

WHOSE LAND IS IT ANYWAY?



A Manual for Decolonization

Peter McFarlane & Nicole Schabus

"I wish you a wonderful experience decolonizing yourself"

– Arthur Manuel –

Whose Land is it Anyway?

Edited by
Peter McFarlane and Nicole Schabus

© 2017 Federation of Post-Secondary Educators of BC

Permissions

Users may copy and redistribute the material in any medium or format under the following terms: You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use. You may not use the material for commercial purposes.

If you transform, or build upon the material, you may not distribute the modified material. You may not apply legal terms or technological measures that legally restrict others from doing anything the license permits.

Notices: The license may not give you all of the permissions necessary for your intended use. For example, other rights such as publicity, privacy, or moral rights may limit how you use the material.

Library and Archives Canada Cataloguing

Whose land is it Anyway? A Manual for Decolonization
Peter McFarlane and Nicole Schabus (Editors)

Writings by Taiaiake Alfred, Glen Coulthard, Russell Diabo, Beverly Jacobs, Melina Laboucan-Massimo, Arthur Manuel, Kanahus Manuel, Jeffrey McNeil-Seymour, Pamela Palmater, Shiri Pasternak, Nicole Schabus, Senator Murray Sinclair and Sharon Venne.

Cover art: Christi Belcourt

Design: Charles Dobson and the Red Rising Team

Table of Contents

Preface – *Bev Sellars*

Part I: The Machinery of Colonialism

It's All about the Land	10
<i>Taiiaki Alfred</i>	
Crown Title: A Legal Lie	14
<i>Sharon Venne</i>	
From Dispossession to Dependency	18
<i>Arthur Manuel</i>	
The Indian Act: The Foundation of Colonialism in Canada	22
<i>Russell Diabo</i>	

Part II: The Resurgence

The Grassroots Struggle: Defenders of the Land & Idle No More	28
<i>Arthur Manuel</i>	
Blockade: A Meeting Place of Law	32
<i>Shiri Pasternak</i>	
Lessons from Wesahkecahk	36
<i>Melina Laboucan-Massimo</i>	
Decolonization: The Frontline Struggle	42
<i>Kanahus Manuel</i>	
Decolonizing the Violence against Indigenous Women	47
<i>Beverly Jacobs</i>	
Two-Spirit Resistance	52
<i>Jeffrey McNeil-Seymour</i>	
Dechinta Bush University: Land-Based Education and Indigenous Resurgence	57
<i>Glen Coulthard</i>	
Going International to Decolonize	62
<i>Nicole Schabus</i>	

Part III: Path to Reconciliation

From the 2017 Convocation Speech	68
<i>Senator Murray Sinclair</i>	
Decolonization Is Taking Back Our Power	73
<i>Pamela Palmater</i>	

Preface

Bev Sellars

I often imagine what might have happened if the newcomers were respectful of the Indigenous peoples. I wonder what our lives would be if we learned from each other and took the best of our cultures for everyone? We freely and generously shared our knowledge of the land to help the newcomers adapt to their new life. They would have died without our help, as many of them did.

The population of the Americas was solid, secure and strong at contact. Turtle Island was a world thousands of years old where hundreds of cultures had thrived with their own governments and laws. But the arrogant thought of the newcomers was that this was a “New World” whose history began only when they arrived on the shores.

Then, as now, the Indigenous worldview is that the land is sacred. The newcomers could have learned the importance of taking care of Mother Earth and allowing her to continue to provide the tremendous bounty she has to offer. Indigenous teachings tell us that the land and waters provide us with everything we need to survive. The newcomers had a different view. The land to them was to be conquered and exploited. So over time Mother Earth’s bounty is being destroyed by a foreign economy based on monetary profit. It is only recently that these teachings about Mother Earth have gotten through to a few newcomers.

Global warming, polluted waters and atrocious environmental standards are finally being recognized for what they are. The Indigenous people of this country knew and practised the intelligent way of living sustainably thousands of years before the newcomers arrived. Imagine how much healthier our environment would be if this way of living was respected instead of being viewed as a “pagan” practice.

Women in Turtle Island played an equal, and in some tribes, elevated role in leadership. The newcomers should have learned how important women are to any society. Instead the newcomers made sure that

women, Indigenous or otherwise, had no rights and were subservient to men. This created chaos in Indigenous governments. It made Indigenous women prime targets for violence that continues to this day.

Turtle Island had thriving communities where sharing and contributing provided everyone a valuable place in society. The leaders in Turtle Island were responsible to make sure everyone was taken care of and that their needs were last, so that a balance was maintained. The newcomers' culture of gathering as much as one can for oneself was the complete opposite. Now welfare is rampant for those who have no place in "society." Sadly this includes the vast majority of Indigenous peoples.

Imagine the superior education we could have gained by learning from each other. Our education systems did not have to be in conflict, but Indigenous cultures were suppressed and forbidden. We should have tried to understand our differences instead of outlawing and branding the Indigenous peoples as inferior. Imagine the self-esteem of Indigenous youth who would know who they are and be proud of learning the ways of their ancestors. Imagine the benefit to the newcomers of learning these new ways.

Instead, most Indigenous youth have lost that connection, and many succumb to low self-esteem, drugs, depression and even suicide. The newcomers have removed many Indigenous people from their cultures and created pockets of poverty on nearly every reserve in this country.

The fantasy I have of what could have been did not happen. Instead diseases were brought here, to which Indigenous peoples had no immunity. That made it easy for the newcomers to move in and create chaos in Indigenous communities. Dispossession and racist laws have produced a long list of social problems for Indigenous peoples. The residential schools are the clearest example of the attempt to enforce the incredible racist stupidity of the *Indian Act*.

The world has shared Indigenous foods, languages, medicines, sports, improved transportation and methods of strengthened military strategy and government. Indigenous architecture spread to other parts of the world and Indigenous art is still in great demand today. These are just a few of the contributions to the world by Indigenous peoples, and yet

until recently, Indigenous peoples did not get credit for these tremendous contributions. Instead, to justify the newcomers' illegal claim to the Indigenous houses, we have been labelled in movies, literature, history books and society as savages who need saving.

Canada has celebrated its 150th birthday. Most Indigenous peoples did not celebrate with them. The last 150 years have seen no progress for us. Imagine if we could actually change that. Imagine if the houses of the Indigenous people were shared on the equal basis that we intended.

I have always said that the greatest strength of Indigenous people is sharing. Even today we are the poorest of the poor in Canada, but because of our sharing culture, we survive. I also say that one of our greatest weaknesses with the newcomers was sharing, because that gave them power. Imagine if we could right the wrongs. What if we dared to believe that it is still possible to do that? The truth is, if you are armed with knowledge, you have the power to make it a reality.

This handbook, which has been supported by the British Columbia Federation of Post-Secondary Educators (FPSE), is designed to give you that knowledge. It brings together some of the most important Indigenous academics, activists and allies to explore the impacts of colonization on Indigenous peoples and to look at paths toward decolonization that can right those wrongs and may, some day, lead us toward true reconciliation. I was honoured to have been invited to give the 2017 version of the FPSE speaking tour and I am honoured to be part of this remarkable handbook that includes many of the most brilliant and passionate Indigenous voices writing today.

Bev Sellars was chief of the Xat'sull (Soda Creek) First Nation in Williams Lake, British Columbia, for more than twenty years, and she now serves as a member of its Council. She earned a degree in history from the University of Victoria and a law degree from the University of British Columbia. She published They Called Me Number One in 2013 as a memoir of her childhood experience in the Indian Residential School system. The book won the 2014 George Ryga Award for Social Awareness, and was shortlisted for the 2014 Hubert Evans Non-fiction Prize.

The Machinery of Colonialism



Christi Belcourt & Isaac Murdoch

It's all about the land

Taiiiake Alfred

For many generations we Indigenous people have been in a life and death struggle for survival, for respect of our humanity, restoration of our nationhood, and recognition of our rights. This whole time, a constant surge of ancestral memory running through our veins has empowered and enlivened us and given us the gifts of tenacity, anger, patience and love, so that the people may continue and so that the generations that are yet to rise from the earth may know themselves as the real people of their land. The voices of our ancestors continue to call out to us, telling us that it is all about the land: always has been and always will be... get it back, go back to it. We have fought for the land and for our connection to it. For five hundred years, it is this struggle to restore the living relationship between our ancestors, our land and ourselves that has defined us as Indigenous people, and it is this struggle that has ensured our survival in the face of ignorance and violence.

Now that we have proven that we will not accept annihilation, we find ourselves in an era of reconciliation. Reconciliation? Like many of my sisters and brothers, I have trouble understanding what it is that we are trying to reconcile. Is the time for fighting over? Have we come through to the other side of the nightmare that is history? Have we decolonized this country? Reconciliation: the invitation from Canada to share in the spoils of our nations' subjugation and dispossession. What a tainted gift, and such a false promise. Reconciling with colonialism cannot heal the wounds the colonizers have wrought on our collective existence. The essential harm of colonization is that the living relationship between our people and our land has been severed. By fraud, abuse, violence and sheer force of numbers, white society has forced us into the situation of being refugees and trespassers in our own homelands and we are prevented from maintaining the physical, spiritual and cultural relationships necessary for our continuation as nations.

Our struggle is far from over. If anything, the need for vigilant consciousness as Indigenous people is stronger than ever. Reconciliation is recolonization because it is allowing the colonizer to hold on to his attitudes and mentality, and does not challenge his behaviour towards our people or the land. It is recolonization because it is telling Indigenous children that the problem of history is fixed. And yet they know through life experience that things have not changed and are getting worse, so they must conclude I am the problem.

If reconciliation is allowed to reign, our young people are going to bear the brunt of this recolonization and carry a tension inside of them that is very difficult if not impossible to live with – indeed we are already seeing the sickening results of this psychological war on our young people in the shocking and recurring waves of self-harm and suicide that afflict every one of our communities.

When you are told that you are Indigenous, that this is your land, that you have a spiritual connection to this place and that your honour, health and existence depend on your relationships with that river, those animals, those plants, when you are told that this is the right and good way to live and you are held to account for that culturally and spiritually, and you're not able or allowed to live out any of that... What happens to a person, a spirit, a mind? What emerges is not peace, power and righteousness but a mass psychopathology characterized by discordant identities, alienated personalities, and worst of all a culture of lateral violence fueled by unresolvable self-hatred. Sadly, this is becoming typical among Indigenous people, and typical I think of the societal reality that will form in the era of reconciliation.

Reconciliation's purported gifts can do nothing but make things worse because, paradoxically, educated people experience these soul illnesses even more than others. The educated person knows even more surely than everyone else that there is no way out of this colonially diseased dynamic. There really is no way to decolonize from within the reconciliation paradigm. There is no way, except to get out: a resurgence of authentic land-based Indigeneity. Our youth must be shown that they have the power to resolve the basic anxieties and psychological discords afflicting them by recognizing and respecting the powerful gifts that are there in their ancestral memory. The way to fight colonization is by reculturing yourself and by recentring yourself in your homeland.

Does anyone remember the report of the Royal Commission on Aboriginal Peoples? So much work went into that document, from all across the country and taking into account the perspectives and voices of all regions, generations and segments of our Indigenous peoples. From 1992 to 1996, a heady time when the legal and political phase of our peoples' struggle was at its peak, the voices of our ancestors came through in the wisdom spoken to the Commission through our clan

mothers, chiefs and youth. What they told the Commission in a unified voice was that it's all about the land. In a rare show of integrity and respect on the part of government, the commissioners listened and the voices of our ancestors echoed in the multiple volumes of the Commission's lengthy and comprehensive report when they stated clearly and emphatically that what is needed to achieve the full decolonization of Canada is a massive transfer of land back to the Indigenous peoples. The need to restore our lands to our nations was true in 1996 and it continues to be true today. A notion of reconciliation that rearranges political orders, reforms legalities and promotes economics is still colonial unless and until it centres our relationship to the land. Without a return of land to our nations and comprehensive financial support for Indigenous youth to reclaim, rename and reoccupy their homelands, to do what they need to do to ensure their own and coming generations' survival as real people, reconciliation is recolonization.

