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INUIT TAPIRISAT OF CANADA (ITC)

REVIEW OF DEVELOPMENTS

Presentation by:

Dalee Sambo, on behalf of the ITC
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I must make it clear that I am speaking on behalf of the Inuit Tapirisat of Canada, the national Inuit organization of Canada and not on behalf of the ICC. The Inuit Tapirisat of Canada representatives could not attend the Working Group session due to a conflicting meeting on the indigenous right to self-government that was originally scheduled for this week.

The UNWGIP has made a significant accomplishment in its drafting to date of a U.N. Declaration on Indigenous Rights. In doing so, the Working Group has made an invaluable contribution to the protection of indigenous peoples the world over. The Inuit of Canada look forward to the day when we can look to an international human rights instrument devoted to the recognition and protection of our rights as indigenous people.

We wish to bring to the Working Group's attention the issue of forced relocations as a problem that is not adequately addressed in the current draft. Forced relocation or exile is a problem endemic to indigenous peoples the world over.

The Inuit of Canada have had much experience with forced relocation. As noted in a 1990 study, practically all of the Inuit population has been affected in one way or another by a government initiated relocation scheme. ("Out In the Cold: The Legacy of Canada's Inuit Relocation Experiment in the High Arctic, 1953-1990", Alan Marcus).

The evidence is particularly strong in the case of the High Arctic Exiles from Port Harrison in Northern Quebec in 1953 and 1955, that relocation was forced, that there was no free and

informed consent on the part of Inuit to a scheme conceived by the Canadian government -- a scheme that put our very lives in danger, and caused great and lasting harm for which we seek redress.

This relocation took place within a larger context of colonialism, that included a practice of assigning "disc numbers" (also known as "E" numbers) as a form of identification. Inuit were required to identify themselves by these numbers instead of their proper Inuit names and to wear the tags around their necks. To this day "E" numbers are still included on the birth certificates of some Inuit born in that era (e.g. Inuit born in Quebec and Labrador).

This was part of a general pattern of interaction with white people ("Qallunaat"), in which white people were feared and "requests" from the police were taken as compulsory requirements of Canadian law. The power of Canadian authorities over Inuit was further demonstrated when these authorities refused to return the Inuit to their homeland in Northern Quebec.

The blatant and careless disregard for Inuit welfare is demonstrated by the following facts of the relocation that have been verified by several research studies over the years:

- the relocation was carried out as a poorly planned social "experiment" to discover if Inuit from Northern Quebec could adapt to a very different environment and living conditions in the High Arctic;
- despite promises to keep the relocatees from Port Harrison together, the families were quickly forced to decide

how they would separate for relocation to two distant camps (Craig Harbor and Resolute Bay);

- the families were moved despite recommendations from government sources familiar with the area that there was not sufficient wildlife in the area to provide food;
double now then means of subsistence.
- the exiles were abandoned in severe Arctic conditions with no wood for fire, no food and mere canvas tents (later supplemented by imported buffalo skins and paper for insulation) and lack of proper clothing and hunting equipment and into an alien environment unlike their homeland in Northern Quebec;
- under these harsh conditions, the Inuit exiles were forced to resort to the white man's garbage dump for food and for materials for shelter and fuel.

These are but a few of the inhumane conditions imposed on the Inuit exiles as a result of their forced relocation. In the course of their exile in the northern most region of Canada, the following fundamental human rights of Inuit were violated by the Government of Canada:

- the right to liberty and security of the person (UDHR, Art.3)
- the right to be free from cruel, inhuman or degrading treatment (UDHR, Art. 5)
- the right not to be subject to arbitrary detention or exile (UDHR, Art. 9)
- the right not to be subjected to arbitrary interference with privacy, family, home or correspondence (UDHR, Art. 12)

-the right to just and favorable remuneration ensuring for self and family an existence worthy of human dignity (UDHR, Art. 23.3)

-the right to participate in the cultural life of the community (UDHR, Art. 27).

Despite the recommendation of a Parliamentary Committee in 1987 to discuss the issue of financial compensation, the federal government has refused to go beyond making some minimal reimbursements for moving expense of those who have gone back to Port Harrison.

