



Speaking Out on...

ABORIGINAL RIGHTS

Speak!

Vol. 5, Issue 3 - April 2009

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Journalists for Human Rights, McGill Chapter

Journalists for Human Rights at McGill

Journalists for Human Rights at McGill, a club at SSMU since 2003, is one chapter of a growing Canadian NGO currently working in thirteen African countries. The primary mandate of the head organization is to build the capacity of the African media to report effectively on human rights issues.

Our JHR chapter works to increase the visibility of human rights abuses within the community, the country and throughout the world. We publish Speak! Newspaper twice a semester, and in 2007-8 launched Speak! Radio on CKUT 90.3FM. We organize speaker events and movie screenings, and participate in local and Canada-wide fundraisers. In January 2009, we held our first “epic party”, Rights in Black and White, at Club 737; this will become an annual event! In March 2009, we held our first Train the Trainers Conference on Media and Human Rights open to all McGill students. Given the overwhelming interest in this event, we intend to hold it again in September 2009.



Beyond providing an outlet for students to discuss and publish articles and broadcast stories on important human rights issues, our JHR chapter also works to provide a voice for all other human rights related groups at McGill. Our publications report on the issues other clubs are covering and publicize the events they are organizing. So far we have collaborated with Amnesty McGill, the McGill Global AIDS Coalition, CKUT, the Baha'i Association, McGill University Law School's Human Rights Working Group, and the North Korea Freedom Network, and we are a member of the Campus Coalition of Progressive McGill Organizations.

JHR McGill also provides students with national and international human rights journalism opportunities. Through the JHR Chapters Program, we have offered McGill students opportunities for publication in national publications (magazines and academic journals) and to participate in internships in Ghana. You can check out the most recent opportunities at <http://jhrmcgill.wordpress.com/opportunities>.

JHR McGill is always open to new members, so if you would like to write and edit articles for Speak!, assist with the radio broadcast, or help fundraise and organize events, send us an email and we will add you to our listserv at jhrmcgill@gmail.com

To learn more about JHR, the NGO, please visit: <http://www.jhr.ca>

To learn more about JHR McGill and view our upcoming activities: <http://jhrmcgill.wordpress.com>

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From the Editor-in-Chief

After a successful year, JHR is proud to present its final issue of the semester, Speaking Out on Aboriginal Rights. This my final issue as Editor-in-Chief, and I am proud to say that JHR and Speak! have come a long way this year with increased participation and readership. Thanks to all the JHR staff and contributors for your hard work this year. I could not have done it without you. I am thankful

for the opportunities JHR has given me and I will always carry this experience with me. To all JHR readers and writers: keep building awareness of human rights issues and making your voices heard.

*-Sarah Molinari
Editor-in-Chief*

First Nations in Vancouver Continue to Protest 2010 Winter Olympics

Economic Benefits Overshadowed by Environmental Destruction of First Nations' Land

by Erin O'Callaghan

In just under a year, the Olympics will once again come to Canada, this time to the beautiful west coast city of Vancouver, British Columbia. However, the glamour and excitement of the coming games and the international attention they garner have highlighted the land claims being advanced by the aboriginal people native to the area. Some of the bands that live in the Vancouver Squamish and Whistler areas are heavily protesting the 2010 Winter Olympics and the subsequent construction and development necessary for such an event, because they claim that the British Columbia government is using land that they do not rightfully own.

In 1993 the provincial government began the British Columbia Treaty Process (BCTP), a land claims negotiation with the First Nations of British Columbia, with the intent of resolving the outstanding issues of land ownership. However, in the midst of the negotiations, BC was successful in the bid for the 2010 Winter Olympics, and has carried out significant construction in preparation for the monumental event. The First Nations of BC take issue with the destruction of land along the Sea-to-Sky highway, which connects Vancouver to Squamish and then further north to Whistler.

In 2006 there was major controversy over the expansion of the highway through the Eagleridge Bluffs because the construction involved destroying a large part of the mountainside and completely rerouting the highway through a forest. Although protesting began with local residents, the issue soon gained more attention from the press, and elders from the Squamish Nation became more involved with the movement and gave their support to the protestors, despite a promise made to the BC provincial government not to obstruct development for the 2010 Winter Olympics. One activist, Harriet Nahanee, a 71-year-old member of the Squamish Nation, was sentenced to jail time for her participation in the protests, and died from complications of pneumonia a week after her release. Her death brought more attention to the protests and the climate of discontent, despite assurances from the government that they had the support of the First Nations.



Protesters march against the 2010 Olympics in Vancouver (February 2009).

Near the end of the nineteenth and beginning of the twentieth century, a series of eleven treaties, known as the Numbered Treaties, were negotiated between the First Nations in Canada and the reigning Monarch (Victoria, Edward VII or George V) between 1871 and 1921. However, the colony of British Columbia failed to negotiate treaties for much of the province's land, and as a result most of the province consists of non-surrendered Indigenous territories, as stated on the website supporting the protestors, www.no2010.com, in the article "No Olympics on Stolen Land." According to the article, aside from a small number of treaties agreed on Vancouver Island and Treaty No.8 in the northeast section of the province, the rest of the province is non-ceded land; basically, the BC provincial government is operating on stolen indigenous land.

