

FIRST NATIONS STRATEGIC BULLETIN

BULLETIN OF THE FIRST NATIONS STRATEGIC POLICY COUNSEL

Jean Chrétien's Legacy of Betrayal and Deceit: An Overview of Federal Indian Policy 1968—2004



Then Prime Minister Jean Chrétien (left) hoists the arm of newly elected leader of the Liberal Party of Canada Paul Martin on stage at the Liberal Convention in Toronto Nov. 14, 2003. (CP PHOTO/Frank Gunn)

By Russell Diabo

Many have called the **Liberal Party** the “natural governing party” of Canada, because the Liberals have formed most of the governments since Canadian Confederation. In fact, most of the current federal Aboriginal policies are Liberal sponsored and owe much of their origins to the influence and tenure of **Jean Chrétien**, who served as **Minister of Indian Affairs** from July 1968 until August 1974.

Since we are on the eve of the beginning of a minority Parliament, it is important to review the “legacy” of Jean Chrétien and the Liberal record, because **Prime Minister Paul Martin**, his advisors and the federal bureaucracy are essentially implementing Jean Chrétien’s “legacy” Aboriginal policies.

1968 Consultations

As Minister of Indian Affairs, Jean Chrétien conducted consultations with First Nation Leaders on changes to the **In-**

dian Act. Across the country a consistent message was delivered by First Nations Leadership to the **Department of Indian Affairs**, which was to recognize Aboriginal and Treaty Rights!

The federal response to the consultations was to introduce a “**White Paper on Indian Policy**”.

Key Elements of 1969 Policy

- ⇒ **Eliminate the legislative and constitutional recognition of Indian status.**
- ⇒ **Abolish Indian Reserves & impose taxation.**
- ⇒ **Dismantling of Treaties.**
- ⇒ **Off-load federal Indian programs & services onto provinces, municipalities and First Nation communities.**
- ⇒ **Entrench economic underdevelopment.**

1970's - Trudeau & Chrétien

In response the “White Paper on Indian Policy” First Nations organized opposition by forming associations at regional and national levels. The **National Indian Brotherhood** was formed. First Nations organizations issued their own Position Papers in response to the “White Paper”, including the “**Red Paper**” prepared by the **Indians of Alberta Association** and these were presented to the federal government.

In 1973, the **Supreme Court of Canada** in the landmark **Calder** decision—regarding the **Nisga’a** in British Columbia—issued a split decision on whether Aboriginal Title existed in Canada or

Special points of interest:

- **Overview of Federal Indian Policy 1968-2004**
- **Book Review—Understanding Early Civilizations**
- **Credit Rating Agency Learns About Aboriginal and Treaty Rights**
- **Kanehsatake: Colonialism, Dispossession, Integration**

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Pierre Elliot Trudeau, Prime Minister of Canada, 1968-1979 & 1980-1984. (Photo from Gov't of Can.)

“After Trudeau announced his constitutional plans, Indian, Inuit & Metis representatives begin meeting with federal & provincial representatives to discuss wording for recognition of aboriginal & treaty rights in the new constitution.”



Jean Chrétien, federal Minister of Indian Affairs & Northern Development, 1968-1974. (Photo by CBC Archives)

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not, this caused legal uncertainty for the Crown governments in Canada.

The federal response of then Prime Minister Trudeau, and his Indian Affairs Minister Jean Chrétien, was to announce modern land claims policies for negotiations with First Nations. (‘**Comprehensive & Specific Claims**’)

Comprehensive Claims were deemed to be in regions of Canada where historic land Treaties weren’t ever made and Aboriginal Title claims by First Nations were being asserted (ie. NWT, Yukon, BC, Quebec and Atlantic region)

Specific Claims were deemed to be outstanding “lawful obligations” (ie. Breach of Treaties, illegal sale of Indian Reserve lands, mismanagement of Indian trust funds).

The 1970’s were a time of First Nations unrest and political activity:

- A Joint NIB-Cabinet Committee was formed and then dissolved by NIB after Prime Minister Trudeau attempted to use it to rubber stamp federal Indian policy.
- A “Native Peoples’ Caravan” marched on Ottawa to protest treaty & aboriginal rights violations.
- Anishnawbe Park was occupied in Kenora, Ontario by Indians to protest racism against First Nation people.
- The **James Bay & Northern Quebec Agreement** was signed in 1975, 1st ‘Modern Treaty’ in Canada.
- Throughout the 1970’s, DIAND proposed **Indian Act** amendments as a way to address First Nations demands for recognition of Aboriginal and Treaty Rights.

1980 - Trudeau & Chrétien

Then **Prime Minister, Pierre Trudeau**, met in Ottawa with Chiefs from across Canada at an **National Indian Brotherhood (NIB)** meeting in Ottawa to announce his

plans to amend the constitution and he called on their support. Trudeau implored the Chiefs to “**treat Canada better than Canada has treated you**”.

Prime Minister Trudeau appointed Jean Chrétien as federal Justice Minister and put him in charge of the constitutional negotiation process. **Ron Irwin**, who would later become Chrétien’s Minister of Indian Affairs in 1993, is named by Trudeau as Chrétien’s Parliamentary Secretary for Justice.

As a consequence of Trudeau’s actions constitutional issues become the priority for **NIB** because of concerns about the impacts on Treaty and Aboriginal Rights of changing Canada’s legal status with England.

1980-81 - Trudeau & Chrétien

After Trudeau announced his constitutional plans, Indian, Inuit & Metis representatives begin meeting with federal & provincial representatives to discuss wording for recognition of aboriginal & treaty rights in the new constitution.

In 1981, a clause recognizing Aboriginal rights was first inserted and then removed at the insistence of Western Premiers from Alberta and Saskatchewan.

Aboriginal peoples responded to the removal of the Aboriginal constitutional clause by mobilizing and literally camping in Ottawa to protest and lobby federal politicians.

A train dubbed the **Constitutional Express** left Vancouver, BC on route to Ottawa, picked up First Nations people along the way adding to the demonstrations in Ottawa. A group from the train went on to Europe to inform Europeans about Canada’s treachery in removing the Aboriginal clause from the draft constitution.

1981 Patriation Process

In the Fall, some Aboriginal representatives reach agreement with the Premiers and Prime Minister Trudeau on wording for an ‘Aboriginal Clause’. This was the

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'section 35' clause.

Another clause 'section 37' was also included, which provided for a First Ministers' Conference to be held within 1 year of the 'Canada Bill'—as it was called in the British Parliament—coming into force.

Several First Nation organizations joined forces to go to England to launch a court action and lobby British M.P.'s to vote against the 'Canada Bill' until First Nations legal, constitutional concerns were addressed by the Crown governments, including the "Crown in right of Great Britain".

Constitution Act 1982

Canada's new constitution was Proclaimed into law on April 17, 1982, with a specific clause for protecting the Rights of Aboriginal Peoples', section 35 provided:

(1) The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed.

(2) In this Act, "aboriginal peoples of Canada" includes the Indian, Inuit and Métis peoples of Canada.

The **Constitution Act 1982** (section 37) also provided for a **First Ministers' Conference on Aboriginal Matters** to be held within one year of the new constitution becoming law.

