

UNIVERSAL HUMAN RIGHTS: AN ABORIGINAL DIALOGUE.



ROBSON MEDIA CENTRE
VANCOUVER, B.C.

CONFERENCE PROCEEDINGS

Sponsored by: Affiliation of Multicultural Societies and Services of B.C.;
B.C. Human Rights Coalition; Gitksan-Wet'suwet'en Tribal Council;
United Native Nations; and Union of B.C. Indian Chiefs.

THIS CONFERENCE WAS HELD MAY 27-28, 1988, TO CELEBRATE THE 40TH ANNIVERSARY OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS, WITH FUNDING FROM THE DEPARTMENT OF THE SECRETARY OF STATE.

THIS CONFERENCE BROUGHT TOGETHER CANADA'S ORIGINAL PEOPLE WITH THOSE NEW CANADIANS OF THE MULTICULTURAL, HUMAN RIGHTS AND OTHER CONSTITUENCIES TO:

- * Celebrate the 40th Anniversary of the Universal Declaration of Human Rights
- * Provide Awareness amongst the wider community, especially multicultural groups, of Aboriginal culture and issues
- * Provide an exchange and dialogue for a holistic cross-education between the groups and people represented.

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- * "Equality" - Designed especially for the conference by Salish Artist Susan Point. Proceeds from the sale of the limited edition goes to the Gitksan Wet'suwet'en land title action.

These proceedings were prepared from the Conference tapes, with the kind permission of the presenters, by Diane Kage, AMSSA Coordinator, and Wendi Shin, AMSSA Staff. Proceedings are available for the cost of printing and mailing, \$5.00 from:

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UNIVERSAL HUMAN RIGHTS: AN ABORIGINAL DIALOGUE

Opening Remarks - *Ed Eduljee*, AMSSA President

Welcome on behalf of the sponsoring organizations - thanks to the Conference Planning Committee, and recognition of resource persons present. Also recognized was Marcia Dean, Ministry of Education special services, and Ken Sawka, Vice President of AMSSA, Kamloops.

Mr. Ed Eduljee said that the planning and carrying out of this conference has brought together people from all five sponsoring organizations. AMSSA was fortunate to have a distinguishing Native Indian leader, Mr. Butch Smitheram, as our past president and as one of our founders. It was a great loss to the Affiliation when he passed away in 1982. Thinking about this, it is especially meaningful to us at AMSSA to have this opportunity of working together again with our Native Canadian friends and colleagues. The conference also represents the further strengthening of our ties with the B.C. Human Rights Coalition as the second major project we have carried out together to join our two networks and resources to further the understanding of both human rights and multiculturalism.

We are here to celebrate the 40th Anniversary of the Universal Declaration of Human Rights, yet reading and hearing yesterday's news causes a sense of outrage. From the Globe & Mail, a story out of Winnipeg concerning the shooting of Native leader, Mr. J. Harper, a few months ago. "Mr. Harper, Executive Director of the Highland Lake Tribal Council and former chief himself was killed by a police bullet March 9 after he was confronted by Constable Robert Cross on a Winnipeg street. The Judge accepted Constable Cross's testimony about the incident. The officer told the court he shot Mr. Harper because 'he matched the description of a suspect in a car theft'. He grabbed Mr. Harper's arm after the Native leader refused to stop and produce some identification. The Judge said Mr. Harper was minding his own business and committing no offence when he was shot. Moreover, he had the right to refuse to identify himself to Constable Cross." Yet an enquiry held yesterday exonerated the Constable after a reprimand. A brother of Mr. Harper remarked that the Judge's ruling was a disaster. No society with a conscience can accept this, it is not right. "If you kill a dog or a cat, society is up in arms. Kill an Indian, and what happens?" This is not an isolated incident, there seems to be an epidemic of killing people and then saying later on that it was a mistake. There was the incident in Montreal last year. There is also the inquiry into the Donald Marshall case. After he had spent 11 years in prison for the murder of Sandy Seal, which he did not commit; the Judge blamed Mr. Marshall for his conviction, concluding that the misguidance of justice was "more apparent than real".

The Declaration of Human Rights contains a number of enlightened paragraphs. If we gain anything from this conference, it would perhaps be to leave with a reaffirmation of the provisions of the Declaration, and to carry it one step further to put these high-minded words into actions. We should not wait for another incident such as the one in Winnipeg. If one life is lost unjustly, it is one life too many. This is a situation that no civilized nation can allow to persist.

Mr. Hugh McCleod - Human Rights, Department of the Secretary of State.

Mr. McLeod brought greetings on behalf of the Minister of Multiculturalism, the

Hon. Gerry Weiner, who was unable to attend the conference but sent his best wishes for its success. Mr. McCleod said that in celebrating the 40th Anniversary of the Universal Declaration we are not saying that we have accomplished the goals set forth in the Declaration but we hope that through conferences of this sort we can take a step towards these goals by recognizing the legitimate aspirations of the Aboriginal people and by recognizing that Canada is truly a multicultural country with many peoples from many lands – the Aboriginal peoples and Canadians who have arrived later in the history of the development of this country.

Introduction of Prof. Michael Jackson – Susan O'Donnell

It is my pleasure to introduce Prof. Jackson. A lot of the people just introduced to you were on the planning committee who have been meeting and fretting over a period of about six months and when we first put this event together we wanted to find a keynote speaker who could do the amazing task of linking the 40th Birthday of the Universal Declaration of Human Rights with an Aboriginal Dialogue. There were many bits and pieces, we wanted cross-cultural education, we wanted to come out totally changed from the way we went in, and so on. Who could do all of this, we asked? Who could bring us a global view that we could fit our Aboriginal Dialogue into for tomorrow? The name that kept coming up was Professor Michael Jackson.

Prof. Michael Jackson – "The Recognition of Universal Human Rights – Linking the Issues for Canadians"

This conference has been convened with the idea of celebrating the 40th anniversary of the Universal Declaration of Human Rights. Such celebration, however, is a rather difficult thing for Aboriginal peoples to do. This evening I would like to explain why this is. Although I hope that by the end of this presentation to emerge in the light and with a spirit of hope, I'm going to begin in the darkest recesses of this country in its maximum security prisons.

I received earlier this week a letter from a group of women imprisoned in the Prison for Women in Kingston.

I grieve on my own behalf and on behalf of the other (68) inmates whose signatures appear on the attached sheets.

On March 7, 1988, at approximately 9:40 p.m., I was distracted from the television program I was watching in the common room of "A" range by a long deep scream...I learned later, it was from the slashed throat of Eileen Y. (a young Native woman) while she lay handcuffed and shackled on a stretcher in "B" range....

The following is an estimate of events which occurred.

Approx. 8:00–8:30 p.m. Eileen is in crisis. She has barricaded her room against invaders. She is asking to see her girlfriend. She calls her name over and over. She is denied. Sounds of breaking are heard. Custody staff lock her door.

8:45–9:00 Custody calls another friend to speak with Eileen. The friend asks for the door to be unlocked ensuring that no harm will come to her. Custody refuses (Eileen has one isolated incident of assault on a prisoner).

C.X.B. stated "I have to see to the safety of my officers". The friend attempts to calm Eileen through the door.

9:00-9:15 Eileen breaks a glass and slashes both sides of her throat, very deeply. Guards call for assistance and equipment. They cuff her hands behind her back and shackle her legs. She is told to walk and passes out in the tunnel. A stretcher is brought and she is carried into segregation up two flights of stairs. A nurse is brought into segregation and realizes she needs prompt medical attention. Eileen is taken to the hospital area. The nurse cannot treat her and calls in a doctor. Eileen is given no pain killers. She is held down on one arm by C.X.B. On the other side by C.X.R. and her legs by a male C.X. staff.

9:40-10:40 It takes about 30 minutes for a doctor to arrive....He calls an ambulance.

10:40-11:20 Ambulance arrives and Eileen is treated inside the ambulance for about 30-minutes and then taken to outside hospital..10:30 The range is locked down for the night.

Tuesday, March 8 Eileen has been returned to P4W hospital in the early morning. She is transferred to segregation later in the morning...

Thursday, March 10 Seen in segregation. Eileen is still disoriented.

At no time during this crisis was there any attempt to ease the concern of the population. The rumours spread quickly. Vivid accounts of her throat hanging down, on the bloody hall way, the horror. I though she might be dead...

This was the second slashing on March 7, 1988. Some of us slept very little that night. Many of us prayed. This is the fifth violent incident in this building since the beginning of 1988. In 67 days, we have seen two prisoners denied protection and suffer assaults, we have seen three slashings, all due in part to inappropriate decisions made by senior custody staff. We have suffered a six day lock down and currently are weighted down by a record number of "bogus" charges ensuring a high degree of tension.

The population in this building have been reclassified under the new security classification matrix and the majority - approximately 63% - are medium security, 25% are minimum security and less than 12% are maximum security. Yet high security measures are implemented at every turn. The reasons given for lack of access to programs is security. Outside contractors decry the security hassles. Every road to programming can be blocked at ease with a disciplinary charge.

The 18 foot high wall and the 2,592 cell bars serve as reminders that indeed this is a high security prison....But these reminders pale beside the mindset of the security decision made for the 112 prisoners occupying this space. There seems to be no emergency deemed first medical. Every incident is deemed security first... The quickness to use force, to threaten, to charge, to segregate is demonstrated in the absolute example of a young woman who gashed her neck in a life threatening way and immediately was cuffed, shackled and taken to segregation...

Segregation at P4W still has no hot water, cells have no flooring,

only concrete, toilets are rusted out and putrid, bars are painted black in keeping with the punishment theme. The psychological damage done to the women in segregation is beyond the punishment of the prison sentence, the separation from one's family. It is straight torture for any human person to be subject to cages such as these.

Eileen is a Native woman. But there are other women in the Prison for Women who are not Native who have also experienced the horror of slashing their bodies in order to focus the pain of enduring imprisonment, in many cases thousands of miles away from their families and homes. It is not only Native women who today in Canada endure the rigors of solitary confinement.

In 1842, over 140 years ago, Charles Dickens had this to say about that experience:

"I hold this slow and daily tampering with the mysteries of the brain to be immeasurably worse than any torture of the body; and because its ghastly signs and tokens are not so palpable to the eye and sense of touch as scars upon the flesh, because its wounds are not on the surface and it extorts few cries that human ears can hear; therefore I denounce it as a secret punishment which slumbering humanity is not roused to stay".

The Universal Declaration, Article 5 provides that "No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment". Eileen Young can take little comfort in the protection of Article 5. Neither she nor her sisters and brothers in solitary confinement across this country. They have no cause for celebrating the 40th anniversary of the Universal Declaration.

I would like to read a second letter I received from the Native Sisterhood at the Prison for Women.

