Canada’s World Regional Dialogue

Indigenous Rights

Canada is home to Aboriginal People who are seeking recognition and self determination on the world stage.
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Morris J. Wosk
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INTRODUCTION

Canada is home to just over one million Aboriginal people\textsuperscript{1}, representing dozens of unique histories, languages, and cultural traditions. Aboriginal peoples have a central role within both Canada’s history and national identity.

Canada is seen as a strong promoter of human rights, however our reputation on Indigenous rights is not as positive. Canadian Aboriginal people face significant challenges, including political autonomy, cultural recognition, control and use of resources, economic and social disparities with the non-Aboriginal population and equality of rights. Just this past November, the United Nations publicly criticized Canada for failing to address child poverty rates and the housing crisis – highlighting the impact these issues have on Aboriginal communities.\textsuperscript{2}

Questions about Indigenous rights are being raised all over the world as Indigenous communities, feeling that their governments are not protecting their rights, have brought their struggles to the international level. This has led to a growing international movement to recognize and respect the rights of Indigenous Peoples. As these voices continue to grow, so too do the number of perspectives on how to address the challenges facing Indigenous Peoples in Canada and worldwide.

In the past Indigenous rights were usually seen as domestic issues for national governments to resolve. Today Indigenous rights are increasingly becoming an international issue. Over the past 30 years international attention and interest in Indigenous rights has grown significantly. There have also been developments in international law that support this movement. Most recently in September 2007, the United Nations adoption of the Declaration on the Rights of Indigenous Peoples made news headlines around the world.

Indigenous rights not only affect Indigenous peoples, they are also deeply linked to human rights, environmental sustainability, protection of cultural diversity and other important global issues. As one of the non-Indigenous authors of the landmark Royal Commission on Aboriginal Rights (see section on New Developments in Canada), once said, “they are my treaties too. They legitimize my place on this land.”\textsuperscript{3} Improved understanding and promotion of Indigenous rights directly affects the non-Indigenous communities who share land, resources, citizenship...
and historical connection with Indigenous peoples. It can allow the groups who share these resources to arrive at solutions that are just and fair.

Canadians face questions about how we should respond to the rising Indigenous rights movement at home and abroad. This discussion guide contains information on the Indigenous rights movement, provides background on the historical and current situation of Indigenous people in Canada, outlines key challenges and opportunities and finally sets out a few different approaches Indigenous and non-Indigenous Canadians and their governments could take to respond to challenges identified by the Indigenous Rights movement.
BACKGROUND

INDIGENOUS PEOPLES

The term Indigenous People is used to describe a diversity of groups around the world, who speak many different languages and have unique cultures, traditions and histories. Local understandings of what it means to be Indigenous can vary from region to region. For instance, Indigenous people in North America, also know as Aboriginal peoples, are often defined as being decedents of the first peoples who inhabited the continent. In contrast, in parts of Africa, being Indigenous is associated with belonging to a marginalized or nomadic community such as the Tuareg or Pygmies.

While there may be no one universal definition of Indigenous peoples, nonetheless, there are a few ‘common’ characteristics used to define Indigenous Peoples. They include:

1. Being a descendent of peoples who had the earliest connection to a territory, now under the influence or rule of another group – usually through colonization or settlement.
2. Having a lifestyle, culture, language, ethnicity or system of government, that is different from that of the national and ruling power.
3. Experiencing discrimination due to ethnicity, race and lifestyle. In some cases this discrimination has resulted in the disruption or banning of traditional Indigenous subsistence activities such as hunting, trapping, fishing, and agriculture.

The Indigenous Rights movement generally accepts that a person or a group may self-identify as Indigenous, even if the traditional definitions of Indigenous Peoples do not apply to them.

ABORIGINAL OR INDIGENOUS?

In Canada we use the term “Aboriginal Peoples” to identify our First Nations, Inuit and Metis communities. At the international level, the term “Indigenous Peoples” is used as it is more inclusive.

In the discussion guide both terms will be used: “Aboriginal” when discussing an issue or policy that specifically affects Canada, and “Indigenous” when discussing general matters, affecting peoples around the world.

Interestingly, the Declaration on the Rights of Indigenous Peoples, does not establish a single definition for Indigenous Peoples. A member of the
Working Group that drafted the Declaration said, “Historically, Indigenous peoples have suffered, from definitions imposed by others.”

**Population**

Worldwide Indigenous populations are increasing, and at rates higher than the general population. The two main factors cited for this are:

1. high birth rates in Indigenous communities; and;
2. increasing numbers of people self identifying as Indigenous.

