a limited victory after 300 years of unorganized passive resistance to colonial schooling. The involvement of parents hiring, firing, and curriculum planning denies the state ability to arbitrarily determine what shall be done to Indian children in the schools.
If Indian control of Indian education is to be a meaningful reform it must begin to eliminate the destructive physical conditions of the schools. Conditions illustrated by the grim facts reported in Our Children Are Waiting. This will be difficult when the 1978-79 budget of $69 million for Indian education in Saskatchewan represents a real reduction of 19 per cent from last year's budget. The question of "Indian control for what?" will also become more and more pressing. Are Indian schools going to raise up the whole people – or to help create a new Indian elite, a new "middle class"? Is Indian control of curriculum going to purvey an official government view of Indian culture or is it going to revitalize culture to help in the struggle for national liberation of native peoples? Are Indians going to continue to fight the state in isolation or are they going to make alliances with non-Indian working people and farmers who are facing similar education cutbacks? These questions have been left on the shelf too long and the report of the Saskatchewan Indian Cultural College forces us to start dealing with them immediately.

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One Sky Multi-cultural Centre
Native Information Kit, 1984
Saskatoon, Saskatchewan
Commentary on National Education Policies for Aboriginal Peoples

There is no consensus on the definition of indigenous. There used to be a clear distinction in the meaning of the term when it referred to the Indians of North and South America to contrast them with the European settlers. Today, however, as a result of many generations of interracial and interethnic marriage, there is ambiguity associated with the term indigenous. In Latin America the identity of indigenous people is sometimes ignored or denied as governments seek to establish further a sense of national identity. In Canada their term usually refers to those Indians and Inuit whose names are legally registered under the articles of the Indian Act, with some political consideration extended to Métis and non-status Indians. In the United States the indigenous are defined as those who reside on reservations as well as those who can prove that they have one half or more Indian blood. In Asia, Africa, and Australia a number of legal definitions of indigenous are used depending on a variety of historical, legal and political conditions. Although there is no worldwide consensus on who is an indigenous person, there is general agreement that indigenous or aboriginal people are those and the descendants of those who are known to have first inhabited the land.

Educational Policies for Indigenous People in Developed Countries

In the United States, government policy regarding indigenous education is based on the assumption that Indian children have special education needs. Congress has endorsed programs to make funds available to promote educational development on Indian reservations, and State authorities have been encouraged to support efforts which would more effectively involve Indian parents in making important decisions regarding the education of their children. There are still problems, however, with keeping Indian children in school and with raising the levels of scholastic achievement in mathematics and English. These problems are caused more by socioeconomic status than by ethnicity because other ethnic groups in the United States at the same socioeconomic level as Indians experience comparable difficulties. Numerous studies have been done to explain other causes for the deficiencies in Indian education, and the following are among the recommendations made to improve educational opportunities for indigenous people in the United States; reduce bureaucratic paperwork and constraints which impede education progress, give more control to Indian groups so that they can better determine their own educational destinies; reduce political antagonisms over schooling so that the Indian child can be considered as one who needs skill training, not as one to be used as a pawn for political gains; and develop Native language skills to preserve and enhance the Indian self-concept to build a better foundations for indigenous education.

Educational policy for indigenous people in Canada is in many ways similar to that in the United States. There are proportionately more indigenous people in Canada than in the
United States, and their educational opportunities vary significantly from region to region depending on the socioeconomic status of the area in which they live. While the provincial governments have constitutional rights to set educational policy, the federal government has an historic responsibility for the education of Native people, and it is the stated policy of the federal government that Indians should have control over Indian education. Yet this policy of local control is only gradually being implemented because the Government bureaucracy is hesitant and slow in approving changes, and there is some disagreement within the widely separated Native communities as to how quickly these changes should occur.

Aboriginal people in Australia experience many of the same educational problems as those experienced by indigenous people in Canada and the United States. These problems are basically low achievement rates in school as compared with achievement rates of children who live in more affluent, urbanized centres, coupled with a comparitively high drop-out rate. The Australian government spends considerably less that Canada in trying to alleviate these problems and to promote educational development among the indigenous people, and, whole money is not the sole answer to the complex problems of indigenous education, more financial support would provide necessary upgrading skills required to assist in the advancement of aboriginal people. As in Canada and the United States, Australia is developing bilingual educational programs and is supporting research efforts to stimulate progress in indigenous education.

The indigenous people of Scandinavia are the Sami or Lapps. The governments of Norway, Sweden, Denmark, and Finland have not officially promoted the use of the Sami language as a language of school-instruction. The overall level of Sami education at the child and adult levels is inferior to that of the rest of the Scandinavian population, but in recent years Scandinavian governments have taken some steps to promote the teaching of the Sami language at the adult level. In Greenland, a territory once controlled by Denmark, the Greenlandic language of the majority Inuit population is the languages of instruction in schools. Perhaps if the Danes had been geographically closer to Greenland during the colonial period, the retention of the greenlandic language of the indigenous people might not have occurred.

The Maoris are the indigenous people of New Zealand. For many years the New Zealand government followed a policy of teaching technical agricultural skills to the Maoris, but that policy failed. New Zealand now provides the same kind of general education to the Maoris as that given to the majority population, and the results have been impressive. The achievement rate for Maoris is a few years ahead of the Indian rate of achievement in Canada. The New Zealand government has also been vigorously promoting cultural awareness programs to enable the Maoris to retain and develop their culture, as well as awareness programs to raise the level of cultural appreciation for Maori life within the majority population.
Since the arrival of Europeans to South America the primary educational policy has been the assimilation of indigenous people into the dominant Spanish or Portuguese speaking lifestyle. An apparent reversal of this long-standing policy has recently occurred in Mexico where the government is now committed to bilingual and bicultural education to meet the needs of the large population. Mexico, like Canada and the United States, has taken the position that indigenous cultures should be preserved through educational policy and has provided funding to develop Native language programs in the 10 major indigenous languages. However, political scientists and anthropologists are questioning the motivation behind the Mexican government's bilingual language policy. In Mexico, where there is a struggle between right-wing and left-wing forces for political control of the country, the Mexican government has been spreading government propaganda through radio broadcasts in indigenous languages to remote areas. Although traditional cultures are maintained through Native language radio, the educational value of these services is doubtful.

The situation for indigenous people in Brazil has been grim and pathetic for years. For decades the Brazilian authorities did little or nothing to prevent genocidal attacks on the indigenous people in the interior of the country. Today, mining companies, lumbering consortia, and agricultural enterprises are continuing to invade the remaining Indian enclaves in the country without regard for indigenous culture. It is the Brazilian government's policy to provide free primary education for all Brazilians in contrast to the former policy of giving free education at all levels those who were in need of it. The effect of this new policy will be to minimize the chances of advanced education for many members of indigenous communities. Recently, the government has tried to depoliticize a movement in Brasilia where a group of young indigenous people has been working to effect political change and improve indigenous conditions. The government cut off funding to the students in Brasilia on the grounds that it would be better for them to return to towns closer to their home communities to work there. However, the indigenous student group has resisted these efforts to diffuse its momentum, and the students are continuing to work in the capital to provide more protection and rights for Brazilian Native communities (Ontario Indian Education Council, 1981).

**Educational Policies for Indigenous People in Developing Countries**

In Bolivia the class distinction between white and Indian is sadly apparent. The indigenous people live mainly on the Altipano, where their ancestors have lived for thousands of years, and the whites live in and around the capital city, La Paz. Educational and health facilities on the Altipano are deplorable in comparison with the same in La Paz. During the last 10 years, however, the indigenous majority of Bolivia have
begun to assert themselves by developing a Native language policy which they see as the basis for their future educational development. Nevertheless, the course of social development for the indigenous Bolivians will depend to a large extent on who has control over indigenous language radio broadcasts and other language services.

During the Inca period in Peru a two-caste systems separated the Inca rulers from the masses of people. After the Spaniards came, the sons of the indigenous ruling class received Spanish-speaking education while the majority of the indigenous Peruvians continued to resist European educational change. A similar kind of class distinction is found today in Peru with educated mestizos residing in the cities and uneducated Indians in the rural districts. Many of the Mestize teachers have a low opinion of the Indians who sometimes continue to resist government efforts to educate them. Quechua, the indigenous language spoken by about half the Peruvian population, was made the second official language of instruction in 1975. But because of a scarcity of teachers trained to teach Quechua and the preferred choice of English as a second language, the Peruvian government has set aside the legal requirement of teaching the indigenous language in Peruvian schools.

The situation in Ecuador is similar to that of Peru and Bolivia as far as the indigenous people are concerned. The indigenous of Ecuador speak Quechua and other Indian dialects, and they have barriers to educational advancement. The economic system discriminates against the Indians who are suspicious and wary of government efforts to bring about social change through education in Spanish, the official language of instruction.

Across the Atlantic in the southern part of Africa, there are several groups of people who claim to be indigenous. The Zulu, Bantu, and other people of Black heritage, as well as the Boers, descendants of the original Dutch settlers, all claim to be indigenous to South Africa. The South African government, with the policy of apartheid, has created a wide gap in educational services and opportunities between the white and Black communities. These inequalities in the educational system can be regarded as one of the worst failures of the policy of apartheid. Until this globally condemned system is supplanted, the Black indigenous people are likely to continue to suffer from the effects of educational inequality. It is to be hoped that pressures from inside and outside South Africa will soon result in the dismantling of apartheid and an improvement in the quality of education for all the indigenous people of the country.

Summary

There are some common threads in this brief overview of educational policies for indigenous people in several countries. First, indigenous people, who are at the lowest
socioeconomic levels in nations their ancestors first inhabited, have to struggle to find a better quality of life in modern, complex, industrial society. Second, the struggles of the indigenous are often exacerbated by obstacles and roadblocks placed in the way by the political regimes of dominant groups which have little understanding of—or sympathy for—indigenous cultures. Third, in recent times in Anglo-American countries, governments have given more emphasis to policies for preserving and enhancing native cultural retention through the support of native language programs. While there has been little controversy connected with that policy in Canada, the United States, and Australia, native language programming has aroused suspicions in Latin American countries where it has been regarded as a reactionary strategy to entrench conservative political interests. Fourth, contrary to the traditional practice of assimilating indigenous people into dominant cultures through the processes of education, there is a democratic, international movement in developed countries to grant more autonomy an independence to the indigenous to enable them to develop educational plans consistent with their unique cultural aspirations. For example, this policy trend is expressed in "Indian Control of Indian Education" (1972), a position paper endorsed by the Canadian government. By recognizing the right that indigenous people have to determine their own educational destinies, a right guaranteed by the United Nations, it is hoped that the highest stage of indigenous development will be achieved. It would be a mistake, however, to think that the indigenous can or want to achieve cultural independence alone. Because of past injustices, the indigenous are too far behind the dominant culture to reach an acceptable level of technological advancement and material security on their own. In an increasingly interdependent world, in order to survive the indigenous need to cooperate with people of other cultures more technically advanced. Through mutual cooperation it is possible for indigenous people to reach an educational level which will ensure their continued survival. That stage is neither segregation nor assimilation but integration where the indigenous are cultural equals in democratic, multicultural nations moving toward a work-federated, more peaceful, international society.

References


The Aims of Aboriginal Education

The aims of Aboriginal Education are to:

1. develop in Aboriginal children an enhanced sense of personal worth through the acceptance and appreciation not only of their specific Aboriginal identity, but also of their role in the wider Australian community;

2. provide classroom opportunities for all children to examine, compare and clarify the values, attitudes and beliefs that they have assumed about their own culture and about other cultures;

3. encourage in children acceptance of the rights of different people to hold different values, attitudes and beliefs;

4. provide, for Aboriginal children, opportunities to gain a knowledge of how Australian society and other societies function;

5. ensure that the school curriculum contains an Aboriginal perspective;

6. encourage in all children the development of knowledge, understanding and appreciation of Aboriginal heritage and cultures;

7. encourage administrators and teachers at all levels to promote communication between schools and Aboriginal communities and to involve those communities in the education of their children;

8. encourage positive attitudes in Aboriginal parents and children towards the school and education as a means of gaining the knowledge and skills needed for effective participation in society generally;

9. encourage teachers to develop knowledge and understanding of the educational needs of Aboriginal children, and to provide opportunities for Aboriginal children to contribute freely and to experience success in school life;

10. assist Aboriginal children to be competent in all living skills.

11. provide opportunities, where appropriate and approved by relevant Aboriginal communities, for the maintenance and development of Aboriginal languages;

12. ensure an awareness of and respect for Aboriginal English when developing competency in standard English;

13. provide and educational environment and educational experiences through which Aboriginal children will be helped to choose a life style which is personally satisfying in the context of a multicultural Australian society.
First Nations Declaration on Jurisdiction
Over Education

In 1984, the Education Secretariat of the Assembly of First Nations (AFN) undertook a major review of First Nations education across Canada. This review was to study and assess the impact of the 1973 National Indian Brotherhood (NIB) policy paper and to provide a working paper for all First Nations interested in asserting their sovereignty over education. The Declaration also serves as a model for the creation of First Nations education programs.

Tradition and Education: Towards a Vision of Our Future, consists of four volumes and was published by the AFN in 1989.

Sovereignty

First Nations have an inherent aboriginal right to self-government. They have existed as sovereign, self-governing nations since long before the establishment of the Government of Canada. First Nations have never relinquished the right of self-government, recognized by the Crown in the Royal Proclamation of 1763 and in the Treaties negotiated with Canada or the Crown. The provision for education in each of the eleven treaties (made between 1871 and 1921) is clearly stated.

Convention #107 (1957) of the International Labour Organization was revised in 1989 and states:

"The Indigenous and Tribal (People/Populations) Convention recognizes the aspirations of these (people/populations) to have control over their own institutions, ways of life and economic development... within the framework of the States in which they live..."

The Convention references the terms of the Universal Declaration of Human Rights, The International Covenant on Economic, Social and Cultural Rights, The International Covenant on Civil and Political Rights, and other documents developed under the auspices of United nations organizations. Canada should take the lead in demonstrating to the world how Convention #107 can be implemented by fully supporting this First Nations Declaration on Jurisdiction over Education. First Nations have the right to exercise jurisdiction over the education of First Nations students in Federal, First Nations and Public schools.
<table>
<thead>
<tr>
<th>Component</th>
<th>Description</th>
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<tbody>
<tr>
<td>Early Childhood Programs:</td>
<td>Incorporation of local culture, use of aboriginal language, community participation, government funding is essential.</td>
</tr>
<tr>
<td>Special Education:</td>
<td>Integration in the education program, improved diagnosis and program delivery accountable to parents and community at local level.</td>
</tr>
<tr>
<td>Life Skills Program:</td>
<td>Survival skills, wilderness skills, career awareness, sex education, AIDS education, alcohol and substance abuse education, suicide prevention, health and nutrition programs appropriate federal funding for youth and adults.</td>
</tr>
<tr>
<td>Counselling:</td>
<td>Academic, career, financial, social and peer counselling support services for First Nations students in urban centres.</td>
</tr>
<tr>
<td>Transportation:</td>
<td>A variety of safe, healthy and insured transportation modes; bus, plane, and snowmobile.</td>
</tr>
<tr>
<td>Adult and Post-Secondary:</td>
<td>Development of institutions, off-campus program delivery for First Nations communities, employment incentives and adequate funding.</td>
</tr>
<tr>
<td>Distance Education:</td>
<td>Research development and delivery of programs via television and satellite, culturally appropriate and relevant to local education needs regional centres and shared community resources, language resource centres.</td>
</tr>
<tr>
<td>Facilities:</td>
<td>School space accommodation based upon curriculum and student needs, not just student population. For example, science labs are almost non-existent in First Nations Schools. New capital funds for schools, gyms, libraries, labs, cultural centres, audio-visual resource centres and cafeterias.</td>
</tr>
</tbody>
</table>
Management: to include community members, Elders, implementing and evaluating First Nations educational systems

Data Banks: statistical information on health, employment and economic productivity

Other areas of concern are labour relations, policy development, planning of long-range goals, management training, parental involvement, tuition agreements with provincial and territorial governments, local planning and needs assessment, in-service training, and culturally-based student evaluation and testing.

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General Philosophy of First Nations Education

First Nations education focuses upon the well being of the students. It is a holistic approach that prepares First Nations students for total living. Modern First Nations education is consistent with traditional First Nations education. Both incorporate a deep respect for the natural world with the physical, moral, spiritual, intellectual, and life skills development of the individual. First Nations education develops qualities and values in students such as respect for Elders and cultural tradition, modesty, leadership, generosity, resourcefulness, integrity, wisdom, courage, compassion for others, and living harmoniously with the environment. Relevant education for First Nations students today is based on the following basic elements:

Preservation of Languages and Culture

Values Held in Esteem by First Nations Communities and Families, and Respect for the Community, Culture, and Family

Parental and Community Participation

Preparation for Total Living

Local Jurisdiction
Indian and Métis Education Policy
From Kindergarten to Grade 12

Four principles guide the development of education programs for and about Indian and Métis peoples by Saskatchewan Education. These are:

1. Indian and Métis peoples must be given the opportunity to participate fully in the education system at all levels.

2. The education system must recognize Indian and Métis students are the children of peoples whose culture are, in many ways, very different from those of the people who established the school system. These differences which may include learning styles, language and world-view, must be accounted for in curriculum programs, teaching methods and climate in the schools attended by Indian and Métis children.

3. There must be co-operation and consultation among all federal, provincial, local and Indian and Métis authorities to ensure co-ordination of efforts to meet the needs of Indian and Métis students.

4. Efforts to improve the success of Indian and Métis students in school are most effective at the school-community level.

Saskatchewan Education recognizes that the Indian and Métis peoples of the province are historically unique peoples and occupy a unique and rightful place in society today. Saskatchewan Education recognize that education programs must meet the needs of Indian and Métis peoples, and that changes to existing programs are also necessary FOR THE BENEFIT OF ALL STUDENTS.

A Ministers' Advisory Committee shall actively participate in the development and implementation of Indian and Métis education and include representation from the Federation of Saskatchewan Nations (FSIN), Métis Society of Saskatchewan/Gabriel Dumont Institute (GDI), the Saskatchewan Teachers' Federation (STF), Saskatchewan School Trustees Association (SSTA), the League of Educational Administrators, Directors and Superintendents (LEADS), representatives from post-secondary institutions and their staffs.

In the development and implementation of policy and programs, the unique needs and realities of Northern Saskatchewan will be taken into account.
Curriculum and Instructional Resources:

The three major curriculum objectives are:

1. The inclusion of Indian and Métis content in all core curricula for ALL students in the province.

2. The development and implementation of programs for and about Indian and Métis students, for example: Native Studies.

3. The development and implementation of Indian languages programs.

All curriculum and instructional resources development undertaken by Saskatchewan education will include APPROPRIATE AND SUFFICIENT Indian and Métis content. Instructional resources for core and other curricula are to be developed and identified. Recommended instructional resources shall be evaluated for stereotyping, bias, racism and other inaccuracies.

Special Needs

These projects include, but are not limited to the following:

1. Alternative education programs (for example, the Joe Duquette High School in Saskatoon - formerly the Native Survival School).

2. Home-school liaison programs (for example, IMED projects)

3. Tutorial programs

4. ESL/ESD programs (English as a Second Language and Dialect)

5. Dropout prevention programs.

Saskatchewan Education will develop in-service sessions on Indian and Métis education, particularly in the areas of: Indian and Métis awareness; cross-cultural education; materials evaluation; instructional methods of teaching Indian and Métis children and for teaching about Indian, Métis and Inuit peoples; developing Indian and Métis participation in the education system.

Saskatchewan Education may from time to time, provide materials such as curriculum guides and support materials to Band and federal schools, but the usual procedure will be for Band and federal schools to purchase such materials through the Educational Resources Distribution Branch.

Curricula and materials will: concentrate on positive images of Indian, Métis and Inuit peoples; reinforce and complement the beliefs and values of Indian, Métis and Inuit peoples; include historical and contemporary issues; emphasize Indian languages and English language development; and reflect the legal, cultural, historical, political, social, economic and regional diversity of Indian, Métis and Inuit peoples.
The Urban Challenge

By the turn of the century, almost half the will live in urban areas - from small towns to huge megacities. The world's economic system is increasingly an urban one, with overlapping networks of communications, production, and trade. This system, with its flows of information, energy, capital, commerce, and people, provides the backbone for national development. A city's prospects - or a town's - depend critically on its place within the urban system, national and international. So does the fate of the hinterland, with its agriculture, forestry, and mining, on which the urban system depends.

In many nations, certain kinds of industries and service enterprises are now being developed in rural areas. But they receive high-quality infrastructure and services, with advanced telecommunications systems ensuring that their activities are part of the national (and global) urban-industrial system. In effect, the countryside is being 'urbanized'.

The Growth of Cities

This is the century of the 'urban revolution'. In the 35 years since 1950, the number of people living in cities almost tripled, increasing by 1.25 billion. In the more developed regions, the urban population nearly doubled, from 447 million to 838 million. In the less developed world, it quadrupled, growing from 286 million to 1.14 billion.

Over only 60 years, the developing world's urban population increased tenfold, from around 100 million in 1920 to close to 1 billion in 1980. At the same time, its rural population more than doubled.

- In 1940, only one person in eight lived in an urban centre, while about one in 100 lived in a city with a million or more inhabitants (a 'million city').
- By 1960, more than one in five persons lived in an urban centre, and one in 26 in a 'million city'.
- By 1980, nearly one in three persons was an urban dweller and one in 10 a 'million city' resident.

The population of many of sub-Saharan Africa's larger cities increased more than the sevenfold between 1950 and 1980 - Nairobi, Dar es Salaam, Nouakchott, Lusaka, Lagos, and Kinshasa among them. During these same 30 years, populations in many Asian and Latin American cities (such as Seoul, Baghdad, Dhaka, Amman, Bombay, Jakarta, Mexico City, Manila, Sao Paulo, Bogota, and Managua) tripled or quadrupled. In such cities, net immigration has usually been a greater contributor than natural increase to the population growth or recent decades.
In many developing countries, cities have thus grown far beyond anything imagined only a few decades ago—and at speeds without historic precedent. But some experts doubt that developing nations will urbanize as rapidly in the future as in the last 30-40 years, or that megacities will grow as large as UN projections suggest. Their argument is that many of the most powerful stimuli to rapid urbanization in the past have less influence today, and that changing government policies could reduce the comparative attractiveness of cities, especially the largest cities, and slow rates of urbanization.

The urban population growth rate in developing countries as a whole has been slowing down—from 5.2 percent per annum in the late 1950's to 3.4 percent in the 1980's. It is expected to decline even further in the coming decades. Nevertheless, if current trends hold, Third World cities could add a further three-quarters of a billion people by the year 2000. Over the same time, the cities of the industrial world would grow by a further 111 million.

These projections put the urban challenge firmly in the developing countries. In the space of just 15 years (or about 5,500 days), the developing world will have to increase by 65 percent its capacity to produce and manage its urban infrastructure, services, and shelter—merely to maintain present conditions. And in many countries, this must be accomplished under conditions of great economic hardship and uncertainty, with resources diminishing relative to needs and rising expectations.

Dominating Cities

Nairobi, Kenya: In 1975, Nairobi had 57 percent of all Kenya's manufacturing employment and two-thirds of its industrial plants. In 1979, Nairobi contained around 5 percent of the national population.

Manila, Philippines: Metropolitan Manila produces one-third of the nation's gross national product, handles 70 percent of all imports, and contained 60 percent of the manufacturing establishments. In 1981, it contained around 13 percent of the national population.

Lima, Peru: The metropolitan area of Lima accounts for 43 percent of gross domestic product, for four-fifths of bank credit and consumer goods production, and for more than nine-tenths of capital goods production in Peru. In 1981, it was home to around 27 percent of Peruvians.

Lagos, Nigeria: In 1978, Lagos' metropolitan area handled over 40 percent of the nation's external trade, accounted for over 57 percent of total value added in manufacturing, and contained over 40 percent of Nigeria's highly skilled workers. It contains only some 5 percent of the national population.
Mexico City, Mexico: In 1970, with some 24 per cent of Mexicans living there, the capital contained 30 per cent of the manufacturing jobs, 28 per cent of employment in commerce, 38 per cent of jobs in services, 69 per cent of employment in national government, 62 per cent of national investment in higher education, and 80 per cent of research activities. In 1965, it contained 44 per cent of national bank deposits and 61 per cent of national credits.

Sao Paulo, Brazil: Greater Sao Paulo, with around one-tenth of Brazil's national population in 1980, contributed one-quarter of the net national product and over 40 per cent of Brazil's industrial value-added.

Changes in Mobility

The number of people in Europe, Japan, North America, and the Soviet Union quintupled between 1750 and 1950, and these regions' share in world population increased sharply over this period. By the latter part of the 19th century, there was growing concern about population pressures in Europe. Migration to North America, Australia, and New Zealand helped to some extent. At its peak between 1881 and 1910, permanent emigration absorbed nearly 20 per cent of the increase in population in Europe.

Today, however, migration is not a major factor in determining population distribution among countries. Between 1970 and 1980 permanent emigration as a percentage of population increase fell to 4 per cent in Europe and was only 2.5 per cent in Latin America. The corresponding percentages in Asia and Africa were very much lower. Thus the option of emigration to new lands has not been and will not be a significant element in relieving demographic pressures in developing countries. In effect, this reduces the time available to bring population into balance with resources.

Within countries, populations are more mobile. Improved communications have enabled large movements of people, sometimes as a natural response to the growth of economic opportunities in different places. Some governments have actively encouraged migration from densely to sparsely settled areas. A more recent phenomenon is the flight of 'ecological refugees' from areas of environmental degradation.

Much of the movement is from countryside to city. (See Chapter 9). In 1985, some 40 per cent of the world's population lived in cities; the magnitude of the urban drift can be seen in the fact that since 1950, the increase in urban population has been larger than the increase in rural population both in percentage and in absolute terms. This shift is most striking in developing countries, where the number of city-dwellers quadrupled during this period.
In the developing world, mostly in the Third World, we realize that the main problem we have is that we do not have employment opportunities, and most of these people who are unemployed move from rural areas and they migrate into the cities and those who remain behind always indulge in processes—for example charcoal burning—and all this leads to deforestation. So maybe the environmental organizations should step in and look for ways to prevent this kind of destruction.

Kennedy Njiro. Student, Kenya Polytechnic

WCED Public Hearing, Nairobi, 23 September 1986

Ensuring a Sustainable Level of Population

The sustainability of development is intimately linked to the dynamics of population growth. The issue, however, is not simply one of global population size. A child born in a country where levels of material and energy use are high places a greater burden on the Earth's resources than a child born in a poorer country. A similar argument applies within countries. Nonetheless, sustainable development can be pursued more easily when population size is stabilized at a level consistent with the productive capacity of the ecosystem.

In industrial countries, the overall rate of population growth is under 1 per cent, and several countries have reached or are approaching zero population growth. The total population of the industrialized world could increase from its current 1.2 billion to about 1.4 billion in the year 2025.

The greater part of global population increase will take place in developing countries, where the 1985 population of 3.7 billion may increase to 6.8 billion by 2025. The Third World does not have the option of migration to 'new' lands, and the time available for adjustment is much less than industrial countries had. Hence the challenge now is to quickly lower population growth rates, especially in regions such as Africa, where these rates are increasing.

Birth rates declined in industrial countries largely because of economic and social development. Rising levels of income and urbanization and the changing role of women all played important roles. Similar processes are now at work in developing countries. These should be recognized and encourages. Population policies should be integrated with other economic and social development programmes—female education, health care, and the expansion of the livelihood base of the poor. But time is short, and developing countries will also have to promote direct measures to reduce fertility, to avoid going radically beyond the productive potential to support their populations. In fact, increased access to family planning services is itself a form of social development that allows couples, and women in particular, the right to self-determination.
Population growth in developing countries will remain unevenly distributed between rural and urban areas. UN projections suggest that by the first decade of the next century, the absolute size of rural populations in most developing countries will start declining. Nearly 90 per cent of the increase in the developing world will take place in urban areas, the population of which is expected to rise from 1.15 billion in 1985 to 3.85 billion in 2025. The increase will be particularly marked in Africa and, to a lesser extent, in Asia.

Developing-country cities are growing much faster than the capacity of authorities to cope. Shortages of housing, water, sanitation, and mass transit are widespread. A growing proportion of city-dwellers live in slums and shanty towns, many of them exposed to air and water pollution and to industrial and natural hazards. Further deterioration is likely, given that most urban growth will take place in the largest cities. Thus more manageable cities may be the principal gain from slower rates of population growth.

Urbanization is itself part of the development process. The challenge is to manage the process so as to avoid a severe deterioration in the quality of life. Thus the development of smaller urban centres needs to be encouraged to reduce pressures in large cities. Solving the impending urban crisis will require the promotion of self-help housing and urban services by and for the poor, and a more positive approach to the role of the informal sector, supported by sufficient funds for water supply, sanitation, and other services.

Urbanization

One of the more noteworthy actions by Indian peoples in recent decades has been their sizable migrations to urban centres. This movement is not an entirely new phenomenon, but it has accelerated since 1960, when Canada began to experience an overall trend of urban-bound peoples.

According to a report commissioned by the Federation of Saskatchewan Indian Nations:

"Reserve population statistics also indicate that the migration appears to be increasing. For example, between 1966 and 1976 the population living on Saskatchewan reserves increased by 8.5%, compared with an increase in Treaty Indian population of over 30%. It also appears that if present circumstances and conditions on reserves prevail, it is likely that migration will continue to increase. Considering that about one-third of the members of Saskatchewan Bands now live off reserves, and considering that about 40% of children under five years of age are now living off reserve (combined with the increasing migration that will result if present conditions prevail) we can safely predict that within twenty years over half of the members of Saskatchewan Bands will be living off their home reserves" (Ellis, Pinacie, Turner & Swift Wolfe 1978:10).

The decision to migrate to the city merits some attention and discussion, since most studies about Indian migration to the city have usually focused on individuals. From this focus, the rationale for urban migration is postulated.

First, the structure of the reserve has an influence on Indian migration patterns. The structures which Gerber (1983:192) found to be important were: "proximity of the reserve to an urban centre; the size of the Band; road access; the degree of community development; Native Language use; and male-female ratio." From this statement it can be postulated that those Bands which are not close to urban centres, have a high degree of community development, and are large, will have low migration patterns to urban centres. Those Bands which are close to urban centres, not well developed economically, largely English speaking, and (usually) have a male-female ratio of 2:1 will have a high migration pattern to urban centres.

Each individual Indian must assess his or her chances of obtaining employment and housing on reserve. Because both are scarce, competition is high among all eligible reserve residents. Usually, the housing and employment needs of young, single males and females are not considered a high priority, since young singles are seen as capable of entering the world outside the reserve. In particular, young females - with or without children - receive lower priority for housing on reserve, therefore they usually move to urban centres.
This accounts for the high ratio of males to females on some reserves, and the rationale for migrating to urban centres. To date, in Saskatchewan the greater number of Indian urban migrants are young single females and single female heads of households (Clatworthy & Hull 1983:55).

Nagler (1970:10-14) has categorized Indians into several categories, "TRANSIENTS, MIGRANTS, COMMUTERS AND RESIDENTS." The TRANSIENT continually moves from one place to another without establishing full residence in any urban area; the MIGRANT simply transfers a social network from a rural base to an urban one, moving to the city but only interacting with other Natives; the COMMUTER lives close enough to an urban centre to spend large amounts of discontinuous time there, yet retains residence on reserve; the RESIDENT has been born in the city and has spent a great deal of time in an urban context.

Second, social factors also play a major role in an Indian's decision to move to the city. Indians move to the city to find employment, education or adequate housing, all of which are lacking on many reserves. Since the majority of reserves are rural-based and limited in size they can provide employment and housing for only a limited population, therefore out-migration becomes essential.

There are specific areas and issue which must be considered in terms of the economic and social difficulties encountered by Indian people within the urban context. These include education, employment, poverty, housing, health, alcoholism and crime.

The individual's level of education is probably the most important factor in determining the success of the Indian person within an urban environment. Unfortunately, a good majority of Indians do not complete high school, and therefore do not proceed to any type of technical or post-secondary training. This lack of formal education leads not only to difficulty in finding employment, but also to problems in coping with everyday urban life. The highest dropout rate among Indian students can be attributed to several major factors:

1. Negative attitudes toward Indian culture and history are generated by the curriculum taught in the school systems. This may cause racist attitudes in other students and leave the Indian student feeling rejected, inferior or guilty.

2. Teachers cannot communicate meaningfully because they do not understand Indian heritage or lifestyles.

3. Because many parents themselves do not have a high level of education, they do not or cannot provide the necessary supportive environment for the student, and do not become actively involved in the child's education.

4. The difference between the reserve and city school systems is too great for the students to overcome.
In an attempt to curb the dropout problem, steps have been taken by various groups to promote more self-determination in education. These include the Saskatoon Native Survival School, the Saskatchewan Indian Federated College, Gabriel Dumont Institute of Native Studies and Applied Research, and a number of Indian/native teacher education programs. The objective of all of these ventures is to assist the Indian/Native student to develop a positive self-identity and thus expand his or her education and employment opportunities.

The unemployment rate for Indians in the city remains at much the same level as on the reserve. This can be attributed mainly to the substandard level of education possessed by many Indian people. In addition, much of the non-Indian community has stereotyped Indians as high risk employees, and many would-be employers are reluctant to hire them. Affirmative Action programs have attempted to alleviate this problem within government agencies, but it still remains widespread in the private sector. At times Affirmative Action programs may have results contrary to their objective, however. Some Indian people who have found employment through these programs find themselves faced with animosity from other employees, who are of the opinion that the Indian person has been employed and will receive promotions based solely on the ancestry. This attitude makes it difficult for Indian employees to feel comfortable in the work environment, and may eventually lead to their resignations.

The majority of Indians who find work in the city are employed in positions that fall into the low paying, unskilled labour category. Although some labour occupations are high paying, they are generally seasonal in nature and individuals working in these jobs must rely on the other sources of income for part of the year. As well, the largest concentration for both men and women is in occupations that require a minimal amount of formal education (Ellis, Turner, Pinacie & Swiftwolfe 1978:49).

The inability of many Indian people to find gainful employment leads to a host of other socio-economic problems, most notably poverty. Unable to find a job (or one that pays satisfactorily) many Indians are forced to turn to social assistance to survive. The income provided by Social Services is meager, and without adequate funds to acquire basic necessities Indians suffer from many poverty-related ailments. This has resulted in hospitalization and infant mortality rates which are disturbingly higher for the Indian population than for the non-Indian population (Social Planning Secretariat 1979:36, 37).

Housing is also an area of great concern. The choice of rental accommodation is severely limited for most Indian people. The houses or apartments that are within their budgets are usually older, run-down buildings in neighborhoods that are considered less than desirable. In many cases the landlords of these properties are primarily interested in profits, and repairs, renovations and general maintenance are neglected. Often the Indian tenants bear the blame for the condition of these buildings.
Many Indian families are forced into sharing accommodation, either because they cannot afford to buy their own homes or because they cannot find a place to rent. This overcrowding is such that in 1978 there were only three homes for every four Indian families in Regina (Ellis, Turner, Pinacie & Swifwolfe 1978:59). Although many Indian and Native organizations operate low rental housing programs, the demand for housing far exceeds the supply.

Faced with these unpleasant social and economic conditions, many Indian people seek escape in alcohol. A study of alcoholism among a sample of the Indian population in Saskatchewan revealed that the most commonly cited reasons for drinking were social reasons, family problems and a desire to forget worries (Yong 1972:8, 9). Although it is difficult to estimate the actual percentage of urban Indians who do suffer from alcoholism, some organizations suggest that it is at epidemic proportions.

Directly linked to alcoholism is the crime rate among Indian and Native people. "In the fiscal year 1975-76, Indian and Native sentence admissions to provincial correctional institutions accounted for 63.2% of all male sentence admissions. During the same period, Indian and Native sentence admissions accounted for 75% of all female sentence admissions. These statistics are startling when it is realized that Indian and Native people account for only about 12% of the total Saskatchewan population". (Social Planning Secretariat 1979:38, 39)

There is, however, a small but growing percentage of Indian people who have successfully adapted to urban life without losing their identity. These Indians have been able to develop stability in employment, with the resultant absence of dependence on the welfare system. The stability of a job frees the Indian employee from the anxiety of frequent layoff and the income earned from steady employment enables the Indian head of the household to provide a comfortable existence for his or her family, comparable to any other middle class family which may live in the same neighbourhood. These Indian people live in single family detached homes in the better parts of the urban centre. There is no rapid change of address for them, since they plan carefully to obtain a permanent address. This move to the better parts of the city and to living a comfortable life does not necessarily eliminate the concept of the extended family. In many of these households, the extended family is visible and can be considered very stable.

In one sense, unlike the highly visible poor in the core areas or urban centres, the successful Indian families tend to blend in with their communities. In a different sense, they become visible. They are in day-to-day contact with whites, they are constantly in the news, they are heading up urban organizations, or they are "speakers" for a diversity of conferences dealing with the "Problems of Indians in Urban
Centres" (Dosman 1972:53). It becomes apparent that these successful Indian people have accustomed to relating to the larger white community and its leaders and institutions. However, these successful people do not always associate intimately with their white counterparts. Rather, the primary group remains limited to the immediate family and other Indians in the same class or education level.

As stated earlier, it is from the ranks of successful Indians in the urban centres that leadership for urban Indian organizations come. These people are often responsible for the development of organizations which help other Indians to retain their culture and identity. They are also responsible for developing and maintaining links with other Indian groups across Canada.

It is through these successful Indian people that others from Indian reserves are also migrating to urban centres. With this process in mind, it seems safe to predict that the trend of migration from the reserve to the urban centre will continue and may increase even further in volume.

Sources:


Kim, Yong C. A Study of Alcohol Consumption and Alcoholism Among Saskatchewan Indians. Regina: Alcoholism Commission of Saskatchewan, 1972.

Further Readings:


Note: In 1992, more than half of the Status and Treaty Indian population in Saskatchewan lived off-reserve. Indian Affairs and Census statistics extrapolations have proven incorrect. There has not been a major shift in Treaty and Status Indian populations to the reserves, as a result of Bill C-31 an Amendment to the *Indian Act,* 1985.
Poverty and Racism

In my research project, I will attempt to show how poverty and racism are used in Canada to benefit one of the West's most important cash crops – the sugar beets of Southern Alberta.

The sugar beet country of southern Alberta is one of the richest and most diversified agricultural regions in Canada and among a great many farmers in this affluent territory, the sugar beet itself is the entire and fortunate difference between profit and loss. At hoeing time, the farmers heavily depend on the state of their crop on about two thousand Indian and Métis who come down from northern Alberta and Saskatchewan as the bulk of the workers who thin and hoe an acre of beet fields. "Sugar beets among this fortunate variety of produce are far more important than they appear at first. They are the most profitable of all these crops. Eighty-five percent of the farmers defined sugar beets as their best cash crop. Moreover, more than half indicated they'd prefer to have larger sugar beet contracts than the ones they had; and 45% said that without beets, they simply could not continue farming. Sugar beets which account for only 15% of cultivated acreage are obviously vital to the stability of agriculture in southern Alberta. The sugar beet dollar for the farmer is a particularly good dollar. Figures from the Alberta Sugar Beet Growers Association indicate that out of each dollar he earns from the beets, he spends 27.6¢ for machine costs, 21.5¢ for labour, 8.3¢ for fixed land costs and 8.9¢ for seed, fertilizer, herbicides, insecticides and miscellaneous expenses. This gives the farmer a return of 33.7¢ for profit and management, a handsome profit by anyone's standards and enables him to subsidize his less lucrative farming activities. Moreover, he often realizes a certain amount of additional income as a result of his raising beets; the beet tops for instance are good feed for livestock." (Alberta Sugar Beet Association).

First of all the living conditions on the reserves are usually crowded. In my case there were often fifteen people living in a two room log house. Our main diet consisted of bannock and lard, pork neckbones, vegetable soup and tea. Once in a while we had eggs but for the most part we couldn't afford food luxuries like bacon and eggs. The relief was given out once a month. We could afford to smoke filter tip cigarettes on relief days only. It is small wonder that we groped for the opportunity to go and work in the beet fields after spending six long poverty stricken months cooped up on the reserve. The social attraction of hoeing sugar beets is not that powerful. Indeed, for most of us native peoples, the summertime social attractions are probably back on the reserves, or near the reserves during Indian days and Pow-Wows that occur each year all over Alberta and Saskatchewan. It is possible that for
some of the young people, the adventure of leaving their reserves, perhaps for the first time, and seeing new country and new people would make the sugar beet migration appear attractive but for most of us the lure is far more tangible. Most of us go for the money we can earn. There was and still is an almost total lack of job opportunities on or near the reservations. Unemployment among the native male population is extremely high. The sugar beet fields offer sure jobs for a certain time. Another major reason why we native people go to work in the sugar beet fields is the recruitment campaign of Canada Manpower and the Indian Affairs. They blitz the reserves because the natives are apparently the only people willing to hoe beets.

These two departments along with the Federal Provincial Agricultural Manpower Committee, help to start the flow of migrant labour from the reserves of Saskatchewan and northern Alberta to the beet fields that surround Taber. They also try to control the migration. The Federal Provincial Agricultural Manpower Committee gets requests for workers from the local farmers. It forwards the requests to the office of the Canada Manpower Centre in Lethbridge and the CMC then circulates them among its own outposts near the reserves and the Métis communities. As the beet season begins, these regional CMC offices send letters and application forms to the chiefs and band councils on the reservations. The applications are for summer jobs hoeing beets. The Indians fill them out and return them to the CMC offices and later buses transport the successful applicants from their homes to the Reception Centre in Lethbridge. It's the CMC office that arranges and advertises the bus schedules and in effect controls the movement of labour from the reserves. But the moment the workers step off the bus in southern Alberta, Manpower withdraws itself from the scene. FPAMC takes over now and parcels the natives out to the farms. Although CMC does the organizing and puts the workers on the buses, FPAMC pays the travel bills. It also takes care of the overnight accommodation in Lethbridge, the rental fees for the Reception Centre, and the salaries of the commissionaires who police the building. Curiously however, the FPAMC does not pay quite all of the natives travel costs. It is fully empowered to do so. Schedule A, Part II of the FPAMC agreement states that the Federal and Provincial government share equally all the costs incurred of the following class: "f) Transportation expenses of workers and their families and effects moved under this agreement." And yet, when the native people leave the bus at the Reception Centre, they are obliged to sing "Commitment Forms", and the commitment is to authorize that $7.50 be deducted from their salary to cover the one-way travel expenses.

The beet fields are the bottom of the job market and the labour itself is basic. The Indian Affairs Welfare usually goes so far as to withhold relief payments till we promise to go to the sugar beets. In 1967 the rate of pay was $17.00 per acre for first hoeing; in most weeks, wind or rain or some other
nuisance make it impossible to get in six days of work. Most of us are in the sugar beet country for at least one month and some for two months or longer. As transient workers, we are ineligible to receive the benefits of Unemployment Insurance and Workmen’s Compensation. As migrant farm labour, we are outside the provisions of the minimum wage law. Our position as migrant Indian or Métis workers in the sugar beet fields or southern Alberta is not enviable. We are the only people left who are willing to do the work that’s absolutely essential to the health of one of the West’s most important cash crops. We alone are prepared to do the sweaty work that quite literally keeps many farmers from giving up faring. We do hard hot demanding work at a rate of pay that over the term of our employment can only be called poor. The hand labour is tedious and unpleasant. The rows are usually half a mile long with nine to the acre. The government recruits us and then it offers little protection, and almost no useful information. Living conditions for most beet workers are very poor. Almost all of the buildings provided by the farmers for us to live in are shacks, converted grainaries and chicken coops. Many of them have only dirt floors and none have plumbing facilities or easy access to water.

The attitude of the resident community towards us is often stereotyped: that is, Indians are lazy and unable to hold their liquor, and also that we are unreliable and incapable. We have insufficient information on a whole range of such subjects as human rights, labour laws, health legislation, welfare legislation, and even the general scene among Indian and Métis. Native papers are simply not distributed in the beet-growing country. We know that certain white merchants exploit us because we don’t know how much some products are worth. For example, most of us come back with second-hand cars that cost us five to seven hundred dollars when perhaps they are really worth half of what we pay for them. We work and save our money all summer for the verbally-skilled care dealer who has no conscience about taking advantage of people who have no knowledge about cars. Used car dealers in the sugar beet towns of Taber, Bow Island, Lethbridge, and Medicine Hat retire rich. The Salvation Army stores in Medicine Hat and Lethbridge also retire rich. It doesn’t do any good if we object because they are so skillfull with their English and we just get frustrated with our poor English and we end up making fools of ourselves. If we use our fists we are put in jail so we have no alternative but to keep quiet.

In March of 1970, Calgary Herald’s agricultural columnist, John Schmidt, wrote “had Indian beet workers not undertaken to come in from the northern reserves ten years ago, this industry would have been finished in southern Alberta because no white labour union would undertake to supply it with men.”

Officials of the FPAMC talk of the unwillingness of students to hoe sugar beets, even when no other jobs are available.
There was an effort in 1971 to hire striking miners from Flin Flon, Manitoba. Again, they were apparently both unwilling and unable to adjust to hoeing sugar beets.

Keeping Indians poor keeps a lot of people rich. It keeps the sugar beet farmers rich, used car dealers, Salvation Army stores, it provides jobs for the white collar workers at the Canada Manpower and Department of Indian Affairs. Racism means you always have a pool of people that can be used to fill the dirty jobs that nobody else wants. The worst thing about it is that it's disguised as benevolence in our Canadian society.

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Native Information Kit, 1984 with permission of One Sky Multi-Cultural Centre, Saskatoon.
Poverty has a human face; too often, it is the face of a woman desperately trying to care for her family and survive against all odds. To be a woman in most developing countries is to have no legal or social status; to have no right to own land or a house; and to have little access to training, credit or education. It is a life destined to poverty with little hope of escape.

Women in the developing world work an average of 12 - 16 hours a day. In rural areas, most of the agricultural work is done by women. They work on the small family plot and on their husband's cash crop field: weeding, harvesting, processing and selling the surplus at the market. Women, however, rarely possess the land on which they toil. They own less than one percent of the world's property, the result of some of the oldest laws in history - the laws of marriage and inheritance. But food production is only part of their daily tasks. Collecting water and firewood, caring for the children, preparing meals and all the other chores are also their responsibility.

In the city, poor women live by their wits and ingenuity. Often illiterate and unskilled, these women join the informal sector, supporting their families by taking in washing, selling rice cakes on street corners, or offering their services as household help. They labour in appalling conditions, are poorly paid and have no legal protection: Their task of survival is a heavy burden and one that many women must carry alone. In some developing countries, half of the households are headed by women.

Centuries-old customs, taboos and misinterpretations of religious beliefs are other factors that restrict the personal development of women and their participation in the life around them. Folk beliefs in demons that seek out women after dark, food taboos that harm health and physically violent practices such as female circumcision are just some examples of the additional limitations women in poor countries must endure.

This life of hardship takes its toll. Many suffer from malnutrition, chronic exhaustion and anemia; two thirds of the pregnant women are anemic. They often die more than 20 years earlier than women in the West.
WOMEN - THE FACTS

Inequality
Women are half the world's people... Work two-thirds of the world's working hours...

Receive one tenth of the world's income... And own only one percent of the world's property...

Food Production
DIVISION OF LABOUR

<table>
<thead>
<tr>
<th>Activity</th>
<th>Women</th>
<th>Men</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ploughing</td>
<td>30%</td>
<td></td>
</tr>
<tr>
<td>Planting</td>
<td>50%</td>
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<tr>
<td>Livestock</td>
<td>50%</td>
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</tr>
<tr>
<td>Harvesting</td>
<td>60%</td>
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<tr>
<td>Weeding</td>
<td>70%</td>
<td></td>
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<tr>
<td>Processing and storing crops</td>
<td>85%</td>
<td></td>
</tr>
<tr>
<td>Domestic work</td>
<td>95%</td>
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</tr>
</tbody>
</table>

Education
Two out of every three illiterate persons in the world are women.

In Canada
- The poorest people in Canada are women. There are 3.5 million poor in Canada - 60% of these are women. Eighty-five percent of all single parent families are headed by women and 47% of these families are living below the poverty line.
- In 1986, an average woman working full-time earned 66% of her male counterpart's wage. This earning gap is largely the result of wage discrimination (unequal pay for equal work) and occupational segregation (unequal job and promotional opportunities). In June 1987, Ontario passed North America's first pay equity legislation, requiring employers to end wage discrimination between men and women doing jobs deemed to be of comparable value to the employer.
- In 1983, 40% of married women in the Canadian labour force, with children under 6 years, had husbands who earned less than $20,000 a year. Without these working women, the number of poor families in Canada would almost double.

WOMEN'S WORK NOT RECOGNIZED
National statistics for the economically active usually omit women's work in the subsistence sector yet:

* In the Himalayan region 70% of agricultural work is done by women
* In Africa 60 - 80% of all agricultural work is done by women

* Rural women in the developing countries as a whole account for at least 50% of food production
A NEW HOPE

World Vision Canada recognizes the contribution made by women and is helping women in the developing world to build better futures for themselves and their children. Here are some examples of projects geared to the needs of women:

VOCA TIONAL TRAINING

Illiteracy among rural Ghanaian women is widespread. Most of them are without any productive job skills, and therefore are unable to adequately support their families. In an attempt to assist these women, World Vision Canada and the Fellowship of Ghana Christian Women, with partial funding from the Canadian International Development Agency (CIDA), have established a Women’s Vocational Training Project.

Through cooperatives established in different villages, 5,200 women are being trained in cottage industries such as cloth making, cookery and catering, nutrition and diet, soap making, sewing and handicrafts. Just recently, land was purchased to start a training program in animal and crop farming. New job opportunities are then created to help these women become self-reliant.

HEALTH EDUCATION

World Vision Canada, in partnership with the Anglican Church, is also involved with Women’s Union Leadership Development Projects in six urban centers in Zaire. These projects are geared to the single women heads of households providing health and nutrition education. One woman from each parish is chosen to be trained as part of the project. She then returns to her parish to communicate her newly acquired knowledge to others. The lessons learned are estimated to reach 2,000 women and their families. This effort has been partly funded by Partnership Africa Canada.

HEALTH CARE

Due to the isolated nature of the roadless mountain areas of Ethiopia, many young women in labour are unattended by midwives or medical help. Consequently, they often suffer from difficult labours causing damage to their urinary and reproductive systems. Because of these injuries, many women are rejected by their husbands and communities. They live on the edge of the village and on the edge of life.

A clinic supported by World Vision was established to care for these outcasts. Operations and other health care are given free of charge as well as transportation back to their homes. The operations literally change the lives of these women. They can now return to their village in health and dignity to resume a normal life. As community health workers are trained and clinics established in the small villages, this kind of problem will diminish. Until then, this clinic will continue to do what it can to heal and re-integrate these women into society.

World Vision Canada is a Christian humanitarian agency involved in child care, community development and emergency relief programs overseas.

For more information or materials, please contact your local World Vision representative or our National Office.

WORLD VISION CANADA
Third World Women in Factories

There is a debate among feminists as to whether industrialization is "good for women." Industrialization offers the chance for at least some women, especially poorer women, to get out of the home, to break away from the stifling constrictions of domestic patriarchy. For example, while working in a textile mill (in Massachusetts, Manchester or Hong Kong) may bring hardship, it does offer women the opportunity to join a larger collective of workers and to earn wages independently. Some observers of the influx of Third World women into factories in countries such as Taiwan, Hong Kong, South Korea, El Salvador, Tunisia and Brazil mix their short-term worries about the exploitative working conditions these women endure with a longer term faith that such employment eventually will spawn women's liberation.

Other observers are not so sure. When they look at how women are recruited into some factories but not others, they see the patriarchal restrictions on women's capacity to control their own lives being merely modernized, not overturned.

Factory Women in the Third World - Why now?

The creation of a Third World female industrial work force "took off" in the 1960's and by the 1980's was a major phenomenon in dozens of Asian, Latin American and African societies. The timing can be traced to a convergence of anxieties in the minds of different groups of men.

First, the executives of certain types of manufacturing companies began to worry about the increasing unionization of their own previously unorganized women workers and the consequent pressures for better working conditions and more reasonable wages. These companies operated in some of the most intensely competitive industrial sectors and survived by substituting cheap labor for expensive equipment. Top priority was given to minimizing labor costs. In fact, minimizing labor costs was the chief reason why factory workforces were women in the first place. Once women constitute most of the labor force the next move is to replace English women with Hong Kong women or Alabama women with Haitian women. The firms that deliberately adopted these labor practices were manufacturers of toys (a big business today), textiles, garments, footwear, electronics and processed foods.

At about the same time international lending and aid agencies such as the International Monetary Fund urges elites in Third World countries to increase the production of foreign financed industrial goods for export in order to offset their increasing imbalances of payments - imbalances that were growing in the 1970's due to the higher price of imported oil, private purchases of foreign luxury goods for local elites and government purchases of expensive weaponry to bolster nervous regimes. Out of these discussions - the typical all-male affairs - came the formula for development now
referred to as Export Processing Zones (EPZs). The government of the Philippines, for example, would agree to put out the money to create the infrastructure (roads, electricity, sewers) for an industrial zone, typically located near a deep water port or international airport. In addition, a government competed to offer attractive tax incentives to lure foreign companies to invest in its country. Finally, the host government usually guaranteed the companies' security, a process allegedly made easier by the physical confines of the EPZ itself. For their part, incoming garment, toy or electronics company executives were committed to producing for overseas markets, thus helping the government reduce its imbalance of payments and mollify foreign agencies on which it relied for grants or loans.

The entire formula, however, was built on sexist assumptions: that labor-intensive firms needed female workforces, that women were docile and passive and thus less of a security risk, and that women were available.

Personal Directors, Fathers and Daughters

One of the greatest flaws in the argument that industrialization leads to women's liberation is its neglect of the status of the women who leaves home to enlist as a textile worker or a micro-chip assembler. Studies have found that, more likely than not, she goes to work in the factory as a daughter, not as an independent, free-wheeling New Woman.

It is what goes on outside the factory gate which often determines when or if industrial waged work does anything to augment a woman's sense of worth, health or control. Recruitment processes are a good place to begin. Foreign managers who work closely with government agencies in recruiting women workers for local male elites are often wary of "their" women being enlisted as factory workers. They fear that they might be accused of being the instigators of moral degeneracy and family disloyalty. Consequently, women workers - many of them in their teens and thus especially vulnerable to social stigmatizing - are recruited under implicit pacts made between company personnel officials, village elders or clergy and fathers. Guarantees must be given - though not always fulfilled - that the girls and women will stay 'pure' and thus marriageable.

The fathers - and mothers - of girls who work in Third World factories are ambivalent about their daughters going off to work for Levi's or Mitsubishi. While they fear the loss of control over their daughter, they are usually in desperate financial straits. Often they have no land to cultivate, or they cannot cope with the indebtedness that now comes with peasant cultivation in many countries. They need cash. Women in the multiplying Export Processing Zones must be thought of in this context of family and agricultural politics.
Sexual Divisions of Labor

Inside the factory gates, Third World women are slotted into areas that demand the least training and lowest pay. But even within this sector there are gendered hierarchies of reward and status. Women make up an estimated 70 percent or more of all EPZ factory workforces; but they are concentrated in the "unskilled" and "semi-skilled" job categories, categories which managers, not workers, define and redefine. There are Filipina women for instance, who are taught only how to stitch Levi's famous back pocket trademark stitch and nothing more. There are few opportunities for these women to acquire more skills or pay.
Moreover, many American, European and Japanese managers (and growing numbers of local "joint venture" male entrepreneurs) lay off women when they marry or become pregnant, thus saving the company the higher wages that would be paid to more experienced women employees.

New research on U.S.-sponsored population control programs in Puerto Rico has indicated, however, that when governments and company planners believe that when governments and company planners believe that there is a shortage of female labor for low-paying factory jobs, they will deliberately institute female sterilization programs in order to make more women available for hire. During the 1950's and 1960's birth control centers were set up inside Puerto Rico's then-flourishing garment factories.

Because of the low level of training that they typically obtain in factory jobs and their often forced high rates of turnover, Third World women factory workers suffer from acute job insecurity at a time when they may be chief cash earners for their rural-based families. When foreign headquartered executives decide to move their assembly plant from Taiwan to Sri Lanka, or from Mexico to Costa Rica because of attractive tax holidays and even "cheaper" female labour, the women who lose their jobs are faced with few alternative employment prospects. Some women caught in this situation are forced into prostitution.

Health Hazards

While getting and keeping a job - even a poorly paid one - may be of utmost concern to a Third World woman factory worker (and the men, women and children depending on her paycheck), there is a growing concern about the physical costs of such jobs. Women working in electronics assembly plants have reported serious eye damage due to prolonged periods of squinting through microscopes checking minute parts for defects. Women working in textile and garment factories have reported respiratory illnesses due to inadequate ventilation systems. One of the reasons that one sees so few older women on these factory lines (a 24-year-old woman is likely to be called "grandma" by her co-workers) is not only because management retires child-bearing workers, but also because of the prevalence of debilitating diseases which force women to quit at an early age.

Women face health hazards in many kinds of employment, but the added danger in Third World plants of First World companies is that there is no organized labour movement to compel governments and companies to be more responsible.

Resistance

Despite all the obstacles and pressures Third World women deal with, there have been attempts to organization and resistance - not always with the full support of male co-workers. Since 1980, in South Korea, the Philippines and Sri Lanka, women in Export Processing Zone factories have carried out industrial actions to press companies to improve working conditions. Companies, in turn, have looked to the local governments' security forces to quash these actions. These protests have come as an unpleasant surprise to industrial planners. It has sparked some hasty reassessments not only of the long-range utility of the EPZs but, more fundamentally, of official assumptions about women that underlie the EPZ formula.
In addition, women in a number of Third World countries have begun to communicate in meetings and through newsletters. They have begun to trace the connections between foreign investors' patriarchal assumptions and the sexist notions of their own local officials. They have also started to reveal the connections between women's lack of reproductive rights, women's marginalization in agriculture, women's exploitation in prostitution-tourism and the effects on women of local and imported military build-ups. This suggests that to understand the experiences of Third World women working in foreign controlled factories, we will need to keep our eyes on what goes on outside, as well as inside, the factory gates.

Further Readings: There are two new books that include detailed writings by both Third World and European/North American women on women in Third World industrialization:

- June Nash and Maria-Patricia Fernandez Kelly, eds., Women, Men and the International Division of Labour, Albany, SUNY press, 1983.

Other Sources:

- Women and Global Corporations Newsletter, American Friends Service Committee (1501 Cherry St., Philadelphia, pa. 19102).
- A new widely discussed film by a Puerto Rican woman filmmaker traces the forces sterilization program funded by the US in order to increase the availability of Puerto Rican women workers: "La Operacion." Distributer: Anna Maria Garcia, P.O. Box 735, Chelsea Station, NY, NY 10011.
Latin American Debt

Debt is an acute problem for many countries of Africa. But, because of the magnitude of debt involved, it has had its most visible impact in some middle-income countries – particularly in Latin America. The debt crisis remains a threat to international financial stability, but its main impact so far has been on the process of development, both in its economic and ecological aspects. Of the total world debt of around $950 billion in 1985, roughly 30 per cent was owed by four countries: Argentina, Brazil, Mexico, and Venezuela. Their debts constitute roughly two-thirds of the outstanding loans of banks to developing countries.

In the 1970’s, Latin America’s economic growth was facilitated by external borrowing. Commercial banks were happy to lend to growing countries rich in natural resources. Then major changes in international conditions made the debt unsustainable. A global recession restricted export markets, and tight monetary policies forced up global interest rates to levels far exceeding any in living memory. Bankers, alarmed by deteriorating credit worthiness, stopped lending. A flight of indigenous capital from developing countries compounded the problem.

The ensuing crisis forced governments into austerity policies to cut back imports. As a result, Latin American imports fell by 40 per cent in real terms over three years. The consequent economic contraction reduced per capita gross domestic product by an average of 8 per cent in the eight main Latin American countries. Much of the burden was carried by the poor, as real wages fell and unemployment rose. Growing poverty and deteriorating environmental conditions are clearly visible in every major Latin American country.

"The impact of the present crisis on Latin America had been compared, in its depth and extension, with the Great Depression of 1929-32. The crisis has made it clear that, although the need to protect the environment against the traditional problems of deterioration and depletion continues to be a valid objective, policy-makers responsible for environmental management ought to avoid negative attitudes in the face of the need for economic reactivation and growth.

The expansion, conservation, maintenance, and protection of the environment can make an essential contribution to the improvement of the standard of living, to employment, and to productivity."

Osvaldo Sunken
Coordinator, Joint ECLA/UNEP Development and Environment Unit
The Crisis in Third World Cities

Few city governments in the developing world have the power, resources, and trained staff to provide their rapidly growing populations with the land, services, and facilities needed for an adequate human life: clean water, sanitation, schools, and transport. The result is mushrooming illegal settlements with primitive facilities, increased overcrowding, and rampant disease linked to an unhealthy environment.

"Given the distribution of incomes, given the foreseeable availability of resources national, local, and world-wide; given present technology, and given the present weakness of local government and the lack of interest of national governments in settlement problems, I don't see any solution for the Third World city.

Third World cities are and they will increasingly become centres of competition for a plot to be invaded where you can build a shelter, for a room to rent, for a bed in a hospital, for a seat in a school or in a bus, essentially for the fewer stable adequately paid jobs, even for the space in a square or on a sidewalk where you can display and sell your merchandise, on which so many households depend.

The people themselves organize and help construct most new housing units in Third World cities and they do so without the assistance from architects, planners, and engineers, nor from local or national governments. Furthermore, in many cases, national and local governments are frequently harassing these groups. The people themselves are becoming increasingly the true builders and designers of Third World cities and quite often the managers of their own districts."

Jorge Hardoy
International Institute for Environment and Development

In most Third World cities, the enormous pressure for shelter and services had frayed the urban fabric. Much of the housing used by the poor is decrepit. Civic buildings are frequently in a state of disrepair and advanced decay. So too is the essential infrastructure of the city; public transport is overcrowded and overused, as are roads, buses and trains, transport stations, public latrines, and washing points. Water supply systems leak, and the resulting low water pressure allows sewage to seep into drinking water. A large proportion of the city's population often has no piped water, storm drainage, or roads.
Further, the lack of new credit and the continuing burden of debt service forced these countries to service their debts by running trade surpluses. The net transfers from seven major Latin American countries to creditors to almost $39 billion in 1984, and in that year 35 per cent of export earnings went to pay interest on overseas debt. This massive drain represents 5 to 6 per cent of the region's gross domestic product, around a third of the internal savings, and nearly 40 per cent of export earnings. It has been achieved by adjustment policies that impose severe and regressively skewed cuts in wages, social services, investment, consumption, and inequity and widespread poverty. Pressures on the environment and resources have increased sharply in the search for new and expanded exports and replacements for imports, together with the deterioration and over exploitation of the environment brought about by the swelling number of the urban and rural poor in desperate struggle for survival. A substantial part of Latin America's rapid growth in exports are raw materials, food, and resource-based manufactured goods.

So Latin American natural resources are being used not for development or to raise living standards, but to meet the financial requirements of industrialized country creditors. This approach to the debt problem raises questions of economic, political, and environmental sustainability. To require relatively poor countries to simultaneously curb their living standards, accept growing amounts of scarce resources to maintain external credit worthiness reflects priorities few democratically elected governments are likely to be able to tolerate for long. The present situation is not consistent with sustainable development. This conflict is aggravated by the economic policies of some major industrial countries, which have depressed and destabilized the international economy. In order to bring about socially and environmentally sustainable development it is indispensable, among other elements, for industrial countries to resume internationally expansionary policies of growth, trade, and investment. The Commission noted that, in these circumstances, some debtor countries have felt forced to suspend or limit the new outflow of funds.

Growing numbers of creditor banks and official agencies are realizing that many debtors simply will not be able to keep servicing their debts unless the burden is eased. Measures under discussion include additional new lending, forgiveness of part of the debt, longer-term rescheduling, and conversion to softer terms. But a necessary sense of urgency is lacking. Any such measures must incorporate the legitimate interests of creditors and debtors and represent a fairer sharing of the burden of resolving the debt crisis.

As the corporate controlled "global economy" began to expand in the 1970's, it led to huge accumulations of money. Desperate to find outlets for these accumulating profits, the corporations and banks pressured the underdeveloped countries (UDCs) to borrow heavily, arguing that with free trade, this would help them prosper.

This was ignoring the catastrophic extremes of poverty and war produced by market-based colonialism during the past two centuries. Similar effects have begun to appear as a result of renewed privatized penetrations of these areas. The following problems have already emerged.

1. The UDCs have had to earn hard currencies to repay their loans plus interest. This has led to concentration on a few export items such as bananas, coffee, sugar, minerals, oil and forest products.

2. The privatized market has inevitably reduced the prices for these products as the UDCs struggle to increase their export earnings. Thus debt repayment becomes increasingly difficult.

3. Public debt in all these countries expanded as failing borrowers and lenders demanded public funds to "bail out" their potential bankruptcies.

4. The IMF and the World Bank have responded by demanding more "belt-tightening" from the UDCs. That means reducing their already miserable living standards, and bringing some of them close to national bankruptcy.

Some West African Experiences

By 1987, most West African countries were selling off state enterprises, thus reversing a trend to public ownership begun in the early 1960's. As a result of the above problems, these countries are experiencing debt and desperation on a scale which caused world bankers to report economic and political "shock waves."

One key example of the shock was the Ivory Coast, which suspended debt payments in 1988 because of the world collapse of cocoa prices. Nevertheless, the IMF showed "truly unlimited faith in the privatized market" and called for reduced state interference and/or more encouragement of the private sector (Globe and Mail, August 6, 1988).

This private market approach assumes that debts must be eventually be paid. The Ivory Coast, however, continued to be "devastated" by slumping cocoa and coffee prices, and had to be temporarily rescued in late 1989 by a $450 million "package" provided by "Canada and other Western governments" (Globe and Mail, November 9, 1989).
Namibia Resists Privatization By South African Corporations

The South African Labour Bulletin (August, 1989) by identified privatization as "part of the overall strategy ... to divide and weaken the working class". The "massive monopolies" of South Africa are seeking to control the Namibian public sector.

By this process, 30% may benefit, "while 70% earn poverty wages or have no jobs, live in shacks, have little access to education, health care services and other necessities".

The Bulletin provided the following summary of privatization costs.

Summary

In summary, for the working class privatization means:

- retrenchments and greater unemployment;
- an increase in costs of services like health care, transport, etc.
- weaker trade unions and pressure to work harder;
- more division and fragmentation of the working class and of black people in general, between those who gain something and those who gain nothing from privatization;
- greater differences between rich and poor;
- strengthening of the state's antidemocratic reform programme;
- still greater concentration of wealth and power in the hands of giant monopolies like Anglo American, Gencor, Sanlam and Barlow Rand.

![Africa's economic decline table]

<table>
<thead>
<tr>
<th></th>
<th>1960</th>
<th>1988</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per capita incomes</td>
<td>US$70</td>
<td>US$565</td>
</tr>
<tr>
<td>Investment as a proportion of GDP</td>
<td>2.2%</td>
<td>15.8%</td>
</tr>
<tr>
<td>Export Growth</td>
<td>11.3% (1976)</td>
<td>0.3%</td>
</tr>
<tr>
<td>Income Growth</td>
<td>1.9%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Bal. of pay. deficit</td>
<td>US$250 billion</td>
<td>US$20 billion</td>
</tr>
<tr>
<td>Inflation</td>
<td>15.1%</td>
<td>21.3%</td>
</tr>
<tr>
<td>Debt</td>
<td>US$45 billion</td>
<td>US$230 billion</td>
</tr>
</tbody>
</table>

Source: Economic Commission of Africa
"The whole subject is fraught with residual colonialist and anti-colonialist attitudes. Because the only viable buyers are foreign, you are opening up to a charge of reconolonizing Africa". - D. Sherk, African Development Bank.

Nigeria's "Vicious Cycle"

Once expected to be the outstanding West African example of how a private, resource-based economy could prosper, Nigeria is now "caught in a vicious cycle" of "deepening poverty", with related problems of "crime, corruption and political and economic instability". Thus reporting the conditions, John Cruickshank tried to affix blame on the public enterprises which were expanded in Nigeria during the 1970's. However, he admitted that "Nigeria's business elite is generally more interested in making a percentage off outside investment" than in domestic development (Globe and Mail, October 16, 1989).

In another review, Paul Melly observed that for three years, Nigeria has been engaging in a privatizing "structural adjustment" as demanded by the IMF and the World Bank (Globe and Mail, November 9, 1989). This "adjustment" including cutting energy subsidies and shutting down food marketing boards.

Another part of that "restructuring" is the scheduled allocation of over 80% of all export earnings to make a "staggering" $5.4 billion debt repayment in 1990. About $1 million in aid will come from Canada, France, Japan and other "Western countries" (Melly, November 9).

As one result of the IMF belt tightening process, per capita income is now below $300 per year, or about one-fourth of the 1980 level. Melly noted that the government is trying to prevent further declines for the poorest sectors in order "to rein in discontent about the continuing austerity drive", which is mandatory if "Western aid" is to be maintained.

These conditions support a conclusion by A. Aidedeji, a U.N. official for Africa. He warned that the IMF-World Bank adjustment process had unfortunately led to a sad situation of gradual erosion of national sovereignty, unwarranted narrowing of policy options, faulty policies, reluctant acquiescence and failed programs" (Financial Post, November 6, 1989).
From his studies of these trends in privatized African countries, M. Bienfeld from the Institute of Development Studies (U.K.) warned that his "macabre logic", with no sign of long term recovery, "makes an utterly impossible situation unthinkable".