Also in 1982, a **Special Parliamentary Committee on Indian Self-Government** was established to review legal and institutional issues related to the status, development and responsibilities of band governments on Reserves.

1983 Self-Government Report

In 1983, the all-party Special Parliamentary Committee on Indian Self-Government, issued the "**Penner Report**", named after the Chairman, **Keith Penner**, the Committee recommended that the federal government recognize First Nations as a distinct order of government within the Canadian federation and pursue processes leading to self-government. The "Penner Report" pro-

posed constitutional entrenchment of self-government and in the short-term, the introduction of legislation to facilitate it.

1983 FMC Trudeau & Chrétien

The 1983 First Ministers' Conference (FMC) focused on sexual equality between Aboriginal men and women, self-government, as well as, need for further constitutional conferences.

A constitutional amendment was agreed to in accordance with the new constitutional amending formula. The 1983 constitutional amendment provided for amendments to section 35, regarding recognition of rights from land claims agreements set out an agenda and a schedule for 3 more FMC's on Aboriginal Matters, while agreeing to include Aboriginal representatives.

The 1983 amendments to section 35 included these additional clauses:

(3) For greater certainty, in subsection (1) "treaty rights" includes rights that now exist by way of land claims agreements or may be so acquired.

(4) Notwithstanding any other provision of this Act, the aboriginal and treaty rights referred to in subsection (1) are guaranteed equally to male and female persons.

35.1 The government of Canada and the Provincial governments are committed to the principle that, before any amendment is made to Class 24 of section 91 of the "Constitution Act, 1867", to section 25 of this Act, or to this Part,

(a) a constitutional conference that includes in its agenda an item relating to the proposed amendment, composed of the Prime Minister of Canada and the first ministers of the provinces, will be convened by the Prime Minister of Canada, and

(b) The Prime Minister of Canada will invite representatives of the aboriginal peoples of Canada to participate in the discussions on that item.



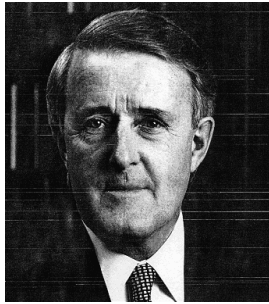
As Prime Minister Trudeau looks on Queen Elizabeth II signs the Constitution Act 1982 into law, April 17, 1982. (Photo by Gov't of Can.)

"Canada's new constitution was Proclaimed into law on April 17, 1982, with a specific clause for protecting the Rights of Aboriginal Peoples'."



Prime Minister Trudeau confers with Jean Chrétien, Minister of Justice, at constitutional conference in 1981. (Photo by Robert Cooper/Nat'l Archives)

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Brian Mulroney, Prime Minister of Canada 1984-1993. (Photo by Gov't of Canada)

"a **secret federal Cabinet submission** is leaked to the media by a **DIAND** employee. The Report is nicknamed the "**Buffalo Jump of the 1980's**" by another federal official. The nickname referred to the effect of the recommendations in the secret Cabinet document, which if adopted, would lead Status Indians to a cultural death, hence the metaphor."



Diorama from Head-Smashed-in-Buffalo Jump, UNESCO World Heritage Site Alberta.

1984 FMC - Trudeau/Chrétien

Prior to the 1984 FMC Trudeau took his famous "walk in the snow" and announced his retirement from politics. This change the federal-provincial dynamics of the FMC. The Premiers knew there was going to be a Liberal Leadership Convention to replace Trudeau as leader of the Liberal Party of Canada.

The main topic of discussion turned to whether the 'right of self-government' for Aboriginal peoples is 'contingent', meaning delegated versus 'inherent'.

A federal-provincial proposed Constitutional Accord on the Rights of Aboriginal Peoples was rejected by the Four National Aboriginal Organizations.

1985 - The Mulroney Years

The 1985 FMC was Chaired by a new Prime Minister, **Brian Mulroney**. In September 1984, the Progressive Conservative Party of Canada had won a massive majority in Parliament.

The Mulroney government initiated a "two-track" (constitutional & legislative) approach to First Nations self-government. A "**Community Based Self-Government**" Policy was announced.

A federal-provincial Proposed Accord Relating to delegated self-government for the Aboriginal Peoples of Canada was rejected by the Four National Aboriginal Organizations because the proposal failed to recognize that self-government is an "Inherent Right".

1985 - Native Policy Revealed

In 1985, the membership sections of the **Indian Act** were amended by **Bill C-31**. The Bill C-31 **Indian Act** amendments allowed thousands of individuals to be reinstated as Status Indians "within the meaning of the **Indian Act**". This was an attempt to eliminate discrimination against status Indian women, although many still criticize the Bill as insufficient.

Also in 1985, a **secret federal Cabinet submission** is leaked to the media by a **DIAND** employee. The Report is nicknamed the "**Buffalo Jump of the 1980's**"

by another federal official. The nickname referred to the effect of the recommendations in the secret Cabinet document, which if adopted, would lead Status Indians to a cultural death, hence the metaphor.

Buffalo Jump of the 1980's

The "Buffalo Jump" Report proposed a 'management approach' for First Nations policy & programs, which had the following intent:

- ⇒ **Limiting & eventually terminating the federal trust obligations;**
- ⇒ **Reducing federal expenditures for First Nations, under funding programs, and prohibiting deficit financing;**
- ⇒ **shifting responsibility and costs for First Nations services to provinces and "advanced bands" through co-management, tri-partite, and community self-government agreements;**
- ⇒ **"downsizing" of the Department of Indian Affairs and Northern Development (DIAND) through devolution of program administration to "advanced bands" and transfer of programs to other federal departments;**
- ⇒ **negotiating municipal community self-government agreements with First Nations which would result in the First Nation government giving up their Constitutional status as a sovereign government and becoming a municipality subject to provincial or territorial laws;**
- ⇒ **extinguishing aboriginal title and rights in exchange for fee simple title under provincial or territorial law while giving the province or territory underlying title to First Nations lands.**

1986 Sechelt Act

In 1986, the first "self-government" Act was passed, which came from the federal "Community-Based Self-Government" negotiations.

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Jill Wherret, in a paper on Aboriginal Self-Government from the **Library of Parliament** describes the **Sechelt Act** as follows:

*In May 1986, the **Sechelt Indian Band Self-Government Act** was passed after 15 years of negotiation and consultation. This was a specific piece of legislation that allowed the **Sechelt Indian Band**, located on the **British Columbia coast about 50 kilometres north of Vancouver**, to move toward self-government.*

*The Act granted authority to the **Sechelt band to exercise delegated powers and negotiate agreements about specific issues. Under the legislation, the community was set up as a legal entity with the power to enter into contracts and agreements; acquire, sell and dispose of property; and spend, invest and borrow money.***

*The community was empowered to set up its own constitution establishing its government, membership code, legislative powers and system of financial accountability. The elected council has the power to pass laws on a range of matters, including access to and residence on **Sechelt lands, administration and management of lands belonging to the band, education, social welfare and health services, and local taxation of reserve lands.***

*The legislation transferred fee-simple title of **Sechelt lands to the band and contains a provision for the negotiation of funding agreements in the form of grants or transfer payments administered by the band council. The Sechelt Indian band has municipal status under provincial legislation.***

The **Sechelt Act** was consistent with the recommendations of the secret "Buffalo Jump" objectives to change the legal and political status of Indian Bands and Indian Reserves into that of a municipality under provincial property and taxation systems.