The United Nations estimates that there are **370 million Indigenous people** living in more than **70 countries** worldwide. While numbers often vary according to how sources define or identify Indigenous peoples, many countries are home to sizeable Indigenous populations. For example the percentages vary from:

- Over 60% in Bolivia.
- About 40% in Guatemala.
- 14% in New Zealand.
- An estimated 8% in Mexico.

In **Canada**, **Indigenous peoples represent 3.8%** of the total population: still a significant percentage relative to most countries in the world. According to the 2006 census, Canada is home to approximately 1.2 million Aboriginal people. This includes close to 700,000 First Nations people, 390,000 Métis, and 50,000 Inuit.

Between 1996 and 2006, the **Aboriginal population grew by 45%**, compared with 8% for the non-Aboriginal population.

**Internationalization of Indigenous Rights**

Over the past several decades, an international movement to recognize the rights of the world’s Indigenous peoples has gained global momentum. Increasingly, Canada’s policies on Indigenous issues are being placed under a global spotlight.

The international Indigenous rights movement recognizes the great diversity of Indigenous peoples but also asserts that they share many common desires, including: social and economic development; the protection of cultures; languages; and their environments; human rights; and, the recognition of their unique identities.

This movement challenges Canada to deepen its understanding of Indigenous peoples’ aspirations and adopt new approaches for moving forward. New forums and organizations are amplifying the voices of Indigenous Canadians (i.e. the Working Group on Indigenous Populations), and can help non-Indigenous Canadians appreciate the significance of Indigenous issues. In addition, the movement provides concrete examples of ways in which Indigenous Peoples outside Canada are advancing their agendas – which may be helpful in Canada.
UN DECLARATION ON THE RIGHTS OF INDIGENOUS PEOPLES

Important features of the Declaration have to do with self government, use of lands and natural resources, and protection of Indigenous cultures. Here are a few key Articles (points) in plain English (taken from the International Working Group of Indigenous Affairs http://www.iwgia.org/sw1592.asp)

**Article 1: Human Rights**
Indigenous peoples have the right to all the human rights and freedoms recognised in international law.

**Article 2: Equality**
Indigenous peoples are equal to all other peoples. They must be free from discrimination.

**Article 3: Self-determination**
Indigenous peoples have the right of self-determination. This means they can choose their political status and the way they want to develop.

**Article 4: Distinct Characteristics**
Indigenous peoples have the right to keep and develop their distinct characteristics and systems of law. They also have the right, if they want, to take part in the life of the rest of the country.

**Article 10: Removal and Relocations**
Indigenous peoples shall not be removed from their land by force.

**Article 19: Decision-Making**
Indigenous peoples have the right to participate in decisions that affect them. They can choose their own representatives and use their own decision-making procedures.

**Article 28: Environment**
Indigenous peoples shall receive assistance in order to restore and protect the environment of their land and resources.

Army activities shall not take place on the land of indigenous peoples without their consent.

Hazardous material shall not be stored or disposed of on the land of indigenous peoples. Governments shall take measures to assist indigenous peoples whose health has been affected by such material.
Similarly, Canadians are increasingly able to share their experiences related to Indigenous issues internationally. For example, the Canadian Department of Foreign Affairs and International Trade (DFAIT) now includes International Indigenous Affairs as part of its foreign policy and the Canadian International Development Agency (CIDA) also funds projects to assist Indigenous peoples around the world, through the Indigenous Peoples Partnership Program (which connects Aboriginal people in Canada with Indigenous peoples abroad).12

**Indigenous Peoples and the United Nations**13

Since the end of WWII Indigenous peoples have gained increasing attention within the United Nations (see box on page 10 for a list of key events in the Indigenous Rights Movement). But while the United Nations Charter (1945) and the UN Declaration on Human Rights (1948) were important to the movement by establishing rights to self-determination, non-discrimination, and liberty, Indigenous rights were not the subject of focused attention. This changed in 1982, when the United Nations formed the Working Group on Indigenous Populations (WGIP).

In 1993, during the International Year of the World’s Indigenous Peoples, an idea emerged to create a permanent forum within the United Nations to discuss Indigenous issues. In 2000, this idea came to life with the creation of the United Nations Permanent Forum on Indigenous Issues. Today, this body works to provide advice to other UN bodies, raise awareness, and share information on Indigenous issues.

Also in the mid-nineties, the United Nations launched the first International Decade of the World’s Indigenous People. This announcement coincided with new UN efforts to work with Indigenous peoples on social and economic development projects. In 2005, the UN proclaimed 2005-2015 to be the Second Decade of the World’s Indigenous Peoples, hoping to further strengthen international cooperation on resolving Indigenous peoples’ concerns.