"Not a single African country has had economic success after implementing IMF programs. All ... are afflicted with poverty, growing debts, weakened sovereignty, and widespread illiteracy," - H. Sunmomu, Organization of African Trade Unity.

Examples from the Carribean

Most Caribbean countries have been trying to follow the private market rules of the IMF. Consequently, they have problems similar to those experienced in West Africa.

In Jamaica, the Seaga government undertook a privatization drive in the early 1980's and integrated into the Reagan "free trade" agenda. This bought drastic reductions in the prices of the country's few exports - bauxite, alumina, sugar and coffee. Prices of its array of import goods skyrocketed.

A major cause of these inequities was the IMF formula for improving exports by reducing currency value. The Jamaican dollar was worth about $1.07 Canadian in 1972. By 1986 $1.00 Canadian could buy $3.86 Jamaican. This brought high inflation, 30% unemployment, and a $ billion foreign debt - one of the world's highest per capita terms.

Similar trends in other Carribean countries led Jamaican sociologist Orlando Patterson to predict that "Jamaica is going to get worse, Trinidad is going to get much worse. Guyana is a total disaster. For the region as a whole I see growing economic difficulties and political tensions."

Privatization in Mexico

In 1989, a new Mexican government led by Carlos Salinas began "a complicated system of privatization, infrastructural development and investment". Reporting this, Linda Hossie described how the country was being opened up to foreign investment, with outside companies forcing domestic rivals out of business.

The privatization has been mainly in the agro-industries, which 40% of Mexico's 85 million people depend for their living. The consequences of privatization are indicted by the example of farming community which had used a tractor as a main source of field power. Now, this community of 300 people "works its 1,730 hectares with wooden hand-held plows and hoses, and a manual watering system".
To make the economy more internationally competitive, the government enforced "a system of wage and price controls that has brought increased misery to working people whose purchasing power had already dropped by more than 50% per cent in the 1980s", Hosse reported. About half of the people cannot afford the necessities of life. The government used armed force to crush protests by union miners.

Thus, as elsewhere, privatization is bringing even greater poverty to a large majority while increasing the wealth of a very few. A 1990 estimate found 40% to 45% of Mexico's workers forced to depend on an illegal "underground economy" of street vending. Thousands of strikers at a Ford plant were threatened with layoff. With about 7 million unemployed, the workers' bargaining position is extremely weak.

![Mexico's unemployment](source: Banco de Mexico)

"For many, the painful realities of the new model and its heavy dependence on trade with the United States have engendered an undisguised bitterness and a prediction that Mr. Salinas's vision of Mexico will ultimately prompt a backlash." - Linda Hosse, Globe and Mail, Feb. 7, 1990.

The Consequences of Chile

With their unusually strong democratic traditions, the people of Chile elected a Popular Unity Coalition with a Marxist leader, Salvador Allende. His government set out to build a welfare state, and to implement economic reforms including the nationalization of U.S.-owned copper companies.

The U.S. then backed a coup in September, 1973. Allende and many of his supporters were killed. The new military junta under Augusto Pinochet speedily privatized the publicly-owned companies and the health and social security systems.

The Chilean labour movement has denounced this privatization, pointing out that the companies were sold at far below their true value, and that the new owners have been reducing wages and benefits, imposing massive layoffs, and allowing a deterioration in working conditions.
"The 16 years of military rule (had) disastrous effects," such as driving large numbers of Chileans into poverty ... In 1988, almost 23 per cent of the population was living in a state of poverty and unable to earn the $20 (U.S.) per month necessary to feed a person. — Canadian observer team support, 1990.

Mass Poverty and Oppression

Incomes have been skewed until a privileged 20% of the population is taking 81% of the national income, Although the government obtained about 176 billion pesos from the sale of public companies, Chile's national debt has risen steadily.

Forced to follow private enterprise rules demanded by the IMF, Chile has become extremely dependent on a few resource exports — copper, timber, fishmeal and fruit. The global corporations sharply reduced the prices of these products, while raising prices of imported manufactured goods. This Chile's foreign debt grew to $21 billion (U.S.) by 1988, or about $1, 600 per capita.

With unemployment nearing 20%, the percentage of unionized workers had dropped from 41% in 1972 to a current 10%. Unionists have been suppressed by both "legal" and terrorist methods. A relatively advanced health system has been but back until only 20% of the population had access to modern medical care.

Racist oppression has undermined Allende's progressive restructuring of Mapuche Indian land tenure. A 1641 allotment of 10 million hectares to the Mapuche was reduced to only 350,000 hectares by 1979 (New Internationalist, August, 1987).

Thus a large majority of Chileans have been deprived of human rights and of democratic control under Pinochet's privatized system. Their struggle to revive democracy is still restricted by his control of the army.

Similar privatization procedures in most of Latin America brought the region's debt to $415 billion (US$ by early 1989. The Financial Times of London estimated that through 1984-1988, Latin America paid out $120 billion more to "service" its debt than it received in new loans. The Time predicted "sustained stagnation and more unrest."

"... We have to worry about Latin American debt, grinding poverty in Africa, the massive population of bypassed people in Asia."... "We did not think that the human costs of these programs could be so great, and economic gains so slow in coming." — World Bank Officials, Globe and mail, June 22, 1988.
Our glimpses of privatization in Canada and abroad indicate that the May conference in Saskatoon was planned to increase the momentum of a corporate agenda that would move economic power beyond the control of national governments. According to one estimate, by the year 2000 "more than half of the value of goods and services produced in the entire world" will be under the control of a few hundred corporations (R.T. Shaefer, Sociology, 19890, p. 422). These firms would be mainly controlled by multi-billionaire families holding dominant blocs of shares.

Nations As Servants

These super-rich families emphasize both the desirability and the inevitability of diminishing state intervention. Yet they insist on increased state subsidies, reduced business taxes and the use of state power to curb worker incomes and worker organizations.

Most of these families benefit from lending activities, including consumer credits, mortgages, and Third World loans. So they insist on governments maintaining high interest rates. This gives them an extra advantage in the form of lower wage structures as families trying to meet their payments are forced into part-time minimum wage jobs.

High interest rates also pressure Third World workers to accept lower wages and to tolerate lower prices for their products. Thus the Third World is burdened with mounting debts and interest payments, which take most of their export income. Similarly, East European countries persuaded to accept the privatization process quickly begin to experience the Third World problems – debt, inflation, poverty and unemployment.

The Need for Cooperation

Thus working people everywhere are finding that privatization not only threatens to eliminate any political influence they may have, but also leads them into extreme economic distress. As they begin to resist these conditions, they increasingly recognize the need to co-operate in their struggles to gain economic and political control at local, regional and national levels. People also learn the necessity of providing international support to the most deprived and desperate people striving to avoid outright starvation. Thus the extremes of wealth and poverty caused by privatization bring growing recognition of the need for genuine grassroots democratic control. This kind of democracy would strive to develop co-operative and public enterprise which would serve the people and provide them with full employment and adequate living standards.
"The power of multinational corporations has become almost staggering. At present, managers of Exxon, Fiat, British Petroleum, and similar firms have more power than most sovereign governments to determine where people will live and what work (if any) they will perform." — R.T. Schaefer, Sociology, p. 422.

**Democratic Alternatives**

**Positive Alternatives to Privatization**

Why should publicly-owned enterprises be restored and expanded as alternatives to privatization? Some reasons have been concisely expressed by Gordon Bolton, a co-chairperson of the Saskatoon Social Justice Network and Vice-President of the Saskatoon and District Labour Council.

**The Need for Public Ownership**

Bolton concluded that "when a privately-owned multinational corporation reaps huge profits from exploitation of our resources, we have no control over where the profits go, or how they are spent. Crown corporations may allow a particular province or country to develop its resource and workforce to its full potential. The private sector is generally content to take the best and leave the rest. If a company cannot make at least 20 per cent to 25 per cent on its investment in Saskatchewan, it would probably go where it could. This could leave the province with underdeveloped resources and unemployed people." As our review has shown, the experiences of recent years in Canada and elsewhere support Bolton's conclusions.

The question then arises as to how we should proceed to correct the damages done by privatization, and to develop democratically controlled public enterprise.

A perceptive response by NFU-President Wayne Easter must have wide support among farmers and urban workers. "There are democratic and peaceful means to accomplish change," he said "but it means taking political action at the grassroots level." That means we are challenged to develop "understanding, knowledge and commitment" (Union Farmer, January/February, 1990).

**An International Program**

A detailed program to promote that kind of understanding was advanced by an International Trade Union Summit on Privatization held in Vancouver in June, 1989 (Canadian Dimension, November/December, 1989).
The Summit's program included the following action proposals.

1. The establishment of an "international hot line" early warning system so that unions will be immediately alerted to new attempts at privatization ....

2. The creation of an international electronic data bank on privatization and privateers.

3. An international "hit list" of corporations which have assisted governments in their privatization attempts.

4. An international study analyzing privatization focusing on its impact on communities.

5. The development of an international charter setting out a vision for public services in the 1990's.


Further insights appear in the most critically oppressed areas of the Third World, where the privatized international corporate agenda has mobilized the people for decisive action. We conclude with two leading examples.

"Finally, people will rediscover the inherent advantages or public enterprise in their own communities: its democratic ownership; its decentralization of economic power; ... its indigenous control of investment capital; ... its putting long-term development, productivity, technology, and reinvestment ahead of short-term profit." – H. Hardin, The Privatization Putsch, p. 206.

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A book is truly a treasure: it can contain the thought and knowledge of humankind, both past and present.

C.D.A. Photo: Dilip Mehra, India

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Debt Update, 1990

The poor world is now paying the rich world $178 billion a year—three times as much as all the aid it receives—to service its debts. One result is that spending on health, nutrition and education has been cut back in many countries over the last five years. "What this means," says UNICEF in its 1990 State of the World's Children report, "is that the heaviest burden of the debt crisis is falling on the growing minds and bodies of children in the developing world."

After decades of steady advance, large areas of the developing world have been sliding backwards in the 1980s. On average, incomes are down 10% in Latin America and 25% in sub-Saharan Africa. "For the very poor who are forced to spend three-quarters of their incomes on food," says UNICEF, "falling wages mean rising malnutrition."

In three-quarters of the nations of Africa and Latin America, health spending per person has declined in the 1980s and the consequences are now becoming visible. Hundreds of health clinics have been closed and many which remain open are understaffed and lacking essential supplies. Infant mortality is known to have risen in parts of Africa and Latin America. The incidence of low birth weight, a sensitive indicator of the well-being of women, has increased in seven nations out of the fifteen for which recent information is available.

Children have also been paying the Third World's debt with the loss of their only opportunity to be educated, says UNICEF. In the 37 poorest countries of the world, spending per head on schools has declined by approximately 25% in the last decade. In one out of every five developing countries, primary school numbers have actually declined and in two out of every three countries spending per student is lower now than in 1980.

In addition to these measurable consequences of the debt crisis, UNICEF also cites the concerns expressed by its own staff, working in more than 100 nations of the world, who are reporting increases in child abandonment, juvenile delinquency, accidents, and drug abuse.

Source: Children Pay Debts, Link, Volume 14, No. 4, May-June 1990, Canadian Teachers' Federation, Ottawa.
The Third World's share of global trade in 1990 is 20%, but in 1980 it was 30%.

Industrialized countries spend $50 billion on foreign aid to the Third World.

99% of the 500,000 women who die in childbirth each year live in developing countries.

In 1990, 42 countries have been designated by the United Nations as "Least Developed". In 1981, 32 countries were designated as "Least Developed".

In December 1990, Brazil announced the end of a moratorium (which began in July 1989) on paying interest on the $60-billion (U.S.) of loans from its commercial bank lenders. Brazil will pay about $500-million in interest during the first quarter of 1991. This represents about 30% of the total interest due during that first quarter. Brazil has made no statement regarding the $8.5-billion back interest it owes. Negotiations continue with banks which have proposed that Brazil pay one-third of the arrears - $2.5-billion - by the end of 1991.

Canada has written off Zimbabwe's debts which amount to $31-million. In 1987, Canadian banks set aside $3.3 billion in debts to poor nations. The banks got equal tax write-offs. Guy Lafleur, a member of the International Centre for Worker Solidarity states that Canada has lost 175,000 jobs and $40-billion in export sales to Third World countries since the debt crisis began with Mexico's default in 1982.
Debt Update October 1991

According to investment dealer Burns Fry, Canada's major chartered banks stand to recover $1.2 billion in loans made to developing countries. This seems to indicate that the debt situation is improving, however, the big six banks still had $13 billion in Third World loans outstanding as of April 30, 1991. Market value of the debts at 42 cents on the dollar is estimated at $5.5 billion.

What this means is that banks may limit their losses at $7.5 billion, $1.2 billion less than previous estimates. In 1988, Canada supported a plan to forgive sub-Saharan Africa's debt. The following are the big six banks and their accumulated debt load on April 30, 1991.

The Royal Bank $3.8 billion
The Canadian Imperial
Bank of Commerce $1.1 billion
The Bank of Montreal $3.7 billion
The National Bank of Canada $720 million
Scotiabank $3.7 billion
The Toronto Dominion Bank $15 million

As of April, 1991 the following debt load was carried by countries in Latin America.

<table>
<thead>
<tr>
<th>Country</th>
<th>Debt</th>
<th>Debt Per Capita</th>
<th>Debt as % of GDP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>$64 billion</td>
<td>$1,963</td>
<td>88</td>
</tr>
<tr>
<td>Brazil</td>
<td>$115 billion</td>
<td>$762</td>
<td>46</td>
</tr>
<tr>
<td>Chile</td>
<td>$16 billion</td>
<td>$870</td>
<td>87</td>
</tr>
<tr>
<td>Colombia</td>
<td>$16 billion</td>
<td>$512</td>
<td>47</td>
</tr>
<tr>
<td>Ecuador</td>
<td>$11 billion</td>
<td>$1,078</td>
<td>84</td>
</tr>
<tr>
<td>Mexico</td>
<td>$92 billion</td>
<td>$1,045</td>
<td>72</td>
</tr>
<tr>
<td>Peru</td>
<td>$20 billion</td>
<td>$917</td>
<td>118</td>
</tr>
<tr>
<td>Venezuela</td>
<td>$35 billion</td>
<td>$1,823</td>
<td>65</td>
</tr>
<tr>
<td>United States</td>
<td>$3.07 trillion</td>
<td>$12,409</td>
<td>70</td>
</tr>
<tr>
<td>Canada</td>
<td>$380 billion</td>
<td>$14,615</td>
<td>86</td>
</tr>
</tbody>
</table>


Debt Update February 3, 1992

Brazil has obtained a $2.1 billion loan from the International Monetary Fund marking what bankers are calling "the beginning of the end" in Latin America's decade-long debt crisis. Brazil owes $118 billion in foreign debt. The IMF load which can be partially used to guarantee bonds or other financial instruments will kick off negotiations with world bankers, and other governments. The loan allows for the growth of social programs in Brazil while re- structuring its debt load. In Brazil, the cost of living surges by 25% every month. That is still better than the 50% surges it had experienced in the early 1980's.
SLIPPERY SLOPE

World Bank and IMF economic policies dovetailed in the 1980s in an effort to keep deeply-indebted Third World countries on the rails. As a result the net flow of capital from North to South actually began to reverse in 1983.

The poor world is now aiding the rich. In 1989 the Third World paid out $52 billion more in debt service than it received in new investment and loans.

Net Financial Transfer North to South 1980-89
(US $ billions) 1

PROFITS FROM THE POOR

- Bank loans are effectively guaranteed by member governments. Conservative lending (one dollar loaned for every dollar of subscribed capital) has led to a ‘triple A’ credit rating.
- The Bank is the biggest institutional borrower on international capital markets and has made a profit every year since 1947. From 1980 to 1989, net earnings increased by 86% – $588 million to $1.1 billion. 2
- In 1989, 27% of the Bank’s budget went to export agriculture and development finance companies. Only 11% went to education, health, nutrition, water supply and sewage. 3

Ten-Year Record (1980-1989) 1

US $ billions

1980
$7.6
$2.8

1989
$16.4
$8.2

Loans approved
Total income
Net income
**WAR-TIME ROOTS**

The World Bank is one of a trio of institutions (along with the IMF and the General Agreement on Tariffs and Trade [GATT]) established at the end of World War Two by the major capitalistic nations. The aim was to bring stability — and thus prosperity — to the global economy. The Bank has three divisions:

**IBRD** (International Bank for Reconstruction and Development)
- Founded: 1944
- Purpose: rebuild war-torn Europe and Japan; promote free flow of investment capital in member countries.

**IDA** (International Development Association)
- Founded: 1960
- Purpose: cheap loans to countries considered poor credit risks by IBRD.
- Function: makes 90% of loans to poorest countries (annual per person income less than $480) with nominal interest rate of 0.75% to cover administrative costs; 10-year grace period; repayments over 40 years.
- Recent activities: 42 countries borrowed $4.93 billion in 1989 — 23% of total Bank lending.

**IFC** (International Finance Corporation)
- Founded: 1956
- Purpose: backs loans for private-sector investment in Third World without government repayment guarantees; also helps mobilize investment from private sector.
- Function: commercial, venture-capital outfit; runs separate from IBRD and IDA but shares same directors.
- Recent activities: more than half its investments are in manufacturing, heavy industry, energy and mining.

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**MONEY TALKS**

- Each of 151 members contribute to the Bank's capital according to their clout in the global economy. The US is the largest contributor, with Japan fast closing ranks. Only 10% of this "subscribed capital" is paid in; the rest ("callable capital") acts as security. The Bank gets most of its money by selling bonds to international capital markets, governments and central banks.

- The biggest shareholders get the most votes on the powerful Executive Board.

**Industrial nations (60% of the votes) have an effective majority, although loans recommended by the Bank President (by tradition an American; currently Barber Conable) and staff rarely come to a vote.**

- One representative from each member country sits on the Bank's Board of Governors; though day-to-day decisions are made by 22 Executive Directors at Bank headquarters in Washington. Five are appointed (Germany, France, Japan, UK, USA) and 17 are elected from country groupings (i.e., in 1989 Italy voted for Greece, Malta, Poland and Portugal).

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### World Bank Voting Power (Selected Countries 1989)

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**Decolonization**

By the 1960s much of the Third World had won political independence from former colonial rulers. But not without a fight. The French fought against Algerian, the Portuguese dug in against Angola and Mozambique, and the British fought in the liberation forces in Egypt. But political sovereignty did not mean a new type of development. The world was marked by a large increase in the price of raw materials, which caused a sudden rise in interest rates, and this led to a debt crisis. The Third World debt, which was contracted to finance the industrialization process, became a major burden. The 1970s saw the rise of calls for debt relief and structural adjustment programs.

As the 1970s progressed, the World Bank, USAID, and other Western aid agencies pumped billions into the Third World in the name of development. The money was earmarked for projects like roads, schools, and hospitals. With such vast sums floating around, aid was often wasted and the future prosperity of the region was not realized.

**False promises**

The oil price crisis of the 1970s led to a sudden rise in the price of oil. The oil-exporting nations increased the price of oil, which led to a sudden rise in energy costs. The Third World countries, which were heavily dependent on imported energy, were hit hard. The debt crisis of the 1980s was a result of the sharp increase in energy prices and the decline in commodity prices.

And in the 1970s, the Third World countries began to experience a new type of colonialism. The rise of multinational corporations and the International Monetary Fund (IMF) led to the imposition of policies that were designed to reduce the debt of the Third World countries.

The general economic buoyancy of the decade was reflected in the slow but steady rise in the price of Third World exports. In the post-war atmosphere, leaders like Julius Nyerere of Tanzania and Julius Nyerere of Tanzania were called for a New International Economic Order, a code of conduct for multinational corporations and a Common Fund to insulate Third World commodity producers from the vagaries of the global market. It was a steady time indeed. But not for long.

**The debt trap**

When OPEC bumped up oil prices again in 1981, the new economic doctrine of monetarism became fashionable. Inflation was fought with high interest rates, unemployment and a deliberate recession, which eventually triggered the debt crisis of the 1980s. Third World commodity prices fell as Western markets collapsed; the rapid rise in interest rates doubled and in some cases tripled the cost of debt service. By 1985 the combined Third World debt hit a trillion dollars.

So where did all the money go? A lot was squandered on weapons, but much more was pocketed by local elites and diverted into overseas bank accounts. The capital flight from Mexico alone from 1978-82 is estimated at $50 billion — more than the entire Mexican debt. The recession made global money managers nervous. New loans were being contracted simply to meet interest payments on past debts.

When Mexico refused to service its debt in 1982 IMF jumped into the fray and forced the first of its "structural adjustment loans." For the politically committed debtor countries were advised to boost exports and cut local consumption to increase foreign exchange earnings. At the same time, more countries were forced to take the IMF medicine, the World Bank also entered the structural adjustment business. By 1988, nearly a third of World Bank loans had strict conditions attached.

**Recolonization**

By 1990 SAPs were in place across much of the Third World. The result was a massive hemorrhage of wealth from the poor nations to the rich ones. Cooperation between the rich and the poor nations was supposed to reduce their debt at least as they accumulate new ones. The social effects have been devastating! Increased food prices have led to the deaths of hundreds of thousands of children in the 1980s alone as a result of debt-induced austerity measures.

World Bank and IMF staff now exert more power in some Third World countries than government ministers. There is little proof their policies do anything more than help bankers collect interest. In fact competition for export markets holds down prices and depresses wages. The main winners have been Western consumers and multinational corporations who benefit from both low commodity prices and low Third World wages. Resentment is growing in the poor nations as World Bank/IMF policies increase the drain of wealth from South to North and reinforce the inequality of the global system.
SEEING GREEN

The Bank recently pledged to critically assess all of its projects that appear to threaten people or the environment – an estimated 25% of the total. But the Bank's past record in this area is not encouraging.6

- Nearly 1.5 million people have been forcibly displaced by Bank-supported hydro-electric dams and resettlement programmes since 1980. A 1990 summary of proposed Bank projects suggests another 440,000 people will soon be forced from their land.6

- The Bank continues to fund energy mega-projects while ignoring alternatives. Less than 2% of Bank energy loans went for conservation or efficiency in 1988/89.7

- Under the Bank-supported Tropical Forest Action Plan, a proposed project in Cameroon will open 14,000 square kilometres of virgin forest. The goal: to make Cameroon Africa's largest exporter of tropical forest products by the year 2000.7

SAP ZAP

When panic over Third World debt hit in the early 1980s, the Bank moved into the breach with 'structural adjustment' programmes (SAPs). To qualify countries had to cut internal demand, slash public expenditure, boost exports and open borders to foreign capital.

- Like the IMF's famous 'seal of approval', SAPs are a signal to investors of a poor country's credit-worthiness: SAPs have grown steadily since 1980. In 1989, $4.4 billion – nearly 30% of total Bank lending – fell into this category.1

- SAPs allow countries to pay interest on their debts but they do not help the poor. In sub-Saharan Africa, where more than 30 nations are following Bank adjustment policies, average incomes have fallen by 20% over the last decade. Spending on health care has been cut by half and on education by a quarter.4

- Mexico's SAP increased unemployment from 1 million in 1982 to more than 4.5 million in 1987. Meanwhile purchasing power of the minimum wage fell by half.
1988 may be remembered as the year Mother Nature made us pay attention to the environment. There has been massive flooding in India, Bangladesh, Thailand, and elsewhere. Farmers on Canada's prairies and the in U.S. midwest watched as their crops withered in the summer drought. The eastern Mediterranean sweltered through record-high temperatures. Parts of the Caribbean were devastated by hurricane Gilbert, the worst tropical storm in history.

The four hottest years on record have all been in this decade. Globally, 1987 was the hottest year ever. Large numbers of dead sea mammals were washed up on beaches around the world. And, in Canada, the acid rain continued to fall. Some 14,000 lakes have already been acidified; the richness and diversity of their fish populations having been severely damaged. Some 150,000 more lakes have suffered some acidic damage; 300,000 others are vulnerable.

Clearly, acid rain is an issue of great importance to Canada. What is it? Briefly, gases such as sulphur dioxide and nitrogen oxides are released into the atmosphere. These gases are the products of burning coal in electricity generators, industrial processes, and vehicle emissions. Once in the air, the gases may be transported enormous distances. Finally, the gases are absorbed by water vapor in the atmosphere to form weak acids. These, in turn, fall to the ground and water below as acid rain, snow, or fog.

Acid rain causes damage to streams, lakes, fish, forests, crops, and wildlife. Plastic Lake in south central Ontario is one example of what is happening to tens of thousands of Canada's lakes. In the seven years from 1979 to 1986, the acidity in Plastic Lake increased 67%. As lakes become more acid the aquatic life they support dies off. The potential damage to forests and consequently to the Canadian economy is equally alarming. More than 50% of Eastern Canada's forests grow in areas where rainfall is acidic.

Acid rain also erodes buildings and monuments, and there is increasing concern about its effects on human health. The American Lung Association, the American Public Health Association, and the American Academy...
of Pediatrics testified recently before a U.S. Senate panel. These groups said that acid rain, at current levels, is harmful to human health. Canadian studies have shown an increase in respiratory problems at times of high acidic air pollution.

Eastern Canada is especially vulnerable to acid rain, and the source of much of it is the industrial midwest region of the United States. Half the acid rain that falls on Canada comes from the U.S. (Acid rain also falls on the northeastern United States. It's been estimated that 15% to 25% of this acid rain comes from Canada).

So far, acid rain is a problem for those regions east of the Saskatchewan/Manitoba border. There is, as yet, no evidence of serious problems of acidic deposition in Western Canada, although Southwestern B.C. is exposed to acidic pollutants from local and foreign sources. It is important, however, that careful monitoring continue to detect any potential problems.

Both the United States and Canada have international obligations to reduce pollution. The Boundary Waters Treaty of 1909 established the principle that neither country should pollute boundary waters to the injury of the other, and called for an end to transboundary pollution.

Canada and the United States have endorsed Principle 21 of the 1972 United Nations Conference on the Human Environment. This says, in part, that all nations have "the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states."

Canada and the United States have signed the U.N. Convention on Long-Range Transboundary Air Pollution of 1979. The aim of this convention is to cut pollution.

So, both Canada and the United States are obliged by international laws and precedents to reduce the transboundary flow of air pollution. Canada has taken a number of steps to live up to its promises. The federal government and the seven provinces east of Saskatchewan have agreed on a plan to cut 1980 allowable levels of sulphur dioxide emissions by 50% by 1994. Significant cuts have already been achieved.

The federal government has tightened exhaust emission standards for cars and trucks, making them more stringent than anywhere in the world. Canada has also put up a lot of money to develop technologies that cause less pollution; $25 million is going into a project aimed at cleaner processes in smelting; $150 million more for smelter modernization and pollution reductions; and $70 million to develop cleaner coal-burning technologies.

In all, Canada has spent $1.5 billion on improving air quality since 1970. However, these programs are not enough, on their own, to save the Canadian environment. There have to be similar programs in the United States—the source of 50% of our acid rain.

In 1985, Prime Minister Brian Mulroney and U.S. President Ronald Reagan appointed two special envoys on acid rain. They concluded that acid rain is not just a domestic problem; it is a serious transboundary problem. The envoys suggested that both countries, in the best tradition of Canada/U.S. environmental relations, work toward a bilateral accord to address this serious, common problem. Both the President and the Prime Minister endorsed the envoys' report. To date, the U.S. has not, however, been willing to negotiate an effective accord with specific targets and timetables for reducing acid rain.

THE OZONE LAYER

While Canada has not yet been successful in persuading the United States to live up to its commitments on acid rain, there has been success on another front.

For some time now, it's been known that the ozone layer which surrounds the earth is being weakened. The ozone is being depleted by chemicals that are in wide use. The chemicals are called chlorofluorocarbons (CFCs). They are used in aerosol sprays, the manufacture of foam plastics, and the operation of refrigerators and air conditioners. Halons, which are similar to CFCs, and are used in fire extinguishers, are also causing ozone damage.

These gases reach the earth's stratosphere where they are broken down by the intense ultraviolet radiation from the sun. In the process, the ozone layer is depleted. The ozone layer is like a sun screen; it filters out the harmful ultraviolet radiation from the sun. As this layer is destroyed, more ultraviolet radiation reaches us on earth. If this ozone depletion is allowed to go on for another 50 or 75 years, the results would be very serious. More exposure to ultraviolet radiation would mean an increase in skin cancer, and a slowing down of the body's immune responses. Most of the world's important food crops—wheat, rice, corn, and soybeans—would produce lower yields. The aquatic ecosystem would be seriously damaged.

With this as background, 25 nations met in Montreal in September 1987 to try to do something about the problem. What happened in Montreal was important. For the first time in history, an international agreement was signed to deal with an environmental problem before it became a crisis. With the signing of the Montreal Protocol on Substances that Deplete the Ozone Layer a timetable was set up for reducing the amount of CFCs we release into the atmosphere.

By 1999, the consumption of CFCs will be cut to 50% of their 1986 levels. This is not a complete cure of the problem (scientists believe we must cut our use of CFCs by 85%), but it is a step in the right direction. Canada is now considering ways to go beyond the levels set out in the agreement.

During his speech at the 43rd General Assembly of the United Nations, Prime Minister Brian Mulroney touched on the protocol. He urged all countries which have not yet done so to sign and ratify the Protocol without delay.
THE GREENHOUSE EFFECT

The CFCs and halons which damage the ozone layer also make a big contribution to another potentially disastrous ecological problem — the greenhouse effect. This is the increase in the world's average temperature that is caused by gases trapped in the atmosphere. The greenhouse effect could bring on enormous environmental disasters. Areas that are now fertile food-producers could be turned into deserts; coastal communities might be submerged by rising sea levels. The problems caused by the greenhouse effect are serious and pressing.

In June 1988, Canada invited more than 300 world experts to a conference in Toronto. After four days of meetings, these experts urged the governments of the world to develop an Action Plan for the Protection of the Atmosphere. The experts made recommendations on what needs to be done if the world is to avoid an ecological catastrophe.

- The level of carbon dioxide in the atmosphere must be cut by half; starting with a 20% reduction by 2005. The experts warn that massive funding of research into energy options that will cut carbon dioxide will be needed.
- They also called for the conclusion of a global framework convention on the protection of the atmosphere. One of their more difficult recommendations was the creation of a World Atmosphere Fund. It could be financed, in part, by putting a consumption tax on fossil fuel (gasoline, etc.) used in industrialized countries.
- In addition, developing countries must be helped through technology transfers from the richer nations.

SUSTAINABLE DEVELOPMENT

All around the world, the phrase “sustainable development” is being heard more and more. It refers to development that is in harmony with the environment, not in conflict with it. It is a concept that is as relevant to Canada as it is to Third World nations.

Many areas of the Third World are being devastated as desperately poor people try to force marginal land to yield up a crop. The result is widespread deforestation, desertification, and soil erosion.

Other ecological disasters are the result of poorly planned and executed development projects such as hydro-electric dams, or highways.

An example of a big project that didn’t live up to its promise comes from Indonesia.

The islands of Java and Bali are densely populated and their land is fertile. The tropical forests on the islands of Kalimantan (Borneo), Sulawesi, and Irian Jaya (western New Guinea) are sparsely settled. The government of Indonesia decided on a plan to reduce the population pressures on the good agricultural land of Java and Bali. Between 1984 and 1989, 750,000 families will be moved to the less populated islands. It is the biggest resettlement plan in the world and involves three million people. The World Bank and the Asian Development Bank are helping to pay for this scheme.

The project will destroy 3.3 million hectares of tropical forest. The goal of the program is for the people moved to become self-sufficient in food. However, there is evidence that the land is not good enough to sustain the population.

Wayian, a small village, is a typical example of what is happening. He’s being in Irian Jaya for five years. He gets free fertilizer and pesticides from the government. However, the tropical forest land he has cleared is so poor that he can barely raise enough rice to feed his family. By the end of the decade, there will be a million people like Wayian clearing more and more forest in Irian Jaya.

In Brazil, the Polonoroeste Project is giving land to poor people to encourage them to move into the Amazon rainforest. There, they clear the tropical forest, plant their crops, and watch them fail. The soil lacks vital minerals and nutrients and will only support crops for a few years. Eventually, many sell their land to ranchers and work at subsistence wages. In the process, vast areas of forest are destroyed.

The scale of that destruction is almost beyond imagining. The Brazilian forestry service recently studied the rate at which the tropical forest is disappearing. In a three-month period in 1987 (the annual burning season), 200,000 km² (of which 30,000 km² represented freshly cleared forests) was burned to open up the land to agricultural uses. The study found that the Brazilian rainforest is disappearing at the rate of 3% a year; that’s three times faster than had been previously thought.

Some of the forest land is being burned inside reserves — areas that have been set aside for preservation. Ranchers are usually behind this. If the forest is destroyed by fire, it may no longer be useful as a reserve. The ranchers can then acquire the land at a very low price.

Once a large area has been cleared of its tropical rainforest cover it becomes vulnerable to soil leaching and erosion. In a very short time, four or five years, crops won’t grow. The peasant farmers move on and burn more virgin growth. It’s been estimated that it will take at least 1,000 years for the land to return to its original rainforest cover.

There are implications for the rest of the world in the destruction of tropical rainforest. The rainforests have been called “the lungs of the world.” The trees take in carbon dioxide, and release oxygen. Thus, burning the forests not only produces carbon dioxide itself, but also reduces the planet’s capacity to produce oxygen.

The rainforests are also part of the world’s gene pool. They contain more than 3.5 million species of plants and animals. Only about 15% of this huge storehouse of life forms has been properly examined and catalogued.

About a quarter of our medicines are derived from the tropical forests. The loss of the forests could mean the
extinction of a million or more species, most of which would not have been studied for their potential benefits. The scope of the destruction is enormous.

And, it doesn't do any good to blame Third World nations for these problems. Many of the environmental concerns are caused by their attempts to catch up to the wealthy, industrialized countries. They see our complaints about how they treat the environment as another attempt to keep them from developing their economies and reducing poverty.

We have been more than willing to lend the money to finance these projects. And, our own stewardship of the environment has not been all that great either.

However, development agencies are now looking closely at the environmental impact of projects. Canada's main development agency, the Canadian International Development Agency (CIDA), does an environmental assessment of all the projects it funds. CIDA also is putting more emphasis on projects that enhance the environment. In addition, the agency is working to make the Canadian public more aware of the many aspects of its activities related to environmental protection.

In practical terms, this shows up in funding projects such as: reforestation; teaching better farming methods to control erosion; improving drinking water supplies and sanitation systems; and promoting renewable energy sources.

Canada has also urged the World Bank, and other international agencies, to look into the environmental impact of projects they pay for. Finance Minister Michael Wilson recently spoke at a World Bank meeting in West Berlin. He put forward a four-point plan on development and the environment.

1. The World Bank should make more information available about the environmental impact of its activities.
2. The World Bank should use more experts from non-governmental organizations to look into the environmental impact of its lending.
3. The World Bank, in consultation with the countries concerned and other interested parties, should ensure that its rules for lending protect the world's rainforests from destruction. There should be similar rules for conserving water resources.
4. The World Bank should look into ways of financing conservation throughout the developing world.

The whole point of development is to fight the poverty. Indira Gandhi, India's late prime minister, called the worst form of pollution "poverty."

Much of the destruction of the environment is caused by the desperate search of the poor for the basics of life — fuel, food, and water. As their numbers grow, their search carries them deeper into the rainforest or onto marginal land. There, the meager resources offered are soon used up, and the search begins again. This is not the fault of the poor, they're only struggling to survive, exactly as we would in their plight. To stay alive today, people destroy the very resources they will need tomorrow.

As the environment collapses, the poverty gets worse, Food production falls as valuable land turns to dust. So, the watchwords have become sustainable development. This means that development focuses on the needs of the poor, because, if inequality and poverty are allowed to continue, there will always be ecological crises.

And, there are successes to report. CIDA has been doing a lot of work in the Sahel — a huge, arid region south of the Sahara Desert in Africa. The region has suffered from desertification. This, in turn, has destroyed the region's agriculture.

Canada has helped in three activities — stabilizing the plant cover, restoring the forest balance, and energy development. These activities are aimed at increasing food production to make the region more self-sufficient.

Another scheme has twinned the cities of Toronto and Sao Paulo, Brazil. Sao Paulo is facing tremendous problems as its current population of 11 million grows by 400,000 people a year. Under the twinning scheme, Canadian experts in urban issues will work with their Brazilian counterparts to reduce problems.

If we are going to protect the environment, we need an international recognition that we are all in this together. More agreements, such as the one on ozone depletion, are vital. We in the richer nations must be more willing to share our technology with the developing world.

When we help with development projects the prime concern should be "Is this appropriate for the recipient nation?"

And, all of us, everywhere, must take to heart the four laws of ecology that were set down by the American biologist Paul Ehrlich:

1. Everything is connected to everything else.
2. Everything must go somewhere.
4. There is no such thing as a free lunch.
Poisoning Africa

by JOHN SORENSEN

For years, Africans and people in the developed world have worked together to solve the problems created by drought, war, and famine. But as the revelations of the past year show, there is another area where cooperation is vital: the environment.

Millions of tons of toxic chemical waste have been secretly dumped in West Africa, under unsafe conditions which threaten those living nearby. The dumping is part of an international web of corruption and exploitation involving shady European businessmen and top African government officials in a plot which could poison a continent.

Strome was the administrator of Guinormar, described as a joint private and state maritime transport company. In early June Strome was arrested and admitted to forging the documents in the name of a fictitious firm which was to work with a Guinean company in importing the waste. As much as 85,000 tons of waste were said to be involved, for which the company was to receive $50 per ton. Guinean Trade Ministry officials were also arrested, as were customs officials, police, and border guards who had been on duty when the waste was imported. According to a local broadcasting service, the "main culprit on the Guinean side" was Mamadou Diallo, director of external trade. Diallo returned to Guinea from Italy on June 16 and was also arrested. Guinea protested the dumping to the Norwegian government which sent its ambassador, Oestrem Kjell, to negotiate for Strome's release. During the course of the negotiations Kjell announced that Norway would remove the waste and a Norwegian ship docked in Guinea on June 19 for this purpose.

But the Guinea case is just one of a number of shady deals in which the lives of Africans are being threatened by international profiteers.

In Nigeria another scandal emerged over the dumping of toxic waste at the small port of Koko in Bendel state. From September 1987 to May 1988 alone, three shipments of poisonous chemicals were im-
ported from ten European nations through a Nigerian company acting as a front for what the BBC World Service described as an “international syndicate of toxic wastes exporters.” The Truken Construction Company was licenced to import industrial chemicals such as ash for brick-making and mineral wax. The chemicals to be imported were listed as nonradioactive but the drums containing the chemicals were so hot that workers could not handle them and residents living nearby could not sleep because of the heat and the noxious smells drifting off the dump site. A team from the Environmental Protection Agency investigated the site and found 150 tons of deadly PCBs (polychlorinated biphenyls). The PCBs were said to be from an electro-mechanical plant in Turin, Italy. Also discovered at the site were toxic chemicals such as methyl melamine from the Norwegian company Dyne-Cyanamid as well as dimethyl and ethylacetate from other Italian companies. Many of the drums were badly sealed and leaking.

The PCBs had been brought to Koko on board a West German ship, the Line, in May. Apparently the chemicals had been stored in Pisa since November 1987 but city officials had forced their removal after local protest. The Line had attempted to unload the leaking drums in the Romanian port of Sulina but authorities there refused permission for the vessel to unload when they learned of the presence of the deadly chemicals.

The Koko site is owned by Sunday Nana, who was arrested in mid-June along with senior Nigerian health officials who had certified the waste as non-poisonous. At first, guards were posted at the site but were recalled for health testing as the danger of exposure became apparent. A British team investigating the site stated that at least one barrel of waste contained radioactive material and the U.S. Environmental Protection Agency ranked the site as being in the worst 10 percent of those it had examined. By July the Koko General Hospital reported that a number of people who had been exposed to the toxic trash were dead or vomiting blood.

Thousands of tons of toxic chemical waste were imported by the Nigerian company using a false address which actually turned out to be that of the government staff quarters in Lagos. As in Guinea, the company had acquired a permit to import nontoxic material. Nigerian government officials described the dumping as a “mafia-style” operation headed by an Italian businessman, Gianfranco Raffaelli, who had lived in Nigeria for 20 years but fled the country on June 2 as the scheme came to light.

Raffaelli was described as a “master forger” who produced false documents such as a certificate of registration from the Bendel state government as well as other papers from the Pharmacists Board of Nigeria and the Posts Authority. A number of other Nigerian companies were identified as collaborators in the scheme, including the Lagos and Niger Shipping Agency, Wabco Nigeria Limited, and Nigeria Limited. There are rumours that Raffaelli was also receiving “co-operation” from highly placed govern-

ment officials and the Nigerian information minister, Tony Momoh, charged the Italian Embassy with complicity in the affair. Although the Italians denied all knowledge of the case, Nigeria threatened to sue the Italian government in the International Court of Justice if the waste was not removed.

Nigeria also recalled its ambassador to Italy and followed this by seizing a Danish ship, the Dansk, which had carried another 3,000 tons of toxic waste to Koko in September 1987. An Italian ship, Piaue, was also seized and ordered to return the waste to Italy but it is apparently too big to dock at the small port in Koko. In the Nigerian press there has been intense debate about imposing the death penalty on all those involved in the deadly toxic waste deals.

Chief Duro Onabule, Nigeria’s chief secretary to the president, charged that the dumping of deadly chemicals at Koko was a deliberate act of political sabotage designed to discredit Nigeria’s campaign against toxic waste disposal in Africa. On May 27 at a meeting of the Organisation of African Unity (OAU) in Addis Ababa, Nigerian president Ibrahim Babangida had described as “shocking [and] incomprehensible” that any African state would engage in deals to accept radioactive waste.

Although Babangida did not name the countries involved, it was clear that Guinea-Bissau was one of those being criticized. In February 1988 the government there had signed a contract worth $120 million a year to accept 10 percent of Europe’s toxic waste, despite the fact that the environmental commissioner of the European Community had asked Guinea-Bissau to wait for an assessment of environmental impact. In response to OAU protests, Guinea-Bissau dropped the plan, although a contract had already been signed with Hobday Ltd., registered on the Isle of Man, and London’s Empresa Bisco Import Ltd. The deal was obviously a lucrative one for the poverty-stricken African country. At 40 per ton the contract would have provided revenue twice that of Guinea-Bissau’s foreign debt and 15 times that of its annual exports. In cancelling the deal Guinea-Bissau’s president Joao Bernardo Vieira stressed the desperate conditions leading African countries to accept such deadly cargo and called for development aid to his country. “Send us what we can use to overcome underdevelopment,” he said, “not what can kill us.”
Protest has also been effective elsewhere in Africa. At the end of May, the Congolese government was reported to have signed a $84-million contract with the Dutch firm Van Santen Company to accept chemical wastes from Europe and the United States. The waste was to be collected by a Liechtenstein-based firm, Bauwerk AG, and a U.S. subsidiary, Export Waste Management Inc., and was to leave by ship from Richmond, California and Savannah, Georgia on June 11. Shipments of other dangerous chemicals were also to be collected from the Netherlands, Belgium, West Germany, and Luxembourg. Obviously embarrassed by the OAU outcry, the Congolese government denied that it had signed such a contract but the Brussels-based European Environmental Alliance said it had a copy of an import license given to Van Santen. The deal apparently involved non-radioactive industrial waste, including solvents and pesticides. Congo's information minister, Christian-Gilbert Benbem, denied that such a contract existed and stressed that Congo preferred to stay "poor but honest." A Van Santen representative said he was "disconcerted" by Congolese denials of the deal and that an agreement "in principle" had been arrived at. Van Santen said it was dropping the deal because of "negative publicity."

Despite Congolese denials that any deal had been made, a government inquiry led to the arrest of five people, including Dieudonné Ganga, advisor to the prime minister; Marius Issanga Gamirami, director of the environment; Abel Tchicou, the director of external trade; Jean Passi, described as "an artisan," and Vincent Gomes, a lawyer. Ganga was said to have established contacts through the U.S. Embassy for implementing the deal which was to be handled through the Congolese Company for the Processing of Industrial Wastes, a phony corporation set up by Gomes. The estimated profits to the company were to be in the range of one billion francs a year.

As the scandals involved with toxic dumping began to surface, a wave of denials and cancellations of contracts followed throughout West Africa. In Senegal the government vetoed a contract signed by a private company, Sodillo, with the Swiss firm Intercontract for the burial of industrial waste. A communiqué from Togo's ministry of the interior denounced secret contracts with private companies for waste dumping. Agence France-Presse reported that Niger had been negotiating a deal with Van Santen but Niger's ministry of information denied this. In the Central African Republic, Maurice Methot, speaker of the National Assembly, also denied charges that he had taken part in toxic waste importations and announced that he would sue La Lettre du Continent, the Parisian journal which made the charges. The French minister of co-operation and development, Jacques Pelletier, made a quick visit to the Ivory Coast at the beginning of June to deny allegations that French nuclear waste was being dumped in that country.

But business appeared to be continuing as usual elsewhere. Equatorial Guinea is reported to have signed a ten-year multi-million-dollar deal with a British company to receive industrial waste. The Dutch environmental agency Vereniging Milieu_defensie Group claims that a similar ten-year deal has been struck between the government of Benin and the Gibraltar-based company Sesco. Nigeria's minister of foreign affairs, Major-General Ike Nwachukwu, criticized Benin for accepting the contract but Benin has denied the accusations. Another scandal is emerging in Sierra Leone following the discovery of 600 bags of toxic waste in Freetown; a Lebanese businessman and the wife of a high court judge have been arrested.

Meanwhile, on the east coast of Africa; dumping of chemical waste is said to be underway in Djibouti. The Eritrean Peoples' Liberation Front (EPLF) also issued a statement in January 1988 claiming that the Ethiopian government had entered into an agreement with Italian companies allowing them to bury nuclear waste along the Red Sea coast.

These incidents are almost certainly not isolated ones. Morocco, for example, is said to have been receiving French industrial waste for a number of years. What is also clear is that the practice is growing at a dangerous rate.

As public awareness of the dangers involved in toxic waste disposal has grown in the West, exporters are now looking to Africa in order to avoid protests from European and North American environmental groups and the high costs of abiding by stricter disposal laws. Of course Africa is not the only area in danger of becoming a major dumping ground for deadly pollutants. In Lebanon, for example, thousands of tons of toxic chemical waste were imported in June 1988 by local businessmen. Greenpeace has recently issued a report outlining 40 waste export agreements not only in Africa but also in several Latin American countries.

BRIARPATCH MARCH 1989
Similarly, there is the case of the ship Khian Sea, operated by Amalgamated Shipping Company of Freeport, Bahamas, which has been sailing for nearly two years in search of a dumping site for its load of incinerator ash. The Khian Sea left Philadelphia in October 1986 and managed to dump two thousand tons of ash in Haiti before it was ordered out of the country. The load of waste was also rejected by the Dominican Republic, Honduras, and Guinea-Bissau and at last report the ship was heading to the Cape Verde Islands.

Africa is apparently seen as a ripe field of opportunities for waste exporters. On World Environment Day, the OAU issued a statement condemning the practice of dumping toxic waste as a crime against the African people. In June the issue of toxic waste was brought up at an international conference on sustainable development organized by Pollution Probes in Toronto; during a special session on Africa, many of the delegates agreed that the continent had now virtually become an “open market” for chemical waste disposal. Simón Muchiru of the African Non-Governmental Organizations Environment Network in Nairobi called the recent revelations on toxic waste evidence of “the decay of the human mind.” Other delegates insisted that the dumping was part of a Western strategy to permanently undermine African food production and lock the continent into dependency on imports.

Such conspiracy theories may overplay the extent of a co-ordinated strategy. Most of the exporters involved are probably motivated by nothing more than greed for quick profits. The export of toxic wastes can be seen in the same terms as the export to the Third World of dangerous pesticides no longer acceptable in the West or the tobacco industry’s shift to foreign markets as the hazards of smoking are exposed and profits drop in North America. Nevertheless it is clear that dumping poisonous and radioactive wastes is particularly dangerous and that the long-term implications for Africa do involve serious environmental damage and can potentially threaten food production.

Most of the waste exporters now dumping in Africa are able to work with private companies and individuals who can provide access to dumping sites in return for handsome pay-offs. Greed is not the only motive. For example, Liberia’s health minister Martha Sendolo Bellah revealed that the government had received numerous offers, including one to build a hospital and provide $1 million worth of drugs if the ministry would approve a contract for toxic dumping. Moreover, the poverty and foreign debt burden which cripples the continent may also lead some governments to take risks with their populations — risks which can involve everything from death within hours due to radiation poisoning to sterility, birth defects, and cancer.

Whatever immediate financial relief might be gained through accepting hazardous waste would also be negated by the long-term effects. Toxic chemicals could easily seep into Africa’s acidic and porous soils. So while the idea of a co-ordinated international conspiracy to undermine Africa might be an exaggerated one, the environmental damage resulting from the dumping of poisonous waste could in fact have a very real and disastrous impact on food production and lead to greater external dependency.

Despite the apparent ease with which the international profiteers have established these dump sites in Africa and the virtual certainty that more exist, the recent revelations have a positive lesson. It was largely due to the protests of Nigerian students in Italy that the media and the Nigerian government responded to the issue. Bad publicity and international protest appear to have had some effect in leading to cancellations of contracts. Just as nongovernmental organizations increasingly have come to realize the necessity of working with indigenous African groups to combat famine, environmental groups must form stronger links with African partners to stop the poisoning of the continent.

This article was made possible by a grant from Partnership Africa Canada.

"Health for all by year 2000" means clean water, vaccination, motherhood and child care, medical training, and essential drugs.
(CIDA Photo: D. Camon, Kenya)

African children are seen as an asset rather than a burden, an important source of income through work within and outside the house.
(CIDA Photo: S. Chiason, Kenya)
Waste

- Each US citizen throws away the equivalent of three conifer trees a year. The US is annually discarding paper, packaging, and other rubbish made from wood, which is the size of Delaware. It is also wasting four times as much paper as is used by all the countries of the Third World put together.
Different kinds of trees

- In the colder parts of the world are softwood coniferous forests: pine, spruce, aspens, alders, and larches. Often planted commercially for paper pulp, they harbour few plants and wildlife being dark with infertile needle-carpet floors. They produce acidic soil which makes poor farming land.

- Temperate forests are a mixture of conifers and hardwood deciduous trees like oaks, maples and beeches. They are lighter and more diverse than coniferous forests, supporting plants and wildlife. The rotting vegetation produces many nutrients and these generally stay in the soil, which makes good farming land.

- Tropical forests are diverse and include hardwood trees like teak and mahogany. Sometimes 180 million years old, they can shelter up to 100 species of animals and plants in less than two and a half acres. Tropical forest soil is fragile because it is so old and because most nutrients are absorbed by the plant life. It makes poor farming land.

Tree death toll

- An area of tropical forest the size of Britain is deforested every year. That is one million acres a week or 100 acres a minute.

- In 1950, 30% of the earth was covered by tropical forest. By 1975, only 12% was left.

- Today more than 40% of the world’s original tropical forests have gone. Latin America has lost 37% of its original tropical forests, Asia 42% and Africa 52%.

- The world is now losing its tropical forest at the rate of 7% a year and the end of the tropical rainforests is in sight.

World wood consumption

- The average citizen of the West consumes more than 150 kilogrammes of paper a year compared to the Third World citizen who uses just five kilogrammes.

- Rich and poor countries consume the world’s tree in roughly equal proportions. But poor countries use wood to satisfy basic needs while we use it for luxuries.

- Half the world’s wood is used as fuel—80% of it by poor countries.

- 40% is used for construction—75% of it by rich countries.

- 10% is used as paper—87.5% of it by rich countries.

- Altogether the world consumes enough wood to cover Manhattan to the height of a 30-storey building (3 billion cubic metres of wood a year). Of this, 55 per cent comes from hardwoods and 45% from softwoods.
Sellers

- More than 70% of all tropical hardwoods are produced by just six countries: Indonesia, Malaysia, Philippines, Papua New Guinea, Brazil and Ivory Coast. A further eight countries bring the total to 90%: Colombia, Ecuador, Gabon, Ghana, Nigeria, Costa Rica, Burma and Thailand.  
- Tropical timber is one of the leading exports of the Third World. It earns as much as cotton, twice as much as rubber and three times as much as cocoa.
- In 1985, forest products were Burma’s second largest export, earning $127 million. The same year, sawn logs, timber and charcoal brought in $1,434 million. And timber was Indonesia’s third largest export, earning $1,210 million. Forest products were Aotearoa (NZ’s) fourth biggest export, worth $346.4 million.

Death of the earth

Trees bind the earth with their roots, protecting the soil from erosion and reducing the evaporation of water. When they are cut down the earth is left naked, to be flushed away by rain or desiccated by the sun and attacked by wind. Deforestation is a major factor in the increase of floods. Although it is debatable as to whether or not trees themselves actually produce rain, droughts have increased dramatically in areas of the world where deforestation is most severe.

- Until recent times 70% of Sudan was covered by forest or savannah woodland. Many trees were cut down because agriculture expanded, prices for charcoal increased and animal fodder grew scarce. Today much of the country is desert.
- Every year about 15 million acres of land becomes desert, and a further 53 million acres are so degraded that crop production becomes uneconomic. The worldwide rural population affected by desertification rose from 87 million people in 1977 to 135 million in 1984. A further 350 million will be suffering by the end of the century.
- In the 1980s drought struck 185 million people worldwide every year. By the 1970s that figure had climbed to 244 million people annually. Between 1984-1985, drought afflicted some 30 million people in Africa alone. And in India during 1987, 300 million people (40% of the total population) suffered because of drought.
- Selective planting of trees helps to reverse desertification by protecting the soil from erosion, improving the local climate and providing for people’s needs. Some trees like Eucalyptus use a lot of water and are unsuitable for very dry regions.

Sources

### The Vanishing Rainforest

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<th>The Americas*</th>
<th>Africa</th>
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<td><strong>Original area of tropical rainforest (square miles):</strong>&lt;br&gt;3.3 million</td>
<td><strong>Original area of tropical rainforest (square miles):</strong>&lt;br&gt;1.5 million</td>
<td><strong>Original area of tropical rainforest (square miles):</strong>&lt;br&gt;1.4 million</td>
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<td><strong>Current area of tropical rainforest:</strong>&lt;br&gt;2.1 million</td>
<td><strong>Current area of tropical rainforest:</strong>&lt;br&gt;0.7 million</td>
<td><strong>Current area of tropical rainforest:</strong>&lt;br&gt;0.8 million</td>
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<td><strong>Projected area of tropical rainforest in the year 2000:</strong>&lt;br&gt;1.3 million</td>
<td><strong>Projected area of tropical rainforest in the year 2000:</strong>&lt;br&gt;0.5 million</td>
<td><strong>Projected area of tropical rainforest in the year 2000:</strong>&lt;br&gt;0.3 million</td>
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<td><strong>Leading causes of deforestation:</strong>&lt;br&gt;cattle raising, forest farming, fuelwood (Central America)</td>
<td><strong>Leading causes of deforestation:</strong>&lt;br&gt;forest farming, logging, fuelwood (Madagascar)</td>
<td><strong>Leading causes of deforestation:</strong>&lt;br&gt;logging, forest farming, fuelwood (Indonesia)</td>
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<td><strong>Source of crop species:</strong>&lt;br&gt;corn tomatoes, cocoa</td>
<td><strong>Source of crop species:</strong>&lt;br&gt;coffee</td>
<td><strong>Source of crop species:</strong>&lt;br&gt;rice, mangoes, bananas</td>
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<td><strong>Unique tropical rainforest animals:</strong>&lt;br&gt;sloths, anteaters, toucans</td>
<td><strong>Unique tropical rainforest animals:</strong>&lt;br&gt;chimpanzee, gorilla, lemurs</td>
<td><strong>Unique tropical rainforest animals:</strong>&lt;br&gt;orangutan, birds of paradise</td>
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<td><strong>Estimated # of species extinct by the year 2000:</strong>&lt;br&gt;150,000-500,000</td>
<td><strong>Estimated # of species extinct by the year 2000:</strong>&lt;br&gt;75,000-250,000</td>
<td><strong>Estimated # of species extinct by the year 2000:</strong>&lt;br&gt;150,000-500,000</td>
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* In the United States - Puerto Rico, the Virgin Islands, Hawaii and the U.S. trust territories all have small areas of tropical rainforest. Agriculture, cattle ranching, and wood chip production are taking a large toll on all these tropical rain forests.

Source: Rainforest Action Network

Reprinted from: June 1987 Multinational Monitor.
Amazon-like image said to spark boycott

BY DENNIS BUECKERT
Canadian Press

OTTAWA

The foreign perception that Canada is recklessly destroying its forests could trigger a European boycott of Canadian forest products, a well-placed member of the federal government warns. "We have signals from Europe where people make comparisons between Canada and the Amazon," said the official, referring to the destruction of Brazil's rain forest.

The official, who asked not to be identified, added: "There are voices in Europe saying, 'We should boycott products from Canada.'"

Canadian forestry exports to Europe were worth about $3.45 billion last year.

Phil Gilbert, a spokesman for the Council of Forest Industries of British Columbia, said the industry is trying to avoid a boycott by battling what it sees as misinformation in Europe.

"The management of Canadian old-growth timber would seem to be becoming more and more a talking point in Europe. We are (trying) to tell people what the real world is about and not just the scare headlines they may be picking up on.

"Is the profile of the issue rising? No question. The answer to that is yes."

The problem is being taken seriously because of vivid memories of the European boycott that crippled Canada's sealing industry during the 1970s and 1980s.

"It's one thing to have it happen to the seal industry; it's quite another to have it happen to the forest industry," the federal official said.

"It's frustrating when you are, as I am; convinced that we no longer deserve this image (for reckless forest harvesting).

European buyers would have little difficulty in finding other suppliers of wood and pulp products if they choose to do so.

"They have access to wood in the Soviet Union, the Scandinavian countries. This is still a fiercely competitive business around the world. We don't need this problem."

There have been many negative articles about Canadian forest management in the foreign press, including one this month in the prestigious New Yorker magazine by British author Catherine Caufield.

Ms Caufield charges British Columbia is overcutting its forests so much that timber yields will drop by a quarter when the ancient forest is gone. Industry spokesmen say the article is biased.

"Concern about forest management has soared in recent years because of scientific evidence that deforestation contributes to the greenhouse effect. Living trees absorb carbon dioxide from the air and soil and store it in their cells. When they are cut down, this heat-trapping gas is released into the atmosphere.

Reprinted from: The Globe and Mail
May 25, 1990
331
Ecological rock

Pop musicians sing out to save the planet

It resembled the historic Live Aid concert of 1985: a global jukebox featuring some of the world's top musicians performing for a cause. And like the original world-benefit for African famine relief, the event was broadcast to an audience expected in advance to number one billion viewers in more than 100 countries. Last Saturday's multinational concert, titled Our Common Future, also reflected the new activism in rock music by focusing on an urgent global issue: the environment. The performers included Elton John in Edinburgh, Diana Ross in London, Herbie Hancock and John Denver in New York City, Midnight Oil in Sydney, Sting in Rio de Janeiro, along with artists in Los Angeles, Norway, Tokyo and Moscow.

The five-hour broadcast featured pre-recorded messages of environmental concern from political leaders, including Canadian Prime Minister Brian Mulroney, and from people in cities around the world. But unlike Live Aid, which collected $250 million, the purpose of the event was to raise not money but awareness—about environmental issues ranging from acid rain to the earth's depleting ozone layer. Said Sting, who last month completed a 14-country world tour with Amazon Indian chiefs on his campaign: "We are really talking about the quality of our lives—the air we breathe and the water we drink—without which there is nothing."

That commitment among rock stars reflects mounting public concern about the health of the earth. Indeed, since the African famine cause, no issue has galvanized the pop-music world on such a scale. This week, to coincide with World Environment Day on June 5, British-based Virgin Records is releasing Spirit of the Forest, a pro-environment fund-raising song that features more than 60 performers, including Ringo Starr, Joni Mitchell and Iggy Pop. On June 11, Alberta-based cowboy singer Ian Tyson hosts a concert with Canadian folk singers Gordon Lightfoot and Murray McLauchlan to fight the proposed damming of the Oldman River in the south of Tyson's home province.

The concert is a benefit in support of an organization called Friends of the Oldman River, which claims that the damming will cause an ecological crisis. And next week, London-based Greenpeace will launch a double album titled Rainbow Warriors, featuring such top artists as U2, Sting, Peter Gabriel, Eurythmics and Vancouver's Bryan Adams, with a news conference at the United Nations headquarters in New York. It retails in Canada for $14.98. The benefit recording for the international environmental group was first released last March in the Soviet Union to mark Greenpeace's successful negotiations with the Kremlin to open a branch in Moscow next year.

Of all the pop artists crusading for the environment, Sting... 37, has shown the greatest commitment. A veteran activist, he has already taken part in both Live Aid and the 1988 London tribute concert for jailed black South African leader Nelson Mandela. He was also involved in an international and an American tour in support of the human rights organization Amnesty International. When Sting first heard about the plans for Our Common Future, he expressed disinterest, claiming that he was

Dutilleux, Sting and Chief Raoni: a worldwide campaign to save the Brazilian rain forest

Lennox: mobbed in Moscow

photographs by Belgian film-maker Jean-Pierre Dutilleux, it chronicles Sting's growing interest in the Brazilian rain forest and one of its largest tribes, the Kayapo Indians. The book is a fund-raiser—the target is $3.5 million—for The Rainforest Foundation, a group set up by Sting and Dutilleux to generate popular interest in preserving 72,000 square miles of Brazilian jungle (an area roughly the size of Belgium, Holland, Switzerland and Ireland combined) from logging and farming.

During a news conference to promote his book in Toronto last month, Sting sat with three Kayapo chiefs, including Raoni—a startling figure dressed in a yellow parrot-feathered headdress and wearing a wooden plate in his lower lip signifying his status as a warrior. The tour cited scientific claims that because rain forests remove carbon dioxide from the atmosphere and release oxygen and moisture, deforestation will lead to a worsening of the so-called greenhouse effect—where the earth undergoes a
warming trend due to pollutants in the atmosphere, which would lead to global drought. Later, in the interview, Sting pointed to the foggy skyline outside his hotel room window and said, “This is not normal weather for May.” Running his fingers through his long hair, he added: “It’s the same everywhere you go. The weather is totally messed up and I think the rain forest is one of the reasons.”

Along with offering warnings about the greenhouse effect, participants in the Our Common Future event sang out against acid rain, the hazards of nuclear power and threats to wildlife. The show, produced by Hal Uplinger and directed by Tony Virna—the American team responsible for the Live Aid broadcasts—was the brainchild of Warren Lindner, an American lawyer who was secretary for the World Commission on Environment and Development from 1984 to 1988, which operates under the auspices of the United Nations. Lindner told Maclean’s that he hoped the show might encourage what he called such small but important steps at the community level as recycling waste and planting trees. Said Lindner: “People can make a difference. With all the existing resources, we have never had a greater opportunity to turn it around.”

A similar optimism is featured in the record Spirit of the Forest, which was released last week as a single and a video in Britain and the United States (there are no current plans for a Canadian release). Against a backdrop of chimpanzee squeals and elephant calls, artists including Starr and Mitchell sing of the threat to the jungle, but keep returning to the upbeat refrain, “You’ll never break the spirit of the forest.”

The double album Rainbow Warrior—a project of the Greenpeace ship that was sunk in 1985 by the French intelligence service in the port of Auckland, New Zealand—is more varied in tone. It features 31 previously recorded songs by some of rock’s most popular artists. The tracks include Peter Gabriel’s Red Rain, Eurythmics’ When Tomorrow Comes and R.E.M.’s It’s the End of the World. The performers agreed to donate their royalties from the record to Greenpeace, which has already sold one million copies in the Soviet Union and hopes to reach total sales there alone of four million, despite its price of 16 rubles ($20)—one-fifth of the average Soviet weekly wage. When it was released there in March, an album-signing session in a Moscow record store turned into a near riot as Soviet fans rushed to get close to Gabriel, Eurythmics singer Annie Lennox and U2’s guitarist, the Edge.

Canadian pop artists are also campaigning to preserve the environment by saving forests. Last month in Toronto’s Convocation Hall, the Temagami Wilderness Society sponsored a benefit concert featuring Lightfoot, McLaughlan, Cowboy Junkies and Marie-Lynn Hammond. The show drew a capacity crowd of 1,700 and raised $50,000 toward the group’s campaign to prevent logging in a forest near the Northern Ontario town that includes some of the world’s oldest red and white pine trees. And a group campaigning against the proposed logging of British Columbia’s Stein Valley—located 125 km north of Vancouver—will hold its sixth annual festival in the nearby town of Pemberton in August with a concert featuring Lightfoot and Bruce Cockburn. Said Cockburn, who campaigns for rain forests in his hit single If a Tree Falls: “It’s about logging. It’s short-term, quick-buck planning that doesn’t take into account what happens 20 years down the line, when there are no trees at all.”

Increasingly, artists campaigning for forest protection are linking the cause to native land claims. Like Sting, who says that he believes the Brazilian rain forest can only be saved by respecting Kayapo Indian territory, some Canadian musicians are aligning themselves with native people. Cockburn, for one, joined the Haida Indians of British Columbia’s Queen Charlotte Islands on two occasions in 1987 in their efforts to block the logging of virgin rain forest. Many native groups in North America share the belief that one day the people of the world will unite as “warriors of the rainbow” to save the planet from destruction. And growing numbers of rock musicians who are taking up the environmental cause, including those who sang in Our Common Future, have already joined that crusade.

NICHOLAS JENNINGS
STING'S FOUNDATION DOING WELL

Brasilia (1991)- Rock star Sting says his Virgin Forest Foundation has collected $1.3 million U.S. to help create Brazil's biggest Indian Reserve. Sting said he came to Brazil to meet with the foundation's leaders and account for donations raised since the group was founded in 1989. The foundation seeks to join five national parks to form a 12-million hectare Indian Reserve. Sting said the money would also be used for education, health and Indian cultural projects. Foundation President Olimpio Serra said the donations have been deposited in a foreign bank and will be transferred to Brazil's National Indian Foundation if the government authorizes the reserve.
BRAZIL IN PROFILE

Brazil is a federative republic of 23 states, three federal territories and one federal district (the capital, Brasilia). In March 1985 the country returned to civilian government after 21 years of military rule. During 1987 and 1988 the National Congress also acted as a National Constituent Assembly and drafted a new constitution, to take effect from 1989. It provides for the first direct elections for President since 1950, to be held in November 1989.

Population: 141 million, of whom official sources estimate 220,000 are indigenous peoples.

Currency: cruzado. 187 cruzados = $US1.00 (equiv. at June 1988)

Amnesty International U.S.A.
322 Eighth Avenue
New York, NY 10001
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Amazonia – Overview

People

People have been part of the forest for thousands of years – though, like the forest itself, they have gone through many changes. Estimates of the total population of the Amazon Basin vary between 20 and 25 million. Of these, two-thirds live in cities and towns. The largest Amazonian city, Manaus, has a population of about two million, including industrial workers in large electronics factories set up by multi-national companies with government subsidies.

Between 750,000 and 800,000 Indigenous peoples still live in the Amazon -- a decline from around four million in 1900 and perhaps as many as 15 to 20 million in 1500. Of the 500 Indigenous nations in Latin America, about 180 live in or around the rainforest. Cabacío (literally "copper-coloured") is the term sometimes used to describe peoples of mixed Indian and White blood – there are, however, no clear racial distinctions between them and peoples known as "branco", or White.

Most Amazon peoples other than the Indigenous nations, are distinguished by their activity rather than their race or nationality, and many switch regularly from one activity to another. Ribeirinhos are people who live by the river and make their living from it, or from petty extraction from the forest and its land. There are about 70,000 Seringueiros, or rubber tappers, still working in the forest. With their families they total about 400,000 people. They or their ancestors usually migrated from the North East of Brazil.

Garimpeiros are "placer" miners or panners, people who extract ores from superficial deposits using simple and often toxic techniques. They may do some preliminary refining as well. (Mercury is used to extract the gold flakes, by heating a vapourizing it to leave the gold. Mercury finds its way into the rivers and many have become toxic.) The numbers involved vary enormously from perhaps 300,000 to as many as one million. It is dangerous and unhealthy work: few garimpeiros use this as their main form of income for more than 10 years.

The most recent arrivals in the Amazon are landless colonizers. The majority of these have arrived during the past 15 years in the states of Mato Grosso, Rondónia and Acre to the West, and Para, Goias and Maranhao to the East. The population of Rondónia grew at an average 28 percent per year during the 1980's – or more than ten times the national average. The town of Imperatriz in western Amazonia has grown from about 75,000 people in 1980 to more than 400,000 in 1989. With population density still less than one person per square kilometre, and not substantially greater than it was at the time of discovery by Europeans, any argument that the forest is being destroyed by sheer weight of human numbers has little solid foundation.

Projects

The Greater Carajas Carve Up

In 1980, a helicopter developed engine trouble and landed on the Carajas mountains in southern Para state. It happened to be carrying a surveyor. He found the largest and richest deposits of iron ore in the world. A huge development project was formulated by the Brazilian Government. It proposed the investment of $62 billion in an area covering almost 10% of Brazil's territory, most of it within the rainforest. The Greater Carajas Programme (GCP) was born and the Government launched a scheme to improve the "infrastructure" (roads, power supplies and so on) within the area covered by the Programme.

The iron ore project was implemented between 1982 and 1987 at a total cost of some $3 billion, largely financed by the World Bank ($304.5 million), the EC ($600 million), Japan ($450 million) and the Brazilian Government. It is run by the largest state-owned mining company, the Companhia Vale do Rio Doce (CVRD). A 900-km. railway was constructed between the mine and Sao Luis on the coast.