"The desecration of Janice Neaudorf's prayer bundle has been one of the heartbreak and hurt to all Native women in Kingston Prison for Women. On May 3, 1988, the residents on "A" range where 97% of the Native population resides went through strip searches and cell searches...Janice's sacred medicines and artifacts such as sweet-grass, wiki root and sage are kept in a wooden box. This box has her Indian name on top of it. The box is beautifully hand made with a feather carved on top of it with delicate closure fixtures and a tiny feather turn button which keeps the lid closed....She discovered the box broken in half, the hinges were ripped right off the box. Ashes from the burnt sweet-grass must have been thrown in the garbage because they were still on top of the garbage can in the cell....These actions by security staff is a direct action of hatred, direct action of racism against Native people, against Janice Neaudorf and against all Native women in prison. The Native Sisterhood protests the violation of the prayer bundle, we protest this violence and protest these acts of racism and discrimination. We are hurt by the ongoing attacks to our persons...but we are not broken".

Article 18 of the Universal Declaration provides that "Everyone has the right to freedom of...religion, this right includes freedom...to manifest [her] religion...in worship and observance". Janice Neaudorf can take little comfort in the protection of Article 18.

Janice Neaudorf and the Native sisters in Kingston Prison for Women have no cause for celebrating the 40th anniversary of the Universal Declaration.

I don't know Eileen or Janice other than through the words in these terrible letters, but I do know and I have sat with other Canadian prisoners, both men and women who have slashed themselves, who have been driven quite mad in solitary and I have known people who reached that point in their lives where they let the light in their eyes go out. The inhumanity, the arbitrariness, the absence of anything which we on the outside would recognize as justice is a continuing feature of life in Canadian prisons. These abuses and the strategies to change them, are classic examples of human rights issues and our strategies are very much geared to redress them at the level of individual human rights. We know that in dealing with the problems of abuse of authority in prisons, we have to entrench in law and legislation procedures and principles which reflect justice. We have to make sure the courts are prepared to enforce those rules, we have to make sure the legal profession is prepared to stand by and extend its mandate to people behind prison walls. The public and human rights groups have an important role here - to insist upon their rights to know and monitor what happens inside prison walls. That becomes very important in this particular time in our history where the mood is towards greater repression, where more people are being placed in prison for longer periods of time. It is important that Human Rights organizations, such as yours, stand together and point to the terrible cost and tragedy of using the prisons they way we do in this country.

Now Eileen and Janice are not just prisoners, they are also Native prisoners and as the letter from the Native Sisterhood indicates, while the desecration of Janice's prayer bundle could be approached conventionally as an example of the abuse of an individual's right to practice her religion, Native prisoners view it as more than that, they view it as an assault on the collective rights of Native people, they view it as an example of systematic racism.

Nor is it the only example of systematic racism in the criminal justice system; 13% of the prisoners in the Prison for Women are Native prisoners, while Native people represent only 2% of the population of Canada. In some provincial prisons the figures are far worse. A study done in Saskatchewan a few years ago showed that the chances of a young Native boy of 16 ending up in prison before he was 25 was 70%. For Native people, prison has become the promise of a "just society" which high school and university represents for the rest of us.

Addressing the issue of human rights at the individual level, in taking steps to prevent the abuse of authority, will not change the over-representation of Native people in Canadian prisons. Nor is it sufficient to say the reason why there are so many Native people in prisons is because they are underprivileged and poor and we all know there is a correlation between lack of economic opportunity and criminality. The poverty of Native communities has resulted from a particular historical process - the process of colonialism. It is important to understand that process because in its reversal lies the real solution to the statistics and behind the statistics to the tragedy revealed in the letters from the Prison for Women.

In the Canadian context the process of colonialism, with the advance first of the agricultural and then the industrial frontier, has left Native people in many parts of the country dispossessed of all but the remnants of what was their homelands. That process, superintended by missionaries and Indian agents armed with the power of the law, has

systematically undermined the foundations of many Native communities. The Native people of Canada have over the course of the last centuries been moved to the margins of their own territories and of our just society.

Crimes of violence, alcoholism and the suicide of young Native people are linked to the process of dispossession, the process of colonialization. The reversal of that process requires the recognition of the collective rights of Native people to the lands and resources upon which their distinctive societies and economic are integrally related and of their rights to determine the shape and nature of their own future. The recognition of those collective rights is directly linked to the lives and futures of women like Janice and Eileen in the Prison for Women.

Thinking about collective rights, the collective rights of Native people, as opposed to thinking about individual human rights such as we have in the charter, such as we have in the Universal Declaration, seems to be a new agenda for human rights activists. This is particularly so in British Columbia, where ever since the first days of Confederation, the governments of the day, whatever their political stripes, have continuously refused to acknowledge that the Native people had any collective rights. It comes to many as a surprise that the idea of collective rights has in fact a very deep and long tradition. It is important to understand the deep historical and intellectual roots of the collective rights of Aboriginal peoples because with that understanding it is possible to appreciate what is happening in British Columbia, and in other parts of Canada and the rest of the world today.

We must go all the way back to the very earliest days, when Europeans came to the Americas, to find the roots of collective rights. In the sixteenth century, distinguished jurists debated before the Court of Spain the question of the rights of the Indians of Central and South America. Francisco de Vitoria, one of the founders of International Law, affirmed that the Indians, though not Christians, were entitled to enjoy civil or political rights and were true owners of their lands. In 1539, Pope Paul III issued the Papal Bull proclaiming that "Indians are truly men...they may and should freely and legitimately enjoy their liberty and the possession of their property;...should the contrary happen, it shall be null and of no effect". These sentiments were reflected in the Spanish Law of the Indies. When we roll back the historical process and come to what is now North America, we find that the foundations of European settlement on the shores of North America were made on the basis of recognition of the fundamental principle that the rights of Native people to their homelands and their rights to political integrity within those homelands could not be changed except with Native consent. That consent was expressed through the protocol of treaty-making. The treaty-making process lay and lies as foundations of European civilization in North America.

Now most of us when we think of treaty making, think of it almost as sham, as a mockery of any kind of real negotiation. Its important to understand that the original treaty-making which took place in North America was anything but a sham, and its important to understand that the terms under which it took place were in large measure dictated by Indian nations themselves.

I want to share with you what is in fact the paradigm of treaty-making in the 17th and 18th centuries, that is the treaty-making between the American colonies of what is now United States and parts of Canada and the Six Nations of the Iroquois Confederacy. We are used to thinking of empires as being English and French. The first empire in North America was an Indian empire. The Iroquois controlled a vast area and entered into

military alliances and trade partnerships with many other Indian nations and they were indeed a formidable force. The early treaty-making which took place in North America between the Iroquois and the European colonizers observed the diplomatic language and conventions of the Iroquois. The Iroquois treaty-making goes under the general name of the "Covenant Chain" Treaties. The Covenant Chain represented for the Iroquois the nature of their relationship with the Europeans; it represented their willingness to link their nation's destinies with Europeans; it represented their willingness to enter into mutually binding covenants with the Europeans for the mutual recognition of each other's territorial and political integrity. It was, if you like, a paradigm of confederation. We all know that in 1763, the struggle for power between the British and the French came to an end with the British victory. What we don't generally know as Canadians, those of us who are non-Native, is that British control of North America was achieved in 1763 because of the British willingness to accept as bedrock principles, the recognition of the collective rights of Native people. The Royal Proclamation of 1763 entrenched the principle that the territories belonging to the Indian nations, could not be acquired except by treaty, except by Indian consent and that any changes in the political relationships between the Indian nations and the British could not take place without Indian consent. Those principles lay at the heart of the Covenant Chain were the condition precedent for Indian participation as allies in the war with France. Without the recognition of these principles the outcome of the struggle for imperial domination in North America would have been very different. The Iroquois were in the position in terms of their diplomatic and military abilities to compel adherence to those fundamental principles. It is very important to realize that the recognition of the collective rights of Native people was a foundation stone, cementing as it were, what we now know as Canada.

The concept of Aboriginal rights to lands, Aboriginal rights to self-government was also something which occupied the attention of courts in the 19th century. In the series of cases before the U.S. Supreme Court, the Court sought to identify the fundamental principles of justice underlying the North American experience as between Europeans and the Indian nations. In a series of judgments, the Supreme Court affirmed the rights of Native people to their territories, affirmed that those territories could not be taken without treaties, without their consent and while characterizing Indian Nations as being in a state of "protection" with the European nations, it recognized their rights to internal self-government, their rights to jurisdiction within their territories.

Now that was all in place in the law 150 years ago. What has happened from that time is that Aboriginal rights has gone into a state of eclipse and I want to explain why it went into that state, because in many ways, the state of eclipse reflects the progress of colonialism in North America. Starting in the 19th century, fundamental changes took place in the way Indian Native people were conceived. The early literature and the early treaty negotiations are full of references to Indian nations as being the equal of European civilizations. In the 19th century, a major transformation took place in which the Enlightenment philosophy of human equality was replaced with Darwinian theories of evolution, a view of the progressive nature of history and the superior destiny of some peoples and nations over others. This was a perceived fitness and inevitability that Indian nations would go in to a state of eclipse as they became incorporated and assimilated into the main-stream of "civilization". It was inevitable and appropriate that they should become farmers not hunters. It was inevitable and appropriate that they should become Christians instead of adhering to shamanism and holistic spirituality. It was inevitable and appropriate that they should become individualistic instead of maintaining their communal institutions. It was inevitable and appropriate that their

tribal holdings should be individualized, that collective rights should give way to individual property interests and their collective participation in tribal governments should give way to their participation as individuals in nations states not of their own making. It was to facilitate this process that laws were passed, that the original theories of collective rights were undermined, that colonial governments assumed that they had the legitimate right to interfere in tribal governments. Indian agents were given the rights to depose Indian chiefs; tribal holdings became subject to individual allotment; institutions fundamental to Native societies, such as the Sun Dance and the Potlatch, were placed under the prohibition of the criminal law. There was an attempt to systematically undermine the very foundations of Native communities. That process took place throughout the balance of the 19th century and it continued to take place well into the 20th century. In the minds of many Native people it is still taking place.

The Universal Declaration of Human rights came at a time when just twenty years before in Canada, legislation was passed making it an offense, punishable by imprisonment, to raise money for the purpose of pursuing Indian land claims. The idea that Indian people could have collective rights had so far disappeared from Canadian consciousness that it was thought appropriate to prohibit the very attempt to assert those rights. It is no wonder, therefore, that generations of lawyers went through law school without any knowledge that there was such a thing as Aboriginal rights, with no knowledge of Vitoria in the 16th century, with no knowledge of the Iroquois Covenant Chain of the 17th and 18th centuries, with no knowledge of the decisions of the Chief Justice of the Supreme Court in the 19th century and with no knowledge of the extent to which Canada had engaged in systematic racism of the most blatant kind.