In 2004, the Squamish, Mt. Currie, Musqueam and Tseil-Watuth bands formed the Four Host First Nations Society to "take advantage of all opportunities including economic, and establish a clear First Nations presence in the Games while protecting aboriginal rights and title" (November 24, 2004, press release). Despite assurances by the Vancouver Olympic Committee (VANOC), that they have the support of the First Nations people, (indeed Chief Gibby Jacobs of the Squamish band is actually a member of the board of VANOC), it is merely the leaders of the bands, and not all of the members, who are in favour of the 2010 Winter Olympics. The demonstrations at Eagleridge Bluffs, along with other protests that have occurred at multiple Winter Games events, indicate that the majority of First Nations peoples are not

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No Olympics on Stolen Land



The No Olympics on Stolen Land campaign has held protests across the country.
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happy about the 2010 Winter Olympics. The First Nations people are not merely upset about the destruction of natural land to clear way for Olympic infrastructure; they are also protesting the treatment of the abject poor population of Vancouver, most of who live on the Downtown East Side. Since Vancouver gained the bid for the Olympics in 2003, VANOC has been on a mission to clean up the downtown area, which has resulted in hundreds of evictions from low-income housing, more homelessness as well as more police repression in an attempt to clean the streets up before the world turns its scrutinizing eye upon Vancouver for two weeks in February 2010.

Although the Olympics will undoubtedly bring huge business opportunities to Vancouver, some First Nations people are claiming that capitalistic advances should not come at the expense of the natural world, or the poor, of which minorities such as First Nations people make up a large portion. VANOC claims on their website to be com-

mitted to “managing the social, economic and environmental impacts and opportunities of [the] Games to produce lasting benefits, locally and globally.” They also state that sustainability “includes [a] commitment to achieving unprecedented Aboriginal participation in the planning and hosting of the Games.” VANOC has made a concerted effort to increase Aboriginal participation in the Games, and has a specific section addressing the topic on their website. The goal is complete integration of Aboriginals into the planning and execution of the Winter Games, providing multiple business opportunities and exposure for Aboriginal culture.

While they may have the support and input of the band chiefs, other members from the bands are not happy with the situation, as is evident from the creation of a movement like No 2010 Olympics on Stolen Land. The bands in general will benefit from the business ventures of the Olympics, along with the other big businesses in Vancouver, but the environment and the poor risk being lost in the shuffle. §

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Aboriginal Women Disappear Along “Highway of Tears”

BC First Nations Chiefs Call for Full Inquiry

by Maggie Knight

Winding 724 kilometres from Prince Rupert to Prince George, British Columbia's Yellowhead Highway 16 has earned a new name: the “Highway of Tears.” The 2006 Highway of Tears Symposium Report described the name as “born out of...fear, frustration, and sorrow.” Since 1990, at least nine women aged 14 to 25 have disappeared or been found murdered along the route. All but one of these women were aboriginal. First Nations groups claim that a number of cases have gone unreported, suggesting a total of over 30 missing women.

The disappearance of Tamarra Chipman, 22, on September 21, 2005 and the murder of Aielah Saric-Auger, 14, in February 2006 sparked the Symposium, which was attended by 500 delegates and 90 organizations. Recommendations released in June 2006 suggested ways to make the area safer for young aboriginal women.

The majority of the women disappeared while hitchhiking. The Symposium Report cites persistent, intergenerational poverty and student poverty as the main reasons that young women put themselves at risk by hitchhiking. Many areas along the northern highway have little or no public transportation, and poverty often renders vehicles unaffordable. Isolated First Nations communities still require supplies from the nearest town or city, and aboriginal youth travel there for recreational and social activities; often, the only transportation option is hitchhiking.

“The North is under-serviced,” says Lisa Krebs, coordinator of the Highway of Tears Initiative. “We need to eradicate poverty and create massive infrastructure.”

Krebs also sees awareness campaigns and support for more youth recreation as important steps. She is in charge of implementing the Symposium's 33 recommendations, which include: creating a shuttle bus system between all cities, towns, and First Nations communities along Highway 16, which would be mandated to pick up any young female hitchhikers; providing more victim support services for families and communities of missing women; and installing billboards informing the public about the disappearances and asking them to provide

any tips to a 1-800 number. The Symposium Report also recommends the creation of safe houses and installation of emergency phone booths along Highway 16, increased high school and post-secondary awareness campaigns, and increased RCMP patrols during tree planting season (when hitchhiking dramatically increases) mandated to pick up any young female hitchhikers.

The Highway of Tears disappearances became highly publicized after the disappearance of non-aboriginal tree planter Nicole Hoar on June 21, 2002. While the First Nations community welcomed the mounting pressure on authorities to address the serial nature of the crimes, they have suggested racism played a part in delaying significant investigation. While a full investigation is now underway, concerns about a double-standard remain.



Participants in the Highway of Tears Walk for Justice set out from Prince Rupert to Ottawa.

“Urban and reserve aboriginal communities [are concerned] that they receive less in terms of the policing service than other communities...and that police are indifferent to the suffering and disappearance of aboriginal women along the Highway of Tears,” stated the United Native Nations, the Union of BC Indian Chiefs, and the BC Civil Liberties Association in their March 11, 2009 open letter addressed to Premier Gordon Campbell, Attorney General Wally Oppal and Solicitor General John

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Pickton Trial Reason to Delay Full Inquiry

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van Dongen. The letter called on the BC Government to hold an official inquiry into the disappearances immediately. The Province has delayed such proceedings, citing possible impacts on the appeal process of Coquitlam pig farmer Robert Pickton, convicted of six second-degree murders of women from Vancouver's Downtown East Side in December 2007, which begins on March 30, 2009.

Wally Oppal responded to the letter's allegations of racism, saying the investigation of the Pickton murders (the majority of whose victims were aboriginal) was "one of the most exhaustive police investigations in history."

If Pickton's appeal fails, the Crown will not proceed with charges for 20 other murders. The aboriginal victims' families feel this is just one more example of the police and government not holding perpetrators of crime against aboriginals accountable.

In September 2008, victims' friends and families joined in the Walk 4 Justice, walking from Prince Rupert to Parliament Hill to raise awareness about the concerns of police and government inaction. Some found the Conservative Government's response insufficient, however. Nathan Cullen, MP for Skeena-Bulkley Valley, believes that Harper should have met with the walkers and formally accepted the petition they carried.

