

# Dispossession of the Aboriginal Peoples of Canada

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## OVERVIEW:

*The dispossession of Canada's first peoples has taken many forms, including the following: military occupation; expulsion from traditional lands; cognitive domination via education systems designed to strip Aboriginal students of their culture; and denigration and prohibition of traditional spiritual practices, languages, dress, knowledge and customs. While implementing these forms of dispossession, successive governments continued to deny, until relatively recently, the right of Indigenous peoples to participate even minimally in the political life of Canada. In recent decades, the imposition of energy mega projects and resource extraction activities detrimental to Indigenous peoples, and without their consent has led to high-profile confrontations.*

## The Aboriginal peoples of Canada

Broadly speaking, Aboriginal people are the descendants of the peoples that were living in Canada prior to permanent European settlement and domination of the continent. It is estimated that when permanent European settlement began, there were between 500,000 and 2 million Indigenous people living throughout what is now Canada.<sup>1</sup>

The Aboriginal peoples of Canada are extremely diverse. They include the Inuit, the First Nations, and the Métis. The Inuit are the aboriginal inhabitants of the Canadian Arctic, from the Mackenzie Delta in the west to Labrador Coast in the east. Numbering about 55,000, they are united by a common cultural heritage and a common language.<sup>2 3</sup> The First Nations are the descendants of the original inhabitants of the rest of what is now Canada. Numbering about 900,000, there are 634 First Nation communities (also known as reserves) in Canada, with First Nation governments. They are part of larger linguistic and cultural groups that vary across the country. In fact, there are over 50 distinct nations and language groups across the country.<sup>4</sup> (First Nations people were formerly referred to as "Indians," but that term is now considered inappropriate.) The Métis are those of mixed First Nation and European descent. According to the 2006 Canadian Census, there are 389,780 Métis people in Canada.<sup>5</sup>

## Early encounters between Indigenous peoples and Europeans arriving in Canada from the 1500s on

Although there was European exploration of the "New World" prior to the 16<sup>th</sup> century (for example by the Norse and Basque), a new era of exploration and colonization began in 1492 with the arrival of Christopher Columbus in the Caribbean. In 1534, Jacques Cartier arrived in what is now Canada, claiming the area for France, and beginning a period of French domination. The French adopted a policy of allying with several Indigenous tribes, including the Omàmiwininiwak (Algonquin), Inuit and Innu, and notably excluding the Haudenosaunee (Iroquois), with whom the French often clashed militarily.

After British settlement in Canada intensified, Indigenous people were increasingly entangled in conflicts between the British and French over fur trading<sup>6</sup>, and tribes often entered into alliances with one European power, though some remained neutral. The British had a different imperial strategy than the French. As their settler population was larger, they were less concerned with alliances with the Indigenous population, and were thus often more inclined to ignore Indigenous interests.

The arrival of European trade goods and settlers exposed the Indigenous population to new diseases, resulting in widespread epidemics such as measles and smallpox. In some communities, death rates were as high as two-thirds.<sup>7</sup> Often disease and forced relocation interacted



with devastating consequences. For example, the Beothuk—the Indigenous people of Newfoundland—were driven into extinction by the combination of new diseases and the malnutrition that resulted from being forced into the interior away from their traditional sources of food; the last Beothuk died in 1829.

As well, the arrival of missionaries with colonizers led to attacks on Indigenous culture, languages and religion, which escalated when the British and French colonial governments took charge of “Indian Affairs”.<sup>8</sup>

## How Europeans and Euro-Canadians dispossessed Indigenous people

Europeans and Euro-Canadians have dispossessed Indigenous people in many ways since the arrival of European colonizers.