The GCP was intended to promote private enterprise. Charcoal-fired pig iron smelters are now being constructed around the mine. They will consume 1,500 square kms. of forest every year. Plans to reforest with plantations have yet to be realized, partly because the low international market price of pig iron has made this uneconomic. The programme also called for the establishment of ranches for beef cattle in units of 100 square kms. each.

The idea was that by linking the natural resources of the area to large "agro-pastoral" industries, it would be possible to achieve in less than two decades a level of development in the region that had taken a century in the U.S.

The controlling state-owned mining company takes great pride in its environmental record within the boundaries of the iron ore project. This appears to be true within the company's tastefully landscaped and forested enclave. Outside the wire fences the deforestation set in motion by the project is obvious. Within a 300 km. wide strip along the railroad, 47% of the forest had been cleared by the end of 1985 alone. A program announced in 1989 was to reforest about 10% of the cleared area for a cost of several million dollars. By 1989 less than 37% of the land occupied by Indians within the Programme area had been properly demarcated in recognition of land rights.

Rubber

Tapping Into Conservation

A few years ago, rubber tappers in the Jurua Valley decided to resist paying the traditional tithe to the rubber estate owners, but they did not leave their protest there. In 1988, they began to campaign for an "Extractive Reserve" in the Upper Jurua Valley. The first of its kind in the world, it was recognized by President Jose Sarney just before he left office in March 1990.

The idea of an Extractive Reserve was first conceived by members of the National Council of Rubber Tappers. The plan was to set aside a large area of the Upper Jurua Valley where the 6,000 or so rubber tappers of the region could work unhindered by estate owners or other people who are destroying the rainforest. Rubber-tapping is one of the most environmentally-friendly of forest activities and it is in the interest of rubber-tappers that the forest be preserved.

The land within the 5,000 square kilometre Extractive Reserve remains the property of the State, but the right to use it is ceded to people and activities that will cause the least environmental damage. There are now plans for 20 such reserves covering a total area of about 25,000 square kilometres, mostly in the states of Acre, Rondonia and Amapa.

The Upper Jurua Valley is one of the world's most biologically diverse areas of rainforest and this has prompted plans to develop new forest products such as forest fruits, and fish bred in lakes. The National Council of Rubber Tappers has set up a Co-operative Association to market the Reserve's products and supply essential goods to its 500 or so members at a fair price.

The rubber from the Reserve is sold to processing factories in Cruzeiro do Sul, and from there it goes to tire manufacturers in Sao Paulo, however, there are serious problems facing the rubber tappers' project. With world prices falling, high dependence on rubber is not advisable, unfortunately, the region lacks Brazil nuts which elsewhere provide the most profitable additional source of "sustainable" income for the tappers. Furthermore, rubber plantations have been developed in southern Brazil and this may destroy the market for forest rubber within the next five years.

The estate owners who have remained in the reserve are another potential source of trouble. Many are involved in destructive activities such as logging and drug trafficking. Meanwhile, the extreme remoteness of the area means that transport costs are high and education, health care, and the affairs of the Co-operative Association are difficult and costly to organize. This does not seem to stop them doing so - or dampen the tappers' commitment to their project.

Sources: National Council of Rubber Tappers, Cruzeiro do Sul, and Alex Shankland; Mary Helena Alegretti, "Extractive Reserves" in Anthony B. Anderson, Alternatives to Deforestation, Colombia University Press, 1990.
Land

Deeds and Misdemeanors

Violent death still stalks the rural areas of Brazil, and nowhere more so than in the Amazon. The age-old plea for land reform goes unheeded as more and more land falls into fewer and fewer hands. Land distribution in Brazil is among the most unequal in the world. Just 4.1 percent of Brazil's landowners have 81 percent of the farmland, while 70 percent of rural households are landless. Of the 18 largest landholdings, 15 are in the Amazon, three of them with more than 10,000 square kilometres. About half the territory of the large landowners is unproductive.

Landlessness has led to migration into the Amazon. Violent land conflicts have become endemic. Between 1985 and 1989, there were 2,973 land conflicts in Brazil, involving 74,258 square kilometres of land, 3.5 million people, and 488 assassinations - 346 of them in the Amazon. The majority of killing, like that of Chico Mendes in 1988, are undertaken by pistoleiros, gunmen hired by landowners.

In regions of the Amazon where deforestation is taking place, the main motive has been land speculation as a hedge against inflation, supported by government incentives. Large landowners can maintain their land titles simply by clearing the land for pasture - whether or not they actually use it.

Within the forest itself, recent conflicts have focussed on the creation of the Extractive Reserves, which landowners oppose, and the invasion of Indian lands by loggers and mining interests. The most intense disputes have had to do with the impact of large schemes, particularly the building of dams or major projects such as the Carajas Programme. As the Carajas Programme got underway, violent deaths in the region increased from virtually nil in the 1960's to 200 by 1986, when they accounted for two-thirds of the total in Brazil. A report by Amnesty International in 1988 emphasized the connivance of police and the judiciary with land-grabbers against peasant farmers.


The previous items; People, Projects, Rubber, and Land are reprinted with the permission of New Internationalist, May 1990.
The facts of life...

THE RIVER
- is the largest river system in the world: four times larger than the Zaire (the second largest), eleven times larger than the Mississippi.
- discharges 198,000 cubic metres of water per second – enough to fill Lake Ontario in three hours.
- contains one fifth of the world's fresh water – or two thirds, excluding water locked in polar ice caps.
- flows a distance of 6,762 kilometres from its source in the Peruvian Andes to its mouth – equal to the distance between London and New Delhi.
- has 10,000 tributaries totaling 90,000 kilometres in length which would stretch twice round the Equator.
- provides 24,000 kilometres of navigable 'trunk' waterways – ocean-going ships can penetrate up the Amazon a distance equivalent to crossing the North Atlantic.

THE FOREST
- extends over five million square kilometres – that is 10 times the size of France.
- makes up one third of the world's remaining tropical rainforest.
- has 30 per cent of all known plant and animal species.
- contains 80,000 known, and at least 10,000 unknown species of tree.
- has a density of between 100 and 330 tree species per hectare of forest (temperate forests have between five and ten).

THE ANIMALS
In the Amazon there are:
- one fifth of the world's bird species in scarcely one fifth of its land surface.
- several million animal species; mostly insects: one tree stump in Bolivia was found to house more ant species than the whole of the UK.
- 3,000 known species of land vertebrates.
- 2,000 known species of fresh water fish, or ten times as many as in the whole of Europe.

THE ENVIRONMENT
The Amazon Basin (the area drained by the river)
- covers some 7.5 million square kilometres – an area almost as big as Australia – in six different countries (Brazil, Bolivia, Peru, Ecuador, Colombia, Venezuela).
- is the wettest region on earth, with an average rainfall of 2.54 metres per year.
- contains the largest flood-plain forest in the world, covering two per cent of the forest area.
- is surrounded by one of the youngest rock formations on earth (the Andes Mountains) to the west and two of the oldest (the Guyana and Brazilian Shields) to the north and south.
- has very poor soil: 90 per cent suffers from phosphorous deficiency, 50 per cent from low potassium reserves and 24 per cent from low drainage or flood hazards.
The facts of deforestation

DEFORESTATION

- As much as 75 per cent of deforestation in the Amazon has resulted directly or indirectly from large-scale agricultural or industrial schemes. Many of them have received funding from international agencies like the World Bank.¹

LANDSAT Surveys: Deforestation ²

<table>
<thead>
<tr>
<th>Area of forest cleared as a percentage of State or territory</th>
<th>1975</th>
<th>1985</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amazônia</td>
<td>0.1</td>
<td>0.4</td>
</tr>
<tr>
<td>Pará</td>
<td>0.7</td>
<td>1.4</td>
</tr>
<tr>
<td>Rondônia</td>
<td>1.1</td>
<td>19.7</td>
</tr>
<tr>
<td>Mato Grosso</td>
<td>1.2</td>
<td>11.6</td>
</tr>
<tr>
<td>Acre</td>
<td>0.8</td>
<td>12.8</td>
</tr>
<tr>
<td>Rondônia</td>
<td>0.3</td>
<td>12.5</td>
</tr>
<tr>
<td>Mato Grosso</td>
<td>1.1</td>
<td>23.6</td>
</tr>
<tr>
<td>Amazonas</td>
<td>0.1</td>
<td>6.8</td>
</tr>
<tr>
<td>Total</td>
<td>0.6</td>
<td>12.0</td>
</tr>
</tbody>
</table>

- Estimates of the total amount of forest now cleared vary between five per cent and 20 per cent. Most independent experts now accept a figure of 12 per cent by 1985, of which 75 per cent has taken place since 1960.

- In 1974, a single fire set by Volkswagen destroyed 10,000 square kilometres of forest: the largest fire ever known.¹

- In 1987, probably the worst year for deforestation so far, satellites detected 8,000 fires in the states of Rondônia and Mato Grosso between June and September. In that year, an area of 210,000 square kilometres, almost as big as the UK, was cleared.¹

Flooding by dams

- Brazil's '2010 Plan' envisages the construction of 31 hydroelectric dams in the Amazon Basin.

- Two dams have already been completed: Tucuruí in Pará and Balbina near Manaus have flooded a total of some 5,000 square kilometres of rainforest.

- Much of the energy produced by Tucuruí is consumed by aluminium smelters. The construction of the Balbina Dam cost $700 million, and a further $700 million may be needed to increase its efficiency.

- The Waity-Arara Indians living in the neighbourhood of the Balbina Dam have been decimated by both the dam and by the BR 174 Highway running north. In 1972 they numbered 3,000, but by the mid-1980s their numbers had been reduced to less than 300.

Highways to hell

- The Caíba Norte ('Northern Trench') project was begun by the military in 1985 to develop the region's network of roads, increase the military presence in the area and improve the demarcation of national boundaries.

- It covers 24 per cent of Brazilian Amazonia in a 6,000-kilometre long corridor which includes 54 indigenous areas, 51 different Indian peoples, and 557 mining claims.

- It includes the construction of the perimetral norte highway through the forest and the development of a hydroelectric plant at São Paschoal.

- Official policy is to promote the colonization of Indian peoples, converting them to the life of agricultural peasants on one-square-kilometre size plots.

MASSACRE OF TIKUNA INDIANS IN BRAZIL

According to AMERINDIA of Brazil, in a planned operation on the 28th of March of 1988, with extreme brutality, 14 Tikuna Indians were murdered and another 21 were wounded. The massacre took place in the Indian area of Sao Leopoldo of the high River Solimoes, Municipality of Benjamin Constant, in the Amazones.

According to the source, the investigations undertaken indicate the "grileiro" (land grabber) Oscar Castelo Branco as being mainly responsible for the massacre. This bloody attack on the Indian People is considered as the worst massacre to have taken place in the country, comparable only to the killings of the 11 March 1963 in Mato Grosso, where 15 Cinta Larga were killed by two rubber workers.

On the 29th of March, the body of the Pataxo ha ha ha Djalma Lima was found in the limits of the Indigenous area of Sao Lucas in the municipality of Pau Brazil, south of Bahia in the property of the landholder Pedor Leite. Dlama Lima had disappeared on the 21st of March after a confrontation with envoys of the landholder. According to the Indian brothers who accompanied the police, the victim was left with the hair and nails torn from his body, and his genital organs cut before being killed.

Both events result from the tragic struggle of the Indians for the right to their land. The Tikuna have only achieved recognition for 10% of the territory to which they are entitled according to Brazilian law.

These facts reflect the gravity of the situation being experienced by the Indian Peoples in Brazil in claiming their historical rights, and indicates the pressure being put by the government on the Indians to make them desist in their desire for vindication, and instead, to have them accept the establishment of colonies or reserves. #@

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DEVELOPMENT PROJECTS IN BRAZIL FUNDDED BY THE WORLD BANK: ECOLOGICAL DISASTER AND GENOCIDE

Two recent news items highlight the development policy of the Brazilian government and its direct effect on world ecology and on Indigenous Peoples in the Amazon region. In one case mention is made of the terrifying fire which is destroying vast territories in the Amazon region, and which according to scientific theories, is affecting the ozone layer around our planet, especially in the polar regions. The other news item made reference to the verdict taken against three Brazilian citizens, who are accused of GENOCIDE, for having perpetrated crimes against indigenous peoples in order to wipe them out AS SUCH.

In both cases, the problem is the penetration of National-State institutions (capital investment, settlers, army, industry) in the territories and traditional cultures of Indigenous peoples. This penetration could reach catastrophic proportions if a loan for 625 million dollars which the Brazilian government has requested to the World Bank is approved allowing the government to implement "Plan 2010". This plan involves building 136 HYDRO-ELECTRIC DAMS, flooding 25 MILLION HECTARES OF TROPICAL FOREST IN THE AMAZON, forcing 500,000 PEOPLE to relocate, including thousands of INDIGENOUS PEOPLE.

If the project goes through, and there are indications that the loan will be granted, the region known as one of the "lungs" of the planet will suffer irreversible destruction with consequences the magnitude of which cannot be predicted, on the climatic patterns of the planet and the ensuing phenomena such as droughts, floods, extremely strong hurricanes, etc.

HYDRO-ELECTRICAL PROJECTS IN BRAZIL: TERRITORIES AND INDIGENOUS GROUPS AFFECTED:

<table>
<thead>
<tr>
<th>Location</th>
<th>Hectares affected</th>
<th>Ind. Groups Affected</th>
<th>Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Uatuma River</td>
<td>2400 Ha</td>
<td>Vairiai- Atroari</td>
<td>Balbina Dan</td>
</tr>
<tr>
<td>San Francisco River</td>
<td>N/A</td>
<td>40000 people displaced</td>
<td>Itaparica Dan</td>
</tr>
<tr>
<td>Tocantins River</td>
<td>2000 Ha</td>
<td>15000 displaced including 800 ind.</td>
<td>Tucuir</td>
</tr>
</tbody>
</table>

people, among whom the Para-kanas are included
Lawyers wary of guilty plea in Brazil killing

Surprise admission by rancher's son could be bid to save father from trial

BY PAUL KNOX
South America Bureau

XAPURI, Brazil — A rancher's son confessed to a jury yesterday that he shot and killed Chico Mendes two years ago outside the union leader's house in this Amazon Basin town.

Mr. Mendes's widow, Geisler, smiled with delight as Darci Alves, 23, made the unexpected admission on the first day of a trial in which he and his father, Darci, are jointly charged.

"I confirm it," Mr. Alves said, holding a microphone, his back to the courtroom, after Judge Adair Longuiu asked him whether he murdered Mr. Mendes.

He denied that his father, who had relished with Mr. Mendes over land rights, had ordered the killing. "It was my own decision," he said.

Lawyers for the prosecution denounced Mr. Alves's confession as a ploy to save his father, saying his claim that he acted alone was not consistent with other evidence.

But defense lawyer João Luiz Almeida told reporters he was taken by surprise when the younger Alves told him before the trial that he "could not stand it any more" and planned to admit the murder.

"He's gone crazy," the lawyer said of his client. "He spent two years without telling his father, without telling his lawyer."

Mr. Mendes died on Dec. 22, 1988, after he was hit by a shotgun blast as he walked to an outside shower in his backyard.

He had won a United Nations environmental award for his fight on behalf of rubber tappers who are struggling to protect rain forest from ranchers, land speculators and developers in this remote corner of western Brazil.

His supporters accused right-wing ranchers of plotting to kill him. The murder charges, unusual in killings over Brazilian land conflicts, were laid after strong protests inside and outside the country.

Arrested several days after Mr. Mendes's death, Darci Alves initially admitted the murder to police but later retracted his confession.

Police say they found a .30-caliber shotgun, empty food tins, a raincoat, a spoon and a wine bottle at the scene. Yesterday Mr. Alves was shown the items in court and denied having seen any of them.

He said he spent most of the day of the murder in Brasilia, 80 kilometers southwest of Xapuri. He rode his motorcycle to Xapuri, stopping to pick up a .16-gauge shotgun at his home along the way.

At dusk, he said, he entered Mr. Mendes's back yard through a gate and waited until the union leader walked out the back door. As soon as he recognized his victim, he fired and fled.

Mr. Alves is already serving a 22-year jail sentence along with his brother, Oloco, for wounding two rubber tappers. He faces a maximum 30-year term for Mr. Mendes's murder, although Mr. Lucena said it could be reduced because of his age and the confession.

The father was forced in 1987 to abandon land he had bought from a rubber tapper after Mr. Mendes organized a blockade of the property.

But yesterday he denied involvement in the 1988 killing, and told the court, "There was nothing that might have led me to do him any harm."

Speaking to reporters, Mr. Lucena said he believed Darci Alves decided to kill Mr. Mendes as a way of winning his father's respect. He said Darci had always felt inferior to Oloco, and was treated "like a ranch hand" by his father.

But Marco Tomaz Bastos, a lawyer working for the prosecution, said the father had "absolute power" over his sons and it was inconceivable that either would kill someone without his knowing about it.

The lawyers said the five-man, two-woman jury could begin deliberating today.

Yesterday's confession heightened the legal drama in this town of 6,000, where land conflicts have intensified in the past two decades.

As they have done for more than a century, forest dwellers still beseach their boats on the banks of the Rio Acre here and climb up the bank to deliver blackened slabs of rubber to wholesale buyers.

Now, however, they share the streets with the pickup trucks of ranchers like those in the Alves clan, who arrived in 1973.

Outside the crowded courtroom, food vendors mingled with rubber tappers who had been urged by union leaders to gather in Xapuri during the trial.

One rubber tapper, 57-year-old Juare Alvaro da Souza, said he walked nearly 15 hours from his home in a rubber forest called Bana Vista to get to Xapuri.

Indigenous Peoples Caught in the Crossfire

On March 28, 1988, a group of about 100 Ticuna Indians gathered at a place called Boca do Capaceté, not far from the town of Benjamin Constant in northern Brazil. Some cattle had been stolen from them a few days before, and the Ticuna were waiting for their chief to return with a police officer and a lawyer employed by the Fundação Nacional do Índio (FUNAI), the Brazilian Government Indian agency. At about 1 p.m. a group of armed men approached and began firing into the Indian camp. Some of the Indians ran into the forest. Others tried to escape in canoes, but most were shot down before they could make it. One boy saved himself by hiding in a clay oven used for baking cassava bread. A six-year-old girl, Leila Valentin Macias, lay in the bottom of a canoe with the bodies of several other people. She survived by pretending to be dead. Her nine-year-old brother, Aldemir, did not.

Nine adults and five children were killed in the massacre at Boca do Capaceté, which is believed to have been carried out by men working for a local timber merchant. It was one of thousands of human rights violations around the world last year involving Indians and other indigenous peoples, and like many of them, it stemmed from a dispute over land. The timber merchant in question had for years occupied land set aside as a reservation for the Ticuna. After many complaints from the Ticuna, FUNAI finally evicted him. The massacre followed a few weeks later.

In a meeting with the staff of Amnesty International's Canadian Section earlier this year, Donald Rojas, president of the World Council of Indigenous Peoples, noted that the "struggle for land is the most common denominator among human rights violations of indigenous peoples. Like the indigenous population in North America a century ago, the Indians of Brazil today occupy land that settlers and colonizers wish to exploit for mining, logging and agriculture. Like the aboriginal peoples of North America, they have been decimated by disease, forcibly removed from their ancestral lands and killed by people who are almost never brought to justice.

In its annual submission to the United Nations Sub-Commission on the Prevention of Discrimination and the Protection of Minorities last year, Amnesty International noted that "the lives of indigenous peoples in Brazil are increasingly under threat as they attempt to defend their land from incursions by ranchers (and) mining and timber companies."

The struggle for land also figures in human rights violations against indigenous peoples in Colombia, where at least eight Indian leaders were killed last year by gunmen believed to be in the pay of landowners attempting to expand their estates onto Indian-occupied land. In both countries, there is evidence that the government not only tolerates human rights abuses involving Indians, but that soldiers and police actually take part in them.

Not everywhere are land disputes the source of human rights violations against indigenous peoples. Often these communities find themselves caught in the crossfire of other people's wars, forced at gunpoint to cooperate with one side, only to be punished by the other side for doing so. The Indian organization Consejo Regional Indigena del Cauca, based in the southern Colombian department of Cauca, has accused guerrillas of the Fuerzas Armadas Revolucionarias...
arias de Colombia of killing Indians who refuse to join its ranks. In Myanmar (formerly Burma), government troops have reportedly killed dozens of members of the Shan and other ethnic minorities suspected of aiding the Shan State Army and other rebel groups.

Although the Shan and other ethnic minorities received guarantees of minority rights in return for agreeing to join the Union of Burma upon the country’s independence from Britain in 1948, those guarantees appear to have been largely ignored. According to 91 members of the Shan and other ethnic minorities interviewed by Amnesty International in refugee camps in more than two dozen places in Thailand in June and July, 1988, Burmese soldiers regularly kill Shan civilians on mere suspicion that they have cooperated with insurgent groups. In not one of the 46 killings described to Amnesty International had the victim been brought before a judicial authority, charged with any violation of the law or given access to any judicial process.

The fate of Tay Pa, a 43-year-old tailor who had been forced to aid Shan State Army troops, was described to Amnesty International officials by a 25-year-old man from the same village. “The soldiers accused him of being an insurgent,” said the witness. They took him to a place called Nanglung, where there is a small lake. Two days later we villagers found his body. He had been stabbed with a bayonet in the chest and his throat had been slit. We brought the body back to the village for cremation.”

Other Shan villagers have reportedly been killed after being pressed into service as porters by the Burmese army. The porters often have to carry heavy loads of ammunition or other supplies on long marches over mountainous terrain. When they can no longer keep up, they are killed. A 25-year-old farmer from the southern Shan state township of Mongtung described the death of two fellow porters to Amnesty International. “When they refused to stand up, a lance corporal and two ordinary soldiers began beating them with their rifles, hitting them with the butts. The corporal ordered one of the soldiers to cut down a piece of bamboo, a big one about an inch thick, and to beat them with it. He beat them until it broke. One of the porters’ arms was fractured. The other one was hit so hard across the face that an eye was knocked loose from its socket. A soldier took out a knife and cut off his left ear. Then the two of them were thrown into the river. The corporal and one of the soldiers took them by the hands and feet and threw them into the river... and drowned them.”

Amnesty International is also concerned that Myanmar may be holding at least three prisoners of conscience in connection with its campaign against the Shan insurgency. In October, 1987, a 24-year-old Shan Buddhist monk named Mu Ning Ta was reportedly arrested by the Military Intelligence Service (MIS) at Theinbyu pagoda in Rangoon. Two days later a second monk, 25-year-old Aye Long, was reportedly arrested in the same pagoda. The arrests occurred a few days after the interrogation by the MIS of Aye Lakbay, a Shan trader suspected of being an intelligence agent for the Shan State Army, who may have denounced his “accomplices” under torture.

There is evidence that Mu Ning Ta and Aye Lakbay were beaten in custody, both men had bruised faces at their first court appearance about a month after their arrest. Four months later, the three had still not been formally charged and had not been allowed to consult legal counsel. An associate of Aye Long’s has told Amnesty International that his friend has no links with the armed opposition. “He doesn’t agree with their violent methods. He’s a Buddhist monk, and so he believes in nonviolence.” However, he added that Aye Long had...
sometimes expressed dissident views about government policies, "and it may be that his views were reported to the MJS."

Colombia, as well, has paid lip service to the notion of human rights for its indigenous peoples, while flagrantly violating them in practice. In an April, 1988 speech, President Virgilio Barco declared that the country's Indian policy should "be oriented to the preservation of the areas traditionally inhabited by the communities, to the provision of basic social services (and) the protection of their fundamental rights." In reality, Indians lawfully attempting to preserve what they maintain are their land rights have been arrested, tortured and killed by guerillas and members of the security forces.

At least six of the killings have occurred on the San Andres de Sotavento reserve, in the department of Cordoba, where the Zenu Indians have been involved in a long-standing land dispute with local landowners. In November, 1986, the body of Pedro Hernandez, an elected leader of the community, was found two days after he had been detained in a police raid. He had been tortured and shot to death. On a single night in September, 1988, four people were killed and two tortured by masked gunmen who visited four different communities on the reserve. On April 16, 1988, Oswaldo Teheran Carpio, another Zenu leader, was shot to death while leaving a meeting of Indian communities. According to reports, Mr. Teheran was getting into his car when he was pulled violently from behind by two sicarios (hired killers) who shot him in the stomach. They then shot him seven times in the head. His killers were seen walking freely about the next day, with their guns in holsters in full view. The police made no attempt to apprehend them.

In Guatemala, Amnesty International has for many years received detailed reports of the arbitrary arrest, torture, disappearance and extrajudicial execution of Indian peasants by the Guatemalan army and police and civil defense patrols operating under army command. More recently, members of the newly-formed Consejo de Comunidades Etnicas "Ranul Julan" (CERJ, Council of Indigenous Communities "We Are All Equal") have been targets of death threats, disappearances and extrajudicial executions by paramilitary death squads, in a nation-wide crackdown on political dissent. The CERJ has among its objectives to denounce human rights violations directed at indigenous groups, and to press for respect for indigenous culture and identity.

Racism also figures in the abuse of rights of indigenous peoples. While Amnesty International has received persistent reports of torture by police from all over India, there is evidence that members of tribal minorities - descendants of the people who occupied the sub-continent prior to the Aryan invasion 3,000 years ago - are particularly liable to ill-treatment. Nine tribal leaders in Rajasthan state were reportedly tortured by police following a demonstration for improved drought relief in August, 1987. As well, almost half of all rape complaints come from women of the tribal minorities, and many of those claim they were raped by police officers. A commission of inquiry in the southern state of Kerala, found "ample evidence" that police were involved in atrocities, including mass rape, during a raid on a tribal village. Yet few police have been brought to trial on such charges.

The deaths in custody of at least 108 Australian Aboriginals since January, 1980, have raised serious concerns about the treatment of Aboriginal prisoners. Many of those who died were found hanged, some after altercations with prison guards. The deaths in suspicious circumstances prompted protests. In 1987, the Australian Government appointed a Royal Commission of Inquiry to investigate the deaths and recommend preventive measures. Neither the guidelines issued by the commission nor the recommendations of a second inquiry in Western Australia in January, 1988 have been adequately implemented.

The two most recent Aboriginal deaths - both apparent suicides - occurred in July and September, 1988.

In 1992, the world will mark the 500th anniversary of the discovery of the Americas by Christopher Columbus. But there will be one group of people who will not be celebrating. For the indigenous peoples of the world, Columbus is a symbol not of exploration and discovery, but of violence and oppression. For them, 1992 will be a year of mourning, not of celebration, but of protest.
Statement to The Inter-American Commission on Human Rights
by Davi Kopenawa Yanomami

My name is Davi Kopenawa Yanomami. I think many people already know my name at least because I have heard my name. I am a Yanomami Indian. I want to send my message to those who are foreign to our country, as we are the guards of the forest. I want to talk to the people through the authorities and to any other people who do not know the problems of the Indian in Brazil. We Yanomami Indians have lived in the forest for a real long time, for much longer and before any white or non-Indian people arrived here. We used to be free and we did not have any kind of illness or we were not sick at all.

Because during that time there were no non-Indians around here — they were far away — we Indians did not know the non-Indians would give us so many problems, that the gold miners were so bad. I am telling the truth, and I am not afraid of anyone. I am neither a good man nor a bad person. I am talking about the gold miners who came here and take out our fish, the animals of the forest and devastate the forest. That is what I am talking about. Now we have the garimpeiros in here. They have invaded our territory. In 1987, that was when they first came. They also killed four Yanomami at Paqiwii. From Paqiwii they spread out onto the territory with small airplanes and helicopters they had and rolled into the forest. They are now all over the territory. And we Yanomami Indians are very much worried — we are very worried — because we do not have an authority like the President. We are not authorities so we have to ask them to change the situation and to leave the gold miners or garimpeiros out of the area.

I was asked many times FUNAI and all the authorities, including former President Sarney, when he was president. I asked him to take out the gold miners, the garimpeiros, but the thing they did was to promise and to keep promising things and not do anything. Instead, they let many other gold miners come in. They have come through Caraimi, Uruacurua, Jel, Maturacu and all other places and they did not take them out. With the gold miners or garimpeiros came also the sickness. They spread out and they are spreading all sickness with them. Because of the mosquitoes that bite them and bite us and we are now having all of this sickness. The stomach pain is very strong, and I think at least 1,000 Yanomami have died already. Even more than 1,000. This is true.

Our situation, the Yanomami situation, is very bad. Now our rivers are dirty. Our streams which have small rivers are dirty. The Yanomami do not know about mercury. They have never seen it. Mercury is used by gold miners to clean the gold. I mean they use it for gold mining. So it goes back to the river and the fish that the Yanomami eat, and the water that the Yanomami drink is mixed with mercury. When they eat that and drink that they get sick.

The gold miners are also poor people. Just like us they are poor. I feel pity for them because they come here, because their houses or garimpos stand here, and they just obey them. Around this Susuquereba area there are a lot of gold miners or garimpeiros. The federal police has what I call them there. They try, but what they did was to get the mines garimpeiros out. Not the bad and not the good.

I am a Yanomami Indian who understands the non-Indian world. Keeping apart President Colô to take out or to expel the gold miners from our territory. President Colô has been in Susuquereba, but he has not been in the other territories of Caraimi, Uruacurua, Maturacu, Maturacu. He has not been there. He has only been in a military base in Susuquereba there. That is the only thing he saw. President Colô knows that the situation is not good. So I am talking other measures. I am asking the Brazilian government to help expel the gold miners.

I asked the UN, the United Nations, that gave me a price, and I tell them that the price did not help my people. So I am asking the UN to help the Yanomami people to pressure the Brazilian government to take out the gold miners from our area. Also, the Organization of American States, we want them to help us as friends. Help the Yanomami as though they were our friends.

I think it is not only the Brazilian government. You should promote in every government in the world because they are all alike, and they should help us help the Indian. Protect the Indians, protect the rivers, the mountains, the forest.

We need to survive. Do the international authorities and people from the United States think it is true what they always say that the desarticulation of the Yanomami is a satirical reality, that money, that they do not have money to do it? We are in the Demial area, we are silver. But I know that many other peoples have died, and continue to die and will die more and more. Only the areas where you have a mission close to it or where you have a doctor assisting the Indians and a nurse — and these are five or six areas only — in these areas people will survive. Here we will survive, but we will be very few Yanomami. The others are going to die. So you people that I am sending this message, you help me to do something — something real that helps us. I do not want lies. I want the truth.

I am very worried about people abroad who I think are giving money to Brazil and helping Brazil, but not to take care of their Indians. This money that comes from abroad is helping the Brazilian government not to care for our Indians. I am very worried about that.

Non-Indians are like non-Indians. I know that non-Indians have a staff. They can say that they need that to help the people who live in the city. Well, we do not want them, and we do not want them here.

He does not like to have his voice taped because the Yanomami have this tradition that when they die and the voice is dead, something left behind is too good. He does not want gold miners here. Because he does not want to die because of the gold miners. He does not want to die because of the gold mining activities. He does not want gold mining activities killing children. He does not want them killing his people. He just wants to live as in the past.

The Chief is saying that he wants the little rivers here clean. He does not want them dirty. He wants the gold miners to respect them. He also does not want to live in a small area. He wants to live in a big area, where his communal and he is not going to get bigger. And he also does not want roads. Because when they build it, then the Yanomami die and they suffer, he wants them to stay the way it is right now. So let them live the way they are living now.

The Yanomami do not have doctors, medical doctors like the non-Indians have. However, they do not want to have it because many of them have died already. But Shablas cars people by taking care of the souls. So he wants the children and the adults by not letting the illness come through them. That is how they work. So we want to be passed in this area, the Yanomami die and they suffer, they are not very good and they do not worry very much about what is going on with us.

September 1990
Brazilian Indian Gets Refugee Status

In 1988, U.S. Native rights activist Robert Satiacum, a Payallup Indian person, became the first Aboriginal person in the Americas to be granted refugee status. He lived in British Columbia where he died in 1991.

In another unprecedented move, Canada has granted refugee status to a Brazilian Indian, Tiuré, a Potiguara who goes by the single name. Attention has been drawn to human rights abuses in Brazil and the struggles of the Indigenous peoples there. Tiuré, 42, was the leader of the protest movement opposing development on Indigenous peoples' lands in Paraiba state. Tiuré says of his agricultural and fishing nation of 3,400, that the "people have been reduced to slaves in factories." Tiuré has been protesting logging practices in the rainforest and hydro–electric dam projects that flood Indigenous lands and destroy the ecology of the region.

Tiuré had been tortured by Brazilian federal police and threatened with death by gunmen hired by developers. In 1990, his home was fire-bombed after he protested plans to raze a palm forest for a real estate development. The fire destroyed film and video equipment he used to record land rights struggles in his home state and in the Amazon over the past decade. "Brazil pretends it is a democracy, but when Indians get in the way, they are killed like dogs," Tiuré said.

Amnesty International estimates that in the last decade, more than 1,000 people, mostly Indigenous peoples and small landholders, have been killed by hired gunmen, with the tacit approval of federal and state officials.

Tiuré had come to Canada in 1990, to attend an Aboriginal cultural festival in Calgary, but instead went to Regina where he had previously taken university classes. He applied for refugee status at that time. A speaker of several languages and Indian dialects, he has since moved to Montreal where there is a larger Portuguese and Spanish–speaking community.
BRAZIL

AMAZON DAMS THREATEN INDIANS

The Ava-Canoéiro Indians are threatened by a major dam.
The agency constructing the dam claims that uncontacted
bands, known to be in the flood zone, do not exist.

URGENT ACTION BULLETIN

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SURVIVAL INTERNATIONAL
for the rights of threatened tribal peoples

310 Edgware Road, London W2 1DY, England. Telephone: 01-723 5535

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BRAZIL

AMAZON DAMS THREATEN INDIANS

THE BRAZILIAN GOVERNMENT IS SEEKING FURTHER WORLD BANK FUNDING FOR
A MASSIVE PROGRAMME OF DAM BUILDING IN THE AMAZON. THE DAMS WILL
FORCE MANY INDIAN PEOPLES OFF THEIR LANDS. INDIANS PROTESTING
AGAINST THIS ARE BEING TRIED AS FOREIGNERS FOR 'DENIGRATING THE
IMAGE OF BRAZIL'. THE GOVERNMENT HAS DENIED THE VERY EXISTENCE OF
OTHER INDIANS AS IT PLANS TO FLOOD THEIR LANDS.

Massive loans from the World Bank continue to fund destructive development projects
in the Brazilian Amazon. Despite a chorus of criticism sustained over several
years, the Bank is now considering putting in a further half a billion US dollars
to promote the construction of massive hydroelectric schemes in the north of Brazil.

Dams on the Xingu: the Indians are 'foreigners'.
The largest of these schemes are planned for the Xingu river, where the
developments threaten to disrupt the lives of some 1,400 Indians. In July 1988, two
Kayapo Indians travelled to Washington to present their concerns about these dams
to the World Bank and the US Congress. On their return to Brazil they found
themselves, and the US anthropologist who had accompanied them, charged under
Brazil's 'Law of Foreigners' for having 'denigrated the Image of Brazil abroad.'

In October, the trial of one of the Kayapo, Kube'l, caused a national uproar when he
arrived in traditional dress at the court-house with 400 other Kayapo. The Kayapo
were prevented from entering the court by the military police. The judge refused to
allow Kube'l himself into the courtroom until the Kayapo leader 'dressed in shirt
and pants' for he considered the leader's attire 'a sign of disrespect'. The judge
did, however, uphold a decision to submit the two Kayapo leaders to psychological,
anthropological and psychiatric tests to determine their level of acculturation
and whether they were aware that they were committing a crime against Brazil.

More dams on the Tocantins: the Indians 'do not exist'.
Another series of dams planned for the Upper Tocantins river is further advanced.
The dams threaten the almost uncontacted Ava-Canoelro Indians, who live in a number
of small bands of 5 to 10 persons dispersed in the mountains and forests between
the Parana and Maranhao rivers. Following a long history of hostile encounters with
whites, the Indians now live in a constant fear of contact, sometimes finding
refuge in caves in the hills. Harassed by non-Indians and thus unable to settle and
establish agriculture, the Indians survive, in part, by raiding local farms,
principally to steal cattle. Reprisal raids by the whites are common. Apart from
hunting parties organised by the local white population, the last known machine-gun
attack on a group of Ava-Canoelro was carried out by the military police in 1984.

The Government Indian agency, FUNAI, carried out a series of pacification
missions in the early 1980s and resettled two groups of Ava-Canoelro in the area
now to be flooded by one of the dams. But attempts to safeguard the other
uncontacted groups have now ceased because funds for the work have dried up. The
electrical agency, FURNAS, which is building the dams and has signed a contract
with FUNAI to fund the Indian programme, says that the Indians no longer exist in
the area. This is not true.

Funds delayed by protests.
These are but two of more than a dozen dams that threaten Indians in various parts
of Brazil. The proposed development of hydroelectric power has come at a time when the
Brazilian Government's commitment to the welfare of the Indians has reached a new
low. The Government's Indian agency has become increasingly corrupt, conniving with
ranchers and colonists in dispossessing the Indians and issuing illegal licences to
timber companies to log Indian lands. Meanwhile senior staff positions in the Indian agency have been filled by appointees from the National Security Council, further subordinating the Indians' rights to the demands of the Brazilian military.

For the past two years, Survival International, in collaboration with numerous other non-Governmental organisations within Brazil and abroad, has been pressing the World Bank to delay lending further money to promote these dams. Largely in response to this pressure, the Bank's second major loan of US$ 500 million has been suspended for over eighteen months while the Brazilian Government was asked by the Bank to develop a plan for dealing with social and environmental impacts of the proposed dams. The plan that the Government has come up with is wholly inadequate, a fact admitted by World Bank staff. Despite this, the Bank's board of Executive Directors is being asked to vote on the loan in December.

* * * * ACTION * * * *

Recipients of this Urgent Action Bulletin are urged to send, in their own name (and including their address), a courteous, five-line letter or postcard or telefax to the World Bank as soon as possible. Please send Survival International a copy of any reply you may receive.

Barber Conable
President
The World Bank
1818 H Street NW
Washington DC 20433
USA

Telex: (023) 440098

Model letter
(this model letter is provided as a guide only)

Dear Mr Conable,

I am writing to express my great concern at the World Bank's proposed loan of US $500 million to the Brazilian Power Sector.

The loan will contribute to many dams in the Amazon region that will flood the lands of Indian peoples. I am, in particular, concerned by the dams being developed in the Xingu and Tocantins basins. Indian protests against the dams on the Xingu have led to them being charged as 'foreigners' for 'denigrating the Image of Brazil abroad'. Such action makes a mockery of the Brazilian Government's expressed commitment to improved public participation in development planning. Meanwhile, the electrical agency constructing the dams on the Upper Tocantins has ceased funding FUNAI's work with the Ava-Canoelé on the grounds that the Indians do not exist.

The Brazilian Government has persistently failed, in the past, to comply with the conditions attached to World Bank loans and its present plan to deal with the social and environmental impact of dam building is inadequate. I understand that this fact has been admitted by World Bank staff.

I, therefore, strongly urge that this loan is further delayed until the Brazilian Government develops the institutional capacity to protect the Indians' rights. Until then further financing of dams in Amazonia can only result in the destruction of the Indian peoples and their ways of life.

I look forward to learning how you plan to deal with this matter.

Yours sincerely
The Writing on the Dam

Dams were technological cathedrals, harnessing triumphant forces of water, power and earthy fertility for the benefit of humankind. What went wrong? Robin Wiseman explains.

The mega-dam is well on the way to being busted. It has had a short pre-eminence: all but seven of the world's largest dams were built since World War Two. But people power is now bringing the era of big dam construction to a close.

There are few sites ideal for big dams which do not already contain a cliff of clay, rock and concrete. Those that remain are mostly blocked, both because of the sheer numbers of people who would have to be relocated and because of mushrooming environmental lobbies. From Brasilia to Bangkok, engineers and politicians are faced with the reality that people are no longer content to submit meekly while their ancestral lands are flooded and their way of life disrupted beyond recall.

Funding agencies have also had to change their policies in response to mounting public criticism. The World Bank, for example, is now delaying dam projects while their environmental impact is properly assessed. But even leaving aside ecological considerations, the sheer financial impact of these monster projects can be devastating.

Building a dam can take years, even decades. This is hardly surprising given their phenomenal size: the highest of them (on the Vaksh River in the USSR) reaches 300 metres. The venture is full of risks, but companies in Europe, North America and eastern Asia have grown fat specializing in the business. Several dams currently under construction are worth over $1,000 million: the Yacyreta Dam being built by Argentina and Paraguay is estimated to have cost $5,986 million, three times the original tally.

Because of the huge costs involved, any developing country contemplating a large dam must normally borrow heavily to finance the project. Consequently, dams that have failed to deliver their vaunted economic benefits have contributed enormously to the current debt crisis. At the same time, many have brought other highly undesirable consequences in their train.

It is these failings which have fuelled the growth of the anti-dams lobby, a people-power movement which has itself begun to take on the juggernaut quality of the dams it is trying to block. The problems this movement focuses on are fourfold: the displacement of people by the rising waters of the reservoirs; the loss of fertile farmland; the effects on health; and the ecological damage.
The population issue is at the heart of the massive resistance to dam projects on the Narmada River in Western India (see article at end). An almost revolutionary public awakening has forced the World Bank, as so often the key financial sponsor, back to the drawing board. At a recent international conference, Harold D. Frederiksen, one of the World Bank's irrigation specialists, bemoaned the increasing numbers of people in developing countries and blamed them for the loss of good dam sites:

"Major transbasin water diversions are blocked on the Brahmaputra (in Indian and Bangladesh) because proposed canal alignments are congested by 1,000 persons per square kilometre or more. A majority of the reservoirs marked "to be developed" on Indonesia's maps will never be built because of dense land occupancy. And China will have to relocate millions of people if it is to construct the immense water schemes needed to match the sale of its needs."

The main conflict is between farming people who need the land to live on, to grow food and to tend their livestock; and their governments—state or national—who want to flood the land to provide cities with power and water, or distant drylands with irrigation. And these days it is mostly the people on the land who are getting their way.

Take Thailand. In 1988, construction of the 580-megawatt Nam Chaoan hydroelectric project in western Thailand was stopped after a wave of protest threatened to bring down the Government. Last year, demonstrators protesting against the 250-metre Kaeng Sua Ten irrigation dam refused to evacuate their homes. Protest is growing in the eastern city of Ubon Ratchtani over a decision to build a dam which will flood 117 square kilometres of land, destroy more of the country's dwindling forests, and inundate several ancient cultural sites. No wonder the Thais have suddenly started urging the Laotians to bring forward their long-term plans for developments on the Nam Theun River: they are desperately looking for new power sources free of disruption from environmentalist pressure.

On the health side, African dams have wrought much havoc. The creation of the giant Volta Lake in Ghana, and the Aswan Lake in Egypt, have both led to a huge increase in schistosomiasis, the devastating liver-fluke disease spread by the water snail. In Aswan, fishermen migrating from elsewhere brought the disease: a typical example of the social upheaval such large projects can cause.

On the ecological side, the classic demonstration of the case against large dams has been seen in the Amazon basin. Ignoring lessons in neighbouring Surinam, Brazil decided to flood vast areas of virgin forest in the interests of generating hydroelectricity. In 1988, the Balbina reservoir began to fill.
The rotting vegetation and the richness of nutrients in the water are now causing ecological havoc. There is only enough oxygen for fish within 1.5 metres of the surface and the water hyacinth, a pernicious weed, is running riot.

The Balbina Dam is likely to flood an areas of 2,000 square kilometres. Yet just 2.5 square kilometres of rainforest can contain, according to the US Academy of Sciences, 750 tree species, 400 bird species, 125 mammal species and 1,500 different flowering plants.

Equally alarming is the impact of Brazil's dams on its Indian population. In 1988-89, the threat to traditional homelands posed by the giant Altamira project on the Xingu River created an international outcry. Public opinion forced the World Bank to hold back an energy loan until the Brazilian authorities took certain measures to protect the environment.

The Problem of Power

All these examples illustrate a fundamental dilemma. How do emerging nations produce the electrical power to underpin development while avoiding massive environmental damage? It is accepted now that burning fossil fuels—coal, oil, natural gas—in conventional power stations contributes to the build-up of carbon dioxide in the atmosphere and thus to the greenhouse effect.

Hydroelectricity, clean and naturally powered, was thought the ideal alternative. But the huge turbines that are essential to heavy-duty energy production can only be driven by enormous water pressure; that can only be provided if vast areas are flooded; and such flooding is simply not popular.

Likewise irrigation. In many countries crop production cannot improve without irrigation. But the water is often not available in the places where it is needed. Is there any alternative to damming a distant river and using the lake to feed long-distance canals?

Then there are the expanding cities, their thirsty populations and panting factories. The over-use of water from nearby sources and from natural underground reservoirs is already leading to supplies drying up or becoming polluted. In Beijing, for example, the water table is dropping by more than a metre a year and one-third of the wells are already dry. Many other cities in Asia are under intolerable water pressure. Can large-scale transfers of water from far-off sources be avoided?

The answer to these questions is: "perhaps". Alternative energy sources—wind, solar, tidal and wave power—are at present uneconomic, but if society demands it, the high prices will have to be paid. Alternatively, large hydro-electric projects could be replaced by millions of micro-hydro systems. More expensive for sure, but less disruptive. Franco Celso, from Italian micro-hydro manufacturers Ecowatt, estimates that a
10-kilowatt plan saves the equivalent of 21 tonnes of petroleum per year—not to mention stopping 70 tonnes of carbon dioxide being released into the atmosphere.

On the irrigation front, many successful trials of small-scale irrigation schemes are being reported around the world. These make better use than large reservoirs of the water they collect, as well as distributing their benefits to people more evenly. Rainwater harvesting—trapping rainwater behind low bands before it can flow away as run-off—is being more often employed in arid lands. Whether these techniques, together with better management, can produce enough extra food in the developing world remains to be seen.

In a world without big dams, drinking water will be as crucial a question as any, since supplies at the moment are only just keeping pace with the growing population. More work needs to be done on methods of conservation and recycling. Even the desalination of seawater might become more economic as a higher price is put on water.

Large dams are still being built in places where there are too few inhabitants to complain. But their time is running out. The Western economic machine that drove their construction during the second half of the 1900s will have to come up with new ideas. For as we flow towards the 21st century, water risks becoming the source of huge social and political conflict.

Meanwhile, the environmental clamour is growing . . .

"No dam shall be built!"

The damming of India's Narmada River is one of the World Bank's pet projects. But the 100,000 people threatened by it are fighting back—with some success.

Thousands of people in western India, most of them peasants and Indigenous people, have pledged their lives to stop construction of dams on the Narmada River. Crowds have gathered around the town of Harsud, whose 11,000 residents are threatened with resettlement when the town is flooded by the Narmada Sagar dam. They chant: "We shall not allow Harsud to be submerged!", and "No dam shall be built!". Altogether, the dam would displace around 100,000 people.

The protesters may get their way: the fate of the Narmada Sagar is temporarily in the balance. It is one of two principals dam projects on the Narmada, India's fifth largest river which rises in Madhya Pradesh and visits Maharashtra and Gujerat on its 1,300-kilometre journey to the Arabian Sea. The other major dam, the Sardar Sarovar, began construction in 1987. It has since provoked local protest at the site against the resettlement of 67,000 people.
The dams have provoked such an uproar both locally and internationally that their principal backer, the World Bank, has been forced to reconsider its support. Back in 1985, it approved a $450-million loan towards the Sardar Sarovar's total estimated cost of $3,800 million. Last summer, it threatened to suspend or cancel the unused two-thirds of the loan unless the Indian Government accepted key environmental conditions, including relief and rehabilitation for displaced people. In the event funding continued, despite what Indian protest groups described as inadequate plans for the resettlement of those who face eviction.

Even with its facelift, the Sardar Sarovar project looks dodgy. A study sponsored by the Indian National Trust for Art and Culture (INTAC) condemned the dam as "not economical, even under heroic assumption" and concluded that it was likely to grind to a half-for lack of finance. It also found that the dam failed the economic viability criteria set by the Bank in 1985 at the time of its loan agreement.

Meanwhile, for Narmada Sagar, the World Bank has instituted a separate proposal for a $70 million loan towards resettlement, but has placed both this and $350 million towards the dam itself on hold 'awaiting resolution' of outstanding issues. But the Indian environmental movement wants none of it. "We have stopped talking to the World Bank," says Smitu Kothari, a key campaigner. "It has become clear that they have no intention of listening to us. Now we must defend our homes and our livelihoods however we can."

Robin Wiseman (with additional information from World Rivers Review on the above article)

Reprinted with permission by New Internationalist, May 1990.
Amazon Natives Seek Control of Their Land

During the past five years, concern among environmentalists and native leaders about the future of the Amazon rain forest has steadily increased. In Brazil and four other South American nations, cattle ranchers and gold prospectors have levelled huge tracts of the rain forest, bringing violence, in their competition for resources, and disease to the more than one million Indians who live in the 2.7-million square-mile region, and threatening the intricate ecological balance. Last week, 31 Indian leaders from five countries and ecologists from nine nations met in the Amazon River port of Iquitos, Peru, 1,000 km northeast of Lima, to discuss the battle to save the rain forest. In sometimes bitter speeches, Indians from Brazil, Bolivia, Columbia, Ecuador and Peru complained that environmentalists often failed to take the rights of the region's indigenous people into account in their efforts to save the rain forest. Declared Domingo Cerda, an Ecuadoran leader: "Too often, we have seen the defence of the Amazon conceived as merely defence of trees, rivers and animals."

Officials of the Lima-based Indigenous Peoples' Organizations of the Amazon Basin said that they called the three-day conference to bring the plight of the Indians to the attention of environmentalists. During the past three years, pressure from environmental organizations to halt clear-cutting of forests has forced government officials in the five Amazon-region countries to initiate conservation policies. But Indians, bitter at their exclusion from the negotiations, last week asked ecologists from organizations including Greenpeace and Friends of the Earth to support their demands for control over the land on which they live.

The Amazon rain forest is the largest in the world and home to half of all species on earth. To date, scientists say that they are unsure how many different living species there are - or how many have already been lost - but tropical species are the source of about a quarter of all new drugs developed. In addition, as tracts of rainforest are levelled each year by mining, logging and cattle ranching, carbon monoxide is released into the atmosphere, trapping heat and contributing to a global warming. Indian leaders last week acknowledged that they share environmentalists' concern about the destruction of the Amazon, but they expressed their desire to contribute to any decisions that are made about their land. Said Wilfrido Aragon, an Ecuadoran Indian leader and vice-president of the Indigenous Peoples' Organizations' co-ordinating body: "It's not sovereignty we're looking for, but rather autonomy and effective control over our lands."
Experts say that it is impossible to determine exactly how much of the Amazon rain forest has been destroyed as the result of logging, timber burning, cattle ranching, mining and industrial development. But experts using satellite photographs have estimated that about 240,000 square miles of forest have been destroyed - an estimated nine per cent of the forest. Still, the Sao Jose dos Campos, Brazil-based Institute for Space Research reported in a book of maps released last month that, using the most recent images from the U.S. Landsat satellite, the amount of forest destroyed was closer to 100,000 square miles.

More than 40 per cent of the rain forest lies in Brazil, and the destruction of large areas has imposed growing hardship on the dwindling numbers of Amazonian Indians. Anthropologists estimate that there are only about 2220,000 Indians left in Brazil, down from an estimated five million almost 500 years ago. Under the administration of the former president, Jose Sarney, farmers and miners from southern Brazil had invaded Indian lands. As a result, one important tribe, the Yanomami, retained only 19 reservations on almost six million acres, less than a third of the tribe's originally designated territory, in Brazil's northwest Amazon area.

Late in March, Brazil's new conservative president, Fernando Collor de Mello, made his first official visit to the northern state of Roraima. The 40-year-old president promised a solution to the plight of the 10,000 Brazilian Yanomami, whose survival is threatened by the presence of 45,000 wildcat gold and tin miners in their traditional hunting grounds. According to the Brazil-based Commission for the Creation of the Yanomami Park, more than 1,000 Yanomami Indians have died during the past three years as a result of disease and pollution brought into the region by gold prospectors.

Over the past few decades, in retreat from white civilization, the Yanomami have retired into the highlands and forest of Roraima, where they continued to live mainly off the land. But, in 1987, prospectors flocked to the territory following the release of studies that indicated the presence of gold, diamonds, tin and bauxite in the region. The outsiders levelled rain forest, polluted rivers with mercury used in the gold-panning process and spread diseases previously unknown to the isolated tribe, including malaria.

Collor's proposed solution was dramatic: the Brazilian army would dynamite most of the illegal air strips in the region, effectively barring unauthorized outsiders. On May 2, more than 250 soldiers, air force officials and federal police blew up the first of more than 100 airstrips, a 590 m runway in Roraima. Collor declared that an additional 62 airstrips in Yanomami territory would be dynamited during the coming months. But, by last week, only two other airstrips had been destroyed.
Some environmentalists condemned Collor's move as an empty gesture, because the dynamiting program only affected airstrips on Indian reservations and there are many other runways on land not designated as Yanomami territory. Said Claudio Andujar, Coordinator of the Commission for the creation of a Yanomami Park: "If the wildcatters remain anywhere within traditional Yanomami territory, the Indians will continue to die." He added, "Allowing them to remain in some regions is the same as opening up the whole Yanomami territory."

In other Amazon-region nations, some expanses of rain forest have been preserved as the result of deals in which financial debts are traded for rain forest. Last year, for one, the Washington-based National Conservancy and the World Wildlife Fund bought almost $11 million of Ecuador's foreign debt in exchange for an equivalent amount in conservation bonds. Under the arrangement, the Foundation for Nature, Ecuador’s largest private conservation group, will use the money to develop conservation centres and other protective measures.

During the past three years, Bolivia and Costa Rica have entered into similar debt-for-nature exchanges as a way of reducing their foreign debts. And last week, Brazilian environment secretary Jose Lutzemberger said that Brazil is prepared to take part in such arrangements to help reduce its more than $130-billion foreign debt. Declared Lutzemberger: "We are a government that wants to save the Amazon, but we have to prove this with deeds."

But many of the Indians leaders who met in Iquitos expressed concern over the exchanges. They told environmentalists that they resent deals being made without their consent, especially to ease debts that they did not incur. During a trip last October to Washington, and again last week in Iquitos, the Indigenous Peoples' Organizations asked ecology groups to support a plan for so-called indigenous stewardship, under which Indians would assume control of the lands they occupy. For their part, ecologists at the conference said that they accepted the idea in principle. Said Evaristo Njugua, an Aguaruna Indian from northern Peru: "There is now a dialogue between us, and that is the first step to common action." And the Indians were clearly pleased to understand that the future of the Amazon is an issue and much social as it is environmental.

Reprinted from: Macleans's - May 21, 1990
Written by Nora Underwood with Moira Ashford and Richard House in Sao Paulo
Manmade Fires are Razing Brazil's Forests

Huge forest fires, which farmers set this summer to clear land in the Amazon River basin, have triggered protests over Brazil's apparent indifference to the environment. As well, the Brazilian government is under attack for its often ruthless treatment of native people who stand in the way of its drive for economic development. Now, the problems of an American anthropologist living in Brazil, who was charged last month with allegedly influencing the World Bank not to help finance hydroelectric projects in the Amazon region, is likely to focus renewed attention to the issue. Lawyers for anthropologist Darrell Posey and two Kaiapo Indians, who have also been charged, plan to call foreign environmentalists to testify when they appear in court in November. The government's purpose in charging the men, declared Posey, "is to warn Indian peoples that if they speak out their rights, they will get into trouble."

Posey, 41, a Kentucky native who is head of the ethnobiology department at the Goeldi Museum in Belém was charged under a Brazilian law that makes it an offence for foreigners living there to make statements contrary to Brazil's national interest. Authorities say that Posey was responsible for the World Bank rejecting a requested $615-million loan for energy projects, including the building of two major dams on the Xingu River, about 3,000 km north of Rio de Janeiro, that would result in the flooding of more than 1,500 square miles of native lands.

The prosecution says that the Washington D.C.-based bank turned down Brazil's request after Posey, Paulinho Paiakan, 31, and Kube-I Kaiapo, 34 - who, despite their Brazilian nationality, face the same charges as Posey - went to Washington in February. But Posey said that he simply acted as a translator when the two Indians were invited by the Washington-based Environmental Defence Fund and the National Wildlife Federation to tell bank officials about their objections to the project. For his part, a World Bank spokesman said that the visit by the three men to Washington had no bearing on the bank's position. Antonio Pimenta-Neves said that the World Bank is concerned about Brazil's treatment of people in the region. He also said the "we're not going to finance any dams in Amazonia, now or in the future."
That poses a dilemma for Brazil, where hydroelectric power provided 90 per cent of the nation's energy. Government plans formulated in the early 1980's called for nine new dams in the Xingu River basin — which is home to about 5,000 of Brazil's estimated 200,000 surviving Indians — over the next 20 years. So far, dam projects there have been built with little regard for the native people. During the construction of two dams that were completed in the past four years, about 350 Indians were forcibly relocated and thousands of acres of virgin forest were flooded.

According to Posey, who faces a possible three-year prison term if found guilty, Indians in the regions were not even able to obtain maps showing where the new dams would be. But, said Posey, "we know a couple will be build right on top of their villages, even using their names." Now the publicity generated by Posey's trial, and the World Bank's tough new attitude, may force Brazil to reconsider its treatment of native people.

Written by Richard House in Rio de Janeiro.
Turning the Rain Forest Upside Down

Dionisio Geeazoni knows what he does is wrong, but it pays. Every day Mr. Geeazoni spends 12 hours or so in a damp, mosquito-infested gully, dredging up tons of muck to sift for a few grains of gold. In three years he has sucked six kilograms of the precious metal from the sandy river bottoms of the Amazon basin -- enough to educate his children and buy himself a beach house on the Atlantic coast, 2,000 kilometres away.

But at 50, he has contracted malaria 10 times. He lives in a wretched shack covered with black plastic sheeting. And he is helping to destroy pristine rivers, turning them upside down in a frantic search for alluvial gold. The devastation wreaked by miners in the world's largest rain forest is becoming more serious. Once-rich deposits have been worked out and the price of gold in Brazil has fallen, leading miners to dislodge more tons of material for the treasure that remains.

"It's a crime," Mr. Geeazoni said one recent day during a break from work at a site near this mining town in the northern state of Mato Grosso. "When there was lots of gold, it was okay. But when the gold is scarce, you destroy a world's worth of forest and it's not worth anything." There are not many conscience-stricken miners like Mr. Geeazoni in this area.

Rivers that used to flow dark and clear have turned milky white as gold dredges churn up their beds. Great piles of sand and muck cover the banks where graceful trees and vines once brushed the water.

Medical statistics tell an even grimmer story. Mercury which is used to separate the gold, has polluted some rivers so badly that high concentrations are showing up in the tissues of people in the region. A team of Brazilian researchers found mercury up to five times the normal levels in the hair of Indian peoples living along the Tapajos River north of here. Mercury poisoning can cause headaches, trembling, birth defects and death.

Thousands of gold mining sites, known as garimpos, litter the Amazon region. Most of them, like Mr. Geeazoni's, are worked by simple dredges involving a diesel motor and a hose that sucks up mud from the river bed, mixes it with water and passes it over a wooden platform where the gold particles sink to the bottom.
On the bigger rivers, the dredges are mounted on barges and the hoses are manipulated by divers using makeshift breathing gear, who sometimes spend four hours at a time underwater. By law, garimpos must be registered with the federal government, but the requirement has not stopped the environmental destruction. Another law bans the discharge of mercury into streams, but it is often ignored. Mr. Geeazoni said he favours tougher laws and the organization of miners into co-operatives. In any case, he said, he plans to call it quits after another year.

Besides playing havoc with the Amazon environment, gold mining has spawned a society in which police rarely enter and the prevailing code can be described as "only the strong survive." More than 1,000 garimpeiros, many of them from Maranhao state in Brazil's northeast, live at a huge mining site near here called Cachimbo. They sleep in hammocks, four or five to a hut made of black plastic stretched across poles. The site has its own flimsy bars, grocery stores and pharmacies. Cash is virtually worthless; the reigning currency is gold.

Bulldozer operator Martins Felix Medeiros, who earns 2 and 1/2 grams of gold a day, was asked whether anyone had been killed at Cachimbo recently. "People get killed all the time," he replied. "It usually happens in the bars, in fights over whores." In Neighboring Rondonia state, health worker Ana Maria Ramos said she has met women who spend three months as prostitutes in garimpo areas, then return home and live for the rest of the year on the proceeds.

The garimpos also have created towns such as Peixoto, which looks like a cross between the Klondike and the rust belt. Its mining equipment stores are freshly painted, but the crooked, dusty streets are full of squalid wooden shacks, and every second lot seems to be a scrap-mental yard. Sparsely populated 10 years ago, greater Peixoto has an estimated 110,000 inhabitants and 212 gold dealers -- but no running water, sewers, paved streets, or private telephones.

Dr. Sinvaldo Brito, a local physician said three out of every 10 patients he sees have malaria. Intestinal parasites and hepatitis also are common. "People who come here want to get rich," he said. "Basic hygiene gets left behind." Mercury poisoning appears to be responsible for stomach pains in miners and gold dealers Dr. Brito has treated. The symptoms disappear after the patients stop using mercury, he said.

Nominally in charge of Peixoto is Mayor Aniceto Bon-Ami Rocanti -- a small, wiry pharmacist who was terse at first with a pair of reporters, but who warmed up over a cold beer at the Terra Rica (Rich Earth) bar. "About 40% of the population is made up of people who stay only a short time," he said. "Most of the rest don't invest in the region. The profit from gold doesn't benefit the municipality at all."
Tax revenue is so scanty that the town hall consists of rented rooms above a tire store. There are only 178 people on the municipal payroll, the public hospital has 20 beds, and only half the 16,000 school-age children attend classes.

At least temporarily, the gold boom has receded. Government austerity measures have had the double effect of keeping gold prices low and sparking a nation-wide recession. As for the future, Mr. Rocanti dreams of technology that would make gold mining less harmful, and of schemes to plant fruit trees on the churned-up river banks. But with 90% of his budget supplied by the state and federal governments, he admits he has little influence.

Written by Paul Knox, South America Bureau, Peixoto de Azevedo, Brazil.

Update: November 1991

Brazilian president Fernando Collor de Mello designated 94,000 square kilometres of land in northern Brazil as a reserve for one of the most endangered Indigenous peoples in the world, the Yanomami. The move follows a similar decision by Venezuelan president Carlos Andres Perez, who gave the Venezuelan Yanomami an 83,000 square kilometre tract of land to be used as a reserve. The Brazilian military has been arguing that an Indian reserve in that area would restrict development and threaten "national security", a longstanding policy left over from the 1964-1985 period of military rule. The lands set aside had been demarcated for Yanomami use in 1984.

The fewer than 10,000 Yanomami have been threatened increasingly with extinction since the invasion of gold prospectors and speculators that began to arrive in their traditional territory in 1987.
A New Approach: Anticipate And Prevent

The historical approach of establishing national parks that are somehow isolated from the greater society has been overtaken by a new approach to conservation of species and ecosystems that can be characterized as "anticipate and prevent." This involves adding a new dimension to the now-traditional and yet viable and necessary new dimension to the now-traditional and yet viable and necessary stop of protected areas. Development patterns must be altered to make them more compatible with the preservation of the extremely valuable biological diversity of the planet. Altering economic and land use patterns seems to be the best long-term approach to ensuring the survival of wild species and their ecosystems.

This more strategic approach deals with the problems of species depletion at their sources in development policies, anticipates the obvious results of the more destructive policies, and prevents damage now. A useful tool in promoting this approach is the preparation of National Conservation Strategies (NCS), which bring the processes of conservation and development together. Preparing the NCS involves government agencies, non-governmental organizations, private interests, and the community at large in analysis of natural resource issues and assessment of priority actions. In this way, it is hoped that sectoral interests will better perceive their interrelationships with other sectors and new potentials for conservation and development will be revealed.

The link between conservation and development and the need to attack the problem at the source can be seen clearly in the case of tropical forests. Sometimes it is government policy, not economic necessity that drives the over-exploitation and destruction of these resources. The direct economic and fiscal costs of this over-exploitation - in addition to those of species extinction - are forests. The result has been wasteful exploitation of the tropical forests, the sacrifice of most of their timber and non-timer values, enormous losses of potential revenue to the government, and the destruction of rich biological resources.

Third World governments can stem the destruction of tropical forests and other reservoirs of biological diversity while achieving economic goals. They can conserve valuable species and habitat while reducing their economic and fiscal burdens. Reforming forest revenue systems and concession terms could raise billions of dollars of additional revenues, promote more efficient, long-term forest resource use, and curtail deforestation. Governments could save themselves enormous expense and revenue loss, promote more sustainable land uses, and slow down the destruction of tropical forests by eliminating incentives for livestock ranching.
The link between conservation and development also requires some changes in trade patterns. This has been recognized in the establishment in 1986 of the International Tropical Timber Organization, based in Yokohama, Japan, which seeks to rationalize trade flows. It has been set up to implement the first commodity agreement that incorporates a specific conservation component.

Numerous other opportunities can be found to encourage both species conservation and economic productivity. Many governments maintain unrealistically low taxes on rural land, while allowing settlers to establish title to "virgin" land by converting it to farmland. Thus wealthy landowners can keep huge, underused estates at little or no cost, while land-hungry peasants are encouraged to clear forests to establish marginal holdings. Reforms of tax and tenure systems could increase productivity on existing holdings and reduce the pressures to expand cultivation into forests and upland watersheds.

Well-designed ecosystem conservation contributes to the predominant goals of sustainable development in a number of ways. Safeguards for critical tracts of wildlands can serve also to safeguard agricultural land, for example. This is particularly true for upland forests of the tropics, which protect valley fields from floods and erosion, and waterways and irrigation systems from siltation.

A case point is the Dumoga-Bone Reserve in Indonesia's northern Sulawesi, covering some 3,000 square kilometres of upland forest. It protects large populations of most of Sulawesi's endemic mammals, and many of the island's 80 endemic bird species. It also protects the Dumoga Valley Irrigation Scheme, funded by a World Bank loan, set up in the flatlands below to achieve a tripling of rice production on more than 13,000 hectares of prime agricultural land. Similar examples include the Canaima National Park in Venezuela, which protects domestic and industrial water supplies for a major hydropower facility that, in turn, provides electricity to the nation's key industrial centre and its capital city.

One conclusion from this connection is that governments is that governments could think of "parks for development" insofar as parks serve the dual purpose of protection for species habitats and development processes at the same time. National efforts to anticipate and prevent the adverse consequences of development policies in any of these areas would surely yield much more for species conservation than all the measures of the past 10 years in support of park building, ranger patrols, anti-poaching units, and the other conventional forms of wildlife preservation. The 3rd World Congress on National Parks, held in Bali, Indonesia, in October 1982, brought this message from protected area managers to the policy makers of the world, demonstrating the many contributions that protected areas managed in the modern way are making to sustaining human society.
International Action For National Species

Species and their genetic resources - whatever their origins - plainly supply benefits to all human beings. Wild genetic resources from Mexico and Central America serve the needs of maize growers and consumers globally. The principal cocoa-growing nations are in West Africa, while the genetic resources on which modern cocoa plantations depend for their continued productivity are found in the forests of western Amazonia.

Coffee growers and drinkers depend for the health of the crop on the constant supplies of new genetic material from coffee's wild relatives, principally located in Ethiopia, Brazil, which supplies wild rubber germplasm to Southeast Asia's rubber plantation, itself depends on germplasm supplies from diverse parts of the world to sustain its sugar-cane, soybean, and other leading crops. Without access to foreign sources of fresh germplasm year by year, the nations of Europe a North America would quickly find their agricultural output declining.

The Earth's endowment of species and natural ecosystems will soon be seen as assets to be conserved and managed for the benefit of all humanity. This will necessarily add the challenge of species conservation to the international political agenda.

At the heart of the issue lies the fact that there is often a conflict between the short-term economic interest of the individual nations and the long-term economic interest of the sustainable development and potential economic gains of the world community at large. A major thrust in actions to conserve genetic diversity must therefore by directed at making it more economically attractive both in the short term and in the longer perspective to protect wild species and their ecosystems. Developing countries must be ensured an equitable share of the economic profit from the use of genes for commercial purposes.

'We in Asia, I feel, want to have an equilibrium between the spiritual and material life. I noticed that you have tried to separate religion from the technological side of life. Is that not exactly the mistake in the West in developing technology, without ethics, without religion? If that is the case, and we have the chance to develop a new direction, should we not advise the group on technology to pursue a different kind of technology which has as its base not only the rationality, but also the spiritual aspect? Is this a dream or is this something we cannot avoid?'

Speaker from the floor
WCED Public Hearing, Jakarta, 26 March 1985
If the desert is growing, forest disappearing, malnutrition increasing, and people in urban areas living in very bad conditions, it is not because we are lacking resources but the kind of policy implemented by our rulers, by the elite group. Denying people rights and peoples' interests is pushing us to a situation where it is only the poverty that has a very prosperous future in Africa. And it is our hope that your Commission, the World Commission, will not overlook these problems of human rights in Africa and will put emphasis on it. Because it is only free people, people who have rights, who are mature and responsible citizens, who than participate in the development and in the protection of the environment.

Speaker from the floor
WCED Public Hearing, Jakarta, 26 March 1986

A communications gap has kept environmental, population, and development assistance groups apart or too long, preventing us from being aware of our common interest and realizing our combined power. Fortunately, the gap is closing. We now know that what unites us is vastly more important than what divides us.

We recognize that poverty, environmental degradation and population growth are inextricably related and that none of these fundamental problems can be successfully addressed in isolation. We will succeed or fail together.

Arriving at a commonly accepted definition 'sustainable development' remains a challenge for all the actors in the development process.'