Against this backdrop, the past quarter century has witnessed a sustained campaign to create a declaration stating the individual and collective rights of the world’s Indigenous peoples. Efforts bore fruit on September 13, 2007, when the United Nations General Assembly adopted The Declaration on the Rights of Indigenous Peoples.

The non-binding Declaration (this means it carries no legal authority, although many articles of the declaration are already a part of customary international law14) outlines Indigenous peoples’ rights to identity, culture, language, employment, health, education and other issues. Although Canada was involved in the decades-long process of developing the Declaration, it was one of four countries to vote against its adoption. The United
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States, New Zealand, and Australia also voted against the Declaration.

While the Canadian government has expressed its support for Aboriginal and treaty rights, it is opposed to certain elements of the Declaration. The Canadian government has stated that the Declaration’s position on land rights could interfere with land claims processes and existing treaties in Canada. The Canadian government is also concerned that parts of the Declaration could be interpreted as a ‘veto’ for Indigenous peoples over some law-making matters in Canada.15

Indigenous groups in Canada, as well as other supporters of the Declaration worldwide, have expressed disappointment in Canada’s position. Such groups are raising questions about Canada’s willingness to confront Indigenous peoples’ concerns, and the potential impacts on Canada’s global reputation. As many view the Declaration as an important symbol of progress, Canada’s position on the Declaration will remain significant during future discussions on Indigenous rights.

Taken from University of Minnesota Human Rights Center. The Rights of Indigenous Peoples
http://www1.umn.edu/humanrts/edumat/studyguides/indigenous.html

**Key Events in the Indigenous Rights Movements**

**1923-1925** – First Haudenosaunee Chief Deskaheh and later Maori religious leader T.W. Ratana travelled to Geneva in an attempt to speak to the international community and League of Nations about the rights of their respective peoples. Both were turned away.1

**1948** Universal Declaration of Human Rights - states that everyone is entitled to basic human rights “without distinction of any kind, such as race, colour, sex, language, religion”

**1951** Convention on the Prevention and Punishment of the Crime of Genocide

**1966** Convention on the Elimination of All forms of Racial Discrimination

**1989** International Labor Organization Convention 169 - Becomes the first international convention to specifically mention the rights of Indigenous Peoples and responsibility of governments to promote and protect these rights.

**1990** Convention on the Rights of Child - states that Indigenous children shall not be denied the right to their own culture, religion or language.

**1992** Rio Declaration of Environment and Development – Recognized the need for Indigenous Peoples to have greater control over their land, and the role Indigenous peoples play in environmental protection.
**EARLY HISTORY**

Many of today’s Indigenous Rights issues are rooted in historic experiences and injustices, making knowledge of indigenous histories important for mapping a way forward. As discussed, Indigenous Peoples have unique and varied histories, which are impossible to completely or accurately summarize in just a few pages. However, there are some experiences which are common to many Indigenous Peoples. This section highlights some of those common experiences and provides examples from the history of Aboriginal Peoples in Canada.

Indigenous Peoples historically have one of the earliest connections to the lands which they inhabit. For instance, Indigenous peoples have lived in North America for between 15,000 and 40,000 years. Before the arrival of Europeans, there were many Indigenous societies and cultural groups speaking over fifty languages across the continent.

The connection of Indigenous Peoples to traditional lands was often disrupted with the arrival of colonizers or settler communities. In many cases, they were displaced or pushed off their homelands as a result of the growth in trade (e.g. beaver and other furs in North America, precious minerals in South America), agricultural, industrial and natural resource development and urban growth. In other cases Indigenous Peoples were forcibly removed from their territories.

European colonizers first began to establish permanent communities in North America during the 17th century and moved their way across the continent right up to the 20th century (in the north). While the arrival of Europeans dramatically affected the lives of Aboriginal peoples, Aboriginal peoples also influenced the lives of European colonizers. Alliances between Europeans and Aboriginal peoples had important impacts in a number of colonial wars, including the American War of Independence and the War of 1812. Aboriginal peoples also shared their knowledge and expertise on how to adapt to the challenging North American environment with European colonizers. This knowledge, along with Aboriginal technologies like snowshoes and the canoe, became essential to Europeans’ survival in the North American wilderness.
Indigenous Peoples faced cultural discrimination as colonizers and settlers tried to impose European lifestyles, cultural practices, values, languages and religion on Indigenous communities. This attempt to assimilate the Indigenous peoples, in some instances led to more drastic measures bordering on genocide. European colonizers brought foreign diseases (notably small pox and typhus), which decimated Indigenous populations and threatened the very survival of some Indigenous groups. Disease, displacement and violence took its toll: by the mid-nineteenth century Indigenous peoples became a minority in North America for the first time in history.