Into this picture, we then find the proclamation of the Universal Declaration. It asserts that our common humanity endows us with individual rights. It's also important to realize that the Universal Declaration was part of a whole initiative associated with the foundation of the United Nations. Part of that initiative was bringing an end to colonization, particularly in Africa. A significant part of the United Nations' Charter is devoted to speeding up the works started by the League of nations after the First World War, in which there was placed a "sacred trust of civilisation" on colonizing countries to bring an end to their colonization of third world countries and restore to those they had colonized the rights to self-determination. Those rights were further entrenched in the United Nations' Charter. A process to speed up de-colonization was put in place.

It would seem, therefore, that the scene was set for a returning to the roots of the original collective rights of Native peoples, not only in Canada, but other parts of the world. Unfortunately this was not to take place quite so quickly. The Universal Declaration evolves from mainstream liberal ideology and it is directed to the protection of individual human rights. It is not directed towards the collective rights of indigenous peoples. The initiatives of the United Nations have been directed to efforts such as the elimination of racial discrimination measured against a standard of equality before the law. It is a noble aim, it is a noble aspiration, one to which most of the people in this room subscribe. But the recognition of equality has to be measured against a standard of equality. We are now just learning that women do not wish necessarily to subscribe to a male biography as their standard of equality. The rights of Native people when they are assessed in the context of equality also tend to be measured against the standards of the dominant non-Native society. Let me just give you an example: The Convention on the Elimination of all Forms of Racial Discrimination (1965) provide that:

"States parties shall, when the circumstances so warrant, take in the social, economic, cultural and other fields, special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights the different racial groups, after the objectives for which they were taken have been achieved".

In other words, you adopt special measure for Native people (because they are unequal) until they are like us then there is no need for special measures because they are then equal. The distinctiveness of Native societies is not protected by this approach of recognizing individual human rights. The International Labour Organization has tried to grapple with recognition of the rights of indigenous peoples, but listen to how Convention, ILO 107 reads.

The title is the Protection and Integration of Indigenous and Other Tribal and Semi-tribal Minorities in Independent Countries. Its introductory article provides:

"Governments shall have the primary responsibility for developing coordinated and systematic action for the protection of the populations concerned and their progressive integration into the life of their respective countries".

For the last 150 years, "progressive integration" has been the very thing which has undermined the collectivities of indigenous peoples. It was not out of hatred which missionaries sought to convert, it was not out of hatred that Indians were placed on small reserves and given the tools of agricultures and lessons of education. It was out of the sense that this was part of the inevitable progressive integration of uncivilized people into the pale of civilization. And so it is not surprising that Native groups had great difficulty in celebrating ILO 107 and to the credit of the International Labour Organization, it is now drafting a new Covenant which more appropriately reflects the collective aspirations of native people.

What of the other part of the United Nations initiatives in terms of the decolonization process and International Covenants recognizing rights to self-determination? The Native Peoples of Canada, the Maories of new Zealand, the Aboriginal of Australia, the Sami of Scandinavia, the Indians of Central and South America, all thought perhaps in the covenants recognizing self-determination lay the seeds for a realization of their collective aspirations. What happened however, was that the self-determination covenants were restrictively interpreted by some of the new nation states that had emerged from decolonization. African and South American nations, in particular were concerned that the recognition of the right of self-determination for tribal groups within their boundaries would result in their dismemberment. They saw the argument made by some European countries, for example Belgium, that all peoples were entitled to the right of self-determination as a way for the former colonial countries who had lost their colonies to dismantle them and to render the new African countries impotent as members of the world community. It was in the interest of countries like Canada, the United States, Australia and New Zealand to agree with the theory that self-determination only applied to overseas colonies because it meant that indigenous populations within their own boundaries also would not be protected by the covenants of self-determination. What developed was called the "Blue-Water" theory to self-

original colonizing country, then you have a right to self-determination, but if you are landlocked, if you are trapped within the boundaries of the colonizers, you don't have the same rights. So the people who have been internally colonized, the Aboriginal peoples of Canada and other Aboriginal peoples of the former British Colonies of Australia, and New Zealand and Indians of the U.S. and Central and South America were excluded from the United Nations' mandate and the process of decolonisation.

Now this has not been the first time that indigenous people have found that their access to what is supposed to be open forum has been closed to them. It should be a source of national pride to realize that Canadian Native people have played a very significant role on the international scene in seeking to make self-determination a reality for all indigenous people. George Manuel, whom many of you know, was one of the founders and the first president of the World Council of Indigenous Peoples which held its first meeting in 1975 in Port Alberni. This was a major step forward in which indigenous peoples from around the world came together and formed an organization designed to lobby at the international level for recognition of the right to self-determination for indigenous peoples. The World Council has done pioneering work in drafting what is hoped will become an international covenant recognizing the collective rights of indigenous peoples in international law. There are now a number of Native groups who lobby in Geneva as Non-Governmental Organizations (N.S.O.'s) before the United Nations. They have formed, as it were, a new Covenant Chain with Aboriginal peoples around the world to try and bring pressure upon the world community.

It is important that we recognize that the colonization is not at an end. It may be coming to an end in Africa or at least in some part of Africa. But it is not just in South Africa where the progress has been arrested; in Canada and the United States, in Australia and New Zealand, colonization and the attitudes it spawned is deeply entrenched. If anyone has any doubts about this, read Dara Culhane Speck's book An Error in Judgment, which I noted, is on sale in the lobby. That book documents the nature of internal colonialism in Canada. It demonstrates the extent to which colonialism and racism are not ideas of the past, the extent to which they still live with us.

As a result of the work of groups such as the World Council, there is now the emerging on the international scene a renaissance, meaning the rebirth of some of the original theories of Vitoria. The recognition that indigenous peoples indeed do have rights to their homelands. The recognition that they have not only the right to participate as individuals in free and equal societies, but that they also have the right to determine their own futures as distinct collectivities building on histories far deeper than our English and French colonial roots in North America.

It is not only on the international scene where this effort is taking place. The Gitksan and Wet'suwet'en case before the Supreme Court of British Columbia is a very significant event not just in the history of the Gitksan and Wet'suwet'en nations, but in the history of Native peoples all around the world because it seeks to go to the roots of Native rights. It is not simply a case designed by lawyers; it is not simply an elusive celebration of the mind in terms of the law; it is an attempt to reflect the struggle of Native people to decolonize. It is an attempt to ask a Canadian court to use the law to decolonize itself. It is an attempt to assert, or rather reassert, the rights which the Gitksan and Wet'suwet'en had never given up, their rights to their homelands, their rights to their ownership and their authority over those homelands.

The case also seeks to bring about a new form of the Covenant Chain. It represents an attempt to start a process whereby, as a result of court rulings, British Columbia and

Canada will be forced to enter into a new Covenant Chain with the Gitskan and Wet'suwet'en and with other Indian nations in British Columbia. Its an attempt to be radical in the true sense of the word, to go back to the roots, to reassert fundamental principles which should organize the relationships of a truly just society, a truly equal society which does not require Native peoples to measure up to a non-Native mirror of equality but recognizes and celebrates Native differences and diversities.

What does all this mean to Eileen and Janice sitting in the segregation cells in the Prison for Women? Can they find any comfort in the land claims trial? In fact the kind of work which the Native Sisterhood in the Prison for Women is doing, the work which Native Brotherhoods and Sisterhoods across the country are doing in prisons reflects their attempts to decolonize their experience. They suffer the effects of that experience worst of all. The work of these Native prisoners groups is their struggle to reassert their collective identity. They have used in particular the common spirituality which links many Native religions. They are trying also in their own way to return to their roots. They also have tried to make new Covenant Chains, both with themselves in the prisons, and with members of Native communities outside of the prisons and they are seeking to regain for themselves a sense of dignity, a sense of collective well-being, something which will guide them through the experience of being in prison.

But of course, that is not enough. When Janice and Eileen come out of prison and hopefully they will come out of prison, where will they go? Unless they can return to communities which are strong and self-reliant, with sufficient economic resources to sustain them and with the political authority to chart their own destiny within the framework of Canadian confederation, their freedom will be very short lived. Despair on the outside may very well replace the despair they now experience on the inside. And that is why, ultimately, it is the recognition of the collective rights of Aboriginal peoples which is linked to the destinies of peoples like Eileen and Janice locked away in the deepest recesses of our penitentiaries.

Now what does this mean for other groups who are seeking to struggle for the recognition of human rights? It certainly does not mean that the struggle based upon the Universal Declaration - the struggle based upon the recognition of individual human rights - should take a back seat. What it does mean, however, is that in your struggle, you have to form your own Covenant Chains. You have to link up with Native groups, you have to support and celebrate, not simply the Universal Declaration, but you have to support and celebrate the struggle of the Native people to obtain recognition of their collective rights. Because on that hinges the futures lives of peoples like Janice, people like Eileen. If we can join together and win this struggle, it will ensure that I won't read and I won't have to read to you letters like the ones from the Prison for Women. If we as Canadians can come to understand where superiorist assumptions and stereotypes has led us, and where the recognition of the rights of the indigenous peoples of the world can lead us, our children may indeed have something to celebrate.

Comments & Questions following Dr. Jackson's Address:

Question: Commenting from his perspective as a specialist in Latin American Native Indian histories and movements, he said that the "internal colonization" which Native people are resisting is much more difficult to deal with than the "foreign colonization" of past eras. He mentioned that there is a new "Indian ideology" which has developed in the South American countries among the Andean Indian nations which is the equal of the other existing ideologies: Liberalism, Christianity, Marxism. It is also different from these other ideologies. In Central America also, Indians were following their own path, not necessarily in opposition to other movements, but different.

Jackson: One of the things the Gitksan and Wet'suwet'en are trying to do during their case is to expose the court to that "Indian ideology". There are enormous problems in this because it refuses to be compartmentalized into religion, philosophy, economics. One of the difficulties the court is experiencing is taking on an intellectual framework which permits it to hear that which the Indian people are saying. An example arose early in the trial when a question arose as to whether the elders, the custodians of the history, could relate the stories and the histories of their homelands – where they came from, the way their institutions were formed, the evolution their laws and the foundations of their society. The court questioned whether or not this was admissible. It was not written down and could only be admissible if it were the facts of history. These were histories which related to events which were spiritually founded, the intervention of enormous spiritual forces which brought retribution on those who failed to show respect for the spirit of animals. There was a long debate about whether or not that which Indian people hold to be the foundation of their society was really history or whether it was myth. Right at the beginning of the trial we encountered this view of Western history in which only men and women, and mainly men, move the world. The idea that there are animals, that "all our relations" includes "other than human" interventions, that was something that was so outside the pale of liberal thought that it could not possibly be the stuff of history. As Dr. Berdichewsky said, there is an Indian ideology and an Indian way of viewing the world and the Gitksan and Wet'suwet'en are struggling not simply to explain to the court the basis for their collective rights but also the philosophical and intellectual foundations for these rights.