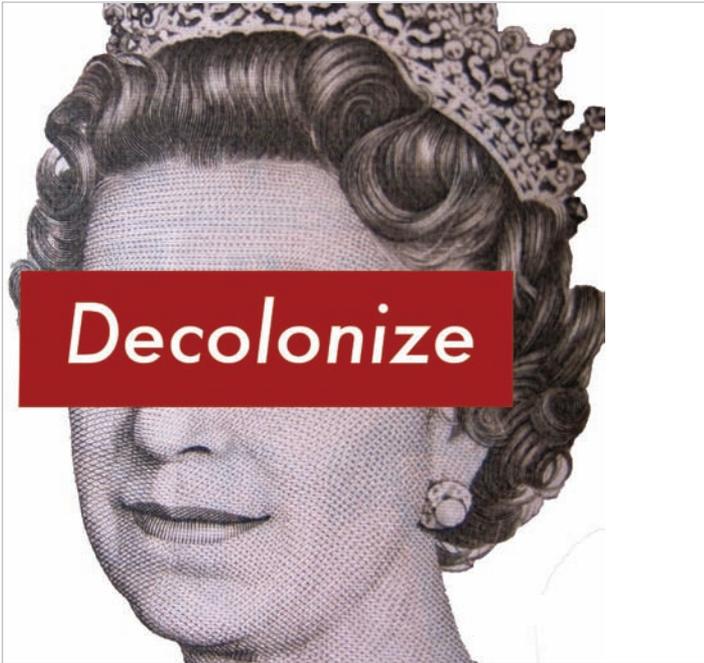
The voices of our ancestors still call out to us and their wisdom still flows through our veins.

We just need to start listening to them: It's all about the land.

Taiiaki Alfred (PhD—Cornell University) is an author, educator and activist from Kahnawake and internationally recognized Kanien'kehaka professor at the University of Victoria. He was the founding director of the Indigenous Governance Program and was awarded a Canada Research Chair 2003–2007, in addition to a National Aboriginal Achievement Award in education. He is the author of *Wasáse: Indigenous Pathways of Action and Freedom, Peace, Power, Righteousness: an Indigenous Manifesto*, and *Heeding the Voices of Our Ancestors*.

Crown title : A legal lie

Sharon Venne



Red Rising Magazine

Most Canadians assume that somehow Canada acquired formal title to this land 150 years ago in the *British North America Act*, the country's founding document. That this is not the case is clearly reflected in the fact that Canada is still desperately negotiating with hundreds of First Nations to have them surrender, once and for all, their title to the lands given to us by the Creator.

So, it is clear even today that Canada and the provinces that were created by an Act of the British Parliament in 1867 do not have any inherent authority in our territories. In the creation of the state, the lie of underlying title was passed along without much thought to the implications. Or, if the British House of Commons or Lords thought of the implications, there was a decision made at some point to try to simply disinherit the rights of our nations.

We see the continuation of these same legal lies today in the so-called British Columbia treaty process, which is clearly a sham process. It is not a treaty process. It is not dealing with the real issues of underlying title. The land claims policy of Canada works from the assumption that the title vests in the Crown and that the Indians are making a "claim" for our own lands and territories.

The British used the Doctrine of Discovery to assert authority and jurisdiction over our territories throughout Turtle Island. It was to prevent other colonizers from asserting their jurisdiction. The British Crown sent representatives across the oceans to the shore of our island. What they saw, they wanted. There was only one problem. The lands and resources were being used by our nations. In order to gain access to our territories, the British Crown enacted the *Royal Proclamation of 1763* to govern the subjects. This Proclamation was for the subjects of the Crown to follow when trying to access our territories. There are three important aspects of the Royal Proclamation: 1) In order to access the lands and territories of "Indian Nations or Tribes," there needed to be an agreement or a treaty. 2) If the Crown's subjects were within the territories of the Indian Nations or Tribes, the Crown was obligated to remove them (they would be considered squatters). 3) Agreements or treaties would be made only if the Indians "so desired." This makes treaties a prerequisite to the Crown's subjects legitimately moving into the territories of Indigenous Nations.

There was a start to the treaty-making process that moved from the east going west and north; when the colonizers reached the Rocky Mountains, they stopped making treaties with our nations.

Except for the treaties made on Vancouver Island and a small section of the northeastern part of what is now called British Columbia, the rest of the present province remains without the treaties that were demanded by the directives of the British Crown.

In 1972, the International Court of Justice (ICJ) – which some people refer to as the World Court – issued an advisory opinion in relation to the rights of Indigenous peoples in the Western Sahara case. The Court struck down the concepts of discovery, conquest and terra nullius – lands without any people. Our nations were never discovered; we were not lost. We were not conquered. Our territories were not terra nullius – the ICJ directed that there needed to be a treaty prior to entering into their territory. British Columbia and large areas of Canada did not have treaties with the colonizers. Instead, Canada tries to manipulate the treaty process. The policies leave our nations in debt as our small underfunded communities need to borrow money to have the resources to negotiate with Canada. The irony of the whole process is not lost on our old people – “Why are we borrowing money to talk about our lands?” Then, there are the non-ending unilateral decisions by Canada while it changes the non-ending policies and directives. Canada makes no attempt to have a true treaty relationship based on trust and good faith. It is one-sided. It is also contrary to the United Nations’ directives.

This was clear in Canada’s creation of the federal *Comprehensive Land Claims Policy* in 1986. This is a policy. It is not a law. It is not based on the elements of the Royal Proclamation of 1763. Canada continues to seek certainty largely through a de facto extinguishment of Aboriginal title. Most of the recent settlements contain a clause: “This Agreement constitutes the full and final settlement in respect of the aboriginal rights, including aboriginal title, in Canada of X First Nation.” If our nations did not have title, why does the state spend so much money and time to get the nations to sign off on the extinguishment clauses of a claims settlement?

There is no attempt by Canada to seek co-existence as set out in the Royal Proclamation, which recognized our nations and tribes as having ownership to our lands and the need for a treaty to access them. What is so hard to understand? Ownership would eliminate poverty. It would raise up our nations to their rightful place in the family of nations. Clearly, the state of Canada has a vested interest in maintaining the lie.

***Sharon Venne**, a lawyer and member of the Cree Nation who has worked on the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and with First Nations communities on the implementation of their own legal systems. She has played an active role in the national and international struggles of many Indigenous peoples, including the Lubicon Cree and Dene Nation. She has a Masters of Law degree from the University of Alberta, and is presently a doctoral candidate, writing a thesis on treaty rights of Indigenous peoples and international law.*



Gord Hill

From dispossession to dependency

Arthur Manuel

Colonialism has three components: dispossession, dependence and oppression. Indigenous people live with these forces every day of their lives.

It began with dispossession: our lands were stolen out from underneath us. The next step was to ensure that we are made entirely dependent on the interlopers so they can control every aspect of our lives and ensure we are not able to rise up to seize back our lands. To do this, they strip us of our ability to provide for ourselves.

This was done by trying to cut us off from access to our land. My father, in his book *The Fourth World*, wrote how this was achieved in the BC Interior by literally fencing us off from our lands. Suddenly, our hunting grounds, our fishing spots, our berry patches and other gathering places were cut off by fences and then enforced by a maze of regulations, while our timber was carted away and our lands stripped of our minerals. This had never even been envisioned by our people.

Even when we allowed the newcomers to set up settlements on our land, it was unthinkable that suddenly our lands would be closed to us.

We were suddenly corralled onto reserves under the authority of an Indian agent and given a few gardening tools for sustenance. In some areas, where the land was particularly fertile and the Indigenous peoples managed to generate small surpluses and tried to sell them, local white farmers complained about the competition and laws were passed forbidding us from selling our produce. It is important to note that our poverty is not a by-product of domination but an essential element of it.

But of course, it was not easy to keep us off our land. In my grandparents' time, there was no welfare. Our people still survived by returning to land in stealth, fishing, hunting, picking berries and then working seasonally as farm labour, as ranch hands or in the woods. We had to find ways to make money all year round and to gather a significant portion of our food from our lands surrounding the reserve.

Welfare was introduced quite late, and again its main purpose seemed to be to keep us corralled on our reserves. When it was first introduced, people were actually reluctant to take it. The Indian agent came and said the government was going to give us "relief money" and our people were instantly suspicious.

There was a big debate on the reserve about whether we should accept it or not. People tried to understand why the white man would offer to give us this and no one could figure it out. That was when I was young. People were always trying to figure out what the white man was thinking, and we never could. It was always a very delicate situation with the white man. You would listen to what they said but what they said often made no sense at all. I remember people coming to see my father to ask if they should take the relief money. Because he worked on the river for the lumber company, my father had more contact with the white man, so people would always ask him what he thought.

He told them that if they needed it, they should take it. The logic was that it was due to us because they had fenced off our lands from us and pushed us up against the river on the tiny reserve. But for my father, it was never more than a stopgap measure. He devoted his life to trying to get back our land and our right to govern ourselves.

In the immediate term, welfare cheques would play an important pacification role. It meant our people spent less time on our land and it allowed the white man to bring in all sorts of new laws forbidding us from hunting and fishing and trapping on our territories. When these measures were put in place, the Canada we see today was finally created. Indigenous peoples, from enjoying 100% of the landmass, were reduced by the settlers to a tiny patchwork of reserves that consisted of only 0.2% of the landmass of Canada, the territory of our existing reserves, with the settlers claiming 99.8% for themselves.

This is, in simple acreage, the biggest land theft in the history of mankind. This massive land dispossession and resultant dependency is not only a humiliation and an instant impoverishment, it has devastated our social, political, economic, cultural and spiritual life. We continue to pay for it every day in grinding poverty, broken social relations and too often in life-ending despair.

But that was always part of the plan. We were left isolated and hungry while our land generated fabulous revenues from the lumber, minerals, oil and gas and agricultural produce. We were to be kept penned in on our 0.2% reserves until we were starved out and drifted onto skid row in the city and gradually disappeared as peoples.

Our dependency was not some accident of history. It is at the heart of the colonial system. Our poverty is not an accident, the result of our incompetence or bad luck; it is intentional and systematic. The brilliance of the Canadian system as it has evolved is that today our poverty and misery are actually administered by our own people. In a spirit that seems profoundly insulting, this system is even called by some “self-government.” Self-government as designed by the Canadian government is a system where we administer our own poverty.

The dependency built into this system can be heartbreaking. I once even heard a young person on the reserve saying that she could not wait until she was eligible to receive her own welfare cheques. That is how bleak their future is. That is all they had to hope for in life. Their own welfare cheque.

That is what colonialism leads to: complete and utter dependency. When this is the best they can hope for, it is not surprising that the suicide rate among our young people is among the highest in the world.

We cannot solve these problems with a new program or new services administered from Ottawa or by Ottawa’s agents in our communities. Or by giving us hugs or tearing up when you speak of our misery. There is only one program to solve this dependency and despair, and that is to get rid of the deadening weight of the colonialism that causes it. For us to once again have access to our land and for the settlers to recognize at last our Creator-given title to it.

Arthur Manuel was one of the giants of the Indigenous movement within Canada and internationally. He served as chief of his Neskonalith Indian band and chairman of the Shuswap Nation Tribal Council as well as co-chair of the North American and Global Indigenous Caucus at the U.N. Permanent Forum on Indigenous Peoples. He was also co-author, along with Grand Chief Ronald Derrickson, of the award-winning book Unsettling Canada: A National Wake-up Call. Arthur Manuel passed away in January 2017. Lorimer Press published his second book, co-authored with Grand Chief Derrickson, in the fall of 2017.