'Making a Common Cause'
U.S. - Based Development, Environment, Population NGOs
WCED Public Hearing, Jakarta, 26 March 1986

Sustainable Development

Humanity has the ability to make development sustainable - to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs. The concept of sustainable development does imply limits - not absolute limits but limitations imposed by the present state of technology and social organization on environmental resources and by the ability of the biosphere to absorb the effects of human activities. But technology and social organization can be both managed and improved to make way for a new era of economic growth. The Commission believes that widespread poverty is no longer inevitable. Poverty is not only an evil in itself, but sustainable development requires meeting the basic needs of all and extending to all the opportunity to fulfill their aspirations for a better life. A world in which poverty is endemic will always be prone to ecological and other catastrophes.

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Meeting essential needs not only a new era of economic growth for nations in which the majority are poor, but an assurance that those poor get their fair share of the resources required to sustain that growth. Such equity would be aided by political systems that secure effective citizen participation in decision making and by greater democracy in international decision making.

Sustainable global development requires that those who are more affluent adopt life-styles within the planet’s ecological means - in their use of energy, for example. Further, rapidly growing populations can increase the pressure on resources and slow any rise in living standards; thus sustainable development can only be pursued if population size and growth are in harmony with the changing productive potential of the ecosystem.

Yet in the end, sustainable development is not a fixed state of harmony, but rather a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are made consistent with future as well as present needs. We do not pretend that the process is easy or straightforward. Painful choices have to be make. Thus, in the final analysis, sustainable development must rest on political will.

The Interlocking Crises

Until recently, the planet was a large world in which human activities and their effects were neatly compartmentalized within nations, within sectors (energy, agriculture, trade), and within broad areas of concern (environmental, economic, social). These compartments have begun to dissolve. This applies in particular to the various global ‘crisis’ that have seized public concern, and environmental crisis, a development crisis, an energy crisis. They are all one.

The planet is passing through a period of dramatic growth and fundamental change. Our human world of 5 billion must make room in a finite environment for another human world. The population could stabilize at between 8 billion and 14 billion sometime next century, according to UN projections. More than 90 per cent of the increase will occur in the poorest countries, and 90 per cent of that growth in already bursting cities.

Economic activity has multiplied to create a $13 trillion world economy, and this could grow - five or tenfold in the coming half-century. Industrial production has grown more than fiftyfold over the past century, four-fifths of this growth since 1950. Such figures reflect and presage profound impacts upon the biosphere, as the world invests in houses, transport, farms, and industries. Much of the economic growth pulls raw material from forests, soils, seas, and waterways.
A mainspring of economic growth is new technology, and while this technology offers the potential for slowing the dangerously rapid consumption of finite resources, it also entails high risks, including new forms of pollution and the introduction to the planet of new variations of life forms that could change evolutionary pathways. Meanwhile, the industries most heavily reliant on environmental resources and most heavily polluting are growing must rapidly in the developing world, where there is both more urgency for growth and less capacity to minimize damaging side effects.

These related changes have locked the global economy and global ecology together in new ways. We have in the past been concerned about the impacts of economic growth upon the environment. We are now forced to concern ourselves with the impacts of ecological stress—degradation of soils, water regimes, atmosphere, and forests—upon our economic prospects. We have in the more recent past been forced to face up to a sharp increase in economic interdependence among nations. We are now forced to accustom ourselves to an accelerating ecological interdependence among nations. Ecology and economy are becoming ever more interwoven—logically, regionally, nationally, and globally—into a seamless net of causes and effects.

Impoverishing the local resource base can impoverish wilder areas: Deforestation by highland farmers causes flooding on lowland farms; factory pollution robs local fisherman of their catch. Such grim local cycle now operate nationally and regionally. Dryland degradation sends environmental refugees in their millions across national borders. Deforestation in Latin America and Asia is causing more floods, and more destructive floods, in downhill, downstream nations. Acid precipitation and nuclear fallout have spread across the borders of Europe. Similar phenomena are emerging on a global scale, such as global warming and loss of ozone. Internationally traded hazardous chemicals entering foods are themselves internationally traded. In the next century, the environmental pressure causing population movements may increase sharply, while barriers to that movement may be even firmer than they are now.

Over the past few decades, life-threatening environmental concerns have surfaced in the developing world. Countrysides are coming under pressure from increasing numbers of farmers and the landless. Cities are filling with people, cars, and factories. Yet at the same time these developing countries must operate in a world in which the resources gap between most developing and industrial nations is widening, in which the industrial world dominates in the rule making of some key international bodies, and in which the industrial world has already used much of the planet's ecological capital. This capital is the planet's main 'environmental' problem; it is also its main 'development' problem.
International economic relationships pose a particular problem for environmental management in many developing countries. Agriculture, forestry, energy production, and mining generate at least half the gross national product of many developing countries and account for even larger shares of livelihoods and employment. Exports of natural resources remain a large factor in their economies, especially for the least developed. Most of these countries face enormous economic pressures, both international and domestic, to overexploit their environmental resource base.

The recent crisis in Africa best and most tragically illustrates the ways in which economics and ecology can interact destructively and trip into disaster. Triggered by drought, its real causes lie deeper. They are to be found in part in national policies that gave too little attention, too late, to the needs of smallholder agriculture and to the threats posed by rapidly rising populations. Their roots extend also to a global economic system that takes more out of a poor continent than it puts in. Debts that they cannot pay force African nations relying on commodity sales to overuse their fragile soils, thus turning good land to desert. Trade barriers in the wealthy nations - and in many developing ones - make it hard for Africans to sell their goods for reasonable returns, putting yet more pressure on ecological systems. Aid from donor nations has not only been inadequate in scale, but too often ha reflected the priorities of the nations giving the aid, rather than the needs of the recipients. The production base of other developing world areas suffers similarly both from local failures and from the workings of international economic systems. As a consequence of the 'debt crisis' of Latin America, that region's natural resources are now being used not for development but to meet financial obligations to creditors abroad. This approach to the debt problem is short-sighted from several standpoints: economic, political, and environmental. It requires relatively poor countries simultaneously to accept growing standpoints: economic, political, and environmental. It requires relatively poor countries simultaneously to accept growing poverty while exporting growing amounts of scarce resources.

A majority of developing countries now have per capita incomes than when the decade began. Rising poverty and unemployment have increased pressure on environmental resources as more people have been forced to rely more directly upon them. Many governments have cut back efforts to protect the environment and to bring ecological considerations into development planning.

The deepening and widening environmental crisis presents a threat to national security - and even survival - that may be greater than well-armed, ill-disposed neighbours and unfriendly alliances. Already in parts of Latin America, Asia, the Middle East, an Africa, environmental decline is becoming a source of
political unrest and international tension. The recent destruction of much of Africa's dryland agricultural production was more severe than if an invading army had pursued a scorched-earth policy. Yet most of the affected governments still spend far more to protect their people from invading armies than from the invading desert.

The Commission has sough in which global development can be put in a sustainable path into the 21st century. Some 5,000 days will elapse between the publication of our report and the first day of the 21st century. What environmental crisis lie in store over those 5,000 days?

During the 1970's, twice as many people suffered each year from 'natural' disasters as during the 1960's. The disasters most directly associated with environment/development mismanagement - droughts and floods - affected the most people and increased most sharply in terms of numbers affected. Some 18.5 million people were affected by drought annually in the 1960's, 24.4 million in the 1970's. There were 5.2 million flood victims yearly in the 1960's, 15.4 million in the 1970's. Numbers of victims of cyclones and earthquakes also shot up as growing numbers of poor people built unsafe houses on dangerous ground.

The results are not in for the 1980's. But we have seen 35 million afflicted by drought in Africa alone and tens of millions affected by the better managed and thus less-publicized Indian drought. Floods have poured on the deforested Andes and Himalayas with increasing force. The 1980's seem destined to sweep this dire trend on into a crisis-filled 1990s.

Globally, military expenditures total about $1 trillion a year and continue to grow. In many countries military spending consumes such a high proportion of gross national product that it itself does great damage to these societies' development efforts. Governments tend to base their approaches to 'security' on traditional definitions. This in most obvious in the attempts to achieve security through the development of potentially planet-destroying nuclear weapons systems. Studies suggest that the cold and dark nuclear winter following even a limited nuclear war could destroy plant and animal ecosystems and leave any human survivors occupying a devastated planet very different from the one they inherited.

The arms race - in all parts of the world - pre-empts resources that might be used more productively to diminish the security threats created by environmental conflict and the resentments that are fuelled by widespread poverty.
Many present efforts to guard and maintain human progress, to meet human needs, and to realize human ambitions are simply unsustainable – in both the rich and poor nations. They draw too heavily, too quickly, on already overdrawn environmental resource accounts to be affordable far into the future without bankrupting those accounts. They may show profits on the balance sheets of our generation, but our children will inherit the losses. We borrow environmental capital from future generations with no intention or prospect of repaying. They may damn us for our spendthrift ways, but they can never collect on our debt to them. We act as we do because they can get away with it: future generations do not vote; they have no political or financial power; they cannot challenge our decisions.

But the results of the present profligacy are rapidly closing the options for future generations. Most of today's decision makers will be dead before the planet feels the heavier effects of acid precipitation, global warming, ozone depletion, or widespread desertification and species loss. Most of the young voters of today will still be alive. In the Commission's hearings it was the young, those who have the most to lose, who were the harshest critics of the planet's present management.

Indigenous Survival International

Statement of Solidarity:

We, the indigenous peoples, have survived for thousands of years in close harmony with the earth and her resources. We share a common respect for the laws which bind man and nature as one;

We, the indigenous peoples, state that our future is intimately linked to our continued ability to live in close harmony with the land, water by harvesting its resources;

We, the indigenous peoples, have a fundamental right to control, manage and harvest the resources of land, water;

We, the indigenous peoples, as part of the international community believe that no peoples may be deprived of their means of subsistence on the land, water;

We, the indigenous peoples, have carried on harvesting activities since time immemorial as part of distinct economic systems;

We, the indigenous peoples, state that the encroachment of the urban societies on our renewable resource economics has been escalating. We see that there are now new threats to our cultural survival by those who do not live with the land and the water and do not understand our way of life;

Therefore, we, the indigenous peoples, recognize our responsibility to ensure our cultural survival and futures;

We, the indigenous peoples, will undertake every effort to resist and educate the forces that are embarked on the destruction of a way of life many thousand years old;

We, the indigenous peoples, stand united and will work together to protect and ensure our cultural survival and will continue to seek recognition of the natural economy as an integral part of the global society.

Moved by: Georges Erasmus, Assembly of First Nations

Seconded by: Melillan Painemal, World Council of Indigenous Peoples

Statement adopted by consensus this 9th day of August, 1984. The statement also led to the formation of the Indigenous Survival International.
The Land Is Our Life:

In the arctic and subarctic we make our living off the land. The growing season is short and the soil poor in nutrients. We must hunt to survive.

We hunt, fish, and trap as a way of life that has allowed us to survive for thousands of years in this harsh and delicate environment.

For generations our people have lived in balance and harmony with nature. We respect the land and it serves us well. We are part of the land and we are a natural part of the ecosystem.

The Animal Rights Groups that are trying to destroy our way of life fail to consider that mankind is both a product and a part of nature. Our people now face a serious crisis. Our hunting and trapping way of life has come under attack by animal rights groups in far and distant lands who know nothing of our people and our culture.

If they succeed, we will lose what little independence and income still left to us. Without understanding or realizing, they will place us on welfare and in despair.

Our land considered by many to be the harshest in the world and yet the Creator provides. We are rich in wildlife of all kinds, big game, fish, sea mammals and fur bearing animals. We are all part of creation and together we form the great circle of life.

The Organization:

INDIGENOUS SURVIVAL INTERNATIONAL (ISI) is an international alliance of indigenous peoples from Alaska, Canada and Greenland.

The ISI alliance represents more than one and one half million people who derive their livelihood off the land.

ISI was organized in Yellowknife in Canada's Northwest Territories in August, 1984. The catalyst that brought the various groups together was the international anti-sealing campaign which destroyed the Canadian sealing industry. ISI recognized and sympathized with the plight of the Newfoundland sealers. The aboriginal hunters were not part of that commercial hunt. However, the Inuit seal industry collapsed right along with the industry as a whole. In the season of 1980/81, the Northwest Territories recorded sealskin sales totalling $890, 28. By 1984/85, the sealskin sales had dropped to $54, 471 and the average price per sealskin was cut more than half.
The European Economic Community (EEC) placed a ban on the import of seal pup skin in 1983 and the resulting fallout caused the destruction of the market for all seal products.

Greenland lobbied EEC and was able to get an exemption for adult seal products. However, when the market collapsed they suffered along with the other Inuit communities of Canada and Alaska.

Out of self defense, aboriginal people fought back and ISI defended their members' livelihood and independence. A way of life was at stake and the facts had to be presented.

Because aboriginal people have so few resources in a harsh land, the European animal right movement had disastrous consequences on their income and way of life.

It is ironic to see animal rights activists, who are primarily urban dwellers who have lost their relationship to nature, attacking the way of life of Native people, who still live in harmony with the natural habitat.

As ISI's work expanded, the mandate was broadened to include the wide range of issues that impact on the traditional way of life on the member groups.

The ISI membership instructed ISI to meet with groups who understood the Aboriginal way of life and were sympathetic. ISI leadership has since established a relationship with the World Wildlife Fund and Greenpeace International. Greenpeace International was approached to drop the anti-trapping campaign in Britain and they complied. A direct liaison now exists between ISI and Greenpeace International boards to discuss common approaches on serious issues on toxic waste and the militarization of the north.

ISI Co-Chairman, Thomas Coon, addressed the World Commission on the Environment and Development in May, 1986 and outlined the new direction that ISI was headed.

"We intend to create situations of common sense, environmentally sound sustainable development as examples for mankind."

Addressing the Standing Committee on Aboriginal Affairs and Northern Development, Canadian Co-Chairman Georges Erasmus stated, "The issue was that man could play a productive role in nature, that man was a part of nature, that we were not put here from another universe and it was very possible for us to play a responsible, productive role, and that it was very possible for human societies to be part of a balanced ecosystem."

In addition ISI lobbied Federal officials to develop a fur policy that was supportive to the Canadian Native way of life. In the Spring of 1987, the Federal Government through the Parliamentary Committee on Aboriginal Affairs, prepared a supportive report on the fur industry.
ISI Canada worked with ISI Alaska to defeat animal rights attempts to place walrus on the "convention of International Trade of Endangered Species of Wild Fauna and Flora" (C.I.T.E.S.). ISI Alaska proved that walrus were a necessary part of the Native way of life and were not endangered by native hunting.

And finally, in the fall of 1987, ISI was nominated by the World Wildlife Fund and supported by the Sami Nordic Council for the Right of Livelihood Award, which is a prestigious International award.

**Did You Know?:**

1. Out of the approximately 100,000 trappers in Canada, 55,000 are native people. Taking a modest average of four family members per household, approximately 220,000 native people depend on the fur trade.

2. Inuit income has dropped 60 per cent in a number of communities since the seal ban.

3. None of the animals trapped for generations by native trappers are endangered species.

4. It is estimated that the fur bearer populations in Canada are now at least as high, if not higher than they ever were. It is due largely to responsible harvesting practices and well managed resources.

5. The scarce cash income for Aboriginal trappers in Canada is approximately $5,000 - $10,000 annually if the season is good. This cash income is required for equipment to maintain life on the land. The food and resources of the land provides more than the cash value.

6. ISI represents the majority of Aboriginal people who make their living of the land in Canada, Greenland and Alaska.

7. In 1985, the total value of wild fur exported from Canada in raw and dressed form, not including garments was $84,100,000. In 1985, it was estimated that the total fur industry added $600 million to the Canadian Gross National Product.

**World Conservation Strategy:**

In 1986, Indigenous Survival International approached the groups responsible for developing the World Conservation Strategy and recommended that Indigenous peoples be recognized for their significant role in conservation and sustainable development.

Membership of the World Conservation Strategy includes: The International Union for the Conservation of Nature and Natural Resources (IUCN); the United Nations Environmental Program (UNEP); and the World Wildlife Fund (WWF).
It was agreed by the participating groups that Indigenous peoples, because of their oneness with nature and their stewardship of the land and its resources, receive special recognition. This was significant because for the first time the scientific community recognized traditional native concepts of conservation.

This was an historic first step. Indigenous peoples were viewed as part of the environment and not adversaries. It was also an historic step in the world wild recognition of native peoples rights to hunting, fishing, trapping and gathering.

The following are excerpts from the proposed folio or statement of a draft prepared by Indigenous Survival International. This draft is subject to review and ISI welcomes recommendations from interested parties.

In the "folio" Indigenous peoples are recognized as distinct cultural communities with unique land and other rights based on original and historical use and occupancy. Aboriginal subsistence is defined as a way of life closely tied to the harvest of renewable resources. Activities such as hunting, fishing, trapping and gathering continue to make a substantial contribution to the economics of indigenous peoples, providing them with food, raw materials and income.

Subsistence emphasizes an ethic of sharing and mutual support, community cohesion and a commitment to stewardship of the land and its resources, based on a perspective of many generations, both past and future.

Conservation has always been integral to the survival of indigenous peoples. Aboriginal communities have everything to gain from conservation and much to offer. Indigenous peoples are an integral part of nature and express spiritual bonds with other species, including those they harvest.

Existing conservation and development policies assume that Native people have only two options for the future. Either to return to the ancient way of life, or to abandon subsistence altogether and assimilate into mainstream society.

Aboriginal people have fought long and hard to have the right to choose for themselves. They have evolved a culture and economy that transcends the dichotomy of modern and traditional ways. They have chosen to use modern technology to insure the survival of natural environment and survival of all species. Indigenous people have chosen to modify their subsistence way of life, combining the old and the new in ways that maintain and enhance their identity, while allowing their society and economy to evolve.

To achieve this goal, indigenous people must have recognition and respect for their way of life, aboriginal rights, treaties, and agreements to their lands and resources.
Resource Management

Aboriginal societies developed management systems to assure sustainable yields of renewable resources from their environment. There is ample evidence that they were effective. Many continue to be effective.

Indigenous peoples are entitled to manage their traditional lands and resources on a sustainable basis. Aboriginal peoples must have full and meaningful participation in all decision making concerning their traditional lands and resources.

Environmental knowledge possessed by indigenous peoples is substantial and detailed. Aboriginal perception of ecosystems, species and ecological linkages and processes, have great value for conservation and sustainable development. This has only occasionally been recognized in the area of resource management despite the evidence that management could be much improved if indigenous knowledge were used.

An exchange of knowledge and methodologies is needed to develop greater mutual understanding between indigenous peoples and conservation scientists and managers.

Most recently, ISI sent a delegation of four people to the International Union for Conservation of Nature and Natural Resources (I.U.C.N.) - February conference in Costa Rica to ensure that ISI-Indigenous folio to the World Conservation Strategy is incorporated into the I.U.C.N. working document, and that traditional knowledge is taken seriously in I.U.C.N. circles.

At the same time, ISI team worked with Inuit Tapirisat of Canada (I.T.C.) and Inuit Circum-Polar Conference to defeat an anti-trapping resolution that was being promoted by animal rights organizations.

Research is needed, but it should be cooperative research that addresses the priorities of indigenous peoples, as determined by them and involves indigenous peoples as equal partners.

Financial and technical resources should be made accessible to indigenous peoples to conduct their own research. The aim should be recognition of an indigenous scientific community that includes both traditional expertise and acquired scientific skills and procedures.

National and International Agreements

National and International laws and regulations concerning resource management, conservation, public health, commerce, border controls and trans-national military agreements can cause hardships for indigenous communities.

International agreements pose a special problem because they are difficult to change and, being global instruments, they are poorly equipped to deal sensitively with local concerns.
Representatives of indigenous peoples should participate in foreign policy making that has an impact on aboriginal rights and economies, including the formulation and implementation of international agreements that affect the environment, resources and aboriginal way of life.

**Development Planning**

Development planning that directly or indirectly affects aboriginal people and their traditional lands must give priority to the maintenance and sustainable development of both renewable and nonrenewable resources.

Indigenous communities should participate effectively in all development decisions affecting their traditional lands and resources, and should be an equitable share in the proceeds from nonrenewable resource development.

Nonrenewable resource development, industrial development and military activation should be subject to full and proper impact assessment.

**Development of Traditional Economics**

The development and protection of traditional economies based on their harvested resources is critical for the economic self-reliance of indigenous peoples.

A cooperative relationship should be developed between indigenous and non-indigenous peoples, to undertake an extended campaign to promote sustainable use of natural resources, and in particular, the use of products traded by indigenous peoples. Use of these products should be seen as a way of expressing solidarity with aboriginal peoples, contributing to their future and supporting sustainable relationships between all people and natural resources.

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<td>Canada</td>
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**Canadian Representatives:**

George Erasmus  
Assembly of First Nations  
Ottawa, Ontario  
Canada  
(613) 236-0673
Board Members:
Georges Erasmus - Canadian Co-Chairman

Assembly of First Nations
represented by:
President - Dene Nations
Yellowknife, N.W.T.
(403) 873-3310

Observer Members:
Inuit Tapirisat of Canada
Ottawa, Ontario
(613) 238-8181

Native Council of Canada
Ottawa, Ontario
(613) 238-3511

Aboriginal Trapper's
Federation of Canada
Ottawa, Ontario
(613) 238-3511

Metis National Council
Regina, Saskatchewan
(306) 525-6721

Native Women's
Association of Canada
Ottawa, Ontario
(613) 236-6057

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NATIVE STUDIES 20

Student Resource Guide

Social Justice: Unit 3
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The following case studies and readings are located in the Case Studies and Readings Package which is a support document for Native Studies 20.

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The Angus Reid Poll
Aboriginal Justice Issues

Public release date: October 14, 1989

Before Oka

This poll was conducted by telephone between September 20 and 28, 1989 among a representative cross-section of 1506 Canadian adults. The data were statistically weighted to ensure the sample's age/sex composition reflects that of the actual adult Canadian population. With a national sample of 1506, one can say with 95% certainty that the results are within ± 2.5 percentage points of what they would have been had all adult Canadians been polled. The margin of error within the various regions and other sub-groupings of the survey population will be larger.

The Canadian public tends to support the concept of Aboriginal self-government and there exists a general sense that Canada's Aboriginal peoples receive unequal treatment. There is widespread belief that Aboriginal peoples are not treated fairly by the justice system and, more so, that they do not enjoy equality of opportunity in the job market. One in three Canadians sees a parallel between Canada's Aboriginal peoples and South Africa's Black peoples. Canadians believe the government is doing "about the right amount" rather than too much or too little in terms of Aboriginal land claims, treaty rights and financial assistance.

Support for Aboriginal self-government was higher than opposition in every region of the country except the prairie provinces where those surveyed were about evenly divided (46% agreed and 47% disagreed; the balance were undecided). Ontario residents showed the highest level of support with 60% agreement.

Support for self-government appears to be inversely related to formal education with more highly educated respondents showing the lowest levels of support. For example, six in 10 (61%) survey respondents who had not completed high school expressed support for Aboriginal self-government compared to 56% of those with a complete university degree. Income level was inversely related to support for Aboriginal self-government. Two-thirds of those living in households where annual incomes are under $20,000 support the concept of Aboriginal self-government compared to 50% of those in households where the income exceeds $40,000 per year. Support for self-government is also stronger among women than men (60% compared to 52%) and among Canadians over 55 years of age (63% compared to 53% of younger respondents).

When asked whether Aboriginal peoples should have the right to law enforcement, including trial and punishment, for offences committed on Aboriginal lands, 63% of the Canadians surveyed agreed, almost twice as many as disagreed (34%). Support is highest in Ontario (71%) and among the poorer, women and older Canadians.
Most Canadians feel Aboriginal peoples are not to blame for their problems. Six in ten (59%) Canadians disagreed with the statement that Aboriginal peoples bring on their own problems while 35% agreed. Quebecers were the most likely to disagree with the statement (69% disagreed while 25% agreed). This contrasts most sharply with the views of residents of Manitoba and Saskatchewan: 55% of survey respondents from this area agreed that Aboriginal peoples bring their problems on themselves compared to 37% who disagreed. University-educated respondents were much more likely to hold this view (71%) than were high school graduates (56%) or those who did not complete high school (48%).

Canadians sense unequal treatment of Aboriginal peoples in Canadian society. 51% of Canadians feel that Aboriginal peoples are not treated fairly by the courts and justice system (39% disagreed) and that they have more difficulty getting hired for good jobs than do Euro-Canadians (70%). Most feel Aboriginal peoples deserve to be a lot better off than they are now (54%) compared to 37% who disagreed. One in three (33%) Canadians believe that Canada's Aboriginal peoples have a lot in common with Black South Africans. Education determines public perceptions. Highly-educated respondents are more likely to feel that Aboriginal peoples receive unfair treatment in courts. Seven in ten (70%) Canadians agreed it is harder for Aboriginal peoples to get good jobs. 75% of university graduates compared to 70% of high school graduates, and 65% of those who did not complete high school, feel that Aboriginal peoples face job discrimination.

Prairie respondents had a higher percentage of agreement than British Columbia, Quebec, or the Atlantic region with the belief that Aboriginal peoples in Canada have a lot in common with Black South Africans.

35% - a plurality - of Canadians stated that the government provides about the right amount of financial assistance (46%) to Aboriginal peoples, (27% - too much, 25% - not enough).

Prairie residents were considerably more likely to state that the government provides too much (46%) financial assistance to Aboriginal peoples, rather than too little (9%).

Prairie residents were more likely to state that Aboriginal peoples receive too much in the form of special treaty rights and benefits.

34% of Canadians surveyed said that the government treats Aboriginal land claims fairly while 34% also find the government unfair or very unfair in their response to land claims. 21% described the government as generous or too generous.

Prairie residents were more likely to state that the government has been generous (30%) rather than unfair (24%).
For centuries, the Indigenous Peoples have served as guardians of nature in the Amazon. With a sensible economy which deeply respects the sources of their existence, nature, the Indigenous peoples have not only ensured their own subsistence, but they have also been offering a service to humanity, in maintaining one of the earth's "lungs" alive and active for the benefit of all. Recently, however, the "development plans" of the government of Brazil, in conjunction with transnational capital from the World Bank, has resulted in a process of ecological plundering and genocide of the Indigenous peoples.

The data included in the Table represent a minute portion of use of territory in the Amazon. The Indigenous groups, however, are paying for this process of intrusion and destruction with their lands, and with their lives. Last March, fourteen TICUNA Indians were massacred because of thefts occurring due to the government's reluctance to clearly define boundaries for territories belonging to the Indigenous peoples. In the case of the TICUNA, only 20% of the territory occupied by over 15,000 Indigenous peoples has been recognized by the Brazilian government. Likewise, the YAHAMAMA are in danger, for they could lose up to 70% of their lands if the government goes ahead with its plans for establishing boundaries for their territories.

In this dispute, the Government of Canada can play a vital role if the voice of its citizens are able to influence the position of the Minister of Finance, Michael Wilson, in his role as Governor of the World Bank, in making a decision with respect to granting said loan to the Government of Brazil. We hope that the Honourable Minister Wilson will act in a manner consistent with the position adopted by his government in defense of ecological integrity, and in respect for physical, territorial and cultural integrity of the Indigenous Groups.

(CIDA Photo: F. Koller, Indonesio)
BRAZIL

Murder in the Amazon
An ecologist's death sparks worldwide protest

For years, the ruthless cattle barons of Brazil's remote western Amazonia region have acknowledged only one law—the law of the frontier. Through violence and corruption they have acquired and leveled vast tracts of rain forest, driving out anyone who stood in their way—and often murdering those who resisted. But with the murder on Dec. 22 of their most prominent opponent, peasant union leader Francisco (Chico) Mendes, the cattle barons may have gone too far. Mendes's fight had made him an internationally known figure among environmentalists, and his assassination sparked a wave of protest that, observers say, may at last force the Brazilian government to rein in the cattlemen and try to preserve the fast-widening Amazon forest.

The 44-year-old Mendes had told friends that he might not survive to see the new year. Five previous attempts on his life had failed. But this time—even though two police bodyguards had been assigned to protect him—he was shot down as he walked to the bathhouse of his modest wooden home in the little jungle town of Xapuri, in Acre state, in northwestern Brazil. Still, if not for Mendes's international standing, his death might have been dismissed as routine in a country where, according to Amnesty International, more than 250 people are killed each year in land disputes. Spurred into action, federal police went after Aleci and Ondol Alves da Silva, the sons of a prominent rancher who, Mendes had said as early as last March, had threatened to kill him. Surrounded in their family home near Xapuri last week, the brothers fought a fierce gun battle with police before being captured. Four other family members were arrested elsewhere, although no charges had been laid by week's end.

Mendes achieved worldwide prominence in 1987 when the United Nations Environment Programme honored him as one of the world's top 500 ecologists. He also was honored by the Better World Society, a respected U.S. philanthropic foundation, in recognition of the way he and his followers have demonstrated that the rain forest can be economically exploited without being obliterated. "Our struggle," Mendes said in an interview with Maclean's a few months before his death, "is to alert international banks to the dangers of financing new roads in the Amazon. We're not against development, but we don't want destruction.

A calm, jovial figure who enjoyed teasing visiting foreign ecologists by offering them roasted armadillo and other local fare, Mendes was raised in one of the rubber-tapping communities that have sprung up in Brazil's forests since the last century. Residents harvest raw latex from rubber trees, but they have no land titles. In 1977, Mendes helped to found the local 30,000-member Rural Workers Union to represent the interests of roughly 70,000 rubber tappers. Its members set out to stop the loggers and ranchers who had begun clearing tracts in richly forested Acre state—a fight that quickly grew into a crusade. The union's main weapon has been Mendes's nonviolent technique, called empatia, in which men, women and children link arms to form a human wall around threatened trees.

Often, whirling chain saws have been thrust near women's faces, Mendes told Maclean's, but the protesters have stood fast. Without empatia, Mendes said, "rubber tappers have no future." One of Mendes's biggest fights began in 1985, when the Inter-American Development Bank (IADB) financed the felling of a 600-km road through the rain forest to Rio Branco, the Acre state capital, bringing in a wave of land speculators, cattle ranchers—and hired gunmen—in its wake. The xamenu and chain saw operators cleared huge swathes of land along the newly surfaced road; in the process, they destroyed many rubber-tapping communities, sending an estimated 10,000 families fleeing across the border to Bolivia and a similar number to the urban slums of Rio Branco. Nor was Mendes's murder in an isolated incident: just two days afterward, four other rubber tappers were found shot dead in the same small Acre town.

Still, Mendes and his supporters have plainly had an impact. As their tactics brought them increasing attention, the rubber tappers have received assistance from charitable and government agencies around the world—including the Canadian Embassy in Brasilia, the nation's capital, which provided $25,000 and a flattened truck to help the union's efforts. The New York City-based Ford Foundation backed the rubber tappers with at least $60,000.

A year ago, in response to mounting concern over the destruction of the forest, the IADB suspended its $775-million loan to Brazil for paving the road until it agreed to take conservationist measures. As a result, the Brazilian government has begun to create three forest reserves in Acre, two with the express purpose of protecting the rubber tappers and their lifestyle. Such measures have made Acre a testing ground for new strategies that, according to many environmentalists, may represent Latin America's last chance to opt for a less destructive way of exploiting its natural resources.

While Mendes's murder was a severe blow to the environmental movement in Amazonia, it also brought increased attention to the cause. "Chico Mendes was a unique individual and will be very hard to replace," said Peter May, the Ford Foundation's representative in Brazil. "But I think the repercussions of his death are going to be positive." Canadian conservationists also expressed the belief that Mendes's death had not been in vain. Said Toronto's Patricia Adams, executive director of the environmental research group Probe International: "The effect will be to rally even more support for the movement Chico Mendes started. The man is a martyr."
After Oka
Release Date November 10, 1990

Canadians are willing to turn over to Aboriginal peoples more than one-fifth of the country to settle outstanding land claims, according to a poll commissioned by the federal government. Taken during the final week of the Oka crisis, the Angus Reid survey obtained by the Citizen showed Canadians in a remarkably generous mood with generally positive feelings about Aboriginal peoples.

Two-thirds of Canadians support the idea of reserving a block of parliamentary seats to represent Aboriginal peoples, while 58% support giving Aboriginal leaders, "a say, perhaps, a vote" at First Ministers' conferences where Aboriginal issues are discussed.

A majority believe Canadian Aboriginal peoples should be constitutionally recognized as founding peoples (73%) or as a distinct society (56%). The Reid survey notes more English Canadians support recognition of Aboriginal peoples as a distinct society than support the same for Quebec -- one of the major elements of the failed Meech Lake Accord.

Martin Dunn, a spokesman for the Native Council of Canada, says the survey shows an encouraging change in attitude towards Aboriginal peoples in the country. "The change in attitude is profound. Canadians have gone from being stoneage stumblebums to a fairly clued-in population."

Canadians estimated that Aboriginal peoples are seeking about 30% of their province's land. When asked how much they would be willing to give up, the average answer was 21% of the land. Helen Fisher, a spokesman for Indian Affairs, said Aboriginal peoples have made land claims on 53% of Canadian lands, including comprehensive land claims on all of Labrador, about one-third of Quebec and two-thirds of British Columbia.

More than 70% of Canadians believe the government has failed to honour all of its treaties with Indian peoples. 62% support the settlement of land claims. Only 21% of Canadians gave Prime Minister Brian Mulroney credibility on Aboriginal issues. Support for the Surete du Quebec (police) was 28% and for Indian Affairs Minister Tom Siddon, 35%.

31% of Canadians say they are now more sympathetic, 34% are less sympathetic and 34% are unchanged in their sympathies for Aboriginal peoples. 36% of Canadians predict future and more violent protests. 44% say the situation will be calmer and 15% felt there would be no change in the situation. Over a longer term, 63% of Canadians feel the situation will improve over the next 20-25 years.
Only 33% support Indian exemption from paying sales tax and slightly fewer, 31%, back the Aboriginal exemption from paying medicare. 73% of Canadians do not support special services for Aboriginal peoples. Most Canadians feel the federal government's financial obligation to Indian peoples should end if self-government becomes reality and extinguishment of Aboriginal title as a result of land claim settlements -- a concept rejected by some Aboriginal leaders -- also has strong support. Fully half of all Canadians agree that no matter what the government does to settle disputes, Aboriginal peoples will always demand more.

The survey polled 1,735 Canadian adults between September 19-27. If the same questions were asked of every adult in Canada who would agree to be interviewed, the result would probably be within 2.5 percentage points, plus or minus, of these findings. However, the overall error in this survey could be increased by other potential problems with how the sample was chosen, the questions were worded, and the interviews conducted.

Native Issues Poll

Credibility: In dealing with Native issues, which of the following do you have confidence in?

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<th>justice system</th>
<th>Armed forces</th>
<th>RCMP</th>
<th>provincial governments</th>
<th>news media</th>
<th>Federal Indian Affairs Dept.</th>
<th>provincial premiers</th>
<th>federal government</th>
<th>Indian Affairs Minister</th>
<th>Quebec provincial police</th>
<th>Prime Minister Brian Mulroney</th>
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<tr>
<td>70%</td>
<td>66%</td>
<td>63%</td>
<td>59%</td>
<td>51%</td>
<td>51%</td>
<td>50%</td>
<td>49%</td>
<td>42%</td>
<td>36%</td>
<td>28%</td>
<td>21%</td>
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Protest Tactics: Do you support the following actions by natives?

<table>
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<th>peaceful demonstrations</th>
<th>public campaigns</th>
<th>lawsuits against government</th>
<th>blocking constitutional amendments</th>
<th>complaining about treatment</th>
<th>slowing traffic</th>
<th>peaceful blockades of major highways</th>
<th>delaying resource projects</th>
<th>charging highway tolls</th>
<th>Mercier Bridge-blockade</th>
<th>blockades</th>
<th>threats to economy</th>
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<tr>
<td>89%</td>
<td>85%</td>
<td>73%</td>
<td>63%</td>
<td>51%</td>
<td>49%</td>
<td>34%</td>
<td>32%</td>
<td>25%</td>
<td>20%</td>
<td>19%</td>
<td>5%</td>
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Source: Jack Aubrey, Ottawa Citizen national staff, reprinted with permission of Star Phoenix, November 10, 1990.
Let's Take A Look at Prejudice

The Nature of Prejudice:

What is prejudice? The word literally means "judging in advance" since it comes from the Latin praecjudicium — praes meaning before, and judicium meaning judgment. In other words, a prejudice is a pre-conceived opinion or attitude which is formed without due consideration of the facts. It differs from an attitude founded on science and knowledge, for in the case of prejudice we make a judgment without the help of science or a rational process of thought.

When Prejudice is Harmful:

Practically everyone has some prejudices. Not all may be harmful. For instance, we all have prejudices against certain foods which we may never have tasted but which we have made up our minds in advance we would dislike. Pre-conceived notions of this sort do no one else any harm, but when we make up our minds that we do not like certain people because they belong to a particular race or ethnic group, have a certain skin colour, or profess a particular religion, we are in the grip of a prejudice that hurts people. Another example of a harmful prejudice is that again women. This usually takes the form of limiting women's access to certain jobs, to promotions, or to public office.

Prejudices such as these may have adverse effects not only upon the people against whom they are directed, but on our own lives and on society in general. Many of us are unaware that we have prejudices. In fact, it may sometimes be easier to see them in others than in ourselves. Or, if we are conscious that we have certain prejudices we may find it very difficult to rid ourselves of them.

A booklet entitled The Main Types and Causes of Discrimination, published by the United Nations, explains what is meant by the kind of prejudice we are concerned about in this study. "A social or group prejudice is a way of feeling, a bias of disposition consisting of a commonly shared attitude of hostility, contempt, or mistrust, or of devaluation of the members of a particular social group, because they happen to belong to that group."

Prejudice may be revealed not only in obvious hostility but may sometimes be disguised in the reverse form — over solicitous, too-anxious-to-please behaviour towards certain segments of the population. Prejudice and discrimination reinforce each other according to the booklet just quoted. "Prejudice breeds discrimination, yet the reverse relationship is also to be found, for discriminatory practices may breed prejudice, since they act, in a way, as a medium of indoctrination (training)."

Prejudice is an attitude of mind. Discrimination is action that results from prejudice. This action usually takes the form of restrictions placed upon certain groups in the fields of housing, employment, education, services and facilities. Obvious acts of discrimination may be at least partially prevented or reduced by legislation but the elimination or reduction of prejudice must depend almost totally on various educational methods.
Group Stereotypes:

When prejudice is directed against people of a certain race, ethnic group, colour or religion, there is a tendency to lump together all members of a group and to think of them as types (stereotypes) rather than as individuals.

"When stereotypes exist," says Arnold M. Rose in a Unesco booklet, *The Roots of Prejudice*, "an individual is judged, not on the basis of personal characteristics, but on the basis of exaggerated and distorted beliefs regarding what are thought to be the characteristics of his group. All members of the group are falsely assumed to be alike; exceptions being ignored or their existence denied." Thus some people have a stereotyped picture of Americans, Jews, Negroes, the English, Germans, Chinese and others. Such preconceived ideas may make it difficult to see a member of one of these groups as an individual. The individual may be disliked even before known for personal qualities or for traits that make the individual acceptable or unacceptable as a friend or fellow worker.

With a stereotyped picture of a group in mind, what we see in members of that group is determined in part by what we expect to see. If we believe, for example, that Foopdoodles are noisy, obnoxious people, we will have a tendency to notice those Foopdoodles who are indeed noisy. If someone points that fact out to us and says: "Look, those people are Foopdoodles and they are not noisy or obnoxious," we can always dismiss them as exceptions.

Another kind of generalization may arise when we have an unpleasant experience with an individual belonging to a particular group. The resulting feelings of aversion and hostility, which may or may not be justified, are sometimes irrationally generalized to include all members of that group. Most of us have succumbed to the temptation at one time or another to generalize in this way from an isolated experience.

Groups May Be Distinctive:

While recognizing the dangers of generalizing or developing stereotyped images, should we not also acknowledge that groups do have distinguishing characteristics which have come about due to environment, age-old traditions and other factors? Many Foopdoodles, for example, are very sociable and exuberant and this may make them seem noisy. Many Grundians are very careful about expenditures because they have had to be in rural Grundia where a living is only made through hard labour and strict economy. At the same time it is false to say that ALL Foopdoodles are noisy and obnoxious or that ALL Grundians are cheap. Most of us have known individual Foopdoodles who are reserved and quiet, and Grundians who are extremely generous. Variations are found among all peoples and each person has the right to be judged as an individual rather than a stereotype. At the same time, can we learn to accept, understand, and appreciate the outlook and ways of acting that distinguish one group from another? Does it not add immeasurably to the interest and enjoyment of life to find variations among groups and individuals?
How We Acquire Prejudices:

Scientists agree that no specific prejudice is inborn, but it is customary for individuals to identify in early years with family and a larger cultural group through opposition to other groups. In other words, the individual goes through what might be called a prejudiced phase and it is through education and experience that a more universal outlook is gradually acquired. Some people may never outgrow their early prejudices.

According to Arnold Rose in The Roots of Prejudice: "Parents teach prejudice to their children by their own behaviour, by their expressions of disgust, by forbidding certain associations, by their choice of observations, by their indications as to what is humourous or degrading, and so on."

Similarly, children may learn prejudice from teachers and others with whom they come into contact. This does not necessarily mean that parents or teachers deliberately set out to make the children prejudiced. Very often people do not realize that they are setting an example which the children will readily imitate. Yet, the way a parent acts towards an immigrant family next door or the way a teacher treats Aboriginal children in class is unconsciously adopted by children as the accepted form of behaviour.

There are also extreme cases where parents, teachers and most members of a certain group set out deliberately to instill prejudice in children against another group of a different race or nationality. This is a common practice in societies where there is segregation or intense political indoctrination against supposed enemies. The sense of superiority felt by the oppressor is especially enticing to children. Reversing roles is often the most personal and effective means of educating children about what it feels like to be the one who is discriminated against and oppressed.

Even where there is no segregation, suspicions and false ideas that groups have of each other may be passed on from generation to generation and accepted without examination or even serious thought. In Canada, for instance, many English-speaking Canadians still retain a picture of French Canadians as the simple, rural people of colonial days that have been romanticized in folk song and literature, disregarding the industrialization and sophistication that have taken place. French-speaking Canadians, on their part, tend to think of English-speaking Canada as composed entirely of "the English" or Anglo-Saxons making no distinction among the varied origins of the British population (English, Irish, Scottish, Welsh) and ignoring the large influx of people of neither French nor British extraction.

Collective beliefs and prejudices such as these are often deeply ingrained and may be very difficult to eradicate.

This article is adapted from Let's Look At Prejudice issued by Fair Employment Practices Branch, Canada Department of Labour. Original material was produced by the Citizenship Branch, Department of Secretary of State.
The Vicious Circle

SELF-FULFILLING PROPHESY
When persons or groups act in a certain way because they are expected to do so.

STEREOTYPE
A fixed set of ideas, often exaggerated and distorted. It produces an image which visualizes all members of a group in the same way.

DISCRIMINATION
in which prejudice is transmitted into actions.

PREJUDICE
An attitude or belief which is formed or held without considering the facts surrounding a circumstance.

Based upon material from the Alberta Human Rights Commission.

"The term 'racial discrimination' should mean any distinction, exclusion, restriction or preference based upon race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

Definitions of Racism

Define for yourself, or in small groups, the terms PREJUDICE, DISCRIMINATION, RACISM, and then relate them to the definitions provided below.

Prejudice  "Unfavourable opinion or feeling formed beforehand without knowledge, thought or reason."
- from Random House Dictionary, 1967

Racism  "Any attitude, action, or institutional structure which subordinates a person or group because of their colour ...
Racism is not just a matter of attitudes: actions and institutional structures can also be a form of racism."
- from Racism in America and How To Combat It, U.S. Commission on Civil Rights, 1970

And  "Racism is different from racial prejudice, hatred, or discrimination. Racism involves having the power to carry out systematic discriminatory practices through the major institutions of our society."
- from What Curriculum Leaders Can Do About Racism by Dr. Delmo Della-Dora, New Detroit, Inc., 1970

White Racism  "POWER + PREJUDICE = RACISM"
- from Developing New Perspectives on Race by Pat A. Bidol

"In the United States at present, only whites can be racists, since whites dominate and control the institutions that create and enforce American cultural norms and values ... blacks and other Third World peoples do not have access to the power to enforce any prejudices they may have, so they cannot by definition, be racists."
- from Education and Racism, National Education Association, 1973

Institutions  "Are fairly stable social arrangements and practices through which collective actions are taken." (Examples of institutions are government, business, unions, schools, churches, courts, and police.)
| Institutional Racism       | "Institutions have great power to reward and penalize. They reward by providing career opportunities for some people and foreclosing them for others. They reward as well by the way social goods are distributed - by deciding who receives training and skills, medical care, formal education, political influence, moral support and self-respect, productive employment, fair treatment by the law, decent housing, self-confidence, and the promise of a secure future for self and children. One of the clearest indicators of institutional racism is the exclusion of black members of society from positions of control and leadership."
  | - from *Institutional Racism in America*, Knowles and Prewitt, Prentice-Hall, 1969 |

| Ethnocentrism              | "A tendency to view alien cultures with disfavour and a resulting sense of inherent superiority."
  | - from *Webster's 3rd International Dictionary* |

| Cultural Racism            | "When whites use power to perpetuate their cultural heritage and impose it upon others while at the same time destroying the culture of ethnic minorities."

| Paternalistic Racism       | "Whites alone set standards to which all peoples are expected to conform. These standards and decisions are made with the best intentions, but they perpetuate the assumption of white superiority."
  | - from *Developing New Perspectives On Race* |

| A Racist Society           | "Is one in which social policies, procedures, decisions, habits and acts do in fact subjugate a race of people and permit another race to maintain control over them ... No society will distribute social benefits in a perfectly equitable way, but no society need use race as a criterion to determine who will be rewarded and who punished. Any nation which permits race to affect those who benefit from social policies is racist."
  | - from *Institutional Racism in America* |

POWER + ETHNOCENTRISM = CULTURAL RACISM
"All white individuals in our society are racists. Even if whites are totally free from all conscious racial prejudices, they remain racists, for they receive benefits distributed by a white racist society through its institutions. Our institutional and cultural processes are so arranged as to automatically benefit whites, just because they are white. It is essential for whites to recognize that they receive most of these racist benefits automatically, unconsciously, and unintentionally."

- from Education And Racism, National Education Association, 1973

**Examples of Racism**

A store clerk suspects that Black children in the store want to steal candy, but that White children want to buy candy. The clerk treats the Black children as probable delinquents and the White children as probable customers.

A suburban community passes a zoning law prohibiting low-cost multiple dwelling housing. Its official reason is to prevent overcrowding, but the effect is to prevent minorities from moving to areas where industry is expanding and jobs are available.

A Black and White family both move and enroll their children in a new school. Previous school records may not have arrived yet the school principal or counsellor places the White children into an upper "track" class and the Black children into a lower "track" class.

A Louisiana state representative opposed proposals to eliminate racial labels on blood plasma in his state's hospitals. He ignored the fact that Dr. Charles Drew, a Black surgeon, perfected the modern blood bank system. Dr. Drew died from a car accident when he was refused a blood transfusion because of his colour.

Textbooks that teach: that Columbus "discovered" America ... The pioneers "settled" the west ... and have a chapter on "The Black Problem," "The Indian Problem," - but never on "The White Problem."

Discuss examples of individual and institutional racism - both overt and hidden - that you have experienced or observed in your community, school, and home. If you can, express how you felt at the time, and how you feel now as a result of discrimination. Suggest ways of combatting prejudice, discrimination, and racism individually and socially.

**Source:** Viewpoint: Newsletter Series for Classroom Use, Definitions of Racism: A Contemporary Glossary, The Council on Inter-Racial Books For Children, USA.
Proclamation of the
Second Decade for Action
to Combat Racism and
Racial Discrimination

WHEREAS Canada subscribes to the Universal Declaration of Human Rights which recognizes that the inherent dignity and equal and inalienable rights of all members of the human family are the foundation of freedom, justice and peace in the world;

CONVINCED that any philosophy or doctrine of racial superiority is morally reprehensible, socially unjust and dangerous to society and that there is no justification for racial discrimination either in theory or in practice;

CONVINCED also that racial discrimination harms not only those who are its objects but also those who practise it, in whatever form, including the system of "apartheid;”

ACKNOWLEDGING that the Constitution of Canada, through the Charter of Rights and Freedoms provides for equality before and under the law and equal protection and benefit of the law without discrimination based on, among other things, race, national or ethnic origin, colour or religion, not precluding any law, program or activity aimed at ameliorating conditions of disadvantage based on these grounds and recognizes the multicultural character of Canadian society;

BELIEVING firmly that there is no obligation more compelling, no duty more inevitable than to ensure that minorities live at all times in conditions of fairness and justice;

DETERMINED to build a nation in which every Canadian regardless of race, national or ethnic origin, colour or religion, has the opportunity to realize his or her potential and can live in dignity, respect and peace;

NOTING WITH SATISFACTION the efforts made by Canadians toward the elimination of racism and racial discrimination;

MINDFUL, however, of the urgent need to redouble these efforts to eradicate racism and to ensure understanding of and respect for the dignity and equality of all Canadians;

RECOGNIZING that the General Assembly of the United Nations in its resolution 36/14 of December 20, 1983 and in its Programme of Action for the Second Decade to Combat Racism and Racial Discrimination 1983-1993, called upon all States and organizations to participate in the celebration of the Second Decade by intensifying and extending their efforts to ensure the rapid elimination of racism and racial discrimination;

CONSIDERING that the Government of Canada made a commitment at the Federal-Provincial-Territorial Ministers Conference on Human Rights in September, 1983 to issue a Proclamation regarding this Second Decade,

THEREFORE NOW. I, Brian Mulroney, Prime Minister of Canada, do hereby proclaim the Second Decade for Action to Combat Racism and Racial Discrimination (1983-1993) and call upon all Canadians to participate in the celebration of the Second Decade by intensifying and extending their efforts to ensure the rapid elimination of racism and racial discrimination and the realization of mutual understanding, respect, equality and justice for all Canadians.

Let us all work toward the day when racism and racial discrimination become history and when every Canadian can participate fully and equally in the life of our country.

[Signature]

Prime Minister of Canada
March 2, 1983

[Signature]

Prime Minister of Canada
31 March 1990
1. Inform yourself about racism.
   - Buy, borrow, read books and articles.
   - Learn about the authentic history of peoples.
   - Respond to racist incidents.
   - Learn to identify racial stereotypes.
   - Learn how racism distorts the perceptions and behaviours of many people.

2. Inform yourself about cultures and cultural differences.
   - Learn how culture affects aspects of life.
   - Plan meetings and programs that include people from many different backgrounds.
   - Don't assume that people of colour are experts and want to give information about their heritage at your convenience.
   - Learn the cultural and educational expectations of children's families and communities.
   - Learn about various traditions of good manners and approaches to discipline.

3. Start a discussion group about anti-racist education.
   - Invite parents and staff to meet regularly to discuss articles, books and school issues.
   - Keep a log of incidents involving race and decide how to handle such incidents.
   - Plan activities to promote positive racial attitudes.
   - Practice how to answer children's questions about race, nationality and culture.

4. Apply your new learning to the classroom.
   - Accept the knowledge, strengths and language that children bring to school.
   - Provide a warm, experiential, affective teaching approach.
   - Realize the "norms" vary from culture to culture.
   - Utilize small group work and cooperative learning.
   - Respect a child's first language and ways of communicating.

   - Provide culturally diverse curriculum and staff.
   - Carefully select and hang pictures of people of all races and cultures in traditional and Euro-Canadian dress as well as people from their own communities.
   - Use poems, songs and stories from the children's cultural traditions.
   - Hang signs in all languages of the children and community.
   - Use books that promote positive images of people of all cultures.
6. Celebrate cultural traditions throughout the year.
   - Ask families for the year information about everyday activities of their cultures and work this into the curriculum.
   - Avoid having one holiday overshadow others occurring at about the same time.
   - Celebrate birthdays, holidays and events significant to people of colour.

7. Create an anti-racist environment.
   - Build cultural and community respect.
   - Build self-respect and respect for others.
   - Establish, explain and enforce classroom rules against name-calling or racial slurs.
   - Deal with skin colour and hair variations.
   - Build positive feelings about black and brown colours.
   - Build respect for languages.
   - Use holidays as teaching tools and create your own holidays.
   - Discuss racism and stereotyping with children.

8. Deal with racial conflict.
   - Act immediately, criticize the racist behaviour and make clear to the children that it is not acceptable.
   - If children are young, try to determine how much of their behaviour they understand.
   - Offer clear support to the child who has been insulted or rejected, and do not criticize showing anger.
   - Be firm, yet supportive with the child who was insulting and help the children resolve any non-racial part of their argument.
   - Don't side-step the issue with a response like, "All people are alike." This denies the obvious differences and may imply differences are something to be ashamed of.
   - Be sure you give children correct information about racial differences.
   - Carry out curriculum activities to help illustrate and resolve the problem.
   - Discuss incidents with parents and staff, so ideas can be shared, and anti-racist practices reinforced.

9. Educate adults about racism.
   - Encourage and plan staff-training and parent-staff workshops.
   - Build trust and cooperation among staff and parents.
   - Demonstrate your belief that children must learn to respect diversity if they are to function effectively in a diverse world.

THE 35th ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS
A TIME TO CELEBRATE

On December 10, 1948, the United Nations General Assembly proclaimed the Universal Declaration of Human Rights. For the first time, nations representing a majority of the world’s population agreed on a common standard of human rights, and on the fundamental importance of protecting the human rights of all people.

Since its proclamation, the Universal Declaration has had wide impact throughout the world, inspiring national constitutions and laws, as well as specific resolutions such as the Convention Relating to the Status of Refugees, in 1951, and the Declaration on the Rights of Disabled Persons, in 1975. Regional conventions on human rights such as the Inter-American Convention on Human Rights were also built on the principles enunciated in the Universal Declaration.

Nevertheless, the Universal Declaration of Human Rights remains a statement of ideals. It is not more than morally binding on member states of the United Nations. Some of those members, in seeking a more forceful agreement, pressed for creation of treaties which would establish real obligations on the part of member states.

As a result, two Covenants were drawn up and came into force in 1976. Because they are treaties, their provisions do not apply to all nations — only to those that decide to ratify them. To date, more than 70 of the UN’s 155 members, including Canada, have ratified each one. The first Covenant, the International Covenant on Economic, Social and Cultural Rights, deals primarily with collective rights — rights which are due to all people as a society in order to maintain basic social, cultural and economic standards. The second Covenant, the International Covenant on Civil and Political Rights, deals with individual rights — freedom and responsibilities which individual citizens must be allowed to exercise and protections from state actions which individuals must have.

In addition to these two central Covenants, the United Nations has also developed a number of Conventions which apply to specific human rights areas. Canada has ratified the Convention on the Elimination of All Forms of Racial Discrimination, which came into force in 1969, and the Convention on the Elimination of All Forms of Discrimination Against Women, which came into force in 1982.

1. THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

This Covenant has a collective, social perspective, putting the onus on governments to ensure that adequate living conditions for their people are progressively established. It recognizes that all persons have a right to work, to fair wages, to social security, to freedom from hunger, to health and education, and to the formation of and membership in trade unions.

It is understood that time may be required for a country to implement all of these rights, but nations choosing to ratify the Covenant undertake to make genuine efforts to do so.

2. THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

By acceding to this Covenant, with its focus on the individual, a nation undertakes to protect the fundamental freedoms and civil liberties of its people. It recognizes the right of every person to life, liberty, security, and privacy. The Covenant prohibits slavery, guarantees the right to a fair trial, protects against arbitrary arrest and detention, and prohibits discrimination. It recognizes freedom of expression, freedom of association, and the right to peaceful assembly.

These rights and freedoms guarantee protection to the individual from abuses by governments, among other things. Countries which have ratified this Covenant are obliged to provide legal protections for the individual and remedies if rights are infringed upon. Canada has taken a new step to fulfill its commitments under this Covenant by enshrining a Charter of Rights and Freedoms in the new Constitution of April, 1982.
2a. THE OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

The Optional Protocol to the Covenant, when it is ratified by a particular country, provides individual residents of that country with direct recourse to the UN. Persons who believe that their rights as specified in the Covenant have been violated can state their case to the UN Human Rights Committee. Such persons must first have exhausted all legal avenues within their own country. To date, only 20 of the nations signing the Covenant have also ratified the Optional Protocol. Canada is one of these.

There have been complaints made by individuals from Canada, including a complaint on the denial of equal rights to women under the Indian Act.

In 1977, Sandra Lovelace, a Mi'kmaq Indian from New Brunswick, filed a complaint with the UN Human Rights Committee against Canada, stating that the Indian Act discriminated against Indian women in violation of their rights set forth in the International Covenant on Civil and Political Rights. Under Section 12(1)(b) of the Indian Act, Mrs. Lovelace lost her Indian status and all privileges when she married a white U.S. airman in 1970. Under the Indian Act, if an Indian woman marries a non-Indian, she loses her status and all benefits that come with it, but if an Indian man marries a non-Indian woman he retains his status, and confers upon his wife an Indian status that she retains even in the event of divorce. Mrs. Lovelace divorced her husband, and when she returned home in 1976 to the Tobique Reserve, she was denied housing accommodation on the reserve because she was no longer an Indian, according to Canadian law.

When Mrs. Lovelace's legal avenues within Canada were exhausted, she filed a complaint with the UN Human Rights Committee. In July, 1981, the UN Human Rights Committee released its decision in the Lovelace case, finding that Canada was in breach of Article 27 of the International Covenant on Civil and Political Rights, and recommending that Canada amend the Indian Act. Canada has informed the UN Human Rights Committee that it intends to amend Section 12(1)(b) of the Indian Act. This amendment has not yet been made; however, it is expected shortly.

4. THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Countries which have ratified this Convention condemn discrimination against women in all its forms, and have agreed to pursue a policy of eliminating discrimination against women. The Convention provides that women, on an equal basis with men, shall have the right to receive education, and work of equal value; be equal with respect to employment and receive equal pay for work of equal value; be provided with maternity leave from employment with pay or with other comparable social benefits; and have access to health care services.

This Convention also states that ratifying countries shall take appropriate measures to suppress all forms of traffic in women and exploitation of prostitution of women, and prohibit discrimination on the grounds of marriage or maternity.

Canada ratified this Convention in 1981.

CANADA’S RESPONSE TO THE DECLARATION AND THE COVENANTS

Since the proclamation of the Universal Declaration 35 years ago, Canada has made significant progress in the promotion of human rights. Canada’s domestic measures for the protection of human rights and freedoms may be divided into two categories. The new Charter of Rights and Freedoms, which is entrenched in Canada’s Constitution and binding on all levels of government, generally follows the model of the Covenant on Civil and Political Rights. The Constitution limits the power of the state to take action such as arrest against individual citizens. It also limits the scope of legislation which the state can pass; for example, laws denying freedom of speech or allowing discrimination are now unconstitutional.

Anti-discrimination legislation in the form of Human Rights Codes or Acts has been passed by the federal and most provincial governments. These laws apply to private transactions such as employment and the renting of accommodation, and to governments, as in the case of public service, employment or the provision of social assistance.

The recent decision by the Government of British Columbia to disband its Human Rights Commission has been questioned here in Canada and in the UN Committees because of Canada’s international commitments. The protection of human rights by governments is a fundamental obligation.

CANADA’S TASK NOW

Despite the progress and the implementation of human rights protections over the past 35 years in Canada and around the world, there remains much work to be done. Canada’s adoption of the Declaration,
Covenants, Optional Protocol and the Conventions does not automatically produce compliance with their provisions and requirements. Governments must seriously examine their acts and the legal and administrative measures in place to ensure that they are making the best efforts to implement these international treaties. Individuals and non-governmental organizations must also work for the policy and legislative changes needed to improve human rights protections and reach equality.

By acceding to these Covenants and Conventions, Canada has stated that it intends to implement their provisions— not that it already has. Non-governmental organizations can do much in this anniversary year to encourage governments to speed this process.

Major efforts are still needed today to advance the rights of women and native peoples, to eliminate systemic discrimination, and to reduce sexual and racial harassment. Rights and responsibilities exist to the extent that individuals know about them, value them and exercise them. One goal of the anniversary year, then, is to involve as many people as possible in actions that affirm the importance of human rights in Canada.

Nationally, more than forty voluntary organizations have joined in a coalition to celebrate the 35th Anniversary. They will hold a major national conference in Ottawa on December 9th, 10th and 11th, 1983 to increase interest and involvement in human rights issues.

In Saskatchewan, a Committee to celebrate the 35th Anniversary has been organized and events are being planned— the “fall leading up to December 10th. Women’s organizations, native groups, organizations of the “disabled,” and several international organizations have decided collectively to use this anniversary year to remind us of our international commitments to improve the quality of life and human rights of each and every one of us. If you are interested in participating, write to the Committee at Box 7763, Saskatoon, Saskatchewan, S7K 4R3.

THE UNIVERSAL DECLARATION OF HUMAN RIGHTS

Here is the document which is the main focus of our activities this year. Proclaimed by the United Nations General Assembly in 1948 as a declaration of general principles, the Universal Declaration of Human Rights is the major, historic document which has set the standards for the achievement of human rights in countries across the world during the past 35 years.

UNIVERSAL DECLARATION OF HUMAN RIGHTS

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore, THE GENERAL ASSEMBLY proclaims

This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it is independent, trust, non-self-governing or under any other limitation of sovereignty.
Article 3
Everyone has the right to life, liberty and security of person.

Article 4
No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5
No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6
Everyone has the right to recognition everywhere as a person before the law.

Article 7
All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8
Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9
No one shall be subjected to arbitrary arrest, detention or exile.

Article 10
Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations, and of any criminal charge against him.

Article 11
1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12
No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13
1. Everyone has the right to freedom of movement and residence within the borders of each state.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14
1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15
1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16
1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17
1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18
1. Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19
1. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20
1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

Article 21
1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right of equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote, or by equivalent free voting procedures.
Article 22
Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23
1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24
Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25
1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26
1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27
1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28
Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29
1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30
Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

THE HUMAN RIGHTS ACTION GUIDE
Ask for your copy now: proof that commitment can be fun.
Write to the Coalition Secretariat

The Human Rights Coalition (Canada)
University of Ottawa
Fauteux Hall
57 Copernicus Street
Ottawa, Ontario K1N 6N5
Tel.: (613) 231-3228
Canada Denounced on Human Rights

The United Nations Human Rights Committee which met in Geneva, Switzerland in November, 1990 denounced Canada for infringing on the rights of Aboriginal peoples and political refugees. The Committee determined that Canada had not fulfilled its commitments to the International Covenant on Civil and Political Rights, which lays out guidelines in such areas as freedom of thought and the right to self-determination.

The 18 representatives of the Committee interviewed officials of the Canadian government regarding human rights violations that occurred during the Oka standoff. British representative Rosalyn Higgins, attacked the Canadian government for "cutting off of communications for the Mohawks with the Canadian and Quebec governments and the access denied to the press."

Cyprus' representative noted Canada's reluctance and methods in dealing with Aboriginal land claims and increasing refugee claims. Martin Low of the Canadian Justice Department defended the government by declaring that Aboriginal peoples still had access to the courts. Low continued his defense of Canadian practices by describing the government's new resolve to deal with Aboriginal claims. Japanese representative Nisuke Ando warned, "never forget that the rest of the world is watching what is happening in Canada in the field of human rights."

In November, 1990 the Canadian Human Rights Commission issued a report harshly critical of the federal government regarding the treatment of Aboriginal peoples and issues. The report "A New Commitment" outlined a number of areas which require improvement, such as land claims, self-government and economic self-sufficiency. "The pace of change is too slow,": the report states.

- Despite a long-standing land claims policy, only three comprehensive claims have actually been settled.
- Hundreds of specific claims have been filed; fewer than fifty have been settled to the satisfaction of the Aboriginal communities involved.
- A self-government policy in effect for four and a half years has so far produced meagre results.
- On-reserve housing programs have difficulty keeping pace with population growth, let alone dealing with the backlog of housing needs.
- Despite changes to the Indian Act in 1985 to remove sexual discrimination (Bill C-31), the government has not provided adequate resources to reintegrate band members.

- As recently as last winter, the government made major cuts in vital Aboriginal communications and language programs. These cuts are under investigation by the United Nations as a serious breach of Covenants and Human Rights legislation which Canada has signed.

The report recommends the establishment of a commission on Aboriginal Affairs, the need for an Aboriginal self-government forum, the establishment of an independent land claims commission, and the pursuit of policies which would address the needs of both on-reserve and urban Aboriginal peoples. Indian Affairs Minister Tom Siddon called the report "very unprofessional" and "irresponsible".

Max Valden, head of the commission has called for the scrapping of the Indian Act and the establishment of an independent Indian Affairs agency, something which was recommended in the Penner Report many years ago. The report concludes that Aboriginal peoples require clear title to their lands and a substantial land base which they control. The Indian Act and many government agencies are continuing an "artificial and antiquated dependency" and at the same time pretending to "offer new avenues toward self-sufficiency and self-government." Without drastic changes to basic policies and procedures, "Canada will remain seriously wanting in its legal and moral obligations toward Aboriginal people."
United Nations

Local groups and national associations are invited by the United Nations to join in the celebration of international conferences and special observances, such as those listed below, by planning their own activities. For further information, they should contact the Public Inquiries Unit, United Nations, Room GA 57, New York 0017.

**World Conferences:**

<table>
<thead>
<tr>
<th>Year</th>
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<tr>
<td>1993</td>
<td>World Conference on Human Rights</td>
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<tr>
<td>1994</td>
<td>International Conference on Population and Development</td>
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<tr>
<td>1995</td>
<td>Fourth World Conference on Women</td>
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<td>Fiftieth anniversary of the United Nations</td>
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**International Years:**

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<tr>
<td>1992</td>
<td>International Year of Space</td>
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<tr>
<td>1993</td>
<td>International Year of the World's Indigenous People</td>
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<tr>
<td>1994</td>
<td>International Year of the Family</td>
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**International days and weeks:**

<table>
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<th>Date</th>
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<tr>
<td>11 November</td>
<td>International Week of Science and Peace</td>
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<td>20 November</td>
<td>African Industrialisation Day</td>
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<tr>
<td>29 November</td>
<td>International Day of Solidarity with the Palestinian People</td>
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<td>1 December</td>
<td>World AIDS Day</td>
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<tr>
<td>5 December</td>
<td>International Volunteer Day for Economic and Social Development</td>
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<td>11 December</td>
<td>Human Rights Day</td>
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**International Decades:**

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<tr>
<td>1983—1993</td>
<td>Second Decade to Combat Racism and Racial Discrimination</td>
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<tr>
<td>1985—1994</td>
<td>Transport and Communications Decade for Asia and the Pacific</td>
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<tr>
<td>1988—1997</td>
<td>World Decade for Cultural Development</td>
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<tr>
<td>1990s</td>
<td>International Decade for Natural Disaster Reduction</td>
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<tr>
<td>1990s</td>
<td>Third Disarmament Decade</td>
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<tr>
<td>1990—2000</td>
<td>International Decade for the Eradication of Colonialism</td>
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<tr>
<td>1990—2000</td>
<td>Second Transport and Communications Decade in Africa</td>
</tr>
<tr>
<td>1990—2000</td>
<td>Decade of International Law</td>
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The above information has been taken from the *Basic facts about the United Nations*, Sales Publication E/90.1.2, which is available from the United Nations Bookstore, Room GA 32B, U.N., New York, NY 10017.
Human Rights: Background Information

An information base which provides facts about the nature of human rights should clearly illustrate the complexity, the constant change and the inter-relatedness of this contemporary issue. While these facts are crucial, even more important, is skill development which would enable students to identify the key questions, to assess bias from a comparison of differing viewpoints, and to justify their development of a personal viewpoint. A key element of human rights education is the promotion of activism. Students need to develop a personal commitment to the practice, goals and philosophy of human rights.

The United Nations was created after World War II and it established a basic principle from which it would operate. The goal was stated:

"To testify again to the belief in basic human rights and in the dignity and value of the individual person."

On December 10, 1948, the General Assembly adopted a "Universal Declaration of Human Rights" as the first step in the formulation of an "international bill of rights" that would have legal as well as moral force and set the standard for achievement of human rights. The "international bill of human rights" became a reality with the entry into force of three significant instruments:

1. The International Covenant on Economic, Social and Cultural Rights
2. The International Covenant on Civil and Political Rights
3. The Optional Protocol to the latter Covenant

These Covenants require countries ratifying them to recognize or protect a wide range of human rights. Under optional provisions, procedures are established allowing individuals as well as states to present complaints of rights violations. For example in October, 1990, a delegation of Mohawks investigated the possibility of lodging a complaint against Canada, in the World Court, the Hague, Netherlands, against the treatment of Indigenous peoples by the Federal Government of Canada. The Oka protest is the basis for their complaint. Article 34 states the International Court of Justice, may only try disputes between countries. In 1966, the court turned down a request by the Mohawks' Six Nations Confederacy to consider a land claim because of Article 34.

Since the adoption of the Declaration in 1948, it has had a wide impact throughout the world, inspiring national constitutions and laws. The Declaration has had a powerful influence upon the development of contemporary international law. Having proclaimed this Universal Declaration, the United Nations turned to an even more difficult task: transforming the principles into treaty provisions which establish legal obligations on the part of each ratifying state. Eventually it was decided that two covenants were needed.
Agreement on the formulation of rights acceptable to all the diverse peoples, religions, cultures and ideologies in the United Nations did not come about easily. Article by article, the two covenants were drafted — first in the Commission on Human Rights and then in the Assembly's Third Committee, which deals with social, humanitarian and cultural questions. On December 16, 1966, the Assembly adopted the International Covenants and the Optional Protocol. Another decade went by before the Covenants were ratified by a sufficient number of countries to bring them into force. Each Covenant required a minimum of 35 ratifications or accessions.

