

Understanding Native Activism

STEVEN POINT

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STEVEN POINT is a member of the Skowkale Band of the Sto:Lo Nation. A traditional spirit dancer whose Indian name means Mountain Stream, he is a well-regarded speaker on the topics of land claims and aboriginal rights. Prior to obtaining his law degree at the University of British Columbia, Steven worked as a land claims researcher, was chief of his band for seven years, and served on the executive committee of the Union of B.C. Indian Chiefs. At the University of British Columbia Steven's speciality was native land claims, and upon graduation he handled native rights cases for three years. He is currently working with Immigration Canada in the refugee adjudication directorate. Steven says his greatest accomplishment in life has been his successful marriage and the creation with his wife of their three children.

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Why are more and more native peoples of Canada resorting to violence to achieve their political goals? Is it simply to raise the general public awareness of native concerns, or is it the beginning of a long-term commitment to the power of the gun as opposed to the power of the pen? It's my view that what begins as an awareness campaign can quickly evolve into an armed confrontation unless both sides have a clear communication channel open. When it comes to native issues, however, several barriers must be removed before this clear communication link can be established and maintained.

For too long there has been a general lack of understanding concerning native objectives and goals. This is true not only for government and the general public but also for the native peoples. In order for the process of communication to occur, the parties involved must be willing participants, open-minded and committed to solving the dilemma. Throughout the history of native/government relations these three elements were never present simultaneously. At times the government would be willing to negotiate, but the natives unable. At other times, the government was unwilling to participate — for example, when the Province of British Columbia would not enter negotiations with the Nisga'a.

Through the years the native strategies included petitions to the Queen of England, delegations to Ottawa and the United Nations, peaceful demonstrations, public awareness campaigns, and legal action. Through all of this the government's response was minimal, although there has been much rhetoric about the government's commitment to change. The government and the natives, however, still are on a collision course because their objectives are mutually exclusive. Native people want to remain distinct and be self-governing; government wants to end the Indian problem. To date, native land issues across Canada have been dealt with in different ways. Some tribes have entered into treaties with the federal government, whose constitutional responsibility it is to settle these matters. Other groups had not entered the process of treaty-making and still have not reached a common understanding as to aboriginal claims to land and resources.

In early times, the federal government met with native leaders, and after a relatively short time obtained free and clear title to vast tracts of land from the natives who gave up their land to the "whites forever." As time went on, natives began to realize how one-sided these treaties were. Natives were assigned to lands reserved for them, the title to which was held by the federal government. The natives received the use and benefit of these lands, but not title. The federal government assumed a parental role over natives, who, in the government's eyes, were unable to handle their own affairs. From the government's view that was correct. Native populations had been decimated by disease and poverty.

In British Columbia, like many other provinces, the responsibility to educate natives was dumped on the federal government. The natives were not wanted in the all-white public school system. Many church organizations, like the Catholic church, had for years been proselytizing among the native peoples. They began providing education services with the full financial support of the federal government. The physical and emotional abuse that happened to those natives who entered these residential schools is only now becoming public knowledge. Generally, the government proceeded on a clear policy of assimilating native people. Sometimes this occurred with native co-operation, but mostly it was an imposed policy.

Native people soon woke up from their fight with disease and alcoholism to find that their land and culture was dying out. The federal government helped this process along with its anti-potlatching laws that made it a criminal offence to sing and dance native songs and conduct the legal business traditionally done in the feast hall. Many native elders were arrested by Indian agents, then charged, convicted, and sentenced by the same agent for practising their spirituality. The native people also woke up to

the fact that their fishing and hunting and trapping rights were being legislated out of existence. They saw their reserves shrinking beneath their feet due to highways and railways and power lines and gas lines. They woke up to the fact that even their own children were being taken away by overzealous provincial social workers who lacked the cross-cultural awareness to appreciate the native way of life.

The unemployment rate on most reserves was well over 50 percent, and in many cases 100 percent of the population were on social assistance. Their homes were mostly substandard and overcrowded. Poverty and despair were the prelude to alcoholism and family abuse. All too often the letters from band councils to government authorities were never answered. The person on the street too often believed that natives got too much from government, that they paid no taxes and should be given no more rights and privileges than what other Canadians receive. It was easier to equate the drunken native on the street corner to all natives than to look beyond the facade and see the real situation. Native peoples began to agitate for better living conditions on their small reserves. They began holding demonstrations and sit-ins to raise public awareness.