This is more or less the template, or model of self-government that the federal government continues to peddle at negotiation table across the country.

1987 FMC - The Mulroney Era

The 1987 FMC was the last constitutionally

required FMC on Aboriginal Matters. A federal-provincial Proposed Constitutional Accord on delegated self-government was once again rejected by the Four National Aboriginal Organizations.

Unknown to the Aboriginal FMC participants at the time, Prime Minister Mulroney had started secret discussions with Quebec Premier Bourassa, which would lead to the **Meech Lake Accord**.

1987 Meech Lake Accord

Following the final FMC on Aboriginal Matters, the **Meech Lake Accord** was struck over the opposition of Aboriginal representatives, signaling a side-lining of Aboriginal constitutional matters and introducing a broader constitutional agenda.

The Meech Lake Accord set into motion a three year constitutional amendment process requiring unanimous consent by the 10 provinces.

1990 The Watershed Year

In June 1990, the Liberals elected Jean Chrétien as their Leader in Calgary, Alberta. The Liberal Convention also created the **Aboriginal Peoples' Commission of the Liberal Party of Canada**.

At the same time the Liberal Convention was held, **Elijah Harper** refused to give unanimous consent in the Manitoba Legislature causing the failure of Meech Lake Accord's constitutional amendment.

The failure of the Meech Lake Accord led to anger among many Quebec citizens and politicians, including **Premier Robert Bourassa**.

On July 11, 1990, the **Government of Quebec** allowed a police **SWAT Team** to attack a Mohawk blockade, set up to stop an expansion of a golf course onto Mohawk lands, which included a burial site.

The attack on Mohawks would fail leaving one policeman dead and lead to a 78 day stand-off between the Mohawks, police, and eventually the **Canadian Army**.

When Parliament resumed in September 1990, Brian Mulroney began the session by announcing his '**Four Pillars**' of **Native Policy**.



In 1990, Elijah Harper, Manitoba MLA, refuses to give consent to Meech Lake Accord. (Photo by Can. Encyclopedia)

"Following the final FMC on Aboriginal Matters, the **Meech Lake Accord** was struck over the opposition of Aboriginal representatives, signaling a side-lining of Aboriginal constitutional matters and introducing a broader constitutional agenda."



After the Meech Lake Accord collapsed, a 78 day stand-off with Mohawks in Quebec ensued. The Canadian Army used the Cougar and other equipment in a show of force.



“In 1991, Prime Minister Brian Mulroney also announced the establishment of a Royal Commission on Aboriginal Peoples. RCAP began its work later that year.”



Jean Chrétien, Prime Minister of Canada, 1993-2003. (Photo by PMO)

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1990 Mulroney’s ‘Four Pillars’

- ⇒ Land claims;
- ⇒ The economic and social conditions on Reserves;
- ⇒ the relationships between Aboriginal Peoples’ and governments;
- ⇒ Concerns of Canada’s Aboriginal Peoples’ in contemporary Canadian life.

In 1991, Prime Minister Brian Mulroney also announced: the establishment of a **Royal Commission on Aboriginal Peoples**, which began its work later that year; the establishment of an **Indian Claims Commission** to review ‘Specific Claims’; the establishment of a **BC Task Force on Claims**, which would form the basis for the **BC Treaty Commission Process**.

1992 Charlottetown Accord

Aboriginal organizations and the federal government agreed, as part of the **1992 Charlottetown Accord**, on amendments to the **Constitution Act, 1982** that would have included recognition of the inherent right of self-government for Aboriginal people. For the first time, Aboriginal organizations had been full participants in the talks; however, the Accord was rejected in a national referendum.

1993 Liberal Aboriginal Platform

The 1993 Federal Election saw the Liberals, headed by Jean Chrétien, decimate the Progressive Conservatives.

The Liberals 1993 electoral promises on Aboriginal issues were included in two documents, **Chapter 7** of the **1993 Red Book**, and a longer **Aboriginal Platform** released in Saskatchewan on **October 8, 1993**, during the campaign. The Liberals made the following promises:

- ⇒ **Act on the premise that the Inherent Right to Self-Government is an existing Aboriginal & Treaty Right within the meaning of section 35.**
- ⇒ **create in cooperation with aboriginal peoples an independent claims commission. The government will engage the provinces in redressing the griev-**

ances of aboriginal peoples over land and resource rights, including negotiating agreements for resource revenue sharing.

- ⇒ **seek the advice of treaty First Nations on how to achieve a mutually acceptable process to interpret the treaties in contemporary terms, while still giving full recognition to their original spirit and intent.**
- ⇒ **explore new fiscal arrangements with aboriginal people. It does not make sense for the federal government to be unilaterally making policy or budgetary decisions that affect the lives of aboriginal people without their consent.**
- ⇒ **A liberal government will be committed to building a new partnership with aboriginal peoples that is based on trust, mutual respect and participation in the decision making process. It does not make sense for the federal government to be making policy decisions that affect the lives of aboriginal people without their involvement. A liberal government will develop a more comprehensive process for consultation between federal ministers and aboriginal representatives with respect to decision making that directly affects first nations. (emphasis added)**
- ⇒ **A liberal government is committed to winding down the Department of Indian Affairs at a pace agreed upon by First Nations, while maintaining the federal fiduciary responsibility. We will work with aboriginal peoples to identify where existing federal expenditures can be redirected into more productive uses.**
- ⇒ **initiate a comprehensive health policy, designed by and for aboriginal peoples, which supports an integrated approach to dealing with physical and mental health issues and incorporates traditional healing methods - perhaps most importantly aboriginal children will grow up in secure families and healthy communities, with the opportunity to take their full place in Canada.**

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- ⇒ *will remove the cap on Post Secondary education specifically to provide adequate funding for aboriginal students accepted at colleges, universities and vocational institutes and in adult education programs and professional degree programs. A review of the Post Secondary Education Program will also be undertaken with Aboriginal Peoples to determine fair criteria for eligibility and special needs including adequate child care for students in need of such a service.*
- ⇒ *will establish an Aboriginal Education Institute to specialize in curriculum development, teacher orientation, distance education, standards development.*
- ⇒ *will work with aboriginal peoples to develop an approach to housing that emphasizes community control, local resources, and flexibility in design and labour requirements.*
- ⇒ *We must define and undertake together creative initiatives designed to achieve fairness, mutual respect and recognition of rights. The role of the liberal government will be to provide aboriginal people with the necessary tools to become self-sufficient and self governing. Our priority will be to assist aboriginal communities in their efforts to address the obstacles and to their development and to help them marshal the human and physical resources necessary to build and sustain vibrant communities.*

1995 'Inherent Right' Policy

In 1995, the Chrétien government broke the promise to recognize the inherent right to self-government by adopting an '**Aboriginal Self-Government' Policy**, which recognizes the right in an abstract sense but doesn't recognize that any particular First Nation has the right on the ground.