Question: Do you agree that this is a new Indian ideology, or is it just that we are more receptive to listening to it?

Jackson: I'm not sure it's a new ideology. It's new to us, but its underpinnings are ancient. But it is an ideology which changes. One of the things we are also struggling with in the court case is to get over the stereo-typed view of Indian Nations that somehow they are trapped, somehow they are static and caught in the past. These societies are enormously adaptive. They have their foundations, the bedrock principles which underline their systems but they are adaptive and their intellectual traditions can adapt as well. So I think the answer to your question is that they are ancient and they are new, and as contemporary as the philosophical foundation of our own civilization.

Question: You said that it was the 19th century that changed attitudes towards Native peoples. What exactly changed and why?

Jackson: If you go back and look at the end of the 18th century we have the age of the so-called "enlightenment". We had the French Revolution and the American Revolution forged in a spirit of the rights of men to freedom, to dignity and to liberty and to a

celebration of equality. In that time, equality was framed in many ways in terms of collective rights and it was therefore possible to give Indian nations equality within that framework. It was very much the advent of the Darwinian view of the world which replaced the idea that all nations were equal. We subscribed then to the notion, and it's something that we still live with, that all nations are not created equal. There is an "inevitability" that in fact some nations will wither. There was a horrifying speech of Andrew Jackson in the 1840's in the wake of a Supreme Court of the United States decision which confirmed the rights of the Cherokee to independence within their homeland, and denied the right of the State of Georgia to dismember their tribal territories and to outlaw their tribal assemblies. The State of Georgia, with the approval of the President of the United States, approved the refusal to recognize the Supreme Court decision. The Cherokees were in fact marched forcibly to Oklahoma. Ten thousand Cherokee died on what is called the "trial of tears". Andrew Jackson, commenting on that, used almost chilling language in which he says, "We shouldn't bemoan the fact that a race of Indians has in fact gone back to dust, it's appropriate in realizing the fullness of civilization, that nations will wither and die, one generation will succeed to the rights of another generation". That's how it was viewed; that it was appropriate that Europeans succeed the rights of the Native people. That is the ideology which lies at the heart of British Columbia. In the early days of British Columbia, those who forged Indian policy did so on the basis that the Indians had no rights to their lands because they made no use of them, they were "uncivilized", it was "right" and "proper" that we, who turn the soil to agriculture, and turn our lives to Christ, should inherit the earth. There was an intellectual justification for these acts of dispossession.

Question: Is there any historical evidence for a basis going back into International Law to support the case of the Indians of Canada?

Jackson: One of the problems is that International Law arose, in some ways, to legitimate European discovery and conquest, so-called, of North America. International lawyers have given justifications for what has been done, so it's often very difficult for Native people to find in International Law the seeds of their own justice. That's part of the struggle in the courts, one of the great difficulties in going to law when you are seeking to decolonize yourself when you have to resort to the laws of the colonizers. What we're trying to do in the Gitksan Wet'suwet'en case is to say, "If you go back far enough, if you look at a time when Indian Nations were powerful, when first principles were developed on the basis of some reciprocity and equality, you find these principles which have contemporary relevance for a just society today and you, the court, should recognize and affirm them as a way to do justice to Native people".

Question: A general question about collective human right: What impact do you think it will have on the rest of society if collective rights are claimed and recognized if that is a future trend? Would there be some implications for other minorities?

Jackson: I would like to defer my judgement, as this is a question which could be appropriately directed to some of the Native leaders tomorrow who are going to be leading presentations. They're the people who could best answer you; if there is a recognition of the collective rights of Native people to their homelands, their rights to self-government, what does that mean to other Canadians? I don't have the answer to that, but they are the ones who would be able to provide those answers.

Comment: I believe that the message just given by Prof. Jackson was very informative and I recommend that this message be given a wider distribution by means of publication

so we can take this message back to our own communities, and we can make efforts to publish it in our own newspapers.

Ed Eduljee, Chair, - Closing comments. Thanks to Prof. Jackson for an excellent discussion, and for bringing home to us that each one of us can expect to be treated with dignity, fairness and equality and that so often these fundamental rights of minorities have been abused and the rights of Native Canadians have been abused with exceptional violence. It would be very difficult for Canada to stand up in the world and proclaim that it is a just and free society that has a multicultural policy we will hold up for the world to behold, while within our own society there are peoples whose rights are being abused daily without any regard to some of the more fundamental truths that we hold. I think we should work towards the day when Canada can be whole again. Again, thanks to Prof. Jackson, and to the organizing committee.

SATURDAY'S CONFERENCE

Opening Prayer - Rosalee Tizya

"Great Spirit, we thank you for bringing us all here today. Bring our hearts and minds together for the most important values and traditions that we cherish as human beings in the cause of our human rights. We thank you for the opportunity to come together as different peoples to share in all that you have given us."

Bill Mussell, Conference Chairperson - Last evening we had the opportunity to learn a little bit about human rights from the perspective of someone trained in law, Prof. Jackson, who described a context for what is planned for today. We will have three speakers who are going to fill in the detail of that big picture painted by Michael Jackson. They have been asked to talk about three dimensions in time of their particular history - the history before contact, the period in between that pre-contact stage and modern times, a period best represented by the concept of colonialism, and the third speaker will address issues that are very current in our lives in this part of the country. After the three speakers we will have a break and then we will join in small groups with resource peoples and facilitators to provide maximum opportunity for everyone to participate in the process of integrating whatever it is that was highlighted by the speakers, and whatever may be introduced by the resource persons. The three themes to be addressed are Justice, Family Life and Education. Following the workshops after lunch we will receive summary statements of the main points coming out of the core issues which are very current in our lives. After an opportunity for discussion, we will call upon two or three people at the end of the day to pull all the strands together to give us a sense of human rights as they apply, or do not apply, to Aboriginal people.

Glen Williams: (Introduced by Brian George, an Hereditary Chief of the Wolf Clan, who is studying at UBC and taking the opportunity also to learn about the Gitksan's struggle, which he also hopes to carry on with the courage and strength received from the elders.)

Also a Hereditary Chief, Glen Williams considers himself fortunate to have grandparents who could make him aware of the legal, educational and political systems of his people prior to contact. The ownership of the land involved responsibilities. It was the Totem poles which first stimulated his interest in learning more about the traditional systems and philosophies of his people - how to respect parents and elders and how to respect the resources of the land. The Gitksan and Wet'suwet'en are from the Upper Skeena area, there are forty Hereditary Chiefs, both men and women, and the territory extends far beyond the reserve. Part of his education was learning how the land was acquired after the flood. The "Adau" is very valuable knowledge which a person must know, and it is partly learned from stories, crests, and names. Under the House System, the chiefs control land and rule. Sub-chiefs are like princes, all are tied to the land. The legal system had laws dealing with intruders, punishment, pre-marital relations, old age and child welfare. Fundamental to these systems is the institution of feasting. When elders speak, younger people don't talk back. When you are wrong, they will tell you with a certain tone and the language is the basic element of the culture and the way of keeping it alive. It is learned through family members, and is the basic form of education for learning "who you are", and where you have come from as well as the struggles of today and how we see the future. The traditional systems, legal, educational and economic still exist today and it is before the courts to recognize that.

Rosalee Tizya - "Contact and Resistance - the History of Canada from an Aboriginal Perspective"

Being asked to cover several hundred years in about twenty minutes, I'd like to lay a basis because unless you have that basis, it is difficult to understand how Indian people think.

In the country that I come from, called Vantut North of the Arctic Circle in the Yukon, there are several tribes within the Nation, which stretches from Alaska over to the North West Territories. In all the history of my nation there is no story of us coming over any ice bridge to what we call "This Great Island", which is what you call North America. In the oral history of our people there is no story about that. We have stories of people like Genghis Khan thousands of years before Columbus was conceived in Italy. So the reality breaks from the history that children learn in schools today.

I also want to explain the importance of the oral tradition. It ought not to be demeaned as "myth". The Indian people, or indigenous people's origins are such that our ancestors say to us that we were placed on our territories by the Creator to care for and protect our lands for future generations. When He placed us in our territories, He breathed life into man, and out came the spoken word. Therein lies a commitment to speak the truth and that is a fundamental principle of the oral tradition. I can write a thousand pages and each word could be a lie with no subsistence to it. And yet I can speak to you, to a place in you, a place that speaks to your heart, and it stays there forever - that's the power of the spoken word. When we are taught things in our tradition we don't write things down and so we have to listen very, very carefully in our hearts and minds. Whatever is put into us never leaves. We make it our own power, as you must do today.

If there's ever going to be any action on any principles that you believe in, you must have the power to do it and so the responsibility is to listen with your hearts.

In ancient times in Persia, an intellectual revolution began on that Great Island when the Greek Empire broke away. Some of the three great thinkers of that time, Socrates, Plato and Aristotle, formed a line of thought which literally revolutionized the world. Much of the thinking of today came from that era. When the Greek Empire fell and the Roman Empire rose up, the Roman jurists first wrote down the law and tried to figure out how to carry it out in relation to the customs of the peoples they had conquered. The Roman Empire had conquered the whole of what is now called Europe, made up of many different peoples, or tribes. In studying the Chinese, and the Indians in India, it can be seen that they had a system of Emperors and Kings, similar to the system the Romans evolved. In Europe, the law was vested in the Kings and Queens. What does all that have to do with Aboriginal Rights? After several centuries in Europe of basing survival on intellectual thought and separating out the spiritual aspects of life, it became a bit of a bore for the people and so they created souls for themselves in the formation of the Roman Catholic Church. The term "sovereignty" was first coined by the Pope, the head of the Church. He said he is the Sovereign, and if the Kings and Queens of Europe want to speak to God, they should speak through him. And if there is something that God has to say to them, He would speak through the Pope in the form of a Papal Bull, which are like papers with His instructions on them.

In 1491, there was a Pope, Alexander VI, who came out with a Papal Bull for the King and Queen of Spain, King Ferdinand and Queen Isabella. In that Papal Bull he says,

"You are to go into the Islands". He splits the world in half, East and West, and gives them the West. He says, "You are to go into the Oceans and find some islands and lands in the Oceans, and you are to bring the non-Christian peoples to Christianity". So Queen Isabella and King Ferdinand find this guy who is unemployed, they give him three ships and they sail him across the Ocean Blue - Christopher Columbus. He sails for the East Indies but he bumps into Barbados. There are the Arowak people and he calls them "Indians". He has a friend back in Italy named Merico, so he calls the land "America".

