

## Lecture for CFUW-Sherbrooke: Idle No More—the Prequel, April 20, 2013 Summary

### Introduction

At Bishop's University this fall, a Mohawk education student from Kahnawake held a teach-in on the Idle No More Movement. She was strongly motivated to support the movement and this was her way of doing it. The question is why?

First Nations have consistently acted to protect their lands and cultures since contact with Europeans and the Idle No More movement is just the most recent action of this kind. The impetus for the movement was Bill C-45, the federal government's latest budget. This bill included within it provisions to remove the environmental protections on most of Canada's lakes and rivers and Aboriginal People, like this Mohawk student, were galvanized to take action against this because it represents yet another attack on their lands and waters, which are the foundation for their cultures and identities.

I propose to explain the history preceding the Idle No Move movement by highlighting the interplay between the settlers' development agenda and Aboriginal efforts to protect their territories and cultures. Given the interests of this group, I will focus on issues of education and women, when appropriate.

### The Haudenosaunee Great Law of Peace

The Great Law is the "constitutional" document of the Haudenosaunee (Iroquois or Six Nations) Confederacy. It contains provisions that allow other nations to join the Haudenosaunee in their confederacy. In the 18<sup>th</sup> century, the Haudensaunee hoped the British would be willing to come under the Great Law. Their hopes were in vain. The Great Law also recognized the *creative* power of women ie their ability to bear children, and because of that they were given political authority within the confederacy structure.

### The Two Row Wampum belt

This belt represents the Haudenosaunee understanding of their relations with the British, after they realized the British would not "come under" the Great Law. It calls for each side to travel together down the river of life but each in their own vessel. If the people in one boat need help, the other people are expected to render assistance but not to the extent that they end up "steering" the other's boat. The Two Row Wampum therefore represents self-government for the Mohawk of Quebec at the least, sovereignty at the most, and has been adopted by many First Nations to represent their understanding of their relationship with Canada in the present day.

### The Numbered Treaties

These treaties were negotiated between the 'Crown' and the First Nations. All of these treaties have clauses that provide education. Note: these clauses are there at the insistence of the First Nations. The purpose of the clauses was to create "schools" where both Aboriginal Peoples and settlers shared their knowledge with each other, not where one side supplanted the other's.

It is important to note that Quebec and Atlantic Canada was excluded from this particular treaty process but for Quebec, the Mohawk argue that their relationship with the province and the federal government is governed by the Two Row Wampum and their historic position as allies of the Crown, not subjects. The Cree and Inuit argue that their relationship is governed by the James Bay and Northern Quebec Agreement of 1975 and Le Plan Nord. (see below)

### The Indian Act

The Indian Act of the Canadian government was first passed in 1876 and it applies to all First Nations in Canada. The Act represented the federal government's attempts to "govern" First Nations people from 'cradle to grave'. It completely colonized the First Nations within Canada and it established a patriarchal system of political, economic and social relations, thus marginalizing Aboriginal women within their communities and even, removing them altogether, thanks to Section 12.1.b.

Section 12.1.b. stipulated that if an Indian woman married a non-status person, then she would lose her own Indian status. Note: If a non-Indian woman married a status Indian man, then she would gain status. This section resulted in the loss of status for thousands of Aboriginal women: they lost their rights to live on the reserves, they could not inherit property on the reserves, they could not vote for band councils, they could not receive any treaty benefits etc., etc. For the Aboriginal communities, it meant that they lost all the cultural knowledge of their women and the benefits of the roles they had played in Aboriginal society, most particularly their roles as creators, economic providers, political leaders, healers, teachers and care-givers. Section 12.1.b. was replaced by Bill C-31 in 1985.

The Indian Act is still in place today, and for much of its history, it represented *the law* governing the governments' relation with the First Nations, not the treaties. Poverty and economic marginalization has been the result, as well as social distress in the form of higher than average suicide rates, violence and incarceration.

### The Aboriginal "Civil Rights" Movement

Following the Second World War, there were numerous protests by numerous groups of people within North America, including First Nations who sought equality, meaning a means whereby they could receive the same benefits and

opportunities as their non-native counterparts in terms of education, employment, social services etc.

Pierre Elliott Trudeau responded to this movement by coming out with the White Paper of 1969 which recommended the dismantling of the Department of Indian Affairs, the end of the Indian Act and the transfer of government services to the provinces, in particular education and health care. In effect, the white paper proposed the complete assimilation of the First Nations into the Canadian government structure. The First Nations protested against this bill vociferously, with the Alberta Indian Chiefs countering with the Red Paper which called for a return to the Treaties as the basis upon which the settler governments should deal with the First Nations.

### The James Bay and Northern Quebec Agreement, 1975

With the announcement of the James Bay project by Robert Bourassa in 1971, the Cree in northern Quebec took umbrage that such development would take place in *their* territory without their knowledge and consent. Ultimately, the Quebec and federal governments agreed to enter into negotiations with the James Bay Cree and others to create what has been called the first “modern” treaty with the First Nations. Within this agreement are clauses that allow the Cree to establish and run their own schools and include culturally appropriate courses and instruction in the Cree language.