David Nahwegahbow, former Co-Chair of the Liberal's Aboriginal Peoples' Commission describes the 1995 Self-Government policy as follows:

In 1995, Irwin released the federal policy

on self-government. Though it purported to fulfill the Aboriginal Platform commitment to recognize the inherent right of self-government, in fact, the policy was hollow. It recognized the existence of the inherent right in the abstract, but refused to recognize that First Nations actually possessed this right. The policy required First Nations to negotiate with the federal government before the right of self-government would be recognized or exercised. Moreover, the policy contained numerous conditions and restrictions on these negotiations.

Contrary to the promises in the Aboriginal Platform, the federal self-government policy was developed without the consultation and cooperation of First Nations. Understandably, it was rejected by the Assembly of First Nations right after it was introduced.

1996 Indian Act Amendments

In 1996, Ron Irwin, then Minister of Indian Affairs, initiated a process to amend the **Indian Act**, even though it wasn't part of the 1993 Liberal Aboriginal Platform.

In response, the **Assembly of First Nations** conducted a review of the amendment package and recommended to First Nations that they reject the **Indian Act** amendments as regressive and unconstitutional.

1996 RCAP Report Dismissed

In the Fall of 1996 the Final Report & Recommendations of the **Royal Commission on Aboriginal Peoples'** was made public. The report involved 5 volumes with some 440 recommendations.

The Chrétien government dismissed the RCAP report and recommendations as too costly, and asserted that Liberal policies already addressed much of what was in the RCAP Report.

Burning the 1993 Red Book

David Nahwegahbow, former Liberal Aboriginal Commission Co-Chair, describes the reaction to Chrétien's record of betrayal and broken promises as follows:

I, and several other members of the Abo-



Pinocchio's—Courtesy Tim Rotheister & THE REPORT

“The Chrétien government dismissed the RCAP report and recommendations as too costly, and asserted that Liberal policies already addressed much of what was in the RCAP Report.”



Logo of the Royal Commission on Aboriginal Peoples.

'Chrétien's Legacy' continued from page 7



National Day of Action to protest Liberal Broken Promises, April 17, 1997, in Ottawa, walk from 24 Sussex to Parliament Hill.

“we broke with the Liberal Party and denounced Chrétien for not honoring his election promises to First Nations. We joined Ovide Mercredi, then National Chief, in “burning the Redbook”.”



L to R: Jane Stewart, then Minister of Indian Affairs presents 'Statement of Reconciliation' to Phil Fontaine, AFN National Chief, Jan. 7, 1998. (Photo Gov't of Canada)

iginal Commission – Marilyn Buffalo and Russell Diabo – finally came to the conclusion that Mr. Chrétien did not intend to honor his promises in the Aboriginal Platform. So, we broke with the Liberal Party and denounced Chrétien for not honoring his election promises to First Nations. We joined Ovide Mercredi, then National Chief, in “burning the Redbook”. At the time, Finance Minister Paul Martin did not escape our criticism either, though I acknowledge that Indian Affairs was not his portfolio, and as such there were limits on what he could do to implement the Platform.

Bill C-79 - Indian Act II

In December of 1996, then Minister of Indian Affairs, Ron Irwin, introduced Bill C-79 into Parliament over the objections of First Nations. The Bill died on the order paper in June 1997, when a federal election was called.

By the Fall of 1997, with a new **Minister of Indian Affairs, Jane Stewart**, and a new **AFN National Chief, Phil Fontaine**, a compromise deal was then struck between AFN and the federal government on a watered down federal response to the RCAP Report & recommendations.

1998 'Gathering Strength' Policy

In January of 1998, the federal government issued a **“Statement of Reconciliation”** regarding the residential schools. All national; Aboriginal organizations, except the **Native Women's Association of Canada**, accepted the federal response on Residential Schools. Many Residential School Survivors also rejected the federal “Statement”.

The federal RCAP response was contained in the policy statement **'Gathering Strength'** and another policy statement called **'An Agenda for Action with First Nations'**. The 'Gathering Strength' and 'Agenda for Action' statements merely built on existing federal policies and negotiation processes and didn't fundamentally change the relationship between Aboriginal Peoples and the Crown governments as the RCAP report had recommended.

2003 - Suite of Legislation

In 2003, while ignoring the Liberal prom-

ises of 1993, and the 1996 RCAP recommendations, Robert Nault, Minister of Indian Affairs, proceeded to introduce three Bills into Parliament.

- ⇒ **Bill C-6: The Specific Claims Resolution Act;**
- ⇒ **Bill C-7: The First Nations Governance Act;**
- ⇒ **Bill C-19: The First Nations Fiscal & Statistical Management Act.**

These Bills were called a “suite of legislation” by Nault, and were rejected by a majority of First Nations across Canada because they violated the Inherent, Aboriginal and Treaty Rights of First Nations.

Bill C-6 - Specific Claims Act

- ⇒ **Narrows the definition of claims;**
- ⇒ **Caps claims to \$10 million to go to proposed claims tribunal, despite vast majority of claims are estimated to be over the cap;**
- ⇒ **Claims over \$10 million will lose access to the independent inquiries and reports;**
- ⇒ **The federal government reneged on its commitment to the “Joint Task Force” Report and model mutually agreed upon by First Nations and the Department of Indian Affairs.**
- ⇒ **Claims Body will not be independent or impartial, because federal government unilaterally controls the appointment of Commissioners and members of Tribunal despite a Liberal Red Book promise to a joint First Nation-federal appointment process;**
- ⇒ **Will lead to more delays, not less, federal delays are authorized and rewarded.**

Bill C-7 - FNGA

The First Nations Governance Act (FNGA):

- ⇒ **Created with improper and deceptive consultations;**
- ⇒ **Imposed the exact opposite of “Self-Government”, which is continued**

'Chrétien's Legacy' conclusion from page 8

- ⇒ federal domination and control over our lives;
- ⇒ Didn't address the real needs of First Nations, such as health, housing, education, employment;
- ⇒ Would have terminated the existence of Indian "Bands", "Chiefs" and "Councils" by imposing a corporate, municipal status;
- ⇒ Would have legislatively terminated the existence of "custom" First Nations;
- ⇒ Would have eroded and undermined collective rights by imposing the Canadian Charter of Rights & Freedoms;
- ⇒ FNGA would have been enforced by Canada's police forces and/or the Canadian Army, in conjunction with Canada's new security law, upon all First Nations (custom & elective systems);
- ⇒ Restricted First Nations "law-making" to delegated municipal powers on Indian Act Reserves only, not traditional/treaty territories;
- ⇒ Increased not decreased the powers of the federal Minister of Indian Affairs, federal officials and the federal Cabinet over all First Nations, by granting the federal government powers to develop and approve in secret, national regulations regarding leadership selection, and governance.