Three months after the number of ratifying countries reached 38, the International Covenant on Economic, Social and Cultural Rights came into effect, on January 3, 1976. The International Covenant on Civil and Political Rights entered into force on March 23, 1976, together with its Optional Protocol (which had already received 10 ratifications, the minimum needed for its entry into force).

A country ratifying the Covenant on Civil and Political Rights undertakes to protect its people by law against cruel, inhuman or degrading treatment. It recognizes the right of every human being to life, liberty, privacy, and security of the person. The Covenant prohibits slavery, guarantees the right to a fair trial and protects persons against arbitrary arrest or detention. It recognizes: freedom of thought, conscience and religion; freedom of opinion and expression; the right of peaceful assembly and of emigration; and freedom of association.

A country ratifying the Covenant on Economic, Social and Cultural Rights acknowledges its responsibility to promote better living conditions for its people. It recognizes everyone's right to work, to fair wages, to social security, to adequate standards of living and freedom from hunger, and to health and education. It also undertakes to ensure the right of everyone to form and join trade unions.

Generally, the Covenant provisions reflect rights set forth in the Universal Declaration of Human Rights. A major provision of both Covenants, however, had not been included in the Declaration. This was the right of all peoples to self-determination and to enjoy and utilize fully and freely their natural wealth and resources.

**Implementation Measures:**

There are two sets of implementation measures in the Covenants. States ratifying the Covenant on Civil and Political Rights have elected, under the terms of that instrument, a Human Rights Committee, composed of 18 persons acting in an individual capacity. The Covenant says they should be persons of high moral character and recognized competence in the field of human rights. The Committee considers reports submitted by the States and may address comments to these States as well as to the Economic and Social Council.
Under optional provisions of this Covenant, the Human Rights Committee may consider communications from a State party alleging that another State party is not fulfilling its Covenant obligations. The Committee is to act as a fact-finding body. Article 41, came into force December 1978, when the 10 acceptance declaration was made. Ad hoc conciliation commissions may be established, with the prior consent of the state concerned, to make available their good offices with a view of reaching a friendly solution on the basis of respect for the rights recognized in the Covenant.

The Optional Protocol, which became effective in March 1976, enables the Human Rights Committee to consider communications from private individuals claiming to be the victims of a violation by the State party to that Protocol of any of the rights set forth in the Covenant. Individuals may have exhausted all available domestic remedies (for example, the Lubicon Lake Cree). Reports of the Committee are to be communicated to the States concerned. The Committee submits annual reports to the General Assembly, through the Economic and Social Council.

States ratifying the Covenant on Economic, Social and Cultural Rights undertake to submit periodic reports to the Economic and Social Council on the measures adopted and the progress made towards realizing these rights. The Council may make general recommendations and may promote appropriate international action to assist the State’s parties in those fields.

The General Assembly continues to invite all states to become parties to the Covenants and Optional Protocol, which it believes will greatly enhance the ability of the United Nations to encourage respect for human rights. In the United Nations "Statement of Goals and Guidelines" the following posits the stand on human rights education and the roles of schools:

"The school shall develop in pupils qualities that can sustain and strengthen democratic principles of tolerance, co-operation and equality among people. To arouse respect for the inviolability of human life and consequently the right to personal security is a primary task." Vasteras, Sweden

In order to attain this goal, the study of human rights should include ways for schools to impart to students, the "insight that no person may be subjected to repression and that no persons with problems and difficulties may be left to their fates." In this unit the issue of human rights will be examined in light of the expression and repression of these rights of Indigenous peoples.

Genocide: Acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group.

Ethnocide: Policies and practices imposed by a national government which threaten to destroy an ethnic, racial or religious group as a distinct people.
Fundamental human rights can be defined as natural rights which everyone has as a result of being born into the human species. These rights do not have to be earned. They provide the foundation for freedom, justice, and peace throughout the world. Human rights listed and approved in international agreements include:

- The right to life and to personal integrity free from physical or psychological abuse.
- The right to a nationality.
- The right to freedom from genocide, torture and slavery.
- The right to seek and enjoy in other countries asylum from persecution.
- The right to freedom from arbitrary arrest and imprisonment.
- The right to a fair trial in both civil and criminal matters.
- The right to freedom of movement, including the right to leave and to return to one's own country.
- The right to privacy.
- The right to own property.
- The right to freedom of speech, religion and assembly.
- The right of peoples to self-determination.
- The right to preserve culture, religion and language.
- The right to adequate food, shelter, health care and education.

The Canadian Charter of Rights and Freedoms guarantees the fundamental freedoms of: conscience and religion; thought, belief, opinion and expression, including freedom of the press and other media of communication; peaceful assembly; and association. It also guarantees democratic government and bans discrimination based upon race, ethnic or cultural background, colour, religion, age, gender, or mental or physical disability.

Human rights for the Aboriginal peoples of Canada have not equivalent with those of non-Aboriginal Canadians. For many years after the treaties were signed, Aboriginal peoples were denied their spiritual practices, languages, appropriate education for their young people, freedom of movement, and their rights to livelihood, privacy, free association, belief, opinion and expression and many more. It was not until 1961 that Indian peoples were granted the right to vote.

Have students hold a debate using these statutes of the International Covenants on Human Rights, the resources presented in this curriculum in the Student Resource Guide and Curriculum Guide Unit Case Studies and Readings, and their prior knowledge perhaps gained from Native Studies 10, as a starting point. The topic question or proposition of the debate may be: The Lubicon Lake Cree have been treated unjustly under international and Canadian Rights legislation; or Canada is guilty of violations, historical and contemporary, of statutes under the Convention on the Prevention and Punishment of the Crime of Genocide. Refer to the Debate Activity writeup regarding procedures. It appears in the Implementation Strategies section of the Curriculum Guide.

Evaluate the debating teams on their evidence and quality of research, clarity and manner of speaking, development of argument, etc.

Part I
Self-Determination

Article 1. All peoples have the right to self-determination. By virtue of that right Indigenous Peoples may freely determine their political status and freely pursue their economic, social and cultural development.

Article 2. The term Indigenous People refers to a people (a) who lived in a territory before the entry of a colonizing population, which colonizing population has created a new state or states or extended the jurisdiction of an existing state or states to include the territory, and (b) who continue to live as a people in the territory and who do not control the national government of the state or states within which they live.

Article 3. One manner in which the right of self-determination can be realized is by the free determination of an Indigenous People to associate their territory and institutions with one or more states in a manner involving free association, regional autonomy, home rule or associate statehood as self-governing units. Indigenous People may freely determine to enter into such relationships and to alter those relationships after they have been established.

Article 4. Each state within which an Indigenous People lives shall recognize the population, territory and institutions of the Indigenous People. Disputes about the recognition of the population, territory and institutions of an Indigenous People shall initially be determined by the state and the Indigenous People. Failing agreement, such questions may be determined by the Commission of Indigenous Rights and the Tribunal of Indigenous Rights, as subsequently provided.

Excerpt from the Dene Declaration Statement of Rights, 19 July, 1975

...the African and Asian peoples — the peoples of the Third World — have fought for and won the right to self-determination, the right to recognition as distinct peoples and the recognition of themselves as nations.

But in the New World the Native peoples have not fared so well. Even in countries in South America where the Native peoples are the vast majority of the population there is not one country which has an Amerindian government for the Amerindian peoples.

Nowhere in the New World have the Native peoples won the right to self-determination and the right to recognition by the world as a distinct people and as Nations.

While the Native people of Canada are a minority in their homeland, the Native people of the Northwest Territories, the Dene and the Inuit, are a majority of the population of the Northwest Territories.
The Dene find themselves as part of a country. That country is Canada. But the Government of Canada is not the government of the Dene. These governments were not the choice of the Dene, they were imposed upon the Dene.

What we the Dene are struggling for is the recognition of the Dene nation by the governments and peoples of the world.

And while there are realities we are forced to submit to such as the existence of a country called Canada, we insist on the right to self-determination as a distinct people and the recognition of the Dene Nation. We the Dene are part of the Fourth World. And as the peoples and Nations of the world have come to recognize the existence and rights of those peoples who make up the Third World the day must come and will come when the nations of the Fourth World will come to be recognized and respected. The challenge to the Dene and the world is to find the way for the recognition of the Dene Nation.

Our plea to the world is to help us in our struggle to find a place in the world community where we can exercise our right to self-determination as a distinct people and as a nation.

What we seek then is independence and self-determination within the country of Canada. This is what we mean when we call for a just land settlement of the Dene Nation.

(d) Convention on the Prevention and Punishment of the Crime of Genocide

Among the other instruments of potential benefit to indigenous groups is the Genocide Convention. Originally adopted as a resolution of the General Assembly of the United Nations in 1948, it came into force in 1961 and has since attracted a sizeable number of ratifications. Under the convention, genocide is defined as to include:

... any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group.

The convention makes genocide a crime under international law, whether committed in time of peace or war, and parties undertake “to provide effective penalties for persons guilty of genocide...” While the definition is a very useful one, reliance in the Convention on state enforcement of the provisions or voluntary submission to the jurisdiction of an international penal tribunal robs it of effectiveness. For the most part, the perpetrators of the crime in cases involving indigenous populations is the state itself. Clearly a state is going to be reluctant to indict itself. Nevertheless, as a standard by which the world may judge a state’s treatment of its indigenous population, the convention does serve a useful purpose.

A Belated Apology to Uprooted Inuit: No Compensation

After nearly 40 years, the government has apologized to Inuit families that were relocated to the High Arctic in the 1950's. The families say they faced severe hardships as a result of the government "experiment". The apology came finally in January 1992, when Tom Siddon said the government was sorry, and thanked the families for helping Canada defend its sovereignty in the North. The federal government has admitted liability but still refuses to pay the $10 million claimed by the families as compensation for their forced relocation and subsequent suffering.

A report tabled November 19, 1990, in the House of Commons by Indian and Northern Affairs Minister Tom Siddon had refused any culpability. "The government cannot acknowledge that it acted improperly in the design and implementation of a project which was intended to improve the livelihood of those Inuit concerned in the move," he stated. At that time, Siddon also rejected giving the northern Inuit any special recognition for asserting Canadian sovereignty, saying that many people served or lived in the Arctic and deserve recognition for their contributions.

Siddon has been responding to calls by a Commons' committee that has urged him to issue apologies and compensation to 87 Inuit. The Federal Human Rights Commission issued a report charging that Ottawa violated the trust of Inuit who were moved to the High Arctic between 1953 and 1955. In all 17 families were moved 3,200 kms. north from Northern Quebec, to the Northwest Territories communities of Grise Fiord, on Ellesmere Island and Resolute Bay, on Cornwallis Island. Most of the "exiles" came from Inukjuak - then called Port Harrison - where the climate and lifestyle differed markedly from their new homes, and where game was plentiful.

The "exiles" say that they were moved only to protect Canadian sovereignty, and liken the relocation to the internment of Japanese Canadians during the Second World War. Survivors say they faced fierce winters on the barren islands, starvation, and had to work for the RCMP for nothing. They also say that women were sexually abused by officers. Siddon stated in 1990, that the RCMP were conducting an internal investigation into charges of sexual abuse.

It wasn't until 1988 that Ottawa agreed to pay some transportation and housing costs for Inuit who had demanded for some time to return to their homes in Northern Quebec. Zebedee Nungak, a vice-president of Makivik Corp., the Quebec-based group that represents the "exiles" promised to keep pressing for a $10 million trust fund for the settlers and their descendents. John Amagoalik, a former president of the national lobby group Inuit Tapirisat Canada said, "Any lawyer in Canada will tell you if you do damage to someone your're liable." Amagoalik was five years old when his own family was dumped in the High Arctic.

Source: The Edmonton Journal, November 20, 1990
The Leader-Post, January 16, 1992
Adapted with permission from reports by Bob Cox, Canadian Press.
No Home For the Brave

In 1942, the Department of National Defence used the War Measures Act to expropriate Stoney Point Reserve on Lake Huron, near Sarnia. When Clifford George returned to Canada after fighting for his country as an anti-aircraft gunner, he found his home was gone.

The Reserve was developed into Camp Ipperwash, now a camp for cadets, and the Indians' homes, the ones that could be moved, were placed on a swampy area nearby. The Stoney Point Band was vanished by Indian Affairs as many Chippewa wandered into the cities and a few remained in the new community.

The federal promise to return the original reserve has been the source of legal battles as early as 1949. Camp Ipperwash draws $4.5 million a year to operate as a six-week cadet summer camp. In 1992, the parliamentary standing committee on Aboriginal affairs recommended that Ottawa "rectify a serious injustice done to the Stoney Point First Nations almost 50 years ago by returning the land to its Aboriginal inhabitants and their descendants." Band recognition is an immediate concern.

Adding to the injury of Clifford George was the fact that as a result of federal policies, as an Indian veteran, he was denied a POW pension because he was 3 days short of the mandatory 3 months in captivity. Indian veterans were denied government grants for housing and special loans while their lands were taken again for non-Indian veterans. Recently, in Ottawa, during the 1992 Remembrance Day Services, Indian veterans were denied their rightful place in the official ceremonies and were forced to lay their wreath only once the ceremony was completed. The insult was a source of national anger and embarrassment.
INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

PART II

Article 2

1. Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures.

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.
3. Developing countries, with due regard to human rights and their national economy, may determine to what extent they would guarantee the economic rights recognized in the present Covenant to non-nationals.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 4

The States Parties to the present Covenant recognize that, in the enjoyment of those rights provided by the State in conformity with the present Covenant, the State may subject such rights only to such limitations as are determined by law only in so far as this may be compatible with the nature of these rights and solely for the purpose of promoting the general welfare in a democratic society.

Article 5

1. Nothing in the present Covenant may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights or freedoms recognized herein, or at their limitation to a greater extent than is provided for in the present Covenant.

2. No restriction upon or derogation from any of the fundamental human rights recognized or existing in any country in virtue of law, conventions, regulations or custom shall be admitted on the pretext that the present Covenant does not recognize such rights or that it recognizes them to a lesser extent.

PART III

Article 6

1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.

Article 7

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

(a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.
Article 8

1. The States Parties to the present Covenant undertake to ensure:

(a) The right of everyone to form trade unions and join the trade union of his choice, subject only to the rules of the organization concerned, for the promotion and protection of his economic and social interests. No restrictions may be placed on the exercise of this right other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(b) The right of trade unions to establish national federations or confederations and the right of the latter to form or join international trade-union organizations;

(c) The right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;

(d) The right to strike, provided that it is exercised in conformity with the laws of the particular country.

2. This article shall not prevent the imposition of lawful restrictions on the exercise of these rights by members of the armed forces or of the police or of the administration of the State.

3. Nothing in this article shall authorize States Parties to the International Labour Organisation Convention of 1948 concerning Freedom of Association and Protection of the Right to Organise to take legislative measures which would prejudice, or apply the law in such a manner as would prejudice, the guarantees provided for in that Convention.

Article 9

The States Parties to the present Covenant recognize the right of everyone to social security, including social insurance.

Article 10

The States Parties to the present Covenant recognize that:

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children. Marriage must be entered into with the free consent of the intending spouses.

2. Special protection should be accorded to mothers during a reasonable period before and after childbirth. During such period working mothers should be accorded paid leave or leave with adequate social security benefits.

3. Special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination for reasons of parentage or other conditions. Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law.
Article 11

1. The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

2. The States Parties to the present Covenant, recognizing the fundamental right of everyone to be free from hunger, shall take, individually and through international co-operation, the measures, including specific programmes, which are needed:

(a) To improve methods of production, conservation and distribution of food by making full use of technical and scientific knowledge, by disseminating knowledge of the principles of nutrition and by developing or reforming agrarian systems in such a way as to achieve the most efficient development and utilization of natural resources;

(b) Taking into account the problems of both food-importing and food-exporting countries, to ensure an equitable distribution of world food supplies in relation to need.

Article 12

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:

(a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:
   
   (a) Primary education shall be compulsory and available free to all;
   
   (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
   
   (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
   
   (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
   
   (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 14

Each State Party to the present Covenant which, at the time of becoming a Party, has not been able to secure in its metropolitan territory or other territories under its jurisdiction compulsory primary education, free of charge, undertakes, within two years, to work out and adopt a detailed plan of action for the progressive implementation, within a reasonable number of years, to be fixed in the plan, of the principle of compulsory education free of charge for all.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:
   
   (a) To take part in cultural life;
   
   (b) To enjoy the benefits of scientific progress and its applications;
   
   (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

3. The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.

4. The States Parties to the present Covenant recognize the benefits to be derived from the encouragement and development of international contacts and co-operation in the scientific and cultural fields.
PART IV

Article 16

1. The States Parties to the present Covenant undertake to submit in conformity with this part of the Covenant reports on the measures which they have adopted and the progress made in achieving the observance of the rights recognized herein.

2. (a) All reports shall be submitted to the Secretary-General of the United Nations, who shall transmit copies to the Economic and Social Council for consideration in accordance with the provisions of the present Covenant;

(b) The Secretary-General of the United Nations shall also transmit to the specialized agencies copies of the reports, or any relevant parts therefrom, from States Parties to the present Covenant which are also members of these specialized agencies in so far as these reports, or parts therefrom, relate to any matters which fall within the responsibilities of the said agencies in accordance with their constitutional instruments.
INTERNATIONAL COVENANT ON 
CIVIL AND POLITICAL RIGHTS

PREAMBLE

The States Parties to the present Covenant,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Recognizing that these rights derive from the inherent dignity of the human person,

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Considering the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and freedoms,

Realizing that the individual, having duties to other individuals and to the community to which he belongs, is under a responsibility to strive for the promotion and observance of the rights recognized in the present Covenant,

Agree upon the following articles:

PART I

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.

3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of peoples to self-determination.

4. Any person sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.

5. Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.

6. Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

Article 2

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.

Article 8

1. No one shall be held in slavery; slavery and the slave-trade in all their forms shall be prohibited.

2. No one shall be held in servitude.
3. (a) No one shall be required to perform forced or compulsory labour;
(b) Paragraph 3 (a) shall not be held to preclude, in countries where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court;
(c) For the purpose of this paragraph the term "forced or compulsory labour" shall not include:
(i) Any work or service, not referred to in subparagraph (b), normally required of a person who is under detention in consequence of a lawful order of a court, or of a person during conditional release from such detention;
(ii) Any service of a military character and, in countries where conscientious objection is recognized, any national service required by law of conscientious objectors;
(iii) Any service exacted in cases of emergency or calamity threatening the life or well-being of the community;
(iv) Any work or service which forms part of normal civil obligations.

Article 9

1. Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.

3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.

4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.

5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

Article 10

1. All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.
2. (a) Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons;
(b) Accused juvenile persons shall be separated from adults and brought as speedily as possible for adjudication.
3. The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation. Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status.

Article 11

No one shall be imprisoned merely on the ground of inability to fulfil a contractual obligation.

Article 12

1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.
2. Everyone shall be free to leave any country, including his own.

3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.

4. No one shall be arbitrarily deprived of the right to enter his own country.

Article 13

An alien lawfully in the territory of a State Party to the present Covenant may be expelled therefrom only in pursuance of a decision reached in accordance with law and shall, except where compelling reasons of national security otherwise require, be allowed to submit the reasons against his expulsion and to have his case reviewed by, and be represented for the purpose before, the competent authority, or a person or persons especially designated by the competent authority.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.
6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. None one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 15

1. No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time when the criminal offence was committed.

If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.

2. Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations.

Article 16

Everyone shall have the right to recognition everywhere as a person before the law.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.

Article 19

1. Everyone shall have the right to hold opinions without interference.

2. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
3. The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
   (a) For respect of the rights or reputations of others;
   (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 20
1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.

Article 21
The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 22
1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.
3. Nothing in this article shall authorize States Parties to the International Labour Organization Convention of 1948 concerning Freedom of Association and Protection of the Right to Organise to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

Article 23
1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
2. The right of men and women of marriageable age to marry and to found a family shall be recognized.
3. No marriage shall be entered into without the free and full consent of the intending spouses.
4. States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution. In the case of dissolution, provision shall be made for the necessary protection of any children.

Article 24
1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.
2. Every child shall be registered immediately after birth and shall have a name.
3. Every child has the right to acquire a nationality.
Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

(c) To have access, on general terms of equality, to public service in his country.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

PART IV

Article 28

1. There shall be established a Human Rights Committee (hereafter referred to in the present Covenant as the Committee). It shall consist of eighteen members and shall carry out the functions hereinafter provided.

"Throughout the world, we trees are cut."
CDA Photo: Virginia Boyd, Malaysia
5. Proclamation of Teheran

Proclaimed by the International Conference on Human Rights at Teheran on 13 May 1968

The International Conference on Human Rights,
Having met at Teheran from April 22 to May 13, 1968 to review the progress made in the twenty years since the adoption of the Universal Declaration of Human Rights and to formulate a programme for the future,

Having considered the problems relating to the activities of the United Nations for the promotion and encouragement of respect for human rights and fundamental freedoms,

Bearing in mind the resolutions adopted by the Conference,

Noting that the observance of the International Year for Human Rights takes place at a time when the world is undergoing a process of unprecedented change,

Having regard to the new opportunities made available by the rapid progress of science and technology,

Believing that, in an age when conflict and violence prevail in many parts of the world, the fact of human interdependence and the need for human solidarity are more evident than ever before,

Recognizing that peace is the universal aspiration of mankind and that peace and justice are indispensable to the full realization of human rights and fundamental freedoms,

Solemnly proclaims that:

1. It is imperative that the members of the international community fulfill their solemn obligations to promote and encourage respect for human rights and fundamental freedoms for all without distinction of any kind such as race, colour, sex, language, religion, political or other opinions;

2. The Universal Declaration of Human Rights states a common understanding of the peoples of the world concerning the inalienable and inviolable rights of all members of the human family and constitutes an obligation for the members of the international community;

3. The International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the International Convention on the Elimination of All Forms of Racial Discrimination as well as other conventions and declarations in the field of human rights adopted under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations, have created new standards and obligations to which States should conform;

4. Since the adoption of the Universal Declaration of Human Rights the United Nations has made substantial progress in defining standards for the enjoyment and protection of human rights and fundamental freedoms. During this period many important international instruments were adopted but much remains to be done in regard to the implementation of those rights and freedoms;

5. The primary aim of the United Nations in the sphere of human rights is the achievement by each individual of the maximum freedom and dignity. For the realization of this objective, the laws of every country should grant each individual, irrespective of race, language, religion or political belief, freedom of expression, of information, of conscience and of religion, as well as the right to participate in the political, economic, cultural and social life of his country;

6. States should reaffirm their determination effectively to enforce the principles enshrined in the Charter of the United Nations and in other international instruments that concern human rights and fundamental freedoms;

7. Gross denials of human rights under the repugnant policy of apartheid is a matter of the gravest concern to the international community. This policy of apartheid, condemned as a crime against humanity, continues seriously to disturb international peace and security. It is therefore imperative for the International Community to use every possible means to eradicate this evil. The struggle against apartheid is recognized as legitimate;

8. The peoples of the world must be made fully aware of the evils of racial discrimination and must join in combating them. The implementation of this principle of non-discrimination, embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, and other international instruments in the field of human rights, constitutes a most urgent task of mankind at the international as well as at the national level. All ideologies based on racial superiority and intolerance must be condemned and resisted;

9. Eight years after the General Assembly's Declaration on the Granting of Independence to Colonial Countries and Peoples the problems of colonialism continue to preoccupy the International Community. It is a matter of urgency that all Member States should cooperate with the appropriate organs of the United Nations so that effective measures can be taken to ensure that the Declaration is fully implemented;

10. Massive denials of human rights, arising out of aggression or any armed conflict with their tragic consequences, and resulting in untold human misery, engender reactions which could engulf the world in ever growing hostilities. It is the obligation of the international community to co-operate in eradicating such scourges;

11. Gross denials of human rights, arising from discrimination on grounds of race, religion, belief or
12. The widening gap between the economically developed and developing countries impedes the realization of human rights in the international community. The failure of the Development Decade to reach its modest objectives makes it all the more imperative for every nation, according to its capacities, to make the maximum possible effort to close this gap;

13. Since human rights and fundamental freedoms are indivisible, the full realization of civil and political rights without the enjoyment of economic, social and cultural rights is impossible. The achievement of lasting progress in the implementation of human rights is dependent upon sound and effective national and international policies of economic and social development;

14. The existence of over seven hundred million illiterates throughout the world is an enormous obstacle to all efforts at realizing the aims and purposes of the Charter of the United Nations and the provisions of the Universal Declaration of Human Rights. International action aimed at eradicating illiteracy from the face of the earth and promoting education at all levels requires urgent attention;

15. The discrimination of which women are still victims in various regions of the world must be eliminated. An inferior status for women is contrary to the Charter of the United Nations as well as the provisions of the Universal Declaration of Human Rights. The full implementation of the Declaration on the Elimination of Discrimination against Women is a necessity for the progress of mankind;

16. The protection of the family and of the child remains the concern of the international community. Parents have a basic human right to determine, freely and responsibly the number and the spacing of their children;

17. The aspirations of the younger generation for a better world, in which human rights and fundamental freedoms are fully implemented, must be given the highest encouragement. It is imperative that youth participate in shaping the future of mankind;

18. While recent scientific discoveries and technological advances have opened vast prospects for economic, social and cultural progress, such developments may nevertheless endanger the rights and freedoms of individuals and will require continuing attention;

19. Disarmament would release immense human and material resources now devoted to military purposes. These resources should be used for the promotion of human rights and fundamental freedoms. General and complete disarmament is one of the highest aspirations of all peoples.

Therefore,

The International Conference on Human Rights,

1. Affirming its faith in the principles of the Universal Declaration of Human Rights and other international instruments in this field,

2. Urges all peoples and governments to dedicate themselves to the principles enshrined in the Universal Declaration of Human Rights and to redouble their efforts to provide for all human beings a life consonant with freedom and dignity and conducive to physical, mental, social and spiritual welfare.
Declaration of the Rights of the Child

Proclaimed by the General Assembly of the United Nations on 20 November 1959 (resolution 1386 (XIV))

Preamble

Whereas the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom.

Whereas the United Nations has, in the Universal Declaration of Human Rights, proclaimed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Whereas the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth.

Whereas the need for such special safeguards has been stated in the Geneva Declaration of the Rights of the Child of 1924, and recognized in the Universal Declaration of Human Rights and in the statutes of specialized agencies and international organizations concerned with the welfare of children.

Whereas mankind owes to the child the best it has to give.

Now therefore,

The General Assembly

Proclaims this Declaration of the Rights of the Child to the end that he may have a happy childhood and enjoy for his own good and for the good of society the rights and freedoms herein set forth, and calls upon parents, upon men and women as indi-
individuals, and upon voluntary organizations, local authorities and national Governments to recognize these rights and strive for their observance by legislative and other measures progressively taken in accordance with the following principles:

Principle 1

The child shall enjoy all the rights set forth in this Declaration. Every child, without any exception whatsoever, shall be entitled to these rights, without distinction or discrimination on account of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, whether of himself or of his family.

Principle 2

The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interests of the child shall be the paramount consideration.

Principle 3

The child shall be entitled from his birth to a name and a nationality.

Principle 4

The child shall enjoy the benefits of social security. He shall be entitled to grow and develop in health; to this end, special care and protection shall be provided both to him and to his mother, including adequate prenatal and post-natal care. The child shall have the right to adequate nutrition, housing, recreation and medical services.

Principle 5

The child who is physically, mentally or socially handicapped shall be given the special treatment, education and care required by his particular condition.

Principle 6

The child, for the full and harmonious development of his personality, needs love and understanding. He shall, wherever possible, grow up in the care and under the responsibility of his parents, and, in any case, in an atmosphere of affection and of moral and material security; a child of tender years shall not, save in exceptional circumstances, be separated from his mother. Society and the public authorities shall have the duty to extend particular care to children without a family and to those without
adequate means of support. Payment of State and other assistance towards the maintenance of children of large families is desirable.

**Principle 7**

The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgment, and his sense of moral and social responsibility, and to become a useful member of society.

The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents.

The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavour to promote the enjoyment of this right.

**Principle 8**

The child shall in all circumstances be among the first to receive protection and relief.

**Principle 9**

The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form.

The child shall not be admitted to employment before an appropriate minimum age; he shall in no case be caused or permitted to escape in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development.

**Principle 10**

The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.
A PUBLIC DECLARATION

TO THE TRIBAL COUNCILS AND TRADITIONAL SPIRITUAL LEADERS OF THE INDIAN AND ESKIMO PEOPLES OF THE PACIFIC NORTHWEST

Dear Brothers and Sisters,

This is a formal apology on behalf of our churches for their long-standing participation in the destruction of traditional Native American spiritual practices. We call upon our people for recognition of and respect for your traditional ways of life and for the protection of your sacred places and ceremonial objects. We have frequently been unconscious and insensitive and have not come to your aid when you have been victimized by unjust Federal policies and practices. In many other circumstances we reflected the rampant racism and prejudice of the dominant culture with which we too willingly identified. During the 200th Anniversary year of the United States Constitution we, as leaders of our churches in the Pacific Northwest extend our apology. We ask for your forgiveness and blessing.

As the Creator continues to renew the earth, the plants, the animals and all living things, we call upon people of our denominations and fellowship to a commitment of mutual support in your efforts to reclaim and protect the legacy of your own traditional spiritual teachings. To that end we pledge our support and assistance in upholding the American Religious Freedom Act (P.L. 95-134, 1978) and within that legal precedent affirm the following:

1) The rights of the Native Peoples to practice and participate in traditional ceremonies and rituals with the same protection offered all religions under the Constitution.

2) Access to and protection of sacred sites and public lands for ceremonial purposes.

3) The use of religious symbols (feathers, tobacco, sweet grass, bones, etc.) for use in traditional ceremonies and rituals.

The spiritual power of the land and the ancient wisdom of your indigenous religions can be, we believe, great gifts to the Christian churches. We offer our commitment to support you in the righting of previous wrongs: to stand in solidarity with you on these important religious issues; to provide advocacy and dedication, when appropriate, for ongoing negotiations with State agencies and Federal officials regarding these matters.
May the promises of this day go on public record with all the congregations of our communions and be communicated to the Native American Peoples of the Pacific Northwest. May the God of Abraham and Sarah, and the Spirit who lives in both the cedar and Salmon People be honoured and celebrated.

Sincerely,

The Rev. Thomas L. Blevins, Bishop
Pacific Northwest Synod-Lutheran Church in America

The Most Rev. Raymond G. Hunthausen, Archbishop of Seattle, Roman Catholic Archdiocese of Seattle

The Rev. Dr. Robert Bradford,
Executive Minister American Baptist Churches of the Northwest

The Rev. Elizabeth Knott,
Synod Executive, Presbyterian Church Synod Alaska-Northwest

The Rev. Robert Brock, N.W.
Regional Christian Church

The Rev. Lowell Knutson,
Bishop North Pacific District, American Lutheran Church

The Right Rev. Robert H. Cochrane,
Bishop Episcopal Diocese of Olympia

The Most Rev. Thomas Murphy,
Coadjutor Archbishop Roman Catholic Archdiocese ofSeattle

The Rev. W. James Halfaker,
Conference Minister Washington-North Idaho Conference United Church of Christ

The Rev. Melvin G. Talbert,
Bishop United Methodist Church
Pacific Northwest Conference

Source: Wildfire, Network Magazine, Volume 3, Number 4 – P.O. Box 9167
International Labour Organization Convention
#107 on the Rights of Indigenous Tribal
and Semi-Tribal Populations

Article II: In the present Convention, genocide means any of the
following acts committed with intent to destroy, in whole, or in
part, a national, ethnic, racial, or religious group, such as:

a) Killing members of the group;
b) Causing serious bodily or mental harm to members of the
group;
c) Deliberately inflicting on the group conditions of
life calculated to bring about its physical
destruction in whole or in part;
d) Imposing measures intended to prevent births within the
group;
e) Forcibly transferring children of the group to another
group.

Recently the term "ethnocide" has been used in international
meetings to describe those situations where an Indigenous group are
being destroyed as a people, by policies and practices imposed by a
national government.

Indigenous Children:

The simple fact of being a child of an Indigenous group can place a
child in a situation in violation of basic human rights. The
poverty, stress, and physical danger inherent in being Indigenous
in many parts of the world places children in jeopardy. The infant
mortality rate for Indigenous groups is high. Starvation, poverty,
and lack of educational opportunities prevents many Indigenous
children from maturing to their full physical, mental and emotional
potential. In locations where Indigenous peoples are in grave
danger, their children are also at risk.

In South Africa, for example children are deprived of the right to
a normal existence. The violence of the apartheid system has
resulted in hundreds of Black children being jailed, tortured, and
killed. In some areas 30% and 50% of Black children die before
their fifth birthday. The separation of families by the migrant
labour system means children grow up in a stressful and hostile
environment with a high incidence of violent crime. Children as
young as seven and eight years old are often forced to work. On
July 17, 1982 the Guatemalan army attacked the Indian village of
Finca San Francisco killing 300 men, women and children.
Approximately 120 children were assembled and killed in front of
the village church. In addition to these instances of extreme
genocide, there have been many incidents reported in countries
including Canada, where Indigenous women have been sterilized
without their consent or knowledge. This and the practise of
removing children from their parents and the Indigenous group also
constitutes the offence of genocide according to international law.
Historically, children have been the focus of special attention by both their Indigenous group and colonizers. Indigenous peoples have attempted to pass on their cultures and traditions to the next generation. Colonizers have used a variety of methods to pull children from the Indigenous group in the hope that the group itself will cease to be a "problem" or a barrier to their own plans.

* It is estimated that in Canada there are ONE MILLION starving children. The infant mortality rate for Canadian Aboriginal peoples is 2-3 times the national average.

Further Readings:


In dryer lands, deforestation and loss of vegetation are leading to desertification.
(CIDA Photo: M. Dompiere, Mali)
The following letter was sent by women representatives of the World Council of Indigenous People to the president of the World Conference of the United Nations Decade for Women.

(Excerpted from IWGIA Newsletter, No. 25/26, March 1981.)

We, the indigenous women of the world, have the obligation to make known to the United Nations and all its dependent institutions, our legitimate rights that in most cases are largely being ignored. We take advantage of the World Conference of the U.N. Decade for Women to express our feelings in regards to indigenous peoples in their totality, since it is the totality that suffers. We would also like you to know the sorrow that we feel when we know that our indigenous peoples are victims of violence, which in certain countries is no less than a flagrant violation of Human Rights as outlined in the United Nations' charter. In the face of this situation, we believe that all dialogue one wishes to establish to achieve peace, equality and development is useless if it does not include respect for human rights.

We, the indigenous women of the world, express the following:

1. We believe that the attempts to implement programs in favor of indigenous women are not satisfactory.

2. We note that the plans to achieve the integration of women in development has not taken into account the cultural, philosophical or social context unique to indigenous peoples.

3. We note that in spite of the declarations signed by governments against racial discrimination against women, indigenous women are the victims of racial discrimination that violates the human dignity of the indigenous woman in the most subtle ways.

4. We believe that the liberation of the indigenous woman can be real, if we are considered within the context of the struggle for the national liberation of our people.

5. We urge that the racist, genocidal and ethnocideal attitude that certain governments have toward the indigenous populations be sanctioned, for example:

- Chile, that by means of law decree No. 2568 of 1979 condemns to legal death the community life of the Mapuche people.

- Bolivia, that in the present moment is massacring the Indian people who constitute 80% of the Bolivian people.

- Guatemala, for the massacre it has been carrying out against the Indian people for more than two years.

- Brazil, for practicing a "wild west" policy of frontier expansion against Indians in Amazonia, and for considering the Indians as legal minors.

For these reasons, we ask the women of the world to pressure their governments to:

- break political, economic, diplomatic and military relations with those countries that oppress indigenous peoples.

- inform indigenous peoples of the rights that correspond to them and that have been ratified by different UN conventions.

We, the indigenous women of the world, are sure that our voice will be listened to. [They continue with a list of resolutions from the 1977 Second General Assembly of Indigenous Peoples in Kiruna, Sweden, urging that those resolutions be implemented by each appropriate government.] □ 444
GOVERNMENT VIOLENCE AGAINST YOUNG PEOPLE

High school kids are tortured and killed on a regular basis in South Africa today. Between 1984 and 1986, 312 children were killed by police mostly in township confrontations and over 1,000 were wounded. 18,000 young people have been arrested and await trial in police cells for alleged offences relating to "unrest". Parents are often not notified of their children's trials. There is no obligation on the part of the government to provide a lawyer for children and even children as young as nine or ten are convicted without a lawyer.

SOWETO

In 1976 students in the Black township of Soweto were protesting against being educated in Afrikaans - one of the languages of White South Africa. On June 16, 1976, students planned a peaceful protest march to draw attention to their grievances. Thousands of pupils made their way through the dusty streets of the township to a barricade which the police had set up near the periphery. After giving the students about 30 seconds to leave, the police opened fire on the large crowd, killing 13 year-old Hector Petersen. Protests continued well into 1977. Between 700-1,000 protestors, most of them students, were killed by the police. The protests are remembered every year on June 16, "Soweto Day".

IVOR

...In Cape Town, a 15 year old child, Ivor Constable, was shot near his home while returning from the shop. He had been carrying a coke bottle which police claimed was a petrol bomb. Seriously injured by birdshot, Ivor staggered across an iron pedestrian bridge over a railway line which separated his home from the shop. Police surrounded him when he collapsed at the foot of the stairs and warded off with rifles, his 17 year old sister, who was trying to help him. Then, according to his 15 year old friend Rainer Grosch, "they dragged him by his feet across the bridge, so his head hit every step. Then they threw him into a police jeep." Ivor survived the attack, but still has severe damage to his gastrointestinal tract.

THE STORY OF P.

... was arrested at his home on January 27, 1987 by 15 municipal police and three security policemen. He said he was taken to the Krugersdorp police station on the West Rand in his underwear and made to stand all night. His brother came with clothes the next day, but was refused permission to see him.
He was interrogated by two men. One asked questions, the other hit him with a baton when he was unable to answer the question. He was told he was going to die and ordered to phone his parents. He said the telephone that the police supplied gave him an electric shock. Then a plastic bag was put over his head until he felt he was suffocating.

Two days later, police put a sack over his head and attached a wire to his right index finger. A piece of metal was put in his left hand. He said he got two electric shocks to his body and then fainted. After that he was admitted to the prison hospital for two days.

P. said he was interrogated seven times over a 14-day period. When he refused to sign a statement he was put into a single cell for a week. For two days he received no meals.

He reported that there were about 82 children aged 15 or younger in the prison when he arrived. In his communal cell there were two children, aged 13 and 14. He said many of the children were often crying and one had lost his hearing after being beaten...

Saskatchewan Linkage Committee
South Africa: What's Happening
To The Children?

The struggle against apartheid - a system of racial segregation and inferior education for Black peoples - is not only being fought by adults. Especially since 1976, the resistance has been inspired by young people. And they have paid a high price for their desire for justice and freedom.

The South African government says that it protects children under the Child Care Act. It says that it never tortures children and no longer detains them. This is not true. Imagine the jails of Saskatchewan overflowing with young people - many of them children under 15 - being detained and mistreated. In South Africa, the government detained thousands of children in 1985 and 1986 under emergency power. (The emergency powers are used to suppress resistance to apartheid.) The international community was shocked into action and campaigned for the release of the detained children.

In September 1987, over 200 representatives of governments, solidarity organizations and aid agencies met in Harare, Zimbabwe with over 300 people from South Africa. We all vowed to recouple our efforts to campaign for their release, and as a result, the South African regime released many children from detention. Fewer children have been jailed since then.

This does not mean that the South African government has ended its use of repressive methods against children. The pattern of repression has shifted. The police use restriction orders against children and ban their organizations. Death squads assassinate young opponents of apartheid. Children are still being brought to court to face political trials and are serving sentences as political prisoners. With the basic structures of apartheid unchanged, the children continue to resist.

How Apartheid Law Works

The repression directed against children takes place partly within the framework of the apartheid legal system. The Internal Security Act allows indefinite detention in solitary confinement. The emergency regulations grant immunity to the police, army, prisons for any actions taken under the emergency powers, unless it can be proved that they were not acting in good faith.

The law obliges courts to inform the parents of a child's arrest and court appearance only if the parents live in the same magisterial district as the court and can be traced quickly. It is therefore legally possible for children to be arrested, held, tried, convicted, and sentenced without parent's knowledge. It is impossible to give an accurate number of children killed, wounded, detained without trial or arrested since 1985.
The South African police, according to the Minister of Law and Order, shot 357 children dead "in the course of their duties" and wounded 1,216 from 1984-1987. But these figures do not include children killed by the Municipal Police, by the South African Defence Forces (SADF) or by any armed force in the so-called independent bantustans. They do not include deaths caused by the various vigilante armed forces. (Bantustans are homelands or reserves, modelled after the Indian reserves in Canada.)

According to monitoring groups, from 1984-1987 the government held an estimated 12,000 children under emergency regulations or laws allowing detention without trial. During 1985 and 1986 alone, the government arrested 18,000 children under common law, on charges arising out of what they describe as unrest. At the end of 1987 there were 2,700 people aged 15-19 years of age in prison awaiting trial and 4,700 people of the same age in prison as convicted prisoners. 623 of the convicted prisoners were 17 years old or younger.

Emergency detention increased in 1988 and the government restricted the activities of detainees who were released. By June 1989, monitoring groups in South Africa estimated that there were about 1,000 young people prohibited from a range of activities. These included participation in youth organizations and speaking to more than 10 people at a time. 39 of those restricted were 18 years old or younger when detained. Most restriction orders require them to be in their homes from dusk to dawn and to report to police stations at least once a day.

The Violence is Denied

When monitoring groups have published documents about violence against children, the apartheid regime denies their truth, refused to comment, or promises to investigate. In February 1988 two monitoring groups, the Detainees' Support Committee, and the Detainees' Parents Support Committee were among 17 anti-apartheid organizations restricted from carrying on any activities under the emergency regulations.

In another attempt to discredit the monitoring groups, the South African Law Commission published a report in February 1990. It said the law adequately protected the rights of children in custody. However, the report did not deal at all with children detained under statutes or emergency regulations allowing detention without trial. In spite of censorship, incidents revealed in court cases show that the pattern of violence against children in custody continues.

In July 1988, 17 Soweto pupils made statements to lawyers describing in detail the violence, torture and abuse experienced by them while in detention. The violence inflicted on them included bags put over their heads and pulled tightly round their necks, electric shock treatment all over their bodies and being prodded with rods. The police also assaulted them and threatened to kill their parents.
In affidavits made to lawyers in October 1988, a group of young people told of their detention and torture near Pinetown in Natal. The police held two 15 year-old boys, two 16-year old boys, two 16-year old boys and a 20 year-old in a dog cage for 36 hours. The police assaulted and tortured them at night.

In October 1988 troops detained and assaulted seven youths in the St. Wendolin's area of Natal. After the incident, five of them between 16 and 19 years old described their treatment in affidavits. Armed soldiers had forced some of them to lie on their backs, then stood on their stomachs and beat them all over their bodies while interrogating them. The interrogators also put a live snake around the neck of one of the 16 year-old boys. After being arrested for political activities, at least ten people between 14 and 20 years old have died in police custody since 1984.

What Canadians Can Do

Torture and detention of children in South Africa continues in response to their resistance to apartheid. The international community has a responsibility not only to pressure for the end to apartheid, but also to demand justice and human rights for young people in particular. The International Defence and Aid Fund for South Africa (IDAFSA) raises money in several countries including Canada, on behalf of political prisoners. It ensures that political detainees have legal representation in South African courts and that their families are cared for while they are imprisoned.

Canadians can add their support to the forces opposing apartheid through financial assistance to those carrying out the human rights battle and by supporting a strong anti-apartheid position from the Canadian government.

Mitchell, Anne, Executive Director of IDAFSA (Canada), Legal Perspectives, May 1990.
Adoption of native Indian children by non-native families

by Karen A. Shirley

To keep native families together — to keep native children with their native parents — is one of the top priorities of native organizations in Canada today. The goal of the integrity of the native family has not been shared in the past by Canadian governments at either the federal or the provincial levels.

From the 1880s until the 1960s, under federal government policy, Indian children were separated from their parents at an early age, usually at five years old, and placed in residential schools. The purpose of the residential schools was to assimilate native children into the dominant European-Canadian society.

Most native people who experienced the residential school system speak out against that system. Many have stories to tell of the cruelties they endured as children within the residential schools.

In the 1960s, the federal government began to contract out their responsibility towards native children to the individual provincial governments. But the provincial governments thought no more of native family togetherness than did the federal government.

British Columbia and other Canadian provinces began “apprehending” native children from their native parents, in what has been referred to as the ’60s Scoop.

In 1955 only 29 native Indian children were in the care of the B.C. provincial social service agency. By 1964, 1,446 Indian children were in the custody of the provincial government.

Many of these native children were put up for adoption or placed in permanent foster care. Quite a few of the children who were put up for adoption were placed with adoptive parents in other countries.

Brian Wharf, dean of the Faculty of Human and Social Development at the University of Victoria, said in December 1989 that:

At the time we thought we were doing the best for native children by removing them from poverty, unsanitary housing and living conditions. We thought that placement in good foster care was preferable to trying to maintain children in their own homes with those kinds of conditions. We gradually learned that placement in a foster home was extraordinarily disruptive. We didn’t realize the extent of the bond between parents and children.

Native people in Canada realized early on the detrimental effect of the federal and provincial governments’ policies but, until recently, felt powerless to change them.

Ernie Crey, vice-president of the United Native Nations (a native organization representing approximately 30,000 native people in British Columbia who live off-reservation) said recently that:

In Canada, as in the U.S., we’ve had literally thousands of children removed from our villages and adopted away or put in permanent foster care. It permanently disrupted the lives of our communities for several generations.

Mr. Crey, who is now 40 years old, knows of what he speaks. When he was 12 years old, he was taken from his mother and placed in a residential school and then in a series of foster homes. He did not know until after his mother’s death that she had spent years trying to find him.

The trauma of cultural dislocation

It is now recognized that removing native children from their community instead of providing supports to strengthen that community causes harm to native society as a whole. The act of removing a native child from his or her parents and community causes great harm to that individual child as well.

According to expert testimony relied upon in the case of *Nguyen v. McLennan*, cultural, racial and genetic factors are of great importance to a child’s healthy psychological development. Those factors are important components in

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The following statistics are courtesy of Penny Desjardins and are from a 1988 Canadian Bar Association report, *Aboriginal Rights in Canada: An Agenda for Action*.

Children of native ancestry are eight times more likely than children of other ethnic backgrounds to be apprehended by the child welfare systems in British Columbia and Ontario.

Native children constitute 30 per cent of the children in care in Alberta, over 60 per cent of the children in care in Saskatchewan, and up to 60 per cent in Manitoba. The statistics for native children in care in other parts of the country are equally discouraging.

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identity development, especially during adolescence.

In Nguyen v. Mcginn, the Alberta Court of Appeal held that a Vietnamese child who had been adopted by a non-Vietnamese Canadian couple, and who had lived with the couple for a period of some two years, should be returned to the custody of her natural mother.

In making such an order, the court relied heavily on expert evidence that it was in the child's best interests not to be raised in a cross-cultural environment.

Numerous North American studies have suggested that it is in the best interests of native children who must be adopted, to be adopted by a native family.

The Task Force on Canadian Native Peoples' Mental Health submitted recommendations unanimously endorsed by the Board of Directors of the Canadian Psychiatric Association.

They urged that legislation be passed requiring participation of local native political organizations in finding placements for native children, especially when the child cannot be cared for by members of the primary family.

The task force also recommended that preference for adoption and fostering be given in decreasing order of preference to blood relatives, band members, and natives who belong to the same Indian nation as the child.

Native adoption practices in the United States

The United States Congress passed the Indian Child Welfare Act in the late 1970s to preserve the best interests of native American Indian children and to ensure the cultural heritage and survival of Indian tribes in the United States.

This act recognizes tribal powers and tribal rights and provides that an American Indian child be adopted first by a member of the child's extended family, second, by other members of the Indian child's tribe, and third, by other Indian relatives and non-relatives. If these alternatives are not available, the child is to be adopted by another Indian family.

There is no similar legislation in Canada. The federal government has been unwilling to consider passing comparable legislation here.

However, because there is a growing awareness of the problems of native children adopted out to non-native homes, governments in Canada may be starting to hear and understand the native position on this issue.

Working for change

Some tribal councils in Canada have negotiated with the federal and provincial governments to provide social services for their members. As other tribal councils indicated an interest and a willingness to take this responsibility on, the federal government issued a moratorium upon such negotiations. The government wanted time to study the implications of such negotiations and agreements.

The moratorium has recently been lifted, but the results of the studies have not yet been evaluated fully.

Due to pressure from Indian organizations, the B.C. Superintendent of Family and Child Services has formulated policy to the effect that the superintendent will notify Indian bands of proposed adoption of native children who are band members and who are wards of the court. No such policy is in place with regard to private adoptions.

Such measures to ensure that native Indian children remain with their families, or at least with their extended families or Indian nation, are insufficient.

For example, a case currently before the B.C. courts involves a native American Indian mother who has attempted to place her baby for private adoption in British Columbia in order to avoid the adoption placement preferences of the U.S. Indian Child Welfare Act.

The British Columbia Supreme Court ordered that B.C. courts have no jurisdiction to deal with the child, and that the proper jurisdiction to deal with the child's proposed adoption is California where the child comes from. That decision is being appealed by the prospective adopting parents in B.C.

Amendments to the B.C. Adoption Act requiring notice to Indian bands of proposed adoptions of non-Indian children, or legislation similar to the U.S. Indian Child Welfare Act, would prevent similar cases occurring. Indian organizations and individuals continue to lobby for such changes.

Karen A. Shirley is a practising lawyer with the firm of Shirley & Co. in the Chilliwack area. She was previously certified as a teacher in Manitoba, and taught in the elementary schools there. She is a Metis person, and is a member of the Indigenous Bar Association of Canada as well as a member of the Canadian Bar Association.

References used in this article


Canadian Indians see a case as threat to culture, The Orange County Register, Carol Lachinot, Dec. 14/89

Laverne Kidby with her children Billy and Cheryl.

Laverne's sister Tracy was placed from her mother and adopted out to a Dutch Catholic family when she was a baby. Now 20, Tracy recently returned home.

Laverne calls it a miracle.

May 1990 Legal Perspectives 27
STATUS OF METIS CHILDREN WITHIN THE CHILD WELFARE SYSTEM

ABSTRACT/RESUME

The child welfare system in Manitoba has moved in recent years from the large scale export of Aboriginal children to parallel Indian and non-Indian systems. Métis children, some 27% of the total, have been included in the non-Indian category and continue to suffer from a lack of heritage participation and control. The problem is considered to be systemic.

In a national briefing paper prepared by the Métis National Council (1989), the position was taken that with few exceptions, the provincial child and family services and their supporting legislation are geared to urban areas and to values and concepts originally derived from Europe. Further, these services are delivered by staff who have little sensitivity to Métis culture or values. Neither are there observed plans on the part of the mainstream system to change this situation.¹

The result is that a disproportionate number of Métis children are being taken into care, many for no other reason than the real life Métis situation of living in poverty and overcrowded conditions. In effect, Métis children are frequently being alienated from their families, their communities and their culture for economic reasons. Such children often are condemned to a succession of foster homes, thus creating a terrible instability in their lives which defeats the reasons for taking them into care in the first instance (Manitoba Métis Federation, Inc., 1989).

Poverty has never been an acceptable reason for depriving children of their natural parents and their place in the extended family. The fact that the practice is so prevalent in Métis communities suggests the degree to which the Métis are a devalued people as well as the degree to which provincial family and child welfare institutions and Métis society are 'alienated' from each other. Perhaps more importantly this type of intervention has tragic consequences for these Métis children, consequences illustrated by documented high rates of adoption breakdown, and suicide, as well as by high rates of juvenile delinquency (Barkwell et al., 1989).

The provinces so far have not taken any large scale measures to adapt their family and child welfare services to Métis needs. It was the judgement of the Métis National Council (ibid.) that this was unlikely to occur; judging from past experience, without aggressive action on the part of the federal government. Provincial authorities, in the past, have tended to adopt the view that the very large numbers of Métis children coming into care are a result of inherent defects in Métis families, and not the outcome of serious shortcomings in their own operations.

In an 1989 submission to the Aboriginal Justice Inquiry in Manitoba, the Manitoba Métis Federation (MMF) developed an analysis which clearly demonstrated that of the many factors which interact to produce the over-representation of Métis people as offenders (with high reinvolvement rates), the single most highly weighted root factor was the treatment of Métis children within the child and family service system. In addition, all of the factors noted above interacted to make Métis people more susceptible to victimization.
Child Welfare System

The operant conditions for the perpetuation of this cycle are as follows:

1. There has been an historical repression of Métis customs, social structures and support systems;

2. The Métis have little discretionary time or money available to respond as a community to the problems of child welfare and crime;

3. Official responses to social problems within the Métis community are usually framed in terms of social control rather than social development;

4. Aboriginal people as a visible minority have been denigrated and their history has been conveyed in a distorted way. This leads to self-derogation, feelings of helplessness and alienation in young people;

5. The intended child welfare remedies have not worked for Métis children;

6. Official justice system interventions have been culturally alien and/or irrelevant and poorly understood by the Métis community;

7. Participation in law making and the administration of laws, particularly family law, has been effectively denied to the Métis;

8. The official justice system has acted in ways which engender disrespect and cynicism within the Métis community;

9. In many instances child welfare, correctional and other related services have been denied or not made available to the Métis.

When a people are weakened by these factors which we view as additive as well as interactive, the symptoms of socially problematic behaviors are inevitably found to be in ascendancy.

It has been a long held contention of Métis and other Aboriginal people that, due to the fact that they have no control over child and family services, and the fact that they are both poorly served and much devalued by the mainstream system, their children and youths are cast by default into the youth justice system.

This paper will review the overrepresentation of Métis children both in the child welfare system and the criminal justice system of Manitoba. It will also review how government policies and the implementation of those policies, have exacerbated this overrepresentation. The authors will then show that this situation is founded upon a lack of concern for and awareness of Métis culture, and a consequent lack of community-based services for these people.

We have found compelling evidence that this is indeed what is happening. In the following section we will relate two instructive cases recently heard by the Manitoba Court of Appeal.
The Young Offender — Child Welfare System Link

The first case is the appeal application of a 14 year old Métis youth against a one year sentence to secure custody by the Youth Court. This youth was found guilty of four charges of break, enter and theft, one charge of possession of stolen goods, one charge of assault, and one charge of driving a motor vehicle without a licence. At point of disposition the youth was 13 years old but three of the offences were committed when he was twelve. He had no prior record of offences. At disposition the Youth Court judge sentenced him to secure custody for one year on the break, enter and theft from a dwelling (the only charge on which he was eligible at his age for a custody sentence). He was also sentenced to two years of probation supervision, following his release from custody, on each of the other charges.

The Appeal Court noted that, with respect to the most serious charges, other youths had also been charged as co-accused, but had received sentences of probation supervision.

The background information given to the Court of Appeal indicated that the youth came from a small rural town with a mixed population, Indian, Métis and non-Native. He lived as part of a single parent family. His mother, three siblings and four other relatives lived in the nine person household. His family described the youth as being beyond control. The local child and family service agency was active with the family but had not apprehended the young offender, despite the fact that he had been expelled from school. The school authorities described the lad as bad tempered, disrespectful, violent and defiant. The school had referred him to child and family services because of his behaviour and their concern over his intimidation of other students. The court was also told that the youth claimed to drink regularly and that he smoked marijuana when it was available. There was some indication that his associates left something to be desired and the lad himself admitted that disassociation from his friends was one way he could try to stay out of trouble.

The sentencing judge felt that the community and its institutions had not done enough, and that for the young offender’s own welfare, he should not be allowed to remain in the environment within which his habits and attitude had developed. The sentencing judge had said:

It’s pathetic that the community could allow this to happen...I feel that we should nip whatever problem he has in the bud and get him the heck out of this community. If Child Welfare won’t do it, the Court better do it...

Although the youth was under fourteen years of age and had no previous Criminal Code convictions, he was sentenced to a term of custody under the Young Offenders Act exception clause (Sec. 24 (4),a; “the offence is one for which an adult would be liable to life imprisonment”).

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Twaddle, J.J.A., speaking for the Court of Appeal, had this to say about the sentencing:

Strictly the learned judge had authority for imposing this sentence, the lad having been found guilty of break, enter and theft in relation to a dwelling house for which an adult would have been liable to imprisonment for life... The learned judge did make reference to the protection of society and the seriousness of the offence. I do not suggest that society is not entitled to protection from burglary nor do I belittle the seriousness of the young person’s participation in such a crime, but in comparison to the other offences of burglary this was amongst neither the most serious nor the most alarming. The judge took into account the totality of the lad’s criminal behaviour, but that is not, in my view, the proper criterion in the case of a young person under the age of 14 who has not been found guilty previously of a criminal offence. The judge also substituted secure custody for the care and control which the child lacked and which the local child welfare agency had been tardy in providing.

The Court of Appeal then pointed out that even when the case first came for hearing before them there was still no plan proposed for the child’s future care and control. They had then adjourned the hearing to give the boy’s attorney the opportunity of presenting “a plan which would offer guidance and assistance to the lad as well as provide for his care and control.” This, they pointed out, was Counsel’s duty. When the adjourned hearing resumed, the Appeal Court was advised that the child welfare authority was ready to apprehend and to take the steps necessary for the court’s determination of his needs.

The Court then commented on the dilemma of “Hobson’s choice” that had been offered to the sentencing judge: send the boy to custody or send him back to an inadequate home environment. It was clear to all that the youth required direction more than punishment, and to find a purpose to his life “rather than a mere temporary interruption of an existence without aim.” Thus, the sentence to a term of secure custody had been clearly inappropriate:

Where it is apparent that an accused young person is in need of protection, the child welfare authority should not wait until the court has sentenced the young person; such a delay prejudices the young person because there are then fewer acceptable options open to the court for dealing with the young person’s conduct. The young person in such circumstances should be apprehended and proceedings for guardianship taken as soon as the need of protection can be identified and a youth court judge should adjourn proceedings, if necessary, to permit the child welfare agency to intervene. Although a sentence should reflect the young person’s circumstances, it should not penalize him or her for want of a proper guardian.
Therefore, the Manitoba Court of Appeal reduced this youth's term of secure custody to time-served, but directed that he comply with the terms of a probation order for two years.

Our second example is the case of a 15 year old status Indian who was appealing his custody sentence, imposed upon conviction for setting fire to papers within two business premises. For these offenses he had been sentenced to 18 months secure custody to be followed by six months open custody and one year probation supervision.³

The youth's background was described by the court as pitiful. He resided in a large urban centre as part of a seven person single parent family. His father had been incarcerated for sexual assaults upon two of his siblings. Another sibling within the previous year had attempted suicide. The presentence investigation had revealed the youth himself had been the victim of physical abuse at home at the hands of parents who were described as having alcohol problems.

At the time of the offences the youth was attending, on an irregular basis, a special education program. He had been involved in altercations with other students and had previously been referred to probation services for setting a fire in his school. An assessment prepared for the Court by the forensic psychologist indicated that the youth was of borderline intelligence and had relationship difficulties. He was deemed to have poor judgement and comprehension and an inability to learn from experience. The forensic recommendation was for a lengthy period of secure custody to be followed by child welfare intervention "since the need for child protection will continue."

In the words of the Court, "fortunately for the youth, he was referred by his counsel to Dr. Ellis, also a psychologist, who is on the faculty of the Department of Psychiatry of the University of Manitoba." Dr. Ellis noted that the youth seemed to have a lack of experience with anyone being interested in what he thought or felt. He exhibited concrete thinking and a lack of knowledge about relationships, feelings, and normal family life expected of the average child. He did exhibit the capacity to learn and Dr. Ellis pointed out that he had been able to perform 30 hours of community work as a consequence for his referral on the previous fire setting. His response at that time had been described by the authorities as extremely positive.

Dr. Ellis noted that his delinquent career was of recent origin and coincided with a major family upheaval. Thus he assessed his current involvement as being reactive to major family stress. He commented "it is no wonder that he did not perform well in a forensic assessment on a one shot basis with a stranger he did not know and experienced as potentially dangerous." He then concluded that in view of the fact that the youth had never received treatment, he could not justify a term of custody which would deprive him of the appropriate treatment. Dr. Ellis also expressed the opinion that the child welfare authority had ignored the youth's plight both before and after his criminal involvement. They had been involved with his siblings due to the father's abusive behaviour, and thus knew of this lad's circumstances as well as his mother's inability to cope. After the youth was charged the court was informed that his Attorney had contacted child welfare but was told that they did not wish to become involved until after he had been sentenced on the pending charges.

The Court of Appeal then ruled that in this case the sentencing judge had erred in imposing a custodial term totalling two years. They reduced the term of custody to six months with two years probation to follow. The Court noted that the lower court disposition had obviously been influenced by the absence of a suitable guardian as well as the lack of a suitable plan for supervision and guidance. Undue weight had been given to protection of the public.
Twaddle, J.J.A. stated in the court's decision:

There is, in my view, something wrong with a system that, in the case of a 14 year old lad convicted of no heinous crime, with no previous findings of guilt on criminal charges against him and with this lad's disadvantaged background, confronts a judge with a choice between imposing a lengthy period of custody and returning him to oblivion...

I am of the view that (the commission of these crimes) was a cry by the youth for help. The response of society should not be the imposition of a custodial term of two years... The protection of the public is a proper principle of sentencing young offenders, but the same public has a responsibility to prevent criminal conduct by young persons. It is not reasonable to ignore the special needs of a young person such as this lad...

These stories of a lack of needed child welfare services come from all parts of Canada. In an address to the Second National Métis Child Care Conference in 1988, Larry Desmeules, president of the Métis Association of Alberta, related the case of a Métis youth who had literally been cast out into the cold (Desmeules, 1988). This 16 year old lad had been forced to wander the streets finding temporary shelter with friends and strangers. Although he was a permanent ward of Social Services, there was no permanency planning, for whenever he asked his social worker for help, he was referred to the Youth Emergency Shelter. In Desmeules's analysis:

...this young man didn't want just shelter. He wanted a home — a real home — and not just a room in an Institution. He's been a ward of the government since he was two, and has been moved at least 40 times between foster homes and institutions. Most recently, he lived with a youth worker who kicked him out after a disagreement. The longest he has lived in one place is one year. That is his tragic story as a temporary ward of the government for 12 years, and a permanent ward for the past two years. The system is failing this young man, and who knows how many others. Hopefully, he won't come to the tragic end of Richard Cardinal, who hanged himself at 17 after a tragic life that included 28 moves between foster homes and institutions.

Cardinal's death spurred creation of a new Child Welfare Act in Alberta that was to prevent further such tragedies. Obviously that isn't enough (Desmeules, 1988).

It is simply tragic that more often than not, Métis children have to come into conflict with the law before they are provided with any support services. The Manitoba Métis Federation child and family service workers have received scores of service requests from Métis families who have been denied service from the mainstream mandated agencies. Most often when they ask for help for a youngster who is behaviorally beyond their control, they are told, "he's not in enough trouble yet to justify our agency taking action." Then pathetically, mothers whose children are locked up on charges so serious that they can not get them released on bail, are told that the child and family service agency wants to wait until the youth is sentenced before doing any planning.
From the stories and evidence as related above it might be surprising to learn that the over representation of Métis youths committed to custody sentences by the youth courts (Table 1), mirrors the over representation of Métis children brought into care by child and family services (Table 2). To us, the reason is quite evident. Simply put, preventive services are either not offered to Métis families, offered only after problems have become severe, or are of such a weak intensity that the penetration into custody situations or removal from home is not averted.

**TABLE 1: YOUTH ADMISSIONS TO CUSTODY**  
Manitoba 1984 - 1987

- Treaty/On Reserve: 21.3%
- Treaty/Off Reserve: 5.1%
- Treaty/On Reserve: 11.4%
- Treaty/Off Reserve: 19%
- Non-Native: 39.1%
- Non-Native: 35%
- Métis: 38%
- Métis: 30.4%

**Open Custody**  
**Secure Custody**

**TABLE 2: CHILDREN IN PLACEMENT: WARDS AND VOLUNTARY PLACEMENTS**  
Community Services Annual Report

- PRIVATE CFS: 2306 62%
- METIS: 27%
- GOVT. REGIONS: 591 16%
- TREATY/STATUS: 32.4%
- ABORIG.CFS*: 650 23%

**NUMBERS BY AGENCY**  
*Anishinaabe CFS did not report

**% BY RACE**  
40.5%
It is our observation that those agencies mandated by the Province of Manitoba to provide child and family services have done little to establish helping networks within the Métis Community. First, their location is often distant from the people served and they usually provide only itinerant social work services delivered on a crisis basis. Second, preventive services such as parenting courses and teen treatment groups are seldom offered. Third, the intervention of these agencies is culturally alien and few workers speak the languages common to the Métis population. Thus the service offered (as with the youth justice system) is little more than physical removal of the child from the home community.

In a study of child and family services commissioned by the Manitoba Métis Federation, Ryant (1988) reported that although agencies were aware of the fact that services should reflect the cultural and linguistic heritage of the client there was an evident lack of priority given to this. The number of Aboriginal workers on staff — if any — is minimal in most of the mandated agencies, and "the apparent lack of priority for Native awareness could imply a lack of cultural sensitivity when dealing with Métis families. This affects the effectiveness of service and could mean that more Métis children end up in care than necessary." He went on to note that if there were more focus on preventive and supportive services which are culturally appropriate there could be a significant reduction in the number of Métis children in care.

Ryant (1988) also found that there were many impediments (mostly financial), to alternate care being provided to Métis children within the Métis community. He recommended the following measures to rectify the situation:

1. A greater use of special needs foster care rates thus allowing more Métis families to provide foster care.

2. Implementation of Section 73 of the Child and Family Services Act, which deals with subsidized adoption. The use of subsidized adoption would assist Métis families who wish to adopt but cannot do so without financial assistance.

3. Section 5(1)(f) of the Social Allowances Act states that financial assistance may be made available to a child whose parents "are unable to contribute to his maintenance and who is wholly dependent on another person for his basic necessities." Too often, the Income security workers ignore the fact that the child can be given the needs test for eligibility and test the care-providers instead. Because the foster family is in dire straits, aid to which the child would be entitled in his or her own right is withheld. A different implementation of 5(1)(f) would permit more Métis children to be cared for by relatives or neighbours.

4. Another impediment to many Métis homes being accepted for foster care may involve the standards set for approval of provincial foster homes. Physical requirements of space, availability of running water and material resources may not reflect the life circumstances of many Métis families and communities. Often, those who design these standards are not familiar with cultural and traditional values of Native groups. Standards may be both inappropriate and extremely difficult for many Métis homes to reach.
Under these policies and this method of service delivery it is estimated that, from the 1960's to the early 1980's, about 3,000 Aboriginal children were removed from their homes in Manitoba and exported out of the province for adoption. In most cases they were placed with urban non-Native families. “The Indian and Métis children were submerged in another culture, and their Native Identity soon disappeared. They became a lost generation” (York, 1989:206). At the beginning of the 1980's from 40 to 60 percent of all children removed from their-families in western Canada were Indian or Métis. For Canada as a whole, five Native children were removed from their families for every non-Native child placed. York states that in 1981 about 55 percent of Manitoba's adopted Aboriginal children were sent out of province while the rate for Caucasian children placed out of province was only 7 percent.

Indian and Métis communities had virtually no control over the children who were seized from their homes. Until 1976 there was not a single native-controlled child welfare agency in Manitoba. Decisions about the future of native children were made by white social workers and urban-based bureaucrats (York, 1989:207).

In 1981, the Manitoba Métis Federation acted on the available public information regarding the numbers of Métis children being exported to the United States and to other provinces to non-Native families. It had been learned that many of these children had experienced post-adoption breakdowns that were having a disastrous effect upon them. Others had become the victims of physical and sexual abuse. Therefore, the MMF lobbied successfully for the Government of Manitoba to institute a moratorium on out-of-province adoptions and out-of-province placements for “treatment”. The MMF developed a rural and urban strategy for implementation to ensure increased Métis involvement in the child and family service jurisdiction.

In March of 1982 the government of Manitoba agreed to impose a moratorium on out of province placements of Aboriginal children. The province also established a Review Committee on Indian and Métis Adoptions and Placements headed by Associate Chief Family Court Judge Edwin Kimelman. After reviewing the file of every Native child who had been adopted by an out-of-province family in 1981, Judge Kimelman stated in the committee's 1984 File Review Report: "having now completed the review of the files... the Chairman now states unequivocally that cultural genocide has been taking place in a systematic, routine manner" (Kimelman, 1984:51).

The statistics given by Judge Kimelman were even worse than the Métis people had suspected through anecdotal reports.

**TABLE 3: STATISTICS OF MANITOBA CHILDREN PLACED OUT OF PROVINCE IN 1981**

<table>
<thead>
<tr>
<th>Category</th>
<th>Number Placed</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Registered Indians</td>
<td>52</td>
<td>48%</td>
</tr>
<tr>
<td>Indian (other)</td>
<td>4</td>
<td>4%</td>
</tr>
<tr>
<td>Métis</td>
<td>37</td>
<td>34%</td>
</tr>
<tr>
<td>Non-Native</td>
<td>15</td>
<td>14%</td>
</tr>
<tr>
<td>Totals</td>
<td>108</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Kimelman, 1984:23
The Review Committee noted that 53% of the children placed outside of Manitoba were sent to the United States and 86% of the children placed out-of-province were of Native ancestry. Meanwhile at the end of 1981 the departmental statistical bulletin indicated that there were 145 adoption homes in Manitoba which had been approved but were not in use and there were 1,377 adoption applications which were awaiting study for approval. Was it any wonder than that Aboriginal groups felt there was a racial bias in operation?