The Indian Act – The foundation of colonialism in Canada

Russell Diabo



July 1901. Treaty Time, Little Forks, Rainy River. Photo MB Archives

The machinery of oppression in Canada has remained depressingly familiar for 150 years. From the pre-Confederation era until today, the *Indian Act* remains the foundation of Canadian colonization of Indigenous peoples. Although it has been amended numerous times since it was adopted in 1876, in the twenty-first century the *Indian Act* still maintains the main tenets of protection, control and civilization (meaning assimilation).

The Interpretation section 2.1 of the *Indian Act* provides key definitions of “Indians,” “band,” “band list,” “council of the band,” “Indian moneys,” “Indian Register,” “member of a band,” “reserve” and other terms used by Ottawa bureaucrats and politicians for colonial regulations and policy. Section 2.1 (c) authorizes the federal cabinet to create new “bands,” such as the Qalipu band recently created in Newfoundland.

The *Indian Act* was the original termination plan adopted by the Canadian Parliament over 140 years ago to break up Indigenous Nations into bands, setting Indian reserves apart, keeping a registry of Indians until assimilation is complete as individual “Indians within the meaning of the *Indian Act*” and “Indian bands” respectively become a collection of Canadian citizens living within municipalities without any legal distinctions from the general Canadian population. They would become “Indigenous-Canadians,” an ethnic group among others in the Canadian mosaic without any more rights of standing than Italian-Canadians or Ukrainian-Canadians.

Elimination of Indigenous Nations as distinct political and social entities was the ultimate objective of Indian Affairs policy. In a 1920 speech to a Special Committee of the House of Commons, Deputy Superintendent General Duncan Campbell Scott said bluntly:

I want to get rid of the Indian problem. I do not think as a matter of fact, that this country ought to continuously protect a class of people who are able to stand alone. . . Our object is to continue 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.¹

¹ NAC RG10 Vol. 6180 File 470-2-3 Vol. 7: Evidence of DC Scott to the Special Committee of the House of Commons examining the *Indian Act* amendments of 1920, pp. 55, 63.

1969 White Paper on Indian Policy

In 1969, about a hundred years after the *Indian Act* was adopted, Liberal prime minister Pierre Trudeau and his minister of Indian Affairs, Jean Chrétien, believed assimilation of Indians had largely been completed and introduced a White Paper on Indian Policy to argue that special Indian rights were the problem and equality under the law was the solution. The 1969 White Paper proposed these policy objectives:

- Eliminate Indian status.
- Dissolve the Department of Indian Affairs within five years.
- Abolish the *Indian Act* and remove section 91.24 (“Indians and lands reserved for the Indians”) in the BNA Act.
- Convert reserve land to private property that can be sold by the band or its members.
- Transfer responsibility for Indian Affairs from the federal government to the provinces and integrate these services into those provided to other Canadian citizens.
- Appoint a commissioner to gradually terminate existing treaties.

The White Paper provoked widespread protest by Indians and responses in position papers like the Indian Association of Alberta’s Red Paper and the Manitoba Indian Brotherhood’s Brown Paper.

The modern Indian rights movement to protect and advance Inherent, Aboriginal and Treaty Rights was born, and regional Indian political advocacy organizations formed across Canada under the umbrella of the National Indian Brotherhood, which in 1982 became the Assembly of First Nations.

As First Nations galvanized across Canada to fight the Pierre Trudeau Liberal government’s proposed 1969 White Paper termination policy, the federal government was forced to consider a strategy on how to calm the Indian storm of protest by publicly agreeing to withdraw the proposal, while continuing to implement it through federal policy and programs.

In a memo dated April 1, 1970, David Munro, an assistant deputy minister of Indian Affairs on Indian Consultation and Negotiations, advised his political masters Jean Chrétien and Pierre Trudeau as follows:

We can still believe with just as much strength and sincerity that the [White Paper] policies we propose are the right ones . . . The final [White Paper] proposal, which is for the elimination of special status in legislation, must be relegated far into the future . . . We should put varying degrees of emphasis on its several components and we should try to discuss it in terms of its components rather than as a whole . . . We should adopt somewhat different tactics in relation to the [White Paper] policy, but . . . we should not depart from its essential content.

Among the post-1969 tactics the Indian Affairs bureaucracy adopted to control and manage Indians, in order to continue the federal off-loading and assimilation goals, was to increase program funding for housing, education, infrastructure, social and economic development, health, and so on to band councils. This funding was delivered through federal funding agreements with strict terms and conditions for band councils and band staff to deliver essential programs and services primarily to on-reserve band members, goals and results designated by Ottawa. In other words, social engineering.

This transfer increased Indians' dependency on the federal transfer payments and ensured accountability to Ottawa bureaucrats, not community members, through a system of indirect rule by band councils. They are expected to manage local discontent with chronic underfunding and underdevelopment on-reserve.

Another tactic for control and management of Indians used by Ottawa bureaucrats and politicians was to change the terms and conditions for funding of Aboriginal Representative Organizations (AROs) into two-part funding: 1) basic core and 2) project funding. Project funding means that to really survive, AROs need to develop funding proposals to the federal government to act as consultative bodies for federal government policy/legislative initiatives.

This is how the Assembly of First Nations (AFN), a National Aboriginal Organization (NAO), is funded, and how all of the Provincial/Territorial Organizations (PTOs) are funded, which is why you rarely

see the AFN National Chief, Regional Chiefs or PTO Leaders out at, or initiating, protests. From the band office, to regional First Nations organizations, to the AFN, Ottawa controls and manages the chiefs, leaders, and AFN National Chief and Executive through control of organizational funding.

The AFN uses Department of Indigenous and Northern Affairs (INAC) lists of chiefs recognized under the *Indian Act* as the official delegate list at AFN Chiefs' Assemblies. So, the circle is complete. The *Indian Act* empowers INAC to rule over Indigenous peoples. The Assembly of First Nations has to align its own policies and structure with the INAC objectives and operations in order to get the funding it needs to exist. INAC then funds the AFN to carry out its program objectives and to administer the services it wants administered. And the grassroots Indigenous people are left powerless and voiceless within this closed system of governance.

Russell Diabo is one of the leading voices in the decolonial struggle in Canada. He was for many years a policy advisor at the Assembly of First Nations and now serves in that role for the Algonquin Nation Secretariat, and he is Senior Policy Advisor to the Algonquin Wolf Lake First Nation. He is also editor and publisher of an online newsletter on First Nations political and legal issues, the First Nations Strategic Bulletin. He is a member of the Mohawk Nation at Kahnawake, and part of the Defenders of the Land Network.

II

The Resurgence

The grassroots struggle: Defenders of the Land and Idle No More

Arthur Manuel



Gord Hill

The federal and provincial governments have tens of millions of dollars that they use strategically to manipulate Indigenous organizations and to undermine the grassroots' ability to move forward. One of their strategies in British Columbia is to "engage" Indigenous leadership in all kinds of negotiations that go nowhere. The modern treaty negotiations have been happening for more than 20 years and have cost well over a billion dollars. But while they are negotiating, they can at least pretend to investors that everything is under control. The Indians are at the negotiating table, and eventually they will agree to the government's extinguishment terms.

The Indigenous leadership and their non-Indigenous advisors involved in these negotiations justify sitting down with the government because they say, "only by holding discussions with the government can we make change." They see those of us who will not negotiate under the government's terms as frozen in time. As not capable of moving forward. As not getting with the program. Needless to say, the governments agree with the leadership and welcome them with open arms. They know they are a soft group to deal with because they have already agreed, by sitting down at the table, that their people's own extinguishment will be the basis of the land claims agreement they will eventually sign.

Part of the reason for this is that our mainstream organizations generally select our leadership on the basis of money. They know that government money will quickly dry up if they elect leaders who fight for decolonization, but a compliant leadership attracts government money like horse dung attracts flies. People in Indigenous leadership know this, and there is an unwritten black list of people who will be excluded from the organizations because they are too grassroots. They only work with people who are acceptable to government.

It is this underlying reality that has given rise to Idle No More and groups like the Defenders of the Land. The fact that chiefs and councils will not rock the boat because they want to protect their government funding has meant that those who cannot accept this situation have no alternative but to work outside the mainstream organizations.

But at the same time, Defenders have to recognize that part of those funds are also necessary for many of our band members – our grassroots – who, in our dismal state of dependency, cannot afford to have their programs and services cut off. If we are going to do things that will threaten their lifelines, they need to be part of the decision-making process. We must try to ensure that we do not put our people in an impossible situation. We do this by working outside of the chiefs and council band structure but always working closely with the grassroots.

In this way, the Defenders and Idle No More are the basis for building a movement in Canada. No one else will play this role except us, and we can build on the considerable discontent floating around in communities. Even with Justin Trudeau's charm offensive, people see that things are not adding up. One thing is promised but another is delivered.

We have seen again and again that the prime minister and premiers are not interested in giving up one inch of power to Indigenous peoples, and Prime Minister Justin is no exception. You are daydreaming if you think you can negotiate your way to freedom without creating tension to push our colonizers to decolonize Canada.

There is nothing special about Indigenous peoples that will entice the white man to give us our freedom out of good will. Our only advantage is that our communities are spread across Canada in over a thousand locations, and they cannot take us all down at once. But unless we forcefully demand our rights, including our fundamental right to self-determination, we will not receive them. That, as minorities everywhere and in all times know, is how the world works. And that is what our current leadership, generally for their own self-serving reasons, is refusing to acknowledge.

This is why Idle No More and Defenders of the Land were formed. They reject not only the government colonial policies, but also those in our leadership who cooperate with the government colonial policies. We are now working to re-establish grassroots organizations, strategies and actions that will get us back on track defending our sovereignty and our ownership of our lands. Our people are fighting at the grassroots level to achieve self-determination, free from the colonial state.

We see courageous Indigenous people doing this every day, and if we cannot join them in these actions, we should at least support them in every way that we can. They are the future of our struggle, and our struggle is building a new decolonized Canada where our cultures and land rights are respected.

Arthur Manuel was one of the giants of the Indigenous movement within Canada and internationally. He served as chief of his Neskonalith Indian band and chairman of the Shuswap Nation Tribal Council as well as co-chair of the North American and Global Indigenous Caucus at the U.N. Permanent Forum on Indigenous Peoples. He was also co-author, along with Grand Chief Ronald Derrickson, of the award-winning book Unsettling Canada: A National Wake-up Call. Arthur Manuel passed away in January 2017. Lorimer Press published his second book, co-authored with Grand Chief Derrickson, in the fall of 2017.



Tania Willard

Blockade: A meeting place of law

Shiri Pasternak

The blockade is a place where two systems of law are forced to meet. The Algonquins of Barriere Lake, for example, blockaded often throughout the 1990s to stop the clear-cut logging of their lands. They sought to pressure Canada and Quebec to honour their agreements set out in the three-row wampum exchanged in 1760 and renewed in 1991 through a resource co-management agreement. But most of all, Barriere Lake confronted settler law at the blockade by challenging provincial authority to permit logging on Algonquin territory. The impact of logging was devastating to the wildlife and to Algonquin survival on the territory. Barriere Lake asserted their jurisdiction based on the laws embodied in the Mitchikanibokok Anishnabe Onakinakewin, their sacred constitution, that give the Algonquin people the responsibility to protect and respect all living things in their territory.

Blockades are not – as they are often portrayed in the news – symbols of past attachments to the land or signs of a backward economic outlook. They are, rather, one of the most important contemporary examples of where Canadian law meets modern Indigenous societies on the ground. When blockades disrupt resource extraction and unauthorized development on Indigenous lands, they are the furthest things from relics of the past; they are a projection of an Indigenous future based on economic sustainability and defence of living homelands.