In the 19th century, in response to the pressures arising from displacement and conflict, colonial governments adopted policies to isolate Indigenous communities on reserves and assimilate them into the European culture. The belief was that once on reserve lands, Indigenous people would become farmers, send their children to European-style schools, and convert to Christianity. Underlying this policy was a belief in the superiority of European civilization and the need to ‘civilize’ Indigenous peoples.

In some cases colonizing powers signed agreements or treaties, where Indigenous Peoples gave up use of certain lands in exchange for reserves, payments or other rights (e.g., hunting, fishing). However, many of the terms and promises of land established in treaties have not historically been met. In many cases Indigenous Peoples were forced off their homelands. For these groups, control and uses of traditional lands remains an important and unresolved issue.
The Royal Proclamation of 1763 recognized the land rights of some Aboriginal peoples in Canada and “established that the rights could only be purchased by the Crown...The Proclamation, however, does not state the exact western extent of these reserved lands, nor does it refer explicitly to the Maritime provinces.”

In the 19th centuries, as pressures mounted on Aboriginal communities in North America (this also occurred in New Zealand), some signed agreements or treaties, with the Crown (Britain and then Canada). They gave up their traditional lands in exchange for reserves, payments or other rights. Other Aboriginal groups, especially the West Coast Aboriginals, and the Inuit never entered into such treaties. The absence of treaties as well as unmet or disputed terms of these agreements continue to be a source of conflict and frustration today.
NEW DEVELOPMENTS IN CANADA

Over the last century there has been slow but important progress in the recognition of Aboriginal rights in Canada. Some important developments include:

• Recognition of voting rights and political participation of Aboriginal peoples has improved. A key turning point occurred in 1960 when Aboriginal persons were granted full voting rights.

• There has been an increase in the number of Aboriginal organizations and leaders addressing rights issues in Canada and Internationally. Barriers to forming Aboriginal organizations (the Indian Act, previously limited the number of groups in Canada that could represent Aboriginal interests and concerns) were removed. New national political groups have organized and continue to grow in importance. Today examples of such groups include The Assembly of First Nations, the Métis National Council, the Inuit Tapiriit Kanatami, Native Women's Association of Canada and the Congress of Aboriginal Peoples. No single group is able to speak for all members of a given Aboriginal population, but Aboriginal organizations do help to give many Aboriginal peoples a voice in contemporary discussions on Aboriginal issues.

• The opening up of land claims negotiations, starting in 1973, that resulted in several modern land claims agreements including: the creation of the new Inuit-controlled territory, Nunavut, in 1999 and the Nisga’a Treaty involving the Nisga’a First Nation of BC. Under the treaty terms, the Nisga’a have ownership of and self-government over 1,900 square kilometres of land.

• New ideas and policies emerged that expanded recognition of Aboriginal rights, including the recognition of Aboriginal and treaty rights in section 35 of the 1982 Canadian Constitution Act. This clause legally protects the cultural activities, practices, and traditions of First Nations, Inuit, and Métis people in Canada. As mentioned above, this clause also recognizes Aboriginal treaty rights.

• However, with many land claims still left unresolved, the negotiation of new treaties and the maintenance of existing ones remain key concerns for Aboriginal peoples in Canada in the twenty-first century. For example, the British Columbia treaty process currently underway
includes seventy percent of the province’s First Nations.\textsuperscript{24}

- Important studies and commissions were initiated (especially the Royal Commission on Aboriginal Peoples 1992 report) which sought to broaden understanding of Aboriginal issues and recommend new ways forward.

Importantly, however, many Aboriginal people in Canada continue to feel that their rights are not fully recognized and respected. The Indian Act – both its terms and the way in which it is implemented – is a source of ongoing frustration for many Aboriginal people. And most importantly, there is still a large socio-economic gap between most Aboriginal and non-Aboriginal Canadians. On important indicators – health status, employment, income and education – Aboriginal people lag significantly behind other Canadians. The challenge of addressing Indigenous rights in Canada remains.
ECONOMIC DEVELOPMENT

Currently, many Indigenous Peoples face significant challenges related to economic development, and the attainment of Indigenous Rights. There are many different explanations for these challenges, as well as a wide variety of opinions on how these issues can be resolved.