### Dispossession of land

*"The land is the very essence of [Indigenous peoples'] being. It is their very heart and soul. No amount of money can compensate for its loss. Aboriginal identity, spirituality, laws, traditions, culture, and rights are connected to and arise from this relationship to the land." – Justice G.M. Smith<sup>9</sup>*

As European settlement in Canada increased, existing Indigenous populations were often driven out of their traditional lands and forced to relocate. Particularly notorious forced relocations within current memory include that of the Sayisi Dene in 1956,<sup>10</sup> and the High Arctic relocation of Inuit during the Cold War.<sup>11</sup> Because Indigenous peoples' livelihoods are strongly linked to their land, such relocations were traumatic and often resulted in increased infant mortality and high death rates.<sup>12</sup>

In order to secure valuable Indigenous land for settlement and to create a contiguous national territory, the government entered into a series of **treaties** with various First Nations tribes, in which the tribes would surrender their rights and title to part or all of their lands in exchange for reserves, payments, and/or guaranteed hunting and fishing rights.<sup>13</sup> The tribes were then often relegated to areas unsuited for agriculture.<sup>14</sup>

The degree to which Aboriginal groups entered into these treaties voluntarily varied widely. Some First Nations groups had been decimated by disease and the destruction of their natural environments, and therefore were desperate for government assistance for sheer survival.<sup>15</sup>

There have been several differences of opinion regarding the interpretation of the treaties. Most First Nations leaders have argued that the treaties are lateral agreements between sovereign entities and consider them in force today. However, in competing views, the treaties are invalid as they have been breached repeatedly by the Canadian government, were not always reached with the agreement of legitimate representatives of the Aboriginal peoples affected, or were reached through coercion.<sup>16</sup> Another controversy is whether the treaties should be given a literal or a liberal interpretation. To many Indigenous leaders, the signing of treaties constituted implicit recognition of Indigenous sovereignty, and Indigenous right to autonomy and self-government.<sup>17</sup> Debates surrounding the interpretation and implementation of treaties continue today.

### Residential School System

The residential school system was a system of **cultural genocide** imposed by the Canadian government and various Christian denominations on Indigenous communities. (For details, see CJPME Foundation Analysis *Canadian Residential Schools, 1857-1996*.)

### Environmental Destruction

Indigenous peoples' livelihoods, spiritual practices and cosmology are strongly linked to their natural environments. Thus, colonization and environmental destruction have particularly far-reaching negative consequences for Indigenous people. One such example is that of the destruction of the bison, an animal that had provided First Nations peoples in Western Canada with food,



hides for shelter and clothing, and many other useful items. With the arrival of European settlers, the bison stock was rapidly decimated, due to both the greed of the settlers, and the decision by certain US military leaders to destroy the bison in order to starve Indigenous people into submission.<sup>18</sup> The decimation of the bison forced the Plains people into small areas of land or further north, and led to widespread starvation.

Indigenous peoples have also been negatively affected by industrial activities. One such example is the mercury poisoning of the Wabigoon River near Dryden, Ontario, by the effluent from a nearby chemical company serving the local pulp and paper plant. Members of the Grassy Narrows and Whitedog reserves have suffered grave damage to their health, with some having full-blown Minimata disease. In order to minimize further exposure to mercury, these First Nations communities had to reduce or halt consumption of local fish.

Environmental destruction is particularly troubling to Indigenous peoples, who believe nature has intrinsic value and should thus be protected.<sup>19</sup>

### **Lack of consultation and consent on resource development**

In many cases, the extraction of primary resources in Canada has been without consultation with the Indigenous groups directly affected, even of resources on their land.

**Deforestation** is one practice that threatens Indigenous peoples' way of life and livelihoods. Widespread logging in Canada has taken place on land to which Indigenous peoples have claim, such as in Haida Gwaii, British Columbia, where a series of broken promises by the provincial government to end clearcut logging ultimately led the Haida Nation and others to blockade roads for two months in 1985, forcing the government to negotiate with the group.<sup>20</sup>



Similar problems arose during the implementation of the **James Bay hydroelectric project**, announced in 1971 by the Quebec government, without consulting the James Bay Cree and other Indigenous communities, whose lands would likely be flooded by this project. This case raised questions of Indigenous rights, both to land and to continue engaging in traditional subsistence activities. A series of legal proceedings resulted in the James Bay and Northern Quebec Agreement.