Indigenous law governs relations between human and non-human worlds, but it also signals a difficult relationship between two legal systems that come face to face on highways, logging roads, rail lines, and other sites of infrastructure and development throughout the country. Long before Canada was a country, and long past Confederation, Indigenous peoples have maintained their responsibilities to the land, despite Canada's assertion of sovereignty and universal law. Colonial legalities did not eliminate Indigenous legal orders.

A complex overlap of legal authorities has made this country a mine-field of conflict. But we need to pay attention to what is at stake at the blockade. Who gets to have the authority to govern the land? On what principles should we value this authority? Who should hold responsibility? This country is new, but the Indigenous governments on these lands are thousands of years old and they did not forfeit their governing

authority by choice. Canada was founded on a racist assumption of discovery and possession and fought a dirty war of settlement against Indigenous Nations. Should this law govern Indigenous peoples?

Consider as well the Wet'suwet'en Nation located in northern British Columbia. There one can witness the incredible power of Freda Huson, a leader of the Unist'ot'en land defenders camp. A video shows her evict a Coastal GasLink security contractor who was attempting to undertake preliminary prospecting work for a 670-kilometre hydraulically fractured gas pipeline on her people's lands. She describes to him the boundary of the Wet'suwet'en Nation and warns the prospectors: "If you guys don't want to be charged for trespassing, I suggest you guys leave right now." When the prospectors ask if it is "safe" for them to be there, Huson patiently explains to them where it is they have found themselves: "You don't live here, so you don't know. We have berry patches here, we have medicine here. The bears live here, the moose live here. We live here. This is my food back here. That's what they're trying to destroy. And they don't have our authority to do that." Huson asserts jurisdiction by enacting Wet'suwet'en trespass law, practising her responsibilities to the animals, medicines and people of her traditional lands. It is what we could call a grounded authority that is not about control, but about responsibility to protect.

As Huson shows, it is settlers who are the outside occupiers and not the Indigenous peoples causing the disruption. Blockades are pointed reminders of this fact.

One critical feature of blockades is how they tend to provoke violent reactions from the public and police, despite the purpose of protection and land defence. At a recent road blockade of the Mount Polley mine in the Interior of British Columbia by the Secwepemc Women's Warrior Society, a car driven by local miners threatened to ram through protesters until a young Indigenous woman jumped on the car to stop it. The car accelerated, throwing her violently to the ground. The road blockade was held exactly two years from the date of the largest tailings pond disaster in Canadian history, which sent 24 million cubic metres of poisonous waste water into nearby lakes and rivers.

At the blockade, land defenders were guided by yirí7 re sts'qey's-kucw – Secwepemc law – to guide their land defence actions. While the local community of Likely, BC, was divided by the devastating spill, many residents still support the mine for the employment opportunities it provides and are threatened and angered by possible endangerment of their jobs.

In other circumstances, it is the police who are arresting protesters or the resource companies who are filing for injunctions to legally remove Indigenous peoples from their lands.

These are not simple matters to unpack. But when we shake them down to their foundations – Indigenous peoples defending and protecting the land for future generations – we can see a future that includes us all.

Shiri Pasternak is the author of *Grounded Authority: The Algonquins of Barriere Lake Against the State*, published by the University of Minnesota Press in 2017, about the Algonquins' rejection of the federal land claims policy in Canada from the perspective of Indigenous law and jurisdiction. She holds a PhD from the Department of Geography at the University of Toronto and is currently an Assistant Professor of Criminology at Ryerson University, Toronto.

Lessons from Wesahkecahk

Melina Laboucan-Massimo



Red Rising Magazine

Our prophecies speak of a time when the blue sky and waters turn black and green things turn brown and die; when animals and fish disappear and birds drop from the sky. This devastation will come as a result of mankind's greed and disrespect of Mother Earth. This time is upon us.

The Alberta tar sands are scarring the earth – polluting and draining watersheds, poisoning the air and destroying the land I call home. The landscape is drastically changing from a once pristine and beautiful boreal forest to an increasingly industrial and toxic terrain. Animals and fish have become sick with tumours, and caribou are now listed as an endangered species. People are no longer safe to harvest traditional medicines, teas or berries because they have become contaminated – and even though we fear that our medicines have turned into poison, we continue to forage (and forge) the path ahead. People young and old have started to die of rare forms of cancers that we have never seen before. I come from a community where, until my generation, my family was able to live sustainably off the land.

The tar sands are not an isolated incident; neo-colonialism in the form of resource extraction is happening across Turtle Island and throughout Mother Earth. Today the earth is being contaminated and destroyed at an unparalleled rate, and people and animals alike are being sacrificed for the benefit of the greedy few.

We are not only in an ecological crisis; we are in a moral human crisis. All around the world, we see people's homes and traditional territories being turned into industrialized landscapes. We see people's clean drinking water being overtaken and turned into toxic dumpsites for industrial facilities. It is painful to see the devastation to the land. It reaches a deep part in your spirit – a feeling of indescribable grief.

It was over five years ago when I returned home to my community of Little Buffalo where my family lives to witness the aftermath of one of the largest oil spills in Alberta's and Canada's history. What I saw was a landscape forever changed by an oil spill that had consumed a vast stretch of the traditional territory where for generations my family had hunted, trapped, harvested medicines and picked berries.

Days before the federal or provincial governments were willing to acknowledge this tragedy, my family was sending reports of headaches, burning eyes, nausea and dizziness. They asked me if I could please find out more information – if it was an oil spill and how big it might be. It wasn't until five days later, only after the Harper government was re-elected, that the information was released on the magnitude of the spill. More than 4.5 million litres of oil had soaked into the land.

Soon afterward the story was swept under the carpet, away from the eyes of the public. Cleaning the toxic spill continued for the rest of that year, and the following year we still found a contaminated site despite claims by the company that all had been remediated. We know that the damage to the land will outlive our grandchildren's grandchildren.

This is one of the many reasons why I continue to fight for the protection of Mother Earth. One of my clearest and most powerful memories as a child was of being out on the land with my kokum and mosom, travelling through the territory for the summer months by horse and wagon. Seeing the vastness of the land, I felt free. I was in awe of how beautiful, lush and expansive the land was and seeing so clearly the connection of the earth and the sky world made me feel complete. Although, ironically, I am not sure the serenity and peace I felt then will ever return, because of the extreme resource extraction taking place on the land. It is from this place that I persevere in this struggle to dismantle the machine of colonialism that still has a stranglehold on our people and land today.

Social, political and economic pressures are literally tearing our communities apart. The colonial-industrial system is predicated on systems of power and domination, so it is no wonder that we see these systems play out in our communities, in our families, in our personal relationships and in our movements. We must be aware of how the harmful aspects of this predatory society have seeped into our lives, so that we may shed our involuntary inheritance of colonial behaviours: hierarchy, dominance, profit, greed, immediate gratification, and caring more about our egos and personal gain than the well-being of others.

The values of colonialism exist in the form of capitalism. We need to work together dismantle and reorganize this system and to recentre our values and how we relate to each other and the earth.

The colonial values of domination are embedded in patriarchy, which is one of the reasons why we see the raping and pillaging of Mother Earth as well as violence against women. I am not only talking about physical violence against women. I am talking about emotional, spiritual and psychological violence that is perpetuated in our society today and sometimes even in our movements. We must question the values we prioritize in our movements and understand how to create a paradigm shift in how we treat each other, ourselves, and the earth. If we continue to work from a colonial foundation, we are not recognizing the role and value of Indigenous ways of knowing and being.

The earth is our mother. Violence against the earth begets violence against women. This is both a political and personal issue for many of us. This is a reality that many of our communities face today. It is not just a news story. It is not a coincidence that over four thousand Indigenous women are murdered and missing in the country we call Canada. Indigenous women are five times more likely than non-Indigenous women to die from violence.

I am bringing up these statistics not only because they are staggering figures. I speak to these issues because they are personal. This is real in my life. In 2013, I lost two women in my family to violence. One was my cousin, who was murdered by her partner, and the other woman was my little sister, Bella. Bella had just graduated from college in Toronto. Her death is still unsolved and listed as suspicious. In that summer alone, I attended three funerals within my own family. The other death was a suicide. This is a reality for our communities. Not only do we have to deal with resource extraction in our own backyards, but we must also deal with consistent violence in our lives as Indigenous peoples.

All life is sacred. And all life forms have spirit. When we destroy the land, we destroy other beings. We destroy Mother Earth. We violate the sacred connection that we have with her.

For many of us this work is not just a job, it is a way of life. I have come to realize it is not only how we politically challenge these systems of dominance but also how we decolonize and deconstruct them in our daily lives. We need to decolonize both politically and personally.

This is why I am intent on continuing to decolonize myself. I often ask myself: What kind of movement are we building? What are the values that guide our actions each and every day? What kind of future are we fighting for? Are we living in ways that will create the future that we envision? Are we treating our families, loved ones and those in our movements with the dignity and respect they deserve? We must be prepared to answer these questions.

Growing up, my dad would talk about how we could learn from the mistakes that *Wesahkecahk*, the trickster, would make so that we would know how to treat the world around us and how to respect other beings like animals, birds, plants and trees. I try to include these teachings in my life and in how I interact with the world around me, including the way I carry myself and how I treat others, how I love myself, honour all living beings, and do my best to be humble and trustworthy. These values are important for me to live by and I incorporate these principles into my daily efforts of personal and political decolonization. In coming to further understand what resurgence looks like, I turn to the teachings, morals and values from our old stories as a way to decolonize.

The prophecy that I began with – when the blue sky and waters turn black and green things turn brown and die; when animals and fish disappear and birds drop from the sky – also speaks of a time when people will gather from the four sacred directions to stop this decimation, all distinctly separate but forever connected in the Sacred Hoop of Life. Those who have kept their ancient knowledge, ceremonies and stories alive shall be our teachers and our guides going forward.

People from diverse backgrounds and creeds will truly begin to work together in honesty and respect – with a deep sense of solidarity with one another. It is a time when people from the Four Directions will come together to work for justice, peace, freedom and recognition of the Great Spirit and the sacredness of our Mother Earth. This time, my friends, is upon us.

Melina Laboucan-Massimo is a member of the Lubicon Cree First Nation. She is currently a Fellow at the David Suzuki Foundation. She worked as a Climate and Energy Campaigner with Greenpeace Canada and the Indigenous Environmental Network for the past decade. Facing firsthand the impacts of the Alberta tar sands to her traditional territory, Laboucan-Massimo has been a vocal advocate for Indigenous rights for over 15 years. She has written numerous articles on the tar sands and produced short documentaries on water issues and Indigenous cultural revitalization.

Decolonization: The frontline struggle

Kanahus Manuel



Kanahus Manuel

When I was arrested I was in a truck with my three-month-old child, my sister and my mother in the hills above Bella Coola. In the web of charges they threw at me, the one that finally stuck was for “assaulting police,” a charge that had been levelled against many of us who were, in fact, assaulted by the police when we were trying to protect our land from the Sun Peaks development.

I remember this as the saddest moment of my life. Not because I was going to jail but because I realized that while I was away, I would be separated from my infant son. In fact, they separated us as soon as they led me into the booking room. I don't remember anything except the sound of my three-month-old crying for me in the next room. I insisted again and again that they bring him to me because I had to feed him. Finally, because the child was by then screaming from fear and hunger, they brought him to me.

I held him in my arms and nursed him in the holding cell. But my heart was overcome by the sadness of knowing that in a few minutes they would take him away again. When he was finished feeding, I found myself tickling his feet trying to keep him awake, because I knew when he fell asleep they would take him away. He fell asleep. They took him away. And they put me away for eighty days.

I saw him every weekend because my father brought him to me in jail, and I gave him a supply of my expressed breast milk to feed him. I lived for those moments with my son and I died each time the visit was over and they took him away again.