"I was really impressed with the Prime Minister's apology to First Nations residential schools survivors," said Cullen. "But his actions when these people walked to Ottawa—he was

given three months' notice and he was in Ottawa that day—it makes me doubt the sincerity of that apology."

In late 2008, a report on Canada's compliance with the UN Convention on the Elimination of All Forms of Discrimination Against Women called on Canada to take significant steps to "remedy deficiencies in the system" regarding failure to investigate a number of cases of missing or murdered Aboriginal women.

United Native Nations President David Dennis emphasizes that "the only legitimate forum to compel police and other officials to give testimony is a public inquiry...It's the most appropriate forum."

"I think the Premier, the Attorney General, and the Solicitor General need to understand that this issue has been ongoing for far too long," said Grand Chief Stewart Phillip of the BC Union of Indian Chiefs. "It is a national disgrace." The United Native Nations, the Union of BC Indian Chiefs, and the BC Civil Liberties Association vow they will continue to press the issue nationally and internationally.

"This issue will be brought to the attention of the international community during the 2010 Olympic Games [in Vancouver], it's as simple as that," Phillip promises.

With so much focus on the human rights situation in China during the 2008 Beijing Olympics, and an already prominent First Nations "No Olympics on Stolen Land" campaign, it remains to be seen if the provincial and federal governments will yield to pressure and open a full inquiry into the Highway of Tears disappearances before February 2010. §



Signs placed along the highway warn women against hitchhiking.

Getting It Straight: An Overview of Correct First Nations Terminology

by Manisha Aggarwal-Schifellite

The terminology surrounding Aboriginal affairs in Canada has been an ongoing and complicated debate. According to Indian and Northern Affairs Canada (INAC), there have been many ways to define Aboriginal groups in Canada over the years; however, it is often hard to know what terms have fallen out of vernacular and what terms have been deemed acceptable. In 2004 INAC released a document entitled “Words First: An Evolving Terminology Relating to Aboriginal Peoples in Canada,” clarifying the myriad of terms that have been ascribed to the Aboriginal community in North America.

According to the INAC, “Aboriginal People” is a collective name for the original peoples of North America and their descendents. It refers to all three of the main indigenous groups in Canada: Indians, Inuit and the Métis. More recently, other groups have been included in this category, such as the Innu of Newfoundland and Labrador.

When describing Aboriginal people, the INAC recommends using the term as an adjective (Aboriginal people) rather than a noun (Aboriginals). In the context of Canada, it is important to “avoid describing Aboriginal people as ‘belonging’ to Canada” by saying “Canada’s Aboriginal people.” It is better to use statements such as “Aboriginal people in Canada” in order to differentiate between the Aboriginal population of the area and the colonial forces that created the country of Canada.

The terminology used to describe Aboriginal people in the Canadian North and Alaska has also changed over time from “Eskimo” to “Inuit.” Inuit is often confused with the First Nations Innu tribe living in Newfoundland and Labrador, but they are different Aboriginal groups with different customs. “Eskimo” is seen as an offensive term for Inuit and should not be used. However, while this term is rarely used in Canada, it still used by many in the United States to refer to Inuit in Alaska.

Aboriginal peoples who are not part of the Inuit or Métis groups are known by the term “First Nations.” The 2006 Canadian census found that First Nations people make up the larg-

est group of Aboriginal people in Canada, numbering 698,025. Since its introduction in the late 1970s, the term “First Nations” has become more acceptable for Aboriginal peoples who were previously called “Indians.” The term “Indian” has widely fallen out of favour in Canada as a descriptor of First Nations people, due in large part to the inaccuracy of the use of “Indian” as well as its negative implications in history. Using “First Nations” to describe those previously categorized as “Indians” in Canada and the United States, then, is the most politically correct and acceptable method of description. However there is no legal definition of the term “First Nations,” and so it is useful to clarify the preference of a First Nations person to use “First Nations,” “Aboriginal” or “First People(s)” before ascribing one of many names that may be offensive.

Legally, the name “Indian” is currently used to refer to First Nations people in regards to their legal Indian status in Canada. The three types of Indians according to this measure are Status Indians, Non-Status Indians and Treaty Indians. However, the use of the word Indian in these titles is seen as outdated and there is an ongoing debate over whether to change the legal category to “First Nations.” In the United States, the term “Indian” is more widely used and accepted than in Canada, although the name “American Indian” has become more common. “American Indian” usually refers to the descendents of First Nations people in the United States. Another title that is implicitly American in its description is “Native American,” a term that is not widely used in Canada. “Words First” claims that “some Aboriginal peoples in Canada have argued that because they are the descendents of the original peoples of the Americas, the term Native American should apply to them regardless of their citizenship.” However, the term “Native” as a noun has become less acceptable in public discourse.

The terminology surrounding Aboriginal peoples in North America continues to change as Aboriginal groups in Canada and the United States continue to fight for their rights to citizenship and cultural recognition. Slowly, the identities ascribed to Aboriginal peoples have changed to reflect the groups themselves, as opposed to names given without consultation or consideration. §

PHOTO ESSAY: A Look into the Barriere Lake Blockade

by Charles Mostoller

On October 8, 2008, some 120 people from the Algonquin community of Barriere Lake blocked a major Quebec highway in protest of federal interference into their community governance and to demand the implementation of signed resource co-management agreements. The blockade was a last-ditch effort, after months of protests in Ottawa and many meetings with MP's failed to bring about any change to the government's policy. When families from the community peacefully protested on a highway outside their reserve in October and November, the government of Canada remained silent while the Quebec government sent in riot police that tear-gassed people of all ages and made numerous arrests.