In 1990, a 78-day crisis was triggered in **Kanehsatake-Oka**, when the Oka (QC) municipal council made plans to expand a golf course—built without Mohawk permission in the 1950s—and to build luxury condos on traditional Kanien'kehá:ka (Mohawk) land west of Montreal, without Mohawk consent. The Mohawk had been pressing the national government since the 1700s to recognize their claim to the land, but their requests had largely been ignored. The golf course expansion and condo development would be on Mohawk sacred burial grounds and a pine forest Mohawk Commons in the lush Kanesatake reserve. Mohawk and other Native people from across Canada barricaded the roads in the area. Premier Robert Bourassa sent in the Quebec police force, provoking a confrontation that resulted in the death of QPP corporal Marcel Lemay. Bourassa then asked the federal government to send in the military. The Canadian government obliged by sending over 2000 Canadian troops to the scene.<sup>21</sup> The dispute ended with the voluntary surrender of the Mohawk and the cancellation of the golf course expansion and condo development. The federal government eventually purchased several plots of land for Kanesatake, but has yet to turn them over to the Kanesatake Mohawk.<sup>22</sup>

Finally, the **Athabasca oil sands** of Fort McMurray, Alberta, have had direct negative effects on Indigenous communities, particularly the Athabasca Chipewyan First Nation, a community downstream. This community appears to have a cancer rate 30 percent higher than that of the rest of Alberta. In addition, the fish in their river are deformed, with some reportedly having tumours the size of eggs, indicative of contamination of the water. The community has sued the Shell oil company, but so far with little success. In 2012, Chief Allan Adam



described the impact of the tar sands development as follows: "There's an act of genocide being done to my people when it comes to poisoning our water system and poisoning our air. It's corporate genocide, that's what it really boils down to."<sup>23</sup> In 2013, he noted, "Expansion of the tar sands in my people's homelands means a death sentence for our way for life, destruction of eco-systems vital to the continuation of our inherent treaty rights and massive contributions to catastrophic global climate change, a fate we all share."<sup>24</sup> The conflict over oil sands development is not the first time that Indigenous people have faced unwelcome petroleum projects. In 2007 in British Columbia, the Wet'suwet'en, Tahltan and Gitksan First Nations protested Shell plans to drill in the Sacred Headwaters of three great salmon-bearing rivers—the Nass, the Upper Skeena and the Stikine. The BC government of the day was obliged to permanently ban future oil and gas development in the headwaters. However, more recently, the government and mining companies have been proposing coal mine development in the Headwaters, opposed by the First Nations affected.

As well, in New Brunswick, the Elsipogtog First Nation has vigorously objected to plans for shale gas development on their traditional lands, near Rexton.

Indigenous communities across the country have emphasized that petroleum projects should not be undertaken without their free, informed and prior consent. They have pressured banks heavily involved in tar sands financing to withhold loans in the absence of such consent.

In May 2014, the UN Special Rapporteur on the Rights of Indigenous peoples stated unequivocally,

In accordance with the Canadian constitution and relevant international human rights standards, as a general rule resource extraction should not occur on lands subject to aboriginal claims without adequate consultations with and the free, prior and informed consent of the indigenous peoples concerned. ... Resource development projects, where they occur, should be fully consistent with aboriginal and treaty rights, and should in no case be prejudicial to unsettled claims. The federal and provincial governments should strive to maximize the control of indigenous peoples themselves over extractive operations within their lands and the development of benefits derived therefrom.<sup>25</sup>

As well, various levels of government have violated First Nations' **fishing rights**. For example, on June 11, 1981, 550 riot-equipped Quebec Provincial Police officers and Quebec fisheries wardens staged a simultaneous land, air and sea incursion into the Mi'kmaq reserve at Restigouche in response to the Mi'kmaq's refusal to halt their traditional practice of night fishing. The police beat and arrested several Mi'kmaq, including people simply watching the proceedings. Police officers were heard using offensive, racist language when addressing the Mi'kmaq. They also beat Mi'kmaq women with small children in tow and confiscated over 100 fishing nets.