Bill C-19 - 'Fiscal Institutions' Act

Chief Roberta Jamieson, Portfolio Holder for the Chiefs of Ontario on the "Suite" of Legislation, and Chief of the Six Nations of the Grand River, summarizes the negative impacts of the proposed "First Nations Fiscal and Statistical Management Act", Bill C-23 (formerly C-19) as follows:

- **Become like municipalities with property tax system.**
- **Gives rights to non-member taxpayers on reserve.**
- **Increased federal control over financial affairs with imposition of more rules & regulations.**

- **Promotes culture of compliance with increased accountability to outside governments & not to our people.**
- **Reduced federal liability.**
- **Reduced federal funding transfers.**

1969 - 2003 Federal Objectives

From the 1969 White Paper, the 'Buffalo Jump' Report right up to the 2003 "Suite of Legislation", the Liberal (and Conservative) government has maintained the following objectives:

- ⇒ **Assimilation of First Nations.**
- ⇒ **Remove legislative recognition.**
- ⇒ **Neutralize constitutional status.**
- ⇒ **Impose taxation.**
- ⇒ **Encourage provincial encroachment.**
- ⇒ **Eliminate Reserve lands & extinguish Aboriginal Title.**
- ⇒ **Economic underdevelopment.**
- ⇒ **Dismantle Treaties.**

Paul Martin Keeps Chrétien Policies

Since his swearing-in as Prime Minister on December 12, 2003, **Paul Martin** has used Aboriginal ceremonies and events in an attempt to create a public image of benevolence towards Aboriginal peoples'. However, the actions of the Martin government to date, indicate that Paul Martin's 'new relationship' with Aboriginal Peoples is symbolic and not substantive.

Like Jean Chrétien, Paul Martin is ignoring the 1993 Liberal promises and most of the RCAP recommendations, in favour of maintaining Jean Chrétien's 'Aboriginal Legacy' policies of assimilation and termination.

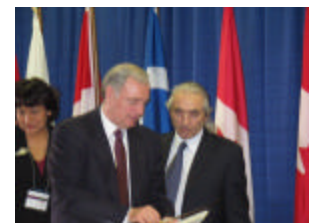
The so-called **Canada-Aboriginal Roundtable** of April 19, 2004, offered simply a process for tinkering with programs and services.

The federal objectives outlined above remain unchanged under Paul Martin's government. As outlined in the last issue of the **Bulletin**, there is a federal 'melting plot' for 'Aboriginal-Canadians' being implemented by Paul Martin's Liberals.



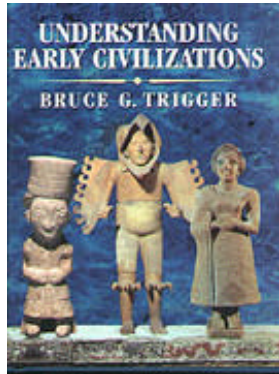
Cover of 1969 White Paper on Indian Policy.

"Paul Martin is ignoring the 1993 Liberal promises and most of the RCAP recommendations, in favour of maintaining Jean Chrétien's 'Aboriginal Legacy' policies of assimilation and termination. The so-called **Canada-Aboriginal Roundtable** of April 19, 2004, offered simply a process for tinkering with programs and services."



L to R: Prime Minister Paul Martin confers with Phil Fontaine, AFN National Chief at Canada-Aboriginal Roundtable. (Photo by R. Diabo)

Book Review: Understanding Early Civilizations by Bruce G. Trigger (Cambridge University Press 2003)



“The book is a comparative study of the seven best-documented early civilizations: ancient Egypt, Mesopotamia, Shang China, the Aztecs, the Classic Maya, the Inca and the Yoruba. Like every work of Trigger's that I have read, it is an astounding work of scholarship, demanding a scope and intensity of reading that beggars my own simple imagination”



Anthropologist, Bruce Trigger at the Redpath Museum.



An unsuccessful attack by French and Huron allies on an Iroquois (Onondaga) village on Lake Ontario, 1615, including a fanciful castle-storming French siege-tower. (Credit: Nat'l Archives of Canada/C-36647)

By Boyce Richardson

Where does authoritarianism come from? I plunge into a remarkable work on archeology by the extraordinary academic **Bruce Trigger**.

After almost a month of unrelenting effort I have finally finished reading the kind of book that normally I avoid like the plague -- a huge, 750-page epic called **Understanding Early Civilizations**, by the McGill University professor of anthropology, Bruce Trigger. This book was published last year (2003) by the **Cambridge University Press**. It is the latest in Trigger's impressive string of ground-breaking works that have marked him as not only the author of the most brilliant scholarly works ever written on the history of Aborigines in Canada and their relationships with the newcomers from Europe, but also, more recently, as what one reviewer has called "the premier historian of the discipline of archeology" in the English-speaking world.

I made Professor Trigger's acquaintance some years ago when I was researching the history of Canada's Aboriginal peoples. Someone had warned me that I had to read Trigger's book, **The Children of Aataentsic: the History of the Hurons until 1660**, which my acquaintance described as "a masterpiece." I looked at it, a vast, two-volume work of daunting size and scope, and put it aside as likely being beyond my capaci-

ties; but eventually its dominance in the field persuaded me to plunge in. The book had been published in 1976, had been reviewed in one Canadian publication of general circulation, and had fallen out of print after ten years leaving its 1,500 copies mouldering on library shelves, but earning its author an immense, international, reputation. I wrote an appreciation of the book for **Saturday Night** which seems to have stimulated the publishers to re-issue the book. I received a gracious note of thanks from Professor Trigger, who, on acquaintance turned out to be a committed Canadian whose investigations into the human past all share this common trait, that they are as much concerned with the present and the future as with the past, all designed to illuminate our way forward into a more co-operative and tolerant world.

At that time, nearly twenty years ago, Trigger mentioned to me that he was interested in writing a book which would examine where human authoritarianism came from. That struck me as an interesting topic, and I mentioned it to him when we met a few months ago at a small launching in Montreal of my own most recent book. He told me that book had already been written, and named it. I did not really remember the name, but when I looked him up on the internet (850 entries) *Understanding Early Civilizations* seemed most likely to be the book in question. I had to borrow it from the National Library on interlibrary loan. Having read it, I am still not sure it is the book Trigger wrote about authoritarianism, but I read it in search of answers to that question, and it certainly has plenty to offer on the subject.

The book is a comparative study of the seven best-documented early civilizations: ancient Egypt, Mesopotamia, Shang China, the Aztecs, the Classic Maya, the Inca and the Yoruba. Like every work of Trigger's that I have read, it is an astounding work of scholarship, demanding a scope and intensity of reading that beggars my own simple imagination: the book names more than a thousand references, and provides every evidence that he has read all of them. I am a constant reader myself, but by compari-

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son I would describe my own feeble efforts as mere dabbling around the edges of knowledge.

One thing that impressed me about Trigger's work on the Aborigines was his complete absence of the Western ethnocentrism that has marked Europeans since they came to North America. He began his history of the Hurons by assuming that the Aborigines, like everyone else, acted according to their own interests. He assumed their government operated like all governments, sending embassies out among their neighbours, conducting trading and economic relationships, and obeying religious impulses, just like everyone else. This more recent book has the same qualities: it deals with Egyptians and Middle Easterners, South and Central American Aborigines, Chinese and Africans without a hint of the normal Western sense of superiority.

I have to confess I am ill-equipped to review this book, much of which is devoted to discussing theoretical issues in the history of archeology that are beyond my grasp. But I do want to try to isolate what Trigger has to say on authoritarianism in human affairs.