Within the Great Island, we are happily continuing our lives and all of a sudden new human beings have come to our shores, something like False Encounters of the Third Kind. These new human beings arrive in ships, very sick, malnourished, lost. And the people on the East Coast and later on the West Coast, take pity on the people in these boats, bring them in, bring them back to health, and allow them to live among their people. It's Spain which discovers what they call the "New World", then the English get into the act, and the French and the Dutch. What they really want to do is claim all of the land for their mother countries, these people who came over on these boats. Those who land on the East Coast of what is now called Canada, are the French and the English in the majority. Because they are in no condition to conquer the Indian people, it is established among themselves that the title, the ownership of the land, would be obtained in one of two ways - by conquering the non-Christian peoples and thereby claiming their territories, or, if they couldn't conquer them, they would have to get the consent of those people to live in their territories. That was the agreement among the European nations. The French and the English, not being able to conquer the Indian people, chose a process of taking the consent of the non-Christian peoples to live in their territories.

The first time we see contact between a European nation and an Indian nation is in the 1600's, the mid to late 1600's. The Six Nations and the English came to an agreement known as the "Gus-Wen-Tah" or the Two-Wampan. The Haudeno-saw-nee people explain this agreement in this way: "For many years we sat down with the English to see if we could live together, if we could 'integrate'. But after many, many years we found that our way of thinking was too different. The International principles of the Indian people are Peace, Friendship, and Respect. Our philosophy says that our obligations to the Creator to care for and protect our lands for the future generations is an obligation which we carry out by living in harmony with nature and striving to live in harmony with all mankind. The Gus-Wen-Tah reflected the attempt of the Haudeno-saw-nee people to find another way of living together with the Europeans. It is a Wampan belt which has two rows of purple beads parallel to each other with three rows of white beads in between. One row of purple beads represents the Haudeno-saw-nee people, their land, their governments, their laws. The other row represents the English nations, its laws, its government and its people. The Haudeno-saw-nee say that these two rows never meet and that is because the English will not govern for the Indian people and the Indians will not govern for the English but we will live side by side in Peace, Friendship, and Respect.

This illustrates that the first compact was never one in which an Indian nation or Confederacy said to the English: "You will govern us and our lands will be your lands". No, we will live side by side and the lands we will share. Now that same agreement exists on the West Coast.

The next important event was the French-English war of 1752. Because both the English and the French seek the alliances of the Indian nations on the East Coast, the

majority of them ally with the English for an important reason – the English promised to protect the lands. At the end of that war in 1759, when the French surrendered on the Plains of Abraham, several forts were built from Ottawa through Detroit territories and Ottawa is not just the capital city of what is called Canada. There are Indian people, a nation of people. Detroit is also a nation of people, it's not a motor city, and the man I'm going to talk about, Pontiac, is not a G.M. car. He was one of our fearless leaders and should be respected as such.

When the forts were built, the Indian nations along these territories had allowed the British to do that in order to win the war. Pontiac went to the English and said: "Now that you've won your war, get rid of your forts". The British said no. Pontiac sent runners to different nations along the East Coast, they formed a Confederacy and proceeded to destroy all those forts on Indian lands.

In the colonies on the East Coast, many of the legislators, the colonial leadership, became concerned that Pontiac's destruction of their forts and the Indian nations aligning with him was like an omen of their own loss because they feared that other Indian nations would unite and drive them into the Atlantic Ocean. They couldn't win a war against the Indian people so they recommended to the English Crown a different way. In the Royal Proclamation of 1763 by King George III was the basis on which the English would settle title of the Indian people. If you read the Royal Proclamation, what it basically says is that the English Crown would obtain the Indian title through the consent of the Indian nations in an assembly of their people. That partly caused the American Revolution because there were land grabbers in the thirteen colonies. The English had set a boundary line at the Alegany Mountains and the Mississippi River and called all the territory in between, Indian Territory. They told the colonists, "You cannot go beyond these mountains until we get the consent of these Indian nations for you to settle there". There was a revolution, England lost, and the thirteen colonies formed the U.S.A. Those who were loyalists to the British Crown moved north to what was called British North America.

We'll concern ourselves with British North America because out of that Royal Proclamation which is Canada's first constitution (there was no "Canada" then), out of that process, over eighty treaties were concluded with several of the Indian nations on the East Coast and thirteen on Vancouver Island. That allowed the British to then bring people over from other countries. The key to their claiming of title to these lands, in international terms, was that they had effective occupation of it. With the conclusion of the treaties, then, the colonies which formed Canada on the East Coast were Upper and Lower Canada, Prince Edward Island, New Brunswick and Nova Scotia. In 1864, the Nova Scotia legislature authorized its Governor to meet with the other colonies to talk about a unity. They feared an American invasion. The result of that was the British North American Act which formed Canada as a nation in 1867.

Therein the lie begins because the Indian nations, up to this point, are treating with the English Crown, with Queen Victoria and her predecessors. When Canada forms a nation the B.N.A. Act does not carry Indian consent to even have formed Canada. No Indian nations were invited, no Indian nations were told, no Indian individuals were made aware of it. In 1980, when I was giving a workshop in the Indian community, they had never heard of the B.N.A. Act. I dare say there are many Indian and Inuit communities today where that still remains true. So these colonies which formed this nation called Canada did so without the knowledge or consent of the Indian people and they perpetuated a lie because when they looked to the West and they had this motto of

stretching Canada "From Sea to Sea" they saw on the prairies more Indian nations, many as powerful or more powerful than those in the East. And Canada, being a young nation without an army, without a police force and with very little money, they were already in a deficit at that time, (nothing new, I guess), they couldn't launch an Indian war. They looked at the U.S. and the U.S. was at war with the Indian people. It was costing them something like \$20 million a year. They didn't have that money and so looking at the British experience, they opted for treaty making - the process of obtaining Indian consent. They looked at the prairies to the north and they sent out Indian agents who are originally diplomats of the British Crown, and they were to go out and make treaties. Now if you go to these areas and there are a number of treaties 1 to 11, and you talk to old the old people, some of whom were present as children in that process, they have an entirely different view of what that whole process was all about.

One of the elders from Hobema says, "When they first came, the people who spoke on their behalf told them, 'You see that mountain over there - that's not ours to give you - the land we cannot give you because it's not our to give, it belongs to the Creator. Those trees and the animals we cannot give you, they're not ours to give. But this is what we'll do. That mountain, that rock, represents our faith and we will treat you in good faith. The animals represent our sharing and our kindness and we will treat you with kindness'". And as they went down the different elements and made their commitment to treat, the Canadian government offered them then medicine, education and other things.

Now in this process of treaty making the commitment that the Indian people made to the treaty was an obligation never to break it, and that obligation today still stands. It is not simply a piece of paper that you can tear up. The obligation they made is a spiritual one to the Creator that they would never break their word. The money which changes hands every year, the \$5.00, does not represent five loonies, it represents a spiritual obligation on the part of the Canadian Crown to maintain its obligations. But those Indian people didn't know that Canada existed. They believed that they were treating with the English Crown and the Indian agents who came forward in the name of Canada under the instructions of the government went forward in the name of the English Crown, misrepresenting the whole process on the Canadian side. So in 1980, when the people on the prairies go to England to meet with the Queen to discuss the treaties and to find out why it is Canada is interfering in the Indian people's relations to the English Crown, to the utter dismay of the elders, they find the Queen has no power. A little prime minister called Joe Clark could tell the Queen not to meet with them and she would have to do what Joe Clark says. They had been lied to in a most devious way.

So the treaties, then, have yet still to be honoured because the Indian people, for whom the Treaty is an obligation, say "The land we have now we never gave up". And all those rights which were never put on the table in the treaty remain Aboriginal. They never consented to be governed by Canada under those treaties. And the Canadian government to this day continues to retain that lie. In B.C. in 1871, when the colonies of Vancouver Island joined confederation, they do not tell the Indians either. The terms of union do not carry the consent of the Indian nations in B.C. They weren't even informed. I'm not surprised to find the Gitskan and Wet'suwet'en in a court and don't be surprised when you find every other Indian nation going to court. All these things were done in isolation from the Indian people.

In subsequent legislatures which formed there was no room for the Indian nations because they had never been part of any of those discussions. There is no consent

evident anywhere in Canadian history, in all your millions of books, in all the filing cabinets or in all the bureaucrats' heads. There is no Indian consent evidenced, the Canadian government cannot produce that kind of evidence. What they are saying in the court is, "we acquiesced".

If I wear this shirt, then I've agreed to become White. Well, this shirt is not "Indian" or "White". It is a shirt. A TV is not "Indian" or "White". It is a TV. It is not even human. And yet they are saying, "if we watched that TV then we are White and we have agreed to become part of the Canadian system". Well, everybody is on Indian land - does that make you Indian?

It wasn't enough that they couldn't kill off the Indian people, genocide is outlawed in International Law thanks to people who believed in human rights - the anti-slavery society, the Levellers in England and many of the philosophers who promoted the rights of Indians and others were certainly human. But the Canadian government, which could not kill us off physically, opted to kill us off spiritually. When it came to religion, the government gave missionaries full freedom to destroy the Indian customs and traditions and they did so with eager minds. They taught us there is a heaven and there is a hell. If you loved the land too much, if you exercise your customs and traditions, you are going to go to hell. Many Indian people gave up their religious practices, yet still many continued. When it came to education, the Indian parents said, "No, you are not going to take our children away from us. If you do that, when they come back we will not know them". So the law was changed and it was made compulsory. Parents were faced with jail or fines if their children were not put in the residential schools. The schools were not Indian schools. Many were run by the churches. In the residential schools, many of them in B.C. and all over Canada, the children were not taught the Indian traditions, language or values. They were intended to make little Europeans out of little Indians. When their language was spoken, the children were punished and conflict was resolved with violence. There was tremendous abuse, psychological and physical abuse. Today when you see, in the skid rows of the nation, Indian people drowning their sorrows in a bottle of booze, don't be surprised - they have come out of those schools. They were told that they were "savage". What does a child do when someone says, "you are savage"? How can a child absorb that as being not "good" or "bad"? The education system teaches children that they are good or bad, it doesn't teach them that they are human beings. The children in the schools who resisted that were punished - imagine that. And so we reap what we sow. You reap the anger, the frustration and the rage and the violence today.