The police arrested 12 people, including 2 minors. They sent the children to a juvenile detention centre 100 miles away, and the adults to a provincial jail. According to the Mi'kmaq of Restigouche, a 17-year veteran of the RCMP, Frank Lahache, stated that he had never witnessed anything as brutal as the June 11 raid. The QPP conducted another raid at 5:20 am June 20. The Quebec government claimed that the Mi'kmaq were catching 75,000 pounds of salmon per year, thereby seriously depleting the salmon stocks. However, a scientific study conducted after determined that the Mi'kmaq of Restigouche caught a maximum of 12,000 pounds, well below the agreed-upon quota, and that of all the factors affecting salmon stocks, the Mi'kmaq salmon fishing had the least impact.<sup>26</sup>

### Denial of political rights

Indigenous peoples have been consistently unrepresented in Canadian government. Beginning in 1867, authority over Aboriginal people was given to the new Government of Canada, with no mention of Aboriginal nations and their rights being included in the Constitution.<sup>27</sup> Furthermore, specific policies contained in the

Indian Act prevented First Nations people from pursuing their rights (for example, Section 141 prevented First Nations peoples from hiring lawyers), and made illegal many Indigenous cultural and spiritual activities. Only following its signing of the Universal Declaration of Human Rights in 1948 was Canada forced to re-examine its treatment of its Indigenous population. In 1951, some components of the Indian Act were rescinded. In 1958, James Gladstone became Canada's first Indigenous Senator, and finally, in 1960, "Indians" were given voting rights (the Inuit had been granted voting rights in 1950).<sup>28</sup>

However, in 1969, Prime Minister Trudeau issued the now-infamous White Paper on "Indian" policy, pledging to repeal the Indian Act, and replace it with a land act, repeal treaties and eliminate the Department of Indian Affairs within five years. The White Paper was strongly opposed by most Indigenous peoples, and spurred a greater degree of political unity among Indigenous organizations than had previously existed. The First Nations organizations drafted a counterproposal—"Citizens Plus", commonly known as the Red Paper—and demanded respect for the treaties.<sup>29 30</sup>

## The impact of European colonization on Indigenous communities and culture

The negative effects of European colonization on Indigenous peoples in Canada have been extreme, widespread, and enduring. The forced assimilation of Indigenous peoples has undermined, disrupted and caused irreparable harm to Indigenous culture, and has had destabilizing effects on these communities. As well, these policies and Canadian government attitudes towards Indigenous peoples have caused persistent systemic discrimination, which Indigenous peoples continue to struggle with.

### Loss of culture

Since 1867, the Government of Canada has implemented various policies aimed directly at eradicating Indigenous culture. The prohibition of certain Indigenous cultural and religious practices in the Indian Act made maintenance of Indigenous culture a challenge, and forced Indigenous peoples to practice their beliefs in hiding. Displacement from traditional lands and forced assimilation to Euro-Canadian culture has caused a loss of traditional skills and knowledge.<sup>31</sup> One of the most dramatic damages to Indigenous cultures has been the reduction in the number of people who can speak Indigenous languages; in 2001, only 24 percent of Indigenous people in Canada could communicate in an Indigenous language.<sup>32</sup>

### Poverty and social problems

Approximately 49 percent of First Nations people in Canada currently live on reserves,<sup>33</sup> many of which have substandard living conditions, often resembling those of developing countries.<sup>34</sup> On some reserves, unemployment rates are as high as 70 percent, and poverty is widespread.<sup>35</sup>

However, Indigenous peoples living off reserve face both discrimination and poverty. The socioeconomic situation of Indigenous people living in urban areas in Canada is often *worse* than that of those living on reserve,<sup>36</sup> and the Department of Aboriginal Affairs and Northern Development allocates more money to Indigenous peoples living on reserves.<sup>37</sup>

Among the Indigenous population, rates of social problems are significantly higher than those of the rest of the Canadian population. First Nations women and men are respectively eight and five times more likely to commit suicide than other Canadians.<sup>38</sup> Similarly, rates of teen pregnancy, substance abuse, spousal violence and incarceration are disproportionately high.<sup>39</sup>

According to recently released figures compiled by the RCMP in collaboration with other police forces, approximately 1200 Aboriginal women have been murdered or gone missing over the last 30 years.<sup>40</sup> On May 7, 2014, the UN Special Rapporteur on Indigenous Rights urged Canada to conduct a comprehensive, nation-wide inquiry organized in consultation with Indigenous peoples into the issue of murdered and missing Aboriginal women and girls.<sup>41</sup>



These social problems reveal the long-term devastation caused by the policies of Canada's national and provincial governments regarding Aboriginal peoples. The current lack of progress in reducing socio-economic disparities is indicative of the failure to make Aboriginal well-being a genuine priority.<sup>42 43</sup>

<sup>1</sup> Dickason, Olive Patricia, and McNab, David T. Canada's First Nations. A History of Founding Peoples from Earliest Times. Fourth Edition, Oxford University Press, p. 40.