Where did it come from? Even small-scale pre-civilization societies, such as those of hunter-gatherers, were already divided into classes of chiefs or nobles, commoners and slaves. But because of their small numbers and their intense interdependence, they tended to be more equal in practice than did those of the later-developing civilizations whose larger populations enabled a ruling class to build structures those major characteristic --- in every continent, and developed independently of each other --- was their inequality. The rulers maintained themselves in a comparatively luxurious and affluent life-style by appropriating the agricultural surpluses produced by farmers, or commoners. Their rule depended upon their success in persuading these workers to surrender a good part of their produce. The mechanisms of transfer of this wealth were varied. Trigger notes that "while inalienable communal land constituted a source of wealth, it was not a form of wealth." Early on, wealth

came almost entirely from agricultural surpluses. The transfers of this wealth took place through taxes, corvée labour (defined in my dictionary as "unpaid labour due by a vassal to his feudal lord"), rents, and tribute paid by one state (usually a city-state) to a hegemonic state. Taxes were paid on production, but also on movement of goods, burials, divorces, and a wide variety of other activities, just as today. The right to collect taxes and rents was sometimes sold to entrepreneurs in return for a portion of their value, payable to the government. "Kings, temples, and landowners accumulated substantial wealth as the result of their ability to appropriate crop surpluses," writes Trigger (p 383). "Although kings had to bear most of the costs of managing the state, their large landholdings and their ability to collect a wide range of taxes made them the wealthiest and most powerful individuals in each city-state." And "there is no evidence that even states which developed elaborate systems of food storage "assumed major responsibility for public welfare in times of famine." (p 387). The state, in other words, compared with today, when it is assumed to be responsible for welfare, had it easy in maintaining the concentration of wealth in its own hands. At the same time, this system of taxes had to be maintained at a level that would not trigger rebellion by the oppressed.

Just as in our societies, religion stood at the centre of the mechanisms for establishing and maintaining control over the populations. "Early civilizations do not appear to have distinguished between what we perceive as the natural, supernatural and social realms," Trigger writes (p 411). Each civilization assumed it was living on a plain surrounded by salt water. Each believed it was the centre of the universe, and was privileged in its relations with the forces that had created the universe. The job of the kings was, essentially, to maintain this relationship with the supernatural powers who ruled everything. Much of Trigger's book is taken up with detailed description of the attitudes towards and working out of relationships with these supernatural forces. I tend to regard religion as mumbo-



Mayan Pyramid at Chichen Itza, Mexico.

"One thing that impressed me about Trigger's work on the Aborigines was his complete absence of the Western ethnocentrism that has marked Europeans since they came to North America. He began his history of the Hurons by assuming that the Aborigines, like everyone else, acted according to their own interests. He assumed their government operated like all governments, sending embassies out among their neighbours, conducting trading and economic relationships, and obeying religious impulses, just like everyone else."



Mayan Observatory at Chichen Itza, Mexico.

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Inca site of Machu Picchu, built in 1460-70 AD. The city has an altitude of 8,000 ft. About 1,200 people lived in and around the site.

"Trigger writes (p 443) that over the millennia religion replaced kinship as "a source of concepts for analysing and discussing the social order," and was used to support the political claims of the upper classes."

jumbo, but reading this book made me realize why the determined efforts recently made in the Soviet Union and China (and Mexico) to abolish religion from human affairs turned out to be desperate failures. Human beings seem from the beginning to have felt powerless in face of nature, and to have equated natural forces with supernatural powers. Time and again Trigger makes the point that in these early civilizations "people sought not to be separated from nature, but rather to establish good relations with the supernatural powers inherent in nature that could help to ensure their well-being." (p 443). In other words, there seems to be something in us that fatally predisposes us to fall for this mumbo-jumbo. (How else to explain the modern United States?)

Trigger writes (p 443) that over the millennia religion replaced kinship as "a source of concepts for analysing and discussing the social order," and was used to support the political claims of the upper classes "by identifying them with the organic powers of reproduction and the hierarchies that were believed to be inherent in a cosmic order that was simultaneously natural and divine." The leaders of early civilizations used the understanding they derived from this operation to justify the unequal social order they had created."

Later, he writes that "the most potent source of power for the upper classes was probably the pervasiveness and hence the seeming normality of inequality. Hierarchical relations pervaded almost every aspect of life." (p 668) Not for the first time in this book, I thought, well, things haven't

changed all that much. In fact, an underlying message of Trigger's thesis is that technology is the aspect of human affairs that has changed the most. (A few years ago, in a lecture on archaeology and the future, if I remember correctly, he said that bringing technology under effective human control was probably the main challenge facing human kind.)

Implicit in the early human view of the world was something that I discovered in the world-view of the remnants of hunter-gathering societies, such as the Crees of northern Quebec. As hunters, they believed that every stone, tree, river, and natural force had personality, could be capricious and human-like. (I might mention in passing that the operations of the James Bay and Northern Quebec Agreement with its emphasis on monetarizing the Cree society and assimilating Crees into the political and social mainstream, appear to have virtually wiped out --- or are in the process of wiping out, and in record time --- these remnants of ancient understandings). In like manner, the people of early civilizations believed in these forces, and created personal deities to them: it is said (p 418) that there were three to four thousand deities in the Mesopotamian pantheon alone.

It was because of the supreme position accorded the supernatural that human sacrifices were made by these early civilizations. Their most important function, writes Trigger, was "to return energy or life to its divine source, thereby rejuvenating the power of that source to animate nature and assist humans."



Machu Picchu is comprised of approximately 200 buildings, most being residences, although there are temples, storage structures and other public buildings.



Illustration of Cahokia. (Courtesy of Cahokia Mounds State Historic Site.)

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Trigger appears to stand between the contending schools of archaeology and anthropology, magisterially dismissing the claims of any school to have discovered the right path to the truth about our early beginnings. Clearly, as a species we do not know much about how humans work (just as, I discovered during my career in the media, we know very little about how nature works). In his last pages Trigger calls for closer collaboration between the social sciences, psychology and biology. But he writes that his research has led him to conclude that "the human mind remains best equipped to make informed decisions that relate to the activities of small groups rather than large ones, and to the immediate future rather than the long term. This suggests that individuals are better adapted for pursuing immediate goals for themselves and their families than for pursuing the long-term welfare of larger collectivities." (p 681)

Although I could have missed something in this huge book, I found only one question over which he admits himself to be stymied: why in every civilization have "decision-makers and their families" acquired such exalted social status and appropriated such large amount of surplus

wealth for their personal use." (p668).

His conclusion: (p 670) "When leaders acquire the power to control public communications and silence criticism of their behaviour, they invariably begin to accumulate wealth." That social and economic inequality becomes universal under these circumstances suggests that the tendency to equate power and wealth relates to a general acquisitiveness that is deeply embedded in human behaviour. "Small-scale societies recognize acquisitiveness and domination as tendencies in human behaviour and seek ways to curb them." These mechanisms fail to control leaders as societies grow more complex, and power begins to be expressed through the conspicuous consumption of wealth. Neither cultural ecology nor information theory can readily explain why this happens."

(Source: © Boyce Richardson, 2004)

[A prolific author and film director, Richardson's work has focused on Aboriginal peoples, the environment and human rights. His films, including *Cree Hunters of the Mistassini*, have won many awards.]