Natives also began launching expensive legal cases like the *Calder* case, which went right to the Supreme Court of Canada. The aboriginal right to land then was viewed by the court as an usufructuary right — that is, a right to use of the land but not title. The right was described as “*sui generis*” — that is, a unique right, one not arising from known legal principles. The courts have been coming down with decisions that are viewed by natives as increasingly favourable, but recently a different view of aboriginal land rights has emerged. Originally there was a belief among natives that the courts had to be utilized. The federal government was not willing to negotiate on anything else but an extinguishment basis. The government required that to commence any negotiations over land claims, the Native Nations (as they began to be called) had to sign an agreement. They had to agree that at the end of negotiations they would extinguish their land/claim to the land. Natives began to balk at such agreements. They began to demand a policy of non-extinguishment.

The natives wanted their claims recognized first and specific negotiations later. Leaders like the late George Manuel pressed for a continual recognition of aboriginal land claims through a process of native revenue-sharing to be paid to Indian government in perpetuity. Other leaders were of the “lock, stock and barrel” school. They wanted their land back plus compensation for lost resources to date; yet others began to agitate for complete sovereignty of their nations. Some even began issuing their own interna-

tional passports. Amid all of this were cries from other groups like the Prairie Treaty Alliance who were pressing for the government to live up to the letter and intent of their old treaties, which by then had become constitutionally recognized and affirmed in section 35 of the Charter along with existing aboriginal rights.

Many other side issues also emerged. Environmentalists saw a way to get a broader base of support for their concerns by enlisting native groups. The traditionalists rejected this type of approach because it led to a protection of land and resources, not ownership and control. Those siding with environmentalists view the process as means to an end rather than the ultimate goal.

Another facet of native issues arose in Sechelt, British Columbia. The Sechelt band had negotiated an agreement that resulted, among other things, in the reserve land being turned over to the band. There was a general outcry in Indian country against this development because it was viewed by many as a sell-out. The provincial government was jubilant. The federal government announced with a fanfare that it had reached a historic plateau in government/native relations. The government for a long time had been pressing the natives towards a settlement of claims that would result in giving municipal status to Indian bands. Indian bands feared that they would be no longer a federal responsibility but would be transferred to provincial government jurisdiction. This smacked of the 1969 White Paper policy announced by the federal government under the Trudeau Liberals. That policy suggested that the Indian Act be terminated and all lands be given to the bands. If the end of special status and constitutional protection of native reserve lands was totally unacceptable to natives nation-wide in 1969, why did it become acceptable to the Sechelt band? The difference was that the government wrote a special federal Act of Parliament that dealt specifically with the Sechelt band. The result was that the federal government's constitutional responsibility was not disturbed.

So, what does all of this mean? It means that the process of settling long outstanding native land issues and social problems is not a simple task. The many players involved in their several evolving agendas makes the task something like catching fish with greased hands. The federal government wants to get out of the native business. Its long-term objective seems to be to:

1. settle all outstanding native land disputes;
2. transfer responsibility of servicing native bands to the provincial government and to the bands themselves.

The provincial governments seem reluctant to become involved until some basic matters are clarified:

1. Who pays for settling native claims?
2. Do natives want out of Canada, or are we talking about expanding the nation land base and giving them some kind of say in resource management and control?

The natives themselves have to clarify:

1. Who benefits from land claims? Registered Indians only, or all natives under some type of blood or culture formula?
2. Do they want sovereignty, or something less? If so, what land is involved?
3. What kind of resource management and control is required?
 - a) Membership or Management Boards,
 - b) Total control of some resources, not others.
 - c) Special hunting, fishing and trapping rights.
4. What happens after an agreement is reached? What will be the role of federal and provincial governments?

It is a complex problem requiring co-ordination, co-operation and good will on the part of all parties involved, not to mention the dollars needed to cover the cost of the research discussions and negotiations. Who will provide this clarification? At one time it was a simple meeting between the federal government and the natives. Now the provinces are involved, and even private interest groups are demanding a seat at the negotiating table.

The courts have provided some very important guidance, but the general view is that the main load must be carried by the parties involved through negotiation. Many native groups, however, have little to no faith in the fair negotiation process, and those groups pressing for total sovereignty will not bring their claims to the courts because they believe that those courts don't have legal jurisdiction over another sovereign state. There are still other native groups who have yet to organize their political machinery.