The 1991 Trilateral Agreement signed by the Algonquins of Barriere Lake and the Quebec and federal governments was hailed as a landmark co-management agreement by the Royal Commission on Aboriginal Peoples. Despite this and the millions of dollars spent on the Trilateral process, the federal government has backed out of the Agreement. Twenty years later, despite court rulings that should have forced Ottawa to take seriously its obligations to Barriere Lake, the community is forced to watch as its traditional territory is devastated by clear-cut logging. On top of this, the community is one of the poorest in Canada, and is stuck in a tiny 59-acre reserve with 85% unemployment and houses condemned by Health Canada.

The Government of Canada stopped recognizing Acting Customary Chief Benjamin Nottaway on March 10, 2008, and recognized individuals whom Barriere Lake's Elder's Council and a majority of the community says did not follow their Customary Governance Code, or Mitchikinabikok Anishnabe Onakinakewin, which the community uses to select their leadership.

Community members have demanded that the federal government appoint an observer to witness and abide by the results of a



new leadership selection, but the government of Canada has to date refused.

However, in January the Federal Court of Appeal ruled in favour of the Barriere Lake's Elder's Council, who will now proceed with their motion to review Indian Affairs' decision to stop recognizing Acting Chief Nottaway. The Court decision casts doubt on the legitimacy of Canada's recognition of the dissident Council and gives weight to the Elder's Council position that Indian Affairs violated their Customary Governance Code. §



Bolivia: A New Era or A Dream Deferred?

2005 Election a First for Indigenous Population with Hope of a Better Future

by Anne Cohen

In December 2005, Bolivia had cause to celebrate. The country had just elected its first indigenous president, Evo Morales. On the eve of his inauguration, a ceremony was held to honour the indigenous heritage of Bolivia. Thousands of Aymara and Quechua Indians gathered at the ancient city of Tiwakunu to partake in the festivities and catch a glimpse of their newly elected President. This event is a significant in a country where the majority of the population is indigenous but have never been represented in government. Indigenous people all over Latin America had reason to hope for change with regard to their political participation, social status and unequal opportunities.



Bolivian President Evo Morales speaks during the United Nations meeting on Climate Change, New York, September 24, 2007.

Latin America has some of the most unequal communities in the world in terms of racial and social discrimination. This inequality stems in large part from the Spanish colonial legacy. When the Spanish explorers arrived in South America in the fifteenth century they found prosperous indigenous cultures and empires. Within a century and a half, the indigenous population of South America decreased from 70 million to about 3.5 million people. This decline was the result of disease, forced labor and subsequent mass suicides to escape the conditions that the Spanish imposed on their conquered victims. In some cases, such as in the Caribbean, the indigenous population is nearly extinct.

According to the United States State Department 2001 Census, Bolivia is the poorest country in Latin America with 60% of its population, 9.1 million, living in poverty. It also has the largest indigenous population on the continent: 55% of the population is indigenous, 30 % are mestizos (mixed) and 15% are European.

The Andean region has been inhabited for over 2000 years. The Tiwanakan population that developed in the region south of Lake Titicaca developed advanced agricultural and architectural techniques. The contemporary Moxos culture in the east and the Mollo north of present day La Paz appeared around the same time, but these cultures disappeared in the thirteenth century after an extended drought. The Incan Empire entered the territory in the fifteenth century and ruled until the Spanish conquest.

Bolivia's independence in 1825 did not mean freedom for everyone. Indigenous people continued to live in difficult conditions and were condemned to forced labour in the mines and on the feudal estates of the aristocratic landowners. The Bolivian government also kept the indigenous people repressed by denying them access to education, economic opportunities and political participation.

In 1952, the National Revolution was declared by workers and peasants. The leaders of the revolution institutionalized reforms such as universal suffrage for indigenous people and education in rural areas, where most of the indigenous population of Bolivia lived. However, these new gains were short-lived. The series of military coups that followed in 1964 brought with them severe repression of any civil society group, including indigenous

news.bbc.co.uk/2/hi/in_pictures/7146559.stm



President Evo Morales holds up a copy of his new Constitution.

movements and violations of human rights. This fragile political climate of military coups continued until 1985, when poor economic conditions and growing dissatisfaction within the population forced a turn towards democratization in Bolivia. The next 20 years were marked by conservative policies of the IMF and the Washington Consensus. Poverty continued to rise and inequality persisted during this time, which paved the way for a return to leftist policies and Evo Morales' election in December of 2005 with a 54% majority.

Evo Morales ran with a platform that promised new and equal rights for the indigenous majority in Bolivia, as well as the end of the US imposed ban on coca-growing. He has promised to end the submissive relationship between Bolivia and the United States and refuses to continue to implement the plans proposed by the IMF which he claims have not helped to put an end to monetary inequality. His election has provided the indigenous people of Bolivia, as well of all of Latin America, with the hope of a better future with equal opportunities. After 180 years of independence, his administration is the only one in which indigenous people have had a chance to participate.

Since his election in 2005, Morales has fulfilled some of his promises. In November 2006, the Bolivian Senate approved his land

reform bill, which aimed to expropriate and redistribute up to one fifth of Bolivian land to the landless poor. He has also nationalized the gas resources, granting control of the country's energy industry to the government. In August 2007, Morales received 67% of the vote in a referendum on his leadership. It would seem as if Morales is capable of promoting real change in his country. However, he also faces huge opposition from local and foreign industrial leaders in favor of privatization and United States government. In September 2008, after an anti government protest left 30 people dead, the US ambassador Philip Goldberg was expelled from Bolivia, accused of fomenting civil unrest. The US responded by expelling Gustavo Guzman, the Bolivian ambassador, from Washington. In November 2008, Morales fulfilled one of his campaign promises and suspended the operations of the US Drug Enforcement Agency in Bolivia. He declared that his government would have "zero cocaine, zero narco-trafficking but not zero coca."