Judge Kimelman was of the opinion that the political and administrative acquiescence to these practices had served to delay the development of Aboriginal resources and specialized services to Aboriginal people. "Rather than providing the resources on reserves to build economic security and providing the services to support responsible parenting, society found it easier and cheaper to remove the children from their homes and apparently fill the market demand for children in Eastern Canada and the United States."

He also noted that under the guise of providing children with a family of their own, children were not only separated from their parents, but were also separated from their siblings. The study also revealed that for the majority of older children who became wards, the chances of adoption were remote, and the reality for most of them was to be placed in a series of foster homes and institutions with the "real possibility of spending some of their adult years as residents of the province’s correctional facilities."

In 1982, the MMF established a Board committee, which was to be responsible for the operation of the Métis Child and Family Support Program. The MMF also submitted a position paper to the provincial government, calling for local control over child and family services for Métis people.

The MMF immediately established local community-based Métis child and family service committees. The committees' assumed responsibility for:

a) developing community awareness of needs of children;
b) assessing community needs and currently available resources;
c) developing resources and participating in training;
d) joint planning with social workers from mandated agencies, in order to reach decisions on child and family services issues respecting the community;
e) strengthening Métis families in the community;
f) reviewing and recommending changes to relevant legislated standards, policies and practices to more properly reflect the needs of Métis children, families, and communities.

The MMF readily identified the following difficulties involved in the implementation phase of this specific mandate:

a) lack of an agreed upon definition of Métis people;
b) lack of access to existing child and family service files;
c) provincial regulations regarding foster home standards and payment rates, which excluded potential Métis foster homes;
d) lack of knowledge of referral procedures within the mandated agencies;
e) lack of MMF resources to respond to the volume of referrals;
referrals so late in the process that effective plans could not be formulated in the time available.

The MMF began support service delivery under the terms of a negotiated bilateral agreement with the department of Community Services and Corrections. This funding enabled the MMF to employ a provincial coordinator to develop a model for local control of support services. The MMF contracted two additional family support worker positions and at the request of the Director of Child and Family Services, established pilot projects in the Dauphin and Thompson regions.

In 1984, the MMF signed the first memorandum of agreement commonly referred to as Policy Directive 18. A subsequent agreement was signed in 1985 regarding the MMF’s role in the notification of the placement of Native children outside of Native homes.

Policy Directive 18: This directive to mandated child and family service agencies (those who are empowered to take guardianship) was issued by the Child and Family Support Directorate in 1984. The directive outlines the proper procedures to be used in notifying, reporting, and placing Native children away from their natural parents.

The intent of this directive was to elicit the fullest possible participation of Native agencies. It is based on the principle that the best interests of the child are served when the child’s cultural and linguistic heritage and life-style are taken into consideration.

Under Directive 18, when an agency becomes involved in the protection of a registered Indian child, they must inform the appropriate Native agency of all details of the case for purposes of identifying placement resources.

When the agency is in contact with a Native child who is not a registered Indian, it may ask if the family wishes to declare, and if so, to sign a self-declaration form. The mandated agency is then obliged to notify designated persons within the Native organizations which have entered into a legal agreement with the Director of Child Welfare. However, this does not hold for voluntary surrender of guardianship, and MMF is only notified in cases where the family has declared itself Métis.

Since 1987, the MMF has been funded with approximately $140,000 annually for these activities, whereas Indian agencies have been granted some $8 million yearly to deal with Indian child care matters. This financial limitation, and the fact that referral frequently occurs too late in the process to permit the MMF to be involved appropriately, has given the mandated agencies an image of the MMF as having a relatively minor role.

Since it is not clear how Métis citizens are being identified (workers frequently are not aware of self-declaration procedures), and because there are difficulties with the self-declaration practices themselves, referrals from mandated agencies to the MMF have been few or non-existent.

For example, over the last two years, there have only been forty-one referrals to the MMF regarding Métis children and families throughout the province of Manitoba (Moar, 1989). Incredibly, some agencies have not made even one referral.
Over the two year time period the following referrals were received:

<table>
<thead>
<tr>
<th>Manitoba Community Services Regional Services</th>
<th>Private Mandated Child &amp; Family Service Agencies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eastman</td>
<td>C&amp;FS Central Manitoba</td>
</tr>
<tr>
<td>Interlake</td>
<td>C&amp;FS Western Manitoba</td>
</tr>
<tr>
<td>Norman</td>
<td>C&amp;FS Eastern Manitoba</td>
</tr>
<tr>
<td>Parklands</td>
<td>C&amp;FS Winnipeg West</td>
</tr>
<tr>
<td>Thompson</td>
<td>C&amp;FS Northeast Wpg.</td>
</tr>
<tr>
<td></td>
<td>C&amp;FS Winnipeg South</td>
</tr>
<tr>
<td></td>
<td>C&amp;FS Northwest Wpg.</td>
</tr>
<tr>
<td></td>
<td>C&amp;FS Central Wpg.</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>Total</strong></td>
</tr>
<tr>
<td>9</td>
<td>32</td>
</tr>
</tbody>
</table>

The mandated agencies have not moved with alacrity on this standard. It is obvious that Policy Directive 18 (and its replacement, known as Standard 421) are not meeting their intended purpose. It is estimated that of the 3,603 children in the care of mandated child and family service agencies, 1,027 are Métis children (27%), 1,235 are Indian children (32.5%), and 1,540 are of other ethnic backgrounds (40.5%) (Longdaws, 1989). Given the large disparity between the number of Métis children brought into care and the actual number of cases that are referred to the MMF, one has to doubt whether the government has any commitment to implement its own policy and standards.

An MMF survey of members (University of Manitoba Research Ltd., 1988) found that child and family services were a key concern for 90% of those surveyed. Eighty-three percent stated that they would like to see child welfare services provided by a Métis organization. Over 7% of the respondents indicated that they have a child under the age of 18 placed away from home. Ten percent of the families indicated they were raising a child who was not one of their own. This is convincing evidence that the Métis community is carrying the bulk of the burden for child and family services without payment and out of its own resources through custom adoptions and placements with relatives. These matters are not being referred to the “official” agencies. Thus, Métis people are not receiving their fair share of government resources.

There are a number of reasons for reluctance to approach the mainstream system, one of which is a survey showing that 71% of Winnipeg Métis respondents feel that child welfare does not give enough consideration to Métis culture (University of Manitoba Research, 1988).

Another reason is the previously cited finding that potential Métis foster homes are often turned down because of a lack of material resources. Since this has become widely known potential applicants are now reluctant to come forward.
In a study commissioned by the MMF (Ryan, 1988) it was revealed that:

a) Even with Directive 18, Native children are still being placed in non-Native foster homes, because agencies, using existing resources, have not been able to develop a sufficient supply of Native foster homes.

b) There is an inappropriate concern with material standards in approving potential foster homes in the Indian and Métis communities.

c) There is unwillingness (or inability) on the part of agencies to authorize special foster rates where these would clearly be appropriate for Native placement.

d) There have been cases where the child caring agency has not made use of a placement resource which was referred by the designated group.

e) Sometimes, notification of a Native child in care comes too late in the process for the designated resources to locate a culturally appropriate placement.

The deplorable situation described above has been made worse by changes to Directive 18. A section which clearly identified procedures with regard to non-status Indian and Métis families was removed. The current standard, Native Child Placement, Section 421 (Manitoba Community Services, 1984: 1-7) in the Child and Family Services Program Standards Manual, effectively buries the reference to Métis children.

It is the current assessment of MMF child and family service staff (Moar, 1989) that:

a) The majority of child and family services social workers in Manitoba are poorly informed or uninformed regarding Directive 18 and Program Standard 421. It seems the only persons who have a working knowledge of these are Native social workers and field staff.

b) People are asked to declare as Métis only if the workers "think they are Métis".

c) It was only with much badgering that MMF began receiving referrals.

d) When the MMF forwards names of Métis families wishing to foster or adopt, many are placed on waiting lists and many are never contacted for home assessment.

e) The MMF has not been able to push for more referrals due to lack of staff and budget.

f) The 1982 moratorium has resulted in fewer Métis placements outside the province, but has not reduced the number of Métis children placed outside the Métis community.

g) The MMF was effectively left out of negotiations on the development of Standard 421, and did not receive a satisfactory reply to its submitted negotiating document.

h) As the proportion of Métis children removed from their homes under the Child Welfare Act so closely approximates the proportion removed from home under the Young Offenders Act, there is strong evidence to support the MMF thesis that Métis people are subjected to a high degree of social control while social development needs have gone unmet.
Although the thrust of the Kimelman report, *No Quiet Place* (Kimelman, 1985), and the intent of subsequent child and family service revisions to placement and adoption standards, was to ensure that Indian and Métis children were either placed or adopted into culturally appropriate homes, our research reveals that there are still significant numbers of aboriginal children being adopted into non-Native homes, a practice which Judge Kimelman had earlier denounced as "cultural genocide" (1984:51).

In the period between January 1988 and October 1989, 29.2% of registered Indian adoptees went into non-Native homes and 55.8% of Métis adoptees went into non-Native homes. Furthermore, 62% of all the

<table>
<thead>
<tr>
<th>TABLE 5: MANITOBA ADOPTIVE PLACEMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1988 to October 1989</td>
</tr>
<tr>
<td>---------------------------------------</td>
</tr>
<tr>
<td>Registered Indians Adopted Placements</td>
</tr>
<tr>
<td>1. Registered Indian Homes             15 (62.5%)</td>
</tr>
<tr>
<td>2. Other Native Homes                  2 (8.3%)</td>
</tr>
<tr>
<td>3. Non-Native Homes                    7 (29.2%)</td>
</tr>
<tr>
<td>Non Status Indians Adopted Placements</td>
</tr>
<tr>
<td>1. Non-Native Homes                    2 (100%)</td>
</tr>
<tr>
<td>Métis Adopted Placements</td>
</tr>
<tr>
<td>1. Métis Homes                         19 (44.2%)</td>
</tr>
<tr>
<td>2. Non-Native Homes                    24 (55.8%)</td>
</tr>
<tr>
<td>Total Non-Native Placements            33 (47.8%)</td>
</tr>
</tbody>
</table>

Aboriginal children placed by way of adoption during this time period were Métis.

Clem Chartler has argued that under the Canadian Charter of Rights and Freedoms (Part I of the Constitution Act, 1982), the practice of adoption of Métis children into non-Métis homes violates what should be a recognized group right in addition to the child's right to remain in the group... "based on the section 7 security of the person provision (of the Charter) particularly as it applies to cultural heritage. In the absence of this right, and in the face of the continuing removal of Métis children from the Métis community, Canada could be viewed by the international community as committing ethnocide, which is basically a form of cultural genocide" (1988:55).

An additional issue is the repatriation of Métis children who were adopted by families outside of Canada. The complex set of issues is outlined by Audreen Hourie (MMF Education Co-ordinator) in a 1989 submission to the Aboriginal Justice Inquiry.
Public records may not indicate actual figures on numbers of Aboriginal children who are lost to their families but it is believed by the Aboriginal community to be many. These children are now attempting to return to their province of birth and the barriers they face are numerous. Many have reached the age of majority (18 yrs.) and require established citizenship to receive service in the Province of Manitoba.

The Province of Manitoba as represented by the Department of Community Services claims little or no responsibility to repatriate adults who were in their care or custody as children. Citizenship papers and birth certificates were confiscated on apprehension; new names given and a new identity forced upon the children...

There were many cases during the 'Aboriginal Justice Inquiry' of grievance relating to specific cases that would reflect abduction as opposed to apprehension e.g., one very young Métis boy crossing the U.S. border in a van filled with children, being taught their new names in preparation for border crossing.

Too many times, Aboriginal people have attempted to raise questions about missing children. One small survey in the Métis community of Camperville and surrounding area indicated that approximately fifty children were missing, no known whereabouts. Remote communities attending a meeting in Thompson where the subject arose “Where are the missing children?" led one very quiet mother to say, "They took my boy a long time ago, he would be fourteen years old now, they said they would send me a picture, they never did" (Hourie, 1989).

Conclusions

It is our assessment that there are a number of factors which account for the high number of Métis adoptions in comparison to the number of children at risk and these same factors account for the fact that over one-half of these adopted Métis children go into non-Native homes.

1. The Métis do not have an agency of their own mandated to provide adoption services.

2. The Manitoba Métis Federation Child and Family Service is not funded to provide province-wide preventive services.

3. Referrals to MMF Child and Family Services come infrequently or too late in the process to make a difference. Although adoptions account for only a small proportion of the Métis children removed from their families, over the last two years MMF received only 41 referrals under Standard 421, while the provincial government's own figures show that there were at least 43 Métis children placed for adoption alone.
These studies and material lead to the obvious conclusion that Métis children and families have not been served well by traditional child and family service agencies. In fact the consensus of Métis people is that they have received inadequate and inappropriate services. The feeling of the Métis community as a whole (at least as expressed by their elected officials on the Board of Directors of the MMF) is that this disparity in service is racially motivated. The MMF applied for recognition and funding of a child and family service agency that would lead to a full mandate to deliver these services to Métis people. They have received no positive response to date.

NOTES

1. The opinions expressed herein are those of the authors, and do not necessarily represent those of their employers.


4. These figures and those contained in the table which follows were obtained through interviews with departmental officials of Child and Family Services.

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The country comes to the city.
UN Photo: Morenko

Aboriginal Women's Associations

The Native Women's Association of Canada (NWAC)

The NWAC is founded on a collective goal to enhance, promote, and foster the social, economic, cultural and political well-being to First Nations and Metis women within Aboriginal and Canadian societies. The NWAC has been solidly grounded by community-based representation since its inception in the early 1970's, in accordance with the objectives of its founding members.

As a non-profit organization, incorporated in 1974, the NWAC is an aggregate of Native women's organizations, collectives, and/or communities across Canada. Representative of the unique and distinct reality of Aboriginal peoples, our self-identification as an association is that of a "Grandmother's Lodge"... In this "Grandmother's Lodge" we, as Aunties, Mothers, Sisters, Brothers and Relatives, collectively recognize, respect, promote, defend and enhance our Native ancestral laws. We acknowledge the Creator as one being – one who gave us our spiritual beliefs, language and traditions, and we fully acknowledge and empower ourselves by accepting our responsibilities as Aboriginal women.

The NWAC is structured according to the Four Directions, which also entrenches our way of governing ourselves. In working towards the accomplishment of our goals, the four universal principles of Trust, Sharing, Strength and Kindness are inherent in all that we say and do. Everything revolves around ensuring a future home for our children, and for the next seven generations.

Principles

The principles or objectives of NWAC are as follows:

- to address issues in a manner which appropriately reflects the continuously changing needs of Native women in communities across Canada;
- to assist and promote common efforts towards self-determination and self-sufficiency for Native peoples in our role as mothers and leaders;
- to promote equal opportunities for Native women in programs and activities that meet their social, economic, political, spiritual and cultural needs;
- to serve as a resource among our Native women's organizations and communities through which they can share and exchange ideas and research in areas of common goals;
- to cultivate and teach the characteristics that are unique aspects of our cultural and historic traditions;
- to assist Native women's organizations, as well as community initiatives in the development of their local projects;
- to ensure that the national body is accountable to regional and local groups;
- to advance issues and concerns of Native women; to link with other Native organizations with common goals;
• to be the national voice for Native women; and
• to evaluate annually the constitution and goals of the NWAC
so that they are realistic, attainable, specific,
co-ordinated and meaningful.

THE B.C. NATIVE WOMEN'S SOCIETY

The philosophy of the B.C. Native Women's Society is that Native
women and children do have unique concerns. Our goal is to
establish service centres that will offer a consolidated service
approach catering to all the needs of Native women through an agency
and an office. The purpose of this organization is to address those
needs. Positive steps are necessary to develop Native women and
children to their full potential. Our objectives are:

To educate:

Native Indians in matters of civic, social, and moral
welfare pertaining to Indians;
the Native Tribes of B.C. through study of their problems;
the Canadian public about Native people, their problems and
their achievement;
organizations in Indian communities about their rights and
general laws that affect Native people in the province of
B.C.

To promote and encourage:

recreational competitions to stimulate better recreational
programs for our Native youth;
better consideration of the treatment of the Native aged;
better family relationships.

To provide:

a forum for the full and free discussions of all matters of
general interest to Native people.

PAKTUUTIT, THE INUIT WOMEN'S ASSOCIATION OF CANADA

Paktuutit was created in March 1984, to foster a greater awareness
of the needs of Inuit women and to encourage their participation in
social, cultural and educational issues. Paktuutit's membership is
open to all Inuit women in Canada.

Aims and Objectives

• to unite the Inuit women of Canada
• to act and be recognized as the official representative of
  Inuit Women
• to familiarize our children with Inuit values, heritage,
culture and language
to work towards better conditions for all Inuit women
• to motivate Inuit women to realize their potential as individuals and as a collective group
• to promote self-confidence and self-reliance amongst Inuit Women
• to encourage Inuit women to take their rightful place in society
• to work for the betterment of individual, family and community conditions through social and economic actions
• to promote the rights of Inuit women and children
• to push for equality of Inuit women in all levels of Canadian governmental/non-governmental structures
• to encourage the involvement of Inuit women in all levels of Canadian society and
• to encourage communication between Inuit women and all Aboriginal peoples

It is up to the settlers of Lima's pueblos jóvenes to provide for their own needs. A trench for sewer pipes has been hand-dug through the hodge-podge of shanties.
(CIDA Photo: S. Taylor Meethan, Peru)

Development, Winter 1987-88
Canadian Charter of Rights and Freedoms

Whereas Canada is founded upon principles that recognize the supremacy of God and the rule of law:

Guarantee of Rights and Freedoms

1. The Canadian Charter of Rights and Freedoms guarantees the rights and freedoms set out in it subject only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society.

Fundamental Freedoms

2. Everyone has the following fundamental freedoms:
   (a) freedom of conscience and religion;
   (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communications;
   (c) freedom of peaceful assembly; and
   (d) freedom of association.

Democratic Rights

3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

4. (1) No House of Commons and no legislative assembly shall continue for longer than five years from the date fixed for the return of the writs at a general election of its members.

   (2) In time of real or apprehended war, invasion or insurrection, a House of Commons may be continued by Parliament and its legislative assembly may be continued by the legislature beyond five years if such continuation is not opposed by the votes of more than one-third of the members of the House of Commons or the legislative assembly, as the case may be.
5. There shall be a sitting of Parliament and of each legislature at least once every twelve months.

Mobility Rights

6. (1) Every citizen of Canada has the right to enter, remain in and leave Canada.

(2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right
(a) to move to and take up residence in any province; and
(b) to pursue the gaining of a livelihood in any province.

(3) The rights specified in subsection (2) are subject to
(a) any laws or practices of general application in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and
(b) any laws provided for reasonable residency requirements as a qualification for the receipt of publicly provided social services.

(4) Subsections (2) and (3) do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada.

Legal Rights

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

8. Everyone has the right to be secure against unreasonable search or seizure.

9. Everyone has the right not to be arbitrarily detained or imprisoned.

10. Everyone has the right on arrest or detention
(a) to be informed promptly of the reasons therefore;
(b) to retain and instruct counsel without delay and to be informed of that right; and
(c) to have the validity of the detention determined by way of habeas corpus and to be released if the detention is not lawful.

11. Any person charged with an offence has the right
(a) to be informed without unreasonable delay of the special offence;
(b) to be tried within a reasonable time;
(c) not to be compelled to be a witness in proceedings against that person in respect of the offence;
(d) to be presumed innocent until proven guilty according to law in a fair and public hearing by an independent and impartial tribunal;
(e) not to be denied reasonable bail without just cause;
(f) except in the case of an offence under military law tried before a military tribunal, to the benefit of trial by jury where the maximum punishment for the offence is imprisonment for five years or a more severe punishment;
(g) not to be found guilty on account of any act or omission unless, at the time of the act or omission, it constituted an offence under Canadian or international law or was criminal according to the general principles of law recognized by the community of nations;
(h) if finally acquitted of the offence, not to be tried for it again; and, if finally found guilty and punished for the offence, not to be tried or punished for it again; and
(i) if found guilty of the offence and if the punishment for the offence has been varied between the time of commission and the time of sentencing, to the benefit of the lesser punishment.

12. Everyone has the right not to be subjected to any cruel or unusual treatment or punishment.

13. A witness who testifies in any proceedings has the right not to have incriminating evidence so given used to incriminate that witness in any other proceedings, except in a prosecution for perjury or for the giving of contradictory evidence.

14. A party or witness in any proceedings who does not understand or speak the language in which the proceedings are conducted or who is deaf has the right to the assistance of an interpreter.

Equality Rights

15.(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination, and in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

(2) Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of the disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

Official Languages of Canada

16.(1) English and French are the official languages of Canada and have equality of status and equal rights and of as to their use in all institutions of the Parliament and government of Canada.
(2) English and French are the official languages of New Brunswick and have equality of status and equal rights and privileges as to their use in all institutions of the legislature and government of New Brunswick.

(3) Nothing in this Charter limits the authority of Parliament or a legislature to advance the equality of and status or use of English and French.

17.(1) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

(2) Everyone has the right to use English or French in any debates and other proceedings of the legislature of New Brunswick.

18.(1) The statutes, records and journals of Parliament shall be printed and published in English and French and both language versions are equally authoritative.

(2) The statutes, records and journals of the legislature of New Brunswick shall be printed and published in English and French and both language versions are equally authoritative.

19.(1) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court established by Parliament.

(2) Either English or French may be used by any person in, or in any pleading in or process issuing from, any court of New Brunswick.

20.(1) Any member of the public in Canada has the right to communicate with, and to receive available services from, any head or central office of an institution of the Parliament or government of Canada in English or French, and has the same right with respect to any other office of any such institution where (a) there is a significant demand for communications with and services from that office in such language; or

(b) due to the nature of the office, it is reasonable that communications with and services from that office be available in both English and French.

(2) Any member of the public in New Brunswick has the right to communicate with, and to receive available services from, any office of an institution of the legislature or government of New Brunswick in English and French.

21. Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada.
22. Nothing in sections 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

Minority Rights

23.(1) Citizens of Canada
(a) whose first language learned and still understood is that of the English or French linguistic minority population of the province in which they reside, or
(b) who have received their primary school instruction in Canada in English or French and reside in a province where the language in which they received that instruction is the language of the English or French linguistic minority population of the province,

have the right to have their children receive primary and secondary school instruction in that language in that province.

(2) Citizens of Canada of whom any child has received or is receiving primary or secondary school instruction in English or French in Canada, have the right to have all their children receive primary and secondary school instruction in the same language.

(3) The right of citizens of Canada under subsection (1) and (2) to have their children receive primary and secondary school instruction in the languages of the English or French linguistic minority population of a province,
(a) applies wherever in the province the number of children of citizens who have such a right is sufficient to warrant the provision to them out of public funds of minority language instruction; and
(b) includes, where the number of those children so warrants, the right to have them receive that instruction in minority language educational facilities provided out of public funds.

Enforcement

24.(1) Anyone whose rights or freedoms, as guaranteed by this Charter, have been infringed or denied may apply to a court of competent jurisdiction to obtain such remedy as the court considers appropriate and just in the circumstances.

(2) Where, in proceedings under subsection (1), a court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by this Charter, the evidence shall be excluded if it is established that, having regard to all circumstances, the admission of it in the proceedings would bring the administration of justice into disrepute.
General

25. The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including
(a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and
(b) any rights or freedoms that now exist by way of land claims agreements or may be so acquired.

26. The guarantee in this Charter of certain rights and freedoms shall not be construed as denying the existence of any other rights or freedoms that exist in Canada.

27. This Charter shall be interpreted in a manner consistent with the preservation and enhancement of the multicultural heritage of Canadians.

28. Notwithstanding anything in this Charter, the rights and freedoms referred to in it are guaranteed equally to male and female persons.

29. Nothing in this Charter abrogates or derogates from any rights or privileges guaranteed by or under the Constitution of Canada in respect of denominational, separate or dissentient schools.

30. A reference in this Charter to a province or to the legislative assembly or legislature of a province shall be deemed to include a reference to the Yukon Territory and the Northwest Territories, or to the appropriate legislative authority thereof, as the case may be.

31. Nothing in this Charter extends the legislative powers of any body or authority.

Application of Charter

32. (1) This Charter applies
(a) to the Parliament and government of Canada in respect of all matters within the authority of Parliament including all matters relating to the Yukon Territory and Northwest Territories; and
(b) to the legislature and government of each province in respect of all matters within the authority of the legislature of each province.

(2) Notwithstanding subsection (1), section 13 shall not have effect until three years after this section comes into force.

33. (1) Parliament or the legislature of a province may expressly declare in an Act of Parliament or of the legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in section 2 or sections 7 to 15 of this Charter.
Inuit Identification Disc Numbers

A system devised by the federal government to permit the individual identification of each Inuit in the Canadian Arctic. For the 1941 census, a four-digit number stamped on a thin fibre disc slightly larger than a quarter was prepared by the federal government for each Inuit. The disc had two small holes punched in it and could be worn around the neck or on the wrist. In 1945, to allow for the introduction of family allowances, the Canadian Arctic was divided into three Western and nine Eastern districts, and replacement discs—bearing the designation of the district as well as the individual—were supplied. The disc system was discontinued in 1971 with the implementation of Project Surname, under which most Inuit agreed to adopt family names.

Colombo's Canadian Reference
Oxford University Press
70 Wynford Drive
Don Mills, Ontario
M3C 1J9

* Note the disc identification system is presently in use in identifying Canadian livestock, particularly cattle and sheep. In this case, the disc is secured in one ear of the animal to be identified.
One of the most persistent myths that Canadian historians perpetuate is that of the 'honourable and just' policy Canada followed in dealing with the Plains Indians. First enunciated in the Canadian expansionist literature of the 1870's as a means to emphasize the distinctive Canadian approach to and the unique character of the Canadian West, it has been given credence by G.F.G. Stanley in his classic The Birth of Western Canada, and by all those who use Stanley's work as the standard interpretation of Canada's relationship with the Plains Indians in the period 1870-85. Thus students are taught that the Canadian government was paternalistic and far-sighted in offering the Indians a means to become civilized and assimilated into white society by the reserve system, and honest and fair-minded in honouring legal commitments made in the treaties. The Plains Indians, and particularly the Plains Cree, are said to be a primitive people adhering to an inflexible system of tradition and custom, seeking to protect themselves against the advance of civilization and taking up arms in rejection of the reserve system and an agricultural way of life. This traditional interpretation distorts the roles of both the Cree and the Canadian government, for the Cree were both flexible and active in promoting their own interests, and willing to accommodate themselves to a new way of life while the Canadian government was neither as far-sighted nor as just as tradition maintains. Canada's principal concern in its relationship with the Plains-Cree was to establish control over them, and the Canadian authorities were willing to and did wage war upon the Cree in order to achieve this control.

Those who propagate the myth would have us believe that Canada began to negotiate treaties with the Indians of the West in 1871 as part of an overall plan to develop the agricultural potential of the West, open the land for railway construction, and bind the prairies to Canada in a network of commercial and economic ties. Although there is an element of truth of these statements, the fact remains that in 1871 Canada had no plan on how to deal with the Indians and the negotiation of treaties was not at the initiative of the Canadian government, but at the insistence of the Ojibwa Indians of the North-West Angle and the Saulteaux of the tiny province of Manitoba. What is ignored by the traditional interpretation is that the treaty process only started after Yellow Quill's band of Saulteaux turned back setters who tried to go west of Portage la Prairie, and after other Saulteaux leaders insisted upon making a new treaty. Also ignored is the fact that the Ojibwa of the North-West Angle demanded rents, and created the fear of violence against perspective settlers who crossed their land or made use of their territory, if Ojibwa rights to their lands were not recognized. This pressure and fear of resulting violence is what motivated the government to begin the treaty-making process.
Canada's initial offer to the Saulteaux and Ojibwa Indians consisted only of reserves and a small cash annuity. This proposal was rejected by the Ojibwa in 1871 and again in 1872, while the Saulteaux demanded, much to Treaty Commissioner Wemyss-Simpson's chagrin, farm animals, horses, wagons, and farm tools and equipment. Simpson did not include these demands in the written treaty, for he had no authority to do so, but he wrote them down in the form of a memorandum that he entitled "outside promises" and which he failed to send to Ottawa. Thus the original Treaties 1 and 2 did not include those items the Saulteaux said had to be part of a treaty before they would agree to surrender their lands. Only in 1874, after the Indian leaders of Manitoba became irate over non-receipt of the goods that Simpson had promised them, was an inquiry launched, and Simpson's list of "outside promises" discovered and incorporated in renegotiated treaties in 1875. It was only in 1873, after the Ojibwa of the North-West Angle has twice refused treaties that only included reserves and annuities, that the government agreed to include the domestic animals, farm tools, and equipment that the Ojibwa demanded. After this experience Canada made such goods a standard part of later treaties.

Just as was pressure from the Indians of Manitoba that forced the government of Canada to initiate the treaty process, it was pressure from the Plains Cree in the period 1872-75 that compelled the government of Canada to continue the process with the Indians of the Qu'Appelle and Saskatchewan districts. The Plains Cree had interfered with the geological survey and prevented the construction of telegraph lines through their territory to emphasize that Canada had to deal with the Cree for Cree lands. The Cree had learned in 1870 about Canada's claim to their lands, and not wanting to experience what had happened to the Indians in the United States when those people were faced with an expansionist government, the Cree made clear that they would not allow settlement or use of their lands until Cree rights had been clearly recognized. They also made clear that part of any arrangement for Cree lands had to involve assistance to the Cree in developing a new agricultural way of life.

In adopting this position, the Cree were simply demonstrating a skill that they had shown since their initial contact with Europeans in 1670. On numerous occasions during the fur trade era, they had adapted to changed environmental and economic circumstances, beginning first as hunters, then as provisioners and middlemen in the Hudson's Bay Company trading system, and finally adapting from a woodland to parkland prairie buffalo hunting culture to retain their independence and their desired ties with the fur trade. Having accommodated themselves to the Plains Indian culture after 1800, the expanded into territory formerly controlled by the Atsina, and as the buffalo herds began to decline after 1850, the Cree expanded into Blackfoot territory.
Expansion was one response to the threat posed by declining buffalo herds; another was that some Plains Cree bands began to turn to agriculture. Thus, when the Cree learned that Canada claimed their lands, part of the arrangement they were determined to make and succeed in making was to receive assistance in adapting to an agricultural way of life. So successful were they in negotiating such assistance that when the Mackenzie government received a copy of Treaty 6 in 1876 it accepted the treaty only after expressing a protest concerning the too-generous terms granted to the Cree.

While willing to explore the alternative of agriculture, three Cree leaders in the 1870's sought means to guarantee preservation of the buffalo-hunting culture as long as possible. Piapot (leader of the Cree Assiniboine of the region south of the Qu'Appelle River), and Big Bear and Little Pine (leaders of two of the largest Cree bands from the Saskatchewan River district) led what has been called an armed migration of the Cree into the Cypress Hills in the latter 1860's. All three men were noted warriors and Big Bear and Piapot were noted religious leaders, but their power was not enough to prevent a Cree defeat at the Battle of the Belly River in 1870, and as a result they explored the alternative of dealing with the government of Canada, but in a manner to extract guarantees for the preservation of Cree autonomy. They were determined to get the government to promise to limit the buffalo hunt to the Indians - a goal that Cree leaders had been advocating since the 1850's. When Big Bear met with Treaty Commissioner Alexander Morris at Fort Pitt in September 1876, he extracted a promise from Morris that non-Indian hunting of the buffalo would be regulated.

Big Bear refused to take treaty in 1876, despite receiving Morris's assurances about the regulation of the hunt. Little Pine and Piapot also did not take treaty when the treaty commissions first came to deal with the Cree. Oral tradition among the Cree maintains that all three leaders wished to see how faithful the government would be in honouring the treaties, but equally important to all three leaders was their belief that the treaties were inadequate and that revisions were necessary. Piapot thought Treaty 4 (the Qu'Appelle Treaty) needed to be expanded to include increased farm equipment and tools, and to stipulate that the government had to provide mills, blacksmith and carpentry shops and tools, and instructors in farming and the trades. Only after receiving assurances that Ottawa would consider these requests did Piapot take treaty in 1875. Big Bear and Little Pine objected to Treaty 6 (Fort Pitt and Carlton) because Commissioner Morris had made clear that in taking treaty the Cree would be bound by Canadian law. To accept the treaties would mean being subject to an external authority of which the Cree had little knowledge and upon which they had little influence. Neither Big Bear nor Little Pine would countenance such a loss of autonomy.
Big Bear had raised the matter of Cree autonomy at Fort Pit in 1876, when he met Commissioner Morris. At that time Big Bear said: "I will make a request that he (Morris) save me from what I most dread, that is the rope about my neck.... It was not given to us to have the rope about our neck." Morris and most subsequent historians have interpreted Big Bear's statements to be a specific reference to hanging, but such an interpretation ignores the fact that Big Bear, like most Indian leaders, often used a metaphor when he spoke to messengers informing him that a treaty commission was to meet with the Cree in 1876.

At that time Big Bear said: "We want none of the Queen's presents: when we set a fox trap we scatter pieces of meat all around, but when the fox gets into the trap we knock him on the head; we want no bait...." A more accurate interpretation of Big Bear's works to Morris in 1876 is that he feared being controlled or "enslaved", just as an animal is controlled when it has a rope around its neck. In 1877, when meeting with Lieutenant-Governor David Laird, Little Pine also stated that he would not take treaty because he saw the treaties as a means by which the government could "enslave" his people.

The importance of these three leaders cannot be underestimated, for they had with them in the Cypress Hills more than 50 percent of the total Indian population of the Treaty 4 and 6 areas. By concentrating in such numbers in the last buffalo ranges in Canadian territory, the Cree were free from all external interference, whether by other Indian nations or by the agents of the Canadian government - the North-West Mounted Police. Recognizing that these men were bargaining from a position of strength, Laird recommended in 1878 that the government act quickly to establish reserves and honour the treaties. He was aware that the Cypress Hills leaders had the support of many of the Cree in treaty, and that many of the Cree leaders were complaining that the government was not providing the farming assistance promised. As the number of these complaints increased, so did Cree support for Big Bear and Little Pine.

The Cree were concerned not only about the lack of assistance to farm, but when Canadian officials were slow to take action to regulate the buffalo hunt, Big Bear, Piapot, and Little Pine met with Blackfoot leaders and with Sitting Bull of the Teton Sioux in an attempt to reach agreement among the Indian nations on the need to regulate buffalo hunting. These councils were also the forum where Indian leaders discussed the need to revise the treaties. On learning about the Indian council, the non-Indian populace of the West grew anxious, fearing establishment of an Indian confederacy which would wage war if Indian demands were rejected. However, an Indian confederacy did not result from these meetings, nor was agreement reached on how the buffalo were to be preserved, because the Cree, Sioux, and Blackfoot could not overcome their old animosities towards one another.
When in 1879 the buffalo disappeared from the Canadian prairies and Big Bear and Little Pine took their bands south to the buffalo ranges on the Milk and Missouri rivers, most of the other Cree and Assiniboine bands also went with them. The Cree who remained in Canada faced starvation while awaiting the survey of their reserves and the farming equipment that had been promised. Realizing that many of the Cree were dying, the government decided that those who had taken treaty should be given rations. As well, the government appointed Edgar Dewdney to the newly-created position of Commissioner of Indian Affairs for the North-West Territory; a farming policy for the western reserves was introduced; a survey of Cree reserves was begun; and twelve farming instructors were appointed to teach the Indians of the North-West.

The new Indian Commissioner quickly sought to use rations as a means of getting control over the Cree. In the fall of 1879 he announced that rations were to be provided only to Indians who had taken treaty. To get the Cree into treaty more easily and to reduce the influence of recalcitrant leaders, Dewdney announced that he would adopt an old Hudson's Bay Company practice of recognizing any adult male Cree as chief of a new band if he could induce one hundred or more persons to recognize him as leader. He expected that the starving Cypress Hills Cree would desert their old leaders to get rations. As a means of demonstrating Canada's control over the Cree, Dewdney ordered that only the sick, aged, and orphans should receive rations without providing some service to one of the government agencies in the West.

Dewdney's policies seemed to work, for when the Cree and Assiniboine who had gone to hunt in Montana returned starving, their resolve weakened. Little Pine's people convinced their chief to take treaty in 1879, but when Big Bear refused to do the same, almost half of his following joined Luck Man or Thunderchild to form new bands in order to receive rations.

Taking treaty to avoid starvation did not mean that the Cree had come to accept the treaties as written; rather they altered their tactics in seeking revisions. Believing that small reserves were more susceptible to the control of the Canadian government and its officials, Big Bear, Piapot, and Little Pine sought to effect a concentration of the Cree people in an Indian territory similar to the reservation system in the United States. In such a territory the Cree would be able to preserve their autonomy, or at least limit the ability of others to control them; they would be better able to take concerted action on matters of importance to them.

Soon after taking treaty Little Pine applied for a reserve in the Cypress Hills, twenty-seven miles north-east of the North-West Mounted Police post for Fort Walsh. Piapot requested a reserve next to Little Pine's while ten other bands, including most Assiniboine nations, selected reserve sites contiguous to either Little Pine's or Piapot's and to one another.
If all these reserve sites were granted, and if Big Bear were to take treaty and settle in the Cypress Hills, the result would be the concentration of much of the Cree nation and the creation of an Indian territory that would comprise most of what is now south-western Saskatchewan.

Unaware of the intention of the Cree and Assiniboine leaders, Canadian officials in the spring of 1880 agreed to the establishment of a reserve for all the Canadian Assiniboine and reserves in the Cypress Hills for each of the Cree bands that wished them. In 1880, the Assiniboine reserve was surveyed, but the other Indian leaders were told that their reserves would not be surveyed until the following year. In the interim, most of the Cree went to the buffalo ranges in Montana.

The Cree effort to exploit the remaining American buffalo ranges caused them much trouble. The Crow, the Peigan, and other Indian nations with reservations in Montana were upset by competition for the scarce food resource, and these people threatened to break the treaties they had made with the American government and to wage war on the Cree if the American authorities did not protect the Indian hunting ranges. These threats were renewed when the Cree began to steal horses from the Crow and Peigan. To add to their difficulties, American ranchers accused the Cree of killing range cattle. American officials, not wishing trouble with their Indians and wishing to placate the ranchers, informed the Cree that they would have to return to Canada. Most Cree bands, aware that if they did not leave voluntarily the American government would use troops to force them to move north, returned to the Cypress Hills.

They returned to find that Canadian officials were now aware of the dangers to their authority posed by a concentration of the Cree. A riot at Fort Walsh in 1880, which the police were powerless to prevent or control, assaults on farming instructors who refused to provide rations to starving Indians, and rumours that the Cree were planning a grand Indian council to discuss treaty revisions in 1881 all caused the Indian Commissioner much concern. To avoid further difficulties over rations, in late 1880 Dewdney ordered that all Indians requesting rations be given them, regardless of whether the supplicant was in a treaty. There was little that the government could do at this time about the proposed Indian council or the concentration of Cree in the Cypress Hills.

In the spring of 1881, Cree bands from all regions of the Canadian prairies left their reserves to go south to meet with Little Pine and Big Bear. Even the new bands Dewdney had created were going to the council of American territory. What was also disconcerting to Canadian officials were the reports that Big Bear and Little Pine, who had gone to Montana to prepare for the council, had reached an accommodation with the Blackfoot and had participated in a joint raid on the Crow. To all appearances the Blackfoot, the Indian confederacy the Canadian government most feared, would be part of the Indian council.
The Indian council was not held because the raid on the Crow-led American officials to intervene militarily to force the Cree to return to Canada. With Montana stockmen acting as militia units, the American army prevented most Cree and Assiniboine bands from entering the carts, and escorted the Cree to Canada. The Cree-Blackfoot alliance did not materialize, for soon after the raid on the Crow, young Cree warriors stole horses from the Blackfoot and thereby destroyed the accord that Little Pine and Big Bear were attempting to create.

The actions of the American military in 1881 were extremely beneficial to Canada. Not only did the Americans prevent the holding of the Indian council, but by confiscating the guns and horses of the Cree, the Americans had dispossessed the Cree of the ability to resist whatever measures the Canadian authorities wished to take against them. The Canadian authorities also benefited from Governor-General Lorne's tour of the West in 1881, for many of the Cree bands that had gone to the Cypress Hills in the spring went north in late summer to meet Lorne to impress him the inadequacy of the treaties and the need to revise them. Thus, Lorne's tour prevented the concentration of most of the Cree nation in the Cypress Hills.

The threat posed to Canadian authority in the North-West by concentration of the Cree was clearly recognized by Dewdney and other Canadian officials in late 1881. They saw how the Cree had forced officials to placate them and to ignore their orders in 1880 and 1881. This convinced both Dewdney and Ottawa that the Cree request for contiguous reserves in the Cypress Hills could not be granted. Dewdney recognized that to grant the Cree requests would be to create an Indian territory, for most of the Cree who had reserves further north would come to the Cypress Hills and request reserves contiguous to those of the Cypress Hills Cree. This would result in a large concentration of Cree that the only way Canada could enforce its laws on them would be via a military campaign. To prevent this, Dewdney recommended a sizeable expansion of the Mounted Police force and the closure of Fort Walsh and all government facilities in the Cypress Hills. This action would remove all sources of sustenance from the Cree in the Cypress Hills. Dewdney hoped that starvation would drive them from the Fort Walsh area and thus end the concentration of their force.

Dewdney decided to take these steps fully aware that what he was doing was a violation not only of the promises made to the Cypress Hills Indians in 1880 and 1881, but also that by refusing to grant reserves on the sites the Indians selected, he was violating the promises made to the Cree by the Treaty Commissions in 1874 and 1876, and in the written treaties. Nevertheless, Dewdney believed that no accede to the Cree requests would be to grant the Cree de facto autonomy from Canadian control, which would result in the perpetuation and heightening of the 1880-81 crisis.
Rather than see that situation continue, Dewdney wanted to exploit the opportunity presented to him by the hunger crisis and disarmament of the Cree to bring them under the government's control, even if it meant violating the treaties.

In the spring of 1882 the Cree and Assiniboine were told that no further rations would be issued to them while they remained in the Cypress Hills. Only if the Indians moved north to Qu'Appelle, Battleford, and Fort Pitt were they to be given assistance, and at those locations only treaty Indians were to be aided. The Mounted Police were ordered to stop issuing rations at Fort Walsh and the Indian Department farm that had been located near Fort Walsh was closed. Faced with the prospect of starvation, without weapons or transport to get to the Montana buffalo ranges, and knowing that if they were to try to go south the Mounted Police would inform the American military authorities, many Cree and all the Assiniboine decided to go north. Even Big Bear discovered that his people wanted him to take treaty and move north. In 1882, after taking treaty, he, along with Piapot and Little Pine, promised to leave the Cypress Hills.

Only Piapot kept his promise and even he did not remain long at Fort Qu'Appelle. By late summer of 1882, Piapot was back in the Cypress Hills complaining about how he had been mistreated at Qu'Appelle, and making the Cree aware of how they could lose their autonomy if the government could deal with them as individual bands. On hearing this report, the other Cree leaders refused to leave the Fort Walsh region and insisted upon receiving the reserves promised them in 1880 and 1881. North-West Mounted Police Commissioner Irvine feared a repetition of the incidents of 1880 if he refused to feed the Cree and believed that the hungry Cree would harass the construction crews of the Canadian Pacific Railway for food, which would lead to confrontation between whites and Indians, which the police would be unable to handle and which in turn might lead to an Indian war. Therefore Irvine decided to feed the Cree.

Dewdney and Ottawa were upset by Irvine's actions. Ottawa gave specific instructions to close Fort Walsh in the spring of 1883. When Irvine closed the fort, the Cree faced starvation. As it was quite evident that they could not go to the United States, and as they would not receive reserves in the Cypress Hills, the Cree moved north. Piapot moved to Indian Head and selected a reserve site next to the huge reserve set aside for the Assiniboine. Little Pine and Lucky Man moved to Battleford and selected reserve sites next to Poundmaker's reserve. Big Bear went to Fort Pitt.

The move to the north was not a sign of the Cree acceptance of the treaties as written, nor of their acceptance of the authority of the Canadian government.
Big Bear, Little Pine, and Piapot were aware that the other Cree chiefs were dissatisfied with the treaties, and were also aware that if they could effect concentration of the Cree in the north they would be able to preserve their autonomy, just as they had done in the Cypress Hills in the 1879-81 period. Therefore, the move to the north was simply a tactical move, for no sooner were these chiefs in the north than they once again sought to effect a concentration of their people.

By moving to Indian Head, Piapot had effected a concentration of more than 2,000 Indians. This number threatened to grow larger if the council he planned to hold with all the Treaty 4 bands to discuss treaty revisions were successful. Commissioner Dewdney, fearing the results of such a meeting in 1883, was able to thwart Piapot by threatening to cut off rations to any Indians attending Piapot's council and by threatening to arrest Piapot and depose any chiefs who did meet with him. Although Dewdney, in 1883, prevented Piapot holding a large council by such actions, Piapot was able to get the Treaty 4 chiefs to agree to meet in the late spring of 1884 for a thirsdance and council on Pasquah's Reserve, near Fort Qu'Appelle.

While Piapot was organizing an Indian council in the Treaty 4 area, Big Bear and Little Pine were doing the same for the Treaty 6 region. Little Pine and Lucky Man attempted to effect a concentration of more than 2,000 Cree on contiguous reserves in the Battleford district, by requesting reserves next to Poundmaker, whose reserve was next to three other Cree reserves, which in turn were only a short distance from three Assiniboine reserves. Another 500 Cree would have been located in the Battleford area if Big Bear's request for a reserve next to Little Pine's site has been granted. Only with difficulty was Dewdney able to get Big Bear to move to Fort Pitt. However, he was unable to prevent Big Bear and Little Pine from sending messengers to the Cree leaders of the Edmonton, Carlton, and Duck Lake districts to enlist their support for the movement to concentrate the Cree.

Dewdney was convinced that the activities of Big Bear, Piapot, and Little Pine were a prelude to a major project the Cree planned for the following year, 1884. He was also aware that his ability to deal with the impending problem was severely limited by decision taken in Ottawa. The Deputy Superintendent-General of Indian Affairs, Lawrence Vankoughnett, was concerned about the cost of administering Dewdney's policies, and he ordered reductions in the level of assistance provided to the Cree and in the number of employees working with the Cree. In making these decisions, Ottawa effectively deprived Dewdney of his major sources of intelligence about the Cree and their plans. It also deprived Dewdney of a major instrument in placating the Cree - the distribution of rations to those bands which co-operated.
Vankoughnet's economy measures led to further alienation of the Cree. In some areas, notably in the Fort Pitt, Edmonton, and Crooked Lakes regions, farming instructors were assaulted and government store houses broken into when Indians were denied rations. The incident on the Sakemay Reserve in the Crooked Lakes area was quite serious, for when the police were called upon to arrest those guilty of the assault, they were surrounded and threatened with death if they carried out their orders. Only after Assistant Indian Commissioner Hayter Reed had agreed to restore assistance to the Sakemay band to the 1883 level and had promised not to imprison the accused were the police allowed to leave with their prisoners.

The violence that followed the reductions in rations convinced Dewdney that starving the Cree into submission was not the means to control them. He wanted to use coercion, but this required an expansion of the number of police in the West. Therefore, he recommended that more men be recruited for the Mounted Police. In addition, Dewdney wanted to ensure that jail sentences were given to arrested Indians so that they would cause no further problems. Having seen the effects of incarceration on Indians, Dewdney was convinced that this was the means to bring the Cree leaders under control. However, what was needed was an opinion who understood Indian nature first hand and who would take effective action to keep the Indians under control. Therefore, Dewdney wanted all Indian Department officials in the West to be appointed stipendiary magistrates in order that all Indian troublemakers could be brought to "justice" quickly. As Dewdney stated in his letter to Prime Minister John A. Macdonald: "The only effective course with the great proportion (of Indian bands) to adopt is one of sheer compulsion..."

Dewdney used the policy of "sheer compulsion" for only a few months in 1884. He found that his efforts to use the Mounted Police to break up the Indian councils and to arrest Indian leaders only led to confrontations between the Cree and the police. In these confrontations the police were shown to be ineffectual because they were placed in situations in which, if the Cree had been desirous of initiating hostilities, large numbers of Mounted Police would have been massacred.

The first incident which called policy of compulsion into question was the attempt to prevent Piapot from holding his thirst dance and council in May 1884. Assistant Commissioner Hayter Reed, fearing that the council would result in a concentration of all the Treaty 4 bands, ordered Police Commissioner Irvine to prevent Piapot from attending the council. Irvine was to arrest the chief at the first sign of any violation of even the most minor law. To be certain that Piapot broke a law, Reed promised to have an individual from Pasquah's reserve object to the council being held on that reserve in order that the accusation of trespass could be used to break up the meeting, which all the bands from Treaty 4 were attending.
With a force of fifty-six men and a seven-pounder gun, Irvine caught up with Piapot shortly before the chief reached Pasquah's reserve. Irvine and the police entered the Indian camp before his band was aware of what happened. However, when they entered the camp, the police found themselves surrounded by armed warriors. Realizing that any attempt to arrest the chief would result in a battle, Irvine decided to hold his own council with Piapot and Reed. This impromptu council agreed that Piapot should receive a reserve next to Pasquah in return for which Piapot would return to Indian Head temporarily.

The agreement reached between Piapot and Irvine and Reed was a victory for Piapot. By getting a reserve at Qu'Appelle again, Piapot had approximately 2,000 Cree concentrated on the Qu'Appelle River, and he was able to hold his council and thirst dance, for after going to Indian Head, he immediately turned around and went to Pasquah's. Reed and Irvine were aware of Piapot's ruse, but did nothing to prevent his holding the council, for they were aware that the Cree at Qu'Appelle were prepared to protect Piapot from what the Indians regarded as an attack on their leader. Realizing the effect that an Indian war would have on possible settlement, and that the police were inadequate for such a clash, the Canadian officials wished to avoid giving cause for violent reaction by the Cree. Piapot acted as he did because he realized that if any blood were shed the Cree would experience a fate similar to that of the Nez Perces, Blackfoot, and Dakota Sioux in those peoples' conflicts with the United States.

Dewdney and the police were to have a similar experience when they attempted to prevent Big Bear from holding a thirst dance and council at Poundmaker's reserve in June 1884. Dewdney feared that Big Bear's council, to which the old chief had invited the Blackfoot and all the Indians from Treaty 6, would result in a larger concentration of Cree than Little Pine had already effected at Battleford. Dewdney also believed that he had to undo what Little Pine had accomplished, and refused to grant Little Pine and Lucky Man the reserve sites they had requested next to Poundmaker. Big Bear was again told that he would not be granted a reserve in the Battleford district. Dewdney believed that the Cree chiefs would ignore his order to select reserve sites at some distance from Battleford, and that this could be used as a reason for arresting them. To legitimize such actions on his part, Dewdney asked the government to pass an order-in-council to make it a criminal offence for a band to refuse to move to a reserve site the Commissioner suggested. In order to avoid violence when he attempted to prevent Big Bear's council and ordered the arrests of Lucky Man and Little Pine, Dewdney instructed the Indian agents at Battleford and Fort Pitt to purchase all the horses, guns, and cartridges the Cree possessed. He increased the size of the police garrison at Battleford and ordered the police to prevent Big Bear from reaching Battleford.
All Dewdney's efforts had little effect, for Big Bear and his band eluded the police, reached Battleford, and held their thirst dance. The Cree refused to sell their arms, and even the effort to break up the gathering by refusing to provide rations had no result other than to provoke another assault on a farm instructor on 17 June 1884. When the police sought to arrest the farm instructor's assailant, they were intimidated into leaving without a prisoner. When a larger police detachment went to the reserve on 18 June, the police were still unable to make an arrest for fear of provoking armed hostilities. Only on 20 June, when the thirst dance had concluded, were the police able to arrest the accused and only then by forcibly removing him from the Cree camp. This was done with the greatest difficulty for the police were jostled and provoked in an effort to get them to fire on the Cree. That no violence occurred, Superintendent Crozier, in charge of the police detachment, attributed to the discipline of his men and to the actions of Little Pine and Big Bear, who did all that was humanly possible to discourage any attacks on the police.

The events at Battleford frightened all parties involved in the confrontation. Big Bear was very much disturbed by them, for he did not want war, as he had made abundantly clear to Dewdney in March 1884, and again to the Indian agent at Battleford, J.A. Rae, in June. However, he did want the treaties revised and establishment of an Indian territory. Agent Rae was thoroughly frightened and wanted Dewdney and Ottawa to adopt a more coercive policy designed to subjugate the Cree. Superintendent Crozier argued for a less coercive policy, for unless some accommodation were reached with the Cree, Crozier believed that out of desperation they would resort to violence.

On hearing of the events of May and June 1884, Ottawa decided that Dewdney, who was now Lieutenant-Governor, in addition to being Indian Commissioner, was to have complete control over Indian affairs in the North-West Territories. As well, the Prime Minister informed Dewdney that more police were being recruited for duty in the West and that the Indian who was on another band's reserve without the permission of the local Indian Department official. Dewdney was thus being given the instruments to make his policy of compulsion effective. Dewdney did not, however, immediately make use of his new powers.

He still intended to prevent concentration of the Cree, and rejected the requests Big Bear, Poundmaker, Lucky Man, and other made for a reserve at Buffalo Lake, and later rejected Big Bear's, Little Pine's, and Lucky Man's renewed requests for reserves next to Poundmaker's. However, rather than following a purely coercive policy, Dewdney adopted a policy of rewards and punishments. He provided more rations, farming equipment, oxen, ammunition, and twine, and arranged for selected Cree chiefs to visit Winnipeg and other large centres of Canadian settlement.
If the Cree were not satisfied with his new approach, he would use force against them. To implement this new policy, Dewdney increased the number of Indian Department employees working on the Cree reserves, for he wanted to monitor closely the behaviour of the Indians, and if necessary, to arrest troublesome leaders.

While Dewdney was implementing his new policy, the Cree leaders continued their efforts to concentrate the Cree in an exclusively Indian territory. Little Pine went south to seek Blackfoot support for the movement. Big Bear, Lucky Man, and Poundmaker went to Duck Lake for a council with the Cree leaders of the Lower Saskatchewan district. The Duck Lake council, attended by twelve bands, was initiated by Bearskin and the chiefs of the Carlton District. Bearskin, who acted as spokesman for the Carlton chiefs, has been relatively inactive in the Cree movements in the 1881-83 period. He, however, had been the most vehement critic of the government's failure to deliver the farm materials promised by the treaty commissioners. In the 1877-81 period, Bearskin was a man of little influence in the Carlton area, but when Mistawasis and Ahtahkakoop, the principal Cree chiefs of the Carlton District, came to share his views, Bearskin's standing among the Carlton Cree rose dramatically.

The Duck Lake Council, called by Cree leaders whom Dewdney thought were loyal and docile, and of which the Commissioner had no foreknowledge, was a cause of much concern. Especially vexing was the detailed list of violations of the treaty for which the Cree demanded redress from the government. The Cree charged that the treaty commissioners lied to them when they said that the Cree would be able to make a living from agriculture with the equipment provided for the treaties. However, rather than provide all the farming goods, what the government did, according to the Cree, was to withhold many of the cattle and oxen; send inferior quality wagons, farm tools, and equipment; and provide insufficient rations and clothes, and no medicine chest. The petition closed with the statement expressing the Cree sentiment that they had been deceived by "sweet promises" designed to cheat them of their heritage, and that unless their grievances were remedied by the summer of 1885, they would take whatever measures necessary, short of war, to get redress.

Dewdney originally assumed, as did some newspapers across the West, that the Duck Lake Council was part of a plot by Louis Riel to foment an Indian and Métis rebellion. Dewdney's assumption was based on the fact that the Duck Lake Council was held a short time after Riel had returned to Canada. It was also known that Riel had attended it, and that he had advocated such an alliance and a resort to violence when he had met with the Cree in Montana in 1880. Further investigation, however, made quite clear that Riel had little influence on the Cree.
To allay the growing concern about the possibility of an Indian war, Dewdney had Hayter Reed issue a statement that nothing untoward was happening and that there was less danger of an Indian war in 1884 than there had been in 1881. Privately Dewdney admitted to Ottawa and his subordinates in the West that the situation was very serious. After both he and Dewdney had met with Cree leaders throughout the West and after carefully assessing the situation, Hayter Reed stated that the government had nothing to fear from the Cree until the summer of 1885. What Reed and Dewdney expected at that time was a united Cree demand to renegotiate treaties.

What Reed and Dewdney had learned on their tours of the Battleford, Edmonton, Carlton, and Qu'Appelle districts in the fall of 1884 was that Big Bear, Piapot, and Little Pine were on the verge of uniting the Cree to call for new treaties in which an Indian territory and greater autonomy for the Cree would be major provisions. In fact, throughout the summer and fall of 1884 Little Pine attempted, with limited success, to interest the leaders of the Blackfoot in joining the Cree movement for treaty revision. Little Pine had invited the Blackfoot to a joint council with the Cree leaders on Little Pine's reserve, scheduled for the spring of 1885. If the Blackfoot joined the Cree, Ottawa's ability to govern the Indians and control the West would be seriously jeopardized.

At the moment that the Cree movement seemed on the verge of success, Big Bear was losing control of his band. As he told the assembled chiefs at Duck Lake in the summer of 1884, his young men were listening to the warrior chief, Little Poplar, who was advocating killing government officials and Indian agents as a means of restoring Cree independence. Big Bear feared that if Little Poplar's course of action were adopted the Cree would fight an Indian war that they were certain to lose.

Dewdney was aware of Little Poplar's growing influence on the young men of Big Bear's and the Battleford Assiniboine bands; however, he wished to wait until after January 1885 before taking any action, because after that date the new amendments to the Indian Act would be in effect. These amendments could be used to arrest and imprison Little Pine. Little Poplar, Big Bear, and Piapot and thereby, Dewdney hoped, destroy the movements these chiefs led. In anticipation of confrontations in 1885, Dewdney ordered that the guns and ammunition normally allotted to the Cree so they could hunt for food be withheld. In addition, Indian councils were prohibited, including the one scheduled for Duck Lake in the summer of 1885, to which all the Cree in Treaty 6 had been invited. Arrangements were made to place the Mounted Police at Battleford under Dewdney's command, and serious consideration was given to placing an artillery unit there also.
To get improved intelligence, Dewdney hired more men to work as Indian agents with the Cree. These men were given broad discretionary powers and were to keep the Commissioner informed on Cree activities. As well, English-speaking mixed-bloods, many of whom had worked for the Hudson’s Bay Company and had the confidence of the Cree, were hired as farm instructors. There would now be a farm instructor on each Cree reserve, with explicit instructions to keep the Indian Agent informed of what was happening on his reserve. Staff who had personality conflicts with any of the Cree leaders were either transferred or fired. Only Thomas Quinn, Indian Agent at Fort Pitt and his farming instructor, John Delaney, were not removed before March 1885, although both were slated for transfer.

Dewdney found that his most important staffing move was the employment of Peter Ballendine, a former Hudson’s Bay Company trader much trusted by the principal Cree leaders. Ballendine’s job was to ingratiate himself with Big Bear and report on that chief’s comings and goings. Ballendine won the confidence of Big Bear and reported upon how wrong Dewdney’s earlier efforts to break up Big Bear’s band had been. Because so many of Big Bear’s original followers joined either Lucky Man, Thunderchild, or Little Pine’s bands, Big Bear by 1884 was left with only the most recalcitrant opponents of the treaty. These individuals were only lukewarm in support of their chief’s non-violent efforts to get the treaty revised. They favoured instead the course of action advocated by Little Poplar. Ballendine believed that the government could expect trouble from the Big Bear and Little Poplar bands. However, Ballendine emphasized that there was little danger of a Cree-Metis alliance, for the Cree were refusing to meet with the Metis, and were rejecting all entreaties from the Metis suggesting the two should make common cause. Instead the Cree, under the leadership of Big Bear, Beardy and Little Pine, were planning their own council for the summer of 1885.

Ballendine also developed a new source of information in Poundmaker, who was also acting as a police informer. It was from Poundmaker that Dewdney and the police learned that Little Pine was attempting to involve the Blackfoot in the summer of 1884, and wanted to do so in January 1885, but was prevented from doing so because of temporary blindness – a possible sign of malnutrition from the hunger that most Cree experienced in the extremely harsh winter of 1884-85. Little Pine had sought to get Poundmaker to encourage Crowfoot to join the Cree movement but Poundmaker refused to aid Little Pine, and when Little Pine recovered from his blindness, he went out to meet with Crowfoot.

While Little Pine met with Crowfoot, Big Bear was being challenged for the leadership of his band by his son Imases, also called Curly, and by one of his headmen, Wandering Spirit. These two men were spokesmen for the younger men of Big Bear’s Band, and wanted to work with Little Poplar.
In the Winter of 1885, Little Poplar was journeying constantly between Pitt and Battleford enlisting support for his plan of action. Although Ballendine could not get precise information on Little Poplar's plans, he did not report that by March 1885 Big Bear had asserted himself and that the influence of Imases and Wandering Spirit had seemed to wane.

One the basis of these and similar reports, Dewdney and the police were convinced that, although a number of councils were expected in 1885, no violence was to be anticipated from the Cree. Nevertheless, Dewdney wished to prevent the Cree from holding their councils. His strategy was to make the Cree satisfied with the treaties. He therefore admitted in February 1885 that the government had violated the treaties and ordered delivery to the Cree of all goods the treaties had stipulated. In addition, he ordered a dramatic increase in their rations. If this failed to placate them he planned to arrest their leaders, use the police to keep the Cree on their reserves, and to depose any chief who attempted to attend an Indian council.

Dewdney had the full support of Ottawa for his policy of arresting Cree leaders. The only reservations the Prime Minister expressed were that Dewdney have sufficient forces to make the arrests and that he provide enough evidence to justify the charges of incitement to an insurrection. Macdonald also volunteered to communicate with the stipendiary magistrates to assure their co-operation in imposing long prison terms for any Cree leader convicted of incitement. Macdonald was willing to provide this assistance because Dewdney had earlier complained that he could not use preventive detention of Indian leaders because the magistrates "only look at the evidence and the crime committed when giving out sentences." Rather than taking into consideration the nature of the man and the harm that he might do if he were released at an inopportune time. All these preparations were complete when word reached Dewdney of the Matis clash with the Mounted Police at Duck Lake in March 1885.

The Riel Rebellion of 1885 provided Dewdney with a new instrument to make his coercive policy effective. The troops sent into the North West to suppress the Rebellion could be used to destroy the Cree movement for an Indian territory. The Cree themselves would provide the excuse Dewdney needed virtually to declare war on the bands and leaders who had led the Cree movement for treaty revision. During March 1885, the Cree did engage in some acts of violence that Dewdney chose to label acts of rebellion.

These acts were unrelated to the Cree movement for treaty revision. In fact, these acts that led to the subjugation of the Cree were committed by persons not involved with the Cree movement for autonomy. It is one of the ironic quirks of history that the leaders of the Cree movement had little or nothing to do with the events which would destroy that movement to which they had devoted ten years of their lives.
Nevertheless, they would be held responsible for the actions of their desperate and hungry people. To heighten the irony, it was the Metis movement, from which the Cree had held aloof, which would give Dewdney the excuse to use military force to subjugate the Cree.

The Duck Lake clash coincided with a Cree Council on Sweetgrass Reserve. The council of the Battleford area Cree had been called to consider how they could press for increased rations. When word reached the Cree at Sweetgrass of the clash at Duck Lake, they felt that circumstances would make Indian Agent Rae willing to grant them more rations. Thus the Cree, taking their women and children with them to demonstrate their peaceful intent, set out for Battleford. Fear and panic prevailed at Battleford, for on learning of the Cree’s approach, the town’s citizens assumed that the Cree had thrown in their lot with the Metis. The town was evacuated; most townspeople took refuge in the Mounted Police post.

When the Cree arrived at Battleford they found the town abandoned. They sent word to the police post that they wished to speak to the Indian Agent, who refused to leave the safety of the post. The Cree women, seeing the abandoned stores and houses filled with food, began to help themselves. Then, fearing arrest by the police, the Cree left town. On the way back to their reserves, as well as on their way to town, the Cree assisted a number of Indian Department employees and settlers to cross the Battle River to get to the police post, thus demonstrating the pacific nature of their intentions.

Rather than returning to their individual reserves, the Cree went to Poundmaker’s, for as the leader in the Battleford district to whom the government had shown much favour in the past, Poundmaker was seen as the man best able to explain to the government what had happened at Battleford. A second significant reason was the deaths of two prominent Cree leaders: Red Pheasant, the night before the Cree left for Battleford, and Little Pine, the night they returned. As it was the practice of the Cree to leave the place where their leaders had expired, both bands left their reserves and went to Poundmaker’s, who, given the fears the whites had concerning a Cree and Metis alliance, might possibly defuse any crisis.

Thus, in March 1885, Poundmaker became the spokesman of the Battleford Cree.

No sooner were the Cree at Poundmaker’s than they were joined by the local Assiniboine, who insisted that a soldier’s (war) tent be erected, for events at the Assiniboine reserves convinced them than an attack on the Indian camp was imminent. The Assiniboine explained that when word had reached them of the Duck Lake fight, a few of their young men sought revenge on farming instructor James Payne, who was blamed for the death of a girl. The girl’s male relatives killed Payne and murdered farmer Barney Tremont.
The Assiniboine now assumed that the Canadian authorities would behave in a similar manner to the Americans and blame all Indians for the actions of a few individuals.

Erection of the soldier's tent meant that the warriors were in control of the camp and that Poundmaker and the civil authorities had to defer to them. It was at this time that the Metis, appeal for aid was received. The Cree refused to assist the Metis, although they expected an attack on their camp.

Watches were set on the roads, and protection was offered to the Metis at Bresaylor for the settlers there had earned the enmity of the Battlecheta Metis. As long as no military or police forces came towards the Cree camp, the Cree remained on their reserves and did not interfere with anyone going to or leaving Battleford. The Mounted Police detachment from Fort Pitt and Colonel Otter's military unit arrived in Battleford without encountering any Indians. Nevertheless, reports from the police and local officials maintained that the town was under siege.

While the Battleford Cree were preparing their defences, Big Bear's band was making trouble for itself. Big Bear was absent from his camp when the members of his band heard about the fight at Duck Lake. Wandering Spirit and Imases sought to use the opportunity presented by the Metis uprising to seek revenge for the insults and abuses perpetrated against the Cree by Indian Agent Thomas Quinn and Farming Instructor Delaney. Quinn had physically abused some of the Indian men, while Delaney had cuckolded others before he brought a white bride to Frog Lake in late 1884. Big Bear's headmen demanded that the two officials open the storehouse to the Cree, and when they refused to do so, they were murdered. This set off further acts of violence that resulted in the murder of all the white men in the camp save one.

On his return to camp Big Bear ended further acts of violence. Although unable to prevent a minor skirmish between his young men and a small police patrol, he convinced his warriors to allow the police detachment at Fort Pitt to withdraw from the post without being attacked and to guarantee safety to the civilian residents of the Frog Lake and Fort Pitt regions. Big Bear then led his people north, where he hoped they would be out of harm's way and not engage in further acts of violence.

Beardy also lost control of his band. He and the neighbouring One Arrow band had reserves next to Batoche. Before the clash with the police, the Metis had come to the One Arrow Reserve, captured Farming Instructor Peter Thompkins, and threatened the Cree band with destruction unless the Cree aided the Metis. Some of the younger men of One Arrow's band agreed to do so. The Metis made the same threat against Beardy and his band, and although a few of his young men joined the Metis, Beardy and most of his people remained neutral.
It is doubtful that the Cree would have aided the Metis without
the threat of violence. Earlier, the Cree of the Duck Lake
region had threatened hostilities against the Metis, for the
Metis had settled on One-Arrow's Reserve and demanded that
government turn over to them some of One Arrow's Reserve.
Ottawa, fearing the Metis more than the Cree in 1880,
acquiesced. Over the next four years, one task of the local
Indian Agent and the police was to reconcile the Cree with the
Metis of the Batoche region.

The Cree acts of violence in March 1885 were the excuse Dewdney
needed to justify the use of troops against them. He
maintained that the Battleford, Fort Pitt, and Duke Lake Cree
were part of the Riel Rebellion. Privately, Dewdney reported
to Ottawa that he saw the events at Battleford and Frog Lake as
the acts of a desperate, starving people and unrelated to what
the Metis were doing. In fact, Dewdney had sought in late
March to open negotiations with the Battleford Cree, but Rae
refused to meet the Cree leaders. Subsequent efforts to open
negotiations ended in failure because there was no way to get a
message to Poundmaker, and after Colonel Otter's attack on the
Cree camp any thought of negotiations was dropped.

Publicly Dewdney proclaimed that the Cree were part of the
Metis uprising. He issued a proclamation that any Indian who
left his reserve was to be regarded as a rebel. As well, to
intimidate Piapot and the Treaty 4 Cree, Dewdney announced that
he was stationing troops at Swift Current and Medicine Hat.
Dewdney took these steps, as he confided to Macdonald, because
he feared that the Cree might still attempt to take action on
their own cause, and he was concerned because in the previous
year the Cree had attempted to enlist the Blackfoot in the
movement to revise the treaties.

The military commander in the North-West, General F.D.
Middleton, was not concerned about the problems with the Cree.
He wanted to concentrate his attention on the Metis. Although
he did send troops under Colonel William Otter to Swift
Current, he refused to order them to Battleford to lift the
alleged siege until he received word of the Frog Lake Massacre.
Otter was then ordered to lift the 'siege' and protect
Battleford from Indian attack, but he was not to take the
offensive. At the same time General Thomas Strange was ordered
to bring Big Bear under control.