Some Indigenous communities have economic opportunities that relate to extraction and exploitation of natural resources, such as oil, gas, minerals, water and wildlife. However, the emphasis on environmental protection and/or cultural and spiritual significance of the land in many Indigenous value systems is sometimes at odds with this type of economic development.

Many economic development models emphasize market-based capitalism and individual ownership of land and property. For Indigenous communities who traditionally practice collective ownership of land and resources this type of economic development can be a challenge and threat to cultural traditions.

Another significant challenge is the use and control of lands and resources. Even in regions with treaties and/or land use agreements, these rights are not always enforced. Even more challenging problems arise when groups have little or no control over their territories.

In some cases challenges; have been met with protests and blockades about land use, natural resources and environmental protection. In other cases, Indigenous Peoples and local governments have been able to work cooperatively to find new solutions.

POLITICAL SYSTEMS

Indigenous Peoples historically had their own sophisticated systems of government. However, through colonization and the arrival of new communities, these traditional systems of government were largely replaced and Indigenous communities were subject to foreign leadership. Many Indigenous Peoples feel the removal of traditional governance systems is an important contributing cause of current social issues. The right of self determination is
at the heart of the contemporary Indigenous rights movement.\textsuperscript{25}

**SELF DETERMINATION – WHAT DOES IT MEAN?**

Under the International Covenant on Civil and Political Rights “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.” (Article 1)

Essentially this means that a group of people (usually of a common ethnicity) living in a territory have the right to determine their own political future.

It can take many forms, some examples are:

- Central government that represents multiple historic ethnic groups
- Self government at the municipal level – i.e. Nisga’s Treaty
- Self government at the territorial level – i.e. Nunavut
- In certain cases - complete self government and independence

The definition is somewhat ambiguous as it can refer to many outcomes. The core of this principle is that no group should live under unfair political domination of another.

There are many questions about how Indigenous governments would operate, and what relationships (legal and political) they should have with non-Indigenous systems of government. The Canadian government has now begun to recognize the right of self-government for some First Nations groups at the municipal level.\textsuperscript{26} The establishment of the new Territory-Nunavut in 1999, is also seen as important step in self-government for Inuit people.

Historically, Indigenous peoples have been underrepresented in national and provincial / state governments. (In Canada as noted, Indigenous peoples did not even have the full right to vote until 1960.\textsuperscript{27}) Slowly this is changing. In 2005 Evo Morales, was elected as the president of Bolivia. This was the first time an Indigenous person was elected as president in a country where the majority of the population is Indigenous.\textsuperscript{28}

Despite these changes many Indigenous peoples still do not have control over their own government systems, and concerns about these rights are significant in international discussions about Indigenous issues.

**DID YOU KNOW?**

Canadian Federalism is in part based upon the Iroquois Confederacy’s model.

**CULTURAL RIGHTS**

Indigenous peoples have distinct cultural identities, which have evolved and adapted over thousands of years. These identities include diverse spiritual traditions, hundreds of languages, and unique values. In many cases, these values, traditions and languages have not been respected and, in some cases have been outlawed by governments.
A number of factors have had a negative impact on the ability of Indigenous peoples to practice their cultural identities. Historically, colonizers often held attitudes of cultural superiority over Indigenous peoples. In Canada, the cultural repression experienced in residential schools is still fresh in the minds of many Indigenous peoples, as are other assimilationist policies, such as the banning of the potlatch.

**Discrimination**

Stereotypes also have a negative impact on Indigenous cultural identities. Ideas which romanticize Indigenous peoples as environmentalists or traditionalists, create a simplistic understanding of Indigenous cultures. Additionally, generalizations about Indigenous peoples as impoverished or welfare-dependent can lead to discrimination and even racism. ²⁹

The impact of historic and ongoing racism and discrimination against Indigenous Peoples cannot be understated. This is particularly important for Indigenous women and children. In many countries, Indigenous women and children experience much higher rates of abuse than non-Indigenous peoples. Amnesty International Canada has criticized the government for its failure to protect Indigenous women citing that “Aboriginal women aged 25-44 are five times more likely than other Canadian women of the same age to die of violence.”³⁰
**Future Directions**

After identifying some of the key challenges facing Indigenous peoples in Canada, as well as important developments in the international rights movements we can now begin to discuss where we should go from this point. The Indigenous Rights movement is growing in importance, and the international community is watching to see what role Canada and Canadians (both Indigenous and non-Indigenous) will play in this movement.