Morales' most important and significant achievement came in January 2009. A new constitution providing greater rights for the indigenous majority was passed by national referendum with over 60% of the popular vote. As Evo Morales declared in December 2005 when he spoke in front of the crowd celebrating his election, their victory and their heritage: "Today begins a new era for the native peoples of the world." §



Indigenous voters took pride in casting their ballots on election day.

<http://www.newstatesman.com/south-america/2009/01/indigenous-rights-constitution>

Event Raises Awareness about Murdered and Missing Aboriginal Women

by **Zoya Aleem**

According to Amnesty International's "Stolen Sisters Discrimination and Violence Against Indigenous Women in Canada" 2004 report, aboriginal women between the ages of 25 and 44 are five times more likely to die from violence.

Lead researcher and consultant of the report, Beverly Jacobs, also an accomplished aboriginal rights lawyer by trade and the current president of the Native Women's Association of Canada, spoke about seeking justice for murdered and missing aboriginal women in Canada at the McCord Museum in Montreal on Monday, March 16.

Jacobs traced the violent treatment of aboriginal women in Canada back to the era of colonization. According to Jacobs, the implementation of highly racist colonial policies such as the residential school system and the Indian Act, launched off a "legalized genocide," which disrupted significant aspects of aboriginal tradition and custom and left behind a violent legacy.

In the effort to assimilate the aboriginals into European society, colonizers sought "to get rid of the Indian problem," said Jacobs. Children were removed from their families at a young age

and were obligated to speak French and English in the residential schools.

"Children were sexually assaulted in these schools and beaten for speaking their own languages," Jacobs said. Abuses experienced by the youth in such institutions normalized violence in native communities, swaying future relationships and altering traditional gender roles.

"They have learned to be an oppressed people," Jacobs said. "They thought they were supposed to be treated this way." Jacobs spoke from personal experience because her grandmother attended the residential schools.

Concerning the legal and land property rights of registered Indians, the Indian Act, enacted in 1876, emphasized male lineage. If an Indian woman married a non-Indian she lost her status.

An amendment to the Indian Act called Bill C-31 was signed in 1985 and intended to remove discrimination. Under this amendment, a child of a marriage between a full status Indian, known as a 6-2, and a non-status person would qualify for 6-2 (half) status, but if his/her child married another 6-2 or a non-status person, the child will be non-status.

Jacobs considers the Indian Act "the most racist pieces of legislation that exists in this world."

Traditionally, women acted as the major leaders of the clan, choosing the male chiefs and enforcing appropriate models of behavior, as detailed underneath the oral constitution of her people, the Mohawk citizens of Haudenosaunee Iroquois Confederacy, Bear Clan. However, colonial policies repressed the matriarchal society, systematically eradicating native culture and stripping away generations.

Canada has used "laws and professional institutions to continue the violence," said Jacobs, referring to the continuation of the Indian Act today.

Since 1980, 510 women have been killed or have gone missing, according to the "Stolen Sisters" report. Among the victims is Jacobs' own sister, Tashina General, who was found in 2008 after having gone missing three months earlier.

"Our people...are starting to be aware of our history, starting to be angry," Jacobs said. "Part of this process is about educating. Part of my role is asking you what your role is." §



March 17th's panel leads discussion on murdered and missing aboriginal women.

Local Talent Contributes to Campaign to Give Indigenous Women a Voice

by **Tasnia Basit**

In comparison to the standard fundraiser, “Voices for Indigenous Women” was unexpectedly informal and emanated a relaxed, indie vibe that was warm, inclusive, and unassuming. This attitude was reflected both in the diverse crowd it attracted and the dim yet colourfully lit, funky loft space where the event was held.

The focus was on local talent. Artists lent themselves and their work to the cause on a strictly voluntary basis. To call it a “concert” is an understatement. The acts were simply too varied and included an all-women drum circle, a story-teller, performance art, folk music, reggae, and spoken word. The artwork up for auction was donated by local female artists and ranged from knitwork to sketches, paintings, and a papier-mâché heart sprouting bees and flowers.

According to a federally-funded \$5-million dollar study conducted by the Native Women’s Association of Canada, 510 aboriginal girls and women have been reported missing or murdered since 1980. These cases have gone largely uninvestigated or underinvestigated.

This lack of national interest and action is what prompted Maya Rolbin-Ghanie, a recent creative writing grad from Concordia currently working as a freelance journalist, to organize and execute (with the help of a dedicated team of volunteers and in collaboration with CKUT 90.3 FM) “Voices for Indigenous Women,” a fundraiser in the form of a concert and silent auction, on Friday, March 6, 2009.

“Voices for Indigenous Women” is part of an entire campaign aptly titled “Justice for Missing and Murdered Indigenous Women” that aims to raise awareness around this important issue. “Voices for Indigenous Women” was designed as a fundraiser for a speaker series that included a lecture by Beverly Jacobs, president of the Native Women’s Association of Canada, and a panel discussion on that featured Jacobs, Ellen Gabriel of Quebec Native Women and three women from the Kitiban Zibi reserve who have lost mothers and daughters.

“It was indeed quite successful. When I heard about what happened to these women, my first thought was ‘this isn’t the Canada I thought I lived in,’” said Sasha Dyck, a volunteer and graduate student studying nursing in McGill.

Awareness leads to visibility which should eventually lead to action at the federal level, and the night definitely sent a message.

“It was very important to me to attend ‘Voices for Indigenous Women’ because I am a First Nation’s [woman],” said Jobena Petonoquot, an Art History and Photography student at Concordia. “This issue is a scary and sad one, because I realize I could become a statistic because of who I am, and it upsets me greatly.”