<sup>2</sup> Inuit Tapiriit Kanatami, "A Note on Terminology: Inuit, Métis, First Nations, and Aboriginal" and "Inuit Historical Perspectives". <https://www.itk.ca/> Consulted May 12, 2014.

<sup>3</sup> The Inuit are not to be confused with the Innu, a First Nations ("Indian") group located in northeastern Quebec and central Labrador.

<sup>4</sup> Assembly of First Nations. Description of the AFN. First Nations. AFN website consulted May 12, 2014.

<sup>5</sup> Statistics Canada. Aboriginal identity population, by province and territory (2006 Census). (Online) Consulted May 12, 2014.

<sup>6</sup> McCord Museum. EduWeb. Resources for themes. The Settlement of Canada: An Overview

<sup>7</sup> Dickason, Olive Patricia, and McNab, David T., Canada's First Nations. A History of Founding Peoples from Earliest Times. Fourth Edition, Oxford University Press, p. 103.

<sup>8</sup> University of Ottawa. Site for Language Management in Canada. European Colonization and the Native Peoples. (online) Consulted May 14, 2014.

<sup>9</sup> Mainville, Sara "Lawsuits, treaty rights and the sacred balance." Toronto Star. June 1, 2007.

<sup>10</sup> Thompson Rivers University. Newsroom. "Forced relocation of a Canadian Aboriginal population (lecture)." November 24, 2010

<sup>11</sup> "The High Arctic Relocations." Naniiliqipita. Nunavut Tunngavik. Fall 2009.

<sup>12</sup> "Relocation of Aboriginal Communities." Christian Aboriginal Infrastructure Developments. Volume 1 - Looking Forward Looking Back. Part Two False Assumptions and a Failed Relationship.. (Online: <http://caid.ca/RRCAP1.11.pdf>) Consulted May 12, 2014.

<sup>13</sup> "Treaties with Aboriginal people in Canada." Aboriginal Affairs and Northern Development Canada. Acts, Agreements, Treaties and Land Claims. Land Claims. Comprehensive Claims.. (Online) Consulted May 12, 2014.

<sup>14</sup> "Numbered Treaties — Key." Manitoba Education. Education and Advanced Learning. K-12. Curriculum. Social Studies. 6-2-4f.

<sup>15</sup> "Economic Aspects of Aboriginal Title in Northern Manitoba: Treaty 5 Adhesions and Métis Scrip." Frank Tough, Department of Native Studies, University of Saskatchewan. Originally published in *Manitoba History*, Number 15, Spring 1988. Online at the at the Manitoba Historical Society website. Consulted May 12, 2014.

<sup>16</sup> Pithouse, Kathleen; Mitchell, Claudia; Moletsane, Relebohile. Making Connections: Self-Study & Social Action. Peter Lang Publishing. 2009. pp. 208–209.

<sup>17</sup> Aboriginal Justice Implementation Commission of Manitoba. Aboriginal and Treaty Rights.

<sup>18</sup> PBS. *American Buffalo: Spirit of a Nation*. (online) Consulted May 13, 2014.

<sup>19</sup> Cook, Melina. "Sacred Land: A Question of Value." Metropolitan Community College. (Online) Consulted May 13, 2014

<sup>20</sup> "Timeline - Milestones in the History of Forestry and Forest Policy on Haida Gwaii." Simon Fraser University. Ecosystem Based Management. (Online) Consulted May 13, 2014

<sup>21</sup> McMillan, Alan D, and Eldon Yellowhorn. First Peoples in Canada. Douglas & McIntyre, 2004. p. 101.