But I survived this ordeal because by then I already knew who I was and what I had to do as a Secwepemc woman to fight for my people. This was the period where my own mind was being decolonized. The process had begun a few years before. When I was growing up, I went to white man's school in the town nearby to our Neskonlith reserve in the BC Interior. It was a bitter experience. This region of the country has a history of right-wing racists, and our school was rife with their mini-racist children. I came from a family proud of our Secwepemc heritage and would not accept shameful treatment for myself or my Secwepemc classmates. I learned to fight, to physically strike back at the outrageous behaviour towards us.

I began to hate this school and I was determined to quit at the earliest opportunity. My father understood. In his own youth and throughout his life, he had also been a fighter. He gave me books like *The Autobiography of Malcolm X* that showed how a brilliant, angry man confronted the racist society he was born into. I finished high school away from the Interior in East Vancouver.

But it was finally the struggle to protect our land, and the people I met in that struggle, that really changed me. We began to understand the real depth of the reproach “seme7stsut” our people used to denote someone who was “acting white.” We understood and we rejected the seme7stsut values of greed and arrogance that we associated with the white world and those seme7stsut among us. During this period of questioning, it was once again my father who gently guided me. He said I should go to community meetings. He was chief at the time and he was beginning to challenge the massive ski resort, really a complete town with 24,000 hotel beds, being planned on that still-wild part of our territory we called Skwelkwek’welt, which translates roughly into “our mountain lands.” I became involved in the Skwelkwek’welt protection group. I joined the camp in the forest to reoccupy our lands and to demand that the destruction of the forest be halted. It was during this period that I had my true education.

The Skwelkwek’welt Protection Centre was peopled mainly by youth and Elders, like Sarah Denault, Irene Billy and Wolverine, who was just out of jail from the Gustafsen Lake stand-off. They had grown up in the 1920s when there were still relatively few white people in the area, and their parents had grown up in a period when our lands were still ours. The Elders at the camp showed us a land rich in plant foods—roots, berries, plant stalks, mushrooms and lichens—as well as a home to deer, moose, bear, beaver, lynx, cougar and wolverine. Skwelkwek’welt was important to them because it was one of the last places in our territory where we could still hunt for food, gather medicines, and continue our Secwepemc cultural traditions. This education from the Elders, I came to understand, is an essential part of decolonization: seeking out the knowledge of your people, those who have the knowledge and can pass it on to you. Because the traditions and values of our people still beat in the hearts of our Elders and they are ready to pass them on to any who seek them out.

I also learned at the camp from other young people there who were part of the Native Youth Movement. We not only put information pickets on the road to Sun Peaks, but we also took over government offices responsible for giving the resort permission to seize our lands. The Elders taught us how incredibly rich our land was and how important to our survival it was to keep it wild, and the other young people in Native Youth showed me that we did not have to passively accept the rape of our land. We could fight back – and we did. We did not go passively when the police attacked us. We defended ourselves and we defended our land.

But more important than all of this was the fact that I was able to get in touch with the spiritual life of our people. One of the Native Youth Movement women was pregnant. She told me she was going to have a traditional birth, and at first I did not know what it was. But then I also became pregnant and I also had a traditional birth. It was a powerful, life-changing experience.

I had my child on the land surrounded by the Elder women who knew the rituals surrounding birth and the songs that were to be sung. I had my child in the forest looking up at the mountains, and bringing new life in the way my people had since time immemorial.

Three months later, my newborn and I were together in the holding cell in the Bella Coola jail. But even at that painful moment, I knew that for him, I had no choice. I had to fight and continue to fight for his right, for the right of all of my children, to be free from the racist, spirit-destroying colonial system – the genocide – that Canada still continues to serve us.

Since then, fifteen years have passed. I have not let up. I have intensified my efforts to free my people from colonialism. My generation finds itself on the front line of the decolonial struggle every day of our lives. We have to choose to fight for our rights and our future or to surrender them both and lose ourselves in a country that has shown only contempt for us.

That is the way the world is. That is our struggle. And today I am not afraid of jail and I am not afraid of the police. I urge all those who are fighting to decolonize Canada: Fall in and carry out your duties.

The sides have already been chosen for you. You will not play mediators on our soil. We are the rivers, both sides of the rivers and all bridges connecting both sides. There is no middle ground. I urge all of our people: Fall in and we will struggle together for our future!

***Kanahus Manuel** is a Secwepemc and Ktunaxa activist, birth keeper and Warrior. She appeared in a documentary film made by Doreen Manuel called Freedom Babies. She is well known for her activism against Sun Peaks Ski Resort, Imperial Metals and the Mount Polley mine spill and with the water protectors at Standing Rock. She is currently playing a leadership role in fighting the Kinder Morgan pipeline expansion through more than 500 kilometres of Secwepemc territory. As a result of her activism, she has been named in several court injunctions and has been jailed by the Canadian state.*

Decolonizing the violence against Indigenous women

Beverly Jacobs



MB Archives

I have been working in the field of anti-violence for the past twenty years since recovering and healing from experiences of violence in my own personal life. I write this with lessons I have learned in dealing with every possible type of violence, including the most extreme violence, murder. My family is still recovering from the murder of my cousin Tashina General, who was twenty-one years old and pregnant when she went missing in January 2008 and was found murdered that April. The trauma experienced from her murder still resonates in me, in my family and in my community. I write this for my late cousin, Tashina, and her spirit son, who was already named Tucker.

During my professional life as an entrepreneur, lawyer, consultant and professor, my focus has been on understanding the impacts of colonization, trauma and violence upon Indigenous peoples, and specifically upon Indigenous women. I have made conscious choices about the work I have done, but I never believed that after supporting and advocating for families of the missing and murdered, I would have to experience the same loss and trauma. I have used my life experiences to revitalize our teachings that focus on peaceful relations and to continue to advocate for families of the missing and murdered women.

While on my healing path, I began to learn about Haudenosaunee teachings that were cut off from me, from my mother and from my grandmother – my matrilineal ancestors who were directly impacted by the residential school system. I began to understand our teachings that women are honoured and respected because of their decision-making instincts and their responsibilities in carrying and bringing life into this physical world. I began to understand that our men are Warriors and are responsible to protect women and children and to protect our lands and territories. I began to understand how colonization had such a detrimental effect upon these roles and responsibilities.

Colonization is violence. Colonization has had an impact on both Indigenous women's and men's roles in all relationships, but Indigenous women have taken the brunt of the impacts of colonization. Direct attacks against Indigenous women are attempts to erase them from existence so that there will be no future generations. These are attacks against the future of our Indigenous Nations that occur not only in Canada but also globally.

Violence and abuse have occurred in all societies and in all races of peoples, but the violence against Indigenous women is rooted in colonial genocidal laws and policies. Indigenous women have become the direct targets of colonial violence. This has saturated into our communities, and Indigenous women are now dealing with the violence against them by Indigenous men and by non-Indigenous men. Indigenous women are no longer safe in any community.

I have learned about not being safe in my own home and community. I have learned what an abusive relationship is. In an abusive relationship, the abuser feels the need to have power and control. When an abuser feels that his power and control are taken away, he has to strike out at his most vulnerable victim to regain that power and control. The victim loses her voice and feels that she does not have any control of the situation at the time of the abuse. I remember being silent and knowing that I could not say a word to anyone about the abuse that was happening. I remember that silence well.

When an abusive relationship ends, the victim makes a decision to take her power back. I remember saying that I will no longer be beaten or abused – not mentally, emotionally, spiritually, physically or sexually. I remember saying that no one will ever hurt me again. I acknowledged that I will no longer be a victim. I had found my voice and regained respect for myself. As a survivor of violence, I have learned not to blame anyone else but to take responsibility for myself. I can celebrate my life and learn from the lessons that I have been presented with. The abuser has an opportunity to learn that he does not need to have that kind of power and control but can be an equal and respectful partner. The relationship has to be a partnership.

The abusive relationships that happen to our women take place in the larger context of Canada's colonial relationship to Indigenous peoples. Canada's colonial government has been an abuser since its inception. First, it violated peace and friendship treaties, which were based on nation-to-nation relationships, by unilaterally establishing its government through legislation in which it had control over "Indians and lands reserved for Indians" (section 91(24) of the *British North America Act*, 1867). This legislation then gave the government authority to establish the most racist and sexist piece of legislation called the *Indian*

Act. These unilateral pieces of legislation initiated colonization and the violent relationship with Indigenous peoples. As a result of generations of abuse and control, Indigenous peoples have become victims in a long-standing abusive relationship and have been silenced through their lack of control over lands and resources, the genocidal policies of the residential school and child welfare systems, and the disrespect and violence against Indigenous women.

The violence against women and the violence occurring against Mother Earth are also directly connected. Haudenosaunee planting ceremonies acknowledge that the women are the seed – the connection between the Creator and Mother Earth. The loss of connection of Indigenous women to their lands and territories means that the lifeblood and carriers of future generations are also cut off. Since the patriarchal Indian Act was implemented, there have been missing Indigenous women who were forcefully displaced from their traditional territories for “marrying out.” This was the beginning of missing Indigenous women.

The genocidal policies of the *Indian Act* also had an impact on Indigenous governance systems where the women’s decision-making qualities were silenced and no longer part of the balance of these systems. And we already know what the residential schools did to our families, including the roles of mothers and fathers and the losses of family bonding, and the loss of the most basic tenets of a relationship: love and emotional well-being.

In order to become survivors of this abusive relationship, all victims, including Indigenous men and women, must take their power back. Many have already. This is what decolonization means at a very practical level – taking our power back. The language and actions about violence against Indigenous women has to shift to actually begin the decolonization process.

What do I mean by shifting our language? It means that we have to stop behaving and to stop talking like a victim. We have to stop blaming the abuser and take responsibility for our own actions. We have to teach our next generations about healthy relationships, healthy sexual relationships and how to treat each other with respect. We need to practise our teachings by making a conscious choice about the decisions that we make today and how each of those decisions has an impact seven

generations from now. I know my ancestors did that for me seven generations ago. The decisions include how we teach our sons to respect themselves and to be good men, to honour the women in their lives, to honour their children, to be good fathers and good grandfathers; the decisions to teach our daughters to respect themselves and their bodies, to respect all of the relationships in their lives, to know that they are the lifegivers and nurturers to the next generations.

Decolonization means bringing the safety back and living in a society where we feel safe and where we respect each other as people. It means that our men are taking back their rightful responsibilities to be the Warriors of our nations – to protect the women and the children and the lands they are all connected to, to protect the lands for our future generations. It means that our women are taking back their rightful responsibilities to be respected decision-makers, to carry and nurture life and to bring those future generations into this physical world. It is the responsibility of all generations (mothers, fathers, grandmothers and grandfathers) to ensure that we maintain those connections to our lands and territories, with our strong languages and ceremonies intact.

Decolonization means true partnerships, whether those partnerships are with Canada, with our non-Indigenous allies, between Indigenous men and women, or in all relationships. Decolonization means that we celebrate our resiliency in the face of an abusive relationship and choose different relationships that honour ourselves, our communities, our women and our lands.

***Beverly Jacobs**, LL.B., LL.M., PhD Candidate (ABD) is a Kanien'kehaka citizen, Bear Clan, and member of the Six Nations of the Grand River Territory. She practises law part-time at Six Nations and is currently an Assistant Professor at the Faculty of Law, University of Windsor. She is a former president of the Native Women's Association of Canada (2004–2009) and is best known for her work on advocating for the families of missing and murdered Indigenous women.*



Bosque Redondo, 1866

Two-spirit resistance

Jeffrey McNeil-Seymour

A core Indigenous ethic is reciprocity in relation with all of creation – take only what you need and always give back. Since time immemorial, Indigenous peoples have practised this fundamental responsibility of honouring spiritual relationships with all life – on land, under water, among things commonly considered inanimate and the supernatural – through ceremony, songs and prayer. Everything is imbued with spirit. Indigenous oral history and teachings contain within them warnings of deviance from reciprocity and respect with and for all of creation – hardship will ensue if one or the community disregards responsibilities of respecting and honouring inter-dependence with our kin, agreements between neighbouring Indigenous nations, and the natural/supernatural world(s) around us.