Otter reached Battleford without seeing an Indian. He was
upset that he and his troops would not see action. He
therefore proposed that he attack the Indian camp at
Poundmaker's Reserve. Middleton vetoed the plan, but Dewdney
welcomed it as a means to bring the Cree under government
control.
Taking the Lieutenant-Governor's approval to be paramount to Middleton's veto, Otter launched his attack. The engagement, known as the Battle of Cut Knife Hill, almost ended in total disaster for Otter's force. Only the Cree fear that they would suffer the same fate as Sitting Bull after the Battle of the Little Big Horn saved Otter's troops from total annihilation.

The tale of the subsequent military campaigns against the Cree by Strange and Middleton and the voluntary surrenders of Poundmaker and Big Bear is found in detail in Stanley's Birth of Western Canada and Desmond Morton's The Last War Drum. With Big Bear and Poundmaker in custody, Dewdney prepared to use the courts in the manner he had planned before the Riel Rebellion. Both Cree leaders charged with treason-felony, despite Dewdney's knowledge that neither man had engaged in an act of rebellion. Eyewitnesses to the events at Fort Pitt, Frog Lake, and Battleford all made clear that neither chief was involved in the murders and looting that had occurred. In fact, many of these people served as defence witnesses. As Dewdney informed the Prime Minister, the dairies and letters of the murdered officials at Frog Lake showed that until the day of the "massacre" there was "no reason to believe that our Indians were even dissatisfied much less contemplated violence."

Ballendine's reports indicated that there were no plans for violence, that the Cree were not involved with the Metis, and that they planned no rebellion. Dewdney believed that the Cree had not "even thought, intended or wished that the uprising would reach the proportion it has. . . . Things just got out of control. As Dewdney related to the Prime Minister, had the people living in the region not been new settlers from the East, and had they not fled in panic, much of the "raiding" and looting would not have occurred. In regions where people had not abandoned their homes no raiding occurred. Therefore, the charges against Big Bear and Poundmaker were designed to remove the leadership of the Cree movement for revision of the treaties. They were charged to elicit prison sentences that would have the effect of coercing the Cree to accept government control. The trials were conducted to have the desired result, and both Big Bear and Poundmaker were convicted and sentenced to three years in Stoney Mountain Penitentiary. Neither man served his full term, and both died a short time after their release from prison.

By the end of 1885, Dewdney had succeeded in subjugating the Cree. Big Bear was in prison, Little Pine was dead, and Piapot was intimidated by having troops stationed on his reserve. Dewdney had deprived the Cree of their principal leaders and of their autonomy. He used the military to disarm and impoverish the Cree by confiscating their horses and carts; he increased the size of the Mounted Police force, and used the police to arrest Cree leaders, and forbade any Indian to be off his reserve without permission from the Indian Agent. By 1890, through vigorous implementation of the Indian Act, Dewdney and his successor, Hayter Reed, had begun the process of making the Cree an administered people.
The record of the Canadian government in dealing with the Cree is thus not one of honourable fair-mindedness and justice as the traditional interpretation portrays. As Dewdney admitted in 1885, the treaties' promises and provisions were not being fulfilled, and Dewdney himself had taken steps to assure Canadian control over the Cree, which were themselves violations of the treaties. Thus, he had refused to grant the Cree the reserve sites they selected; he had refused to distribute the ammunition and twine the treaties required. His plans for dealing with the Cree leaders were based on a political use of the legal and judicial system, and ultimately he made use of the military, the police, and the courts in a political manner to achieve his goal of subjugating the Cree. Only by ignoring these facts can one continue to perpetuate the myth of Canada's just and honourable Indian policy from 1870 to 1885.

Indian Peoples' Resistance in the Twentieth Century

A major struggle of Indian peoples is to maintain traditional governments and to have the treaty rights recognized. Many have given their time to fight for Indian self-government and the right to continue their ways of life. One of the first visible organized efforts in the twentieth century occurred around the Cowessess Indian Reserve near Broadview, Saskatchewan in 1910. Many of the Indian peoples were now reading newspaper articles concerning the government’s Indian Policy and discussing it critically. In 1911 a delegation of representatives representing the Cowessess, Piapot, Cote, Kahkewistahaw and Rosseau River (Manitoba) Bands met. They also carried letters from the Ochapowace, White Bear and Leech Lake bands. Their grievances included the following:

i) Settlers were cutting hay and wood on the reserves without permission.
ii) Some bands were not allowed a headman and appropriate number of counsellors.
iii) Some bands were surrendering land and getting paid for it and some had land surrendered on their behalf against their wishes.
iv) Treaties were not being fulfilled. One especially noted grievance was the absence of educational institutions and the inferior standards of existing facilities when compared to neighbouring non-Indian communities.
v) They were not allowed to do their traditional dances, part of their religion.

The delegation actually gained very little in their grievance but this was one of the most important organized protest movements since 1885. It was entirely an Indian peoples' government which demanded changes in the manner in which government officials administered the affairs of Indian peoples.

Around 1925, a second protest was organized against William Graham, the Indian Commissioner for Western Canada. A major grievance precipitated by William Graham was the policy of giving Indian veterans their own land and instigating a loan system out of their own money. The Soldier Settlement Act provided for the purchase of land for returning soldiers but lands were not purchased for Indian soldiers as they were for non-Indian soldiers. Instead bands were forced to surrender existing reserve lands for the use of Indian veterans. This protest centred around the Allied Bands (three at that time–Piapot, Muscowetung and Pasqua). In 1921, a delegation travelled to Ottawa, aiming primarily to dispose William Graham.

Other items of concern were: i) the promise of a Royal Commission to look into Indian Administration, ii) the establishment of a Fort Indian Hospital, and iii) schools on reserves to maintain Indian peoples' lifestyles.
By 1933 other bands joined the Allied Bands and the organization was changed from the Allied Bands to the Protective Association for the Indians and their treaties. Their principles were: 1) to protect Indian peoples' Treaty Rights, lands, resources, and to strive for better education with schools on every reserve in order to bring Indian peoples a better standard of socio-economic development.

The League of Indians of Canada

In 1918, as a result of Indian peoples enlistment in World War 1, a Mohawk from the Six Nations Reserve and a returning veteran by the name of F.O. Loft, organized the League of Indians of Canada. During the war, Indian peoples from all across Canada met and discussed their views and discovered that they had many concerns and problems in common. The federal government in the person of Duncan Campbell Scott, Deputy Superintendent General of Indian Affairs between 1913 and 1932, did his best to eliminate the threat to his autonomy that Loft and the League of Indians posed.

Campbell refused band membership lists to the League, sent spies and R.C.M.P. to the rallies and meetings, and even charged Loft with fraud over the $5 League membership fees. Indian Commissioner Graham at Regina endorsed the action of Campbell. When Bill 14, the Indian Act Enfranchisement Amendment passed, Loft was threatened with loss of status. This move failed and in 1922 the amendment was repealed.

Meanwhile, the League expanded. Some 1,500 Indian peoples (Siksika, Cree, Kainai, Piegan, Stoney) from all over Alberta attended the rally and meeting on the Samson Reserve on June 21, 1922. Two R.C.M.P. were present, looking for liquor violations and any other excuse to disrupt the rally. No excuse was found. Commissioner Graham felt the League was distracting his Indian charges from their more civilizing agricultural pursuits and demanded an end to the rallies by lobbying Ottawa.

When Loft's wife became ill and he had to leave for Chicago, the League declined but a western branch formed in 1920 survived. A lack of funds, increasing age, and unceasing opposition from Indian Affairs took their toll on Loft. His last protest regarded provincial game laws and in a circular (1931) he proposed the Privy Council in England settle the matter. Agents and police officers through their connections with post office personnel, missionaries and co-operative Indians, succeeded in destroying most of the circulars. Loft, discouraged, died a few years later at the age of 70.

The League of Indians of Canada was the first national Indian people's organization and had held several conventions. By 1931 it had split into two groups representing Alberta and Saskatchewan Indian peoples, forming the basis of today's Indian peoples' organizations in those provinces. (The League of Indians information is adapted from A Narrow Vision by E. Brian Titley)
In North-central Saskatchewan, John B. Tootoosis, a descendant of chief Poundmaker, has played a lead role in fighting for Indian rights for over fifty years. Before 1920, his father John Tootoosis Sr. was an executive member of the League of Indians of Western Canada (LIWC). In 1932, John Jr. was elected by the chiefs of the Battleford agency to his father's place. That same year in 1932, he was elected Secretary of LIWC and organizer for the prairie region.

The next two annual meetings of the League were held on the Poundmaker reserve with Edward Ahenakew as leader. John replaced him when he resigned in 1934. It was also during this time the LIWC split into Alberta and Saskatchewan groups. Part of the reason was the opposition from the churches and governments who were threatened by the ideas promoted. In 1936 an organizational conference for the formation of the League of Nations of North American Indians was held but Canada was not represented, for lack of funds.

Between 1936 and 1946 John Tootoosis continued to organize Saskatchewan Indians, personally attending band meetings, holding workshops and informing members of the importance of the treaties and interpreting the various implications of the Indian Act. He carried on despite attempts by government officials to ban him from working, from visiting reserves and threats of excommunication from the Roman Catholic Church.

In the early 1940's, there were two organizations emerging in Saskatchewan: i) the Protective Association for the Indians and their Treaties, and ii) the Association of Saskatchewan Indians, officially incorporated in 1945 with Chief Joe Dreaver as President. The two organizations, the Association of Saskatchewan Indians and the Protective Association, met to form the Union of Saskatchewan Indians. The Union had its funding meeting in Saskatoon on February 19, 1946. From that time on John Tootoosis devoted his time and efforts to working with the Union of Saskatchewan Indians, at times as president, and as an executive member. In 1959, they reorganized into the Federation of Saskatchewan Indians and John was elected as the first president of the Federation.

Many Indian men joined the Armed Forces in 1939 and went overseas. When they returned home as veterans they could see more clearly the discrimination, and poor administration of their land and affairs. These veterans became leaders of the Indian peoples' organizations. The wars were fought to end colonialism and promote self-determination of peoples, this meant Indian peoples also.

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Since 1959, when the various movements evolved into the Federation of Saskatchewan Indians, some presidents of the organization have been; John Tootoosis, David Knight, Wilfred Bellegarde, Walter Deiter, David Ahenakew, Albert Bellegarde and Sol Sanderson. They have maintained the struggle to maintain Indian peoples' traditions, cultural values and form of community decision-making. On April 16, 1982 the Federation of Saskatchewan Indians incorporated into the first Indian peoples' legislative assembly, the Federation of Saskatchewan Indian Nations (FSIN).
Reproduced with the permission of Brian Titley and FSI.


Adapted from *A Narrow Vision: Duncan Campbell Scott and the Administration of Indian Affairs in Canada* by E. Brian Titley, University of British Columbia Press, 1986.
The Effects of Bill C-31

1. Enfranchised men may now regain their status but not band membership unless agreed to by the band.

If he had married a non-Indian woman who could not get status but their children could. Their grandchildren will not be allowed Indian status if their children marry non-status persons.

If he had married a woman who had also been an Indian they both may get their status back. Their children would get their status and so would their grandchildren.

However, after two intermarriages with non-Indians, the second generation will not be entitled to status.

2. Indian women who married non-Indian men prior to April 17, 1985, may now reapply for their status and former band membership.

Their children will be able to get their status but band membership will be decided by the band. Her great-grandchildren would not receive any status.

Her spouse will not have Indian status.

3. Any Indian man who marries a non-Indian woman will only pass status to his children but not band membership. That will be decided by the band.

His grandchildren will not receive Indian status. His spouse will not receive status.

As of June 28, 1987, bands must decide on a band membership code regarding who they are going to allow on their band membership list. If they do not, the government will automatically decide who goes on the band list. There are Indian Affairs regulations for the development of Band Membership Codes. (Refer to Data Sheet 11.2* Unit-4: Economic Life)

CONTINUING CASES OF DISCRIMINATION RESPECTING STATUS AND BAND MEMBERSHIP

While the new law has done away with the sexually discriminatory sections of the Indian Act for the future, the effects of past discrimination will still have an impact for the future.
There are two major areas of continuing discrimination:

**Unequal Transmission of Status and Band Membership.**

Under Bill C-31, reinstated persons are treated differently than those already registered as band members, when it comes to transmitting status and band membership to their children and future generations.

The child with only one reinstated parent is eligible for status only, band membership is 'conditional'. On the other hand, the child of two parents who are already registered as band members, is entitled to both status and band membership, immediately.

Example: A brother and sister who were both status each married non-Indians before April 17, 1985. The brother's wife gained status, so their children are status and band members. Not so for the sister who married a non-Indian. Under Bill C-31, she will regain status and band membership, but her children are entitled to less. They can gain status only and have 'conditional' band membership.

Note: As indicated in this example, Bill C-31 does not affect the rights of the non-Indian women who gained status upon marriage. It is important to note that Government is intent on respecting the 'acquired rights' of the non-Indian spouse. Parliamentarians are simply not willing to alienate the nation-wide women's vote.

**"Illegitimate" Children Treated Differently**

In 1983, the Supreme Court of Canada ruled in the case of MARTIN vs CHAPMAN, that the "illegitimate" male child of a status male parent and a non-status female parent would have status and membership, under old Section 11(1)(c). However, the "illegitimate" female child was not entitled to be registered.

This sub-section has been repealed under Bill C-31, but its legal effects still persist. The separation of status and band membership in the new Act means that the female child is still treated differently.

If a male child had status under old Section 11, he will be registered under new Secion 6(1) and therefore has an automatic entitlement to band membership. his sister, however, will now gain status, but under new Section 6(2). She will therefore have only a 'conditional' entitlement to band membership.
MORE BILL C-31 CONFUSION

Well, if the last few pages haven't confused you enough, try this one on for size. We have been coming across individual cases where the second, third (etc.) generation is not fully understood, so here goes a crack at trying to explain it. When you first look at the amendments in the Indian Act, you may not see just how you are eligible.

Example 1: If your mothers' mother or father once had status, and, your father's mother or father once had status you would be eligible. You would be the third generation, however, both your mother and father are now eligible which makes you a person with two status parents. (Section 6(1)(f)).

Example 2: If both your mothers' mother and father are now eligible your mother could pass status onto one more generations, even if there is no status background on your father's side. Your mother would be under Section 6(1)(f) and you would be under Section 6(2). You could possibly be a third or fourth generation in this case.

The Act allows you to go back as many generations as necessary, as long as you can keep on proving that the status was there and eligible to be passed on. Here's an example of how it stops:

Your mothers' mother once had status and your father's grandfather took scrip. Your mother would be eligible under Section 6(2) but your father would not be eligible. A person under Section 6(2) is a first generation person and cannot pass status on without the other parent also having status.

In order for a third generation person to obtain status both maternal and paternal grandparents had to have had or be eligible for status. Confused, you're not the only one!

On to Band Membership and more confusion. The amended Act now states that bands have until June 28, 1987 to develop Band Membership Codes. If this is not done so then the Government will simply place all "Conditional Band Members" onto the appropriate band. It does not state that they will develop Band Membership codes for the band. If the Band Membership codes are developed and in effect prior to June 28, 1987, "Conditional Band Members" may or may not become band members, depending upon the stipulation of the Membership Codes to that particular band. If the codes are developed and made effective after June 28, 1987 all "Conditional Band Members" will become automatic band members, however, anyone else applying for membership to that band must meet the requirements of the band.

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This may result in people who are Band Members, but not Status Indians or vice-versa.

Example: A Band Membership code states that the spouse of a band member also becomes a band member. So if a band member marries a non-status person, that person will become a band member but not a status Indian, as status can no longer be gained or lost through marriage.

On the other hand you may also have status Indian peoples who are not band members.

Example: A Band Membership code states that when a band member has children with a non-band member, the children will not be band members. These children will be status Indians as they have one status parent (Section 6(2), but not band membership. They will then be placed on a General List, kept by the Department of Indian and Inuit Affairs.

So now we will not only be classed as status, non-status, or Métis; but we will also be band members or general list Indians. Due to the fact that I am not in the position to make political statements, I will stop here.

If you think you might be eligible for status, give our office a call. We will do the best we can to help you.

Reprinted with the permission of Rita Pratt, Saskatchewan Native Women's Association newsletter, June, 1986 and The Native Women's Association of Canada, Ottawa.

* Refer to Amendments to the Indian Act Concerning Ceremonies and Bill C-31: Changes to the Indian Act, 1985 articles located in the Optional Introduction Unit in the Case Study and Activity Guide.
WHEREAS the Constitution of Canada provides that every individual is equal before and under the law and has the right to the equal protection and benefit of the law without discrimination and that everyone has the freedom of conscience, religion, thought, belief, opinion, expression, peaceful assembly and association and guarantees those rights and freedoms equally to male and female persons;

AND WHEREAS the Constitution of Canada recognizes the importance of preserving and enhancing the multicultural heritage of Canadians;

AND WHEREAS the Constitution of Canada recognizes rights of the aboriginal peoples of Canada;

AND WHEREAS the Constitution of Canada and the Official Languages Act provide that English and French are the official languages of Canada and neither abrogates or derogates from any rights or privileges acquired or enjoyed with respect to any other language;

AND WHEREAS the Citizenship Act provides that all Canadians, whether by birth or by choice, enjoy equal status, are entitled to the same rights, powers and privileges and are subject to the same obligations, duties and liabilities;

AND WHEREAS the Canadian Human Rights Act provides that every individual should have an equal opportunity with other individuals to make the life that the individual is able and wishes to have, consistent with the duties and obligations of that individual as a member of society, and, in order to secure that opportunity, establishes the Canadian Human Rights Commission to redress any proscribed discrimination, including discrimination on the basis of race, national or ethnic origin or colour;

AND WHEREAS Canada is a party to the International Convention on the Elimination of All Forms of Racial Discrimination, which Convention recognizes that all human beings are equal before the law and are entitled to equal protection of the law against any discrimination and against any incitement to discrimination, and to the International Covenant on Civil and Political Rights, which Covenant provides that persons belonging to ethnic, religious or linguistic minorities shall not be denied the right to enjoy their own culture, to profess and practise their own religion or to use their own language;

AND WHEREAS the Government of Canada recognizes the diversity of Canadians as regards race, national or ethnic origin, colour and religion as a fundamental characteristic of Canadian society and is committed to a policy of multiculturalism designed to preserve and enhance the multicultural heritage of Canadians while working to achieve the equality of all Canadians in the economic, social, cultural and political life of Canada;
(1) It is hereby declared to be the policy of the Government of Canada to:
(a) recognize and promote the understanding that multiculturalism reflects the cultural and racial diversity of Canadian society and acknowledges the freedom of all members of Canadian society to preserve, enhance and share their cultural heritage;
(b) recognize and promote the understanding that multiculturalism is a fundamental characteristic of the Canadian heritage and identity and that it provides an invaluable resource in the shaping of Canada's future;
(c) promote the full and equitable participation of individuals and communities of all origins in the continuing evolution and shaping of all aspects of Canadian society and assist them in the elimination of any barrier to such participation;
(d) recognize the existence of communities whose members share a common origin and their historic contribution to Canadian society, and enhance their development;
(e) ensure that all individuals receive equal treatment and equal protection under the law, while respecting and valuing their diversity;
(f) encourage and assist the social, cultural, economic and political institutions of Canada to be both respectful and inclusive of Canada's multicultural character;
(g) promote the understanding and creativity that arise from the interaction between individuals and communities of different origins;
(h) foster the recognition and appreciation of the diverse cultures of Canadian society and promote the reflection and the evolving expressions of those cultures;
(i) preserve and enhance the use of languages other than English and French, while strengthening the status and use of the official languages of Canada; and
(j) advance multiculturalism throughout Canada in harmony with the national commitment to the official languages of Canada.

(2) It is further declared to be the policy of the Government of Canada that all federal institutions shall:
(a) ensure that Canadians of all origins have an equal opportunity to obtain employment and advancement in those institutions;
(b) promote policies, programs and practices that enhance the ability of individuals and communities of all origins to contribute to the continuing evolution of Canada;
(c) promote policies, programs and practices that enhance the understanding of and respect for the diversity of the members of Canadian society;
(d) collect statistical data in order to enable the development of policies, programs and practices that are sensitive and responsive to the multicultural reality of Canada;
(e) make use, as appropriate, of the language skills and cultural understanding of individuals of all origins; and
(f) generally, carry on their activities in a manner that is sensitive and responsive to the multicultural reality of Canada.

Excerpts from the Canadian Multiculturalism Act, July 1988

Prime Minister of Canada

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Saskatchewan Human Rights Code

SHORT TITLE

1. This Act may be cited as The Saskatchewan Human Rights Code.

INTERPRETATION

2. In this Act:
   (a) "age" means any age of eighteen years or more but less than sixty-five years;
   (b) "commercial unit" means any building or other structure or part thereof that is used or occupied, or that is intended, arranged or designed to be used or occupied, for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property or any space, in any such building, structure or part thereof, that is used or occupied, or that is intended, arranged or designed to be used or occupied, as a separate business, professional unit or office;
   (c) "commission" means the Saskatchewan Human Rights Commission;
   (d) "Creed" means religious creed;
   (e) "employee" means a person employed by an employer but does not include an employee employed in a private home or living in the home of his employer;
   (f) "employer" means a person employing one or more employees and includes a person acting on behalf of an employer, but does not include an exclusively charitable, philanthropic, fraternal, religious or social organization or corporation that is not operated for private profit or an organization that is operated primarily to foster the welfare of a religious or racial group and that is not operated for private profit;
   (g) "employers' organization" means an organization of employers formed for the purpose of regulating relations between employers and employees or for purposes that include the regulation of relations between employers and employees;
   (h) "employment agency" includes a person who undertakes, with or without compensation, to procure employees for employers and a person who undertakes, with or without compensation, to procure employment for persons;
   (i) "housing accommodation" means any place of dwelling and includes any place where other services are provided in addition to accommodation, but does
not include a place of dwelling that is part of a building in which the owner of his family resides and where the occupant of the place of dwelling is required to share a bathroom or kitchen facility with the owner or his family;

(j) "minister" means the member of the Executive Council to whom for the time being the administration of this Act is assigned;

(k) "occupational association" means any organization, whether incorporated or otherwise, in which membership is a prerequisite to carrying on any trade, occupation or profession, but does not include a trade union or employers' organization;

(l) "offer" includes an invitation to treat;

(m) "person", in addition to the extended meaning contained in The Interpretation Act, includes an employment agency, employers' organization, occupational association or trade union;

(n) "physical disability" means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes epilepsy, any degree of paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or on a wheelchair or other remedial appliance or device;

(o) "sex" means gender, and, unless otherwise provided in this Act, discrimination on the basis of pregnancy or pregnancy-related illnesses is deemed to be discrimination on the basis of sex;

(p) "trade union" means an organization of employees formed for the purpose of regulating relations between employees and employers or for purposes that include the regulation of relations between employees and employers.

OBJECTS

3. The objects of this Act are:

(a) to promote recognition of the inherent dignity and the equal inalienable rights of all members of the human family; and

(b) to further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.

PART I
BILL OF RIGHTS

4. Every person and every class of persons shall enjoy the right to freedom of conscience, opinion and belief and freedom of religious association, teaching, practice and worship.

5. Every person and every class of persons shall, under the law, enjoy the right to freedom of expression through all means of communication, including, without limiting the generality of the foregoing, the arts, speech, the press or radio, television or any other broadcasting device.
6. Every person and every class of persons shall enjoy the right to peaceful assembly with others and to form with others associations of any character under the law.

7. Every person and every class of persons shall enjoy the right to freedom from arbitrary arrest or detention, and every person who is arrested or detained shall enjoy the right to an immediate judicial determination of the legality of his detention and to notice of the charges on which he is detained.

8. Every qualified voter resident in Saskatchewan shall enjoy the right to exercise freely his franchise in all elections and shall possess the right to require that no Legislative Assembly shall continue for a period of five years.

PART II
PROHIBITION OF CERTAIN DISCRIMINATORY PRACTICES

9. Every person and every class of persons shall enjoy the right to engage in and carry on any occupation, business or enterprise under the law without discrimination because of his or her race, creed, religion, colour, sex, marital status, physical disability, nationality, ancestry or place of origin.

10. (1) No person shall:
   (a) deny to any person or class of persons the opportunity to purchase any commercial unit or any place of dwelling that is advertised or in any way represented as being available for sale;
   (b) deny to any person or class of persons the opportunity to purchase or otherwise acquire land or an interest in land; or
   (c) discriminate against any person or class of persons with respect to any term or condition of the purchase or other acquisition of any commercial unit or any place of dwelling, land or any interest in land; because of the race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin of that person or class of persons.

(2) Nothing in subsection (1) prohibits discrimination on the basis of age, where such discrimination is permitted or required by any law or regulation in force in the province.

11. (1) No person, directly or indirectly, alone or in with another, by himself or by the unit or interposition of another, shall:
   (a) deny to any person or class of persons occupancy of any commercial unit or any housing accommodation; or
   (b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any commercial unit or any housing accommodation;
because of the race, creed, religion, colour, sex, marital status, physical disability, nationality, ancestry or place of origin of that person or class of persons or of any other person or class of persons.

(2) Subsection (1) does not apply to discrimination on the basis of sex of a person with respect to housing accommodation, where the occupancy of all the housing accommodation in a building, except that of the owner or his family, is restricted to individuals who are of the same sex.

(3) Subsection (1) does not apply to discrimination on the basis of the sex of a person with respect to the renting or leasing of any dwelling unit in any housing accommodation that is composed of not more than two dwelling units, where the owner of the housing accommodation or his family resides in one of the two-dwelling unit.

12. (1) No person, directly or indirectly, alone or with another, by himself or by the public interposition of another, shall:
(a) deny to any person or class of persons the accommodation, services or facilities to which the public is customarily admitted or which are offered to the public; or
(b) discriminate against any person or class of persons with respect to the accommodation, services or facilities to which the public is customarily admitted or which are offered to the public; because of the race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin of that person or class of persons or of any other person or class of persons.

(2) Subsection (1) does not apply to prevent the barring of any person because of his sex from any accommodation, services or facilities upon the ground of public decency.

(3) Subsection (1) does not apply to prevent the denial or refusal of any accommodation, services or facilities to a person on the basis of age, if the accommodation, services or facilities are not available to that person by virtue of any law or regulation in force in the province.

13. (1) Every person and every class of persons shall enjoy the right to education in any school, college, university or other institution or place of learning, vocational training or apprenticeship without discrimination because of his or their race, creed, religion, colour, sex, marital status, physical disability, nationality, ancestry or place of origin.

(2) Nothing in subsection (1) prevents a school, college, university or other institution or place of learning from following a restrictive policy with respect to
enrolment on the basis of sex, creed, religion or physical disability, where it enrolls persons of a particular sex, creed or religion exclusively, or is conducted by a religious order or society, or where it enrolls persons who are physically disabled.

14.(1) No person shall publish or display, or cause or permit to be published or displayed, on any lands or premises or in a newspaper, through a television or radio broadcasting station or any other broadcasting device or in any printed matter or publication or by means of any other medium that he owns, controls, distributes or sells, any notice, sign, symbol, emblem or other representation tending or likely to tend to deprive, abridge or otherwise restrict the enjoyment by any persons or class of persons of any right to which he is or they are entitled under the law, or which exposes, or tends to expose, to hatred, ridicules, belittles, or otherwise affronts the dignity of, any person, any class of persons or a group of persons because of his or their race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin.

(2) Nothing in subsection (1) restricts the right to freedom of speech under the law upon any subject.

15.(1) No person shall, in making available to any person a contract that is offered to the public:
(a) discriminate against any person or class of persons; or
(b) include terms or conditions in any such contract that discriminate against a person or class of persons; because of the race, creed, religion, colour, sex, marital status, nationality, ancestry or place of origin of that person or class of persons.

16.(1) No employer shall refuse to employ or continue to employ or otherwise discriminate against any persons or class of persons with respect to employment, or any term or condition of employment, because of his or their race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin.

(2) No employment agency shall discriminate against any person or class of persons because of his or their race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin in receiving, classifying, disposing of or otherwise acting upon applications for its service or in referring an applicant or applicants to an employer or anyone acting on an employer's behalf.

(3) No employer shall use, in the hiring or recruitment of persons for employment, an employment agency that discriminates against any person or class...
of persons seeking employment because of his age or their race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin.

(4) No provision of this section relating to age prohibits the operation of any term of a bona fide retirement, superannuation or pension plan, of any terms or conditions of any bona fide group or employee insurance plan, or of any bona fide scheme based upon seniority.

(5) Nothing in this section deprives a school or a board of education of the right to employ persons of a particular religion or religious creed where religious instruction forms or may form the whole or part of the instruction or training provided by the school or board of education pursuant to The Education Act.

(6) No provision of this section shall be construed so as to limit or enlarge upon the rights provided to female persons by The Labour Standards Act.

(7) The provisions of this section relating to any discrimination, limitation, specification or preference for a position or employment based on sex, physical disability, or age do not apply where sex, physical ability or age is a reasonable occupational qualification and requirement for the position or employment.

17. Every person and every class of persons shall enjoy the right to membership, and all the benefits appertaining to membership, in any professional society or other occupational association without discrimination because of his or their race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin.

18. No trade union shall exclude any person from full membership or expel, suspend or otherwise discriminate against any of its members, or discriminate against any person in regard to employment by any employer, because of his face, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin of that person or member.

19. No person shall use or circulate any form of application for employment to which this Act applies or publish any advertisement in connection for with such employment or prospective employment etc, or make any written or oral inquiry in connection with such employment that:
(a) expresses, either directly or indirectly, a limitation, specification or preference indicating discrimination or an intention to discriminate on the basis of race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin.
(b) contains a question or request for particulars as to the race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin of an applicant for employment.
(2) An Act or a provision of an Act in respect of which a declaration made under this section is in effect shall have such operations as it would have but for the provision of this Charter referred to in the declaration.

(3) A declaration made under subsection (1) shall cease to have effect five years after it comes into force or on such earlier date as may be specified in the declaration.

(4) Parliament or a legislature of a province may re-enact a declaration made under subsection (1).

(5) Subsection (3) applies in respect of a re-enactment made under subsection (4).

34. This Part may be cited as the Canadian Charter of Rights and Freedoms.

"Doing What's Right" video and Teacher's Activity Guide are produced by the Saskatchewan Human Rights Commission. The video illustrates a number of discrimination cases and provides activities for each case. It is a self-contained, four-lesson component and includes background material, discussion questions, problems to solve and the relevant sections of the law.

The video and activity guide can be ordered from:

Public Legal Education Association
210-220-3rd Avenue South
Saskatoon, Saskatchewan
S7K 1M1
653-1868

Saskatchewan Human Rights Commission
802-224-4th Avenue South
Saskatoon, Saskatchewan
S7K 5M5
933-5952

"Teaching for Human Rights Sake" is a Teacher's Guide which can be ordered from PLEA in Saskatoon.
The Mandate of the Commission

The Saskatchewan Human Rights Commission is a law enforcement agency responsible for the administration of The Saskatchewan Human Rights Code.

The purpose of the Code is to:
(a) promote recognition of the inherent dignity and the equal inalienable rights of the human family; and

(b) further public policy in Saskatchewan that every person is free and equal in dignity and rights and to discourage and eliminate discrimination.

These objects are derived from the Universal Declaration of Human Rights adopted by the general assembly of the United Nations in 1948.

One of the ways these goals are pursued is through the protection of certain human rights by law. Under The Saskatchewan Human Rights Code, protected rights fall into two categories – fundamental freedoms and equality rights.

Fundamental Freedoms:
- freedom of conscience
- freedom of religion
- freedom of expression
- freedom of association
- the right to vote in provincial elections

Equality Rights:
There must be no discrimination in housing, employment, public services, education, contracts and publications on the basis of:
- race or color
- creed or religion
- nationality, ancestry or place of origin
- sex (including sexual harassment)
- marital status
- physical disability
- age

The Code gives the Saskatchewan Human Rights Commission the authority to:
- investigate and settle complaints of discrimination
- to carry complaints before boards of inquiry
- to approve or order affirmative action programs
- to grant exemptions from certain provisions of the Code
- to make regulations subject to the approval of the Lieutenant Governor in Council
- to carry out research and educational programs that will advance the principles of equality and eliminate discriminatory practices.
The Complaint Procedure

Complaint Received by S.H.R.C.

**ACTION:** Investigation by staff

- **Evidence Fails to Support complaint**
  - **ACTION:** Reviewed with complainant
    - **Complainant Accepts Findings**
      - **ACTION:** Complaint closed
    - **Complainant Disagrees with Findings**
      - **ACTION:** Complainant exercises right to have decision reviewed by the Commission, with a right of further review by the Attorney General.
      - **Commission Directs a Board of Inquiry**
        - **ACTION:** A.G. appoints a Board of Inquiry
        - **Board of Inquiry Finds Complaint Not Substantiated**
          - **The Decision May Be Appealed to the Courts by Either Party on a Point of Law**
          - **Board of Inquiry Finds Complaint Substantiated and issues an Order to Remedy the Discrimination**
        - **Commission Does Not Direct a Board of Inquiry**
          - **ACTION:** Complainant then has the right to request that the A.G. direct a Board of Inquiry
          - **ACTION:** Matter resolved by written agreement
    - **No Settlement Achieved**
      - **ACTION:** Report to S.H.R.C.
  - **Evidence Supports Complaint**
    - **ACTION:** Attempt at Settlement
    - **Settlement Achieved**
Settlements & Tribunals

Settlements

If the Commission concludes, after an investigation, that evidence supports a complaint of discrimination, an attempt is made to reach a settlement between the two parties.

The terms of the settlement are intended to compensate the complainant for any damages suffered as a result of the alleged discriminatory treatment. All parties and the Commission must agree to the settlement, which is binding.

Settlements could include such terms as an apology, compensation for lost wages or other expenses, and payment for humiliation suffered and loss of self-respect. The respondent might also agree to change his or her discriminatory behaviour in the future.

Affirmative Action

Affirmative action is designed to fight discrimination in the workplace and in schools.

It is a response to a kind of discrimination that is particularly hard to eliminate because it has become part of the way society is structured. That kind of discrimination is called systemic discrimination.

In Saskatchewan, affirmative action programs are developed in conjunction with the Saskatchewan Human Rights Commission, and upon completion, are approved by the Commission.

Affirmative action is a commitment to alter the policies, practices and procedures of institutions so that members of the target groups (those underrepresented in the workplace and educational institutions) have an equal opportunity to succeed.

In Saskatchewan the target groups are women, people of Indian ancestry, and people with physical disabilities.

Affirmative action is based on the belief that some groups have historically been disadvantaged in the workplace and in educational institutions and the effects of those discriminatory practices are still being felt today. It is anticipated that affirmative action programs will help to redress imbalances that still exist in the workplace and in schools.

The Saskatchewan Human Rights Code provides four ways to implement affirmative action programs:

1. The Commission may approve a voluntary program (Section 47);
2. The Commission may order that a program be put into place (Section 47);
3. A board of inquiry may order a program as a remedy where there is evidence of discrimination (Section 31(7)(a));
4. An affirmative action program may be introduced in settlement of a complaint.

Approval of a program provides the applicant with legal protection for any preferential measures which may be undertaken. With the proclamation of Section 15(2) of The Canadian Charter of Rights and Freedoms, on April 17, 1985, additional constitutional protection for affirmative action programs came into place.
List of Human Rights Commission Materials

1. The Saskatchewan Human Rights Code and Regulations.

2. Pamphlets and Brochures:
   - Affirmative Action
   - Application Forms and Interview Guide: A Guideline for Employers and Job Applicants
   - Doing What's Right: The Saskatchewan Human Rights Code
   - Filing a Complaint: Now What Happens?
   - Finding a Home: Landlord and Realtor Responsibilities
   - Human Rights in the Workplace: An Employer's Guide
   - Rights of the Physically Disabled
   - Saskatchewan Human Rights Commission - Information Kit
   - Sexual Harassment
   - Towards Equality: A Guide to Special Programs in Saskatchewan

3. Saskatchewan Human Rights Commission Newsletters
   - Aboriginal Peoples of Canada and the Constitutional Process: The Task Ahead
   - Affirmative Action News No. 1
   - Affirmative Action News No. 2
   - Affirmative Action and Human Rights in the 1980's
   - Affirmative Action: A New Direction for Schools
   - Affirmative Action: Education Equity
   - After the Decade: Women's Rights in Saskatchewan
   - Arbitrary Arrest and Detention
   - Appeal Court Decision Goes to Chambers
   - Canada's Constitution and Charter of Rights and Freedoms
   - Compulsory Retirement: Elements of the Debate
   - Discrimination on the Basis of Pregnancy
   - Education Equity Plan Receives Approval
   - Education System and Human Rights
   - 40th Anniversary of Human Rights Declaration
   - Independence for Human Rights Commission: An Idea Whose Time Has Come
   - Longtime Commission Members Honored at Reception
   - Indian and Metis Self-Government in Canada
   - KKK: An Editorial Statement
   - Making Saskatchewan Accessible
   - Medical Examinations: Guidelines for Employers
   - Proposed Amendments to Saskatchewan Human Rights Code
   - Saskatchewan Human Rights Commission Releases Interpretive Document on Pensions, Employee Benefits and Insurance
   - Sexual Harassment: New Developments and Interpretations
   - Sexual Harassment: Taking a Stand
   - The 35th Anniversary of the Universal Declaration of Human Rights
   - A Time to Celebrate
   - Two New Members Appointed to Commission

   - Volume 1, No. 1 - An Introduction to Human Rights
   - Volume 2, No. 1 - The Canadian Charter of Rights and Freedoms: Section 15: Equality Rights
   - Volume 2, No. 2 - The Canadian Constitution and the Charter of Rights and Freedoms: A History of Civil Liberties in Canada

5. Videos:
   - Doing What's Right
   - Human Rights, Human Wrongs (Canadian Living Magazine)
   - Say No to Racism (Regina Public School Board)
   - Sexual Harassment in the Workplace (Labour Canada)

Videos are available on a loan basis.

5. Other Materials:
   - A Manual on the Charter of Rights and Freedoms Accessibility Standards
   - Affirmative Action Legal Provisions
   - Doing What's Right - Workshop Manual (available on loan basis)
   - Doing What's Right: Teacher's Resource Guide
Education Equity: A Report on Indian/Native Education in Saskatchewan

Human Rights and Benefits in the 80's: An Interpretation of the Saskatchewan Human Rights Code as it Applies to Pensions, Employee Benefits and Insurance

Prejudice in Social Studies Textbooks along with supplement

Saskatchewan Human Rights Commission
Affirmative Action Decisions
Saskatchewan Human Rights Commission
Exemption Orders
Saskatchewan Human Rights Commission Equal Pay Decisions

* Sex Bias in Primary Readers
Steps for Developing an Affirmative Action Program
* TASC Workshop on Handicapism
* TASC Workshop on Racism
* TASC Workshop on Sexism

6. Posters

Opportunities are Everyone's Right
Protected Categories
Protected Areas
Functions of the Commission

List of Other Publications Distributed by the Commission

Dick and Jane as Victims: Sex Stereotyping in Children's Readers - Women and Words and Images Publication

Human Rights - Public Legal Education Association of Saskatchewan Publication

The above publications are available in print or on cassette tape, except those marked with an asterisk (which are available in print only). These publications are available free of charge by contacting the nearest Commission office.

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Average Age at Death

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<td>Male</td>
<td>31.5</td>
<td>66.7</td>
<td>35.1</td>
<td>67.5</td>
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<tr>
<td>Female</td>
<td>32.3</td>
<td>69.6</td>
<td>36.6</td>
<td>71.2</td>
<td>44.1</td>
<td>72.5</td>
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</table>

Sources: Registered Indians: Adjusted Indian Registry Data, Research Branch, INAC, 1985.
Race

Parkland Native Outreach of Yorkton has settled a complaint filed with the Saskatchewan Human Rights Commission in 1984, in which the organization said it was discriminated against when it tried to rent property in Yorkton from Karl and Olvine Serfas.

The single term of settlement was that Mr. and Mrs. Serfas apologize to the native organization, which assists native people in the area to find employment. The apology was placed in Yorkton newspapers.

Parkland Native Outreach said it had made repeated attempts to rent from Mr. and Mrs. Serfas, but was told others were ahead of it in line even though the property remained vacant for several months. The Serfas said there had been no intent to discriminate.

In another race discrimination settlement, two people of Indian ancestry received compensation of $500 and an apology from Merlin Motors of Saskatoon.

Ingrid and Brian Gallagher of Saskatoon complained to the Commission in February 1987 that when they picked up a car that had been serviced by Merlin Motors, they noticed a very disparaging and abusive racist comment on the mechanic’s copy of the work order. The Gallaghers told the Commission they were extremely hurt and offended.

The Saskatchewan Human Rights Code prohibits discrimination in the provision of services to the public (such as that offered by stores, establishments that provide a service, movie theatres and so on) on the basis of race.

Merlin Motors admitted a comment had been made on the work order, but emphasized that the mechanic’s actions were not in any way endorsed by the company and that the company would hold the mechanic responsible for his actions. However, under human rights law, in many instances employers are liable for the actions of their employees.

Merlin Motors, as an additional term of settlement, agreed to distribute a policy statement to all employees reminding them that it is discrimination to insult customers because of their race, and it may be the basis of a complaint under the province’s human rights laws.

Race

Nine people of Indian ancestry who alleged they had been discriminated against on the basis of race at the Seven Oaks Motor Inn in Regina received a total of $3,150 in settlement of complaints made to the Saskatchewan Human Rights Commission.

Some of the nine alleged that they had been refused entry to the Seven Oaks beverage room because of their race; others, that they had been treated in a discriminatory manner while in the beverage room. Operators of the Seven Oaks — L & L Lawson Enterprises Ltd., White Sand Enterprises, P & M Hotels Ltd., Chainlink Enterprises — and proprietor Larry Bird agreed to the settlements without admission of liability.

Two of the complainants alleged they were denied entry to the beverage room because they wore their hair braided in the traditional native manner, while a third man who accompanied them said he was also denied entry. They were Larry and Robert Agecoutay and Eric Keshane, all of Regina.

Another complainant, Beatrice Wicks of Regina, alleged she was refused entrance to the bar by staff because they claimed she had caused trouble on a previous occasion. Wicks told the Commission she had never been in the bar.

The remaining five complainants alleged they had been denied service in the beverage room, in some cases after two drinks and sometimes after three drinks, even though they had been quiet and orderly. Those complainants were Donna Allary, Doris Wesacuqate and Lorraine Rope of Saskatoon. The remaining two complainants did not wish to have their names made public.

Each of the complainants received $350 from Larry Bird and Len Lawson, proprietors of Seven Oaks Motor Inn, and an apology for any discrimination perceived by them.

The proprietors also agreed to adopt and implement a human rights policy for non-discriminatory treatment in the provision of a public service.
The offender is not born in the Indian -- the Indian is born into a system which offends. In a free and democratic society, this system was to be "just" for everyone. It was "just" for the probation officers, because it gave them a livelihood. It was "just" for the police officers because it gave them a sense of duty to lock up Indian people. It was "just" for officers of the Crown, so they would close their files after another Indian is incarcerated. It was "just" for the personnel of the jails... The justice system thrives in this country, and the commodity that provides the fuel is Indian people.

Chief Louis Stevenson

Taken from **Legal Perspectives**, Volume # 14, Number 4, May 1990

**What is the male inmate population profile by race?**

<table>
<thead>
<tr>
<th>Race</th>
<th>Percentage</th>
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<tr>
<td>Caucasian</td>
<td>84.0%</td>
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<tr>
<td>Native</td>
<td>10.6%</td>
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<tr>
<td>Black</td>
<td>2.6%</td>
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<tr>
<td>Asiatic</td>
<td>0.6%</td>
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<td>Other</td>
<td>2.2%</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>100%</strong></td>
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</tbody>
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**What is the female inmate population profile by race?**

<table>
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<td>Black</td>
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<tr>
<td>Other</td>
<td>4.6%</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td><strong>100%</strong></td>
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</tbody>
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Offender Population Profile CSC, March 31, 1989

The total population of Canada is approximately 26.2 million (Statistics Canada June 1, 1989).

The total Aboriginal population in 1991 is projected to be 958,500 (Highlights of Aboriginal Conditions 1981-2001, INAC, October 1989).

To calculate a reasonably accurate figure for the percentage of peoples in Canada with Aboriginal origins, divide 26.2 by .9585 then multiply by 100. The percentage of Aboriginal peoples in Canadian society is 2.733. Relate this percentage to the percentages for Aboriginal (Native) male and female inmates in Federal Corrections facilities. Allow for the voluntary self-reporting aspect of these ethnic status (origin) figures. Percentages of Aboriginal inmates might be higher than reported.
## Ethnic Status of Federal Males
### 1990/05/24

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<th>#</th>
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<td>ATLANTIC</td>
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*The Native category does not sub-divide "Status" from "Non-Status" and "not stated". Ethnic status is recorded solely on the basis of self-reporting.*

## Ethnic Status of Federal Females

<table>
<thead>
<tr>
<th></th>
<th>#</th>
<th>%</th>
<th>#</th>
<th>%</th>
<th>#</th>
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<th>#</th>
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<th>%</th>
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EXECUTIVE SUMMARY

This report examines the current level of incarceration of Treaty Indians, Métis/Non-Status Indians, and Non-Natives in Saskatchewan correctional centres and it explores the effect that changes in the demography of the province could have on incarcerations if current practices remain unchanged.

The report documents the characteristic of those admitted to provincial correctional centres and the population base from which these admissions were drawn in 1976-1977. Among males, it is shown that Treaty Indians were 23.3 times more likely and Métis/Non-Status Indians were 7.5 times more likely than Non-Natives to be admitted to a provincial correctional centre. Among females, Treaty Indians were 88 times more likely and Métis/Non-Status were 19 times more likely than Non-Natives to be admitted to a provincial correctional centre. Treaty Indians were the most likely to be incarcerated. In fact, for every 4 male Treaty Indians between the ages of 16 and 30, one admission to a provincial correctional centre occurred in 1976-77.

The demography of the province in 1976-77 was also examined. The largest numbers of Non-Natives were found between the ages of 16 and 30, whereas the largest numbers of Treaty Indians and Métis/Non-Status Indians were found under the age of 16. The 16 to 30 age bracket is considered "high risk" in terms of correctional admissions. Therefore, the findings suggest that many Non-Natives are now in the "high risk" age bracket and that the number in this age bracket will probably decline in the future. In contrast, a number of Treaty Indians and Métis/Non-Status Indians now in the "high risk" bracket is relatively small in comparison to the number that will grow into this bracket over the next 15 years.

By employing data for 1976-77 and by projecting the population of the province, it was possible to forecast the effect of the demographic changes on admissions to provincial correctional centres. The findings indicate that the number of new admissions to centres could reach 7,535 by 1993 from the 1977 level of 4,712 (an increase of 41%) without substantial changes to the system. Importantly, however, the increase would be due to a doubling of Treaty Indians and Métis/Non-Status Indians admissions while admissions of Non-Natives would actually decline. By 1993, the forecast indicates that Aboriginal peoples could make up 80% of all admissions.

When individuals rather than admissions are examined, the finding that persons of Indian ancestry are much more likely to be incarcerated is confirmed. Moreover, this over-representation is found to occur both in Provincial Correctional Centres and in Federal Penitentiaries. In addition, it is shown that persons of Indian ancestry have a substantially higher rate of re-admission when compared with Non-Natives. The possible impact of social and economic developments on incarcerations is discussed and regional variations in the incidence of incarceration are examined.
The method used to forecast admissions makes a number of important assumptions. Most notable among these is the assumption that current practices will remain unchanged—the criminal justice system will simply expand upon its present lines to accommodate more people. It is important to note, however, that expansion of correctional programs, whether they be institutional programs or those based in the community, have never been shown to alter the underlying problems that produce crime. The findings, therefore, should not be taken as a justification for expanding correctional programs, but rather, as further evidence for the need to address fundamental social and economic problems facing the peoples of Indian ancestry.

An aboriginal view of the Canadian justice system

by Sam Stevens

During the past two years the treatment of aboriginal peoples by the justice systems, particularly the criminal justice system, has received much attention.

Partly, this is a result of the Donald Marshall inquiry in Nova Scotia into the conviction of a young Mi'kmaq Indian for a murder he did not commit, and in part because of the Public Inquiry into the Administration of Justice and Aboriginal Peoples in Manitoba. The latter was called after an Indian leader, J. I. Harper, was shot to death by police.

Canadians have become more aware that there is a disproportionate number of aboriginal offenders in both the federal and provincial correctional systems. Almost 10 per cent of the people in our federal penitentiaries are native, even though they represent only two per cent of the total population.

In the prairie regions, where aboriginal people make up five per cent of the population, almost 32 per cent of the inmates are native. The situation is worse in the provincial correctional institutions.

For example, in Saskatchewan and Manitoba where natives represent 6.7 per cent of the total population, they represent 46-60 per cent of the prison admissions.

And yet the present justice system is held in high regard by most Canadians. To them it represents equal treatment, reflects the values that Canadians believe in, is meant to control...
the abuse of power by governments, and tries to protect human rights and civil liberties.

But little if any of this is true for aboriginal peoples. For them, the court system, the lawyers, the police and the jails represent a system they do not believe or have any confidence in.

It is a system that does not protect them. It denies their laws and enforces a different set of values and beliefs. It is a system that takes away their rights as aboriginal peoples.

Why is there such a difference in perception by aboriginal and non-aboriginal peoples about our justice system? Why do aboriginal peoples feel that the justice system does not treat them fairly?

**Colonization**

To understand why aboriginal peoples have such a negative perception of the present justice system, we must look at the history of interactions between non-aboriginal and aboriginal peoples.

When French and English Europeans first made contact with aboriginal peoples in what is now the Maritimes and eastern Canada, aboriginal First Nations (the tribes of Indians who lived in that area) had very well-developed concepts of justice, property, politics and law.

But the English and the French brought their own highly developed concepts of justice, property, politics and laws with them.

When the French and the English began to live among the aboriginal First Nations, they continued to use their own laws, justice system and politics. They respected the aboriginal First Nations' laws and justice system.

But, as the numbers of English and French settlers increased, there were issues to be dealt with: How would the different societies live with each other? Would each society continue to use their own laws and justice system? Would the English laws and legal system apply to both the French settlers and the aboriginal First Nations?

You would think that the aboriginal First Nations would have had an opportunity to consent to the English law and justice system before they were imposed on them. This was not to be the case.

The English colonial government began to ignore the previously respectful way of living with aboriginal peoples and imposed their own laws and justice system on all aboriginal peoples.

By 1867 when Canada was born, the federal and the provincial governments had decided who would make the laws for all Canadians.

The aboriginal First Nations had no role in this decision, although they were the original inhabitants of Canada. Instead, the federal government and the provincial government divided the responsibility of law-making between themselves.

The federal government was given the power of the BNA Act to make laws about Indians and their lands. In 1876 the federal government made a law called the Indian Act. It had the effect of controlling virtually every aspect of an aboriginal person's life.

The Indian Act specifically forced aboriginal peoples as individuals and as First Nations to adapt and conform to the Canadian laws and the justice system; this represented a tremendous change from their customary laws and justice systems.

For example, the Nisga'a Indians, who live in the northwest part of British Columbia had highly developed systems of dealing with their land, but were forced to conform to European laws that had a different philosophical and were the product of a totally different society.

The Nisga'a were told they did not have any right to most of their traditional lands and they could no longer deal with their land as they had been taught.

Aboriginal customary law requires the Nisga'a to treat the land with respect and to keep it in good condition for future generations. The new colonial law allowed people to exploit the land, to cut down the forest and take all of the fish.

The justice system, imposed on aboriginal First Nations was a foreign system. Not only did it use unfamiliar laws, but the system itself had basic legal concepts different from those of the aboriginal First Nations.

For example, there were no equivalent words in the languages of the aboriginal First Nations for concepts such as guilt, innocence, lawyer, jury of one's peers, etc.

In fact, one of the central concepts of the European legal system, the adversarial process — which sets people against each other as enemies — was a totally alien concept to aboriginal people.

In their traditional societies, the justice system was victim-oriented and the goal was to restore peace and harmony to the community.

The traditional way of solving serious disputes in the aboriginal First Nations community was for the parties to take the matter before the Elders and leaders of the nation. Their role was to seek a solution that restored peace and harmony to both parties and therefore to the community.

**Resistance to the foreign laws**

Even though the new European laws applied to them, aboriginal peoples continued to use their customary laws and justice systems. But often their customary ways of doing things conflicted with Canadian laws.

For example, the federal and provincial laws often prevented them from hunting and fishing according to their customary laws. If they continued to contravene the federal fishing law they were charged with and convicted of fishing illegally.

The courts began to tell them that they did not have the rights they thought they had. In fact, what the courts were doing was defining the aboriginal person's rights based on the Canadian laws — laws based on anglo-saxon beliefs and values.

**Conflict in values**

Is it any wonder today that aboriginal peoples do not believe in the present legal system? It denies what they feel are their rights. It decides disputes in a way totally foreign to their thinking, using beliefs and values that often are totally opposed to their own.

Today when an aboriginal person goes to court s/he is at a considerable disadvantage. His or her beliefs and values may actually operate against him or her.

For example, most aboriginal peoples still place great value in their Elders. It is very disrespectful when speaking with an Elder to look directly at him or her. When aboriginal peoples are in court they treat the judge in the same manner. As a result, the aboriginal person seldom looks directly at the judge.

In the adversarial justice system, a defendant's body language is important to the judge and may indicate s/he is being evasive or not telling the truth. Unfortunately, few lawyers and judges have this insight into aboriginal beliefs and values and do not recognize that this may be a major problem.

Aboriginal ethics are different as well. For example, in traditional society, an aborigi-
nal person does not interfere with another person's choices. This prevents him or her from criticizing another, from giving counsel, or what we call free advice. Each person is to be left entirely free to make his/her own choices.

This ethic prevents parents from telling their children when to do something — when to eat, when to come home or to see a dentist. From a judge's point of view, this apparent absence of parental control may reflect a lack of concern. In a child custody case, this may have disastrous results for the aboriginal parents.

**Cross cultural training**

We need to look at how the present legal system can accommodate aboriginal peoples with their beliefs and values. Are there some things that the justice system can do to make things fairer for aboriginal peoples?

What can be done to give aboriginal First Nations the ability to resolve disputes within the community in a way both the First Nations and the federal and provincial governments feel good about?

One of the ways of dealing with this problem is through cross-cultural training. This approach is based on the premise that in order for a culture to take into account another culture's beliefs and values, each must understand the beliefs and values of the other culture.

This cross-cultural insight would provide judges with the capability to accommodate aboriginal beliefs and values in a practical way within the justice system.

**The diversion program**

Another way of resolving this difficult problem is to give aboriginal First Nations more responsibility in dealing with their own peoples. For example, one option proposed by the First Nations of South Island Tribal Council gives them a major role at the pre-trial diversion stage.

Their proposal is based on Section 4 of the Young Offenders Act (YOA) that says that alternative measures may be used to deal with young offenders if the diversion program has been authorized by the attorney general of the province.

The young offender must agree to participate in the program, be advised of his or her right to counsel, and must accept responsibility for the act which was the basis for the offense.

The proposal is that the Tribal Council would establish an accountability board composed of five prominent and well-respected members of the community.

Two members of the accountability board would interview the young offender. A report would then be submitted to the board who would decide whether to accept the young man or woman for diversion.

If the youth was accepted, a contract would be drawn up outlining what was expected of both sides. An Elder would then be assigned to work with the person on a one-to-one basis. The young offender would then be rehabilitated according to the family law of the First Nations of South Island.

The real advantage of this approach is that it works with the present justice system to provide an alternative which is culturally meaningful and allows the community to play a major role in the rehabilitation of the young man or woman. The same approach could be used for adult offenders if the legislation was amended to provide for this.

**Another creative alternative**

A successful, innovative court initiative took place on Vancouver Island in 1988. A judge, faced with a custody issue involving an aboriginal child, asked a Council of Elders to give him some recommendations on how they would settle the custody issue.

The council took customary practices, the lineage of the child and other cultural factors into account and came up with a way of settling the custody problem.

The judge then incorporated the council's views into his own decision (Brian Thorne, the Tribal Justice Liaison with the First Nations of South Island Tribal Council, discusses this case in *Legal Perspectives* April 1989 Vol.13 No.4).

This model has been used successfully in the Northwest Territories as well.

**Racism**

But many aboriginal people say that these solutions are only band-aid remedies. They say that because of the system's inherent bias against visible minorities and the fact that the system is based on different values and beliefs, they can never hope to receive justice within the present justice system.

The findings and recommendations of the Donald Marshall Inquiry in Nova Scotia support this view of many aboriginal peoples. Donald Marshall spent eleven years in prison for a murder he did not commit and this inquiry has revealed patterns of bias and prejudice against people of colour among judges, lawyers, prosecutors and police officers.

The commissioners found that the Nova Scotia justice system is riddled with racism and that a major factor in Donald Marshall's mistreatment was the fact that he is an Indian.

They said that it was "very clear that Donald Marshall told the truth the first night and that his truth was disregarded systematically right down the line."

The commissioners proposed that a native criminal court justice system be established in Nova Scotia. In this system a native Indian justice of the peace would hear minor charges, such as breaking and entering.

Native Indians charged with more serious offences or charges that occurred off the reserve would still be dealt with by the present justice system.

Many aboriginal leaders will say that this recommendation does not go far enough. They will ask, "Why shouldn't we be allowed to resolve disputes in our own way for our own people?" They will say, "We cannot possibly do a worse job than you have done with our people in your courts — even your own judges are telling you that."

It is obvious that there is a serious problem with how the justice system treats aboriginal peoples. The challenge — right across the country — is how we can as aboriginal and non-aboriginal peoples find a common solution to this problem.

**Sam Stevens is the director of the Native Law Program in the faculty of law at UBC in Vancouver.**
Native women in general are not faring well within the legal system, and native women are at even greater disadvantage. Native women make up thirteen per cent of the female population in federal prisons. In the Yukon and Labrador, they make up almost the entire female population in certain prisons.

Treaty Indian women are 131 times more likely to be admitted to a provincial correctional centre than non-native females; non-status or Metis women, 28 times more likely.

There are many reasons why the Canadian justice system does not meet the needs of native people. This article briefly discusses four of them: cultural differences, language differences, and poverty. The article ends with examples of case law relevant to Indian women.

It is important to note that the cases discussed are relevant only to those aboriginal women who are considered Indian for the purposes of the Indian Act — status and treaty Indian women and Inuit women.

For the most part, issues affecting Metis women have gone unaddressed. The laws of the land do not view them as having the same rights as other aboriginal women. Poverty and other factors affecting access to justice play critical roles in the lives of these forgotten women.

Cultural values
European society imposed its legal system and values on native people over a long process of colonization. The negative effects of colonization are high rates of crime, infant mortality, violent death, suicide, alcoholism and dependency on welfare.

The conflict between the cultures and the ensuing social and economic toll on native people is recognized by and detailed in several reports by special committees and agencies.

In the mid-1970s Thomas Berger, who headed the Mackenzie Valley Pipeline Inquiry addressed this conflict in his report. He found that:

... the incidence of these disorders is closely bound up with the rapid expansion of the industrial system and with its intrusion into every part of the native peoples’ lives. The process involves the complex links between native people and their past, their culturally preferred economic life and their individual, familial and political self-respect. We should not be surprised to learn that the economic forces that have broken these vital links, and that are unresponsive to the distress of those who have been hurt, should lead to serious disorders...

The conclusion of the inquiry was that native people must have the right to self-government or to control their own destiny. Only then could native people implement their own values.

In 1983, Indian self-government was recognized as a desirable goal in a special House of Commons committee report, Indian Self-Government in Canada. Since then, several aboriginal constitutional conferences on self-government have occurred; however, there has been no entrenchment of Indian self-government in the Constitution.

Language
Language plays an important role in determining how people are dealt with in the legal system. It affects a person’s ability to seek legal help and to effectively communicate with lawyers and judges both in and outside of the courtroom.

Language conveys the values and concepts of a culture. The language of the legal process and of the courts is that of the dominant society. This poses problems for native people who have a different culture.

It has now been generally recognized that people of other races may have difficulty in swearing an oath or in the witness stand if the person is from a non-Christian background.

Women may have a further disadvantage in that women’s language is seen as a form of powerless speech and this can affect the outcome of a trial. In an unpublished paper, Evidence: Some Linguistic and Cultural Concerns, Donna Lee Hawley writes that Indians tend to be quiet, soft-spoken, and humble in their offering of information or an opinion.

Poverty
There are differing opinions as to the role poverty plays in a person’s access to justice.
Poverty is often a side effect of other conditions. Many native women are faced with poverty due to single parenthood, lack of education and lack of marketable skills.

The Justice Reform Committee of B.C., in its 1988 report, pointed out that poor people often do not realize that their problems may have a legal component, and when they do, they may not know how to find legal advice or be able to afford a lawyer.

Currently, a Native Courtworker and Counselling Association funded by the Ministry of the Attorney General of B.C., provides information, advice and counselling to native people about their legal rights and responsibilities.

The Legal Services Society has a Native Programs Branch which funds community-based native law offices. The finding of the Justice Reform Committee is that there are still many who do not have access to these services.

An Indian organization told the Committee that:

Approximately 20 per cent of people seeking legal aid in the province are of native ancestry. On a demographic basis native people are disproportionately in conflict with the law and are serving more time in penal institutions, yet only 4.4 per cent of the Legal Services Society budget is allocated to the Native Programs. Many native communities in rural areas have no access to legal aid or information.

For native women, many of whom are the primary care-givers for their families and do not have the time or the resources to seek legal help, lack of access to justice is a very real problem.

Native women and case law

In Derrickson v. Derrickson the Supreme Court of Canada dealt with whether or not an interest in Indian reserve lands can be the subject of a division of family assets and in Paul v. Paul, whether or not a matrimonial home situated on Indian reserve lands can be the subject of an interlocutory order for exclusive occupancy.

The right to exclusive occupancy means that one party — either the husband or the wife — has the right to occupy or live in the home to the exclusion of the other.

The court concluded that neither an interest in reserve lands nor an interest in a matrimonial home situated on-reserve is a proper subject for division of family assets under the provincial Family Relations Act.

Although several arguments were dealt with in each case, the court was mainly concerned with the issue of whether or not the provisions in the Family Relations Act, a provincial law, were applicable to lands reserved for Indians.

It was concluded that the provincial law was in conflict with the Indian Act, a federal law, and therefore could not apply to Indian lands.

The doctrine of paramountcy

This conclusion was based on the doctrine of paramountcy which provides that in any conflict, the federal law is supreme and the provincial law is inoperative to the extent that it conflicts with the federal law.

Subsection 91(24) of the Constitution Act, 1867, gave the federal parliament exclusive authority over "Indians and Lands reserved for the Indians." This means that only the federal parliament can pass laws over Indians and lands reserved for them.

Based on this authority, parliament enacted the Indian Act which deals with various matters including the right to possession of lands on an Indian reserve.

In the Derrickson case, the provincial law was attempting to deal with lands reserved for the Indians and was in direct conflict with the federal Indian Act, therefore the provincial law could not apply.

The court used the same reasoning in the Paul case, regarding the occupation of a matrimonial home located on-reserve.

Under the Indian Act, the husband received a certificate of possession which was evidence of his lawful possession of Indian reserve lands. Consequently, the husband was entitled to possession and occupancy of the family home located on those reserve lands.

If an order was made under the Family Relations Act in favor of the wife, it would entitle her to exclusive interim occupancy of the same home. Clearly, this would conflict with the Indian Act intention.

Maintenance orders

Recently two cases — one in Alberta (Potts v. Potts), and one in Saskatchewan (Bellegarde v. Walker) — addressed the issue of whether an Indian woman is free to exercise her right to enforce a maintenance order against her Indian husband.

In both cases, it was held that the husbands were subject to the provincial laws regarding the enforcement of maintenance payments.

In another case, Director of Support and Custody Enforcement v. Nowegijick, a status Indian debtor challenged the fact that his wages were garnished as a way of enforcing his maintenance payments.

His claim was that the customs of his people or their right to self-government had not been extinguished, therefore his rights had survived and were superior to other laws.

Although the judge dismissed this challenge, he indicated his disappointment with the quality of the written and oral arguments on behalf of the debtor.

He also expressed concern that "such a significant historical and moral claim could have been advanced with so little preparation."

Conclusion

Many other issues affect native women such as:

* discrimination on the basis of sex and race (including the issues of entitlement to Indian status under the Indian Act)
* adoptions and custody matters
* labour relations issues

Space does not permit me to discuss any of these but all of these topics warrant further study and discussion.

Cases cited:


Bellegarde v. Walker and R in Right of Saskatchewan (1987) 4 C.N.L.R. 28 (Sask. Q.B.)

Potts v. Potts (1989) 2 C.N.L.R. 96 (Alta. Q.B.)


Penny Desjarlais is a native woman of the Cree Tribe and a lawyer with Swinton & Co. in Vancouver.

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NATIVE YOUTH
and the Young Offenders Act

by Barbara Morin

Since the introduction of the Young Offenders Act (VOA) on April 2, 1984, native youths are more likely to become adult offenders than they were under the old Juvenile Delinquents Act (JDA).

And in 1984, native youths were charged twice as often as non-natives although native people make up only a small percentage of Canada's population.

Natives make up 70 per cent of the juvenile offenders in Saskatchewan and 18 per cent in B.C. The number of First Nations' juveniles who are considered delinquent is three times the national average.

The VOA is having a great impact on native youth. Although the VOA was designed to protect the judicial rights of young offenders, trends show more native youths being processed and more youths being given longer sentences since the VOA became law.

Frightening trends are emerging according to William Wardell, a Saskatchewan law professor. In his article The Young Offenders Act: A Report Card 1984-1986, he writes that the number of juvenile cases has increased from an average of 10 per week to 20-30 per day.

It is not an increase in actual offences, but an increase in detection and formal processing for a wider net of offences not formerly punished.

Wardell quotes a social worker who sees a tripling of young people — mainly native — being brought into court and being given longer sentences. And in 1983–4 in B.C. there were 355 admissions under the JDA as compared to 655 admissions in 1986–7 under the VOA, an increase of 85 per cent.

Ivan Day, probation officer-case management coordinator for the Burnaby Youth Detention Centre, says there is a high proportion of native offenders in that institution. He says one reason for this is there are no treatment centres in the North. The only alternative for the judge is to remove native youths from their communities and send them to Burnaby.

The number of native youths ending up in institutions is increasing at alarming rates across the country. B.C. has opened a new 30-bed facility in Kamloops and a 48-bed facility in Prince George. Further plans to spend 60 million to build new secure centres in Victoria and Burnaby are in the works. Saskatchewan is spending $1.1 million on facilities.

The JDA compared to the VOA

The Juvenile Delinquents Act was based on a social welfare model that emphasized treatment, rehabilitation and informality but the system was
given too much freedom at the expense of the
rights of young people. (A positive feature of the
JDA was that the hearings were informal and
private.)

The Young Offenders Act was designed to
protect the rights of young offenders and socie-
ty. Young people can no longer be given in-
definite custodial terms or a sentence harsher
than an adult would receive for the same crime.
They are also guaranteed a lawyer at every stage
of the legal process.

The records of young offenders are eventu-
ally destroyed although young offenders can be
transferred to adult court if a judge decides that
society is in need of protection from them.

Parental involvement is stressed throughout
the YOA. Alternative measures to the courts are
sought wherever possible. However, alternative
measures may not exist.

While giving youths the same rights as
adults is a move in the right direction, one must
question the YOA’s focus away from rehabilita-
tion. The new act has been criticized for focusing
on the accountability to and protection of society rather than on the treatment and rehabili-
tation of young people.

There is a need to protect society but will society be best protected by the incarceration of
more young people, or with an abundance of
resources aimed at changing their behaviour?

People in the justice system suggest that a
variety of culturally-specific community ser-
vice and programs aimed at changing the be-
avour of young people would protect society
better.

But there is a trend towards increasing the
use of custody. Punishment as a deterrent to
tyth crime has emerged as a major response.

Judges seem to have embraced the account-
ability provisions of the YOA and requests for
psychiatric/psychological reports have decreased
by a half. Young people under 18 are now sen-
tenced under the YOA while the JDA sentenced
only those under 17.

The suicides at Willingdon

In 1989, The Vancouver Sun reported an investi-
gation into a rash of suicides at the Willingdon
Youth Detention Centre in Burnaby. Sheila Fuma-
man, speaking on behalf of the British Colum-
bia Government Employees Union, said the
problems at the centre stem from the 1983 Social
Credit restraint policy which led to cutbacks in
counselling and other social service programs.

While giving youths the same rights as
adults is a move in the right direction, one
must question the YOA’s focus away from rehabilitation.

She said there was a connection between
the elimination of preventive services for fami-
lies and youths with problems and the alarming
rate of incarceration. Other problems cited by
the union were:

- the unwieldy mix of young offenders, from
  shoplifters to teens convicted of murder
- the absence of on-going treatment programs
  for abused children who form a large propor-
tion of the inmate population
- the antiquated, dingy and depressing physical
  surroundings
- periodic overcrowding that forces young peo-
  ple to sleep on the floor
- inadequate staff training

John Kilbridge, who spent almost six years
in the Willingdon Detention Centre says that:
"Willingdon is the most damaging to send kids
to because they get no rehabilitation, just inter-
action with other juvenile delinquents who do
nothing but sit around talking about what they
did to get in there...

The newest, most advanced jail for kids
won’t help them a bit. Kids need help, and in
Willingdon, you get none."

John said the best therapy for him was a
work camp that helped build his self-esteem. But
Willingdon Director Gordon Hogg says Willing-
don’s principle responsibility is the safekeeping
and custody of juveniles, not treatment.

Alternatives are needed

It has been said that with no rehabilitation the
disadvantaged will stay disadvantaged and cre-
ate an underclass of potential criminals who will
prey upon society in the future.

And professionals in British Columbia say
the province is really at fault for not supplying
alternatives other than jail for young offenders.