Deciding on how best to proceed is not about finding a single “correct” technical solution – your choices will reflect your beliefs, values and assumptions. In the final section of the discussion guide, three broad value-based approaches are presented as a starting point for your discussions on what actions you think Canada and Canadians need to advance to address Indigenous rights. These are meant to stimulate your thinking about the most important steps to take, the choices you are prepared to support and why. You are not being asked to pick one! You may choose to take elements from one approach and combine it with elements from another, adapt the approaches with new ideas, or reject all three of the approaches and develop a new one based upon your own fresh thinking, experience and knowledge.

The economic development approach emphasizes the importance of economic independence and success as the first step forward to improving conditions for Indigenous peoples. The rights based approach focuses on the need to have the rights of Indigenous peoples recognized and respected both on the international and domestic levels. The final approach, favours following political paths and integrating Indigenous perspectives in policy making as the way forward.
This approach focuses on economic development as the most effective and timely way to improve the lives of Indigenous peoples. Indigenous peoples would take advantage of economic opportunities – often in natural resources, energy and ecotourism, to create new sources of revenue and income for their communities. Other goals, such as cultural preservation and self-government cannot be fully achieved until economic independence is realized.  

Economic development would focus on obtaining the necessary resources, education, skills and professional training to create and grow strong community businesses. Other key actions would be the creation of Indigenous controlled financial institutions needed for investment and growth; economic control over land and resources for Indigenous peoples. Indigenous peoples would work with national governments and international institutions like the United Nations, for financial support to become economically self-sufficient.

This approach would adapt successful models in Canada and abroad. For example the Osoyoos Indian Band in BC, which owns nine businesses including an award-winning winery, re-invests its profits to create a state-of-the-art education and health centre, and a cultural centre, and improve living conditions, especially housing for its band members.
ARGUMENTS IN FAVOR

- This is a pragmatic approach that positions Indigenous people in the drivers’ seat. It recognizes the leadership, talents and ability of Indigenous people to take control of their own communities and move away from passive support.
- The current system recognizes that efforts to improve living conditions and education levels in too many Indigenous communities have had limited or slow results. It is time to try a new approach that provides economic incentives.
- The timing is right. New land settlements offer opportunities in terms of compensation and resource development to help Indigenous peoples generate long-term wealth in their communities.

ARGUMENTS AGAINST

- This approach may allow governments to ignore their financial and historic responsibilities to support Indigenous communities. While economic development is important, so too is the movement to recognize Indigenous rights and this will do little to further the strengthening of their rights.
- This approach ignores the diversity of Indigenous communities. Not all Indigenous communities have access to economic opportunities such as tourism and natural resources. It fails to acknowledge those Indigenous Peoples whose traditions of community ownership may not work under a profit driven and individualistic business models.
- This approach cannot be achieved until Indigenous Peoples have legal control over the use of their lands’ natural resources.

QUESTIONS

1. What factors have influenced the economic disparity between Indigenous and non-Indigenous peoples in the past? Are those factors still relevant today? If so, how can they be addressed to create economic prosperity?
2. Are cultural values of collective ownership of land and resources compatible with a market based business model?
3. Can economic success and increased wealth address the key concerns identified by the Indigenous rights movement (e.g. economics, politics, culture, discrimination)? Which concerns does this approach best address? Which concerns (if any) might be neglected in this model?
EMPHASIZE LEGAL APPROACHES (AT HOME AND INTERNATIONALLY) TO FURTHER INDIGENOUS RIGHTS

This approach positions the legal route for recognition of the rights of Indigenous peoples to self-determination, lands, and cultural identity as the most important step to make progress. Indigenous values and governance systems would be recognized as equal, not inferior, to non-Indigenous legal and governance systems. Working with and through international institutions, especially the United Nations, would be a priority to gain international legal recognition of rights. An international advocacy campaign to pressure the non-signatories, including the Canadian government, to sign the UN Declaration on the Rights of Indigenous Peoples would be organized.

Other key actions would include: strengthening legal protection for cultural and linguistic identities through the courts and international bodies; funding of international (and national) Indigenous rights institutions; pressuring countries with Indigenous people to fulfill their obligations under national and international treaties and Conventions (for example, reducing Indigenous child poverty as required under the Convention on the Rights of the Child). If governments fail to settle land and treaty claims in a timely fashion, Indigenous organizations would turn to the courts for remedy. This approach also emphasizes the need to strengthen and enforce existing rights.
ARGUMENTS IN FAVOUR

☑️ This approach recognizes the right of Indigenous peoples globally to determine their own political and economic solutions and allows Indigenous leaders and organizations to drive change.

☑️ This approach promises justice for historical wrongs and offers good prospects for future progress and healing by acknowledging past mistakes. It also increases cross cultural awareness and understanding and offers new opportunities for shared understanding.