### The Constitution of 1982

In 1982, the Constitution Act was passed, which among other things, “recognized and affirmed” existing Aboriginal rights and title. The Constitution is now the law of the land and we all must therefore recognize and affirm existing Aboriginal rights and title. People say, why don’t they, meaning Indians, obey the law? Well in response I say, why don’t we? Why don’t we recognize treaty rights to hunt and fish “over the tract surrendered,” regardless of hunting seasons and licenses? Why do we resent the fact that Indians “don’t pay taxes”? (They do in fact, but their tax regime differs from nation to nation depending on their treaty relation with the settler governments.) Why don’t we respect the inherent right of First Nations to govern themselves or even First Nations sovereignty in the case of the Mohawks? Well, there are generally two reasons: 1) we are ignorant of our legal relationship and responsibilities to the First Nations and 2) we are “liberal” in our legal orientation, meaning that we believe that everyone should be treated the same under the law. Aboriginal rights represent some “citizens” being treated differently under the law and we have a problem with that.

### The Plan Nord

The Plan Nord is a “follow-up”, shall we say, to the NQJBA of 1975. It does not supplant that Act but rather enhances the development agenda of the Quebec

government, while at the same time enhancing the ability of the Cree and Inuit to control and partake in that development. With the development and the revenues that will come out of it, the Cree and Inuit are hopeful that they can provide better forms of education, training and employment opportunities for its citizens and in so doing bring them up to a comparable standard of living to that of other citizens of Quebec. They are also hopeful that because of their participation in the decisions with respect to development that the goal of the plan to develop in an environmentally sustainable fashion will be accomplished. The Plan Nord, does in many ways, offer a contrast to the sort of development that First Nations in other parts of the country fear will take place as a result of the Harper government's gutting of environmental protections, as per Bill C-45.

### Idle No More and Theresa Spence

As mentioned at the beginning of my talk, the Idle No More movement was sparked by this bill and the threats it represented to the integrity of Canada's waterways. It isn't just a protest against the federal government however, it is also a protest against environmental degradation generally, which threatens the ability of the First Nations to live by their traditional values and teachings. Once again, the First Nations have been put in a position where they must fight the settler agenda of development to protect their lands, culture and identity.

Because of the environmental concerns, the people involved in the Idle No More movement are seeking and expecting allies with their non-Aboriginal neighbours in defending the land and waters. They recognize however that many non-Aboriginal people do not know the basis for Aboriginal protests and desires for protection and hence their call to us to "Know More".

There is another aspect of protest to the Idle No More movement. Many within the movement are also seeking self-government for their communities *and* social justice. It is no surprise to me that the founders of the movement are women and that women are heavily involved elsewhere in supporting it. The new generation of Aboriginal leaders are advocating a more pro-development agenda—le Plan Nord for example—but support it only within the context of having increased self-governance over that development. The third pillar of the movement is the quest for social justice as represented by Chief Theresa Spence's hunger strike.

When she launched her hunger strike, Chief Spence created a situation that not only challenged the federal government but the leadership within the Assembly of First Nations. Her protest was a response to the impoverished circumstances of her community of Attawapiskat and garnered a lot of support because of the social justice implications of her reserve's circumstances. However, there was also some hesitation to embrace her actions fully. The Harper government in reply to her strike raised the issue of "accountability" and it would appear that Chief Spence is vulnerable to this criticism.

And so we come back to that female Mohawk student organizing a teach-in for Bishop's and the broader community and why she did that.

### Conclusion

From the examples given throughout this talk, we can see that the Idle No More movement is the latest in a long history of protest by the First Nations of Canada to protect their lands, cultures and identities. The protest movements are *usually* not meant to be exclusionary or reactionary but rather to represent an effort by the First Nations to share the space we know as Canada with their non-Aboriginal neighbours.

Looking specifically at Quebec, Mohawks seek to share their space with their non-Native neighbours as per the Two Row Wampum. For the Cree and Inuit, they have gained their idea of co-existence through the JBNQA, and more specifically, the Plan Nord. Other First Nations in Quebec are still seeking ways through which they can fully realize their goals.

All First Nations in Canada seek to optimize their opportunities to prosper and grow but they wish to do so within their own cultural frameworks and control. Many seek to participate in the economic development of their lands and for that they will need access to all types and levels of education. Federal support for higher education, whether university or college, is limited and inconsistent. Many people within these communities suffer from social distress, for various reasons, including the legacy of residential schools and will thus need access to healing and social services. Women can play an important role in this healing, through training of councillors, nurses etc. but they must fight not only the federal and provincial governments for a recognition of their particular needs and abilities but also the patriarchal Indian Act band councils.

Supporting these two pillars of Aboriginal identity can be a way in which you could support the Idle No More movement. And I would urge you to because if we do not participate in this opportunity to develop a relationship truly based on mutual respect, then we continue the legacy of our ancestors of colonization and marginalization and First Nations protests will continue, as they have from the beginning.

### Recommended Reading

John Burrows, *Drawing Out Law*

Stephanie Irhbacher-Fox, *Finding Dasha*

Rupert Ross, *Return to the Teachings*

Olive Dickason, *Canada's First Nations*

Valaskaki, Gail Guthrie et al. *Restoring the Balance : First Nations Women, Community and Culture*