Colonial strategies of divide and rule remain relentless in Indigenous communities occupied by Canada – reserves are concentration camps. Chief and council governance structures were enforced in place of hereditary chieftain lineages, while processes of Eurocentric majority rule decision-making replaced Indigenous processes of consensus. A desire for Indigenous nation unification remains out of reach as resource extractive corporations strategically target individual Indian bands within a nation to weaken it. Simultaneously the Canadian federal and provincial governments attempt to negotiate treaties under the guise of “reconciliation” – which has been co-opted to serve various governmental, institutional (eyes on universities here), organizational and industrial business-as-usual agendas.

Reconciliation is quickly being rebranded by the state as a past event to counter resurgence. Resurgence (as both an internal and external project) starts with decolonizing our minds. Everything we see, think, hear and do is imposed upon by the hegemony of English and French, languages that compartmentalize our (mis)understandings of others while passively patrolling and monitoring their use. “Us” and “them” creates barriers between families, between reserve communities who belong to the same nation, between neighbouring nations, between urban-Indigenous and rural/reserve, Indigenous/settler/newcomer/lesbian, gay, bisexual, trans* and queer (LGBTQ), and between Indigenous women, men and two-spirit¹ relatives.

¹ In this meditation, I use two-spirit as an umbrella term to express diverse experiences of gender fluidity and sexualities. Two-spirit is a term that came to be in the late 1990s as a way to encompass

Projects of resurgence often begin with “traditional” understandings of men and women and their attached “sacred” cisgendered responsibilities and ways of being. In those moments we must ask: Where does that leave my Indigenous relatives who don’t fit neatly into those packages? It’s time to start calling heteropatriarchy out wherever it resides.

In so-called British Columbia, the health of youth who do not fit neatly into heterosexual or homosexual boxes – are the most at risk for experiences of homelessness, substance misuse and suicide (Saewyk, E. et.al., 2017). We cannot look at the Canadian national crisis of youth suicide as being without examining the friction with gender and sexual identity formation. Indigenous attachment, belongingness and sur-thrivance², not only surviving, but thriving, are centred in strong relationships that remain impacted by pervasive intergenerational trauma and Indian Residential School (IRS) survivorships.

This experience can be particularly compounded for two-spirit people – while incredibly resilient (those of us who sur-thrive) – are often kept on the periphery. Two-spirit people have yet to be publicly endorsed or recognized as wanted or loved by any National Aboriginal Organization such as the Truth and Reconciliation Commissions or the Assembly of First Nations³ (with only a handful of reserve communities stepping up in this way) – both bodies ignored calls from the two-spirit community to do so. For instance, the TRC sat in a hearing with fifteen two-spirit community leaders from across Canada that was facilitated by Egale Human Rights Trust in Tkaronto (Toronto). We understood that this meeting and our storytelling meant that we would be included in the recommendations as well as in the final document of the TRC’s Calls to Action – for the first time being publicly acknowledged along with the residential schools’ forcible interruption of belongingness for gender fluidity and diverse sexualities that was present pre-contact.

the intersections of Indigeneity, sexuality and gender. Two-spirit identity is about relationships to family, community, land, water, spirituality – we are rooted in historic and ongoing resistances and desires of Indigenous sovereignty. We are Warriors too.

2 Jeffrey McNeil-Seymour’s forthcoming co-edited collection of two-spirit stories of (intergenerational) survival explores two-spirit narratives of transformation and resurgence to interrupt academic and national consumption of our trauma, and to interrupt those that seek to erase and those that seek to build their careers on us.

3 During editing AFN National Chief Perry Bellegarde walked in the Toronto Pride Parade alongside Ontario premier Kathleen Wynne and Justin Trudeau – displacing Toronto’s two-spirit community from taking the lead in the parade. My kin were told, not asked.

Viewing our colonial present in this place now known as Canada through an Indigenous lens of reciprocity and relationality with ourselves, with our families, with our communities, with our nations and thus with the Earth, we see that there are multi-directional and generational approaches to reconciliation. Reconciliation is squarely placed on non-Indigenous shoulders, and the work of Egale (Equality for Gays and Lesbians Everywhere) was the first time I witnessed an internationally recognized LGBTQ organization perform allyship; however, I remain a bit suspicious of LGBTQ box-checking and accolade acquirement – Egale made us very aware of their list.

Two-spirit is markedly different than LGBTQ. In thinking about settler LGBT and queerness and its intersections with space and place in Vancouver, I think about Scott Morgensen's assertion that Indigenous bodies have been marked as queer and therefore for death (necropolitics). I think about interactions I've had with homonationalists regarding Black Lives Matter's timely interruption, with Indigenous solidarity, of Canadian militarized police forces in the Toronto Pride Parade . It is white cisgendered gays and lesbians who respond, "Get over it" and "Blacks are just prone to and responsible for their own violent oppression," who decry "Exclusion does not promote inclusion – #Blue-LivesMatterToo!" They conveniently forget Canada's war on queers (ex : police raids on bathhouses) (Kinsman and Gentil, 2013).

There are complex intersections of identity and intergenerational/historic trauma under the LGBTQ umbrella; LGBTQ social justice initiatives cannot be won on the backs of oppressed "others." Indigenous laws of reciprocity are a foundation to historic agreements and treaty – take only what you need and always give back. Do LGBTQs know their treaty responsibilities? Their territorial responsibilities? The name of the people whose territory their villages are in? Diversity, equality, equity and (in)action indeed.

When I think about Egale's appropriation of the TRC and two-spirit hearing and two-spirit tokenization at Pride, I think about Indigenous ethics of reciprocity. When walking through Vancouver, one is hard pressed to not see Indigenous and queer markers and events on the land, but is that the moment where the Indigenous and queer settler encounter stop?

As a Secwepemc frontline activist, I have yet to witness queer collectives showing up for Indigenous land and water protection. (Show up, you are needed!) Indigenous and racialized others are exotified, and boxes are checked in tokenized gestures of equality – but we are still marked for death. The Canadian necropolitic on two-spirit health and well-being remains entrenched, operationalized, patrolled, monitored and reproduced by the queer-settler elite, evidenced in Dr. Cameron Green-Smith's research in the LGBTQ service sector of Toronto published in 2013 that revealed that 70% of frontline workers (white gays and lesbians, i.e., the queer settler elite) denied service to two-spirit people because of stereotype bias.

Two-spirit people will not be collateral damage of resurgent action or erased from it like they were by the TRC. Decolonization is a process that is truth-speaking, heart-centred and does not look like Indigenous heteropatriarchy. This meditation isn't about oppression olympics by any means, but it certainly is a call-in to ensure our ways forward in nation and community revisioning are decolonized, equitable and sovereign.

Jeffrey McNeil-Seymour is a band member at Tk'emlúps te Secwepemc and is the elected family member to the Traditional Family Governance Council for the Stk'emlupsemc te Secwepemc Nation. He teaches at Thompson Rivers University (TRU) in the Faculty of Education and Social Work. His primary course is Aboriginal Decolonizing Social Work Practice. He regularly contributes to the international two-spirit community through writing, art and other activism(s) and he will be beginning his doctoral work in winter 2018 through a cohort program and partnership between TRU and the Auckland University of Technology in Aotearoa (New Zealand) – decentering social work practice with Secwepemc land and spiritual based pedagogies.

Dechinta Bush University: Land-based education & Indigenous resurgence

Glen Coulthard



Dechinta Bush University

At the heart of colonialism is the violent separation of our peoples from our social relation to the land. Any education aimed at decolonization must confront that violence – and one of the best ways to do this is to reintroduce and re-place Indigenous peoples on their lands with the knowledge-holders who are experts in living it. That is the thinking behind Dechinta Bush University, an institution that works in collaboration with my Yellowknives Dene First Nation, other Indigenous people in the North and the University of British Columbia (UBC) to offer a post-secondary program of Indigenous land-based education.

The first thing you discover at Dechinta is that everyone has something to learn and everyone has something to teach. The curriculum includes colonization and decolonization, Indigenous law and languages, and building sustainable communities. This means not only reading Indigenous political theory, but also learning how to tan moose hides, hunt, trap and collect medicines. You learn in a fire circle with Elders and leaders. Students and faculty bring their children for an outdoor immersive culture/language camp so that families learn collectively, with our children and Elders informing our discussions and actions and our semester communities resembling real communities, with children as young as eighteen months and Elders as old as 94.

The objective is to provide a model of education that promotes true self-determination and decolonization for Indigenous peoples in the North. As a professor at the UBC campus in Vancouver in First Nations Studies and the Department of Political Science, and someone who for the last six years has been an instructor at Dechinta, I have come to understand the need for institutions like this on a fundamental level. At UBC, we try to make the reconnections to our culture and our traditional territories in order to formulate a critical analysis of our colonial present and its effects in the North. We come to understand that what is wrong with the forms of colonial economic and political development is that they obliterate those relationships of reciprocity that underlie a relationship with the land.

But you can only get so far teaching in a primarily cognitive sort of way through “traditional” sources and literatures that you use in university. As an instructor at Dechinta, I realized that I didn’t really understand

the critique offered by the Dene of capitalism in the 1970s until I started that experiential kind of relationship with the land through these land-based practices. I had learned as much as I could in the archive, talking to people, and reading about the history of the period, but it was only when I started to commit myself to relearning those practices and re-embedding myself in those social relationships with the land and place that I understood in a more concrete and embodied way what was wrong with the forms of economic development that have come to be dominant in the North and elsewhere. The experience Dechinta provides is not an add-on to a southern education; it is the necessary completion of it.

The effects of teaching and learning at Dechinta can be radical, but we are far from being renegades who are dropped into territories and determine the most radical and transformative educational experiences we think would be relevant for them. We work in a spirit of reciprocity, with community engagement and input. Elders are professors, even more so I would argue than the university professors and instructors who come from the South, myself included.

For me, at a personal level, working up North with the community on a program like this is crucial because it allows me to go home and bring my children with me. I live thousands of kilometres away, so it's important to me to include my children as often as I can. The collective nature of parenting and childcare at Dechinta is important because it is a contemporary expression of what we've always done.

When other Indigenous people see the success of the program they often ask if it is transferable – can it work on their territory? The acquisition or re-acquisition of land might be more difficult or impossible in certain parts of the country, and I think that we can concede that it might be more difficult by virtue of the structures that exist, the population densities and how thoroughly colonial discourse and the structure of dispossession have erased us from these spaces. But we should never concede that it is impossible. That is how it is often portrayed, that is how the enemy posits Indigenous claims: because Indigenous peoples have been so damaged by colonialism, because colonialism has been so thorough, it becomes such an absurd idea to think that we could correct this. It's a sort of self-perpetuating prophecy – colonialism has

damaged us so much and it's been so thorough that we no longer have a legitimate claim to justice against it. We have to concede, we have to compromise, all these sorts of things, all of which are just other ways of telling us that we should not even dare to dream of a better life.

The other distinction that tends to get made in discussion of land-based education is the one between urban and rural experiences in relation to decolonization and colonization. I think that needs to be broken down, not only because Indigenous lands are also cities but because the experience of colonization has been, if you look at it in a larger historical view, very similar. Indigenous peoples were dispossessed from their territories. This was fundamental in the construction of cities and urbanization. Once you are removed from the land, and once you are removed from your reserve land base, you have to migrate elsewhere – and that's often to urban centres that were built on your or someone else's stolen land. This was a constitutive feature of what Marx termed primitive accumulation, dispossession, proletarianization, market creation – but also the geographical, spatial reorganization of populations through subsequent urbanization. And now that very colonial process (in Marx's own terms) is again devouring Indigenous spaces within cities through gentrification of neighbourhoods we inhabit. So this constant cycle of dispossession and violence and dispossession and displacement has happened to Indigenous peoples as much in cities as it has in land-based contexts. And, indeed, they're structurally related.