On November 24, 2008, the United Nations called on the Canadian government to investigate the hundreds of unsolved cases of missing aboriginal women. According to official Canadian government statistics, young indigenous women are five times more likely to die as a result of violence than other women of the same age. The fact that the numbers remain the same (or continue to rise) is not a good sign. But with campaigns such as “Justice for Missing and Murdered Indigenous Women” raising awareness on the issue and working to inspire change from the ground up, justice may not be too far off as more people continue to fight and give voice to those who cannot speak for themselves. §



Local musician performs at fundraiser.

Apartheid in Canada:

Israel Apartheid Week Panel Links Apartheid of Indigenous Peoples in Canada to Israel

by Pamela Fillion

“We gather this week to assert our oppositions to colonialism and apartheid, and our solidarity with Indigenous struggles for dignity and self-determination” stated the organizers of Israel Apartheid Week in Montreal, which began on Sunday March 1 at Concordia with its first panel event, *Apartheid in Canada: Voices of Indigenous Resistance on Turtle Island*.

The panel consisted of Elisabeth (Tshankueush) Penashue, an Innu elder from Nitassinan (Labrador), and Judy Da Silva, Anishinabekwe from Grassy Narrows and was introduced by Laith Marouf of Solidarity for Palestinian Human Rights. The speakers highlighted the solidarity between indigenous peoples of Turtle Island in Canada and the indigenous peoples subjected to the Israeli Apartheid.

Elisabeth (Tshankeush) Penashue has been influential in protesting against the extensive low level flights conducted by NATO over the home of the Innu people. Penashue who grew up subsisting off the land and living in the country with her parents and she has been a major proponent of ensuring the survival of Innu culture by teaching the younger generations the knowledge and stories of her life.



Judy Da Silva speaks at panel discussion.

die,” Penashue said. “It will become one long,

Penashue began with an expression of her frustration and sadness with how difficult it has been for her resistance in light of encroaching development projects such as the Churchill River Dam project, which threatens to flood her peoples’ land.

“If these projects go ahead the once mighty Churchill River will unnatural lake.”



Elisabeth (Tshankeush) Penashue at the panel discussion.

Next, Judy Da Silva from Grassy Narrows spoke of her community’s resistance to the logging and mining industries that threaten the health and way of life of the Anishnabe people.

“We are very invisible and part of that being visible and people stepping on us all has to do with money,” Da Silva said. “Money makes everything go round, but in our land it destroys everything.”

Borderless Worlds Volunteer McGill Chapter President Catherine Duclos, U3 Anthropology, attended the panel discussion and found the experience enriching.

“I thought the panel discussion was informative and profoundly touching,” Duclos said. “It reinforced my opinion that experiences like these are crucial to enriching one’s education, putting faces and stories to what we learn in the classroom.” §

The People Without A History

Indigenous Records Acknowledged in Canadian Courts

by Kaitlyn Shannon

In recent years, aboriginal people around the globe have increasingly been turning to courts and international bodies to settle long-disputed land claims. Canada, in particular, seems to be constantly struggling to reconcile land disputes with its large aboriginal population of over one million people. The resolution of these disputes is especially challenging in British Columbia, where, unlike most of the other provinces, very few treaties were signed between the British colonizers and the aboriginal peoples.

While verbal agreements regarding land usage were often made, there is frequently discord between the colonizers' interpretations of the agreement and the interpretations of the aboriginal peoples. In past court cases, the agreements have most often been explained with documents provided by the colonizers, which consist of journals, historical records and other traditional written forms of documentation. The courts believed that the aboriginal peoples' records were unreliable, and therefore discountable as evidence. While British Columbia's aboriginal populations did not keep written historical records in the same fashion as the European colonizers, they did use non-academic methods, such as oral tradition, songs, and other customs, to retain and pass down historical information.

An important stepping-stone in the process of recognizing forms of evidence particular to the aboriginal people was the 1997 *Delgamuukw vs. British Columbia* court case, which settled the long-disputed land claim of the Gitksan and Wet'suwet'en Nations of northern BC. This case was originally brought to the Supreme Court of British Columbia where Chief Justice Alan McEachern, saw oral traditions and other non-academic forms of evidence as the Nations' own construction, merely used to support their land claim. Outraged at the denial of their cultural traditions, Delgamuukw (the chief representing the Gitksan and Wet'suwet'en) took the case to the Supreme Court of Canada. This time, the case was tried by Chief Justice Lamer, who completely overturned McEachern's ruling on oral traditions. For the first time in Canada's history, the court acknowledged non-academic forms of evidence as having equal value to written historical documents. These included: oral histories, personal recollections, and affidavits of territorial holdings. Lamer justified his new position, saying that "the laws of evidence must be adapted in order that this type of evidence can be accommodated and placed on an equal footing with the types of historical evidence that courts are familiar with, which largely consists of historical documents." After over a decade of litigation, the case was finally settled in 1997, granting the Gitksan

and Wet'suwet'en Nations with full rights to the disputed land.

This case has fundamentally altered the way aboriginal sources are viewed, prompting a re-examination of procedural rules

“ For the first time in Canada's history, the court acknowledged non-academic forms of evidence as having equal value to written historical documents. These included oral histories, personal reflections, and affidavits of territorial holdings.”

in Canadian courts to allow for the presentation of non-traditional evidence. While courts must now accept new and varying forms of evidence, they still face difficulties in the interpretation of this evidence. Lamer gave little guidance for settling future disputes, saying only that the "process must be undertaken on a case-by-case basis." The court decision is left open for interpretation, with no clear list of acceptable evidence.