The Indian Act was used to set up reserve lands and band councils which could be controlled by the government as part of a process of enfranchising Indian people so that we become Canadian citizens. The reserve lands are not traditional Indian territories. They are tiny pieces of land which force the Indian people to be dependent on the government, and that's still what the government wants today. More is put into welfare on the Indian reserves than into economic development because they want the souls of the Indian people. In B.C. when the Indian people rejected all government funding in 1975, the first people coming up on the reserves were the welfare workers telling the Indian people to take back the welfare. The Indian people were saying, "No, we don't want your handouts", and they were saying, "take it back". The Indian Agents, who didn't want to be seen to be controlling people in the communities on the reserves, put Chiefs-in-Council in. Those Chief-in-Council didn't have any power to make decisions, they are told what to do and if they don't do it their money gets cut off. They are also told "how" to do it. This is part of the reason for the cry for Indian self-government today. Here they are, facing their own people, many of them don't have running water,

they can't make decisions in their own homes, the Chiefs-in-Council are paralysed. We want to make the decisions. If we want medicines, we want the power to buy medicine, not Health and Welfare sending us film projectors because that's what they have in their budgets. An Indian Agent, after he makes his decision, can go home to his family, enjoy himself and watch a hockey game. The Chiefs-in-Council take all the consequences even though they didn't make the decision.

With the process of enfranchisement, the Indian Act was amended in 1985 to correct the discrimination which caused people to be called Indian, or not to be called Indian. The government was forced to amend the Act but instead of correcting the discrimination, they made it even worse. We have gone from eighteen different legal categories of Indians now to over twenty-five. That's a great way to correct discrimination - you just create more classes of Indians. The fight isn't over yet, it's only just beginning. In all of that when you make a decision to oppress people what you do is increase their resistance. You only make a people stronger when you try to take their humanity from them. We've only just begun.

George Watts - "Taking Charge" - from "Reaction to Proaction"

The Nu-Chah-Nulth nation is doing a number of things in terms of "taking charge" which are positive signs of their aspirations for self-determination. Reading in the newspapers about more changes in the Immigration laws of Canada led to reflections about this country. A friend, Simon Lucas, was saying, "Is this ever going to come to an end so you and I can have a holiday and enjoy our families?" And I said to him, "I think I have come up with a solution. We'll take all the government welfare programs that are dished on us and if we take that money it comes to about 17 million per year for Nu-Chah-Nulth people. What we need to do is start giving each head of a family \$200.00 so you can get five families for every million, that's about 85 families for the 17 million we get. What we'll do is ship them to Europe, then we'll get them to apply for immigrant status back to Canada because then they'll be a desired citizen. I figure every year we can get 85 of our families up into the desired status in this country, instead of being colonized people. That would be the monetary way to do it".

Mr. Watts explained that he introduced his topic in this way because his people are fighting to avoid the trap that is somehow everything is relative to money. In the debates about Aboriginal people in this country: "I have yet to hear an argument that isn't based on money, which says to me that Canadian people are very one-dimensional". If the money argument is destroyed, what is left? He went on to say that he would like to have a debate with leaders, like Mr. Vander Zalm, to discuss his religion and his culture and keep the issues of money out of it because money isn't the issue and if you enter into that debate of money then you have lost the debate already. Instead, the Nu-Chah-Nulth people have set out "Where we are going", and the first question they should ask is, "What can we do without money?" One thing is to help their people to get out of a dependant state, and that means a change in attitude. Looking back in history, it is only about 50 years ago that there was no such thing as welfare in the Nu-Chah-Nulth nation and none of the people got anything from anybody except their own people. The communal system took care of people's needs and people had ways to help themselves, living by their own culture.

It is the mentality of the welfare state, brought to the reserves by the Department of Indian Affairs and the residential schools that has to be changed. If parents are able

Indian self-government is really preparing your children to survive, and that means preparing them to be themselves. All the official discussions on Indian self-government are theoretical things: Sechelt-style government, constitutional government, government under the Indian Act, and so on. We have had to deal with a lot of nonsense over the last fifty years, masked as integration but it was really assimilation. Now, we have to get rid of all that and start teaching our children again to be themselves because if they are themselves they will do things for themselves and all of these government programs make no sense. What we have done as a nation is to ask, "What's left?" And what is left is our language, our culture, our resources and our religion. I looked at them all, and none of them came from Europe. None of them, "...I say to myself, what is life about, and what are the things I've got to do in my life? My daughter is nine years old and when she becomes of age and starts womanhood it is my duty to tell the world that she has turned into a woman, I have to tell my people and invite them and feast them, and I want all the people in my nation to respect her. To do that I need resources. I say to myself, 'I'm going to do it'. I don't care about your Indian Act and your Fisheries regulations. We can sit down and negotiate like decent human beings and talk about it and figure out how to do it but if you don't want to I'm going to do it anyway".

What the Nuu-Chah-Nulth people have said is that they are not going to "react" any more. One of the things they are doing is very basic, it is housing. We are saying to our young people, "Nobody owes you a house...you're going to build your home yourself". As an Indian leader, I'm going to fight to make sure we have the resources to build our houses. We are taking the dependent housing program and turning it into an independent one, and helping our young people to do things for themselves instead of doing it for them.

Another area we're working on is child welfare. There is a philosophical debate yet to be resolved with the province - somehow they feel they have a right to give us the right to look after our children. We don't feel anybody has that right, it's a right that has been with us thousands of years and nobody can give it to us. So that's the philosophical debate. We went to the province and we said: "We'll have this on-going debate about this philosophical position but meantime we're going to look after our children. You can either do it with us or against us." The province decided they were going to do it with us, they delegated the authority to our tribal council to look after and protect our own children. We took the attitude that the most dear thing to us in our lives is our children. Instead of just solving problems, we have to build a child protection philosophy in our communities and many of our people have accepted that responsibility in our community. Asking, "When aren't we going to have a problem, when aren't we going to have child abuse, and starving children in our homes?" That becomes our goal. To understand our relationship to our children is going to take time but we have to get this discussion going in our community and after a few years we will get this situation to where we have nothing but healthy children turning into healthy adults.

Alcoholism is a symptom. About ten years ago one of our leaders stood up and said: "We can't keep talking about alcoholism if we're not going to do anything for ourselves". In those days over 90% of the leaders in the Nuu-Chah-Nulth area drank. Now, over 90% of the leaders don't drink. What happened? Obviously, those people said, "If we're going to lead our people, we have to make sure we're leading them away rather than into". If you never ask, "What can I do?", then you never get down to doing anything, you just make excuses and blame people. But now that we are doing something about it, the government is having a problem because they don't want us to do things for ourselves. When we don't do anything for ourselves the government can control us. The

minute we stand up and say, "I'm going to do it", or "stand with me and do it with me", the government starts to have a problem.

In just about every field that occupies our life, our tribal council is now doing this. We are saying to our children, "You've got to get an education because the twenty-five million people who came from all over the world to live here are going to stay here, they're not going to go away - in fact there's going to be a few more of them coming, so we had better learn to live with them. One of the ways that you learn to live with them is to learn what they're all about, so you have got to get an education". We take it one step further and say: "You can't just take an education in order to become wealthy and get a job. That's not what education is about. Education has got to teach you to live with other people and to live with the world".

In discussing with Canadians from all parts of the country, I am amazed at the people's narrow vision of where this country should go. They say we should send our children to school so they can be better qualified to get a job but there's got to be more to it than that. Then I listen to somebody like Dr. Suzuki, and a lot of people say, "that lunatic, that environmentalist". Well, I happen to think that Dr. Suzuki is brilliant as well as being a lunatic and an environmentalist. He talks about something which intrigues us because our people talk about it, and that's this concept that we're going to conquer the earth. What does it mean to our children? Are we really going to conquer the earth? We tell our children you can't just go to school to learn to conquer the earth. They have to struggle harder to make it, they have to deal with the English language, we don't write our language and we didn't have books. We have this extra burden of having to make it in the public education system, get all the right education to help us understand the people we're living with, and on top of that we have to get some things for ourselves that the Canadian education system isn't going to give our children and that is that we are not out to conquer the earth, we're out to live with the earth and that is a tremendous education if you have to add it to your children's education. We hope that one day the Canadian education system matures to the point where we won't have to do that for our children because it will be part of the education system.

The last thing I want to talk about is economics. From our historical perspective, our people have told us that White people don't manage resources, what they do is manage money. They don't manage fish or trees or minerals, what they do is they manage money. In order for us to have self-government and independent communities, we have to have an economy. We had an economy before the White people got here. Now what we have to do is try to find an economy that can exist because the other people are here as well as us, and we talk about a co-existence agreement. Certain things have to be set aside under an exclusive jurisdiction in order for our communities to survive because we can't subject our lives to a system that isn't managing resources.

To give you an example in our area, our people used to eat perch. There isn't one single perch now on the West Coast of Vancouver Island. What happened to them? They turned into money. Nobody cared about whether the Indians ate it or not. It was money. Now our people don't eat perch. Like Dr. Suzuki, we've got our list too. There was this, there was this, and it seems every few years we're saying, "there was". What's the problem, we ask ourselves. The problem, of course, is that people aren't managing resources. We say, it would be nice to be in partnership with Canadian people to manage resources but it doesn't look as if Canadian people have any desire to manage resources. A few people speak out, but the majority of Canadian people still care about the buck in their pocket. I think this country deserves some leadership, somebody to say, "this is where the country should go", instead of saying to everybody, "I can put another buck in

your pocket". I really have a problem with that, and it means we can't do things together. Our Indian communities will have to continue to try to do things on our own without the cooperation of Canadian citizens because we have a philosophy over here which is heading that way and we have our philosophy which is heading this way. And don't think for a minute that we are going to abandon our philosophy - that should be evident by now, after 120 years of trying to change us. I agree with Rosalee, in fact what happens is that we become stronger because we raise up a new generation with not only the education about what happened to us, but also the desire to never, ever let anybody take over your life.

When you talk about human rights, it has got to be in terms of day-to-day living and in terms of what you are. It's time for Canadian people to abandon the fear of things that are different, people that are different. Our religion and your religion aren't going to disappear. When I put on the potlatch for my daughter, it doesn't mean you can't have whatever relationship it is you want with your daughter. I'm not asking you to be me, and I don't want you to ask me to be you. To look at things to do with how we live, such as the land, you need to know the reserves were never done with our consent, we never asked for those reserves. What happened is that a White man came around in 1883 and he asked the people where they live. Well, we lived in seven different places. Our houses' frame would be left and we took all the rest with us because we lived in so many places. But we ended up in Port Alberni because that's where the guy met us.

When you talk about human rights, it's my right to exist as a people. Some people say, "You Indians want special rights". But we just want our rights, it's just like your right - the right to be ourselves. Some of the most racist people I've heard in this country have come from Hungary, Czechoslovakia, all the places that were oppressed. They come here and they want to lay oppression on us. They don't see that they're doing exactly what was done to them. If you don't understand your own oppression, you're going to end up oppressing somebody else. When I say, "In all likelihood, my children aren't going to leave Port Alberni", they say, "How come? You Indians have to live in the 20th century". "Well, it's my culture. There are 242 people in my family, our people are communal, we live together and we need this land base so we can live together". We're not going to get a teaching degree so we can go to Saskatchewan and get a job there. We're going to get an education to help us learn how to live together and to continue living together. We need a resource base. The Canadian taxpayers ask, "What is it going to cost me?", but if you look at the escalating costs, it is costing Canadian society a fortune now because it has not dealt honestly with the Indian people. If it would, you'd see the 3 1/2 billion dollar welfare state disappear and you'd see Indian people contributing 3 1/2 billion dollars into the economy of this country. It is not going to be done by welfare mentality, but by people saying, "What am I going to do to help myself?" Hopefully, Canadian people will let us do it because that's all we want to do.