Brian Scully, an Ontario lawyer who de-
fends young offenders, criticizes the provinces
for failing to implement programs that would al-
low delivery of a wide choice of services for
youths.

He says that when the YOA was passed, the
provinces were expected to implement programs
to allow for these services, but he is unsure of
any new programs being implemented.

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He says kids are lined up for treatment centres and they can't get help from child psychiatrists. Scully says that 30 per cent more young people are sent to jail each year because judges don't have any other alternative.

Judges want alternatives. They are reluctant to transfer youthful killers to the adult system because there are inadequate treatment facilities for them.

One Alberta judge said a 16-year-old youth who committed a robbery should not be jailed because:

A custodial sentence is not the disposition of first choice for a young offender even in cases where it would appear to be the proper sentence for an adult — deterrence to others does not, in my view, have any place in the sentencing of young offenders — it is not in section 3, and 24(5) prohibits committal unless necessary for the protection of society.

The general consensus is that the new act is not working. While there are contrary views as to what really works, it is unlikely more and longer custodial sentences are a solution.

Alternatives to custody

One alternative is to have police charge only the most serious offenders and repeat offenders. Native youths swept into the system are more likely to remain a part of the system, but if they are treated as if they are worthy of being given a second chance, they will respond accordingly.

One London study in the mid-50s found first offenders who were taken to court for their first offences re-offended more readily than those who were dealt with in other ways.

William Wardell recommends community planning which costs one-tenth as much as incarceration. His solution is to redistribute resources to assume major responsibility for youth.

But many jurisdictions have no alternative measures in place while in others, they are administered by the government with little community involvement.

In Alberta, less than four per cent of all young suspects are selected for alternative programs. In Ontario recently, a young man's case was dismissed because his rights were infringed upon by the fact that Ontario has no alternative measures program.

The notion of alternative measures set out in the YOA is only as good as the alternative measures provided. The problem is that the act permits the use of alternative measures but does not require them.

The chances of successful reincorporation are more likely if treatment takes place within an offender's community. Locking youths up because there are no treatment centres is hardly a solution. Communities should establish their own culturally-specific services and programs. The 1983 Penner Report, which looked into native self-government, agreed that Indian people can and should design systems for Indians.

Young native offenders can be overwhelmed by the number of people they have to deal with in the system — police officers, social workers, probation officers, guards, native court workers, lawyers, judges and administrative clerks. Community-based programs are more cost-effective and humane.

In The Young Offenders Act: Children's Rights, Children's Wrongs, T.C. Capurro suggests that programs and strategies could be developed that ensure community participation in the institutions that affect their young people directly, such as schools and the juvenile justice system.

There must be more services aimed at helping troubled youth. namely, counselling, psychiatric and psychological skills.

Preventative programs must also play a more important role. Wardell suggests increasing social services support and employing and educating more youths. This would include helping disadvantaged youth who would normally be unable to find work on their own.

Changes must occur. The trend toward counselling today's native youth into tomorrow's adult institutions must be stopped. Jim Hacker, in his article The Impact of the Young Offenders Act, states that imprisonment does little to turn children, who got the short end of the stick at birth, into better citizens.

Rehabilitation and treatment work more effectively than imprisonment. The provinces must recognize and implement community programming. Each and every community, including the native community, must find community solutions.

Barbara Marin is a second year Native Law student. She is a Sunswep from the Canoe Creek band, B.C. and is interested in criminal and aboriginal law.
Towards Native autonomy: The process of history

by Allan Price

Recently, Natives and non-Natives alike have begun suggesting that Native courts ought to be established or allowed. The models suggested range from Natives merely operating the existing institutions, to Natives designing and implementing systems according to their own values, ideologies, and concepts of justice.

Proponents of the latter model argue that Natives ought to have the right to deal with their own affairs according to their own values as a matter of self-determination. They are compelled by the dismal failure of the Canadian court system to deal justly with Natives and Native issues.

Opponents suggest that implementing such models would lead to chaos and disorganization in the law, and that if Indians were given their own system, everybody would want one.

Opponents argue that the only way to achieve justice is to treat everybody the same even if their circumstances are different. This view has been advanced by the former Federal Minister of Justice, Mr. Doug Lewis, among others.

Is this call for a separate system or systems realistic, or is it historically aberrant (that is, deviating from what is regular or normal)? Is it fundamentally contrary to the historical and philosophical bases of the Canadian legal system as we now know it?

To answer these questions we must look briefly at what law is, how it operates in relation to Native people in Canada, the history of Native peoples’ resistance to the European legal system, and the alternative international models that exist.

What is law?

Law is a social creation, designed to regulate social interactions and to define social relation-
ships. Law governs the relationships between people, property and the state.

Law defines and protects the established social order. When a social group seeks to advance its own interests, the government of the day resists in its attempt to protect the established order.

Reform may occur through political or military means, but almost always, reform is preceded by conflicting, competing interests.

Examples of this process may be observed in every known society, from the raging violence of the French and American revolutions through to the peaceful revolutions of Gandhi and Martin Luther King.

**Native people and Canadian law**

Canadian legal history with respect to Indian people can only be understood as colonialist in nature. The French existential philosopher Jean Paul Sartre described colonialism as:

not a matter of mere conquest as was the German annexation of Alsace-Lorraine; it is by its very nature an act of cultural genocide. Colonization cannot take place without systematically liquidating all the characteristics of the Native society — and simultaneously refusing to integrate the Natives into the mother country and denying them access to its advantages.

In the 1950s, South Africa sent a delegation to Canada to view the reservation system to consider it as a model for dealing with the black population. The Canadian Indian reserve model formed the basis for the South African homeland system of apartheid.

Until the Indian Act reforms of the 1950s, an Indian receiving a university degree had to forfeit their Indian status, making the phrase ‘educated Indian’ a legal contradiction in terms.

Indians were not allowed to vote across Canada until 1969, and consequently were barred from several of the professions such as medicine and law. Possession or consumption of alcohol by an Indian was an offence until 1969.

**Resistance and change**

In 1969 the federal government introduced its “white paper” policy to finally assimilate the Indian. Indians reacted furiously, organizing, marching and protesting.

The culmination of this organization and protest was twofold. Firstly, the RCMP attacked and beat Indian protesters on Parliament Hill in Ottawa. The protesters were unarmed and peaceful; the attack was unprovoked. The televised coverage of what was dubbed the “police riots” horrified the nation.

Secondly, the National Indian Brotherhood was formed, becoming a powerful voice for Indian people in Ottawa.

In 1971 the government formally abandoned their assimilationist policy and declared Canada to be officially “multicultural.”

In 1973 the Supreme Court of Canada ruled that aboriginal title could exist in Canada, independent of Royal Proclamation or act of the Crown, disturbing a tradition dating back to William the Conqueror.

In 1982, when Canada’s new Constitution was brought into force, Indian interests were constitutionally recognized and protected.

Also in 1982, legislation was introduced reinstating Indian status to literally thousands who had become disenfranchised over the years, either voluntarily or through the operation of the Indian Act.

In 1983 the Supreme Court of Canada ruled that the federal government’s legal responsibility in certain transactions involving Indians is that of a fiduciary. (A fiduciary is like a trustee who is responsible for the property or affairs of another person).

Recently, several bands and groups of Indians have successfully negotiated “self-government” agreements, giving them more control over their own affairs than they have ever had under previous regimes.

The radical changes of the last twenty years in the Indian relationship to the Canadian Crown can only be described as revolutionary. But the social and legal revolution of the Indian is not a unique phenomenon historically.

Similar social and legal reorganizations throughout history have followed remarkably similar patterns. Similar phenomena can be observed in recent European and African political organizations as well.

To date, the federal government has been unable to stop the advance of Indian groups demanding justice in their own land.
International models

Most government replies to Indian proposals, such as Nativé courts, are that the idea is unreasonable, impossible within the Canadian Constitutional framework or simply not realistic.

But numerous international models already exist. New Zealand has an aboriginal court of original jurisdiction, as does the United States. Australia is facilitating aboriginal tradition and reliance upon Elders within their existing system.

Greenland operates its own courts and legislature although it is a part of the country of Denmark. The United States has had Indian operated courts created by statute since 1883.

In order to challenge the Canadian government's position that Indian demands are unreasonable and cannot be facilitated within a modern, sovereign state, one need look no further than the United States.

Without asserting that the U.S. model is the ultimate, the draconian (harsh, cruel) nature of the Canadian regime is shamefully evident in the chart below. We may have come a long way, but we are still decades behind most of the rest of the world.

Allan Price is an Ojibway Indian from Ontario, presently completing third year law at UBC. Prior to coming to law school, Allan spent four and a half years in federal prison, where he became active with prisoners and prisoners' advocacy groups.

Allan Price would like to give his deepest thanks to Professors Michael Jackson and J.C. Smith for their many writings and compilations, individual instruction and assistance.

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This table is from John A. Price's *Historical Theory and Applied Anthropology of U.S. and Canadian Indians.*
## Donald Marshall Case Study

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In one group of 15 developing countries, traffic accidents are the second major cause of death.

(CIDA Photo: D. Barbour)

**Development, Winter 1987-88**
Exploring an Injustice

Patricia Harriss was 14 when she encountered Donald Marshall in a park in Sydney, N.S. The events of that foggy night in May, 1971, are still shrouded in mystery. But the testimony of Harriss and two other local teenagers was enough to send Marshall to jail for 11 years for a crime he didn't commit. Last week Harriss, now a 30-year-old beauty consultant, took the stand once again with a different story.

She told a royal commission investigating the Marshall affair that police harassed her into giving testimony that linked Marshall to the murder of his companion, Sandy Seale. According to Harriss, police detectives would not accept her story that she had seen two other men with Marshall as she walked through the park on her way home from a dance. She said that the police pounded the table and interrogated her relentlessly from 8 p.m. until past midnight. "They were yelling at me, tearing up my statements," she said. "I was crying. I finally signed what they wanted so it would be over."

Lawyers for the detectives challenged Harriss' testimony, but it meshed with similar stories recounted last month by two other witnesses. Both John Pratico and Maynard Chant told the commission — chaired by Alexander Hickman, chief justice of the Newfoundland Supreme Court — that police coerced them into testifying against Marshall, a Micmac Indian who was 17 when he was convicted of Seale's murder in 1971.

Pratico and Chant were among 28 witnesses who have taken the stand since the commission began its hearings on September 9, relating what they know about the infamous miscarriage of justice that put Marshall in prison. The inquiry, established by the Nova Scotia government, has so far uncovered little that is new. Four trials, two appeals, a review by the Nova Scotia Supreme Court, one book and a previous royal commission have already explored almost every detail of the Marshall case. But it has provided a disturbing view of the administration of justice in one corner of Canada. Said Marlys Edward, co-counsel for Donald Marshall at the inquiry: "We're getting a picture of how badly wrong a police investigation can go."

In its early stages the inquiry has been plagued by missing documents and failing memories. But all three of then-teenaged witnesses agree on one thing: they were ill-treated by police. All three told the inquiry that they had kept the truth to themselves until approached by RCMP investigators in 1982. Marshall was freed that year and re-tried and acquitted. Another man, Roy Newman Ebsary, was later convicted of manslaughter in connection with Seale's death. Harriss said that she feared she would be charged with perjury if she came forward. And Pratico said that he thought people would not believe him if he told the truth because of his history as a psychiatric patient. Said Pratico: "I was afraid of the whole damn system." The aim of the Hickman inquiry is to ensure that the system never goes quite so wrong again.
Justice in Disrepute

Donald Marshall is a Micmac. Those five simple words tell his story almost as well as the exhaustive, seven-volume report on his wrongful murder conviction and unfair imprisonment.

To be a young, native man in Canada is to be exposed to a high risk of false arrest, false conviction and false imprisonment. Crime didn't put Marshall behind bars for 11 years. His native ancestry, and the bigotry and incompetence of his tormentors, sentenced him to jail.

The credibility of Canada's criminal justice system has never been as low. The Marshall inquiry report should be required reading for every smug attorney general in the country; every judge; every Crown prosecutor; defence lawyer and law student; every police chief and rookie cop. It is a document of national failure.

Premier John Buchanan owes the country an admission that Nova Scotia elected leaders failed Marshall as dismally as its justice system. He must also promise firm action on the commission's 83 recommendations.

But Canadians in other provinces should not point fingers at the Nova Scotia legal and political establishment, and howl about an isolated miscarriage of justice. Marshall's suffering was extreme, but the conditions surrounding his conviction and imprisonment are duplicated across Canada.

Ask the relatives of Helen Betty Osborne, the Cree teenager who was murdered in The Pas, Man., the same year Marshall went to jail in Nova Scotia. The only suspect convicted of the gang killing, a white man, didn't go to prison until 1987. The police investigation into Osborne's death was a travesty.

Ask the friends of J.J. Harper, a Winnipeg native leader shot to death by police who mistook him for a car thief. Police mishandling of the investigation sparked a provincial inquiry.

Ask Blood tribe members about their troubled relationship with the RCMP in southern Alberta, the subject of yet another inquiry.

The report on Marshall's experience addresses the native community's deep distrust of the criminal justice system with some worthy suggestions. The commission recommends a native court system, a cabinet committee on race relations to solve serious provincial conflicts; hiring more minority police officers and training police recruits about racial antagonism. Is the Alberta government listening?
The investigators in Nova Scotia compared Marshall's record to the way the justice system treated two prominent politicians. They concluded that social status and political influence do make a difference when Canadians run afoul of the law.

So the weak and poor often lose in court; the affluent and powerful often win. The innocent Micmac defendant is no match for a white legal establishment determined to convict him. Once only suspicions, these are now facts confirmed by a 14 month investigation.

"I really hope that at long last one Donald Marshall Jr. will stand high in the eyes of Nova Scotians where he deserves to stand," the judge who led the inquiry said Friday.

Perhaps he will. But there will be more Donald Marshalls in a country that decides the fate of too many young, native men the day they were born. For them, standing high is never easy.

Reprinted from: The Edmonton Journal, Saturday, January 27, 1990
Eleven Years of Hell

On May 28, 1971, a 17-year-old black youth, Alexander (Sandy) Seale, was stabbed to death in a park in Sydney, N.S. Seen days later police arrested his friend, Donald (Junior) Marshall, a 16-year-old Micmac Indian who had had some minor brushes with the law. On Nov. 5, 1971, Marshall was convicted of murder and sentenced to life in prison. But he was innocent, and 11 years later he was released. The real killer: Roy Newman Ebsary, 59, an unemployed vegetable cutter at the time of the slaying. In a compelling new book, Ottawa-based journalist Michael Harris, formerly of Nova Scotia, chronicles Marshall's stubborn denial of guilt. That denial, coupled with his gradual evolution into one of Canada's toughest convicts, earned him the resentment of prison authorities, particularly in the maximum-security Dorchester Penitentiary in New Brunswick.

Viewed from the bottom of the hill which it commands, Dorchester Penitentiary is almost far enough away for its grimly utilitarian purpose to escape notice. From the bottom of the long driveway leading to the summit, the blackened three-feet thick walls appear reassuringly institutional, vaguely reminiscent of an ancient university of an old fortress. Even the coils of barbed wire atop the walls surrounding the yard look delicate and insubstantial from a distance. Nor can the naked eye pick out the armed guards in the watchtowers who constantly survey the prison's 470 mates, as well as every prison-bound vehicle from the moment it turns off the main road into Dorchester's very private driveway.

But the maximum-security prison, the oldest in the Canadian penal system, quickly announces its true nature as you draw near to its impenetrable walls. The barbed wire, strung in looping hoops wider than the reach of any man, bristles with razor-sharp metal teeth. Armed guards, sometimes travelling with dogs, patrol the perimeter outside the walls.

Inside the cell blocks of the 17 acre institution, Dorchester lives up to its S-6 security rating, the highest in the Canadian prison system with the exception of so-called "special handling units" that segregate extremely dangerous prisoners from the general inmate population. Prisoners spend from 10 to 15 hours a day in their 60 square foot cells, where they eat, sleep and, during recreational periods, visit each other's "houses". Their five-hour work day accounts for most of the time they spend out of their cells. Five times a day, beginning with the 6:30 a.m. public-address-system announcement inmates jokingly refer to as their "wake-up call" and ending at 11 p.m. when the prison is locked down, the population is scrupulously counted. No one moves from one location to another without a pass and the three "feedings" per day take place in shifts to reduce the number of prisoners moving through the institution at any given time.
Each day passes like a record stuck on the same groove: shower, breakfast, work, lunch, work, supper, recreation and lockdown, a hypnotic pattern that both dulls and drags out the tedium of doing time. Junior Marshall, was sent to Dorchester on June 20, 1972. The arrival of the convicted murderer from Sydney, accompanied by a single guard, had been carefully, if belatedly, arranged by an exchange of documents and phone calls. When he walked through the prison's enormous front doors to begin serving his life sentence, the young Indian was met by his induction officer. Dorchester's newest inmate, Number 1, 997 was 18.

On his last night in county jail, Marshall had been given the whole visiting room so that his family and friends could pay a final call before the youth departed for the federal penitentiary and another province. It was a sombre affair, despite the universal effort to cheer up the despondent and frightened prisoner. "My father told me Moe Rosemblum had an appeal going and that maybe, with what John Pratico said about his story not being true, I would be out before too long. He asked me again if I killed Sandy, and I told him no. He said never to forget that, not to worry about anything, that he and my mother were behind me all the way."

Even though everyone assured him they would visit, the young prisoner knew better. None of them, least of all his parents, had the money to travel regularly to New Brunswick. There would be no more daily visits to break the monotony of doing time, no more food baskets, no more wrestling matches with cousins thrown into jail on liquor charges. It was, he knew, a kind of goodbye.

By the time his initial interviews were complete, his induction papers gave a shadowy outline of the innocent man who now passed into the care of the warden of Dorchester Penitentiary: "Donald Marshall Jr., a Micmac Indian and Roman Catholic, six feet, one-inch, 188 pounds, brown eyes, dark brown hair. A deer's head tattoo with the name 'Barb' on left upper arm; grass, scroll and flowers on forearm. Scull and crossbones, right upper arm; 'Junior,' 'heart,' 'Mom,' right forearm." The other tattoo, amateurishly applied by a fellow Micmac and proclaiming, "I hate cops" had already faded away.

As a lifer in a maximum-security institution, Junior Marshall has no automatic parole date, as inmates with lesser sentences did. But if he could convince authorities that he was neither dangerous nor an escape risk, maintain an offence-free record and adhere to whatever long-term release plan institutional authorities prepared for him, he would be eligible for transfer to the medium-security prison at Springhill, N.S.

But there was another requirement for getting out of Dorchester that turned his life in prison into a double hell: the admission of guilt for whatever crime had landed him behind bars. Without that admission, the prison officials who regulated every phase of his life had absolute power to keep inmate 1, 997 in maximum security.
According to his first prison assessment, Junior Marshall was a co-operative inmate who grew defensive and hostile only when describing his offence. In the cumulative summary of his case written in July, 1972, the induction training officer at Dorchester, Raymond Maillet, described him as "the typical Indian lad that seems to lose control of his senses while indulging in intoxicating liquors. Apparently he enjoys a good fight while intoxicated. He refused to admit that liquor is a problem or that it was fast becoming a problem."

Maillet further noted that the shy and nervous youth did not seem to have accepted the sentence of the court and suggested "that inmate Marshall be retained in our maximum-security institution for the time being, or at least until such a time as he is prepared to accept his lengthy sentence." The induction officer also recorded a fact that many prison authorities would be writing about over the coming years: "The subject claims to be innocent of the present charge."

As that first summer in Dorchester slipped away, Junior Marshall received some bad news. After initially reserving its decision, the Nova Scotia Supreme Court dismissed his appeal on Sept. 8. Years later Moe Rosenblum who had presented the appeal, would leave no doubt about what, in his opinion would have happened had he been aware of the 1971 reinvestigation of the Seale murder by the RCMP and Jimmy MacNeil's startling new information about Roy Ebsary's role in it before he made his arguments in front of the Appeal Court. "If I'd known about what was discovered in the reinvestigation, that boy would have been out of Dorchester after those first six months."

A day before Marshall's 19th birthday, Sydéy's chief of police, Gordon MacLeod, forwarded a report on Junior Marshall to the National Parole Service. It reduced the Marshall case to four neat paragraphs, offering John Pratico's evidence against Marshall with reference to his drunken condition on the night of the murder to his eleventh-hour attempt to change his story. It also stated that in witnessing the stabbing, Maynard Chant "knew both the deceased and the accused," even though he had in fact testified that he knew neither of the boys at the time he allegedly witnessed the stabbing. The report made no reference to the 1971 RCMP reinvestigation or to Jimmy MacNeil's sensational claim.

Toward the end of 1974, Junior Marshall had had enough of Dorchester Penitentiary. The death of the Newfoundlander, the first prison murder he had experienced, had frightened him. In addition to his own confrontation with Jimmy H., he had also seen the results of a number of terrible beatings, generally administered with weight bars. He decided to tell his classification officer what all the authorities so desperately wanted to hear: that he had killed Sandy Seale. Maybe then he would get his long-overdue transfer to the medium-security prison at Springhill.
"I remember the guy telling me I'd never get out of prison if I kept up my story about being innocent. So I gave 'em a bullshit story about it and the f----ers believed it," Junior later explained. "When I was trying to tell them the truth about Sandy's murder, they didn't believe it. But I had to get out of Dorchester. It was too f---in' dangerous, too depressing.

The ploy worked. A transfer warrant was signed by prison authorities on Oct. 31, and the 20-year-old prisoner arrived at Springhill four days later.

But Marshall's frustrations and belligerence continued to mount and, after a succession of fights, the authorities returned him to Dorchester where he arrived on Halloween night, in 1980, to spend the rest of his sentence.

"Trick or treat?" Junior quipped to the guard as he passed through the forbidding doors of Dorchester. The guard, remembering Marshall as a model prisoner from his early Dorchester days, informed the new arrival that a guard had been killed a few days before and that the prison was still in an uproar. "You picked a fine time to come back to us, Junior. I don't think we even got a room for you."

"Why don't you just send my home then, just send me home, okay?" he joked.

But the joking abruptly stopped when he got inside. The guard's death and the chaos it ushered in were all Junior heard about for the next two weeks. He was told that the three inmates had not, in fact, murdered their hostage and set his body ablaze, as was first reported, but that he was killed accidentally when another guard blindly fired his shotgun through a plywood partition after hearing his colleague call out for help. Fires had already been burning in that corridor, and the man's corpse had simply fallen into the flames.

Prisoners who had been in the hole at the time told stories of how the three inmates who had taken hostages to force their transfer to another institution were savagely beaten after their capture. "The boys that were in the hole seen it and they told us about it when they came out," Marshall said. "They said, 'You wouldn't f---in' believe it, the beatin' them guys got. They had one guy, he was knocked out 15 minutes ago and they were still beatin' him. And we started hollerin' about it, 'Leave the man alone!'"

Inmates in the general population where Junior was housed (he would later request a move to the lifer's wing because of the incessant noise) told stories of what happened after the ensuing riot and lockdown were over. "They told me the guards opened their doors, search them, and tear their room apart, you know. You're walking out the door, somebody grabs you by the hair and just sprays f---in' mace in your face."
Apocryphal or not, the stories were circulated as gospel, ushering in a period of high tension between inmates and grieving guards. Six weeks after his transfer from Springhill, Junior incurred his only "serious" offence report in Dorchester. A jar of honey he was eating as part of his jogging program was found in his cell and seized by guards as "contraband." Inmate honey was contraband and was let off with a warning. He later learned the guards were concerned that the honey would end up as an ingredient in someone's home brew.

After putting in more than six months of offence-free time, Junior approached his new classification, officer, Margaret MacWilliam, for a transfer, back to Springhill. He told her he wanted the transfer in order to get his plumbing certificate and possibly win day parole to the Carlton Centre in Halifax, a halfway house for convicts en route between prison and the street.

The request led to a major case conference on June 23, 1981, at Springhill, attended by six institutional personnel who had previously dealt with Marshall and his two new caseworkers, MacWilliam and Maud Hody. Junior's former caseworkers at Springhill made it "abundantly clear" that they didn't want the troublesome inmate back at the institution. "In particular," wrote Hody, "they suggested that he should spend more time in Dorchester and demonstrate his ability to remain free of drug use ... Most particularly, Mr. Marshall must deal with his 'murderous' side, including the details of the very unpleasant murder. He must admit to the crime (if he did it)."

When he got the results of the case meeting, inmate 1, 997 calmly responded by trying to conform to what his former caseworkers at Springhill said he would have to do if he were ever to get back to that institution or win his parole. It was no more than an elaborate sham, but Junior had come to the conclusion that it was the only way he would ever be let out of prison. "It was the same game I played at Dorchester to get out of the f---in' place and get to Springhill. They wanted to hear I did it, so I told them. When I got what I wanted, I took it back. Them guys would never listen to the truth."

But suddenly, with the ball in mid-court between the desperate prisoner and the bureaucracy that held him in its paper spider web, the universe was turned upside down. By an incredible coincidence, he learned that the name of the man who had murdered Sandy Seale.

The visit Junior Marshall would never forget began routinely enough on the afternoon of August 26, 1981. His girlfriend hitch-hiked the roads of Nova Scotia and New Brunswick winter and summer to visit him since their chance meeting in 1976, and appeared at Dorchester with her brother Mitchell. The conversation was going along aimlessly enough until Mitchell suddenly asked Junior a question.
"Do you know a guy named Roy Ebsary?"
"I don't know him," Junior replied.
"He knows you pretty good," Sarson said.
"Yeah? I can't place the name."
"Well, he told me he killed a black guy and stabbed an Indian
in the park in 1971."

A rush more powerful than any induced by the drugs he had taken
over the last 10 years surged over the 28 year old Indian. "An
old man?" he asked, half afraid of Sarson's reply.

"Yeah, an old guy," Sarson said, adding that he had lived in
Ebsary's house on Falmouth Street in Sydney.

"Glasses, white hair?"
"Yeah, and he's crazy, too," Mitchell volunteered.
"You gonna back me on that?" Junior asked.
"I got to think about it," the young man said.
"You think about it good," Junior told him.

The moment the visitors had gone Junior rushed to a telephone
and called Roy Gould, who had worked quietly behind the scenes
trying to get Junior's case reopened by writing letters to any
bureaucrat or politician in a position to help.

"Roy, you're not going to believe this!" Junior said.
"What?"
"I found the guy who killed Seale."
"Who?"
Roy Gould!" Junior said in his excitement.
"F--- you!"
"I mean Roy Ebsary!"

Half an hour later Dan Paul, a member of the Unions of Nova
Scotia Indians, showed up at the Sydney city police station and
passed on the news to Inspector William Urquhart, who was now
hearing Ebsary's name in connection with the Seale slaying for
the third time. Ten years earlier the McNeil brothers had told
Urquhart that Roy Ebsary was Sandy Seale's real killer. Three
years after that, he was given the same name by Dave Ratchford,
who told police Donna Ebsary had seen her father washing blood
from a knife on the night of the murder. Urquhart, then in
charge of the detective squad, had not even taken a statement
outlining that remarkable allegation. This time he did make
out a report of his meeting with Dan Paul and passed it one to
his supervisors.

A flurry of activity followed Mitchell Sarson's sensational
revelation. The Union of Nova Scotia Indians contacted Steve
Aronson, a Halifax lawyer who had recently negotiated the first
native land claim in Nova Scotia, and asked him to take on
Junior's still very sketchy case. In early September Roy
Gould, Dan Paul, and the young lawyer visited Junior in
Dorchester, where the inmate signed papers empowering Aronson
to act for him.
The process that would lead to Marshall's eventual new trial and acquittal in May, 1983, the cash settlement of $270, 000 that he received from the Nova Scotia government in September, 1984, and the trial and conviction of Roy Newman Ebsary in January, 1985, had begun at last.

On the morning of March 29, 1982, former inmate 1, 997 Junior Marshall cleaned out his cell for the last time. "The first thing I'm going to do when I get out, " he had said, "I'm getting a nice bottle of rum and a good piece of tail."

Before the morning was out, he had given away most of his possessions and said his goodbyes to a few special friends. Checking his pocket from time to time to make sure he still had his parole card, he awaited the arrival of his parents. They were two hours late.

Caroline Marshall had woven and sold baskets to buy Junior a new blue suit for coming out of prison. When she saw him in it, standing tall an handsome beside his suitcase, the world blurred through her tears. The family embraced, then walked out of Dorchester for the last time. As their car snaked down Dorchester's long laneway to the road below, Junior never looked back.

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(CIDA Photo : P. Monrow, Peru)

Development, Autumn 1986

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Strange and Contradictory Testimony

It was, to say the least, a bizarre performance. Roy Newman Ebsary had been summoned before a royal commission in Sydney, N.S., to tell what he knew about the killing of a young black man, Sandford Seale, in a Sydney park 16 years ago. In a case that has come to symbolize some of the failings of the Canadian justice system, Seale’s companion, Micmac Indian Donald Marshall, was wrongfully convicted of the crime and spent 11 years in prison. After Marshall was exonerated in 1983, suspicion settled on Ebsary. Ebsary, 75, served one year jail for Seale’s killing after being convicted of manslaughter in 1985. But during two days of erratic testimony last week, the white-haired former psychiatric patient denied killing Seale. At one point Ebsary claimed that God had spoken to him. At another, he startled Marshall’s lawyer, Clayton Ruby, by first challenging him to a duel and then appearing to flirt with him. Said Ebsary: "Put your shoes under my bed and you’ll achieve immortality."

Ebsary’s antics often provoked laughter from the crowd of 100 that packed a Sydney church basement to watch the proceedings. But the three inquiry commissioners made it clear that their purpose was serious. The commission’s first task, said commission counsel George MacDonald, was to find out what happened on the misty May night in 1971 when Seale and Marshall encountered Ebsary and a companion in Sydney’s Wentworth Park.

But their mandate is much broader than that. The commission’s chairman, Alexander Hickman, chief justice of the Newfoundland Supreme Court, said its ultimate aim was "to make recommendations that will ensure that the unfortunate events surround Mr. Marshall will not be repeated. To do this, we must satisfy ourselves that the present state of the administration of justice in Nova Scotia is sound."

Established by the Nova Scotia government after years of public pressure, Hickman’s inquiry is only the latest in a long series of attempts to resolve the tangled Marshall case. Said MacDonald: "It is our hope that this is the last time this matter has to be investigated."

Unravelling the mystery of Seale’s murder will be difficult. The stories of the principle players are wildly contradictory. Marshall always denied killing Seale, but he was convicted at his 1971 trial on the testimony of three key teenage witnesses who said he committed the crime. Ten days after Marshall’s conviction, Ebsary’s companion, James MacNeil, came forward with a different story. He told police that Ebsary had killed Seale after Seale and Marshall approached the pair in the park and demanded money. Despite this new evidence, it took two RCMP investigations and an order from the federal minister of justice to secure a new trial for Marshall.
Ebsary's testimony last week did little to solve the puzzle. He told the commission that, although he had taken a swipe at Marshall and Seale with a knife, he did not seriously wound either of them. But MacDonald challenged that story. He played a video tape made in 1984 by a friend of Ebsary's daughter, which showed Ebsary re-enacting the murder. In it, Ebsary kills Seale with a knife thrust to the abdomen. Ebsary dismissed the tape as "playacting." Later in the week, however, MacNeil contradicted his companion. "I know who killed Sandy Seale," he said. "Roy Ebsary."

The commission intends to call at least 40 more witnesses during the first phase of its inquiry. The second phase is expected to start in Halifax by late November. The commissioners will investigate a number of delicate questions. Among them: Did racism play a role in Marshall's original arrest and conviction? Did police pressure the teenage witnesses into lying about the case? Did authorities withhold evidence that might have prevented Marshall's conviction? And should there be new guidelines for the presentation of new evidence after a conviction?

Several groups are represented at the inquiry, which will cost an estimated $2.3 million. They include the Black United Front and the Union of Nova Scotia Indians. But Marshall himself, although he is scheduled to testify, did not attend last week's hearings. Friends said that the shy Micmac Indian prefers to avoid the public scrutiny that he has experienced since the case gained national attention in 1982. For Marshall, who turned 34 this month, the Hickman inquiry may be the final chance to clear his name once and for all and put his lost years behind him.

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Charges of Perjury

Staff Sgt. Harry Wheaton was pulling no punches. Testifying in Halifax before a royal commission investigating the wrongful imprisonment of Donald Marshall, the burly RCMP officer startled spectators again and again last week with relations about the workings of Nova Scotia's justice system. His heaviest blows fell on former Sydney police chief John MacIntyre, the man who conducted the 1971 murder investigation that sent Marshall to jail for 11 years. Wheaton said that MacIntyre had lied when he told the commission that he had not tried to hide documents during an RCMP reinvestigation of the case in 1982. "I'm not suggesting, I'm stating, that he perjured himself," said Wheaton. MacIntyre, he said, had tried to hide a witness's statement, which cast doubt on Marshall's guilt, under his desk when being questioned about the case in 1982.

The RCMP officer, a 27-year veteran of the force, also said that the racial background of Marshall, a Micmac Indian, had played a part in his conviction for the fatal stabbing of a black teenager, Sandy Seale. Wheaton, who conducted the re-investigation that led to Marshall's release in 1982, said that MacIntyre did not "particularly care" for Indians. And he said that MacIntyre may have persuaded teenage witnesses to implicate Marshall in the Seale murder. Those witnesses later recanted their testimony. In 1985 another man, Roy Newman Ebsary, was convicted of manslaughter in Seale's death.

The next day Wheaton again caused a stir among the audience in the downtown Halifax hotel ballroom where the three member commission, headed by Mr. Justice Alexander Hickman, is holding its hearings. During questioning by a commission lawyer, Wheaton said that the Nova Scotia attorney general's office had leaked an RCMP report to a former provincial cabinet minister, William Joseph (Billy Joe) MacLean, about a suspicious 1982 fire at MacLean's restaurant in Port Hastings, N.S. Wheaton said that the investigation found that MacLean had been seen outside the restaurant at 5 a.m. Charges were never laid. In 1986 MacLean was convicted of tampering with the government expense account and expelled Wheaton's testimony a fabrication - and denied ever having seen the report.

Although Wheaton's testimony was explosive, it was not completely unexpected. Observers had predicted that the inquiry, which began in September and entered a second phase on Jan. 11, would go beyond the Marshall case and become, in effect, a trial of the N.S. justice system. The commission plans to examine whether prejudice against racial minorities or the poor has become commonplace within the justice system. In examining more than 60 scheduled witnesses in the coming months - including four former attorneys general and a half dozen judges - the commission will also ask whether political considerations ever play a part in prosecutions.
Last week Attorney General Terence Donahoe said that the commission was going further than the government had expected - tripling the cost to an estimated $7 million. But that, he conceded, might not be bad. Said Donahoe: "it may well be a very good thing that a system responsible for the administration of criminal justice in this province is subjected to very, very searing scrutiny." Judging from Wheaton's blunt testimony, that is exactly what it will get.

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A Sentence On Trial

Testimony Ends At the Marshall Inquiry

It began a year ago as an inquiry into why a young Micmac Indian had spent 11 years in prison for a murder he did not commit. But by the time public testimony ended last week, the three justices who headed the investigation into the wrongful conviction of Donald Marshall Jr. had widened the inquiry into a searching examination of the administration of justice in Nova Scotia. As many of the 109 witness at the hearings struggled to explain the mistaken imprisonment, a picture emerged of an overzealous police force and of provincial authorities who treated the case cavalierly. But other evidence presented during the inquiry also revealed that for some prominent Nova Scotians the laws were relaxed. And that, said Agar Adamson, political science professor at Acadia University in Wolfville, N.S. was an unwelcome development for members of the Nova Scotia government. He added, "Some of them must be thinking (the inquiry) got completely out of hand."

When Newfoundland Supreme Court Chief Justice Alexander Hickman agreed in October, 1986, to head the panel overseeing the hearings, he served notice that the inquiry would be far-reaching. As a result, the justices heard testimony about Marshall's wrongful conviction - but also details of how prominent Nova Scotians such as former Tory cabinet ministers Billy Joe MacLean and Roland Thornhill may have benefited from a more preferential form of justice. Hugh Feagan, a former commanding officer of the RCMP in Nova Scotia, testified that Thornhill should have been charged with accepting an illegal benefit after four banks wrote off most of $100,000 in debts after Thornhill joined Premier John Buchanan's cabinet in 1979. And MacLean, convicted in 1986 of falsifying personal-expense claims, could have faced a jail term of more than a year. Instead, plea-bargaining with the provincial attorney general's office resulted in a $5,000 fine - "a very good deal for my client," according to MacLean's lawyer, Joel Pink.

Marshall, the Micmac Indian convicted of the second degree murder in the May 1971, stabbing death of black teenager Sandy Seale in a Sydney park, spent most of his youth in jail, until an RCMP review of the case in 1982 led to his release and the overturning of his conviction. Roy Newman Ebsary, an eccentric 77 year old collector of knives and a self-admitted racist, was later convicted of manslaughter in the case and has since died. In fact, Ebsary, who referred to himself as "the reverend captain" and challenged Marshall's legal counsel, Clayton Ruby, to a sword fight, was the inquiry's first witness when it began in Sydney on Sept. 9 last year.
Witnesses who followed Ebsary testified that several witnesses, who were teenagers at the time of the fatal stabbing, committed perjury under police pressure — and that just 10 days after Marshall's conviction an eyewitness had told police that Ebsary, not Marshall, was Seale's killer. An RCMP Staff Sgt. Harry Wheaton told the inquiry that former Sydney police chief John MacIntyre, the man who conducted the 1971 murder investigation, had tried to hide documents during the 1982 reinvestigation of the case. That was just one of several instances that came to light pointing to the failure by one arm of the justice system to make full disclosure to another.

At the same time, testimony by Felix Cacchione, Marshall's lawyer between 1983 and 1986, indicated that the case may have been tinged with racism. He claimed that Robert Anderson, director of criminal investigations in the attorney general's department at the time of Marshall's conviction, had told him not to "get your balls in an uproar over an Indian." Anderson, now a Halifax county court judge, after told the inquire that the alleged statement sounded "like something I might say." And Cacchione also told the inquiry that the provincial government had "stonewalled" on a $270,000 compensation package for Marshall — finally granted in 1984 — as well as on holding the inquiry.

The inquiry will reconvene during the first week of November to hear the final legal arguments before the justices begin preparing their report. But the panel has also asked for access to records of Nova Scotia cabinet discussions and for the right to question the five provincial Appeal Court justices who overturned Marshall's conviction. The reason: in their statement, those justices said: "There is no doubt but that Donald Marshall's untruthfulness through this whole affair contributed in large measure to his conviction. Any miscarriage of justice is, however, more apparent than real."

Ruby said in an interview that the inquiry had likely been educational for most Canadians. He added, "The daily unfolding of how we do justice on the one hand for the poor and powerless and on the other hand for the rich and powerful has been a revelation." Meanwhile, the three justices are not expected to release their report on the inquiry before next summer. In that report they are expected to make recommendations that would improve the administration of justice in Nova Scotia.

But for Donald Marshall, who spent 11 years in prison for a crime he did not commit, it will be too late.

A Scathing Report

The Marshall Inquiry Slams the Legal System

Just four days before the report was to be released, critics said that the $7 million study into the wrongful imprisonment of Donald Marshall Jr. might be another exercise in blaming the wrong man. Nova Scotia Liberal justice critic Ronald MacEachern said that a page of the seven-volume report of the royal commission inquiry into the Marshall case that was given to him in advance indicate that blame for a flawed justice system would be laid at the feet of erring civil servants particularly former provincial deputy attorney general Gordon Coles. If that happened, said MacEachern, it would indicate a "political decision" to avoid blaming elected senior officials. MacEachern's concerns proved to be largely unfounded. Last week, when the commission's report was made public, it blamed almost every individual and institution — for the miscarriage of justice that began 19 years ago in a Sydney, N.S. park. Concluded the report: "The criminal justice system failed Donald Marshall Jr. at virtually every turn."

The inquiry was directed by Newfoundland Supreme Court Chief Justice T. Alexander Hickman, who, as a former Newfoundland justice minister, is himself at the eye of a current storm because of an inquiry into sexual abuse at a St. John's orphanage. Premier John Buchanan's Conservative government appointed the Hickman commission in 1986. The judge and his fellow commissioners, retired justice Gregory Evans of Ontario and Associate Chief Justice Lawrence Poitras of Quebec, we asked to unravel events surrounding the conviction of Marshall for a 1971 murder he did not commit. The inquiry sat for 93 days and listened to 113 witnesses between September, 1987, and November, 1988.

It was the most wide-ranging provincial investigation of its kind ever held, and it put Nova Scotia's justice system on trial. Besides examining the injustice done to Marshall, the commission set a second goal: to investigate cases of apparent political interference in the province's judicial system. And in their widely hailed report, the commissioners chronicled evidence of racism in Nova Scotia's judicial system. In a report that recommended major innovations in the legal system, the commissioners scathingly concluded that Nova Scotia had a "two-tier system of justice" in which officials "are more concerned about the career of a politician than an Indian."
Marshall, the eldest son of the grand chief of the Micmac nation, was originally convicted in 1971, when he was 18, of second-degree murder following the stabbing of Sandford (Sandy) Seale, a 17-year-old black acquaintance in Sydney's Wentworth Park five months earlier. Marshall subsequently spent 11 years in two penitentiaries before a 1982 RCMP review of his conviction led to an appeal that resulted in his acquittal. Roy Newman Ebsary, an eccentric retired ship's cook from Sydney, who has since died, was eventually convicted of manslaughter in the killing. Still, the Nova Scotia Appeal Court that overturned Marshall's conviction in 1983 said that he was partly to blame for his conviction because he had not told police the truth about his actions on the night of Seale's death. "Any miscarriage of justice," concluded the five-member panel of Appeal Court judges, "is more apparent than real." The Appeal Court judges, "is more apparent than real." The Appeal Court judges added, "There can be no doubt but that Donald Marshall's untruthfulness through this whole affair contributed in large measure to his conviction."

The Hickman commission took issue with that conclusion. The commissioners said that the Appeal Court judges chose to "defend the criminal justice system at the expense of Donald Marshall Jr. in spite of overwhelming evidence that the system itself had failed." The report also found fault with police and other legal officials, declaring that:

- Sydney police investigating the Seale killing in 1971 were "entirely inadequate, incompetent and unprofessional";

- Their supervisor, now-retired Sydney police chief John MacIntyre, believed that "Indians were not worth as much as whites" and discounted all evidence that might have exonerated Marshall;

- At the original trial, the Crown prosecutor, Marshall's own legal counsel and the presiding judge either failed to "discharge their obligations" or made "errors in law."

As the page provided to the Liberals' MacEachern had revealed earlier, the report criticized Coles for failing to handle the Marshall case "with the care and respect for fairness that it demanded." The report also blamed Coles for putting obstacles in the way of RCMP investigations of two Nova Scotia Conservative cabinet ministers accused of improprieties while in office. Former culture minister William Joseph MacLean was convicted in 1986 of uttering forged documents worth nearly $22,000 and was fined $5,000 two years after the attorney generals' department decided not to take any action against him. Roland Thornhill, now minister of tourism, escaped prosecution for signing agreements with banks that allowed him to pay off a debt of more than $100,000 at 25 cents on the dollar.
In the Thornhill case, concluded the commissioners, Coles prepared a "woefully inadequate and misleading opinion" for then-attorney general Harry How. In the MacLean case, the commission concluded that Coles proceeded "in a way that seemed designed to protect MacLean from investigation." The commissioners said that "special treatment was accorded the central figures in both investigations." The report also criticized the RCMP saying that the force's "reluctance to proceed with politically sensitive criminal investigations is not only a dereliction of duty, but also indicates failure to adhere to the principle of police independence."

Although the Marshall report stopped short of recommending increased compensation for Marshall, it said that the process under which the former convict, now 36, was awarded $270,000 was so flawed that it should be reviewed. Among its 82 recommendations, the report urged that Nova Scotia's attorney general establish an "independent review mechanism" to investigate similar cases of wrongful conviction, adding that the provincial government should adopt a race-relations policy that promotes equality in the workplace and a "reduction of racial tensions."

Buchanan's government has already begun to take action. Attorney General Thomas McInnis announced last week that Ontario prosecutor John C. Pearson would be named the new position of independent public prosecutor on March 19. Still, the announcement was greeted with some skepticism by government critics, who pointed out that Pearson was already involved in a controversy in Ottawa. He resigned as the prosecutor of Global Television reporter Doug Small, who was accused of possessing stolen property under $1,000 following a leak of federal budget documents last April, after Pearson accused an RCMP officer of perjury. Small's trial is expected to resume on Feb. 12.

Although government officials declined immediate comment on the report's other recommendations, it won high praise. Alexa McDonough, leader of the Nova Scotia New Democratic Party, for one, called the report "a magnificent piece of work. The government has an obligation to respond specifically to each and every recommendation." Marshall himself, who has had brushes with the law and grappled with a drinking problem since his acquittal, was in seclusion outside Halifax and could not be reached for comment. But following his successful appeal in 1983, he told reporters that his case should ensure that no Nova Scotian is ever again treated the way he was. Said Marshall: "It's not just me, it's the next guy that comes along." While there is no way for Donald Marshall to regain his lost years and lost youth, the report that bears his name should at least help avert a similar miscarriage of justice in the future.

HALIFAX - Not everyone is treated the same by the justice system and if Donald Marshall Jr., had been white and the son of a prominent Nova Scotian his case would have been handled differently, the Royal Commission Inquiry was told as public hearings re-opened in Halifax last week.

The three-man inquiry is examining why the justice system failed Marshall, 34, who spent 11 years in jail for the 1971 murder he did not commit. The Halifax hearings will complete the commission's probe of the 1971 events involving the Marshall case before moving on to examine the broader issue of the current state of the administration of justice in the province.

The testimony of several witnesses shows there are two levels of justice in Nova Scotia and that not everybody is treated the same.

Senior RCMP officer Don Burgess told the Union of Nova Scotia Indians' lawyer Bruce Wildsmith that the RCMP would have done a better job of investigating the case in 1971 had it involved the son of a prominent Nova Scotian.


Inspector Marshall admitted that he botched the case and didn't do a good job. He told the Sydney phase of the hearings police chief John MacIntyre, Marshall may have only spent a few months behind bars instead of 11 years.

Burgess said if the case had involved the son of a high profile Nova Scotian it would have attracted more media attention and would have been handled more thoroughly.

Status Factor In Marshall Probe

In other testimony last week Nova Scotia legal aid lawyer Debbie Gas said the poor and uneducated do not get a fair deal from the courts. "If a person is poor and uneducated they are at a distinct disadvantage," she told the inquiry.

Gass, currently with Legal Aid in Amherst, represented Marshall after he escaped while taking part in an Atlantic Challenge Program in 1979. She said Marshall told her the reason he escaped was because he had his day in court.

He saw this as a means of settling himself in front of the justice system again and expressed his innocence, she said, adding that his first attempt or an appeal was going nowhere.
That court appearance resulted in another four month sentence to be served consecutive to his life sentence which, Gass said, she found very odd.

Gass also said she advised Marshall to drop his appeal when she didn't think he could win and try to get out of prison on parole. She said as long as he refused to say he was guilty he was denied the advantages other inmates received.

That testimony was echoed by former police officer Kevin Lybk, a 43-year-old Sydney businessman, who said Marshall was denied temporary leave of absence and day parole because he maintained he was innocent and failed to show remorse for a crime he didn't commit.

Lybk told Anne Derrick, Marshall's lawyer, that after doing a community assessment report in 1979 he concluded the main area of concern with the young Micmac's release was the fact "he didn't admit his guilt."

**Marshall Kept In Prison Because He Denied Guilt**

Lybk told the Marshall inquiry, which wrapped up its first week of hearings, January 14, it was not unusual for an inmate to claim he was innocent. However, he said it was very unusual for someone to maintain he was innocent for eight years after the crime was committed, and Marshall's case was the only one he knew of.

Lybk was asked to compile community assessments on Marshall in 1979 to assist in the management of his case by the National Parole Service.

"I felt it was important to open up and talk about the offence before getting a temporary leave of absence, Lybk told commission lawyer Wylie Spicer. "I didn't know he was being honest at the time."

He added that, with the exception the comments about Marshall not admitting his guilt and the negative reaction from the Sydney city police, his report was positive.

**Defence Lawyers Believed Marshall Was Guilty**

Lybk told the inquiry he didn't place much emphasis on the fact that Sydney police were opposed to Marshall being released because "this force was negative too much."

He said in almost every case the attitude of the Sydney police was "no, we don't want the inmate back," and said they were worse, in this regard than any other force in the province.

Lybk also said the Membertou reserve had also been willing to accept Marshall on the three day leave and had no concern about the visit.
The parole officer spoke to the late Moe Rosenblum, one of Marshall's lawyers in 1971, and was told there were two eyewitnesses and the prosecution "may as well have had the incident on videotape."

Rosenblum also said there were no grounds for an appeal and he was "quite frankly, sick of hearing Donald Marshall's name mentioned."

Other witnesses, including Milton Veniot, a lawyer who worked with the attorney general's department in 1971, said he believed Rosenblum felt Marshall was guilty.

Veniot said he talked to the Sydney lawyer at the appeal in 1972 and although Rosenblum was conducting the appeal he didn't hold much hope of winning and didn't believe Marshall was innocent.

Veniot also revealed at the inquiry that the attorney-general's department flags politically sensitive files with "green stripes" and they are not widely circulated within the department.

"There were files to which lawyers in the department did not have access, and these would be files that would be sensitive for I think what you might call political or politically related reasons," he said.

Veniot said the files usually dealt with RCMP reports on sensitive matters and said there were regular meetings between high-ranking officers and senior lawyers in the department.

"Files that used to have green stripes on them and they would be RCMP reports on sensitive matters."

Political Sensitive Files Flagged Secret By AG Department

The inquiry also heard that, in 1974 charges by Donna Ebsary that her father killed Sandy Seale and Marshall was innocent, was treated by Sydney police as nothing more than an act of "a disgruntled girl who had just left home."

RCMP Cpl. Gary Green, who was stationed in Sydney from 1973 to 1977, said Roy Ebsary's daughter told him she saw her father wash blood off a knife in the kitchen sink the night Seale was stabbed.

Green said Donna, who he met through a friend, often told him when her father drank he would talk about killing Seale. Green said he took the information to the Sydney police who said that there had already been a reinvestigation of the case, and when he found out the girl's father had passed a lie detector test he lost confidence in her story.
Most of the first week of evidence in Halifax was taken trying to track down where the 1971 report prepared by Al Marshall went, with the Attorney General's department saying they never saw it and the RCMP saying they did.

Don Wardrop, the first witness to testify in Halifax, said he has absolutely no doubt the report was forwarded to the Attorney General's office.

The case was under appeal at the time of the reinvestigation but Simon Khattar, Marshall's other lawyer in 1971, said he was never informed of MacNeil's accusations or the reinvestigation. Khattar, who testified in Sydney, said the fact MacNeil told police he saw Ebsary knife Seale would have been enough to get a new trial for his client.

'There's a weird wall put up here'

The new evidence and the fact there was an RCMP reinvestigation was also not revealed during an appeal which was launched in 1972.

"There's a weird wall put up here," Wardrop said to a suggestion from Darryl Pink, a lawyer for the AG's department, that there is nothing to indicate the report reached the AG's office.

He said it was a routine matter for the reports to be sent to the Attorney General and he remembers discussing the matter with County Court Judge Robert Anderson or Gordon Gale, who both serve as directors of criminal investigations in the Attorney General's department.

Only a handful of people were at the first week of hearings at the Lord Nelson Hotel compared to the packed audience which usually filled St. Andrew's Church hall basement in Sydney during 36 days of hearings in Cape Breton.

Both Marshall and his father, the Grand Chief of the Micmac nation, were in Halifax for the hearings as well was former police chief John MacIntyre. Marshall will testify at the hearings in March.

Donald Marshall Update

Since his release from prison in 1983 Donald Marshall has been charged with various crimes three times.

In January 1989, Marshall was given a suspended sentence after a conviction for break and enter and intent to commit theft. Marshall has been convicted of impaired driving while suspended and causing a public disturbance.

Last March, Marshall assaulted John Floyd Tonet. A not guilty plea has been entered in court (October 12, 1990) and the trial will take place on November 29, 1990.

Donald Marshall is receiving a government cash settlement of an allowance of about $1,800 per month, indexed to inflation for 30 years.

The Canadian Judicial Council recently (October 5, 1990) agreed with the Royal Commission's criticism of the five judges who blamed Marshall for his conviction when they acquitted him. The late Roy Ebsary was convicted of manslaughter and was sentenced to one year in jail for the murder of Sandy Seale in a Sydney Nova Scotia Park in 1971.

(Photo: P. Lessard, Pex)
Punishing the Lawyers?

In a statement released March 13, 1991, the Nova Scotia Barristers' Society stated that it lacked sufficient evidence to proceed with a single complaint against any of the lawyers involved in the wrongful conviction of Donald Marshall. A "letter of caution" has been sent to one unidentified lawyer.

The royal commission headed by Newfoundland Chief Justice Alex Hickman found that Crown prosecutor Donald MacNeil and defense lawyers C.M. Rosenblum, now deceased, and Simon Khattar failed to discharge their legal obligations in 1971, "resulting in Marshall's wrongful conviction." MacNeil had not provided all the evidence to Marshall's lawyers during the trial. He had also failed to present after the trial, "a witness' statement which stated that Marshall was innocent of the murder of his friend Sandy Seale in 1971.

Marshall's defense team was found by the commission to have provided "a totally inadequate defence", not conducting any independent investigation and ignoring contradictory evidence given by witnesses during the trial. Former Deputy Attorney General Gordon Coles who was fired by the Nova Scotia government in 1990, was criticized for trying to interfere with a commission recommending compensation for Marshall and for blocking attempts to investigate his wrongful conviction.

An RCMP investigation of former Sydney police detective John MacIntyre, who handled the initial criminal investigation, ended with no charges being laid.

A Canadian Judicial Council review of the conduct of the four judges who ultimately acquitted Marshall in 1982, criticized them for making a serious legal error in concluding Marshall was the author of his own misfortune. It recommended none of the judges be dismissed.
Assaults Upon Indigenous Peoples

BUREAUCRACY
For 48 years the Lubicon Cree of northern Alberta have been trying to settle their land claim. Both the federal and provincial governments have stalled at the negotiating table, but they have been quick to give permission and money to petroleum and logging companies to drill and cut on Lubicon land.

RESOURCE EXPLOITATION
Uranium mining in northern Saskatchewan (and in the United States and Australia) is polluting land indigenous people rely on for their livelihood.

SUPPRESSION
The progress of Guatemala's Mayan Indians toward self-sufficiency, land, and human rights was viciously destroyed by the military in the early 1980s. Indians now live in "development poles" closely guarded by the military and grow cash crops for the American market.

COLONIZATION
Hydroelectric projects and settlement in Amazonia threaten the future of indigenous peoples in the region. Disease and land invasion have decimated the Indians while unsustainable agriculture has devastated the forests.

RELIGION
Right-wing "Christian" groups are working with the Paraguayan government to clear "wild" tribes out of the forest and open the area up for resource exploitation and settlement. The missionaries equate the Indian religions with "satanic forces" and communism.
FAMINE
The main causes of the famine in Ethiopia are the war being waged against tribal peoples for control of their land, destruction of crops, and forced villageization.

DECULTURATION
Tibet is being absorbed by China through the systematic eradication of religion and culture and by massive Chinese immigration. One-sixth of Tibetans have died since the occupation.

WAR
Protests by the Kalinga and Bontoc peoples of the Philippines Cordillera, threatened by a hydroelectric project, have been violently suppressed by the Marcos and Aquino regimes. Escalating conflict has led to the bombing of tribal villages.

DISPOSSESSION
The hill tribes of Thailand are being forcibly expelled from the area they have occupied for centuries. In some cases the Thai army is burning villages and food supplies, all in order to keep the land available for timbering and settlement.

GENOCIDE
Since Indonesia invaded East Timor in 1975, one-third of the population has died from bombing and war-induced famine. The World Bank and the Ford Foundation now support the Indonesians' birth control program on the island, which the United Nations does not recognize as Indonesian territory.

BRIARPATCH OCTOBER 1988
Who are they?

There is no universally-accepted definition of who is indigenous. However, there are general characteristics shared by all native people:

- they are descendants of original inhabitants of land colonized by foreign invaders;
- they consider themselves distinct peoples with their own ancestral territories, social values and cultural traditions;
- they define themselves as indigenous and have the right to decide who is or is not part of their culture.

Colonial cataclysm

The invasion of native land by European adventurers, traders and settlers resulted in the deaths of millions of indigenous people in the Americas and throughout Australasia. Some died from imported diseases like smallpox, measles, typhus and influenza. Others died of maltreatment as slaves or fighting white invaders.

- In North America the estimated number of native people at conquest was 12 million; today there are just over 3 million.¹
- In Australia an Aboriginal population of 500,000 in 1788 was reduced to 60,000 a century later.
- Within 200 years of the landing of Columbus in Haiti, the indigenous population of Latin America was reduced from 70 million to less than 4 million.²

Global numbers

Indigenous peoples are found in almost every corner of the globe—from the Arctic to Patagonia and from Vanuatu to Kamchatka.

- There are an estimated 200 million indigenous people today, nearly 4% of the global population.³
- In most Western countries the number of native people is now growing faster than the general population. In Aotearoa (NZ) for example the Maori population growth rate is four times that of non-Maoris.⁴

<table>
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<th>Estimated Population Native Peoples (millions)¹⁴</th>
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<td>Australia</td>
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Indian Wars

Since the end of World War II Indigenous peoples have become increasingly caught up in superpower militarism. Once forgotten lands are used as nuclear test sites or strategic outposts in the global sphere between the superpowers.

- In China, the Hmong people claim nuclear tests have resulted in premature deaths, birth deformities and poisoned food.10

Nuclear States Bomb Fourth World Nations
Nuclear Explosions: 1945-1988

- Since 1943 the US has dropped more than 650 nuclear bombs on lands illegally seized from the Western Shoshone Indians in Nevada and California.11

- France has conducted more than 150 atomic tests on the Mururoa Atoll in Polynesia. Radiation-linked diseases (leukemia, thyroid cancer) and birth abnormalities (defects and physi- cal defects) have increased markedly in the test area.12

Land Invasions

Over the centuries native people have been shunted onto isolated, marginal land. Now these lands are under intense scrutiny as national governments and corporations cast an ever-widening net in their search for energy and raw materials to fuel the demands of industrial development.

Minning
- In Brazil the World Bank-financed 'Grande Carajas' project will open up a huge area of the Amazon to exploration for iron ore, bauxite, nickel, manganese and coal. An estimated 10,000 Indians will be displaced.13

- One of the world's largest uranium mines, Roxby Downs in S. Australia, is on traditional lands of the Kukatha peoples. The project, jointly owned by British Petroleum and the Western Mining Co., has already desecrated sacred Aboriginal sites and the Kukatha have received no compensation for the $200 million development.

Dams
Dams are seen as a quick-fix energy solution for industrial development. But for native peoples whose land is flooded and way of life destroyed they are a potential disaster.

- In Malaysia the $12 billion Bakun and Pela- gus dams in Sarawak will inundate 600 sq kms of rainforest and displace at least 17,000 indigenous people.14

- The Karnaphuli reservoir in the Chittagong Hill Tracts of Bangladesh submerged 420 sq kms of prime food-producing land and displaced over 100,000 indigenous people.15

- In Guyana, a proposed hydro-electric dam will flood 1,560 sq kms and displace 5,000 Akawaio Indians.16

Illness and Poverty

- Indians in Guatemala have a life expectancy 11 years less than the European 'Ladino' majority. In Paraguay, infant mortality among some Indian tribes reaches 50% vs 10% for the rest of the population.17

- American Indians are eight times more likely to contract tuberculosis than other US citizens.18

- The average life expectancy for Australian Aborigines is 50; for non-Aborigines it's 70+. The New South Wales Health Department estimates the Aboriginal infant mortality rate at 52/1000 vs 12/1000 for the state as a whole, but notes that 25% of Aboriginal infant deaths may go unrecorded.19

Signs of despair
- The Canadian Indian suicide rate is three times the national rate. For young people aged 15-24 the rate is nearly seven times higher.19

- Alcoholism and petrol-sniffing have reached epidemic proportions among Australian Aborigines. According to the Alice Springs-based Aboriginal Health Congress 93% of Aboriginal hospital admissions are 'grog'-related.20
Honour the Spirit

WHITE invaders saw native people as godless unfortunates, ripe for conversion to Christianity. In fact, spirituality in most native cultures was not God, but the people. Indigenous people created complex mythologies which attempted to animate their lives in the scheme of creation. Animals, insects, trees and even the landforms were all infused with the power of the 'Great Spirit'.

The physical world was an emanation of the Spirit. Harmony in the former depended on understanding and respecting the spirits whose intervention in daily life was common. Some observers speculate that an intense native spirituality both attracted and enraged white colonizers whose Christian faith had become lifeless and diluted. In any case, Europeans were keen to replace native beliefs with Christianity. They did so with some success but in most cases indigenous people just added Christian beliefs and practices to their own.

Native spirituality stands in stark contrast to the crush materialism of modern consumer society. For the most part native people have not let a passion for possessions undermine their relationship with the divine. Where traditional spirituality still survives it gives meaning to native lives and provides a barrier to the corrosive influence of materialist culture.

Resist Oppression

NATIVE people were initially welcoming to foreign invaders: they believed the land was big enough for everyone. But it wasn't long before friendship turned to hostility as Europeans enslaved natives, stole their land and looted their treasures. The Indians did not give up without a fight. When the first group of colonizers deposited by Christopher Columbus attacked Indian villages in search of gold the Indians fought back, killing all the white invaders.

That was the beginning of four centuries of warfare between Europeans and the Aboriginals.

Today native people are organizing nationally and internationally to win their rights. In countries like Guatemala, Brazil, Bangladesh, and West Papua (Indonesia) tribal people under siege are forced to organize militarily to defend themselves.

Elsewhere, the Filipino Cordillera Native Peoples Alliance effectively fought off the Chico Dam project which threatened to flood the land of thousands of Ifalugas and Bonac people. Maoris from Aotearoa and Cree from northern Quebec have also taken their fight to the UN. And the World Council of Indigenous People (WCIP) has made tremendous strides to bring together indigenous peoples from around the world.

Visible minorities, community groups, women's organizations and others in Western countries who suffer from racism or discrimination could be a rallying point for peasants and the urban poor in their battle for work and decent living conditions.

Value Tradition

NATIVE culture is under fire everywhere. Indigenous values are being destroyed by imported consumer culture, imposed education and alcohol. But despite this onslaught, native people cling stubbornly to their traditional values: in doing so they show us the need for cultural roots. Old people are highly revered for their knowledge and experience and are held in great esteem. In industrial society the aged are largely forgotten and dismissed as boriging relics of a bygone era. The cult of youth reigns supreme.

Despite the cultural trauma they experience native people know who they are. Their traditional values reinforce their will to survive as strong independent peoples. And native people are flexible. They never hesitate to borrow from industrial culture, to use new tools to carry out old activities.

Industrial society looks to the future: tradition is dismissed as antiquated and inefficient. Whatever is new is good.

Claim Your Rights

NATIVE people the world over have seen treaties broken, communities destroyed and their lands and resources stolen. Now they are demanding basic rights: some native groups use the term self determination, others self-government. But it amounts to the same thing — the right of indigenous people to control their land and resources in their own way, according to their cultural needs and aspirations.

Where tribal peoples are still ruled by colonial regimes (as in New Caledonia or West Papua) they are seeking complete independence. But in most cases indigenous people accept their futures are linked to the dominant society around them. And they are beginning to build alliances with other like-minded groups. They want equality, political autonomy and a recognition of past sins. In concrete terms that may mean compensation for land lost; it may also mean a share of income derived from the exploitation of natural resources on alienated homelands.

But in the majority of cases it means a secure land base where they have complete economic control and the political space to develop as distinct societies. This struggle hits at the central question of power and the need for a new political vision based on decolonized, democratic control over the use of land and resources.

This is a lesson for all of us: an age when national governments and multinational corporations run roughshod over local community interests and regional needs.
Amnesty International (A.I.) is recognized by the United Nations as an impartial non-political defender of human rights. Amnesty International received the Nobel Peace Prize in 1977 for its contribution to "securing the ground for freedom, for justice, and thereby also for peace in the world."

A.I. will accept no financial support from governments or corporations and will not involve itself in the situation of a person who has used violence as a means of protest, except in so far as to ensure a fair trial. A.I. is voluntary organization for the most part that sets minimal membership fees and fund raises to support its communications network, research staff, investigative/observer teams sent into countries from the International Secretariat, London, England, and various public information and educational materials (print and video).

Amnesty International has focussed its efforts upon four main categories of human rights abuse.

1. Prisoners of conscience (those oppressed or abused for their beliefs, opinions and expressions)

2. Victims of torture (1 in 3 countries today use torture)

3. Disappearance and detention of persons without charges laid or trial (increasing incidences of extrajudicial executions, deathsquads and mass executions to control dissent)

4. Death penalty (this is a controversial issue for A.I.)

Guidelines for A.I.'s defense of human rights are found in the Universal Declaration of Human Rights, and the United Nations Covenants on Civil and Political, Economic, Social and Cultural Rights. A.I. began in 1961 with a newspaper article by British lawyer Peter Benenson. He urged people everywhere to begin working impartially and peacefully for the release of prisoners of conscience. Within a month more than a thousand people from various countries had sent in offers of practical help. They were ready to collect information on cases, publicize them and approach governments.

This developed into a massive international movement. A.I. now has more than 500,000 active voluntary members (minimal membership fee) writing letters in more than 150 countries on behalf of more than 3,000 oppressed and abused persons worldwide. Volunteers never work on behalf of persons in their own country. This safeguards their security and protects them from government or military pressure and reprisals.
Membership fees fund A.I.'s communications network, production of resource materials, and most importantly the research teams and observers who are at the heart of the organization's operations. Members are organized into units which work for the release of one or more adopted prisoners (money may be raised to support the prisoner's family and pay medical and legal costs), and these units are arranged into 15 global regions. Campaigns are often organized which may involve all national units or as many as 30 units worldwide. Most letters written in Canada (and elsewhere) are cc.'d or copied to the Department of External Affairs, the offending country's embassy and ambassador here and the Canadian embassy and ambassador in the offending country.

An offending country will often do privately what it would never dare to do publicly. Often, once an abuse is made public and letters of protest arrive from around the world, letters that clearly state the facts of the situation and express the fact that knowledge of the abuse is international, offending governments will halt the abuse, improve conditions for the prisoner or detainee, or release the person. Public opinion has been seen to influence countries' political and monetary policies, especially in regard to those countries noted for human rights abuses, ex. South Africa and Uganda.

Amnesty International offers a means for one person to join their individual expression of concern to many hundreds or thousands of similar expressions creating an international harmonious cry of protest and outrage that cannot easily be ignored or denied. A.I.'s motto is "Better to light a candle than curse the darkness". Amnesty International produces a variety of classroom and reference resources (print and video) which may be purchased or borrowed. For more information on getting involved with A.I., the Youth/Campus Network, or on materials available for classroom use, contact either of the following addresses or use the coupon reproduced below them.

Amnesty International  
130 Slater Street  
Suite 900  
Ottawa, Ontario  
K1P 6E2

Amnesty International  
Group 33 c/o Helen Smith MacIntyre  
10 Richmond Place North  
Saskatoon, Saskatchewan  
S7K 1A5  
653-2212

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Yes, I want to get involved with Amnesty International!

(check at least one box)

☐ Please put me in contact with other interested people in my region so I can become part of a Youth/Campus Network Group.

☐ I have five interested people and would like to form a Youth/Campus Network Group. Please send me all the necessary materials to get started.

☐ I would like details of the nearest Amnesty International Group.

☐ I would like to write letters on my own for Prisoners of the Month and enclose $12.00 for a one-year subscription to The Bulletin.

☐ I would like to support Amnesty International with my contribution of $ ________.

NAME ________________________
ADDRESS _______________________
CITY __________________________
PROVINCE ______________________
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Amnesty International  
Canadian Section (English Speaking)  
130 Slater Street, Suite 800, Ottawa, Ontario K1P 6E2

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THE SCHOOL TWINNING PROGRAM
A Window on the World

The School Twinning program, which began at the Canadian Organization for Development through Education (CODE), is designed to link Canadian elementary and secondary school students with their counterparts in the countries of Africa, Asia, the South Pacific and the Caribbean. The School Twinning program is "young people talking to young people" about their way of life, their schools, families, communities, interests and concerns. The aim of the Program is to encourage young people in Canada and in the developing world to develop a global perspective and a sensitivity to cultures other than their own.

For the 1989-90 twinning year, the Canadian Teachers' Federation has linked young people and their teachers in five hundred and eighty-two classes/schools across Canada with their counterparts in forty-eight countries of the developing world. Classes and schools are matched based on grade level and age, language, special needs and wherever possible geographic preference.

Twinning activities can be integrated into regular classroom curriculum, for example as part of a course in Geography, Language Arts, Social Studies, etc. It can be adapted to elementary or secondary schools and also encourages research activities.

We strongly recommend that twin teachers correspond on topics such as professional development, teaching conditions, etc., in order to compare and contrast teaching experiences in their respective countries.

The School Twinning Program provides a "personal glimpse" into different societies. This personal contact furthers young people's desire to understand both differences and similarities between cultures and lifestyles. Students participating in this Program will learn more about themselves and their culture by describing themselves to their twins. The resulting friendships can further feelings of goodwill and tolerance which are necessary for world peace.

For further information, call or write:
The Coordinator
The School Twinning Program
Canadian Teachers' Federation
110 Argyle Avenue
Ottawa, Ontario
K2P 1B4
(613) 232-1505