However, this case shows that Canada has taken steps towards acknowledging aboriginal historical records as reliable evidence. As more cases are settled through the recognition of non-traditional sources, a precedent will be set for the interpretation of these sources in the Canadian judicial system. In this way, aboriginal culture and customs will be properly accredited and integrated into the Canadian justice system, and the non-academic historical records kept by the aboriginal population will finally have equal recognition. §

Australia's Northern Territory Intervention Subject of UN Investigation into Human Rights Abuses

by **Laura Spelbrink**

Australia. It conjures up images of vast red deserts, pristine beaches and the proverbial shrimp on the barbeque, but beneath the commonly held stereotypes is the rarely documented plight of Indigenous Australians fighting for land and human rights. Like Canada, Australia has an indigenous population that is often ignored by the majority of the population, including the government and the mainstream media.

In March 2009, the UN Human Rights Committee named Australia's immigration and indigenous policies human rights violations and committed to a comprehensive review into Australia's human rights record.

The focus of the investigation is the suspension of the Australian Racial Discrimination Act for the indigenous intervention staged in the Northern Territory last year. The intervention breaches roughly half of the articles of the United Nations Declaration on the Rights of Indigenous Peoples.

The Northern Territory occupies much of the centre and north of Australia and although it is sparsely populated, it is home to several large indigenous communities. In 2007 the Australian government under Prime Minister John Howard introduced the Northern Territory National Emergency Response (referred to in Australia as 'the Intervention') in response to claims of rampant sexual abuse and neglect of children in the Northern Territory indigenous communities.

The plan included: heavy restrictions on alcohol, restrictions of welfare payments to families who neglect their children, compulsory health checks of indigenous children, abolition of community development employment projects and removal of custom-

ary law and cultural practice considerations from bail applications and sentencing within criminal proceedings.

The Intervention was enforced by a deployment of 600 Australian Defence Force soldiers and attracted widespread criticism due to its exemption from the Australian Racial Discrimination Act of 1975. The Intervention also gave the federal govern-



In Sydney, men protest against the Intervention into Northern Territory Aboriginal communities.

The United Nations Declaration on the Rights of Indigenous Peoples outlines the rights of an estimated 370 million indigenous people worldwide and was adopted by the UN General Assembly in September 2007, after more than two decades of drafting. Canada and Australia were two of only four countries that voted against the declaration.

www.wsws.org/articles/2008/feb2008/nter-f15.shtml



Aboriginal groups claim the government's Intervention is racist.

ment the power to acquire and control an unspecified number of communities that were held under the Native Title Act of 1993, which had given land rights to Indigenous communities. Critics argued that the intervention exacerbated pre-existing discrimination against indigenous groups and raised concerns that overriding the Racial Discrimination Act undermined the principles of human and indigenous rights that had been hard to obtain in Australia. Although the Intervention was widely criticized, it still managed to receive bipartisan parliamentary support. Prime Minister Kevin Rudd's new federal government contin-



Kevin Rudd also faced opposition to the Federal Government's handling of the Northern Territory intervention during a visit to Darwin last month. *Tara Ravens / AAP*

http://www.abc.net.au/reslib/200806/r261135_1086412.jpg

ued to support the scheme in late 2008 despite its commitment to indigenous rights and reconciliation. Under growing external pressure, this is likely to change in the near future. It is Rudd's government that supports the United Nations Declaration on the Rights of Indigenous Peoples and it is looking for ways to reconcile the declaration with its own approach to indigenous affairs and management in the Northern Territory. Some estimates indicate that Australia could reverse its position on the Declaration on the Rights of Indigenous Peoples as early as May.

www.wsws.org/articles/2008/feb2008/nter-f15.shtml



February 2008: protesters against the Intervention fill the streets. Advocacy groups claim media coverage of the protest was suppressed.

Most external pressure has come from Amnesty International, which has described the intervention as a "clear-cut breach of the International Covenant on Civil and Political Rights," to which Australia is a signatory. In March 2009, Amnesty International announced plans to embarrass the Rudd government internationally over what it claims are on-going human rights abuses in Australia. International embarrassment is particularly threatening to Australia at a time when they aspire to be leaders in the human rights area and vie for a seat on the Security Council.

Regardless of the outcome, the current UN investigation into the Intervention will open the eyes of many Australians to the indigenous and human rights abuses occurring in their own backyard and will bring the issue to the world stage. §

Aboriginal Peoples in North America Continue to Suffer Despite Awareness of Social and Economic Issues on Reserves

by Mallory Maloof

In February 2008 Australia issued a first-of-its-kind historic apology to its aborigines. Australian Prime Minister Kevin Rudd delivered the apology for the injustices caused by white settlement. “We apologize for the laws and policies of successive parliaments and governments that have inflicted profound grief, suffering and loss on these our fellow Australians,” Rudd said.

The apology has relevance to aboriginals elsewhere because they too are requesting an address on numerous matters, evident in the amount of current legal issues. The increased pressure following Australia’s act led the Canadian government to announce its own apology four months later. What differs, significantly however, is that the Canadian Government only recognized its participation in the wrongful doings of the residential school system and failed to take responsibility for any other problems. The United States has yet to comprise a single apology. And yet aboriginals continue to be denied rights and are underdeveloped. The longer it takes to recognize issues, the harder it will be to improve their conditions.

Many people were at a loss for words with last year’s deaths of the two infant girls of the Yellow Quill First Nation reserve in Saskatchewan. For infants, Kaydance and Santana Pauchay, it was the tragedy of their father’s drunken stupor that ultimately took their lives. Christopher Pauchay was apparently worried about one of his daughters, panicked and decided to leave his house in the extreme cold of a prairie land winter to get to another house for assistance. He was seriously inebriated and disoriented. Pauchay dropped his children en route and that was the last time they were seen alive.