In its current form, the Draft Declaration only indirectly addresses situations of forced relocation and exile. Operative Paragraph 5 guarantees individual rights to life, physical and mental integrity, and liberty and security of the person. Paragraph 7 refers to prevention and redress for dispossession of land.

The Inuit of Canada strongly recommend that the Declaration on Indigenous Rights explicit address the problem of forced relocations and exile, by adding an additional sub-paragraph "(e)" to Operative Paragraph 7 that would refer to "forced relocation or exile".

We are confident that this recommendation will find support from the many indigenous peoples who have suffered from forced relocation and exile as the Inuit of Canada have.

We would now like to bring attention to the matter of self-determination in Canada. It is important for the Working Group to

understand why fundamental constitutional reform is essential to the future existence of Inuit as a distinct people within Canada. Understanding the constitutional status of indigenous peoples is a critical part of the Working Group's mandate and to draft a Declaration of Rights.

The existing Constitution of Canada and the governments created under it were imposed upon Inuit without our consent. No one came and asked us about where the boundary lines of provinces should be. No one came to discuss what powers federal and provincial governments should have over us. The existing Constitution fails to recognize Inuit as having any law-making powers of our own, of being holders of power in our own right. In the case of the Constitution Act, 1867 we are quite literally objectified as mere objects of other peoples' power.

Further, the socio-economic issues that indigenous peoples must struggle with today are firmly rooted in our continuing experience with colonialism.

Although some qualified protection for some of our rights as recognized by Canadian common law was provided by constitutional amendments in 1982 and 1983, indigenous peoples are absent from much of the Canadian Constitution. Our languages receive no explicit constitutional protection, unlike the so-called official languages of English and French. We are not reflected in the division of powers.

The fact that we were not included in the establishment of Canada in 1867, that instead, we have been subjected to foreign

laws without our consent or involvement, means that we have been denied our human rights to self-determination. To correct this political oppression, constitutional reform must take place to set the ground rules for a process of de-colonization.

Over the past month, Inuit along with other national organizations representing indigenous peoples in Canada have reached a delicately balanced agreement on our self-government rights with the federal government and nine of ten provincial government ("the Pearson Accord"). Unfortunately, this agreement is in jeopardy as some governments within Canada resist the final steps necessary to formally approve it and thereby set in motion an internal process of decolonization.

The exclusion of indigenous peoples from the division of powers is a fundamental violation of our human rights as a people. The Pearson Accord would correct this exclusion and domination by recognizing our inherent right of self-government and by recognizing our governments as one of three orders of government in Canada with constitutional status.

This recognition of our self-government rights does not mean that indigenous peoples are completely immune from federal and provincial laws. It will mean that indigenous peoples may pass laws in some areas where previously federal and provincial laws were imposed without our consent. It means a form of international self-determination in conjunction with and in cooperation with the federal and provincial governments. If approved as a constitutional amendment, the Pearson Accord would constitute an

important Canadian statement of anti-colonialism.

As we enter the concluding stages of this highly uncertain reform, Inuit are concerned about the future of Canada and about whether the current round of reform will likely lead to the kind of constitutional structure required for a process of internal self-determination, for our liberation as a people within Canada. From the viewpoint of Inuit, the Pearson Accord reached on July 7 and 8 has set the direction for our liberation. From the Inuit viewpoint, there is no turning back.

However, we must point out that there is a fundamental inequality in our status at the constitutional table. Inuit have no vote in the amendments that concern us. Our very presence in these constitutional discussions is subject to the whim of other governments as they often remind us.

We therefore stress the importance of a clear recognition of the rights to self-determination of all indigenous peoples in the Declaration on Indigenous Rights. We firmly support and call upon all states to support paragraph 1 of the Draft Declaration.

A clear international statement of indigenous rights of self-determination is essential as a persuasive guide for states such as Canada -- where more often than not, lip service is paid to the right of indigenous peoples and where after 125 years, the recognition and the liberation of indigenous peoples as self-determining peoples within Canada is yet to be achieved.

Thank you.