So, when we can start seeing that as Indigenous peoples, we can start building a more effective movement that recognizes those similarities, that what we are fighting against is essentially the same thing. We should stop fighting against each other because we see our experiences as being so different when, if we just step back a bit, they aren't.

The issue that returns again and again in formulating institutions like Dechinta is the question of financial sustainability. That is a very pragmatic and real question that needs to be addressed. But at the same time, any Indigenous learning centre, by its very nature, has to be localized and decentralized. Place-based education isn't readily universalizable. It takes a lot of hard work and it has to be specific. You can't just disseminate it out, in a homogenous programming model, and Dechinta recognizes that.

There are also some who question Dechinta's Indigenous authenticity because of its connection to a large southern university. This is obviously a tricky question because it usually plays out that in order to be recognized, you have to make yourself like the power structure that is recognizing you. Recognition, as it always does, has a kind of assimilative pull to it.

But so far Dechinta has been successful in maintaining its autonomy and integrity in programming by remaining grounded in Indigenous traditions of thought and practice. Any sort of educational programming in the North tends to funnel students into the non-renewable resource economy, which is exploitative and is an antithesis to the types of social relations that we learn when we engage in these land-based practices and this form of education. So, as with all recognition politics, recognition is in a real tension with the decolonizing objectives of programming like this.

Although there can be no cookie-cutter approaches and programs like Dechinta must always defend their own integrity from the institutions they are associated with, the fact remains that one of the most common statements from the non-Yellowknives Dene students who take the program is, "I wish there was something like there where I'm from." Or, "How do we go about establishing something like this on our territory?"

This speaks to the real need and the strong desire for a truly resurgent, decolonizing, land-based education. Dechinta cannot be a turnkey model, but it can be an inspiration. We welcome Indigenous people to come to learn from us and take from us what is useful and, in the spirit of the place, we will also be happy to learn what you can teach us.

***Glen Coulthard** (PhD – University of Victoria) is a member of the Yellowknives Dene First Nation and an Associate Professor in the First Nations and Indigenous Studies Program and the Department of Political Science. He has written and published numerous articles and chapters in the areas of Indigenous thought and politics, contemporary political theory, and radical social and political thought. His book, Red Skin, White Masks: Rejecting the Colonial Politics of Recognition (University of Minnesota Press), was released in August 2014 to critical acclaim.*

Going international to decolonize

Nicole Schabus



Nicole Schabus

I came to the Indigenous territories of North America from Europe, from Austria, a country with a terrible history of racism even worse, during the Second World War, the Holocaust happened in that land. I can assure you that this history affects future generations; it makes you doubt your own ability and that of your people to love. It made me question from early on whether I would have just been one of the followers or whether I would have stood up against our society totally dehumanizing another people and, in the process, ourselves.

No one has taught me more about resistance to oppression than Indigenous peoples, including some of my Aborigine friends I studied with in Australia and Indigenous peoples I worked with in Latin America. I had the privilege of working and living alongside Secwepemc leader Arthur Manuel, a leading advocate for Indigenous land rights. If we are serious about decolonization, the starting point has to be that this land is Indigenous land. This is also recognized at the international level, where international human right bodies understand Canada's colonial past and present and call for the recognition of Indigenous land rights. I have attended international lobbying efforts where Indigenous peoples get treated as owners of their land, including by representatives of other nation states. It is only inside of Canada that the government makes Indigenous peoples feel like they are landless in their own territories.

This is one reason why it is so important to go international. Only by asserting their position internationally and interacting with other nations can Indigenous Peoples assert their nationhood. Arthur Manuel said: "You have to quit crying on the shoulder of the guy that stole your land!" He would tell his people that there is no point going to Ottawa. Instead he took the message to Washington, DC, in the context of the softwood lumber dispute, the UN in New York City and Geneva, and many other international fora. I worked with him at all of those fora and heard him make his impassioned pleas, but nowhere did I see him speak with more love and caring than at Neskonlith Band hall, in his community, where his children and grandchildren live. He would always go home and report back to his family, his Elders, his people. They understood the importance of the work at the international level.

The main reason Arthur Manuel went international was to keep his people, especially the land and water defenders, safe. When we came back from one of our first international campaigns, the Secwepemc women and Elders had set up a camp at Skwelkwek'welt against the expansion of Sun Peaks ski resort.

As a real leader, he stood behind his people, especially the women, and backed them up. We brought in international human rights monitors and took the land issue international.

Nobody understood better than Arthur Manuel that Indigenous rights have an economic, social, cultural, and environmental dimension. We lobbied the World Trade Organization and NAFTA and had submissions accepted by both arguing that the non-recognition of Aboriginal title is a trade subsidy, because due to government laws and policies, corporations do not have to pay the Indigenous owners of the resource. He made it clear to the non-Indigenous people he spoke to that Indigenous rights are ancestral rights, deeply rooted in their territories, and that this deep connection, the underlying or radical title of Indigenous peoples to their land, has to be recognized. He also made it clear to them that this is a much more solid foundation to base Canada on than the colonial doctrines of discovery and the claim that Crown title is the underlying title in Canada. The latter is pure colonialism, and yet those are the doctrines and laws that the Government of Canada and the courts have upheld.

The international remedy against colonialism is the right to self-determination. And there can no longer be any debate that Indigenous peoples have the right to self-determination. For decades Canada tried to deny that Indigenous peoples have that right, that they are not “peoples” with their right to self-determination protected under the International Covenants on Civil and Political Rights (ICCPR) and Economic, Social and Cultural Rights (ICESCR), jointly known as the decolonization treaties. They wrote into international law the decolonization process that had been embarked on in Africa and Asia. Canada is a signatory to these international human rights treaties and bound by its obligations. Yet as a settler colonial state, Canada wanted to deny that Indigenous peoples have standing as peoples in international law.

This is why it is so important to always refer to Indigenous peoples with an s, unless you are just referring to a specific nation or person.

The UN Declaration on the Rights of Indigenous Peoples (UNDRIP) became the longest negotiated international human rights instrument in history, in part due to the strong opposition of settler colonial states, first and foremost Canada, the US, Australia and New Zealand, especially in regard to the Indigenous right to self-determination.

This is now enshrined in Article 3 of UNDRIP, which replicates Article 1(1) of ICCPR and ICESCR and makes it clear that this right applies to Indigenous peoples. Since even those four colonial musketeers have now changed their position on UNDRIP, there is international consensus that this right applies to Indigenous peoples and it can no longer be denied. Rather I would argue that it now constitutes a binding principle of international law, and on top of it, Canada is bound by international treaties like ICCPR and ICESCR that enshrine the right. The right to self-determination is the overarching umbrella right; much of its essence is then spelled out further in UNDRIP, in regard to land rights, governance and Indigenous prior informed consent (PIC). The latter principle is also increasingly enshrined in multilateral environmental agreements that recognize Indigenous PIC and therefore Indigenous decision-making power regarding access to their lands and resources; and if such access is to be granted, it has to be subject to remuneration or benefit-sharing.

It is clear that including Indigenous peoples as decision-makers and respecting their knowledge, which is the most long-term knowledge regarding the respective territories, will ensure more economically, culturally and environmentally sustainable development. It means the transition from the 0.2% of Canada's land base that currently make up Indian reserves enshrining economic marginalization and poverty, to decision-making over the remaining 99.8% or really Indigenous territorial authority over their lands and resources.

Arthur always circled back to the human rights dimension of Indigenous rights because he wanted settler Canadians to understand that this process of decolonization is also deeply connected to their rights.

He said to settlers: “If you recognize our collective right to our lands and territories and decision-making over it, we will recognize your human right to stay here in our territories.”

He would joke, in his endearing manner that breaks down barriers, that he knows that “they do not want you back where you came from. You have been here too long. You have a right to stay here as long as you recognize that it is our land and that we have a say over it.”

The message that resonated from his last talks was that by non-Indigenous people working together with Indigenous peoples, it will mean a better future for future generations, because it is the best way to relate and connect to the land that we are all living on and to save the land that we all depend on from further destruction and alienation.

Nicole Schabus is an assistant law professor at Thompson Rivers University. She has worked for Indigenous peoples in Latin America and across Canada, especially in the Interior of British Columbia. Nicole has been practising law in British Columbia in the fields of constitutional, criminal, Aboriginal and environmental law. She also reports on and analyzes international environmental negotiations, mainly under the Convention on Biological Diversity. She has assisted with the preparation of submissions to numerous UN human rights bodies for organizations with consultative status before the United Nations. She drafted amicus curiae submissions for Indigenous peoples that were accepted by with World Trade Organization and NAFTA international trade tribunals.

III

Path to Reconciliation

From the 2017 Convocation Speech

Senator Murray Sinclair



Forty years ago, on my first day of law, I was sitting in a discussion circle with classmates and we were asking ourselves why we were in law. Some talked about wanting to make lots of money. Some wanted to change the world. And some wanted to be famous as trial lawyers or counsel in some other capacity. But for me, I only wanted to understand – I wanted to understand why I did not know the laws of my people. I wanted to know why Canada did not know the laws of my people too. I wanted to know why a federal law passed by the Government of Canada could define my people and that we could not define ourselves. I wanted to know why I could not speak the language of my grandmother or know the history and the traditions of my people – the Anishnabe. I wanted to know why my grandmother, along with so many others, believed by not teaching me those things she was somehow saving my life.

I wanted to know why and how in 1913 my family and neighbours could be forcibly removed from our traditional lands, from the prime agricultural lands along the Red River. From the very reserve that the Crown had agreed to set aside for our people in 1870, just forty-three years earlier, and be forcibly marched two hundred miles to the north to flood-prone swampy land, virtually uninhabitable, and unusable far to the north – to live there forever. I wanted to know why and how my tall, silent and strong grandfather had been able to resist that forcible removal and to remain on his farm. And why and how a handful of other families had been able to do so as well, despite the use of the army to move others along. I wanted to know why that displacement of our people was never taught in the schools on the very land from which our people had been removed.

I wanted to know why my young and beautiful mother had died at the age of twenty-five from tuberculosis, a disease that killed our people by the thousands, and which few of the families of my non-Indigenous friends had ever experienced. I wanted to know why my serious and stern grandmother, who took us in after my mother died in order to raise us when she was sixty-three and my grandfather was almost seventy, was not able to grow up in the house of her own mother. Why she was raised in a convent by nuns, unlike her seemingly silly sisters, who

we called “the big aunties,” whose laughing energy overwhelmed our small house when they came to us each summer.

I wanted to know why my grandmother and my father, as well as my uncles and aunts who went to residential schools, never talked about it. Unlike the parents of my non-Indigenous friends, who loved to tell stories about their teachers and their classmates and who held high school reunions. I wanted to know about the sense of injustice that was carried by all of the adults in my life, in my family, in my community, like a sword and a shield ready to be wielded at a moment’s notice at the smallest slight or glance or word. I wanted to know if anything could be done about that sense of injustice or if we would spend the rest of our lives in virtual and at times real conflict with our non-Indigenous friends and neighbours. I wanted to know if all of the things my family had experienced had happened to any others. And that’s why I went to law school – I wanted to know why and I wanted to know what I could do about it.

I have dedicated my life to that process of discovery and it has not been easy, but as you know I have shared its burdens, as well as its joys, with many people along the way. I have seen many amazing things and borne witness to some amazing developments over the years. I have suffered personally, at the huge holes in my heart left from losing members of my family and some of my friends far too early. I cry inside each time I hear of a young Indigenous person who has taken his or her life because the point of despair has become too intense for him or for her. My fears for my nieces, my daughters, and my wife, my sisters and my aunties increase each time I read in the news about another missing or murdered Indigenous woman or girl. And though I do not know them, a piece of my heart is ripped away, and my sense of rage that this is somehow connected to our colonial and racist past increases. And I understand why my uncles and my aunts carried that sense of injustice I have mentioned as a sword and a shield.