The Globe and Mail ran an interview of the little girls’ maternal grandmother, Ms. Irene Nippi, who issued “an emotional plea to the Canadian public, asking that their deaths not be in vain.” Nippi added, “I hope there’s change now that happens—a lot of changes like no alcohol and counseling and stuff to be brought in here. Our old teachings should be brought back.” This is said very often amongst the Elders and elderly of aboriginal communities in that they wish to resort to the old ways of life, when things were simpler and there were fewer difficulties.

Marie Wadden explains two things. First, Native deaths on reserves happen all too often, and second, their publicity just further adds to the “despair of the reserve-life.” Wadden says, “it happens when a drinker loses consciousness on the way to or from a party and is not missed until it is too late ... these deaths will contribute another layer of guilt and despair to the community’s internalization of its social problems, deepening the sense of helplessness and despair. Some drinkers will turn back to alcohol and drugs to escape from reality.”

The story of the Pauchay girls’ death is important because it raises awareness of the social instability within Native communities. Along with alcoholism, attention has been paid with regards to education and health care.

One columnist notes: “the overall pattern continues to be dispossession, denial of historical rights and patronizing control. Canadian society, without [a] self-appointed mission to improve health, education and well-being of Afghans, has not even come close to securing those same essentials for our First Nations citizens.”

For example, research shows that there is an increasing amount of aboriginals becoming infected with the HIV/AIDS virus, especially in Vancouver, British Columbia’s Eastside. As far as education, 66,045 aboriginals between the ages 15-24 have less than high school education and 665 have a university degree.

Moreover, injustices are not clearly portrayed. The Bush administration sought, for example, to implement the proposal to bury nuclear waste in sacred Shoshone aboriginal land in Nevada. The Shoshone land is home to Yucca Mountain (or “Snake Mountain” to the Shoshone). The government wants to use Yucca Mountain as nuclear waste storage, which is lethal from 10,000 to 250,000 years. For the Shoshone, Snake Mountain is sacred. They have a prophecy that the Mountain will split open, which literally translates that the radioactive or volcanic poison will spill. The government’s claim is that it keeps in steel containers for a thousand years before they erode. However, the Shoshone know that water trickles within the Mountain along fault lines, which would be very hazardous. Edward Said says, “the role of imperial-

ist bureaucracies is the genocide of Indigenous cultures and remains a prime example of the destructive concrete outcomes of theoretical calculation.”

What comes as possibly the most apparent circumstance for aboriginals is resource denial and underdevelopment. In the Northwest Coast of North America industrial fishing has interfered with aboriginal fishing, and in most cases the Ministry of Natural Resources in hand with the Department of Fisheries and Oceans have abolished their fishing rights. James A. McDonald argues that with the progress of production towards a capitalist economy aboriginals have become forced to depend on the state. “Ownership” of fish before non-aboriginal contact was based on household authority or heredity. After non-aboriginals became involved in the fishing, however, ownership quickly shifted to state control of resources. These operations, generated by the government, were met at the same time with major changes in fishing technology. The new tools included fishing gear, motorboats, and licenses that have to be applied for. This was far beyond the financial means of aboriginals and lead to economic marginalization as they could not compete with the industrial fisheries.

Eventually non-aboriginals established canneries where aboriginals often had to turn to work for the industry as they could not keep up with the demand and restrictions set in place. Aboriginals were supplying fish to an established capitalist economy. Today, the costs to fish are still too high for the Tsimshian (or Gitksan) fishermen along the Skeena River on the Northwest Coast of Canada and Alaska. Tsimshian aboriginals are hard pressed by the fishing period regulations, which set both a fishing season as well as a catch and possession limit, with anything above the specified amount to be released. As well, the seasonal fishing periods set by the Ministry, do not allow the Tsimshian the time they need with the resources they have to catch their required subsistence fishing yield. This is an overt imposition on aboriginals’ fishing and way of life.

These points illustrate the extent to which courts and policy makers have narrowly interpreted and dictated aboriginals’ rights. These are just a few of the many ways in which aboriginals are denied fundamental human rights. Aboriginals have been denied and deprived of their culture, identity and self-determination, and these issues will persist as long as the state dominates.§

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Train the Trainer Conference Provides Human Rights Training



On March 7th and 8th, the McGill Journalists for Human Rights chapter hosted a Train the Trainer Conference providing training in workshop facilitation, human rights charters, communications strategies, and the power of the media to create social change. The conference drew on the curriculum developed by JHR and on strengths within the McGill community.

The event garnered a great deal of interest from the student and broader Montreal community, with over 130 applicants for 30 spots. To make the training as accessible as possible, we increased the capacity of the training to 55 students, kept the registration fee to \$5, and are committed to holding another training conference in September or September 2009 (also providing opportunities for March participants to complete their accreditation, over two-thirds of whom have committed to being involved). Significant planning went into making the March conference more environmentally friendly: training manuals were printed on recycled paper, composting facilities were provided, and participants were requested to bring their own reusable water bottles and nametags.

Ben Peterson, Co-Founder and Executive Director of JHR, opened the conference at with an inspiring speech and answered questions from participants. Afterwards, the Train the Trainer curriculum

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McGill Students Gain Human Rights Trainer Accreditation

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began. The participants were divided into groups based on their interests and completed activities focusing on applying human rights media training to these interests, as well as designing media campaigns. A law student gave a presentation on The Canadian Charter of Rights and Freedoms as well as many other legal documents. The groups were further divided based on even more specific interests and these smaller groups presented their ideas for an effective human rights media campaign to the larger ones.

We had a great time organizing the conference and can't wait until the next one on September 25th-27th! *If you are interested in attending the September conference, please check out <http://jhrmcgill.wordpress.com> or email*



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