DIALOGUE - Cross-cultural workshops were held with the participants and Native resource persons to discuss human rights in greater depth as they relate to the issues of Justice, Education and Family life. Workshops facilitators and resource persons included:

Ernie Crey - Vice President, United Native Nations

Ethel Gardner - Assistant Director, UBC First Nations House of Learning

Rhea Joseph - Health Consultant, Union of B.C. Indian Chiefs

Ron Peigan - UBC, Faculty of Law

Frank Rivers - Teacher, Consultant to Squamish Indian Band

Gordon Sebastian - Lawyer, member of the Hagwilget Band

Lorna Williams - Native Education Consultant, Vancouver School Board

WORKSHOP REPORTS:

1. Reporter - *Miriam Brownwell*

Some points from the group's discussion on Family, Education and Justice:

Participation by all in three areas are needed - in the family, in government and in justice, by knowledge of culture, history, environment, including total resources and people. Use what is needed without waste or destruction, be responsible for yourself as well as others - friends, family and community, to be a benefit to every one. Roles taught to each child early in life to be adaptable to positive change, to stand beside each other. Education - the general public needs to be educated about the Native systems which have existed for many generations. Awareness-building outside the Native community for understanding, rather than the non-Natives seeing a threat to their existence.

As a member of Project North, one of our aims is to provide a forum for Native people to bring their story to non-Native people so they can become familiar with one another.

The issue of city vs. rural existence is not really an argument, as it should be viewed as both being possible with the wise use of resources and with justice for all.

2. Reporter - *Charan Gill*

We talked about Education, Health and Child Welfare programs. We learned about the First Nations House of Learning. It's not really a house at University of British Columbia, but only a small hut. They are running a program from there to give representation and to orient people in terms of educational programs, social work and the Law Faculty.

Why are there not many Native people at the university level? To rectify that, equal opportunity to Native people is needed, and to bring their culture in, which was not represented before. The purpose of the House of Learning is to do this. Native people are 4.5% of B.C.'s population but there are only 150 Native student at UBC. In relation to their percentage of the population there should be 1,500. Among the youth, 80% drop out because courses are not relevant to their needs and they experience frustration.

A chief from the Gitksan-Wet'suwet'en emphasized that over-all representation from Native peoples in relation to health and education is missing at all levels.

Culture shock is experienced by people coming from reserves to the city. Some orientation programs are operating but there is a high mortality rate and there are health issues. There is a need to sensitize the general public, the educators, social workers, and to learn about spirituality, value systems, and so on.

The child welfare programs come under the law which says that a child which has been apprehended must be returned to a "person", not a band. More education of social workers is needed. Many social workers apprehend children without a reasonable cause.

"Land is Culture" - there is a need to understand that, and forums like this should be expanded to reach court workers, the police and so on.

3. Reporter - *Terry Alder*

There are different relationships to the land between Native and non-Native people, and different understanding of concepts such as self-government based on the different sets of values. What is seen to be different is often perceived as a threat. The dominant groups of society seeks to enshrine its values in institutions and in the law, which then became imposed on minority groups in society, causing them a lot of difficulty.

There may also be commonality between Native and non-Native groups as well as perceived differences. There is a specific spiritual group which is seeking to find within the Judeo-Christian traditions the values which are harmonious with Native values.

Differences between peoples don't imply "better" or "worse". The focus of this Dialogue on Native culture is not intended to promote it as "better", but only to increase understanding of it among non-Natives.

What to do? Everyone who is interested should take responsibility, themselves, to learn about Native culture and increase their own understanding. We also need to understand our own culture and the conditioning we've experienced as part of our culture. Reflective self-awareness can lead to choices and individual actions to change culture. The struggle of the Native people is for all Canadians, and will lead to individual self-growth and understanding of the many ways of learning. In the process of attempting to understand oneself and others will come clarity about ways to act to change the social order.

4. Reporter - *Star Fuoco*

It was a very emotional discussion for the group and many spoke of their appreciation for Rosalee Tizya's presentation. The residential school experience was discussed. It was a horrendous experience which cut off young people from their roots, culture and family. One person shared their experience of never having been touched or hugged or in any way comforted by nuns and priests. It meant growing up never having learned how to "parent". A recent workshop to do with the grieving process for those who had gone to residential schools and are now facing their experience, was held to help people come to terms with the profound influence of the residential school experience.

Rosalee pointed out that the idea now is for children to be "whole" through being able to stay on the land and to retain their culture. "Strength of the land" was emphasized, and the point made that the land claims issues goes far beyond economics

and involves spirituality of the land.

An environmentalist spoke about the similarity of the concerns with the Native people. It was noted that although there are similarities, issues for Native people are much deeper and at a different level than just "saving" the land.

Someone who had grown up in China pointed out the similarity of the "colonial" experience. For the Native people, colonialism can never really win because their cultures are so ancient and are continually evolving. Now a rebirth is happening and many people are now questioning the process of following "Western Thought" about the world and how that has led to messing up the world ecologically. They are now looking to the concepts the Native people have had all along and how Native people seek to live in harmony with nature. A new focus is developing on "this is how we treat our earth".

We need not get so intellectual, it was noted, but rather we should "speak from the heart". The question of spirituality kept coming up - a very spiritual view of life makes it necessary to talk "from the heart". It means to get others to understand what you have to say - not tailor your words to "what others want to hear".

5. Reporters - *Herb George and Ron Ignace*

There was discussion about the family and child welfare especially in relation to the rights of children. Children are viewed as the most important resource for Indian people because they are what has to be protected in order to go on into the future.

The U.N. Declaration of the Rights of the Child needs to include the rights of the children of Indigenous people. It means changing the way we look at the rights of children in the family. In Canada, when a family breaks down, the state steps in to deal with the child and in most cases, it is apprehension of the child. For Native people, it is the extended family which moves in to look after the welfare of the child. Should that not be enough, the community at large becomes a participant.

One person in our groups said that whenever he goes to a conference, he tries to make sure that one thing which is real and meaningful comes out of the conference. What can we get out of this forum? The suggestion from our groups was that it's not enough just to talk about the rights of the child and the suggestion made was that we recommended AMSSA to work on this with a Task Force set up by AMSSA.

The U.N. Commission on Human Rights has a working group which is presently putting together a report which will be placed before the U.N. with recommendations on how the rights of the child should be defined internationally. The report will be going before the U.N. sometime in the fall. Canada is one of the countries involved on the working group with two other Western countries.

Canada's policy in regard to Native children has recently taken a step backwards in our view with the tri-parties agreement between federal and provincial governments and Native communities. Provincial governments have jurisdiction over child welfare, and this appears to be used as a way for the federal government to hand its trusteeship over Native people over to the provincial governments. Instead, the jurisdiction over children should go where it rightfully belongs, which is back to the Native communities.

If AMSSA could set up a Task Force to inform people about what the U.N. working

group is doing and examine ways to support Native people – either to have the collective rights of Indigenous people over their children entrenched in the U.N. recommendations, or to exclude Indigenous people from any of the recommendations which come forward.

In summary, we should work towards taking the "problem out of the home", not taking the children out of the home.

6. Reporter – *Richard Overstall*

The first question we discussed was: "How do Indian peoples relate to the rest of Canada?" and "How does Canada relate to Indian people?".

The binding thread is the respect that from all our cultures we have for the other to exist; through recognizing people's spirituality.

The things which make us different are different world views in areas such as economics: the Western view is of large corporations and state-level decisions. Indian people have a local, decentralized view. For resource management, such as fisheries, conflict arises between the state and individual chiefs. Education has to go beyond teaching the trappings of one's culture to another – it must include the process of socialization and as a political process, schools need to reflect "who we are". The status quo in education goes back to our view of ourselves and how we fit into the world. There isn't any "right" or standard form of education. The history of the last 100 years of social relations between Indian and non-Indian people can teach us about one form of relationship between Indian people and the rest of Canada. We can learn from it.

Looking to the future, unless we can recognize and honestly confront the basic differences between Indian and non-Indian Canadians, we will continue dealing with the superficial aspects of the two cultures and the damage done by not recognizing the basics will continue.

CASE STUDIES:

1. Canadian National Railway Twin Tracking - Chief Ron Ignace, Skeetchesten Indian Band

Chief Ignace spoke about the law suit which the Alliance of Tribal Councils has launched against Canadian National Railway in order to stop the building of a second track through Indian lands. Expressing appreciation for people taking time to put Native issues on their agenda through attending the Aboriginal Dialogue Conference, Chief Ignace gave some history and explained what the case is about.

The main purpose is to save the salmon, and through saving the salmon "We are saving ourselves as Native peoples". But it effects everyone, and even from the non-Native perspective, salmon is "big business". For Native peoples, salmon fishing is a basic activity which connects them to their source of well-being.

It was the promise of the railway to the Pacific which lured British Columbia into Confederation. This issue was linked to international events and economic forces of the day; labour was needed in Canada and settlers were brought in to occupy the lands, but these were Indian lands. Canadian Pacific built its track through Indian lands without permission or consultation. The McKenna McBride Commission of 1910 made promises not to cut off any land from Indian territories, but they did anyway - land was taken without compensation, timber was burned, fields destroyed, graves disturbed and fisheries effected. The slide at Hells Gate in 1913 was caused by the building of the CN track, although this was denied. The Fraser River was blocked and if it had not been for the actions of Native people who brought the salmon to the slide and helped them up to the spawning grounds, the salmon would have been wiped out. The slide caused suffering to the Indian people because of the effect on food supplies. The salmon have not yet fully recovered from this destruction of the river bed.

Now CN plans to build a second track through Hell's Gate. They have not disclosed their plans, but they say there is nothing to worry about. They will use the least expensive method to construct the second track, which is to dump rock in the river banks which will cover over the spawning grounds and fill in embankments, inhibiting the salmon's ability to get up the river. The CN claimed they could artificially reconstruct spawning grounds by bringing in gravel. But one attempt to do this failed, and the next year all the gravel they had brought in was washed away.

Indian people are trying to stop the building of the second track on the basis of their ownership of the river banks. An interim injunction has been obtained, and the case is being prepared for trial against the federal government, the provincial government and the Canadian National. The federal government is in a position of conflict of interest, being trustees for the Native people and also a defendant in the case. For Indian people, what is at stake is their right to survive as a separate people. "In trying to realize our right of self-determination, the light we see at the end of the tunnel is an on-coming train".

