



TAR SANDS SHOWDOWN – INDIGENOUS RIGHTS

- Downstream from the existing tar sands plants, it is First Nations communities that are most directly affected by the flow of toxic sludge. In particular, communities of the Mikisew Cree and the Athabasca Chipewyan have actively protested against the poisoning of their waterways and the health and environmental hazards facing their peoples.
- So, too, have the Dehcho First Nation of the Mackenzie Valley in the Northwest Territories, the Tlicho, Sahtu, Gwi'chin First Nations further north and the Inuvialuit of the Beaufort Sea region. The entire waterway of the Mackenzie, Canada's longest river (1,800 kilometres), is under dire threat, and its peoples, many of whom live traditional lives on the land, are fearful of what the future will bring.
- In Fort Chip, a doctor named Dr. O'Connor rang alarm bells, when he noticed an alarming number of rare cancer cases and autoimmune diseases such as rheumatoid arthritis and lupus among his patients. The incidents were too numerous to ignore given the small population.
- Autoimmune diseases, for example, can be caused by arsenic, benzene and PAHs, which, as we have seen, are all present in the tar sands. O'Connor found that the sediment in which the bitumen is located also contains significant quantities of arsenic. During in-situ drilling operations, arsenic is brought to the surface where it is mixed with surface water. As a result, high concentrations of arsenic end up in the company tailings ponds, which, in turn, leak into the surrounding groundwater systems.
- The Golder report, which had been prepared by a consultant firm for Suncor in 2005, predicted that the arsenic in moose meat — a staple of the diet for most First Nations in the region — could be 453 times the acceptable levels in the future.
- Indigenous communities downstream from Sarnia are also affected by contamination from refineries that receive tar sands crude. Downstream from Imperial Oil and Suncor refineries in Sarnia, serious health concerns have been raised by the Aamjiwnaang First Nation.
- Almost all the land on which tar sands extraction is occurring is on near indigenous territory. First, governments took land from indigenous peoples in the area by forging signatures on Treaty 8, now, both governments and the oil companies have played a role in swindling the First Nations of the region out of their Aboriginal land rights in the Athabasca region, and contaminating their water and food sources. But, pockets of resistance are emerging.
- There is growing unrest in some of the First Nation communities, such as Fort Chipewyan and Fort McKay, concerning the negative impacts of the expanding tar sands production on the water and wildlife.
- Northeast of the Athabasca region, Chief Bernard Ominayak and the Lubicon First Nation are opposing the construction of the Gateway Pipeline designed to cross their land in order to transport crude oil from the tar sands to Kitimat in British Columbia for shipment to the US or China.
- In the Mackenzie Valley of the Northwest Territories, the Dehcho First Nation (one of the largest nations yet to surrender any title to their land) has been protesting against what is happening in the tar sands because of the contamination and depletion of the Mackenzie River, which flows down from the Athabasca. Moreover, if construction begins on the Mackenzie Gas Project before the Dehcho have settled their land claim with Canada, their resistance is bound to intensify.
- Working on behalf of the Indigenous Environment Network, Clayton Thomas Mueller, and other IEN activists are working closely with the community of Fort Chip and other communities to address concerns and oppose further development.

For more information, or to get involved visit <http://www.tarsandswatch.org>

<http://www.ienearth.org> <http://www.oilsandstruth.org>, <http://www.oilsandswatch.org>, <http://www.canadians.org/energy>

Excerpt from author Tony Clarke's Book "Tar Sands Showdown"



...The traditional claim of indigenous peoples to the Athabasca lands is rooted in Aboriginal rights that were enshrined in British and, eventually, Canadian law. Essentially, indigenous peoples who have occupied their traditional lands "since time immemorial" have property rights, which they retain unless they are extinguished through a negotiated settlement. These provisions were outlined in the Royal Proclamation of 1763, which, in turn, was incorporated in the British North America Act (BNA). The original intent of the Proclamation was to protect tracts of traditional lands for indigenous peoples so that they could exercise their hunting, trapping and fishing rights without interference from the early white settlers. When Ottawa repatriated the constitution in 1982, the core elements of the BNA Act, including these rights, were incorporated into the new Canadian Constitution, and they have been upheld by the courts in the face of numerous challenges since.

Shortly after Confederation, Canada made moves to secure control over these vast tracts of traditional "Indian Lands," as they were called, which had been considered worthless until they were found to contain gold and oil. Between 1871 and 1923, the federal government engaged in a treaty-making process with First Nations in various regions of the country. In exchange for giving up their traditional rights to these lands, Canada would provide each indigenous person who signed a treaty the paltry sum of five dollars a year plus one square mile of property for each family of five, along with incidentals such as some twine and ammunition. In 1899, the indigenous peoples of Fort Chipewyan and other First Nations communities in the Athabasca region signed one of these treaties, Treaty 8, which encompassed the greater portion of northern Alberta plus a part of the Northwest Territories. By doing so, Ottawa claimed, the indigenous peoples had effectively "ceded, extinguished and surrendered" their traditional rights to this land — a position held to this day.

Later, however, this particular treaty-making process was shown to be fraudulent. Subsequent research disclosed that in signing Treaty 8, "the Indian people did not understand or agree to the terms appearing in the written version of the treaty." The purpose of the treaty and its provisions were not sufficiently explained to them in their own languages. White missionaries travelled with Canada's treaty party, translating and explaining the deal to First Nations leaders. Elders who recall the oral version of Treaty 8 and the other treaties negotiated during this period remember them as "peace and friendship treaties," not land surrender deals. Also, most of the seventy-five signatures on Treaty 8 (X marks) are forgeries, shown by handwriting analysis to have been made by the same person. Almost a century later, in 1973, recognizing that the rush for gold, diamonds and oil was heating up, the Indian Brotherhood of the Northwest Territories used this and related evidence to initiate court action and file a caveat on their traditional lands, including the Athabasca region. After studying the evidence and hearing from witnesses in fifteen communities, Mr. Justice William Morrow of the Northwest Territories Supreme Court ruled that the Dene people had a right to file claims and place a caveat on their traditional lands. To this day some First Nations are claiming this so-called Crown land as their own, thereby challenging Canada's right to open it for massive resource projects without their consent...