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**ORAL SUBMISSION TO THE 1987 SESSION OF THE WORKING GROUP ON
INDIGENOUS POPULATIONS.**

**Submission made by Survival International, non-governmental
organisation in consultative status with the United Nations.**

SELF-DETERMINATION AND THE INNU

The ten thousand Innu, formerly known to Europeans as Naskapi-Montagnais Indians, form one of the few surviving hunter-gatherer communities of North America. The Innu refer to their region, the Northeastern Quebec-Labrador Peninsula, as Ntésinan and have occupied it for centuries, forming permanent settlements on the coast during the winter months and travelling inland to hunt and fish in temporary camps during the summertime.

Recently, government activities on Innu land, in particular low-level flying exercises by NATO Air Forces and the proposed building of a NATO Tactical Fighter Weapons Training Centre at Goose Bay, Labrador, have posed serious threats to the group's subsistence activities. Low-level flying has critically disrupted the migratory patterns and behaviour of caribou and other game animals on which the Innu economy depends.

Because the Innu have never negotiated a treaty with or otherwise ceded their sovereignty over their lands to European colonial powers or the Canadian government, such activities raise an issue of fundamental human rights.

In divesting the Innu of their territory and of their economic base, the Canadian government violates its good faith undertaking to abide by international standards and, as such, is subject to international sanctions. On May 19, 1976, Canada ratified the International Covenant on Civil and Political Rights, Article 1 (1) of which reads, 'All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.' Article 1 (2)

states, 'In no case may a people be deprived of its own means of subsistence.'

On October 14, 1970, Canada adopted the **International Covenant on the Elimination of All Forms of Racial Discrimination**, which secures everyone's right to certain civil rights, including the 'right to own property alone as well as in association with others' 5 (d) (v). The right that has been of principal value to the Innu is the right to own their land communally in the area in which they live. This communal property right is fundamental to the economy and society of the Innu and its denial constitutes a direct threat to their survival as a distinct people.

The Innu's struggle to establish their land rights, suggests the illegality, under international law, of state actions which violate a group's basic right to self-determination. Some of these rights and obligations are, in fact, clearly recognised by the **The Royal Proclamation of October 7, 1763**, an enactment which recognises a pre-existing aboriginal right to land and which extends in geographic scope to the Innu homeland. The **Proclamation** provides that the Indians in general 'should not be molested or disturbed' in their possession of unceded territory. Private individuals are forbidden from settling on or from otherwise taking possession of their lands. Under the terms of the **Proclamation** the Crown reserves the right to purchase land only when it has been voluntarily ceded by the Indians.

In defiance of these principles, however, the Canadian Government has announced that 'it is not the federal government's policy to halt all development pending the resolution of land claims'. While recognising that the Innu people 'have a special interest in the lands they use and occupy', it seems that the Canadian government is attempting to extinguish Innu rights without clearly indicating what it considers those rights to be.

In fact, the Government, while protesting its willingness to negotiate has revealed that is prepared to do so only for the purposes of extinguishing the Innu's aboriginal title. The Government has even gone so far as to offer funds to the Innu to research their claims solely on the understanding that their rights are to be extinguished.

The Innu claim to Ntesinan rests upon existing and generally accepted principles of international law. That the Canadian government is actively engaged in expropriating Innu lands and has established de facto control over Ntesinan constitutes a breach of Canada's international obligations and warrants just and adequate reparation, including the re-establishment of the Innu's original situation on their lands. The Government's plans to expand its airbase at Goose Bay, and extend flight training and weapons testing activities over Innu land should be indefinitely suspended until genuine negotiations have been undertaken with the Innu and the Innu's rights to the undisputed use and ownership of their traditional lands recognised.