But I have also seen great strength and resilience in the Elders and the survivors who have come through this genocidal past with hearts still filled with love for their families and for yours – respect for the innocent ones who have had no hand in this, and hope for the future. I have shared much time with them and they have held me back from my own

pit of rage and despair, so that I may share the knowledge and appreciate the joy and excitement of young people such as you on the edge of greatness. They have made me see that we can change. They have made me see that I can change.

During much of my life, I have struggled with those personal responsibilities alongside of my growing public ones, and I have to say, I was constantly faced with the guilt of inadequacy as I saw that no change was occurring in those things I believed to be important over these many years. My process of discovery has uncovered a lot of painful things, painful for not only me, but painful also for this country.

Quite frankly, Canada's treatment of Indigenous peoples is nothing in which this country can take any pride. But I sense that we are on the cusp of something special as this country begins to come to terms with our history, and you are on the leading edge of that.

Since we released the report of the Truth and Reconciliation Commission and our Calls to Action, I have been inspired at the public reaction to what we have said, and I have been inspired at the efforts of so many segments of society to work to make things better.

I hope that the new generation of professionals and scholars can see that they are not just the bearers of burdens of history, but they are also the beneficiaries of our new awareness. They are not just inheriting the painful legacy of the past, they are also inheriting the awareness and knowledge of why and how things happened. As well as a framework for defining Canada's new relationship with its Indigenous peoples. That is the edge of the future upon which we sit.

Armed with that knowledge, we will now be looking to you to continue the conversation of reconciliation which we have begun. We will be looking to them to move this country of ours into a new and truthful sense of itself. To shed the cloak of pain and shame, and to walk with Canada's Indigenous peoples into a future where our children will be able to talk to and about each other in a more respectful way.

You have to believe that doing something about this history is the right thing to do and you have to be fearless in doing what you can. This is not a time for the timid. It is a time for the daring. And I invite you to join me in this challenge. I invite you to move forward and let us dare greatly together.

[Transcribed by Charlotte Munroe]

Senator Murray Sinclair served as Co-chair of the Aboriginal Justice Inquiry in Manitoba and as Chief Commissioner of the Truth and Reconciliation Commission (TRC). As head of the TRC, he participated in hundreds of hearings across Canada, culminating in the issuance of the TRC's landmark report in 2015. Previously, Senator Sinclair served the justice system in Manitoba for over twenty-five years. He was the first Aboriginal judge appointed in Manitoba and he was very active within his profession and his community. He has won numerous awards, including the National Aboriginal Achievement Award, the Manitoba Bar Association's Equality Award (2001) and its Distinguished Service Award (2016), and has received honorary doctorates from eight Canadian universities. Senator Sinclair was appointed to the Senate on April 2, 2016.

Decolonization is taking back our power

Pamela Palmater



Tannis Nielsen

Indigenous Nations on Turtle Island (what is now referred to as Canada, United States and Mexico) have experienced some of the most prolonged and violent genocidal acts in the world's history. European settlers and their colonial governments colonized Indigenous territories and peoples with such lethal force that they managed to reduce Indigenous populations by the millions. The murders of Indigenous men, women and children, and even those yet unborn, were all committed in the colonial pursuit of unearned power and wealth: the theft of lands and natural resources, and control over new trading routes. The powerful state-propagated myth that colonization was benign, well-intentioned, inevitable and in the past has not only erased from history the culpability of states for genocidal policies aimed at eliminating "Indians," but also renders invisible our collective suffering in the present. This presents a challenge for Indigenous decolonization efforts aimed at both resisting ongoing colonization and also undertaking resurgence efforts aimed at revitalizing Indigenous cultures, laws and governing systems in and on our territories.

In general, when federal, provincial and municipal governments, mainstream media, public commentators and even some educational institutions acknowledge the atrocities of colonization at all, they tend to do so as if it is a legacy – a sad chapter of Canada's past, one that can be collectively acknowledged and quickly forgotten after tearful apologies. There is an urgent political desire for Indigenous peoples to "just get over it," despite the fact that colonization continues in equally lethal ways. Today, while there are many political promises of a renewed relationship, the goal of Indigenous assimilation and integration into "Canadian society" remains as the foundation of reconciliation platitudes underlying the new partnership moving forward. Even the push to move forward hampers our ability to have the truth of Canada's genocidal legacy brought to the fore and advocate for reparations. The race to move forward is more about firmly cementing the power status quo and ensuring the economic exploitation of our territories continues uninterrupted.

Faster than we can empower ourselves, our families, communities and nations with critical information and analysis, government communication networks spin our words to suit their political agendas.

Public officials have adopted our calls for decolonization in their bid to promote more superficial forms of reconciliation like changing the names on buildings, placing our art-work on currency, or wearing clothing with Indigenous cultural designs in Parliament. Meanwhile, the crisis issues facing many Indigenous peoples that have directed resulted from historic and ongoing colonization remain unaddressed. Many First Nations have the lowest socio-economic indicators in Canada and some of the highest suicide rates in the world.

There is nothing in the reconciliation relationship that addresses these multiple overlapping crises – instead, First Nations are subjected to federally controlled and chronically underfunded social programs and services that do not increase with inflation, actual costs or population increases. Despite many alarms raised by research reports, commissions, court cases, federal officials like the Auditor General and Office of the Correctional Investigator, and United Nations human rights bodies, Canada alternates between governments that make ever deeper cuts to funding and those that make minor increases that never address actual needs.

In addition to poverty, homelessness, lack of access to education and employment, lack of access to healthcare and clean water, and higher rates of going murdered and missing, the impact of colonization on Indigenous children is especially acute. Statistically, Indigenous youth face a greater chance of being incarcerated than of getting a university education. Despite being only 4% of the population in Canada, Indigenous children are 48% of the children in foster care; 38% of all deaths in youth are from suicide, 60% of Indigenous children live in poverty, and nearly half of admissions to correctional detention centres were Indigenous youth. Indigenous children suffer twice the infant mortality rate, and higher rates of respiratory and infectious diseases, diabetes and serious injuries. Underlying all of these socio-economic conditions is the ongoing fact of land dispossession, oppression and institutionalized racism maintained and defended at all costs – financial and human – by successive Canadian governments.

One might wonder how Canada can so openly discriminate against Indigenous peoples, maintain such racist laws, or get away with not addressing the many crises that have captured the media's attention

in recent years. Their primary method has served successive governments well: deny, deflect and defer. Whenever crises hit the news, the first reaction of government is to deny the problem, its severity or the government's liability outright in the hopes that the media will drop the story – which is sometimes effective. It is for this reason that First Nations have been forced into the court system to seek redress for ongoing problems related to a wide range of issues, from the denial of treaty rights to abuses in residential schools. However, sometimes the mainstream media stays on a story and the government is then forced to try to deflect blame for the crisis to the First Nation itself. Blaming the victim is a tactic that has been effectively used by rapists, pedophiles and war criminals for decades. It has been equally effective for Canadian governments as the media then latches on to the sensational implications and allegations of crooked chiefs, abusive First Nation men and dangerous protesters instead of the actual issue at hand.

If all else fails and the media remain focused on the core issue at hand, and the government can't back out of responsibility as easily as they had hoped, then their last tactic is delay. They will defer the matter to a committee, commission, inquiry, political roundtable or research project to be addressed another day – usually when that government is no longer in power. Most reports end up collecting dust on shelves; we are left with thousands of recommendations for change that never get implemented and the issue fades from public discourse.

Public education is itself a challenge when governments go to great lengths to make their laws and programs sound like they are making great strides in addressing long-standing issues. What the public often fails to understand is that while the specific law, policy, program or initiative names may have changed over time, the government's Indian policy objectives of (1) obtaining Indigenous lands and resources and (2) reducing financial obligations to Indians incurred through treaties and other agreements have not. Their primary method of either eliminating or assimilating Indians is evidenced in even the most modern of policies. Certainly, it is arguable that the federal government's programs and policies create the conditions of life that lead to the premature deaths of Indigenous peoples and, as such, could be considered a modern-day elimination policy. It has also been argued that the federal government's maintenance of the disappearing Indian formula in the

Indian Act is a form of legal and political assimilation that will guarantee the legislative extinction of all Indians in Canada in time. However, assimilation tools take many forms, like the education curriculum in K-12 schools that teaches French and English language and history, the promotion of Canada as a bilingual state, and the primacy of Canadian laws. While some might argue that Canadian law protects Indigenous rights, their non-Indigenous lawyers, judges and police forces ensure that Canadian sovereignty is supreme and that any rights we have are subservient to those of the colonial regimes.

Canada works very hard to get in the way of real decolonization, as that would mean a substantive shift in power and wealth back to Indigenous peoples – something no government has yet put on the table for negotiation. This means that Indigenous peoples must engage in this exercise of decolonization in a context that is politically, socially and legally complex. What's worse is when governments are successful in creating divisions between “good Indians” and “bad Indians,” “willing partner chiefs” and “rogue chiefs.” Like all things Indigenous, decolonization should be a balance of both resistance and resurgence, where we withdraw from harmful government processes and relationships and reengage in those relationships that have sustained us for millennia – with the land, the water, our people and our cultures.

There is not one way to do this and we have to accept our people where they are in the decolonization process – some are not even thinking about it yet, while others are fully engaged in the conversation.

The hard part will be holding our own leaders to account for the role some of them play in propping up colonial governments and their processes that hurt our nations.

Dividing ourselves along male/female, traditional/non-traditional, religious/non-religious, speaker/non-speaker, and on/off reserve members only serves the interests of the colonizers – not our people or our nations. We have to forgive ourselves for being colonized and lay the blame properly at the feet of the colonizers. It is not our fault if some of us cannot speak our languages, do not live on a reserve, or were never taught how to sundance. The colonizers and missionaries taught us that we were savages and heathens and taught our children to hate themselves in residential schools.

These same messages are spread throughout our nations in more insidious forms today through government intervention and hateful media messages.

We must ensure that the decolonization process teaches our children to be critical thinkers and work towards stopping the spread of the colonial infection in our nations so that we can put more energy into our resurgence and nation-building. It won't be easy, but being the victims of modern genocidal policies is much harder. Our people have survived everything Canada has done to us. Our ancestors are walking beside us as we revitalize our cultures and identities. Decolonization is about realizing that we have power to take back what is rightfully ours and ensure a future for our future generations.

***Pamela Palmater** is from the Mi'kmaw Nation and a member of the Eel River Bar First Nation. She has been a practising lawyer for eighteen years and currently holds the Chair in Indigenous Governance at Ryerson University. Pam is an activist and was one of the spokespeople, organizers and educators for the Idle No More movement. She is a well-known media commentator and public speaker who is often called before parliamentary and United Nations committees as an expert witness on Indigenous rights. She has numerous publications including her books Beyond Blood: Rethinking Indigenous Identity and Indigenous Nationhood: Empowering Grassroots Citizens.*

This manual was inspired by a Federation of Post Secondary Educators of British Columbia (FPSE) speaking tour made by Arthur Manuel in 2016, less than a year before his untimely passing in January 2017.

Arthur Manuel was one of the most important strategists of the Indigenous movement within Canada and internationally and has been described as the Nelson Mandela of the movement for his principled and visionary leadership.

Arthur Manuel's 2016 tour lit fires of interest in BC Colleges and Universities around issues related to Indigenous decolonization and FPSE is proud to support this handbook in his name. It is also proud to be associated with the truly remarkable Indigenous writers and academics who are presented here.

A special thanks goes to Nicole Schabus, Chair of the Thompson Rivers University Faculty Association's Human Rights Committee, law professor and life partner of Arthur Manuel, for helping to make this handbook a reality.