☑️ This approach creates opportunities to demonstrate Canadian leadership in furthering the international Indigenous Rights movement. Furthering the full legal recognition of Indigenous self government at home would improve Canada’s reputation as a promoter of human rights abroad.

ARGUMENTS AGAINST

☒ Self-determination that is inherent in these legal arrangements will definitely create new challenges for non-Indigenous and Indigenous communities. This may result in confusion about which legal systems and laws apply to which groups and what are the boundaries. Indigenous and non-Indigenous people co-exist within national territories and yet could be living under very different systems of law and government.

☒ Legal routes are notoriously slow and unpredictable. Taking this approach will require lots of patience and may lead to frustration. This approach may divert attention and resources from dealing with the real pressing problems facing Indigenous peoples – basic survival.

☒ This approach is sure to create greater distance between Indigenous and non-Indigenous peoples by emphasizing feelings of guilt and embarrassment and relying on formal and legalistic approaches, rather than building dialogue among people. It also understates the merits and value of current systems and programs by focusing on failures and mistakes, rather than successes and progress.

QUESTIONS

1. Can two or more different types of government systems co-exist within one country? If yes, what would that look like?

2. This approach makes reference to enforcing and strengthening existing rights. How can we ensure that the established and internationally recognized rights of Indigenous peoples are respected?

3. Are the courts – internationally and nationally – prepared to take on a larger role in defining and promoting Indigenous rights? What is most appropriately handled by courts?
**APPRAOCH 3**

**EMPHASIZE POLITICAL APPROACHES TO FURTHER INDIGENOUS RIGHTS**

This approach reflects a belief that bringing Indigenous leaders and non-Indigenous leaders together in political processes (rather than a focus on seeking remedies through national and international courts) to define and implement Indigenous rights is the best path forward at this time. It recognizes that Indigenous peoples have significant contributions to make in developing meaningful and culturally appropriate ways to move from formal recognition of Indigenous rights to effective implementation. It would become routine – not exceptional – to have Indigenous political organizations part of political negotiations and processes. A key to improving the relationship between Indigenous and non-Indigenous peoples is to include Indigenous peoples in decision-making processes - not just within national communities but also at the regional and international levels. This could take of the form of guaranteed seats for representatives from Indigenous communities in national government, as is the case in New Zealand with the Maori peoples.

Other key actions in Canada would include: integrating Indigenous knowledge (drawing on thousands of years of experience working with land and natural resources) into policy making (e.g., environmental and natural resource management, and sustainable technological and business practices); actively promoting cultural and knowledge based exchanges between and Indigenous and non-Indigenous communities at home and abroad. This approach recognizes the important contributions Indigenous Peoples have made to the world. In 2007, for example, Canadians were proud to learn that Sheila Watt-Cloutier, former chair of the Inuit Circumpolar Conference, was nominated for a noble peace prize for her efforts in combating climate change.
ARGUMENTS IN FAVOUR

✔ Ultimately many aspects of implementing Indigenous rights – making them real for communities - must involve political processes. This approach promises faster advancement over spending years in legal battles and asking courts to settle what are really political issues. Promotes Indigenous rights and participation within existing systems, instead of creating parallel or separate societies that do not mix.

✔ By engaging Indigenous Peoples in policy making we would help ensure that policies do not exclude or conflict with Indigenous traditions and culture. Where there are conflicts or tensions, political processes could be used to find solutions.

✔ Recognizes that modern science and technology are not enough to solve today’s complex social, environmental and economic problems. We need Indigenous knowledge and wisdom to help us find innovative solutions.

ARGUMENTS AGAINST

✘ This approach fails to acknowledge that Indigenous Peoples may prefer to develop their own governance systems and policies independent of national governments.

✘ Putting faith in political processes to achieve greater recognition of, and to advance Indigenous rights is just that, faith. Unfortunately, the history of political negotiations between Indigenous peoples and non-Indigenous governments has been very encouraging. Indigenous peoples have achieved more through the courts than they have through political negotiations.

✘ We are not yet at a place where political processes will work – Indigenous peoples still have too much mistrust of non-Indigenous communities and they bear the heavy burden of past injustices. More healing must occur before political processes can work. This may come in the future but in the current context the two groups will not be able to work together in an effective way to move Indigenous rights ahead.

QUESTIONS

1. What does it mean to participate in decision-making processes in a significant and culturally appropriate way? What changes or policies need to be in place to make this happen?