Every year, more young native people become aware of their own history. They distrust the government and the courts and, in some cases, their own band councils. They want action and results, not promises. The long-time policy promoted by many native leaders of diplomatic activism is viewed by these activists as slow and counter-productive. Some even argue that their own leadership has been bought out by the establishment. They

see the native leadership attending hundreds of meetings each year in posh hotels. These “meeting goers” were accused of doing little else for their own communities except sit in these meetings and raise their arms at appropriate times. Although this narrow view of native leadership is incorrect, the resulting “bad faith” has only contributed to an already tense situation. What is needed is a lengthy process whereby native leaders can first meet their own people and define their own goals and objectives before getting involved in the formal negotiations with other parties. Some native groups have already completed this task; most have not.

So, why do more and more native groups agitate with more and more militancy? It is because they are frustrated and tired of waiting for government and native leaders to finally come to some fair and equitable solutions to native problems and land concerns. Any democracy is only as good as its ability to deal fairly with its citizens. The law must not only be fair; it must also be seen to be fair. Once the general citizenship no longer respects the law, the country gradually sinks into lawlessness. The native peoples of Canada have had a long-outstanding legitimate grievance with government. Native/government relations can only improve if these grievances are dealt with equitably.

Is it asking too much for the federal and provincial governments to sit down with native peoples and correct what is obviously an injustice to them? I think it's not only required, but it's also absolutely necessary in order to avoid future violent eruptions.

Today In Class (Every Day)

Just so that you know
All you well fed politicians,
Here's something more to chew on.
Perhaps it won't fit into your
Too large, and always open,
Mouths.

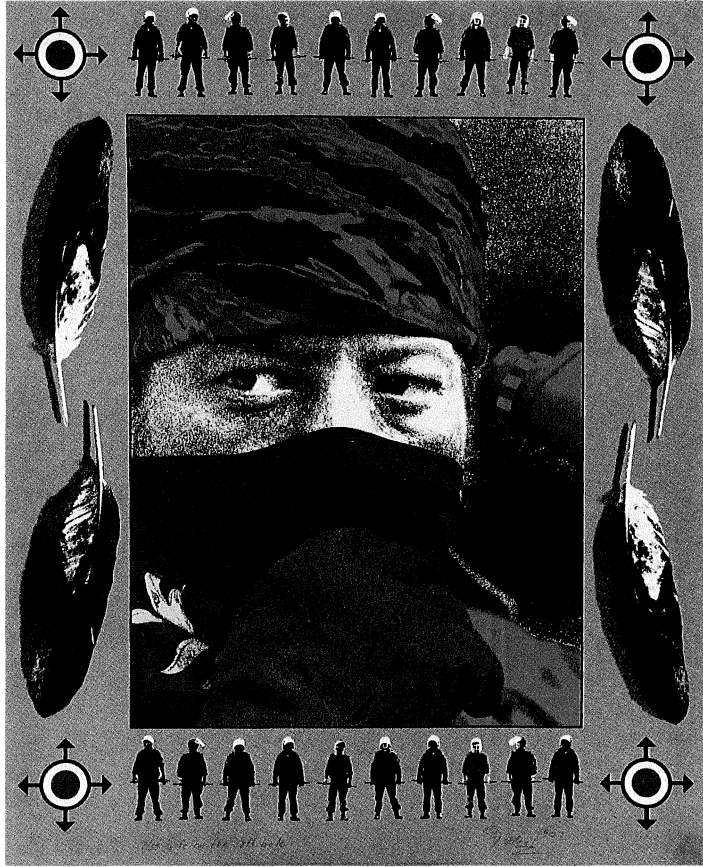
Today in class,
In Sister Marie's class
I said, "I'd like to tear
Jean Chrétien's left arm off
And stuff it down his throat."
He's the minister of Indian Affairs.

Today, in class
I felt a horrible anger.
I felt a terrible rage.
I embraced new violence.
My heart pumped hate.
It pumps hate every day.

It feeds on frustration
Like countless other hearts.
And, our hearts pump hate
Every day,
Pump hate
Every day.

Canadians look to the South,
And point their blood soaked fingers
At a painful ignorance there.
They have a new vision,
And we're just their nightmare,
Every day.

No politician from our country
Represents our deepest true feelings.
Nor do they represent our struggle.
They are mostly messengers for masters in Ottawa.
Our hearts know hate,
Every day.



Life on the 18th Hole

by David Neel