Boyce Richardson, Ottawa-based Author and film-maker on Aboriginal subjects (Photo courtesy of Peter DiGangi)

"His conclusion: (p 670) "When leaders acquire the power to control public communications and silence criticism of their behaviour, they invariably begin to accumulate wealth."



The remains of the most sophisticated prehistoric native civilization north of Mexico are preserved at Cahokia Mounds State Historic Site. Within the 2,200-acre tract, located a few miles west of Collinsville, Illinois, lie the archaeological remnants of the central section of the ancient settlement that is today known as Cahokia.

According to archaeological finds, the city of Cahokia was inhabited from about A.D. 700 to 1400. At its peak, from A.D. 1100 to 1200, the city covered nearly six square miles. Houses were arranged in rows and around open plazas, and the main agricultural fields lay outside the city. (Courtesy of Cahokia Mounds State Historic Site.)

'Standard & Poors' - Credit Rating Agency Learns About Canadian Aboriginal and Treaty Rights



“Right now the Canadian and British Columbia governments are using our land and our resources, Aboriginal and Treaty Rights as collateral for all the loans they get from Wall Street. We are in fact subsidizing the wealth of Canada and British Columbia with our impoverishment.”



'Standard & Poors' in NYC. Photo by A. Manuel



Arthur Manuel (foreground), at the 4th United Nations Forum on Forests in Geneva, Switzerland, May 4, 2004. (Photo by R. Diabo)

By Arthur Manuel, INET

I just want to report that my meeting on August 25, 2004 with 'Standard and Poor's' (www.standardandpoors.com) in New York City went very well. **Guujaaw**, Chairman of the Haida Nation and **Naomi Klein** joined me. The first time I met with Standard and Poor's was last January 15, 2004. I met with the Director-Sovereign Ratings Group who does the Credit Rating for Canada and a Research Assistant of Latin America Sovereign Ratings.

We presented the Director with the Haida "Statement of Claim" and the Okanagan Nation "Writ of Summons". Guujaaw spoke to the Haida Statement of Claim but made it very clear that the consequences of his experience are shared by all Indigenous Nations seeking recognition of Aboriginal Rights. I spoke to the Okanagan "Writ of Summons" indicating that these kinds of Writ of Summons have been filed by all Indigenous Nations, who want to protect their right to take legal action to seek and get benefit from our lands and resources used by Canada and British Columbia without our consent. I advised them that the Writs of Summons represent trillions of dollars worth of benefit to Indigenous Peoples.

Standard and Poor's asked if the recent federal election would have any impact on recognition on our rights. I explained that we have been meeting with Members of

Parliament to seek putting pressure on the federal government to amend the **1986 Comprehensive Indian Land Claims Policy**. I explained that the present policy is fighting to extinguish our **Aboriginal Title** and it wants to kill our culture. It wants to kill us as peoples. I said the Policy is also outdated and judicially inconsistent with the direction of the **Supreme Court of Canada**.

I explained that the existing Policy stems from the Indian Claims Policy of 1986 but also has been modified by subsequent Agreement agreed to by the Federal Cabinet, including the **Nisga'a Agreement**. I said this has meant that all votes to ratify subsequent Agreements-in-Principle have been defeated.

Standard and Poor's then asked Guujaaw how the people approve agreements and he proceeded to tell them that each Indigenous Nation defines their own system, but he did explain how the Haida Nation does this.

Standard and Poor's explained in the meeting how all the information provided to them is put into a mix of material that determines the **Credit Rating of Canada**. And the Credit Rating determines amongst other things the interest rate that Canada will pay for outstanding loans.

Right now the Canadian and British Columbia governments are using our land and our resources, Aboriginal and Treaty Rights as collateral for all the loans they get from Wall Street. We are in fact subsidizing the wealth of Canada and British Columbia with our impoverishment.

That was the essence behind the **Indigenous Network on Economies and Trade (INET)** successful submissions to the **World Trade Organizations (WTO)** and the **North American Free Trade Agreements (NAFTA)** on the Canada-US softwood lumber dispute. In fact the Director of Sovereign Ratings said they looked over very carefully these submissions, which I handed in last time I met them.

It is important that we bring these matters

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to Standard and Poor’s because our Rights represent property interests that do have substantial impact on the financial status of Canada. And Canada does not accurately report on the economic value of our interests because of their conflict of interest. In fact it is our obligation to inform all independent monitoring institutions so we protect our proprietary interests.

I have attached three pictures with this brief report, two of Guujaaw and I as we walked from the No. 4 Subway Station to Standard and Poor’s along Wall Street, NYC. I also attached a picture of Standard and Poor’s at 55 Water Street.

We have a bit more to go, to have Aboriginal and Treaty Rights taken into full account at the international and trade level but I am fully confident if we continue to make ourselves known at this level we will succeed. I feel we were taken very seriously this time and our meetings were very respectful. I know this is a good sign because INET had to argue to get our first meeting, and make it onto the financial district of New York City.

I would like to thank the people of the

Haida Nation for sending Guujaaw on this very important financial and diplomatic mission. I would also like to thank the Okanagan Nation for entrusting me with their Writ of Summons. These documents make the financial community aware that our Rights need to be taken into account even at the international level.

I will be meeting with a representative of a senior economist on the remainder of my trip here, and have been planning our next steps to build upon our success at the macro economic level.

For further information please e-mail or call me on my mobile (250) 319-0688.

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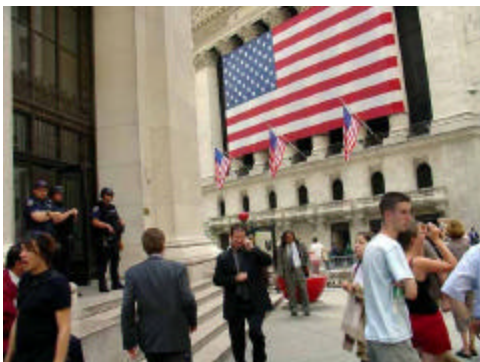
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“It is important that we bring these matters to Standard and Poor’s because our Rights represent property interests that do have substantial impact on the financial status of Canada. And Canada does not accurately report on the economic value of our interests because of their conflict of interest.”



Art Manuel (in background) on Wall Street in New York City. (Photo by A. Manuel)



Guujaaw on Wall Street in New York City. (Photo by A. Manuel)



Council of the Haida Nation Logo

Colonialism and Kanehsatake: Are Dispossession and Forced Integration Ongoing?



L to R: Mohawk Chief John Harding & Mohawk Chief Pearl Bonspille, meeting with U.N. Representative, Rodolfo Stavenhagen, in Rapid Lake, Quebec, May 24, 2004. (Photo by R. Diabo)

“The residents of Kanehsatake rebelled, surrounded the police station, and ousted what they called the “invasive” police force. Some of the dissenters, provoked by the police use of tear gas against them, responded by torching Gabriel’s house. Warrants were subsequently issued for the arrest of many Kanehsatake dissidents.”



Police inside their compound in Kanehsatake Jan. 2004. (Photo courtesy of CBC)



Mohawk community members stand guard after forcing James Gabriel and his police force to leave.