2. What (if any) pre-conditions need to be in place to make this approach a success?

3. What are some of the key benefits of combining Indigenous and non-Indigenous knowledge and perspectives in international problem solving? Are there potential drawbacks associated with this?
CONCLUSION

Now it’s your turn, what approach do you think Canada should take in advancing Indigenous Rights at home and abroad? If Indigenous people are moving to the international stage to advance their rights how should Canada respond?

This issue, like any foreign policy issue, is complex. The world often doesn’t wait for policymakers to draft statements or leaders to sign agreements. Navigating the best course for Canada, even with the tools we have, is difficult.

As a thought experiment, imagine that you are the Prime Minister or the Minister of Foreign Affairs for the weekend. You have to report in on Monday — to a committee, to the House of Commons, to your spouse. What ideas, insights, questions, and options would help guide your decision making? How would you address the issue of Indigenous Rights, and what do you think Canada and Canadians should do?

Participants of the International Day of the World Indigenous Peoples 2006
YOUR NOTES

USE THIS PAGE TO COME UP WITH YOUR IDEAS
The following are a number of different terms frequently used when discussing Aboriginal issues in Canada.

**Aboriginal people, peoples**
In Canada, “Aboriginal” is a term used to describe descendants of the original inhabitants of North America. The Canadian Constitution divides Aboriginal peoples into three basic groups — First Nations, Métis and Inuit, each of which includes additional groups with unique histories, languages, and cultures. “Aboriginal people” (singular) refers collectively to all individuals who identify themselves as Aboriginal. The plural form of the term, “Aboriginal peoples”, references the groups, including First Nations, Métis, and Inuit, who identify themselves as Aboriginal.

**Native people / peoples**
The word “Native” is often used interchangeably with “Aboriginal”.

**First Nations**
“First Nations” refers to Canadian Aboriginal peoples who are neither Inuit nor Métis. The term "First Nation" often replaces the term "Indian band" and refers to a particular Aboriginal group. There are over 600 First Nations governments or bands in Canada.

**Indian**
In Canada, the term “Indian” is a legal term, which the Canadian government uses to refer to Aboriginal people who are not Inuit or Métis. The federal government's Indian Act divides Indians into two categories: Status and Non-Status Indians. While “Indian” is an appropriate term within this legal context, the term “First Nations” is generally more effective, as the term “Indian” can have some negative connotations.
Status Indians
Status Indians are people who qualify for registration on a list maintained by the Canadian government. In some cases, Indian status corresponds with certain rights and payments derived from treaties. The government usually determines who qualifies as a Status Indian based on evidence of descent from a First Nation.

Non-Status Indians
Non-Status Indians are people who consider themselves Indians, but the Canadian government does not recognize them as such. This is usually because they cannot prove their status or have lost their status.

Métis
The Métis are an Aboriginal people born of a mixture of European and Aboriginal descent. They do not qualify as Status Indians, but are recognized as one of three Aboriginal peoples of Canada under the Canadian Constitution Act of 1982. The Métis live primarily on the Prairies, and in Ontario and the Northwest Territories.

Inuit
Inuit are the Aboriginal people of Northern Canada. For centuries, outsiders called Inuit "Eskimos," but Inuit do not find this term acceptable. Most Inuit live in Nunavut, Northwest Territories, Northern Quebec and Northern Labrador. They do not qualify as Status Indians, but are recognized as one of three Aboriginal peoples of Canada under the Canadian Constitution Act of 1982. Inuit is a plural term; the singular form is Inuk.

INAC
The Department of Indian Affairs and Northern Development, or Indian and Northern Affairs Canada (INAC). The department title uses the term “Indian” because it is responsible for administering the Indian Act. Historically, other federal bodies such as the Department of the Interior had held responsibility over Canadian Aboriginal issues. INAC remains responsible for Aboriginal issues in Canada today.
Works Cited


http://www12.statcan.ca/english/census06/analysis/aboriginal/index.cfm


END NOTES


5 Ibid.


17 David, Newhouse, et al., Hidden in Plain Sight: Contributions of Aboriginal Peoples to Canadian Identity and Culture, (Toronto: University of Toronto Press, 2005) 25-6, 312, 368.


19 Dickason 200.

20 See Dickason 252-69.


22 Dickason 343-53.

23 Warry 123.


26 Dickason 418-19.

27 Elections Canada http://www.elections.ca/content.asp?section=med&document=oct2600b&dir=pre&lang=e&textonly=false

28 Rights and Democracy http://www.ddrd.ca/site/what_we_do/index.php?id=1896&subsection=where_we_work&subsubsection=country_documents


See also: Warry 9-11.