<sup>22</sup> "Oka Crisis." Canadian Encyclopedia (Online) Consulted May 9, 2014.

<sup>23</sup> Richardson, John H. "Keystone". Esquire. August 10, 2012

<sup>24</sup> "Chief Adam responds to Obama State department EIS on Keystone XL Pipeline." (ACFN Challenge press release), March 1, 2013.

<sup>25</sup> "The situation of Indigenous peoples in Canada." UN Human Rights Council. Report of the Special Rapporteur on the Rights of Indigenous peoples, James Anaya. Addendum. Advance Unedited Version. May 7, 2014. Para. 98 and 99.

<sup>26</sup> National Indian Brotherhood. *Inquiry into the Invasion of Restigouche*. Preliminary Report, July 15, 1981. Appendix.

<sup>27</sup> "Meaningful Consultation in Canada: The Alternative to Forced Aboriginal Assimilation." Christian Aboriginal Infrastructure Developments. September 24, 2009.

<sup>28</sup> "1951 - 1981: Aboriginal Rights Movement". Canada in the Making. Aboriginals: Treaties & Relations.

<sup>29</sup> Dickason, Olive Patricia; McNab, David T. Canada's First Nations: A history of Founding Peoples from Earliest Times. Fourth Edition. Oxford University Press, pp. 371-4.

<sup>30</sup> "1951 - 1981: Aboriginal Rights Movement". Canada in the Making. Aboriginals: Treaties & Relations.

<sup>31</sup> Ohmagari, Kayo; Berkes, Fikret Berkes. "Transmission of Indigenous Knowledge and Bush Skills Among the Western James Bay Cree Women of Subarctic Canada". *Human Ecology*. Volume 25, Issue 2, pp 197-222.

<sup>32</sup> Norris, M.J. "Aboriginal languages in Canada: Emerging trends and perspectives on second language acquisition," Canadian Social Trends, vol.83 (2007), p. 20.

<sup>33</sup> "Aboriginal Peoples in Canada: First Nations People, Métis and Inuit. Highlights." Statistics Canada. National Household Survey (NHS). Analytical products, 2011. "Aboriginal Peoples in Canada: First Nations People, Métis and Inuit. Highlights."

<sup>34</sup> Comisso, Christina. "Canada faces a 'crisis' on aboriginal reserves: UN investigator". [www.ctvnews.ca](http://www.ctvnews.ca) October 15, 2013.

<sup>35</sup> Cranny, M., Moles, G. "Poverty on Aboriginal Reserves in Canada". Counterpoints - Exploring Canadian Issues, pp. 354-355. Toronto: Pearson Education Canada Inc. (2001). Viewed online at the Aboriginal Education Department School District #79 Cowichan Valley, May 12, 2014.

<sup>36</sup> Kydd, Allison. "Aboriginal people living off reserve not seeing benefits". Aboriginal Multi-Media Society. Vol. 16, Issue 2, 1998

<sup>37</sup> Hyslop, Katie. "Urban Aboriginal People 'Fight to Be at the Table'" The Tyee. February 19, 2014.

<sup>38</sup> Frideres, James S. and Rene Gadacz. Aboriginal Peoples in Canada. Toronto: Pearson Prentice Hall, 2008. pp. 81, 85

<sup>39</sup> Chansonneuve, D. Addictive Behaviours Among Aboriginal People in Canada. Ottawa: Aboriginal Healing Foundation, 2007. p. 14

<sup>40</sup> Leblanc, Daniel. "List of missing, killed aboriginal women involves 1,200 cases." The Globe and Mail, May 1, 2014.

<sup>41</sup> "The situation of Indigenous peoples in Canada." UN Human Rights Council. Report of the Special Rapporteur on the Rights of Indigenous peoples, James Anaya. Addendum. Advance Unedited Version. May 7, 2014. para. 89.

<sup>42</sup> Hyslop, Katie. "Urban Aboriginal People 'Fight to Be at the Table'" The Tyee. February 19, 2014.

<sup>43</sup> Kydd, Allison. "Aboriginal people living off reserve not seeing benefits". Aboriginal Multi-Media Society. Vol. 16, Issue 2, 1998