By Kim Peterson, “The Dominion”

The Mohawk Nation in Kanehsatake in southern Quebec is the site of a long, simmering dispute—a dispute that has deep implications for Mohawk and First Nations sovereignty, and which calls into question the Canadian Government’s commitment to ending its legacy of residential schools, forced integration, and dispossession. The Mohawks’ ability to determine and control their own economy, security, justice system, and ruling structure is at stake. The focus of the conflict is a stealthy land transfer carried out under the auspices of James Gabriel, Grand Chief of the Mohawk Council of Kanehsatake.

The year following the Oka crisis of 1990, Gabriel began talks with the federal officials to secure lands purchased for Kanehsatake. At this time, Gabriel made concessions, unbeknown to the people of Kanehsatake, which led to Bill S-24, the “Kanehsatake Land Based Governance Act.”

Gabriel signed Bill S-24 in secret and

called for a referendum to ratify the Act, allegedly without informing the Mohawk community of the details. Under these conditions, the referendum vote passed by a slim margin of 239 to 237.

Mohawk journalist Dan David describes the details: “Chief Gabriel signed the agreement that transferred \$14 million worth of land purchased by the federal government to the control of a private corporation—not the band—called Kanesatake Orihwa’shon: a Development Corporation.” Mohawk lands would be converted into “fee simple” estates, Mohawks would lose their tax-exempt status, and band by-laws would be harmonized with the by-laws of Oka—a municipalization of Kanehsatake, and an end to meaningful sovereignty.

In January 2004 Canadian authorities began funding a 60-man police militia, under the control of Gabriel. This militia was accused by the Mohawk Council of Kanehsatake of “actively provoking incidences on the Territory,” such as attempts “to run community volunteer patrol drivers off the road.” The residents of Kanehsatake rebelled, surrounded the police station, and ousted what they called the “invasive” police force. Some of the dissenters, provoked by the police use of tear gas against them, responded by torching Gabriel’s house. Warrants were subsequently issued for the arrest of many Kanehsatake dissidents.

Particular members of Gabriel’s police force, brought in from outside the community, had incurred the enmity of Kanehsatake residents. Among them was non-Native Richard Walsh, a criminal with a previous conviction for impersonating a police officer. Two other policemen, Terry Isaac and Larry Ross, led a police operation in 1999 that resulted in the shooting and paralysis of Mohawk Warrior Joe David, who has since passed away.

In February of this year, journalist Ross Montour asked Gabriel why he brought Isaac and Ross back into the community despite their checkered past in Kanehsatake. Gabriel’s verbatim reply was, “Well Ross, history aside, those people [i.e., what Gabriel calls the “criminal element” in

'Kanehsatake' continued from page 16

Kanehsatake] know that when those two men were there, they kicked a lot of doors in." Montour considered this a "rather chilling statement for any leader to make."

Concerned community members subsequently assumed responsibility for patrolling the territory of Kanehsatake and remaining vigilant for outside police seeking to enter the community uninvited. On August 9, Kanehsatake Interim Chief of Police David Thompson, much appreciated by the community, resigned in a "last ditch effort to force both the governments of Canada and Quebec to respect their word and provide the safety" of the community.

A twice-elected Grand Chief, Gabriel was removed from office by a non-confidence vote of 207 to 130. A Canadian court overturned this decision. Justice Daniele Tremblay-Lamer found the exclusion of non-resident Mohawks from voting to be discriminatory and the vote to be contrary to the Election Code.

This is, however, a Canadian court ruling on a Mohawk Nation matter. As Kanehsatake Chief John Harding points out: "To begin to have an understanding of the current situation in Kanehsatake, one must first appreciate the two fundamental differences between governance in a Mohawk Community, and governance in non-native society."

"Primarily, what is important to understand about governance in Kanehsatake is that the people, not the Chiefs, are the final authority on all matters relating to ourselves and our territory."

"Secondly, decisions taken by the community on important issues must be exercised with responsibility. Decisions must be reached by consensus, not by a slight majority vote."

Nonetheless, at a subsequent election Gabriel gained three more supporters on the council. Montour: "This gave him [Gabriel] both quorum and a superior voting bloc, one which has enabled him to move forward his agenda as he pleases."

Montour cites the opposition argument that

Gabriel possesses a mailing list of all off-territory members, which he exploits by manipulating the image of Kanehsatake for his own ends.

According to Montour, two issues make this possible:

One is the failure of the Council to draft and adopt a membership code defining who is and is not a member of the Mohawks of Kanehsatake. The other is modifying the electoral code, which, among other things, defines who may and may not vote in the community's elections. The two are tied together. Those who live in the community and oppose Gabriel argue that only those people who live in the community and know the issues should be allowed to vote.

The conditions and date of the next election are currently the subject of a court battle.

Some also contend that their sovereignty has been undermined by an enforced reliance on federal money. Many Mohawks have sought to establish economic independence by building their own businesses, including the growing and selling of their own tax-free tobacco, staunchly opposed by the federal government. Under Gabriel, the band budget had accumulated a deficit of over \$1 million by 2003. The Department of Indian Affairs seized upon this to unilaterally place Kanehsatake under financial trusteeship of PriceWaterhouseCoopers. The PriceWaterhouseCoopers trusteeship saw Kanehsatake plunge deeper into the red with the deficit reaching \$3.1 million. Ongoing legal battles continue to be an economic drain on the resources of the Mohawk community.

The corporate media is accused by some Natives of collaborating with the government agenda by demonizing Mohawks as a narcotics-smuggling and otherwise criminal society. Media coverage, they say, has allowed the conflict to be framed as a battle between law and order and a criminal element, ignoring efforts to undermine sovereignty and place land under the control of private interests.

(continued on page 18)



Kanehsatake Grand Chief, James Gabriel, during one of his many press conferences. (Photo courtesy of CBC)

"The corporate media is accused by some Natives of collaborating with the government agenda by demonizing Mohawks as a narcotics-smuggling and otherwise criminal society."



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Russell Diabo, Editor and Publisher, First Nations Strategic Bulletin.

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Policing has also been a flashpoint in Kanehsatake. The Quebec government refuses to continue financing Gabriel's police force. A joint police force of Kahnawake-Akwesasne oversees security in Kanehsatake. Gabriel, whose power in Kanehsatake rests on the backing of federal and provincial politicians, has been stymieing attempts at negotiating an end to the issue. Said Gabriel, "You don't mediate law and order. You respect it."

With law in mind, three Kanehsatake women brought the issue of Mohawk sovereignty and human rights before the UN. Canada took the extraordinary step of walking out of the forum. Article 1 of the UN International Covenant on Civil and Political Rights states, "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." Canada, as a signatory and having ratified the Covenant "shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations." Chapter 1, Article

1 of the UN Charter moreover binds Canada. It states that among its purposes and principles is "respect for the principle of equal rights and self-determination of peoples."

Mohawks are demanding a full investigation into the Gabriel affair. In respect of Mohawk sovereignty, there are calls for the matter to be settled within the Mohawk community.

Gabriel and his police remain exiled from Kanehsatake, and are staying in a hotel at the government's expense. Gabriel threatens Mohawk sovereignty by working secretly towards assimilation into Canadian governance. With memories of the federal government's 1994 plan for a 6,000-troop invasion of Mohawk Nation still lingering, Mohawks stand ready for the continued possibility of an armed invasion.

[Source: <http://dominionpaper.ca>]