2. The Gitksan-Wet'suwet'en Land Title Action - President Don Ryan, Gitksan-Wet'suwet'en Tribal Council

Don Ryan explained the context and gave some background for this case, which is now in its second year in the B.C. Supreme Court as the fifty-seven Hereditary Chiefs

persuade the legal system and the court of the legitimacy of their society.

He began by reminding the people assembled that the Gitksan-Wet'suwet'en history is very ancient: "We have just scratched the surface of the last 10,000 years". The oral histories go back even further in terms of what was happening on the land, and this tests the understanding of the people we are dealing with. The issues around aboriginal rights are also very old, as Prof. Jackson outlined in his address, and go back a long way. The land claim struggles of the Gitksan-Wet'suwet'en peoples have also been going on for at least 100 years, it didn't start just 10 or 20 years ago.

The Gitksan people come from the Upper Skeena area and the Wet'suwet'en are from the Bulkley Valley area. They are divided into clans and house groups. The plaintiffs are House Chiefs. They are very decentralized in terms of decision-making authority, and have developed the court case around that principle.

We have had to deal with each issue at different levels. We participated in the First Ministers' Conference on the Constitution. We are in an environment where we are being told that we do not exist as a person of Gitksan-Wet'suwet'en origin. At any institution in this country - the bank, Indian Affairs, any Ministry or jurisdiction - all say that we don't own our land. The Crown owns the land. The Courts are saying the same thing and we are now testing that to unmask it. It is all based on the brief European history, and the attitude that the Europeans discovered this part of the world and the definition of discovery and changed it in the last 100 years to include the notion that we, as Indian people, do not own the land.

In terms of the trial we have tried to deal with that issue head on to see how far we can take it. We initiated the court action in 1984 to try and change the law and the definition of Aboriginal rights under Canadian law and the Constitution, Sec. 35. Permission is needed from the Crown for everything - to fish, to cut trees, to pick berries, etc. In trying to change this we have to try to expand the notion of Aboriginal rights so other groups coming later can have a better chance for a good decision. The other thing we are doing is to try to influence people in the country through education. We need support in that effort. We are also attempting to create a political environment outside the courtroom which will spill back into the courtroom - on questions of forestry, fisheries, etc., especially regarding over-harvesting of forests for lumber and pulp.

People should look at what is happening in the courtroom and see the type of case being presented by the provincial and federal governments. People are being asked questions such as, "Do you have a window in your house?", "Do you own a car, have a license". These questions reflect attitudes towards Aboriginal rights which deny their concepts of law, religion, property, politics, etc.

The trial may finish at the end of March, 1990. The decision could come after another year then, there would be appeals to the Appellant Courts. The total costs may be about 10-13 million dollars. Why do we have to pay all this money to prove that we own the land?

We have to exhaust all possible domestic forums we have in this country to deal with the issues. Meanwhile, we are not going to wait for the decision, or the constitutional talks from the government, or the political negotiations. The time-table is so lengthy, it will stretch well into the next century so we are initiating actions now on land management.

3. The Stein Valley - Chief Ruby Dunstan, Lytton Indian Band

Chief Dunstan explained the position of her people on the Stein Valley and some of the reasons for their opposition to opening up logging or building a road through the Valley. She said that when those who are elders today were children, they were told by their elders that the day the final mountain has a road built to the top of it, "We will be no more". When she looks at the children and begins to wonder, what is in store for them, then this gives her the strength to continue the fight to protect what rightfully belongs to her people.

Talking about human rights, she said that the Charter of Rights, the Constitution and the different levels of government all mention human rights but she can't figure out where Indian people fit in to any one of these. When Native people start talking about land claims, traditions and cultures, somebody will say, "You can fit under Section 35 of the constitution". And a lot of people feel threatened by the Native people, we are still surviving and struggling to be recognized for who and what we are. "A lot of the public never stops to hear two sides before they make judgements. Nobody has really sat down and listened to what we, the Native people, really think and feel".

About her experience in residential school, Chief Dunstan said that the five years she spent there were the most unhappy years of her life. She didn't understand English when she first went to the residential school. She and her sisters were forbidden to speak their own language, and were beaten if they did. As a result, it was many years before she could speak her own language again. "Things like that happened to us as kids and you don't ever forget, but you learn you have to deal with them because if you don't, its tougher to help the people you want to help".

Chief Dunstan mentioned that she often hears people say, "It's the tax payer's money we have to spend to take care of you Indian people". She would ask about how those taxes were collected in the first place, and from whom. It is from people who have come to live on Indian lands and territories, and have stripped everything from those lands and territories. "Indian people have always had some sort of maintenance programs that didn't involve chemicals or tearing down or ripping apart. It was like that for thousands of years, until corporations and governments came in and raped our country and the resources which have been in our homelands. Indian people are just getting a little bit back. It is for the sake of greed and money that they now want to tear the Stein Valley apart. The pictographs are there which we want to protect. Some of the trails are thousands of years old. yet we are being told we now need permission to maintain them".

She emphasized that her people have never signed anything saying that they have given up their rights, yet they are being told that they have "acquiesced" because they have a drivers' license, a fishing permit, or a telephone and carpets in their homes. "That means we've given up all our rights and that's not true. Everybody else in the non-Indian society have those things, but they have more rights than the Indians".

4. South Moresby Island - Lavina White, Haida Nation

Lavina explained that the old and the young people alike, of the Haida Nation put their lives on the line because they couldn't see clear-cutting on their lands any longer. She told us that over and over again when indigenous people think they have won, they turn around and find themselves losers again. Such is the tragedy of South Moresby. The Haida were able to gain world attention for their action on the island, as well as the

support of a great many people who care what happens to the Earth.

But as Lavina pointed out, after winning such a hard struggle, governments and others turned it around by declaring it a National Park. She told us that in moving towards the National Park, they involved some of the environmental people who at the time did not understand how the governments have systematically alienated lands from their land issue. And that one of those means is by the creation of ecological, provincial and national parks. She wanted us to know that when Aboriginal people stand again in an area contained within a land claim of one of the Nations, that it will remain a protected wilderness area only with consent of Native people.

Lavina referred to the two documents given at our conference, the Canadian Charter of Rights and Freedoms, and the Universal Declaration of Human Rights. She said that to many indigenous people these documents are meaningless, and for that to change they in their reserve system must become more visible.

Lavina told us that when changes to the Indian Act were proposed, one of the statements made to the aboriginal people was that their grandchildren could not be recognized as having any rights because the cost of land was so high. She said that they couldn't understand this position in the second largest country in the world, with a population that doesn't warrant such a statement.

In closing, Lavina suggested that we have more meetings with her people so that we can begin to realize what Indian people have to contribute. She said that she believed the Indian people of this country have the paradigm that will begin to heal this world.

DISCUSSION & CONFERENCE SUMMARIES

Comment - An American linguist from Alaska, specialized in the Athabaska Land Claims settlement, said that the settlement, which set up thirteen corporations for Aboriginal people to run, has devastated Alaska. The efforts being made in Canada to address these issues seem to be more positive and rational. He said he was impressed by the approach being developed in Canada, and this forum which allowed for discussion. In Alaska, the issues are extremely polarized.

Comment - A representative from one of the AMSSA member organizations said that he would like to thank the organizers for this forum and he wants to ask, "Do you have a course of action for us to follow?"

Response from panelists:

Don Ryan - We need more money to fight our case. For the long run, we need support in forums like this, and pressure on governments to say, "Don't ignore us".

Ruby Dunstan - Aside from money, there is a lot of work to be done to convince the provincial government that Aboriginal people still have rights.

Ron Ignace - Our recommendation was made previously, regarding the need to lobby the federal government not to hand over the responsibility for Native children to the provincial authorities. In addition, more forums should be held on the rights of the Indigenous people. We hope this is the start of something which will grow. Regarding the issue of Twin Tracking, our coordinator, Edna Lewis, at the Union of B.C. Indian Chiefs office in Vancouver, can be contacted on specific help for this case. There are videos available to be shown.

SUMMARIES

Susan O'Donnell - Human Rights Coalition

Although I had been working for months on the planning of this conference, nevertheless, I had not been prepared to be as moved as I was. I don't think that I fully understood the situation of Aboriginal people until this day. What impressed me most was what Rosalee said today. It transformed what I am going to do with the rest of my life and I hope some of you felt some of that from some of the speakers today. I'm glad I, and all of you, were able to be here today.

Bernardo Berdichewsky - AMSSA member organization LARC (Latin American Action-Research)

As a new Canadian, I am impressed with this meeting today for how well-structured the Native leaders are, and also by the response from the non-Native people. I am from South America. There the Indians are also very militant and they are developing an ideology. In Peru, there are 12 million Indians and they are totally oppressed, but they have the demographic power of numbers. I was invited to attend their Symposium on Indian Ideology, Indian Philosophy and Indian Politics and they also published my paper. I would like to suggest that a Symposium be held here by the Native leadership and a book or document published to outline to the public their vision of self-determination.

Lorna Williams - Native Education Consultant, Vancouver School Board

Looking back to the objectives of the Planning Committee for this conference, I see three things: to celebrate human rights, to provide an awareness, and to exchange and dialogue.

It is important to share with one another, that is what celebrating means - to celebrate together. When people from the Coast meet in their potlatch, when people from the South Coast meet in their winter ceremonials, when people from the Interior meet together and feast, they celebrate. One of the things we do is we perceive, we look, we see things together, we think together and feel together and then we do things together. Through this process we articulate what has transpired in the past so we see better the right path as we move ahead. Until we stop and do this, we cannot see what goes in front. So we share and we learn together.

To celebrate human rights, I have to ask what this really means and who sets the terms. Our rights as humans on this earth are but a small, small link in a whole chain of rights. Our human rights are really no more, and no less, than the rights of all other living things. They are not separate. To hear about the rights of the fish, the birds and the land were the highlight of today for me. Until we can talk about those rights as well we cannot talk about our human rights.

Concluding remarks - Bill Mussell, Conference Chairperson

I would urge all of you to share the things you have learned today with as many people as possible, to encourage more people to become involved in questions of human rights. There is a tremendous amount of work to be done and we have made a good start in terms of beginning to define the map that we can use to undertake that journey.

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YOU CAN DO MORE

We suggest you contact any of the following organizations:

1. B.C. Human Rights Coalition - #107-96 East Broadway, Vancouver, V5T 1V4,
872-5638
2. United Native Nations - #300-33 East Broadway, Vancouver, V5T 1V4,
879-2420
3. Gitskan and Wet'suwet'en Tribal Council - #102-788 Beatty Street, Vancouver,
V6V 1M2, 682-1990